

## LEGAL PROTECTION OF CHILDREN AS VICTIMS OF DOMESTIC VIOLENCE IN WEST JAVA

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### Abstract

This research is motivated by the phenomenon of domestic violence against children, which is a very serious social problem, but has received little attention from the government, society and law enforcement officials. Cases of domestic violence against children still occur and tend to increase. The family, which should be the safest and most comfortable place for children, on the contrary, often becomes a place where children's rights are violated. The aim of this research is to discuss the concept of legal protection for children as victims of domestic violence and the effectiveness of its prevention and protection in West Java. This research uses a type of legal research with a normative juridical approach method, which is descriptive analysis. This research includes the scope of research that describes, examines and explains and analyzes general legal theories and statutory regulations regarding the protection of children who are victims of domestic violence. The results of this research show that the concept of child protection has been implemented by the government by issuing the Child Protection Law. Legal protection for child victims of domestic violence is very important, because the PKDRT Law provides several rights to victims. Handling cases of domestic violence against children requires the important role of police officers who are responsible for investigating, collecting evidence, and protecting children from further violence. The effectiveness of law enforcement in the context of protecting and preventing acts of violence against children is seen from 5 aspects including: Legal Factors themselves, Law Enforcement Factors, Supporting Facilities or Facilities Factors, Community Factors and Cultural Factors. The suggestion from this research is that the government must optimize the protection and prosecution of perpetrators in accordance with the Pancasila philosophy. Child protection aims to guarantee the fulfillment of children's rights so that they can live, grow, develop and participate optimally in accordance with human dignity and dignity and receive protection from violence and discrimination, in order to create Indonesian children who are of high quality, have noble character and prosperity in terms of child protection.

**Keywords:** Legal Protection, Children, Violence, Domestic.

### INTRODUCTION

Children are a gift and trust from Allah SWT who must be cared for and protected. Apart from that, children are the hope of the nation in the future, the rights that must be fulfilled by their parents from the moment the child is born have been regulated in the applicable laws and regulations. Basically, a child needs protection, care, teaching and love from parents and the surrounding environment. This is done to ensure the child's physical and mental growth.

Legal protection for children can be interpreted as legal efforts to protect children's freedom and human rights, as well as various interests related to children's welfare. Children have fundamental rights, just like adults have, human rights (HAM), but not many parties are thinking about protecting children's rights and taking concrete steps. Likewise, efforts to protect children's rights are violated by the state, adults or even their own parents, who do not

pay attention to the interests of the child's future. In fact, children are an asset to the family, religion, and the hope of the nation and state.

The role of the family is very necessary for children, because the family forms the child's personality from childhood. However, in reality, currently many parents do not carry out their functions as they should, so that these children become neglected and isolated. The phenomenon of violence against children can occur anywhere and at any time, without knowing the time and place and can even occur at home or in public places such as public facilities and public transportation. This violence can be physical or emotional violence (Shahrullah, 2014).

Physical violence itself is any action that results in pain, such as hitting, throwing, biting, kicking, banging your head against a wall, etc.<sup>1</sup> Meanwhile, emotional violence is a form of domestic violence that can result in a decrease in a person's self-esteem, for example showing fear through intimidation, threatening to hurt, kidnapping, confining, insulting, speaking loudly with threats (Dakwatul, 2019).

Data from counselors at the West Java Women's and Children's Empowerment Integrated Service Center (P2TP2A), shows that the rate of domestic violence (KDRT) in West Java is still high. In one year P2TP2A can handle more than 100 cases. This number could be higher, because until now there are still many victims of domestic violence who do not dare to report it. This is a concern for the community and the West Java regional government, therefore the problem is how to provide protection to victims of domestic violence in the study area, namely Bandung, Pangandaran, Tasikmalaya, Sukabumi and Garut Regencies.

Domestic violence occurs within the family sphere, even though the family is an ideal social institution for developing the potential that exists in each individual, in reality the family often becomes a forum for the emergence of various cases of deviation from other illegal activities that cause misery or suffering, which are carried out by one family member against another family member, such as abuse, rape, murder. This situation is commonly referred to as domestic violence (Arief Mansur, 2016).

Victims must be given legal protection, considering that victims experience physical or non-physical suffering, or suffer from neglect, loss of economic benefits, or loss of some human rights, and other suffering. This is an obligation of the government, as a rule of law, which highly upholds human rights. Providing legal protection to victims of domestic violence, it seems that there are cases of domestic violence that are published, but it is not known what the continuation of the legal process will be, let alone what kind of legal protection the victim in question will receive.

