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STRENGTHENING THE PROTECTION OF CHILDREN IN ADHESION DAYCARE CONTRACTS THROUGH THE INTEGRATION OF DUTY OF CARE AND VICARIOUS LIABILITY

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Abstract

The phenomenon of violence against children in daycare Little Aresha Yogyakarta shows the systemic weakness in child protection that stems from the fragility of legal construction in child care cooperation agreements. Custody agreements that have been used tend to be administrative and have not been able to provide adequate legal protection for parents and children as recipients of services. This study uses normative legal research methods with a case study approach to analyze the weaknesses of conventional daycare contracts, particularly related to operational legality, division of responsibilities, and consumer protection of child care services. The results showed that conventional daycare contracts are still asymmetric and do not accommodate the principle of comprehensive legal protection. The integration of the doctrine of Duty of Care and Vicarious Liability into the clauses of the agreement is considered to be able to strengthen the legal responsibility of daycare managers for the actions and omissions of caregivers. The reconstruction of the contract is carried out through the establishment of an operational permit as a condition for the validity of the agreement, setting standards for the ratio of companions and children, the obligation to certify staff competence, and strengthening supervision mechanisms. Digital transparency through real-time CCTV access is also placed as a contractual right of parents to prevent violence and create parenting accountability. The proactive-protective contract Model is ideally able to create a more fair, transparent, and accountable legal relationship, while

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strengthening the position of parents as consumers of child care services through the civil liability mechanism of daycare managers.

Keywords: proactive contract, Duty of Care, digital transparency, Consumer Protection, Vicarious Liability

INTRODUCTION

The escalation of violence in non-formal educational institutions is a crucial alarm for the effectiveness of child protection in Indonesia. The tragedy of mistreatment at Daycare Little Aresha Yogyakarta reflects the vulnerability of the position of toddlers in the management authority that degrades moral values.[1] Parents of pupils are often caught in an inferior bargaining position when dealing with the cooperative instruments of adhesion care. The ratification of the majority memorandum of agreement was carried out without a critical examination of the clause on the protection of the fundamental rights of the child. Jurisprudence is obliged to present protection mechanisms through the restructuring of proactive agreements in order to guarantee the absolute physical safety of children. The corporal suffering of dozens of toddlers stems from the fragility of internal supervision and supervision of public authorities in these institutions. The state bears a vital responsibility to ensure that all foster care providers comply with operational legality regulations. Official permission serves as a fundamental parameter of an organization's competence in actualizing the caregiving mandate.[2]

Empirical facts justify many child care units operating without the legitimacy of the Department of Education or the competent authorities. Regulatory insubordination is directly proportional to the magnitude of the probability of malpractice in the daily routine of upbringing. Local governments need to initiate a comprehensive audit of all care facilities in order to prevent the repetition of similar tragedies Provisions regarding the minimum standardization of the implementation of foster care parks must be enforced in order to maintain the best interests of children. The Duty of Care doctrine requires daycare providers to put forward high-level precautionary principles. Managers bear the juridical burden of ensuring the safety of any individual within the jurisdiction of their authority. Waiver of this mandate implies the consequences of civil and criminal liability in accordance with the applicable Constitution. Daycare management in Yogyakarta is indicated to abandon the aspect of morality in order to pursue profitability through the exploitation of the quantity of students.

Abandonment in a confined space confirms the death of the value of empathy, which should be a fundamental pillar of the care services business. The legal relationship between the family and the daycare institution is often viewed simply as a routine economic exchange. This narrow viewpoint negates the inherent human rights protection aspect of a child's existence. The majority of foster care contracts that exist only focus on the duration of time and financing details. Clauses on guaranteeing the physical integrity and transparency of digital information are almost impossible to find in conventional

1 BBC News Indonesia, "Kasus Daycare Jogja, Kesaksian Orang Tua Korban: 'Anak-anak Diikat Kaki dan Tangan, Tidak Pakai Baju, dan Hanya Pakai Popok'", diakses dari https://www.bbc.com, pada 28 April 2026.

