



Children's Mental Health in Broken Home Families: A Legal Perspective Based on Law No. 23 of 2002

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Abstract

Many couples experience broken homes due to various factors, and researchers have observed numerous impacts resulting from broken homes, especially for children. One of the impacts of parental divorce on children is their mental health, which can be traumatic for their psychological and personal development. The scope of this study is to examine children's mental health in broken homes as viewed by Law No. 23 of 2002. This study uses qualitative research methods, specifically descriptive methods. This research was conducted in Kampung Sungai Liku Pelangai, West Sumatra, Indonesia. The data collection tools used in this study were observation, interviews, and documentation. The primary data informants were children who were victims of divorce. Meanwhile, the secondary data came from community leaders, divorced couples, theses, journals, and books. Results: The causes of mental health problems in children from broken homes in Kampung Sungai Liku Pelangai include a lack of openness between spouses, a lack of attention, domestic violence, infidelity, frequent displays of inappropriate behavior in front of children during arguments, and a lack of alignment between the couple's vision and mission in running their household. Third, Children's mental health in broken homes is reviewed in Law No. 23 of 2002, which states that children's mental health has a traumatic impact on their psychological and personal development. Therefore, to protect children from broken home cases, parents have a responsibility towards their children after divorce and legal protection efforts for children's mental health are outlined in Articles 13, 77, and 78 of Law Number 23 of 2002 concerning Child Protection.

INTRODUCTION

The family is the first school for children. In the family, children learn about what is acceptable and unacceptable, what is appropriate and inappropriate, and other noble values (Yana et al., 2025; Zainal et al., 2022). Parents play an important role in their children's development, including cognitive, affective, and psychomotor

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development. This is because parents are the first to educate their sons and daughters. They are the first teachers a child has. Parents act as role models who instill values in their children. Therefore, it cannot be denied that the family is the most influential factor in a child's education (Tetha & Fisabilillah, 2024).

The family is a very important vessel between individuals and groups, as well as the first social group. The family is a place where children, mothers, fathers, and siblings communicate (Wulandari & Fauziah, 2019). Other families are the first people children meet to teach them about Living with others (Ariyanto, 2023). Until they start school, children spend all their time in the family unit. The family is a place where children grow and develop both physically and mentally (Indari et al., 2021). The family is the smallest unit in society, consisting of men, women, and their children. In addition, the family is also a very important place where children get the foundation for the development of their abilities for the future.

Incomplete and dysfunctional families can be considered broken households. However, in reality, there are still children living in families that are unable to fulfill their responsibilities properly, namely families experiencing divorce, such as broken homes (Rismanto & Rachmadi, 2025). Children's mental health is their ability to think, control their emotions, and socialize with their surroundings in accordance with their age. Legal protection for children's mental health due to divorce is contained in Law No. 23 of 2002, consisting of preventive measures listed in the provisions of Article 13 (Muharrani et al., 2024).

A broken home is a family that is unhappy and does not function as a harmonious and peaceful family, because there are often disturbances and arguments that lead to fights and end in divorce, and this also has a negative impact on children (Dewi & Ariana, 2021). The effects of a broken family are quite diverse, one of which can have a negative impact on the social and emotional development of children, especially those aged 5-6 years. In fact, children are currently in their golden age. From various studies on the golden age, it can be seen that it plays a significant role in shaping human characteristics and intelligence to create quality human resources. The success or failure of a child's intellectual, emotional, and spiritual development often depends on the ability and awareness of parents in utilizing this golden age (Ramadhani et al., 2016).

Adolescents are in a transitional phase from childhood to adulthood. Adolescence is a dynamic phase of development that involves many changes and problems in the lives of adolescents. These changes include physical, mental, social, and emotional changes (Sihombing, 2023). Adolescents' emotional development is usually full of energy and intense emotions, while their self-control is still imperfect. In addition, adolescents often feel insecure, anxious, and worried when they are alone. These changes and challenges can lead to emotional mental health problems in adolescents if not managed properly (Ryff, 1995).