Cases of domestic violence (KDRT) still continue to occur and the incidence rate is relatively high. The death of four children in a rented house located in Pangandaran, September 3 2023, left deep sorrow. Four children, namely a (6), SA (4), AA (3), and AK (1), became victims of domestic violence by their father X. - the child is not breathing (Kompas, 2003). This incident is a warning to all parties not to underestimate the problem of domestic violence because children are vulnerable to domestic violence. Based on data from the Indonesian Child

Protection Commission (KPAI), there were 4,683 complaints throughout 2022. Of that number, 2,113 complaints were related to special child protection, and 1,960 complaints were related to the family environment and alternative care.

The highest number of complaints about cases of violations of children's rights occurred in children who were victims of problematic parenting/parental/family conflict, amounting to 479 cases (Topan, 2023). This illustrates that the family, which should be the safest and most comfortable place for children, is on the contrary often a place of violations of children's rights, such as the right to life, survival and development, in accordance with the Convention on the Rights of the Child.

Based on this background, this article examines legal protection for children who are victims of domestic violence. The problem formulation in this research is:

1. What is the concept of legal protection for children as victims of domestic violence?
2. How effective is law enforcement in protecting and preventing children as victims of domestic violence?

## RESEARCH METHODS

This legal research is descriptive analytical in nature (Suratma and Dillah, 2013). This research aims to obtain an overview or description of laws and regulations in the field of legal protection regarding children as victims of domestic violence. Apart from that, the analysis is carried out based on the provisions of applicable legislation (legal sources in the form of laws) and also on the opinions of experts (legal sources in the form of doctrine) with the aim of getting answers to the problems being studied.

This research uses a juridical-normative approach, namely that law is conceptualized as norms, rules, principles or dogmas. The normative juridical approach is also known as the doctrinal approach/research or normative legal research. The Empirical Juridical research stage, through literature study (review of the literature, but as long as necessary, interviews can be conducted to complete the literature study. Included in the Normative Juridical study/approach include legal history and legal comparison, as well as legal philosophy.

The normative legal method is doctrinal legal research, also known as library research or document study (Suratma and Dillah, 2013). Normative legal research is library research, namely research on secondary data (Suratma and Dillah, 2013). The secondary data referred to is in the form of primary legal materials, secondary legal materials and tertiary legal materials.

Primary legal materials are binding legal materials, secondary legal materials are those that provide explanations of primary legal materials, and tertiary legal materials are materials that provide instructions and explanations of primary legal materials and secondary legal materials. Data collection techniques are carried out by: document study and data analysis. The research location was in cases of child victims of domestic violence in West Java.

## DISCUSSION

### 1. The concept of legal protection for children as victims of domestic violence

The linguistic meaning of the word legal protection includes elements, namely:

- 1) Elements of protective action;
- 2) Elements of the protecting parties;

And the element of protective methods, thus, the word protection contains the meaning, namely an action of protection or an action to protect certain parties aimed at certain parties using certain methods.

Based on the elements above, it means that the word protection contains the meaning, namely an act of protection or protective action from certain parties aimed at certain parties using certain methods (Sasongko, 2007). In national and state life, consumer protection can be carried out through various forms, including economic, social, political and legal protection. Legal protection can be interpreted as protection by law or protection using legal institutions and means. There are several ways of legal protection, including the following:

1. Make regulations (by providing regulation), which aims to
  - a. Provide rights and obligations
  - b. Guarantee the rights of legal subjects
2. Enforce regulations (by the law enforcement) through
  - a. State administrative law which functions to prevent violations by permitting and supervising.
  - b. Criminal law which functions to overcome (repressive) any violation of statutory regulations, by imposing legal sanctions in the form of criminal sanctions and penalties;
  - c. Civil law which functions to restore rights (curative, recovery), by paying compensation or compensation (Sasongko, 2007).

Based on Article 1 paragraph 3 of the 1945 Constitution, it is stated that Indonesia is a legal state. Law is the most important system in the implementation of a series of institutional powers (Wikipedia, 2024).

In this way, the state guarantees the legal rights of its citizens by providing legal protection and legal protection will be a right for every citizen. Legal protection is all the government's efforts to ensure legal certainty to provide protection to citizens so that their rights as citizens are not violated, and those who violate them will be subject to sanctions in accordance with applicable regulations.

