



Sollen Das and Sein Legal Protection for Child Victims of Criminal Acts of Domestic Violence From a Victimological Perspective

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Abstract

Growth and development as well as the fulfillment of all necessities of life are absolutely necessary for a child who is the next generation. In fact, it is not uncommon for a crime or crime to be committed against children. In fact, in some cases where there are criminal acts of violence both physically and psychologically, it is carried out by the closest environment in the child's life, namely his own family. This study discusses the causes of a child becoming a victim of violence in the family by using victimology in its approach. This is necessary so that in the future the state within the existing legal system can protect the rights of children who are victims of criminal acts of physical and psychological violence in their family. This type of legal research is a type of normative legal research, which aims to review the provisions of positive law in this case criminal law as a source of law. The problem approach in legal research uses the statutory approach, carried out by reviewing existing laws and regulations relating to the legal issues being discussed. In this discussion provides conclusions and suggestions that uniformity is needed regarding the regulation of legislation regarding the age limits of a person can be qualified as children, so as not to cause confusion and difficulties in its implementation.

Keywords: child violence, legal protection, victimology

Introduction

The family structure that has fallen apart from its joints, so does the inner bond of every person in the family change. In such a case, the position of the child who primarily feels this blow. Children who are supposed to be at a time of affection and guidance on moral measures and limits in personal behavior become confused and lose direction about what is expected of them, what is the function and how far the child can reach a vague maturity status about it. Based on the broken family joints, feelings have worsened among the individuals of their family members. Feeling worsens between husband and wife, and feelings that get worse between children and their parents. If there is a lack of harmony between the child and the parent, then they live in their respective "world" with almost no equation between one and the other. Parents often do not know what the child is doing and the child becomes ignorant of what his parents

are doing on the day trip. Thus family life becomes a place where children and parents live without the same fundamental goals, which are very important for sense of belonging between children and parents, the opposite is true.

Basil L.Q Henriques's opinion states that "but the core of the whole matter is the parents. Unless they, by their example can set a standard of the right way of living, all else is in vain. The child ought to revere his parents; what they do and are ought to be right in his eyes. The code of morals set in the home must not conflict with that of the schools. If it's does the child will never understand what is right. When he sees such immense differences between what he is taught and what he sees practiced he will never understand what is right" (Widoyati, 1983). (but the whole core of the problem is parents. Anything will be in vain unless they are (old people) by giving examples, can lay down the right standard of way of life. Children should adore their parents, what they do and must be right in their

eyes. Moral code at school. If there is a challenge between the two moral codes, the child will never understand what is considered right. If he saw such a big difference between what was taught to him and what he saw, he would never understand what was said was the right thing).

The care of individuals in the family is the responsibility of parents. Parents must maintain pre-existing material, knowledge and technology heritage. But what is there is that parents do not become good carers, but become conservative and reactionary in other words become old-fashioned, they only maintain their position. Parents are not open to modern ideas, modern sciences and any society that is not open to change is a dead society. For this reason parents only view the child as an object that must always be obedient and obey all the actions and thoughts of the parent regardless of whether the thoughts and deeds are harming the moral value or not.

A conservative view that tends to be old-fashioned about a child must always be obedient and obey all parents' wishes to make the position of parents very substantial in growing child labor. Companion of parents with various life experiences and understandings possessed not all parents are able to have a vision and mission and a good understanding of life, especially in carrying out education for their children. Even parents tend to commit violence in order to provide education to their children. Violence in children (child abuse) in Terry's opinion. E. Lawson is an international psychiatrist who formulated the definition of calling child abuse there are 4 (four) forms of violence in children as follows (Huraerah, 2007: 47):

1. **Physical violence (physical abuse)** : occurs when the parent / caregiver and child protector hits the child (when the child has it needs attention). The blow will be remembered by the child if physical violence takes place within a certain period. Violence by parents is in the form of injuring a child's body parts. Like a parent hitting his child when telling his child to take a shower, cleaning the house, always using his hands when it becomes a habit when his child does not obey his parents' orders;
2. **Emotional Violence (emotional abuse)** : occurs when the parent / caregiver and child protector after knowing the child is asking for attention, ignores the child. He banged on a wet or hungry child because parents

were too busy or didn't want to be disturbed at that time. He may neglect the child's need to be hugged or protected. Children will remember all emotional violence if emotional violence takes place consistently. Parents who emotionally apply viciously to their children will continue to do the same throughout the child's life. Such an action indicates that the parent actually does not want the presence of a child to be mediated by his life, thus assuming the presence of a child is an interruption that is as far as possible to be eliminated;

