



ANALYSIS OF UNLICENSED CHILDCARE PRACTICES AS TORTIOUS CONDUCT IN SLEMAN REGENCY

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Abstract: This normative legal research examines the validity of legal relationships and civil liability arising from the placement of eleven infants in an unlicensed childcare facility in Sleman Regency. The study employs a normative juridical approach through library research and a case-based analysis. The findings indicate that the legal relationship established between the parents and the childcare provider fails to satisfy the objective requirements of a valid agreement as stipulated in Article 1320 of the Indonesian Civil Code due to the absence of a lawful cause. The lack of an operational permit rendered the childcare activities contrary to applicable legal provisions, resulting in the agreement being null and void by operation of law. The study further finds that negligence in the provision of childcare services, which led to health problems among the children, constitutes a tortious act and gives rise to an obligation to compensate for the resulting losses. Accordingly, the childcare provider bears civil liability for the damages incurred, including medical treatment and health recovery expenses. These findings demonstrate that the legal status of a childcare institution plays a significant role in determining both the validity of legal relationships and the scope of civil liability in childcare arrangements. **Keywords:** Tort, Childcare Agreement, Null and Void, Civil Liability, Child Protection.

INTRODUCTION

The operation of unlicensed childcare facilities has emerged as a growing concern, particularly with regard to child protection and legal accountability (Febiari, 2026). A concrete case arose in the Pakem area of Sleman Regency, Special Region of Yogyakarta, where eleven infants were rescued from an

unlicensed childcare facility. The parties involved included a midwife identified by the initials OR as the facility operator, three caregivers, and the infants' parents, most of whom were unmarried university students. The case came to public attention after local residents became concerned by the continuous sound of infants crying over several days. Following public reports, the police and the local Social

Affairs Office intervened and removed the infants from the facility.

The operation of childcare services without formal authorization raises significant civil law issues, particularly where the absence of legal oversight results in harm to children under the provider's care (Kompas Cyber Media, 2026). An investigation conducted by the relevant authorities revealed that the childcare operation had been running for approximately five months. Initially, the facility operator, identified by the initials OR, accepted the care of a child on humanitarian grounds. Over time, however, financial considerations and the increasing demand for childcare services among students contributed to a significant rise in the number of children placed at the facility, reaching a total of eleven infants. The childcare arrangements were conducted informally and without official authorization, reflecting an apparent attempt to avoid public scrutiny while disregarding the legal requirements governing childcare services and custodial arrangements.

The facility was operating during the first half of 2026 without the permits and institutional oversight required under the applicable regulatory framework (Detikcom, 2026). The authorities formally intervened and removed the infants from the facility on 8 May 2026. The operation of the childcare facility for approximately five months without adequate supervision raised serious concerns regarding the children's welfare and the fulfillment of their basic rights. From a victimological perspective, children placed in informal and unregulated care arrangements constitute a vulnerable group whose legal protection must prioritize their safety, welfare, and

access to recovery mechanisms when harm occurs (Putri & Hartanto, 2026). The case also drew public attention to the existence of informal childcare arrangements operating outside the regulatory framework, particularly in areas with large student populations. The period during which the facility operated is legally relevant in assessing the extent of both material and non-material losses suffered by the affected children and their families.

The childcare services were provided on a commercial basis through daily payments agreed upon between the parents and the facility operator (Indonesia, 1847b). The student parents entrusted their infants to the facility with an obligation to provide payment in the amount of fifty thousand rupiah per day. This civil legal relationship arose because the students sought to conceal the birth of children resulting from relationships outside a lawful marriage. The presence of OR, a midwife, was perceived as an immediate solution amid concerns among these young students regarding the possibility of academic sanctions, including expulsion from their universities. This legally defective civil transaction disregarded the most fundamental standards required for the welfare and proper care of children.

RESEARCH QUESTIONS

The first research question concerns the validity of the contractual relationship established between the parties. This study examines in depth the civil law status of a childcare arrangement involving daily payments between students and a health care professional operating without an official daycare license. The existence of this oral agreement must be

assessed in light of the objective requirements governing the validity of civil contracts. The absence of operational authorization from the local government gives rise to significant legal consequences with respect to the rights and obligations of the parties. The discussion further explores the legal implications of the contract's invalidity for the protection of children's rights (Subekti, 2024a).