The legal basis for legal protection is regulated in Article 28 D paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD1945, 2024) which reads: "Everyone has the right to recognition, guarantees, protection and fair legal certainty as well as equal treatment before the law."

The linguistic meaning of the word legal protection includes elements, namely:

- 1) Elements of protective action;
- 2) Elements of the protecting parties; and
- 3) Elements of protective methods,

Thus the word protection contains the meaning, namely an action of protection or action to protect certain parties aimed at certain parties using certain methods (Sasongko, 2007).

According to Satijipto Raharjo, legal protection is providing protection for human rights (HAM) that are harmed by other people and this protection is given to the community so that they can enjoy all the rights granted by law. Law can be used to create protection that is not only adaptive and flexible, but also predictive and anticipatory. Law is needed for those who are weak and not yet strong socially, economically and politically to obtain social justice (Raharjo, 2000).

In Phillipus M. Hadjon's opinion, legal protection for the people is a preventive and repressive government action. Preventive legal protection aims to prevent disputes from occurring, which directs government action to be careful in making decisions based on discretion, and repressive protection aims to resolve disputes, including handling them in judicial institutions (Hadjon, 1987).

In accordance with the description above, it can be stated that the function of law is to protect the people from dangers and actions that can harm other people, society and the authorities. Apart from that, it also functions to provide justice and a sense of security as well as being a means of realizing prosperity for all people. Legal protection in the context of State Administrative Law is an illustration of the working of legal functions to realize legal objectives, namely justice, benefit and legal certainty. Legal protection is a protection given to legal subjects in accordance with legal rules, both preventive (prevention) and repressive (coercive) in nature, both written and unwritten in order to enforce legal regulations (Mertokusumo, 2009).

Legal protection for children can be interpreted as an effort to legally protect various freedoms (Kang, 2021) and children's human rights as well as various interests related to children's welfare (Waluyadi, 2009). Protection of children's rights is related to laws and regulations, policies, businesses and activities that guarantee the realization of protection for children (Sutiawati, Mappaselleng, & Fadhillah, N. 2020).

Efforts to protect children have been carried out by the government by issuing Law (UU) no. 23 of 2002 concerning Child Protection as amended by Law no. 35 of 2014 concerning Amendments to Law no. 23 of 2002 concerning Child Protection (Child Protection Law). In Article 44 of the Child Protection Law, it is stated that the government and regional governments are obliged to provide facilities and organize comprehensive health efforts for children which are also supported by community participation. The comprehensive health efforts in question include promotive, preventive, curative and rehabilitative efforts, which are provided free of charge for families who cannot afford them. Furthermore, Article 45

emphasizes that parents and families are responsible for maintaining children's health and caring for children from the time they are in the womb. In the event that parents and families are unable to carry out their responsibilities, the government and regional governments are obliged to fulfill them.

The physical growth and mental development of children should be of special concern to the family as the first social environment known to the child. With Article 45, not only families are responsible for children, but also the government and regional governments. The family as a place where children grow up from an early age has an important role in shaping their character in the future. However, in reality, within the family itself there is still violence against children.

Apart from the murder case of four children by their father mentioned above, a number of cases of violence against children will occur in 2023 (Kompas, 9 December 2023), including: - July 5 2023: a 3 year old toddler was killed by his biological mother in Bandung Regency, because he was annoyed that the child often cried and was fussy. - May 25 2023: 9 year old child killed by his father in Sukabumi.

The perpetrator could not stand the disharmonious household situation and was often bullied because of his wife's job as a karaoke hostess. - 10 November 2023: 13 year old child was found dead in an irrigation canal in Subang, West Java, after being abused by his mother, uncle and grandfather. The victim often caused problems and the abuse occurred spontaneously because the victim hit his grandfather.

Based on Article 1 number 1 of Law no. 23 of 2004 concerning the Elimination of Domestic Violence (UU PKDRT), domestic violence is any act against someone, especially women, which results in physical, sexual, psychological misery or suffering, and/or domestic neglect including threats to commit acts, coercion, or unlawful deprivation of liberty within the household. Children who are victims of domestic violence will experience physical disorders, and when physical violence occurs they can also experience mental disorders, such as becoming embarrassed in front of other people or easily feeling pressured by the presence of other people (Hamida, A., & Setiyono, J, 2022).