2 Sutanto, H., & Putra, D. A. (2021). "Organizational Contribution, Interpretation, and Application in Implementation of the Child Identity Card (KIA) Policy". Jurnal Bina Praja: Journal of Home Affairs Governance, 13(1), 147–157. DOI: https://doi.org/10.21787/jbp.13.2021.147-157.

draft agreements. The limited legal standing of parents hampers litigation efforts when incidents arise that harm their children. The evolution of contracts into instruments of protection is urgent in order to ensure certainty for each legal subject involved. The principle of the Best Interest of the Child must color every legal agreement involving children.[3]

Every child has a constitutional right to grow up in a conducive ecosystem without the shadow of fear. Extreme restrictive measures against toddlers are a real insult to the glory of human dignity. Enforcement of repressive laws for child abusers must run simultaneously with revamping the pattern of supervision of foster care institutions. The public needs to be accelerated to more critically monitor the validity of foster homes in their respective regions. Synergy of social care is able to ward off illegal practices that threaten the future of the nation. Police authorities have named dozens of suspects based on strong evidence of child abuse in the facility. The escalation of violence in non-formal educational institutions is a crucial alarm for the effectiveness of the child protection system in Indonesia. The tragedy of mistreatment at Little Aresha daycare Yogyakarta reflects the vulnerability of the position of toddlers in the power relations of daycare managers who are supposed to carry out parenting functions in a safe and humanistic manner. In the perspective of das sollen, the state through Law No. 35 of 2014 on Child Protection requires every child to obtain protection from violence, discrimination, and treatment that degrades human dignity.[4] However, in reality, parenting practices in a number of daycares actually show weak supervision, lack of operational standards, and the absence of adequate contractual protection for children and parents. Satjipto Rahardjo emphasized that the law must be present as a means of human protection, not just a formal normative device.[5] However, the legal relationship between the parents and the daycare institution is often only positioned as an ordinary business relationship through adhesion contracts that put the parents in an inferior bargaining position. Child care agreements are generally drawn up unilaterally by the manager without a balanced negotiation space. Clauses listed in the majority only regulate financing, custody schedules, and administrative procedures, while clauses regarding child safety guarantees, supervisory transparency, and legal responsibilities of managers are almost not found. This condition shows the gap between the idealized child protection principles of law and the implementation of contractual practices in the field. According to Subekti, the agreement not only gives birth to legal relations, but also creates moral obligations and responsibility for fulfilling the feat in good faith.[6]

In the context of daycare, the principle should be realized through proactive contracts that prioritize the safety and best interests of the child (the best interest of the child). However, empirical facts show that many child care institutions operate without official permission from the Education Office or relevant authorities. The absence of operational legality indicates the non-fulfillment of the minimum standards of eligibility of the

3 Lidwina Tuto Ladjar, dkk., "Implementasi Prinsip The Best Interest of the Child dalam Penetapan Hak Asuh Anak (Studi Komparatif Indonesia dan Inggris)," Jurnal Ilmiah Multidisiplin 3, no. 2 (2025): https://doi.org/10.62017/merdeka.

4 Undang-Undang Nomor 35 Tahun 2014 tentang Perubahan atas Undang-Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak.

5 Satjipto Rahardjo, *Ilmu Hukum* (Bandung: Citra Aditya Bakti, 2006), hlm. 54

6 R. Subekti, *Hukum Perjanjian* (Jakarta: Intermasa, 2005), hlm. 45.

institution of care. This situation has the potential to cause parenting malpractices that threaten the physical and psychological safety of children.

The doctrine of Duty of Care in modern civil law requires service providers to have a high standard of care towards those under their supervision.[7] The daycare manager assumes a legal obligation to ensure the safety of the child while in the day care facility. Waiver of such obligations can be qualified as an unlawful act as provided for in Article 1365 of the Civil Code. In addition, the Vicarious Liability theory affirms that the managers of the institution are partly responsible for the actions of the caregiver personnel who are under their employment relationship.[8] Thus, violence committed by caregivers cannot be released from the responsibility of daycare institutions as service providers. In the perspective of consumer protection law, the position of guardians should also be viewed as consumers of services who are entitled to obtain security, comfort, and correct information as guaranteed in Law No. 8 of 1999 on Consumer Protection.[9] However, in practice, limited access to information and lack of transparency make it difficult for parents to conduct effective supervision of their child's parenting patterns. Therefore, strengthening digital transparency clauses, such as real-time CCTV access, is an urgent need in the construction of modern daycare contracts. The establishment of proactive-protective contracts is important to shift the paradigm of daycare relations from mere economic relations to legal relations based on the protection of children's rights. The contract is no longer understood only as an administrative tool, but rather as an instrument of risk mitigation and preventive mechanism against child violence. Thus, harmonization between aspects of operational legality, management responsibilities, and protection of children's rights is a fundamental requirement in the implementation of child care services in Indonesia. As can be seen in The Matrix Table juridical construction.