The second research question focuses on the civil liability of the childcare facility operator (Indonesia, 1847a). The analysis focuses on the civil liability of OR, a midwife, on the basis of a tortious act arising from the deteriorating health conditions of the infants under her care. Negligence in providing an adequate childcare environment resulted in actual physical harm to the children. Records maintained by the Sleman Municipal Police indicate that some infants suffered from pre-existing medical conditions without receiving comprehensive treatment. Particular attention is given to the mechanism of claiming material damages as a means of restoring the children's physical condition and covering the losses arising from the neglect.

RESEARCH METHOD

This study employs a normative legal research method to examine positive law and applicable legal norms. The library research investigates the relationships among civil law rules, principles, and doctrines governing private legal relationships in Indonesia (Diantha, 2021).

The statutory approach plays a central role in analyzing the hierarchy of applicable regulations (Ashshofa, 2022). The analysis begins by examining the consistency and

interaction between vertically and horizontally related legal instruments governing child custody and childcare arrangements. Particular attention is given to the objective requirements for the validity of agreements as stipulated in Article 1320 of the Indonesian Civil Code, which serves as the principal legal basis for assessing the validity of civil obligations and contractual relationships (Indonesia, 1847b).

The case approach is employed to identify and analyze the ratio decidendi underlying the legal issues arising from the case under examination. The operational practices of the childcare facility are assessed against the statutory standards governing child custody and care as provided in Article 46 of Law Number 35 of 2014 on Child Protection (Sunggono, 2023; Indonesia, 2014).

Primary legal materials were obtained from sources of codified private law. The main legal sources include Book II of the Indonesian Civil Code concerning Persons and Family Law and Book III concerning the Law of Obligations. The provisions relating to compensation are examined with reference to Article 1365 of the Indonesian Civil Code on Tortious Acts (Perbuatan Melawan Hukum).

RESULTS AND DISCUSSION

Civil Law Implications and Legal Liability Arising from Negligence in the Operation of an Unlicensed Childcare Facility

The legal relationship between the parties arose from an oral agreement (Satrio, 2022). The findings of the legal investigation indicate the existence of a binding civil relationship between the parents of the infants, most of whom

were university students, and OR, a midwife, in the form of an informal childcare arrangement. The parties agreed upon reciprocal obligations, whereby the parents were required to make a daily payment of fifty thousand rupiah as compensation for childcare services. The transaction was conducted privately without the support of an authentic deed capable of ensuring legal certainty regarding the fulfillment of the children's civil rights. This oral agreement disregarded formal legal requirements governing contractual arrangements and failed to reflect the principle of good faith that underlies the Indonesian law of obligations.

The formal legal status of a legal subject affects the validity of his or her legal acts. In her personal capacity, OR lawfully possessed the authority to provide health care and midwifery services on the basis of a valid professional license. However, her legal capacity to act (*persona standi in iudicio*) became legally problematic when she extended the scope of her activities to operate a collective commercial childcare service. The obligation to obtain institutional authorization for a childcare facility is expressly mandated under Article 17 paragraph (1) of Minister of Social Affairs Regulation Number 22 of 2018 concerning National Standards for Child Care. The lack of an operational license had a direct impact on the operator's legal authority to assume custody and care of the children (Harahap, 2021a; Indonesia, 2018).

Actual material losses arose from negligence in the provision of childcare services (Febiari, 2026). The failure to maintain a childcare environment that met minimum standards of care

resulted in physical harm (*schade*) to the children during their stay at the facility. Three of the eleven infants rescued from the facility were found to have suffered serious medical conditions, including congenital heart disease, hernia, and critically elevated bilirubin levels. These physical injuries and the associated medical expenses may legally be classified as compensable losses and therefore constitute a valid basis for claims seeking damages and restoration of the victims' legal interests. The circumstances demonstrate a clear causal relationship between the absence of professional supervision and the physical suffering experienced by the children.