In this case, children need counseling and psychological assistance which of course must be handled by experts and authorities, namely psychologists. The protection provided also takes various forms, both in the form of legal assistance and counseling services which are part of social workers.

The protection provided must provide benefits that can be felt by the child and make the child feel comfortable. A child's experience of witnessing, hearing, or experiencing violence within the family can have many negative influences on the child's life cycle and growth and development. The World Health Organization (WHO) states that exposure to violence in early childhood can disrupt brain development and damage other parts of the nervous system, as well as the endocrine, circulatory, musculoskeletal, reproductive, respiratory and immune systems, with lifelong consequences (Topan, 2023).

Legal protection for children as victims of domestic violence is very important to ensure that their rights are protected and they receive justice. The Child Protection Law is the legal basis for providing protection to children who are victims of domestic violence. Special protection for children who are victims of physical and/or psychological violence is carried out through efforts to disseminate and socialize the provisions of laws and regulations that protect children who are victims of violence; and monitoring, reporting and providing sanctions (Article 69 of the Child Protection Law).

Meanwhile, according to Article 10 of the PKDRT Law, victims of domestic violence have several rights, namely: a. protection from the family, police, prosecutor's office, court, advocates, social institutions, or other parties, either temporarily or based on a protection order from the court; b. health services according to medical needs; c. special handling related to victim confidentiality; d. assistance by social workers and legal assistance at every level of the examination process in accordance with statutory provisions; and e. spiritual guidance services.

Based on this article, families, law enforcement officials, social institutions and health institutions, as well as other communities, including schools, have an important role in fulfilling the rights of children who are victims of domestic violence and detecting cases of domestic violence, by reporting them to the authorities. Handling domestic violence cases involving children requires the important role of the police. Police officers are responsible for investigating, collecting evidence, and protecting children from further violence. In addition, the criminal justice system has a role in ensuring that child victims of domestic violence receive justice in accordance with their needs and rights. Thus, legal protection for children as victims of domestic violence requires cooperation between government institutions, non-government institutions and the community.

The DPR RI as a legislative institution, especially Commission VIII whose scope of duties is in the field of child protection, in carrying out its supervisory function needs to continuously monitor the government's performance in carrying out its responsibilities in child protection. In addition, Commission III, whose scope of work is in the legal sector, needs to remind police officers that when handling domestic violence cases they must respond and follow up on every report seriously and immediately.

## **2. The effectiveness of law enforcement in the context of protecting and preventing children as victims of domestic violence**

In studying the effectiveness of law enforcement, theories of law enforcement are needed, including:

### **a. L. Friedman**

Lawrence M. Friedman's Legal System Theory suggests that the effectiveness and success of law enforcement depends on three elements of the legal system, namely the structure of the law, the substance of the law and the legal culture. The legal structure concerns law enforcement officials, legal substance includes statutory instruments and legal culture is the living law adopted in a society.

Regarding the legal structure, Friedman explains: "To begin with, the legal system has the structure of a legal system consisting of elements of this kind: the number and size of courts; their jurisdiction Structure also means how the legislature is organized what procedures the police department follows, and so on.

Structure, in a way, is a kind of cross section of the legal system...a kind of still photograph, with freezes the action." The structure of the legal system consists of the following elements, the number and size of courts, their jurisdiction (including the types of cases they are authorized to hear), and the procedures for appeals from one court to another.

Structure also means what the legislative body is like, what the president can and cannot do, the procedures followed by the police and so on. So the structure (legal structure) consists of existing legal institutions intended to implement existing legal instruments. Structure is a pattern that shows how the law is carried out according to its formal provisions.

This structure shows how courts, law makers and legal bodies and processes operate and are carried out. In Indonesia, for example, if we talk about the structure of the Indonesian legal system, this includes the structure of law enforcement institutions such as the police, prosecutors and courts.

Legal substance according to Friedman (Lawrence M. Friedman, 2009): "Another *aspect of the legal system is its substance. By this is meant the actual rules, norm, and behavioral patterns of people inside the system ...the stress here is on living law, not just rules in law books*". Another aspect of the legal system is its substance. What is meant by substance are the rules, norms and real behavior patterns of humans within that system. So legal substance concerns applicable laws and regulations which have binding force and serve as guidelines for law enforcement officials. Meanwhile regarding legal culture,

Friedman argues: "The third component of legal system, of legal culture. By this we mean people's attitudes toward law and legal system, their belief ... in other words, is the clarification of social thought and social force that determines how law is used, avoided, or abused." Legal culture concerns legal culture which is human attitudes (including the legal culture of law enforcement officers) towards the law and the legal system.