Tabel 1: Legal Construction Matrix

No.	Focus of Legal Issues	Legal Analysis Construction	Normative and Doctrinal Basis
1	Urgency of Child Protection in Daycare	Violence occurring in daycare institutions demonstrates the failure of preventive legal protection mechanisms within childcare institutions. From the perspective of *das sollen*, daycare should function as a safe space that guarantees children's rights to life, growth, and development. However, in *das sein*, weak internal and external supervision causes children to become victims of systemic violence. This condition indicates that child protection has not been substantively implemented, but remains limited to normative-administrative compliance.	Law No. 35 of 2014 on Child Protection, particularly Article 59 concerning special protection for child victims of violence, and Satjipto Rahardjo's theory of legal protection.

7 Donoghue v Stevenson [1932] AC 562, sebagai dasar perkembangan doktrin *Duty of Care*.
8 Salmond, *Law of Torts* (London: Sweet & Maxwell, 1965), hlm. 521
9 Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen.

No.	Focus of Legal Issues	Legal Analysis Construction	Normative and Doctrinal Basis
2	Imbalance in Contractual Relations	The legal relationship between parents and daycare providers is established through standard form contracts of an adhesive nature, resulting in an inequality of bargaining position. Parents, as consumers, have no opportunity to negotiate clauses unilaterally drafted by daycare operators. Consequently, such contracts tend to contain limitation-of-liability clauses that may weaken children's protection rights. This construction contradicts the principles of good faith and contractual balance in contract law.	Law No. 8 of 1999 on Consumer Protection, particularly Article 18, the principle of contractual balance, and Subekti's theory of freedom of contract.
3	Reconstruction of Proactive Contracts	The reconstruction of daycare contracts is aimed at transforming the paradigm of contracts from merely administrative instruments into human rights-based legal protection instruments. Contracts should not only regulate economic relations between parties, but also include preventive obligations regarding child safety. Thus, contracts function as mechanisms for mitigating risks of violence through the regulation of caregiving standards, legal responsibilities, and service transparency.	Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, the principle of *The Best Interest of the Child*, and progressive legal theory.
4	Legality of Daycare Operations	The operational legality of daycare institutions represents a form of state intervention to ensure the fulfillment of minimum standards of child protection. Within the framework of administrative law, operational permits are not merely administrative formalities, but instruments for verifying institutional feasibility. When a daycare operates without a permit, the legitimacy of its caregiving services becomes legally defective and may give rise to administrative and civil liability.	Minister of Education, Culture, Research, and Technology Regulation No. 25 of 2022, Minister of Education Regulation No. 137 of 2014 concerning National Standards for Early Childhood Education (PAUD), and theories of state authority in administrative law.

No.	Focus of Legal Issues	Legal Analysis Construction	Normative and Doctrinal Basis
5	Weak State Supervision	The existence of illegal daycare institutions reflects a gap between legal norms (*das sollen*) and supervisory implementation (*das sein*). Weak governmental supervision creates "dark spaces" of caregiving with minimal control and high vulnerability to malpractice. From the perspective of child protection law, tolerance toward illegal daycare operations may be viewed as a form of state negligence in fulfilling its constitutional obligation to protect children.	The principle of the rule of law (*rechtstaat*), state obligations in child protection, and investigative reports by regional authorities concerning illegal daycare operations.
6	Legal Liability of Daycare Operators	The doctrine of *Duty of Care* constructs a legal obligation for daycare operators to apply a high standard of care toward children under their supervision. Failure to fulfill such standards may qualify as a Tortious Act (*Perbuatan Melawan Hukum* / PMH). Furthermore, under the doctrine of *Vicarious Liability*, operators remain responsible for the actions of caregivers as subordinates within an employment relationship. Therefore, institutional liability cannot be eliminated solely on the grounds that the direct perpetrator is an individual caregiver.	Articles 1365 and 1367 of the Indonesian Civil Code (*KUHPerdata*), the doctrines of *Duty of Care* and *Vicarious Liability*, and Hans Kelsen's theory of legal responsibility.
7	Commercialization of Childcare	The commercialization of daycare services creates a profit-oriented approach that may neglect the principle of child safety. Operators tend to increase the number of enrolled children without considering the ideal caregiver-to-child ratio. From the perspective of consumer protection law, such practices may be categorized as negligence by service providers in fulfilling minimum safety standards. Consequently, children are placed in vulnerable situations, exposed to physical and psychological violence due to poor supervision quality.	The principle of prudence (*duty of prudence*), minimum standards for Early Childhood Education services, and investigative findings of the Regional Police of Yogyakarta (Polda DIY) regarding violence in daycare institutions.