The intervention of the Social Affairs Office served to restore the children's custodial protection and safeguard their welfare (Siregar, 2023). The social protection authorities of Sleman Regency promptly undertook emergency measures by assuming temporary physical custody of the children in order to ensure their safety and well-being. Recovery efforts were carried out through psychosocial assessments and rigorous verification of the relevant legal and familial circumstances before any custodial or guardianship rights were definitively restored to the biological parents. This mechanism for the transfer of custody involving minors is consistent with the broader principles of civil law that seek to protect individuals who lack full legal capacity and to safeguard the best interests of the child (Indonesia, 1847b). This administrative reform eliminated the risk of repeated neglect that would adversely affect the children's civil rights.

Table. Legal Analysis of Case Facts

No.	Case Facts	Legal Analysis	Relevant Regulations / Legal Basis
1.	Private Consensual Agreement	The civil legal relationship between OR, a midwife, and the infants' parents (university students) was established through an oral childcare arrangement conducted informally. The agreed counter-performance consisted of a childcare fee of IDR 50,000 per day, without being embodied in an authentic deed, thereby disregarding the principle of good faith and legal certainty regarding the fulfillment of the children's civil rights.	Articles 1320 and 1338 of the Indonesian Civil Code (Requirements for a Valid Contract and the Principle of Good Faith)
2.	Defect in the Capacity of the Legal Subject	The legal capacity to act (<i>persona standi in iudicio</i>) of OR is considered legally defective from a civil law perspective. Although she possessed a valid personal midwifery practice license, she did not hold formal authorization or an operational permit to operate a collective childcare institution as required under administrative law provisions.	Article 17 paragraph (1) of Minister of Social Affairs Regulation Number 22 of 2018 (Requirement for an Operational License for Childcare Institutions)
3.	Manifestation of Actual Losses	The absence of professional supervision within the childcare facility resulted in actual physical harm (<i>schade</i>) to the victims. The severe clinical deterioration suffered by three infants (congenital heart disease, hernia, and hyperbilirubinemia) constitutes a strong basis of causation (<i>causaliteit</i>) for filing a civil claim seeking compensation and recovery of damages.	Articles 1365 and 1367 paragraph (1) of the Indonesian Civil Code (Tortious Act and Vicarious Liability)
4.	Potential Criminal Offence	The unlawful physical custody of infants without compliance with minimum standards of care may satisfy the material elements of the offence of child neglect within the family sphere. Furthermore, the expansion of medical-related services beyond the scope of the operator's professional license gives rise to a strong indication of medical malpractice or medical negligence that may result in criminal liability.	Article 76B in conjunction with Article 77B of Law Number 35 of 2014 on Child Protection and regulations governing medical malpractice and criminal medical liability

No.	Case Facts	Legal Analysis	Relevant Regulations / Legal Basis
5.	State-Led Restoration of Custodial Rights	The emergency transfer of physical custody of the eleven infants by the Sleman Regency Social Affairs Office constituted a protective social intervention. A rigorous assessment process was undertaken to restore guardianship rights for legal subjects lacking full legal capacity and to eliminate the risk of recurring child neglect.	Law Number 35 of 2014 on Child Protection (Best Interests of the Child Principle) and Government Regulation Number 44 of 2017 (Implementation of Child Care)

Although the principal focus of this study remains within the domain of civil liability, the factual circumstances of the case simultaneously reveal indications of criminally relevant conduct. The operation of an unlicensed childcare facility involving vulnerable infants, coupled with the failure to provide adequate care resulting in deteriorating health conditions, may satisfy the legal elements of child neglect under the Child Protection Law. This criminal dimension reinforces the civil law conclusion that the operator breached the legal duty of care owed to the children under her supervision.

Observations of Case Findings and Analysis of Civil Law Regulations

A verbal consensual agreement gives rise to a legally binding civil relationship. An in-depth examination of the childcare arrangement between the students and Midwife OR demonstrates a meeting of minds to engage in a reciprocal transaction. The students entrusted their infants to be cared for, while Midwife OR received financial consideration amounting to fifty thousand Indonesian rupiah per day. At first glance, this legal relationship satisfies the principle of freedom of contract recognized within the sphere of private law. Nevertheless, such freedom is not absolute, as it remains subject to the

normative limitations imposed by the state. The validity of this civil relationship must therefore be assessed through substantive legal parameters to ensure that the child's subjective rights are not sacrificed (Budiono, 2022b).