No matter how good the legal structure is arranged to implement the established legal rules and no matter how good the quality of the legal substance that is created without the support of a legal culture by the people involved in the system and society, law enforcement will not run effectively.

Law as a tool for changing society or social engineering is nothing more than the ideas that the law wants to realize. To guarantee the achievement of the function of law as an engineering society for the better, it is not only necessary to have law in the sense of rules or regulations, but also to guarantee the realization of these legal rules in legal practice, or in other words, a guarantee of law enforcement (good law enforcement). So the operation of the law is not only a function of the legislation, but also the activities of the implementing bureaucracy.



## **b. Soerjono Soekanto**

Legal Effectiveness Theory as a rule is a benchmark regarding appropriate attitudes or behavior (Soekanto, Soerjono, 1986). The thinking method used is a deductive-rational method, giving rise to a dogmatic way of thinking. On the other hand, there are those who view law as an orderly attitude or behavior. The method of thinking used is inductive-empirical, so that law is seen as an action that is repeated in the same form, which has a certain purpose. The effectiveness of law in legal action or reality can be known if someone states that a legal rule has succeeded or failed in achieving its objectives, then it is usually known whether its influence has succeeded in regulating certain attitudes or behavior so that it is in accordance with its objectives or not.

One of the efforts that is usually made to ensure that people comply with legal rules is to include sanctions. These sanctions can be in the form of negative sanctions or positive sanctions, the purpose of which is to create stimulation so that people do not carry out despicable actions or carry out commendable actions. Certain conditions are required that must be met for the law to have an influence on 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 has a tendency to give a good or bad view, which then manifests in real behavior.

If what is to be studied is the effectiveness of legislation, then the author can say that regarding the effectiveness of legislation, much depends on several factors, namely knowledge about the substance of the legislation, the way to obtain this knowledge, institutions related to the scope of the legislation in the community, and how the process of creating a legal regulation is carried out. The law enforcement theory according to Soerjono Soekanto is that law enforcement factors are determined by 5 (five) factors, namely:

- a. The Legal Factor itself (Law) The practice of carrying out law enforcement in the field often results in a conflict between legal certainty and justice. This is because the conception of justice is an abstract formulation, while legal certainty is a procedure that has been determined normatively.
- b. Law Enforcement Factors Namely the parties who form and implement the law. One of the keys to success in law enforcement is the mentality or personality of the law enforcers themselves. In the framework of law enforcement by every law enforcement agency, justice and truth must be expressed, felt, seen and actualized.
- c. Facilities or Facilities Factors that Support Law Enforcement Supporting facilities and facilities include educated and skilled human power, good organization, adequate equipment, law enforcement cannot run smoothly and it is impossible for law enforcers to carry out their proper role.
- d. Community factors, namely the environment in which the law applies or is applied. The community has a strong influence on the implementation of law enforcement, because law enforcement originates from society and aims to reach within society. The higher the legal

awareness, the greater the possibility of good law enforcement.

- e. Cultural factors, namely as a result of work, creativity and feelings that are based on human initiative in social life. Indonesian culture is the basis for the application of customary law. The enactment of written law (legislation) must reflect the values that form the basis of customary law.

In law enforcement, the more adjustments there are between statutory regulations and community culture, the easier it will be to enforce them (Soerjono Soekanto, 2008). The five factors above are closely interrelated, because they are the essence of law enforcement, and are also a benchmark for the effectiveness of law enforcement. In the first element, what determines whether the written law can function well or not depends on the legal rules themselves.

Providing Legal Protection to Victims of Domestic Violence in West Java Governor Regulation No. 15 of 2010 concerning Integrated Service Centers for the Empowerment of Women and Children, West Java Province. P2TP2A was formed as a service platform for women and children, in an effort to fulfill information and needs in the fields of skills, health, economics, politics, law, protection and prevention of violence and trafficking of women and children. P2TP2A was formed to carry out the Regional Government's duties in realizing gender equality and justice by integrating gender mainstreaming strategies in various integrated service activities to improve the conditions, roles and protection of women as well as providing welfare and protection for children. The aim of establishing P2TP2A is to provide fast, precise and integrated services in the context of empowering women and protecting children who are vulnerable to violence.