No.	Focus of Legal Issues	Legal Analysis Construction	Normative and Doctrinal Basis
8	Harmonization with Children's Human Rights Principles	The reconstruction of daycare contracts must integrate the principle of *The Best Interest of the Child* as a fundamental norm in every legal relationship involving children. Contracts should contain active protection clauses such as real-time CCTV access, caregiver competency standards, supervision ratios, and legal complaint mechanisms. This construction aims to create a transparent, accountable childcare system oriented toward the dignity of children as legal subjects entitled to protection.	The 1989 Convention on the Rights of the Child (CRC), ratified through Presidential Decree No. 36 of 1990, and principles of children's human rights protection in international law.

This research implements a normative legal research methodology through the comprehensive integration of statutory and conceptual approaches.[10] The central focus of the study is directed toward an in-depth examination of positive legal norms governing child protection and the standardization of service agreements in Indonesia.[11] The researcher conducts a critical analysis of contract law doctrines to identify regulatory gaps that contribute to the weak bargaining position of parents or guardians.[12] Secondary data were collected through the examination of statutory regulations, legal literature, and scientific publications relevant to the governance of childcare institutions.[13]

A case study approach was specifically employed to examine the legal facts surrounding the violence incident at Little Aresha Daycare in Yogyakarta.[14] The analysis was conducted by synchronizing empirical realities with the child protection legal standards applicable within the national legal system.[15] The researcher evaluated public documents, investigative reports from law enforcement authorities, and official statements issued by competent institutions as primary data sources in reconstructing the chronology of events.[16] This method facilitated the accurate identification of failures in the implementation of existing contractual arrangements, thereby enabling the formulation of a reconstructed childcare service agreement.[17]

The data processing technique was conducted using a deductive method by drawing conclusions from general premises toward more specific legal arguments.[18] Qualitative analysis was applied to evaluate the effectiveness of digital transparency clauses as an instrument of independent supervision for childcare service users.[19] The researcher

10 Peter Mahmud Marzuki, *Legal Research* (Jakarta: Kencana, 2017), p. 35.
11 Soerjono Soekanto and Sri Mamudji, *Normative Legal Research: A Brief Overview* (Jakarta: RajaGrafindo Persada, 2015), p. 13.
12 R. Subekti, *Contract Law* (Jakarta: Intermasa, 2005), p. 19
13 Bambang Sunggono, *Legal Research Methodology* (Jakarta: RajaGrafindo Persada, 2016), p. 112.
14 Johnny Ibrahim, *Theory and Methodology of Normative Legal Research* (Malang: Bayumedia Publishing, 2013), p. 300.
15 Satjipto Rahardjo, *Legal Science* (Bandung: Citra Aditya Bakti, 2006), p. 54.
16 Sugiyono, *Qualitative Research Methods* (Bandung: Alfabeta, 2020), p. 125.
17 Philipus M. Hadjon, *Legal Protection for the People in Indonesia* (Surabaya: Bina Ilmu, 1987), p. 25.
18 Jujun S. Suriasumantri, *Philosophy of Science: A Popular Introduction* (Jakarta: Pustaka Sinar Harapan, 2017), p. 48.
19 Lexy J. Moleong, *Qualitative Research Methodology* (Bandung: Remaja Rosdakarya, 2018), p. 6.

constructed juridical arguments concerning the urgency of integrating the *Duty of Care* doctrine into contractual drafts in order to strengthen the accountability of daycare providers.[20] All collected data were presented descriptively and analytically to provide a comprehensive overview of the proposed legal solution.[21] These methodological steps are expected to produce contractual recommendations that are both applicable and protective in safeguarding children's rights.

RESULTS AND DISCUSSION

1. Reconstruction of Child Protection System in Daycare through operational legality and implementation of Duty of Care based on digital transparency.

