Legal Protection of Rabies Victims in Bali, Which Resulted in The Death of Toddler from a Legal Sociology Perspective

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ABSTRACT
A toddler victim of rabies that causes death violates the right to life, survival, and development as outlined in the conception of child protection in the explanation of Law No. 23 of 2002. The problems in this paper are: How is the Legal Sociology Study of the Effectiveness of Rabies Transmission Prevention Regulations, and How is the Legal Protection of Rabies Victims in Bali Causing the Death of Toddlers from a Legal Sociology Perspective? The research method used is Juridical-Empirical. The results showed that the toddler’s parents were negligent in the case discussed because the wound was considered small and safe. Hence, the patient (family) was negligent and did not report to the health facility for further treatment. Regarding negligence that causes death, it is explained in Article 359 of the Criminal Code, which reads as follows: "Any person through whose fault (negligence) causes the death of another person shall be punished by a maximum imprisonment of five years or a maximum light imprisonment of one year." From the perspective of Legal Sociology, there is the arbitrary treatment of children carried out by families without paying attention to the child’s right to protection following his health condition after being bitten by his pet dog.

INTRODUCTION
Rabies or mad dog disease is an infectious animal disease caused by viruses of the Lyssavirus (from the Greek Lyssa, which means rage or anger), it is acute and attacks the central nervous system, warm-blooded animals and humans. Rabies comes from Latin “robere," which means angry, according to Sanskrit"were," which means violence (Maryatiningsih et al., n.d.).

Rabies is a big challenge in Indonesia because in the last three years, the average number of cases of rabid animal bites was more than 80,000 cases a year, and the average death was 68 people. The Ministry of Health (Kemenkes) announced the number of rabies cases in Indonesia during January-April 2023. In April 2023 there were 31,113 cases of rabies, 23,211 cases of bites from animals that had received the antirabies vaccine, and 11 cases of deaths caused by rabies. From case reports, Bali is in first place with 14,827 rabies cases. In second place is East Nusa Tenggara (NTT), which received 3,437 rabies case reports. Meanwhile, South Sulawesi is third, with a total of 2,338 rabies cases. Next in fourth position is West Kalimantan with 1,188 cases, followed by fifth, West Sumatra, with 1,171 cases (Maharani et al., 2023).

The data above shows that Bali is the province with the highest number of rabies cases in Indonesia during January-April 2023. Based on records from the Bali Health Service (Dinkes), from the beginning of 2023 to June, 19,035 cases of rabid dog bites were recorded. On average, there are 126
rabid dog bites to humans per day. Kadinkes Bali Gede Anom stated that Bali has a population of 620,000 dogs. Of the dogs, 50-60 percent have been vaccinated against rabies. Meanwhile, to achieve safe conditions, 80 to 90 percent of dogs should be vaccinated against rabies (Adong et al., 2023). One case of rabies victims that is interesting to discuss is a toddler in Buleleng Bali who died of rabies after being bitten by a dog. A female toddler in Buleleng, Bali, died, suspected of being infected with rabies after being bitten by a dog on Sunday (11/6/2023). The child, a resident of Pangkung Paruk Village, Seririt District, Buleleng Regency, died at 20.20 WITA while being treated at Buleleng Regional Hospital. Head of the Buleleng Health Service (Kadiskes) Sucipto confirmed this information. He said the toddler’s condition worsened at 20.00 WITA, until he was declared dead 20 minutes later. Previously, the toddler patient had been hospitalized since Saturday (10/6) with symptoms of not being able to drink water, pain when swallowing, restlessness, and fear of wind. The toddler died under the circumstances of hypersalivation with a diagnosis of encephalitis rabies (Kakang et al., 2017).

A toddler who is a victim of rabies, which results in death, then there is a violation of his or her right to life, survival, and development as per the concept of child protection in the explanation of Law Number 23 of 2002. The right to live, grow, develop, and participate pretty by dignity. And human dignity, and receive protection from violence and discrimination. Moreover, children’s rights are part of human rights (Kanang, 2011). As stated in the Convention on the Rights of the Child (CRC), one of the guarantees of protection given to children is the right to life (Kanang, 2014).

Thomas Hobbes believes that law is the order of people who have the power to rule and enforce their orders on other people. Meanwhile, E. Meyers believes that law is all rules that contain moral aspects, relate to people’s behavior in society, and are guidelines for state rulers to fulfill their duties (Suratno dan Si).

Law by Ronald M. specifies criteria by not testing the content but rather the origin or method used to develop it. Then, Eugen Ehrlich said that the center of activity for legal development lies not in laws, legal science, or court decisions but in society itself (Subiharta, 2015).