The targets for establishing P2TP2A are: a. providing protection for women and children from discrimination and acts of violence; b. serving women and children in an effort to fulfill information and needs in the fields of skills, health, economics, politics and law; c. facilitated women and child protection services; d. availability of data and information regarding the empowerment and protection of women and children; e. implementation of measures to protect women and children; and f. building networks, cooperation and partnerships between the community, government, regional government and the business world in empowering women and protecting children. P2TP2A was formed by the Regional Government, is responsible to the Governor of West Java, and has its own financial budget.

P2TP2A's main task: providing services quickly, precisely and integratedly in efforts to empower women and protect children from acts of violence, discrimination and human trafficking. P2TP2A's duties: carry out facilities and services for the protection of women and children victims of discrimination and acts of violence, including emergency human trafficking, including information, medical, psychological and psychological referrals, safe houses; coordination with other agencies; encourage Regencies/Cities to establish and/or strengthen the duties and functions of P2TP2A; Monitoring of victims after handling P2TP2A. And/or work partners.

Providing Legal Protection to Victims of Domestic Violence in the Minister of Women's Empowerment and Child Protection Regulation No. 6 of 2015 concerning the Women's Empowerment & Child Protection System (PMPPA No.6, 2015). Women's Empowerment and Child Protection is the entire process of implementing women's empowerment and child protection which is carried out in a comprehensive, inclusive and integrative manner starting from the service stage for handling reports/complaints, health services, social rehabilitation, enforcement and legal aid, up to the repatriation and social reintegration of women and children victims of crime and violence to their social environment.

Curative efforts: a. optimizing technical service units related to complaints of violence against women and children; b. provide adequate facilities and infrastructure for handling health rehabilitation, social rehabilitation, repatriation, social reintegration and legal assistance; and c. carry out treatment for victims of crime and violence quickly, precisely and accurately by law enforcement officers.

Rehabilitation efforts: a. providing assistance personnel for victims of crime and violence, which include, among others, psychologists, psychiatrists, clergy/spiritual companions, lawyers, medical personnel; b. strengthening work networks and coordination in the reintegration process and returning victims to their families and/or social environment.

Providing Legal Protection to Victims of Domestic Violence Regional Regulation Prop. West Java No. 9 of 2014 concerning Implementation of Family Resilience Development for West Java Province (PP. Jawa Barat No 9, 2014) has the Women's Empowerment, Child Protection and Regional Family Planning Agency for West Java Province. (BP2AKB) West Java. Development implementation is carried out on the basis of: a. a religious norm; b. humanity; c. balance; d. benefit; e. protection; f. family; g. cohesiveness; h. participative; i. legality; and j. non-discriminatory. Family resilience. Implementation of family resilience development is carried out through the fulfillment of rights and implementation of family obligations, which consists of: a. family members; b. prospective married couple; c. husband and wife; and d. individual person.

Every family member, in carrying out family resilience development, has the right to:

- a. obtain food, clothing, shelter, health services, education, skills and special assistance in accordance with statutory provisions;
- b. get protection, to maintain the integrity, resilience and welfare of the family;
- c. Maintain and develop traditional values that live in society;
- d. communicate and obtain information about the family necessary to develop their personality and social environment;
- e. fight for self-development both personally and as a group to develop the region;
- f. obtain and maintain living space;
- g. get information, protection and assistance to develop personal qualities and appropriate family functions.

Religious norms and social ethics;

- h. develop and obtain the benefits of science and technology, arts and culture related to family resilience;
- i. Search for, obtain, own, store, process and convey information related to the implementation of family resilience using available facilities; and
- J. Live in a safe and peaceful social order, which respects, protects and fully implements human rights.

Every husband and wife are obliged to carry out their duties, functions and positions, in accordance with religious, customary, social norms and statutory provisions (Nurfaizah, Iva, 2023).

The West Java Child Protection Institute (LPA) held an experience sharing session with parents about their feelings and hopes regarding this. West Java Child Protection Agency (LPA). Family strengthening is also carried out to prepare the family to accept the child's condition. In accordance with the function and role of the Child Protection Agency (LPA) in dealing with cases of violence against children, the LPA receives reports, whether submitted directly by individuals or from various parties such as police officers, the community or families, regarding cases of violence experienced by children. Complaints can be made directly to the LPA or by telephone. After receiving the report, the LPA evaluates cases of children affected by violence before visiting the victim's home.