Adolescence is the most important and most difficult phase in a person's development. There are many adolescent issues that cannot be distinguished from psychological problems, causing many adolescents to feel confused when solving their problems, leading to stress and ultimately depression. The problems faced by every adolescent are influenced by many factors, one of which is mental health. Mental health is defined as the functioning of mental processes that enable an individual to be productive, establish healthy relationships with others, and cope with difficulties (Hafiza & Mawarpury, 2018).

Mental health is an important part of overall health. A healthy mindset enables people to realize their potential, cope with stress and life problems, be productive at work, and contribute to society (Ulfiah, 2021). In Indonesia, emotional mental

disorders with symptoms of depression and anxiety occur in about 6.1 percent of Indonesians aged 15 years and above. Approximately 450 million people worldwide suffer from mental and behavioral disorders, with the highest rate in India (4.5%). One in four people will suffer from one or more mental disorders in their lifetime (Astuti & Anganthi, 2016).

Mental or spiritual health is just as important as physical health for a person. With good mental health, other aspects of life will function optimally (Priska Adristi, 2023). Indonesia is a country that continues to develop from various perspectives and is making its society increasingly modern. This is synonymous with increasing demands for the fulfillment of life's needs, which has an impact on excessive pressure on people's minds, making them prone to stress, which indirectly (to a greater or lesser extent) can cause mental health disorders (Massa et al., 2020).

Mental health issues among children living in broken homes are an important topic in the current social context regarding child welfare in Indonesia. The National Population and Family Planning Agency (BKKBN) revealed that 3,172,498 or 4.79 percent of registered families living in Indonesia have experienced divorce conflicts. This figure shows that this issue has become quite serious in society (Ifdil et al., 2020). Mental health problems in children resulting from broken homes can have a negative impact on children's physical, mental, and social development. Children who have experienced broken homes are more likely to experience mental health problems such as depression, anxiety, behavioral disorders, and learning disabilities. This can hinder their development and make it difficult for them to adapt to their social environment (Mareta & Achmad, 2022).

Social problems and a lack of social support cause depression in the younger generation, especially if they do not accept themselves and their environment. The emergence of personal internal conflicts can also cause teenagers to solve problems with sedatives, which at the same time can cause depression. The role of the environment on mental health is inversely proportional to the number of cases (Manasikana, 2024). The ongoing struggle against mental illness is one of the causes of negative stigma towards young people with mental health problems (Ginting, 2023). The lack of knowledge and understanding about mental health among adolescents and those around them shows that they lack knowledge about mental health issues. Young people can fight the growing negative stigma surrounding mental health (Pokhrel, 2024).

Mental health, according to Merriam Webster health expert, is a state of emotional and psychological well-being in which individuals can utilize their cognitive and emotional abilities to function within their community and meet their daily needs (Amanullah, 2018). A healthy mental state cannot be generalized for every individual. This condition further highlights the urgency of discussing mental health, which focuses on how to empower individuals, families, and communities to be able to find, maintain, and optimize their mental health in facing daily life (Azizah, 2020).

This mental health study reports a sharp increase in the number of suicides caused by mental disorders in adolescents. This is influenced by many factors, including internal factors such as parental divorce and lack of parental attention and affection, causing children to feel alone and believe that their parents do not want them, as well as external factors such as bullying or sexual abuse by peers or certain individuals.

METHODS

The research method used by the author is the descriptive method (Candra et al., 2025). According to Aristiono Nugroho, the descriptive method is a research method whose analysis is only at the level of describing things as they are, namely by

presenting facts systematically so that they are easy to understand and conclude, without testing hypotheses (Amin et al., 2022; Amnda et al., 2020; Engkizar et al., 2021; Lestari et al., 2021). The research approach used is empirical juridical. The empirical juridical approach is an approach that refers to written rules or other secondary legal materials to observe their application or implementation through field research conducted using sociological methods and interviews to obtain clarity about the subject being studied (Efendi et al., 2023). Based on the above explanation, it can be concluded that the qualitative descriptive method in this study is to describe and present the data obtained from the research results clearly regarding the mental health of children in broken homes.