In the sociological approach, the law, according to Soerjono Soekanto, is a branch of science that analytically and empirically analyzes or studies the reciprocal relationship between law and other social phenomena (Soekanto, 1993). The sociology of law is a science that emerged from the development of science and can be understood by studying social phenomena in a society whose legal aspects appear. In addition, legal sociology can meet the demands of modern science to carry out or make descriptions, explanations, disclosures, and predictions. The sociology of law makes a concrete contribution to the development of law in general, considering that at the level of law implementation in society, legal reasoning is required for law enforcers to provide legal opinions, as well as to decide on cases that can touch the sense of justice in society (Soekanto, 1994).

Satjipto Rahardjo is related to law enforcement (law enforcement) with the use of the law (the use of the law). The terms law enforcement and use of law are two different things. People can use the law to provide justice but can also enforce the law to be used to achieve other goals or interests. Law enforcement is a social sub-system, so its enforcement is influenced by a very complex environment, such as developments in politics, economics, social, culture, defense and security, science and technology, education, and so on (Rahardjo, 2003).

About Legal Protection, from a legal sociology perspective, as stated by Satjipto Rahardjo, legal protection is protecting human rights that other people harm and this protection is given to the community so that they can enjoy all the rights granted by law. Furthermore, according to Soerjono Soekanto, legal protection is protection given to legal subjects through legal instruments. The elements of legal protection are protection from the government for its citizens and guarantees of legal certainty (Rahardjo, 2000).

Furthermore, from a legal sociology perspective, discussing efforts to fulfill rights and provide assistance to provide a sense of security to crime victims as part of community protection can be realized.
in various forms, such as through the provision of restitution, compensation, medical services and legal assistance (Aslina, 2021; Soekanto, 1984).

Implementation experiences difficulties in fulfilling the rights of victims. The legal position of crime victims is not recognized in the criminal justice system. Crime victims only act as passive reporters and witnesses. He has no legal rights against violators, including the right to obtain compensation through the criminal justice system (Ali, 2023). Criminal law does not recognize the existence of compensation for losses caused by crime because the issue of compensation is an individual victim’s problem, which is part/coverage of civil law. Criminal law looks at the impact of crimes only for evidence in court. So, criminal justice is not held to fulfill the wishes of crime victims but to try law violators for their violations (Yulia, 2010).

Protection of crime victims requires an examination from a legal, sociological aspect, considering that victims depend on the ongoing criminal justice system. In law enforcement, the victim’s position is at a disadvantage through the criminal justice system. This happens because the criminal justice system is still oriented toward the perpetrator, not yet oriented toward the victim. However, about the criminal justice system, in the context of regulating criminal law towards crime victims, two models are known, namely the procedural rights model. (the procedural rights model) and service model (Sunarso et al., 2022).

Thus, the position of victims in the justice system must begin to be considered. The focus of the criminal justice system’s attention, which has so far only focused on criminals, must begin to shift its attention to victims. Victims have legal interests that must also be fulfilled. Victims have rights that must be protected. The criminal justice system must also accommodate the interests and rights of victims. The position of the victim is not only as a sub-complementary but also as a subject seeking justice.

The position of the victim, who the prosecutor represents, makes the victim’s interests increasingly marginalized. Victims have no place in the criminal justice system. In fact, in this context, the prosecutor has the function of standing as the victim's representative in court and taking actions that can protect the victim. The existence of a public prosecutor in the criminal justice system cannot represent the rights and interests of crime victims. The prosecutions have not protected the interests of victims, especially in recovering victims’ losses. Prosecution is still oriented towards punishing the perpetrator without paying attention to the victim’s losses (Bakhri, 2014).

METHODS

The type of research used is Empirical Legal Research (Empirical Juridical), which is used to analyze law, which is seen as patterned social behavior in people's lives that always interact and relates in social aspects (Sunggono, 2003). The research was carried out empirically by collecting various library and field research data. The data used are secondary data and primary data. Primary data in this research was carried out by looking at actual events that occurred in the community, namely related to rabies victims who died. Meanwhile, secondary data is data that is needed to complement primary data. Apart from being in the form of statutory regulations, secondary data can also be in the form of expert opinions regarding the problems in this research, which are presented in various literature from books, scientific manuscripts, media. Time and so on (Soekanto, 2006). The data that has been collected is analyzed qualitatively by looking at facts that occur in society and constructing statements contained in documents and legislation.

RESULTS

Legal Sociology Study of the Effectiveness of Regulations to Prevent the Transmission of Rabies

Indonesia is a legal state based on Pancasila and the 1945 Constitution. in article 27 paragraph (1) states that every citizen has the same position under the law and government and is obliged to uphold the law and government without exception. However, in the complex life of society, many
The discussion regarding the effectiveness of law in society is one of the most critical discussions in legal studies. This is because legal science, which examines legal phenomena in society, has been going on for centuries and has become the main focus of legal studies (Hajdú & Rahman, 2021). The law, in its development, follows the interests and needs required by humans because the law exists for humans, not humans for the law. So, in its development, the legal aspect has become broader. This can be seen from the existence of sections of law that specifically regulate certain matters, where in this research, we discuss rabies cases that are quite worrying for the security situation in Bali Province despite the government's efforts. Bali province.