The existence of an operational permit is an absolute prerequisite for any institution that provides child care services in Indonesia. The government has outlined minimum service standards through regulation of the Minister of Education and Culture number 137 of 2014.[22] The standard includes the qualification requirements of educators, the ideal ratio of caregivers, as well as the availability of adequate infrastructure. Daycares that operate without official legality are automatically out of the reach of the periodic supervision of the regional authorities. This condition creates a dark space that opens up opportunities for various human rights violations against learners. The illegal Status of a nursing institution has direct implications for the uncertainty of guarantees of safety for children.[23] The manager of Little Aresha Daycare has been proven to ignore the administrative obligations of licensing even though he has been running commercial activities in Yogyakarta. The absence of this operational permit is the main entrance to the abandonment of systemically feasible parenting procedures. The state mandates relevant agencies to conduct feasibility audits before issuing official permit certificates. Unregistered institutions tend to avoid meeting staff competency standards required by law.[24]

The provisions of Article 81 of Law No. 23 of 2002 explicitly regulate the protection of children from all forms of violence. Violation of the norm entails very severe criminal consequences for both the manager and the caring staff. The right of every child to a safe foster environment is the juridical responsibility of the institution's owner. Crimes against a child's physical integrity often stem from poor compliance with basic licensing regulations. Enforcement of administrative law must be done consistently through the permanent closure of illegal daycare.

Tabel 2: Matrix of Legal Instruments and Juridical Relevance in the Little Aresha Case

No.	Legal Instrument	Main Regulatory Substance	Relevance in the Little Aresha Case
1	Law No. 35 of 2014 on Child Protection	Prohibition of violence, neglect, and mistreatment of children accompanied by criminal sanctions.	Serves as the legal basis for the designation of suspects regarding acts of physical restraint (binding) imposed on toddlers.

20 Salmond, *Law of Torts* (London: Sweet & Maxwell, 1965), p. 521.

21 Soerjono Soekanto, Introduction to Legal Research (Jakarta: UI Press, 2014), p. 10.

22 Kompas TV Jember, "Daycare Ilegal di Jogja Terungkap, Puluhan Anak Alami Kekerasan", diakses dari YouTube pada 28 April 2026.

23 S. M. Siahaan dan M. P. S. Samosir, “Perlindungan Anak Panti Asuhan Terhadap Kekerasan di Batam, Indonesia: Kajian Hukum Perspektif SDGs,” Jurnal Komunitas Yustisia 4, no. 1 (Maret 2021), https://doi.org/10.23887/jatayu.v4i1.32866.

24 Nafisah, S. (2020). Kualitas Pelayanan Pengasuhan Lembaga Kesejahteraan Sosial Anak dan Kesiapannya dalam Pelaksanaan Permanency Planning. Jurnal Kesejahteraan Sosial (UIN Syarif Hidayatullah).DOI: 10.15408/repo.v1i1.33601

No.	Legal Instrument	Main Regulatory Substance	Relevance in the Little Aresha Case
2	Law No. 8 of 1999 on Consumer Protection	Guarantees consumers' rights to security, comfort, and safety in the utilization of services.	Provides the legal foundation for the argument that parents or guardians are entitled to standardized childcare services.
3	Minister of Education Regulation No. 137 of 2014	Establishes National Standards for Early Childhood Education (PAUD), including the ideal caregiver-to-child ratio and infrastructure specifications.	Functions as empirical evidence of overcapacity exploitation exceeding humane ratio thresholds.
4	Regional Regulations	Mandates the possession of Operational Permits issued by educational authorities and integrated licensing agencies (DPMPTSP).	Provides the administrative legal basis for local governments to permanently close the daycare facility.
5	Indonesian Civil Code (Articles 1365 & 1367)	Regulates Tortious Acts (*Perbuatan Melawan Hukum* / PMH) and employer liability for the acts of subordinates.	Serves as the juridical basis for joint civil liability claims against the managing foundation or daycare owners.

The Duty of Care doctrine requires every child care service manager to apply a very high standard of care. This legal obligation arises from the moment the child is handed over from the parents to the caring institution.[25] Managers bear the burden of responsibility to ensure the environment remains safe from any form of physical threat. This violation of the standard of prudence has implications for the emergence of civil tort lawsuits. The application of the doctrine in proactive contracts serves as a clear limitation on the standards of service that must be met.

The principle of digital transparency is a crucial instrument in mitigating the risk of violence in enclosed spaces. Real-time CCTV access for parents is a contractual right that must be guaranteed. The dark room of upbringing is often the scene of inhumane acts by poorly trained staff. Parents can conduct periodic self-monitoring without disrupting operational activities on site. Surveillance technology serves as a very strong legal evidence in the event of a dispute in the future.