RESULT AND DISCUSSION

Review of Law Number 23 of 2002 Concerning Mental Health of Children in Broken Homes

In general, a child is defined as a person born from the marriage between a woman and a man, regardless of whether the woman who gave birth to the child was ever married. Children are also the foundation for the birth of a new generation who will carry on the nation's ideals and aspirations and serve as a source of human resources (Islamy, 2024). Children are the nation's assets. The future of the nation and the state lies in the hands of today's children. The better the character of today's children, the better the future of the nation will be. Conversely, if the character of children is poor, the future of the nation will also be poor. In general, this concept is not only considered in the field of science but can also be examined from a centralistic perspective of life. For example, religion, law, and sociology make the understanding of children more rational and relevant in the social environment. To place children within the legal framework, internal and external elements within the scope are needed to classify the status of these children (Purba, 2019).

Internal elements within children as subjects of law, namely as human beings, are also classified as human rights related to the provisions of laws and regulations. These provisions apply to children as minors, persons under guardianship, and persons incapable of performing legal acts. Equality of children's rights and obligations: children also have the same rights and obligations as adults, as granted by the provisions of laws and regulations in performing legal actions. The law places children in the position of legal intermediaries so that they can be equated with adults or referred to as legal subjects (Nugroho, 2017).

External elements affecting children are legal provisions or equality before the law, which can provide formal legality to children as individuals who are incapable of performing legal acts as determined by legal regulations, or establish legal provisions that detail the classification of the ability and authority of the child concerned to perform legal acts. Privileged rights granted by the state or government arising from the Constitution and legislation (Wardani, 2025).

Definition of Children from a Legal Perspective In our legal system, there is pluralism regarding the definition of children. This is a result of each piece of legislation regulating children separately. The legal definition of children includes the definition of children from the perspective of the legal system, or their status in the specific sense as objects of law. Definition of Children based on the Child Protection Law Children in Law No. 23 of 2003 are defined in Article 1 paragraph (1) as follows: "A child is a person who is under 18 (eighteen) years of age, including children who are still in the womb (Parawansa et al., 2022).

Definition of Children According to Civil Law. The definition of children according to Indonesian civil law is based on several civil aspects of children as

legally incompetent subjects. These aspects are: Minor status (age limit) as a legal subject. The rights of children in civil law. Article 330 of the Civil Code defines a child as a person who is not yet an adult and someone who has not reached the age of legal legitimacy as a legal subject or a national legal subject as determined by civil law. In civil law provisions, children have a very broad position and play a very important role, especially in terms of protecting children's civil rights, for example in matters of inheritance distribution, so that a child in the womb is considered to have been born when it is in the child's best interests, as referred to in Article 2 of the Civil Code.

Parental authority over children

A legitimate child remains under the authority of his or her parents until reaching the age of majority or marriage, as long as both parents are bound in marriage. Thus, parental authority begins at the child's birth or on the date of his or her legal recognition and ends when the child reaches the age of majority or marries, or when the parents' marriage is dissolved. This authority is held jointly by both parents, but is usually exercised by the father. If the father is unable to do so due to serious illness, memory loss, or travel with no fixed destination, then this authority is transferred to his wife (Tetha & Fisabilillah, 2024). Regarding parental authority, there is also a requirement for a reciprocal relationship between parents and their children, whereby children are obliged to respect and revere their parents, and parents are obliged to care for and educate their minor children. In the provisions for those subject to the Civil Code, parental authority over their children lasts as long as the marriage of the two parents continues, and if the two parents separate before the child reaches adulthood, the authority is exercised by the father (Novitasari, 2021).

Article 299 of the Civil Code states the principles of parental authority, which include that during the marriage of the father and mother, each child remains under their authority until he or she reaches adulthood, unless they are released or dismissed from that authority. This means that the principles of parental authority apply as long as the parents are married, as long as that authority is not revoked, which implies that: Parental authority rests with both parents and not just the father. Parental authority only exists as long as the marriage lasts; if the marriage ends, parental authority no longer exists. Parental authority only exists as long as the parents fulfill their obligations to their children properly; otherwise, there is a possibility that the parental authority will be revoked or terminated (Pokhrel, 2024).