The rabies case in Bali Province in 2023 is the highest in the history of rabies in Bali Province. So there is pressure to review Regional Regulation Number 15 of 2009 concerning rabies control, which has been around for a long time. This fact also further emphasizes the importance of legal sociology, which discusses law at the level of implementation (in reality).

Legal sociology is law-oriented. Sociologists who orient their views specifically toward legal sociology issues include Emile Durkheim, Max Weber, and Roscoe Pound. Emelie Durkheim, for example, said that there must always be solidarity in every society. This solidarity is divided into two, namely organic solidarity and mechanical solidarity.

Organic solidarity will be found in the modern model of society, where the laws contained therein are restitutive laws, like what we find in civil law. While mechanical solidarity will be found in simpler societies, the law is repressive, as is associated with criminal law. To find out the location or scope of legal sociology, there are two things, namely as follows:

1. Social foundations of law or social basis of law. For example, in Indonesian national law, the social basis for its application is the Pancasila ideology with the main characteristics, namely cooperation, deliberation, and kinship;
2. The effects of law on other social phenomena.

To examine these legal aspects relating to social phenomena, the assessment that must be carried out is towards the effectiveness of the law. Legal effectiveness means that people act according to legal norms or rules as they must act, and these norms are implemented and obeyed (Sabian, 2009).

Hans Kelsen believes that when discussing legal effectiveness, it is also related to discussing legal validity. Legal validity means that legal norms are basically binding, that people must act according to the law (positive legal norms). Legal effectiveness is the law’s ability to create or give birth to conditions or situations desired by the law or implemented by the law (Siregar, 2018). It can be concluded that legal sociology and effectiveness have a very close relationship because what will be discussed in legal sociology will be separate from an assessment of how far the effectiveness of law exists in society as part of a social phenomenon.

Legal effectiveness is an activity that shows a general problem formulation strategy, namely a comparison of legal reality with legal ideals. In particular, the steps between law in action (law in action) with laws in theory (law in theory). In other words this activity will show the relationship between law in action and law in theory (Soekanto, 1985).

According to Black, the main problem of legal effectiveness is examining whether the law applies. To find out how the law applies, Black recommends between legal ideals (rules formulated in laws or judges' decisions) and legal reality (Antar, 2019). According to Soerjono Soekanto, if someone says that a legal rule has succeeded or failed to achieve a goal, then it is usually measured whether its influence has succeeded in regulating certain attitudes or behavior so that it is by the goal. This statement shows that the implementation of the law is realizing the law as behavior or behavior. In legal effectiveness, statements of legal rules can refer to substantive law (material law) and procedural law (formal law). Likewise, when discussing the effectiveness of law in Indonesian society, it means...
discussing the working power of law in regulating and forcing citizens to obey the law. Legal effectiveness means examining legal rules that must meet the requirements, namely being valid juridically, sociologically, and philosophically.

Two things can be done to conduct studies related to legal effectiveness. First, measure general legal compliance and look at what factors influence it. Then, second, look at compliance with certain or specific legal rules and what factors influence it (Anas et al., 2021). One of the efforts usually made to ensure that people comply with legal rules is to include sanctions. These sanctions can be in the form of negative or positive sanctions, the purpose of which is to create stimulation so that people do not carry out despicable or commendable actions (Soekanto, 1976).

Certain conditions are required that must be met for the law to influence human attitudes or behavior. The conditions that must exist include, among other things, that the law must be communicable. Legal communication focuses more on attitude because attitude is a mental readiness so that a person tends to give a good or wrong view, which manifests in actual behavior. If what is communicated cannot reach the problems directly faced by the target of legal communication, difficulties will be encountered. The result is that the law has no effect at all or even has a negative effect. This is because their needs cannot be met and understood, resulting in frustration, pressure, or even conflict.

One of the actual keys to success is dog keeping. Because if there are still wild ones that are not cared for, they will be very vulnerable. The department has prepared 650 thousand vaccines for the dog population of around 618 thousand. Then, apart from the budget from the provincial APBD, APBN, there is also assistance from world animal health organizations.

**Legal Protection for Rabies Victims in Bali which Resulted in the Death of Toddlers from a Legal Sociology Perspective**

In the case of a toddler in Buleleng, Bali who died of rabies after being bitten by a dog, according to the Head of the Buleleng Health Service (Kadiskes) Sucipto, the toddler patient had a history of being bitten by his pet dog. The dog is five months old. The patient was bitten about a month ago, when he was trying to get a toy under his bed. Unexpectedly, his pet dog immediately bit his left arm, causing scratches. The toddler was not immediately taken to a hospital or health facility to receive medical treatment. Therefore, the victim did not have time to receive the anti-rabies vaccine (VAR). After biting, the dog was killed by the patient’s father. The wound on the patient’s left hand was only washed at home, using soap and running water.