The reconstruction of legal relations between parents and child care institutions should transform from a mere formality into an instrument of active protection. Conventional contracts that have been used tend to be one-sided and ignore the detailed aspects of physical safety. The formulation of a proactive contract requires a statement of guarantee of operational legality which is verified through the attachment of an official permit document. Non-disclosure regarding the status of the operating license is categorized as a form of gross default that gives the right to cancel the contract unilaterally. The manager must attach a copy of the certificate of competence of all caregivers as a guarantee of the quality of foster care services.

The provision of real-time digital monitoring accessibility must be incorporated as an absolute clause in the structure of modern nursing service engagement. Visual transparency through CCTV channels provides legitimacy for parents to conduct independent supervision of the somatic integrity of students continuously. Managers are

25 Polda DIY, "Polisi Bongkar Dugaan Kekerasan di Daycare, Bukti Digital Menguatkan", diakses dari https://jogja.polri.go.id, pada 28 April 2026.

prohibited from limiting the frequency of monitoring under the pretext of operational secrecy or internal privacy of educational institutions. Digital evidence of daily activity recording becomes the primary proof tool if anomalies are identified in the toddler assistance procedure at the site. The availability of this technology facility represents the good faith of the organizer in manifesting objective and measurable security standards for all parties.

The doctrine of Duty of Care in the law of engagement becomes a fundamental basis to mitigate potential malpractices that injure the human dignity of learners. Service Providers assume full liability to ensure that the care ecosystem is free from all forms of intimidation and physical violence as a whole. A protective engagement must detail the parameters of Emergency Management and health protocols that must be implemented in the event of a minor accident incident. Negligence in executing the standard operating procedure has juridical consequences in the form of demands for material and immaterial damages. This clarity regarding the limitation of liability is aimed at protecting consumer rights from exclusion clauses that often harm the interests of the family.

The synergy between government regulation and contractual independence is expected to eliminate unlicensed child care practices that are prevalent in urban areas. The local government has the authority to conduct periodic audits of the manager's compliance in documenting each item of the parenting services agreement. Communities need to be encouraged to use standard draft contracts that have Integrated Child Protection points as mandated in the National Constitution. Enforcement of administrative discipline against illegal institutions serves as a preventive effort to prevent the repetition of human tragedies in the non-formal education sector. Total compliance with legal norms is a primary indicator of the professionalism of an entity providing day care services.

Tabel 4: Matrix of Proactive-Protective Contract Strategies

No.	Transformation Point	Juridical Reconstruction
1	Evolution of Legal Relations	A shift from mere contractual formalities toward an active and symmetrical protection instrument.
2	Legality Guarantee	Assurance of official operational licensing as a material requirement for the validity of the agreement.
3	Staff Certification	Obligation to attach proof of professional competency certification for caregivers.
4	Visual Monitoring	Establishment of real-time CCTV access as an absolute contractual right.
5	Archival Protocol	Mandatory retention of recorded footage for a minimum of 30 days as primary evidentiary material.

The existence of rigid sanctions in the engagement is a crucial funding for a protective care service agreement. Penalty provisions are prohibited from focusing only on bureaucratic fines or limited to unilateral termination of Employment Relations. This legal instrument must include a declaration that the management is committed to financing the entire restoration of the health and mentality of the affected subjects. The formulation of civil compensation must be designed comprehensively to accommodate the financial and psychological deficit of the parents. The rigidity of the punishment will

induce a mental burden for the organizers to always prioritize the protection dimension of students consistently.

The implementation of criminal liability becomes an ultimum remedium in the event of degradation of corporate integrity that injures the child's human dignity. The Child Protection Act provides legitimacy for law enforcement officials to authorize severe sanctions for individuals who commit atrocities against toddlers. Law enforcers are required to act quickly in following up on reports of alleged mistreatment in non-formal educational institutions. The phenomenon in Yogyakarta is empirical evidence that repressive actions of managers will not escape the snare of national criminal jurisdiction. The presence of Crown witnesses as well as the validation of electronic evidence is crucial in speeding up the adjudication process in court.

The foundation bears legal liability jointly and severally for criminal acts operated by its functional ranks. The doctrine of Vicarious Liability requires institution owners to be responsible for negligence in the recruitment stage as well as internal supervision of staff. Managers who employ non-competent personnel are considered to have committed gross negligence that puts the life of the foster subject at risk. Proactive engagement must include a waiver of immunity for managers if a criminal offense is identified at the operational site. This ensures that the owner of the capital cannot hide behind the legal entity when an incident occurs.