The validity requirements of an agreement serve as the foundation for determining the legal enforceability of a contractual relationship. Article 1320 of the Indonesian Civil Code establishes four principal elements of a valid agreement, namely consent, legal capacity, a certain subject matter, and a lawful cause. The first two elements constitute subjective requirements, whereas the latter two constitute objective requirements that determine the very existence of the agreement. The infant sheltering case in Sleman warrants particular attention with respect to compliance with these objective requirements. A defect in an objective requirement carries far more severe legal consequences for the continued existence of the right to demand performance under the contract. The element of lawful cause therefore becomes the primary legal benchmark in scrutinizing this daily commercial childcare arrangement (Indonesia, 1847b).

Article 1337 of the Indonesian Civil Code prohibits causes that are contrary to statutory law, morality, and public order. The operation of a

commercial childcare service without the requisite operational license indicates the existence of an unlawful cause (*causa illicita*), thereby rendering the objective requirements of a valid agreement unsatisfied. The object of the agreement, namely the provision of childcare facilities lacking standardization and authorization from the local government, further demonstrates the presence of an unlawful cause within the verbal contractual arrangement.

Validity of the Childcare Agreement

A commercial childcare agreement may be classified as a reciprocal contractual relationship. From a civil law perspective, the childcare arrangement between the students and Midwife OR, under which a fee of fifty thousand Indonesian rupiah was charged per day, bears similarities to a compensated bailment or custodial agreement. This legal construction places the infant as the subject of physical custody whose safety and well-being must be fully protected by the receiving party. The obligation to provide financial consideration categorizes the verbal arrangement as an onerous contract. The existence of such a legal relationship binds the parties with the force of law, provided that the agreement does not contravene the applicable normative and regulatory limitations.

The law expressly regulates compensated custodial arrangements. The characteristics of this civil legal relationship are fully governed by the principles embodied in Article 1724 of the Indonesian Civil Code. The regulation affirms that a compensated custodian is required to exercise a heightened standard of care in safeguarding the entrusted subject

matter. In her capacity as a private legal actor, Midwife OR bears substantial civil liability to ensure the safety and well-being of the infants under her care. Any failure to comply with the required standard of diligence may give rise to legal consequences enforceable through a private civil action for damages or other appropriate remedies (Indonesia, 1847b).

Child-care agreements also require compliance with institutional legality requirements. Contracts for childcare services cannot be separated from the oversight of administrative law, which functions to limit individual autonomy in the public interest. The operation of a childcare facility without official authorization from the local government indicates a substantial defect in the object of the agreement itself. The requirement for the legal recognition and authorization of social welfare institutions is stipulated in Article 102 paragraph (1) of Government Regulation Number 44 of 2017 concerning the Implementation of Child Care. Midwife OR's non-compliance with the applicable licensing requirements undermines the civil legal order underlying the contractual relationship established with the students' parents (Indonesia, 2017).

A defect in an objective requirement gives rise to the legal consequence of nullity of the contractual obligation. The absence of an operational license for the daycare institution renders the object of the verbal agreement contrary to the principle of public order. The unlawful nature of the infant sheltering arrangement in Sleman causes the childcare contract to be classified, from a civil law perspective, as legally

defective from its inception. The civil legal foundation of this cooperative arrangement collapses entirely due to the failure to satisfy the requirement of a lawful cause in the transaction. Consequently, the parties are precluded from asserting or enforcing their private civil rights arising from the agreement before a court of law (Budiono, 2022a).

The principle of absolute nullity restores the parties to their original legal positions. The status of being null and void by operation of law renders the contract legally nonexistent from the outset, with the consequence that neither the entrusting parties nor the operator may base any claim upon the contractual relationship. Any form of commercial entitlement arising from the arrangement loses the protection afforded by private law. The daily payments of fifty thousand Indonesian rupiah may therefore be characterized as funds transferred without a valid legal basis (*onverschuldigde betaling*). The operator cannot rely upon principles of contractual fairness or private autonomy to justify the large-scale collection and care of infants within a private residence. Civil law protection for an independently operated childcare enterprise is extinguished once licensing regulations are deliberately violated. Private law consequently withholds legal remedies from parties who act in bad faith (Subekti, 2024b; Febiari, 2026).