Types of Children Based on their relationship with their parents, children are classified as follows: Biological children are children born within or as a result of a legal marriage. Stepchildren are children brought into the marriage by the husband or wife who are not the result of the current marriage. Neglected children are children whose physical, mental, spiritual, and social needs are not being met properly. Children with disabilities are children who have physical and/or mental impairments that interfere with their normal growth and development. Gifted children are children who have exceptional intelligence or special potential and/or talents (Islamy, 2024). An adopted child is a child whose rights have been transferred from the authority of their biological parents, legal guardians, or other persons responsible for their care, education, and upbringing, to the authority of their adoptive parents based on a court decision or ruling. A foster child is a child who is cared for by an individual or institution to provide guidance, maintenance, care, education, and health, because the child's parents or one of the parents is unable to ensure the child's normal growth and development.

Overview of children's mental health

Mental health is one type of health that humans need in order to achieve their life goals. Etymologically, the word mental comes from the Latin word *mens* or *mentis*, which means soul, life, spirit, and enthusiasm. Etymologically, “mental hygiene”

refers to the name of the ancient Greek goddess of health, who was responsible for managing human health issues in the world. The term "hygiene" was introduced to denote activities aimed at achieving health.²¹ Mental health is not merely the absence of mental disorders in an individual, but also the ability to cope with stress and problems in life. Mental disorders are not the same as mental illness (insanity). If left unattended, impaired mental health will lead to problems in learning, development, personality, and physical health in adolescents (Hafizh & Efendi, 2023).

Mental health, according to Dr. Zakiah, is the absence of mental disorders and illnesses, the ability to adapt, the ability to deal with normal problems and disturbances, the harmony of mental functions (no conflict), and feeling that one is valuable, useful, and happy, as well as being able to use one's potential to the fullest (Hafiza & Mawarpury, 2018). Based on the above definition, a person who appears happy in life may actually be filled with anxiety, worry, and dissatisfaction. This is because a person's mental health can change at any time due to influencing factors or events that cause mental health problems, such as a child who appears gloomy, unmotivated, overly anxious, and has other psychological disorders (Putri et al., 2024).

This is due to problems faced by the child that affect his or her mental health. Therefore, the mental health of children must receive attention from various parties, including family, school, and the surrounding community, so that these problems can be overcome. Children's mental instability, such as their feelings, interests, and thoughts, is very vulnerable to negative influences, which is why they need continuous guidance, attention, and affection from their parents. A close relationship between parents and children can have the greatest impact on children's mental health (Efendi, 2024).

Characteristics of Mental Health Marie Jahoda provides a fairly broad definition of mental health. Mental health is not limited to the absence of mental disorders and illnesses. However, people who are mentally healthy have the following main characteristics: A good attitude towards oneself in the sense of knowing oneself well. Good growth, development, and self-actualization. Self-integration, which includes mental balance, unity of outlook, and resilience to pressures. Self-autonomy, which includes elements of internal behavior regulation or free behavior. Perception of reality, free from distorted needs, as well as empathy and social sensitivity. The ability to master the environment and integrate with it well (Sumarni, 2024).

Causes of Mental Health Disorders Mental health disorders are conditions in which individuals exhibit symptoms of psychological distress. There are various factors that cause mental health disorders in individuals. These disorders are divided into three categories of causes: somatogenic, psychogenic, and sociogenic factors.

Somatogenic factors consisting of neuroanatomy, neurophysiology, neurochemistry, maturity and organic development, and pre- and perinatal factors. Psychogenic factors include abnormal mother-child interactions such as lack of trust, the role of the father, sibling rivalry, intelligence, family relationships, work, play and society, loss causing anxiety, depression, shame or guilt, patterns of adaptation and defense as a reaction to danger, and level of emotional development. Sociogenic factors include family stability, parenting patterns, families with high or low emotional expression, income or economic level, place of residence, issues of prejudice against minority groups, health facilities, education, and inadequate welfare, racial and religious influences, and guiding values (Faisal Efendi & Mulyani, 2024). From these three factors, it is known that the causes of mental disorders or mental health issues are not solely attributable to a single factor, as human nature is holistic, where the systems within the human body form an integrated whole. Therefore, it is

highly likely that the causes of mental health disorders are a combination of the three categories, with one category serving as the primary cause.