2. Strengthening the daycare legal ecosystem through standardization of caregiver ratios, protection of parental procedural rights, and integration of absolute responsibility

Proportionality between the quantity of accompanying personnel and the child population is the primary parameter of the quality of protection and security of the institution. Unbalanced comparisons are often the basis for the problem of the emergence of neglect and Corporal intimidation in closed spaces. The relevant ministry regulation has formulated a standard benchmark regarding the composition of the number of Educators based on the age cluster of children. The organizer has the obligation to record descriptively the ratio of staff and students in each formal agreement file. Certainty about personal attention for each individual will reduce the potential for mental degradation in the field workforce. A complete disregard for the ideal parenting ratio creates a bad precedent for the early childhood education ecosystem. The buildup of child populations that exceed residential capacity without adequate supervision triggers an escalation of repressive measures from unscrupulous caregivers.[26] The workforce tends to simplify procedures by placing physical restrictions to make toddlers easier to control during operating hours. Such inhumane acts are highly contradictory to the principle of legal protection mandated in the Indonesian National Constitution. The majority of victims of violence in incidents in Yogyakarta are vulnerable age groups that require intensive special attention.

Protective contract clauses need to attribute the maximum limit of occupancy capacity in a room in a very detailed and explicit manner. Rooms with overcrowding and poor air circulation greatly endanger the stability of the physical and psychological health of foster children. The right of unannounced inspection for parents serves as an instrument of self-control to ensure that the ratio of care is maintained. Violation of

26 A. M. Purba dkk., "Supporting Quality Management in Indonesia's Early Childhood Education Through Accreditation Processes," *Issues in Educational Research* 34, no. 2 (2024): hlm https://doi.org/10.35820/iier.v34i2.1384.

the capacity threshold should be categorized as a pledge injury that gives the right of legal cancellation of the contract. The quality of human resources plays a vital role in maintaining the honor and credibility of parenting institutions.[27]

The formulation of the conflict resolution article in the toddler care agreement must prioritize the principles of acceleration, objectivity, and fairness for consumers. Friction between parents and management is often stuck in a sociological impasse due to the absence of agreed formal procedures. Anticipatory engagement must establish the level of negotiation and mediation as a first step before accessing the formal judicial litigation mechanism.[28] The determination of the juridical domicile makes it easier for the parties when demanding justice in a court of territorial authority. Families need validation that each of their aspirations will be professionally responded to by the institution's management.

Enforcement of parental procedural rights through the use of digital evidence becomes very crucial in the litigation stage in court. Surveillance camera recordings are valid evidence in accordance with the regulation of information and electronic transactions in Indonesia. Managers are strictly prohibited from blocking investigators ' access to digital data storage devices located at the scene of the incident. The use of electronic evidence effectively speeds up the process of determining the legal status of daycare abusers. Manager accountability can be measured through the ease of accessibility to digital information that is crucial for the interests of child protection.

Local governments have a responsibility to provide alternative protection facilities for children who are victims of parenting malpractices. Synergistic cooperation between regional authorities and witness protection agencies needs to be strengthened in order to ensure the safety of legal procedures for reporters. The procedural rights of parents must be protected against potential bullying or conciliation efforts that harm the best interests of the child. The ideal service engagement includes a guarantee of legal assistance or psychological assistance to the victim as a form of corporate responsibility. Collective legal awareness is the driving force for the creation of more humane security standards in the education sector.[29]

The straightforward exploitation of administrative penalties is a fundamental pillar in ensuring the organizer's compliance with applicable legal norms. Regional authorities have full privileges to eliminate operating licenses of organizations that ignore safety criteria and minimum standards. Preventive efforts in the form of periodic checks must be implemented to ensure that the care ecosystem remains conducive to optimal toddler growth. Managers who are identified as committing fatal negligence must receive operational exclusion Permanently in all administrative areas. The enforcement of such discipline transmits a strong signal that child protection is an absolute dead price.

27 Eha Anna Lestari dan Nuryanti Nuryanti, “Pentingnya Kualitas Sumber Daya Manusia Dalam Meningkatkan Mutu Pendidikan Anak,” Jurnal Pendidikan dan Konseling 4, no. 5 (2022): hlm. [masukkan nomor halaman spesifik di sini], https://doi.org/10.31004/jpdk.v4i5.7204.