The invalidity of the contractual relationship also has direct implications for the legal status of possession and control (Pitlo, 2021). Midwife OR and her three caregivers possessed no right of retention or any civil legal authority to withhold custody of the eleven infants. The verbal

contractual relationship, having become void by operation of law, required the immediate return of the children without the imposition of any financial conditions. The infants remained under factual control without any valid civil legal basis within the illegal shelter facility. Their physical removal by the competent authorities therefore constituted a protective measure aimed at safeguarding legal subjects from the consequences of a commercial contractual arrangement that was not recognized by the state.

Tort Liability (Perbuatan Melawan Hukum) and Child Custody Rights

A tort claim based on negligence requires an act, unlawfulness, fault, damage, and causation. Non-compliance with licensing rules is relevant to the assessment of unlawfulness and compliance with child-protection standards. Where inadequate care endangers a child's health or safety, the conduct may also warrant criminal scrutiny if the statutory elements of child neglect are established. Although this study focuses on civil liability, it therefore recognizes the potential intersection between private law responsibility and statutory child-protection obligations (Moegni, 2023).

The element of an unlawful act is manifested through the operational conduct itself. Midwife OR's decision to convert a private residence into a collective shelter for eleven infants constitutes a tangible and affirmative act. Such conduct contravenes the legal obligation imposed by law to operate childcare institutions in a lawful and standardized manner. From a broader legal policy perspective, non-compliance with licensing requirements may also function as an

indicator of regulatory disregard that increases the risk of child neglect and justifies stronger state intervention. The children's subjective right to be raised in a safe caregiving environment was unilaterally infringed by the operator. This form of neglect is inconsistent with the principles of propriety and social responsibility that govern the protection of child legal subjects within society (Prodjodikoro, 2022).

Civil fault is established through negligence in the provision of child care. Midwife OR entrusted the care of eleven infants to three caregivers who lacked adequate qualifications and competence in childcare services. This circumstance significantly increased the risk that the infants' basic needs would not be properly met, particularly in the case of children requiring special medical attention. As a consequence, care was not provided in accordance with acceptable standards of hygiene and health. Such negligence satisfies the element of fault as contemplated by Article 1366 of the Indonesian Civil Code, thereby rendering the operator liable for the consequences arising from the acts or omissions of her employees. In certain circumstances, negligence resulting in harm to a child's health may also be regarded as a failure to fulfill child-protection obligations, particularly where it can be demonstrated that the risk was reasonably foreseeable and could have been prevented through proper supervision.

Actual material losses were suffered directly by the affected parties. Medical observations revealed that three infants developed health conditions, namely congenital heart disease, hernia, and hyperbilirubinemia, while under the

operator's care. These conditions generated substantial medical treatment and health care expenses, thereby constituting actual damages (*schade*) for which compensation may be sought. Beyond pecuniary losses, adverse effects on the children's development and psychological well-being may also give rise to non-pecuniary damages that are relevant in a civil compensation claim (Detikcom, 2026).

Causation establishes the close connection between negligence and the resulting harm. The illnesses suffered by the three infants may be viewed as a direct consequence of the inadequate caregiving management within the illegal shelter facility. The absence of proper emergency medical detection and response by untrained caregivers significantly aggravated the victims' pre-existing clinical conditions. Under civil law theories of causation, such physical harm would arguably not have occurred had the operator complied with the applicable daycare operational standards. This causal nexus places Midwife OR in the position of the party responsible for bearing the obligation to provide compensation and restorative remedies. In addition to serving as the basis for a damages claim, the causal relationship is also relevant in assessing the existence of other forms of legal liability where the resulting harm concerns the health and safety of children.