Cases that have a higher level of urgency will be handled more quickly. During assistance to victims, the LPA carries out observations and investigations with the child and his family to understand more deeply the violence experienced by the child. After the observations and investigations are complete, the companion provides support according to the child's needs. If the child requires medical treatment, they will be referred to the medical team. If children experience trauma or depression, they will be referred to a psychologist or children's social institution and for children involved in legal problems, a companion will accompany them until the legal process is complete.

In carrying out this task, LPA collaborates with various parties such as hospitals and safe houses or children's social institutions to ensure the smooth running of the mentoring process. After the assistance is complete, an evaluation is carried out. The final stage is termination or termination of assistance. If the client needs help again in the future, then the assistance will start again from the beginning, for example if victims of sexual violence experience trauma again, then they will be referred back to a psychologist and so on. The flow of case handling at the JABAR LPA is as follows:

1. Reports of cases of violence come directly from victims of violence, agencies (police), the community and the media.
2. After receiving reports from various parties, the LPA investigates the case by using a psychological approach to the victim, approaching the family/surrounding environment, and collecting other supporting data.

3. The next step is determining the problem.
4. Then assistance is formulated, this assistance can be in the form of legal, psychological, social assistance, assistance/consultation and referrals (to the institution)
5. After that, network development is carried out according to the case, by means of assistance from formal institutions and non-formal institutions.

Lastly, there is case resolution and reporting. Efforts or programs carried out by the West Java LPA to prevent or reduce violence against children before violence occurs, namely:

1. Carrying out outreach on radio by inviting several resource persons from institutions that concentrate on children to provide material on the latest issues about children, programs this is carried out routinely by the West Java LPA to this day.
2. PATBM (community-based integrated child protection) program involving the community such as religious leaders, PKK, youth organizations
3. Women's Service and Empowerment Center (Puspel PP)
4. Conduct direct outreach to children about acts of violence.

Based on this understanding, LPA is trying hard to help children in the prevention process. They provide assistance to victims and bring in psychologists to help overcome the psychological impact of the violence. The results of observations and interviews conducted by researchers showed that the LPA was very responsive in providing assistance to victims, and communication with the LPA was very easy, providing a feeling of comfort to both the victim and the reporter.

## CONCLUSIONS AND SUGGESTIONS

### 1. Conclusions

- a. The concept of legal protection for children who are victims of domestic violence refers to Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection, Decree of the President of the Republic of Indonesia Number 36 of 1990 concerning Ratification of the Convention on the Rights of the Child, Regional Regulation Prop. West Java No. 9 of 2014 concerning Implementation of Family Resilience Development, West Java Governor Regulation No. 15 of 2010 concerning Integrated Service Centers for the Empowerment of Women and Children Prop. West Java, Minister of Women's Empowerment and Child Protection Regulation No. 6 of 2015 concerning Women's & Child Empowerment Systems Child protection. Children are a group that is vulnerable to domestic violence. As the next generation of a nation, legal protection for children from domestic violence must be sought. The government has issued the Child Protection Law and the Domestic Violence Law.
- b. The effectiveness of law enforcement in the context of protecting children who are victims of domestic violence is seen from 5 aspects including: Legal Factors themselves, Law Enforcement Factors, Supporting Facilities or Facilities Factors, Community Factors and

Cultural Factors. West Java has a Child Protection Agency (LPA) which handles cases of violence against children. The LPA accepts reports, both submitted directly by individuals and from various parties such as police officers, the community or families regarding cases of violence experienced by children. Complaints can be made directly to the LPA or by telephone. After receiving the report, the LPA evaluates cases of children affected by violence before visiting the victim's home. Cases that have a higher level of urgency will be handled more quickly. During assistance to victims, the LPA carries out observations and investigations with the child and his family to understand more deeply the violence experienced by the child.

## 2. Suggestions

Child protection is not only the responsibility of parents and families, but also the government, local government and society. This is confirmed in the Child Protection Law. Apart from that, the rights of children who are victims of domestic violence are regulated in the PKDRT Law. Families, law enforcement officers, social institutions and health institutions, as well as other communities, including schools, have an important role in fulfilling the rights of children who are victims of domestic violence. In carrying out its supervisory function, the DPR RI, through Commission VIII, whose scope of duties is in the field of child protection, needs to continuously monitor the government's performance in carrying out its responsibilities in child protection. In addition, Commission III, whose scope of work is in the legal sector, needs to remind police officers that when handling domestic violence cases they must respond and follow up on every report seriously and immediately.

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