It was further discovered that there was negligence on the part of the toddler's parents, because the wound was considered small and safe, so the patient (family) ignored it and did not report themselves to a health facility for further treatment. Due to this negligence, based on the investigation carried out, no legal action has been taken against the toddler’s parents, even though their negligence resulted in the toddler's death.

At a normative level, cases of negligence that result in another person's death, injury or damage often appear in court charges. In the case discussed, the parents did not report themselves to a health facility for further treatment. Regarding Negligence Causing Death, Article 359 of the Criminal Code explains as follows: "Whoever, through his fault (negligence) causes another person to die, is threatened with imprisonment for a maximum of five years or imprisonment for a maximum of one year" (Hamzah, 2018).

Regarding the article about negligence causing death in Article 359 of the Criminal Code which reads as above, R. Soesilo explained that the death of a person here is not intended at all by the defendant, but that death is only the result of the defendant’s lack of care or negligence (delik culpa). Soesilo gave an example, for example, a driver was driving his car too fast, so it hit a person to death, or a hunter saw a black figure in the vegetation, thought it was a pig and deer and then shot it dead, but it turned out that the figure he thought was a pig was a human, or a person. It was messing around with a firearm, because you were not careful enough to fire it and hit another person, causing them to die and...
so on. Meanwhile, what is meant by "because of his fault" is being careless, neglecting to forget, and very inattentive (Budiman, 2018).

In addition to Article 359 of the Criminal Code which reads as above, if someone's negligence causes a fire or flood, prosecution can be carried out based on Article 188 of the Criminal Code: "Any person who, by mistake (negligence) causes a fire, explosion or flood, is threatened with imprisonment for a maximum of five years or a maximum imprisonment of one year or a maximum fine of four thousand five hundred rupiah, if because of the action there is a public danger to property, if because of the action there is a danger to the lives of other people, or if the action causes a person to die." Regarding fines in Article 188 of the Criminal Code based on Perma 2/2012, the maximum amount of the fine is multiplied to 1000 times, which means it is IDR 4.5 million.

From a legal sociology perspective, children have an important social position and role as members of society. Children's problems that develop in society are still considered the responsibility of parents, because children are helpless, weak and innocent (Angriani et al., 2023). Parents who cannot carry out their obligations and responsibilities because the parents are absent, or their whereabouts are unknown, or for some reason cannot carry out their obligations and responsibilities, their obligations and responsibilities can be transferred to the family, which is carried out in accordance with the provisions of the laws and regulations. invitation. What is meant by family is the smallest unit in society consisting of husband and wife, or husband and wife and their children, or father and children, or mother and children, or blood families in a straight line up or down to the third degree (Afifah, 2020).

Children as potential and the younger generation are obliged to continue the ideals of the nation's struggle and ensure the existence of the nation in the future. To realize these ideals, it is the obligation and duty of the previous generation to provide direction, guidance and provide the widest possible opportunities for children to progress and develop and strive to gradually prevent and eliminate child labor in Indonesia. Parental negligence which results in the death of a child refers to arbitrary treatment of children carried out by the family without paying attention to the child’s rights to receive protection in accordance with their health development. Where parents should understand that with the outbreak of rabies in Bali Province, they should not neglect to take them to Health Services.

CONCLUSION

In the Sociology of Law Study, the government's preventive efforts through legal regulations have shown to be ineffective, this is because since the emergence of rabies cases which have caused quite a concern for the security situation in Bali Province, there has even been an increase in cases of rabid dog bites in Bali Province. Where one of the victims was a toddler who died.

In this case, it turned out that there was negligence on the part of the toddler's parents, because the wound was considered small and safe, so the patient's (family) ignored it and did not report themselves to a health facility for further treatment. Due to this negligence, based on the investigation carried out, no legal action has been taken against the toddler's parents, even though their negligence resulted in the toddler's death. At a normative level, cases of negligence that result in another person’s death, injury or damage often appear in court charges. Where in the case discussed the parents did not report themselves to a health facility to receive further treatment. Regarding Negligence Causing Death, Article 359 of the Criminal Code explains as follows: "Whoever, through his fault (negligence) causes another person to die, is threatened with imprisonment for a maximum of five years or imprisonment for a maximum of one year." Meanwhile, from a legal sociology perspective, there is arbitrary treatment of children carried out by families without paying attention to the child’s right to receive protection in accordance with his health condition after being bitten by his pet dog.

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