The discovery of health problems affecting several infants during their period of care demonstrates that the legal issues arising from the case extend beyond matters of contract law and tort liability. Within the framework of child protection, any person who assumes caregiving responsibilities is

under a legal duty to safeguard the child's safety, health, and basic welfare needs. Consequently, negligence that creates risks to a child's physical condition may carry broader legal implications where it is established that the caregiver failed to fulfill these protective obligations.

The legal status of a child born outside marriage also affects the civil law relationship within the family structure. Article 43 paragraph (1) of Law Number 1 of 1974 on Marriage originally limited the civil legal relationship of a child born outside marriage to the mother and the mother's family. However, following Constitutional Court Decision Number 46/PUU-VIII/2010, such a child may also establish a civil legal relationship with his or her biological father, provided that paternity can be proven through legally recognized evidence. The sociological reality in which students concealed the birth of their children created a gap in the effective exercise of maternal caregiving and protection rights. This vulnerable situation was exploited by the illegal operator, who assumed control over the infants for unilateral economic gain (Harahap, 2021b).

The intervention of social protection authorities restored the legal position of child guardianship (Harianjogja.com, 2026). The Social Service Office, together with the Indonesian Child Protection Commission, assumed physical custody in order to safeguard the future well-being of the minor legal subjects. This temporary sheltering measure was intended to facilitate the safe restoration of custody rights through a series of layered psychosocial assessments.

The civil guardianship rights of the biological parents were subsequently reconstructed to ensure their readiness to independently assume financial and caregiving responsibilities. This state intervention effectively terminated the exploitative informal market in child care and reinstated the full protection of the child's private legal rights.

Doctrinal Basis of Civil Liability and the Principle of the Best Interests of the Child

Application of Civil Liability Doctrine and Vicarious Liability

Civil liability is rooted in the existence of fault attributable to a legal subject. Civil law doctrine indicates that Midwife OR bears full responsibility to compensate the financial losses suffered by the victims under the illegal shelter arrangement. This civil burden includes all emergency medical expenses incurred during the infants' intensive inpatient treatment at Sleman Regional Hospital (RSUD Sleman). The operator cannot argue that her actions were motivated by a purely voluntary humanitarian mission devoid of daily economic consideration.

Private law conceptualizes the victims' physical suffering as a direct consequence of the breakdown of proper institutional caregiving management (Fuady, 2023). Normative provisions under Article 1367 paragraph (1) of the Indonesian Civil Code establish the doctrine of vicarious liability, whereby a legal subject is not only responsible for losses arising from his or her own fault but is also obliged to bear responsibility for damages caused by persons under his or her supervision

(Indonesia, 1847b). In her capacity as an employer, Midwife OR bears *vicarious liability* for the negligence of the three hired caregivers. The inability of these workers to detect clinical symptoms of congenital heart disease and hyperbilirubinemia in the infants is legally attributable to the fault of the operator in civil law terms. Accordingly, compensation for material losses must be provided in order to achieve substantive justice.

The obligation to pay damages includes reimbursement of medical treatment costs. Fulfilment of civil compensation is aligned with the framework of Article 1365 of the Indonesian Civil Code concerning the restoration of the victim's condition to its original state. Midwife OR is legally obliged under private law to cover all hospital medical expenses arising from her failure to provide adequate sanitation standards. A civil court may impose such material performance obligations to ensure that the child's right to life is not neglected. This approach demonstrates that civil law functions as an effective mechanism for protecting bodily integrity against harm caused by the negligence of other legal subjects (Noviandini, 2026)

Implementation of the “Best Interests of the Child” Principle in Family Civil Law

The doctrine of the best interests of the child overrides all forms of self-interest. International child protection law places the child's biological and psychological well-being above the civil status of the biological parents. The mental and financial unpreparedness of the parents (students) must not compromise the child's best interests. Accordingly, every decision concerning custody

must prioritize the child's safety and developmental needs. The normative framework of the Convention on the Rights of the Child requires the state to prioritize the child's future development as the primary basis for decision-making.