Overview of legal protection

Legal protection consists of two words, namely protection and law. According to the Big Indonesian Dictionary, the word protection is defined as a place of refuge, something (an action, etc.) that protects. Meanwhile, according to Soedikno Mertokusumo, the term “law” refers to the entirety of regulations governing behavior that apply in a community, the implementation of which can be enforced through sanctions. Legal protection is the provision of assistance to human rights that have been violated by others, and this protection is provided to the community so that they can enjoy all the rights granted by law. Legal protection is the protection of dignity and respect, as well as the recognition of human rights possessed by legal subjects based on legal provisions from arbitrariness or as a collection of regulations or rules that can protect one thing from another (Zulkifli et al., 2023).

According to CST Kansil, legal protection refers to various legal measures provided by law enforcement officials to provide a sense of security, both mentally and physically, from disturbances and various threats from any party. According to Setiono, legal protection is an action or effort to protect the community from arbitrary acts by authorities that are not in accordance with the law, in order to create order and peace so that people can enjoy their dignity as human beings. Legal protection encompasses all efforts to fulfill rights and provide assistance to give a sense of security to sanctions and/or victims. Legal protection for victims as part of community protection can be realized in various forms, namely through the provision of restitution, compensation, medical services, and legal assistance (Parawansa et al., 2022).

Legal protection provided to legal subjects takes the form of both preventive and repressive measures, as well as verbal and written measures. In other words, legal protection can be seen as a separate representation of the function of law itself, which has the concept that law provides justice, order, certainty, benefit, and peace. The responsibilities of parents towards their children after divorce are regulated in the Rights and Obligations of Parents towards Children contained in Law Number 1 of 1974 concerning Marriage, articles 45-49. The following is the content of Articles 45-49 of Law Number 1 of 1974 concerning Marriage (Susanti, 2016).

Based on the above framework or scheme, it can be explained that marriage is a spiritual and physical bond between a man and a woman as husband and wife with the aim of forming a happy and lasting family. However, as time goes by, marriage does not always run as smoothly or beautifully as imagined. Many problems must be faced by husband and wife, such as family, economic, child care, work, and other issues that cause arguments, thereby hindering the harmony and integrity of the household and even leading to the breakdown of the marriage. The dissolution of a parent's marriage will have consequences for their children, who will become victims of divorce (Laswi, 2025).

One of the impacts of parental divorce on children is that it affects their concentration at school because their minds are distracted, which affects their mental health and can sometimes cause stress and frustration. This is exacerbated if the child becomes the subject of gossip among their school friends. Children affected by divorce often seek to escape the problems they face in various ways, but sometimes they choose unhealthy paths due to their unstable mental state. Such conditions will greatly affect the child's mental health, causing traumatic effects on the child's psychology and personal development. Therefore, to protect children in divorce, parents have a responsibility towards their children after the divorce and legal protection efforts for the mental health of children are outlined in Law Number 23 of 2002 concerning Child Protection.

CONCLUSION

The causes of mental health problems in children from broken homes in Kampung Sungai Liku Pelangai include a lack of openness between husbands and wives about finances, a lack of attention, domestic violence, infidelity, frequent displays of inappropriate behavior in front of children during arguments, and a lack of alignment between their visions and missions. The breakdown of their parents' marriage will have an impact on their mental health, as children will become victims of broken homes. Therefore, as parents, before taking action, remember that children still need love and the role of their parents to live their lives after a broken home. The mental health of children in broken homes is reviewed in Law No. 23 of 2002 in Kampung Sungai Liku Pelangai. The effects of parental divorce on children include affecting their concentration at school due to mental disturbance, which can sometimes cause stress and frustration. This is exacerbated if the child becomes the subject of gossip among their school friends. Children of divorce usually want to free themselves from the problems they face in various ways, but sometimes they choose the wrong path due to their mental instability. Such conditions will greatly affect the mental health of children, causing traumatic effects on their psychological and personal development. Therefore, to protect children in divorce, parents have a responsibility towards their children after the divorce and legal protection efforts for the mental health of children are outlined in Articles 13, 77, and 78 of Law Number 23 of 2002 concerning Child Protection.

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