28 Republika (Rejogja), "Daycare Little Aresha di Yogya Siksa Anak yang Dititipkan", diakses dari https://rejogja.republika.co.id, pada 28 April 2026.

29 Hilda Hilda, Virgayani Fattah, dan Asriyani Asriyani, "Sekolah Aman Sebagai Bentuk Pemenuhan Hak Atas Pendidikan dan Perlindungan Bagi Anak," *Jurnal Yustisiabel* 9, no. 2 (2025): hlm. [nomor halaman], https://doi.org/10.32529/yustisiabel.v9i2.4372.

The doctrine of absolute responsibility or strict liability needs to be internalized into every commercial child care contract.[30] Managers bear the burden of proof to show that the institution has actualized maximum efforts in maintaining the safety of learners. Mistakes made by the caring staff automatically transform into the collective legal responsibility of the foundation's management. This principle encourages institution owners to be more selective and rigid in the recruitment process and workforce training. Child safety is a juridical promise that must be fulfilled without gaps in forgiving reasons of a technical nature.

The protection of vulnerable age groups requires a much more progressive legal approach in favor of the interests of the child. The synergy between administrative sanctions and civil liability creates a more accountable and transparent daycare ecosystem for the public. The public needs to be encouraged to report custody activities that are suspected of not having operational legitimacy from the relevant government agencies. Compliance with licensing regulations is an early indicator of the credibility and professionalism of a non-formal education institution. Tripartite cooperation between parents, managers, and the state will create a safe parenting environment for the future of the nation.

CONCLUSION

Reconstruction of the child protection system in daycare services is an urgent need to answer the weak supervision and high potential for parenting malpractices in non-formal educational institutions. The Little Aresha Yogyakarta Daycare case shows that the lack of operational legality, weak implementation of parenting standards, and the absence of digital transparency mechanisms have direct implications for the occurrence of violence against children. Therefore, the operational permit must be placed as the main material requirement in the implementation of child care services because it serves as an instrument of verification of competence, supervision, and accountability of the institution. The application of the doctrine of Duty of Care and Vicarious Liability is also an important foundation in building proactive and protective parenting contracts. Daycare managers must ensure the safety of children as a whole, including through the provision of competent caregivers, clear operational standards, and real-time CCTV access as a form of transparency and independent supervision for parents. The parenting contract is no longer understood as a mere administrative formality, but rather as an instrument of legal protection capable of guaranteeing the child's constitutional right to security and protection from violence.

Strengthening the legal ecosystem of daycare requires a thorough reconstruction of parenting standards, protection of the procedural rights of parents, as well as legal accountability mechanisms of managers. Standardization of the ratio of caregivers and children is a fundamental instrument in ensuring the quality of supervision and optimization of child growth and development. The imbalance of the number of caregivers with the capacity of learners has been shown to increase the risk of violence, neglect, and repressive actions in the daycare environment. Therefore, the setting of the maximum limit of occupancy capacity, the ratio of companion, as well as the inspection

30 Musdalipa, "Analisis Yuridis Pelaksanaan Tanggung Jawab Perjanjian Penitipan Anak Baby Daycare Taman Kanak-Kanak Khalifah 4 di Makassar," Jurnal Clavia 1, no. 1 (2023): https://doi.org/10.33096/clavia.v1i1.2282.

rights of parents need to be firmly integrated in the parenting contract clause as a form of preventive protection against children. In addition, the protection of the procedural rights of parents should be strengthened through a quick, objective and transparent dispute resolution mechanism. The use of digital evidence, including CCTV footage, has an important position as legal evidence in the litigation process as well as independent supervision by parents. On the other hand, the application of strict liability doctrine and strict administrative sanctions become an important foundation in creating accountability of daycare managers.

The central and local governments need to tighten the supervision system for all daycare institutions through operational legality obligations, periodic audits, and the implementation of national child care standards integrated with digital supervision mechanisms. In addition, it is necessary to establish special regulations regarding child care service contracts that contain the obligation to implement Duty of Care, nanny-child ratio standards, real-time CCTV access, and legal liability of managers as an instrument of preventive protection against children.

The daycare manager is obliged to reconstruct the parenting agreement into a proactive-protective contract that guarantees the procedural rights of parents and the complete safety of the child. The contract must contain clauses regarding transparency of information, parental inspection rights, dispute resolution mechanisms, the use of digital evidence, and the application of strict liability and Vicarious Liability doctrines so that any form of negligence or violence in the daycare environment can be accounted for administratively, civilly, or criminally

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