Child protection principles are specifically regulated under national legislation. Article 14 paragraph (1) of Law Number 35 of 2014 on Child Protection establishes an imperative legal framework recognizing the child's right to be cared for directly by their biological parents, unless there are juridical grounds or formal regulatory legitimacy demonstrating that physical separation is strictly necessary to fulfill the principle of the child's best interests. The intervention by the Social Service Office of Sleman constitutes a lawful measure aimed at protecting children from an environment that is not conducive to their growth and development. Preventive intervention by public authorities reflects the state's obligation to protect children from conditions that may expose them to neglect, exploitation, or other forms of harm prohibited under child protection legislation (Febiari, 2026; Indonesia, 2014).

The resolution of custody disputes prioritizes the guarantee of the child's future well-being (Nurrohman & Syamsuddin, 2025). Civil courts are required to set aside arguments based on possessory or ownership-like claims over custody rights. Custody may be reinstated once the parents are deemed psychosocially fit. This approach is intended to ensure that child protection is implemented in a continuous and sustainable manner.

Analysis of Regulatory Licensing Gaps and Implications for Private Law

Normative gaps arise due to the absence of effective private supervisory oversight. Legal certainty requires that regulatory frameworks be supported by effective enforcement mechanisms, as the existence of legal norms alone is insufficient to ensure compliance in practice. The concrete case in Sleman illustrates a profound disparity between institutional licensing regulations and their implementation at the grassroots level. Weak monitoring at the neighborhood level created opportunities for a medical professional to commercialize a private residence as a collective childcare facility. The absence of effective licensing oversight not only undermines administrative compliance but also increases the possibility of child neglect and other forms of harm that may trigger legal intervention beyond the sphere of private law. Insufficient oversight of the use of residential property for childcare purposes opened space for unlicensed daycare practices. Licensing instruments function as an absolute prerequisite for operational validity. The provision of childcare services is mandatorily regulated under Article 17 paragraph (1) of Minister of Social Affairs Regulation Number 22 of 2018 concerning National Standards for Child Care Services (Mertokusumo, 2022; Hartanto et al., 2026; Indonesia, 2018).

The aspect of custody restoration necessitates a restructuring of family relations (Harahap, 2021c). The emergency intervention by the Sleman Social Service in assuming maternal custody constitutes a lawful measure

aimed at eliminating the risk of repeated neglect. The private guardianship rights of the student parents are temporarily suspended until they are able to demonstrate financial capability and psychological maturity. This remedial implication requires intensive state supervision and guidance to ensure that custody rights may be safely reinstated in the future. Civil family law protection functions to guarantee the safety and welfare of the child.

CONCLUSION

In the case examined, the oral childcare agreement does not possess binding legal force because, according to this study's analysis, it fails to satisfy the objective requirements of a valid contract under Article 1320 of the Indonesian Civil Code. The provision requires a lawful cause for a binding obligation. Operating an unlicensed daycare facility conflicts with the applicable administrative regulations and public-order requirements. The daily-fee arrangement is therefore classified as void *ab initio* (*nietig van rechtswege*).

A tort claim (*perbuatan melawan hukum*) is brought on the basis of negligence. The operator, together with three hired caregivers, cumulatively fulfills the legal parameters of private liability. Article 1365 of the Indonesian Civil Code requires any legal subject whose fault causes loss to another party to compensate for such loss. The operator failed to maintain proper caregiving standards, resulting in acute deterioration of the health conditions of three infants at the Sleman shelter. Accordingly, the operator bears liability for material damages, including the obligation to

finance all medical treatment costs incurred in restoring the victims' health at the hospital. The factual circumstances further indicate that civil liability does not operate in isolation, as serious neglect affecting the welfare of children may simultaneously attract regulatory and criminal scrutiny under the national child protection framework.

Intervention by social protection authorities serves to restore gaps in guardianship arrangements. A civil family law analysis indicates that children born out of wedlock to student parents initially maintain a civil legal relationship only with their biological mother. The neglect of caregiving responsibilities by the biological parents, driven by fear of moral sanctions, created vulnerability to economic exploitation through daily-fee care arrangements. Physical rescue by the relevant government agency represents a concrete manifestation of state responsibility in breaking the chain of an informal and unregulated care market involving legally incapacitated subjects. This temporary transfer of custody eliminates the risk of repeated neglect by operation of law.

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