3. **Verbal Violence (verbal abuse)** : in the form of parental actions carrying out communication patterns that contain insults, or even words that abuse children. Actors usually take mental actions abuse, blame, label, or also seek mistakes like parents demean the dignity of a child, and according to their parents like this the child must be under the auspices of his parents;
4. **Sexual Violence (sexual abuse)** : includes coercion of sexual relations carried out against people who settle within the scope of the household. It was further explained that sexual abuse are any acts which include coercion of sexual relations, coercion of sexual relations in an unnatural and / or disliked manner, coercion of sexual mountains with others for certain commercial and / or purpose purposes. Like a child forced by his parents or relatives to satisfy his parents' lust.

Ministry of Women's Empowerment and Child Protection (PPPA Management) The Republic of Indonesia recorded reports of violence against women and children increasing in the last 3 years (threes) years. Based on the PPA Symphony (Online Information System for the Protection of Women and Children) throughout 2019-2021 there was an investigator reporting of cases of violence against women and children. The number of victims of violence against children also increased from 12,285 cases in 2019, 12,425 cases in 2020, and 15,972 cases in 2021, the most violence in children was sexual violence. When detailed violence against children in the form of 45% sexual violence, 19% psychic violence and 18% physical violence% (*Laporan Kasus Kekerasan Terhadap Anak Dan Perempuan-Meningkat 3 Tahun*, n.d.).

It has been presented about the background regarding children as victims of the above criminal acts of domestic violence, so in this legal

Children as social creatures as well as adults. A child needs the role of others especially the family. The existence and guarantee of the survival of the State and the Nation can be seen from the role of the Child as the shoots, potential and young generation of successors to the ideals of the Nation and the State. Therefore children in the legal system in a country must be protected from criminal efforts that target children. Human Rights Development (HAM) and child protection as announced in the Vienna Declaration in 1993 and the Millennium Declaration of 2000 must be able to create a culture of human rights approach for children. Human rights culture in children can be born with mutual respect for life and the rights associated with it. Right to life, Right to develop self, Right to Recognition before the law, Right non The Docriminsi, Privacy Rights, Property Rights, Religious Freedom Rights, Security Rights and Family Peace and so on must be echoed so that everyone's understanding is to be aware and ready to develop and respect these rights (Ilyasa, 2022).

Rights are a tool to enable children to freely develop their talents for their future well. The possibility of this opportunity must be organized by the state by forming a tongue-tongue or legal regulations. These obligations are an important task for the state, because freedom needs to be guaranteed precisely in the interests of the community itself. The tongues of the law which provide the possibility for children or members of the general public are more useful for the development of the law and the achievement of an orderly law than the prohibitions issued by the state with even criminal sanctions.

For the sake of the realization of children's lives in Indonesia in a advanced and quality manner, protection of children from all kinds of activities that can threaten life, growing fireworks and child participation is needed. Under Article 3 of Law Number 35 of 2014 Concerning Amendments to Law Number 23 of 2002 concerning Child Protection contains the following aspects of child protection:

1. Guaranteed and fulfilled children's rights;
2. The fulfillment of human dignity and dignity;
3. Protection of children from violence and discrimination;
4. Manifestation of quality children;
5. The realization of a noble child;
6. Manifestation of child welfare.

Violence against children within the scope of the household (family) other than regulated in Law Number 35 of 2014 Concerning Amendments to Law Number 23 of 2002 concerning Child Protection, also regulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law). Article 1 number 1 jo Article 2 of the PKDRT Law states that: "Domestic violence is any act against a person especially a woman, which results in physical, sexual, psychological, and/ suffering/or neglect of the household including threats to commit acts, coercion, or deprivation of independence unlawfully within the scope of the household. The scope of households in the PKDRT Law includes: a). husband, wife and child ; b). people who have family relations with people as referred to in letter a because of blood, marriage, feud, care, and guardianship, who settle in the household; and/or; c). People who work help households and settle in these households."

Speaking of victims of crime (crime) cannot be separated from the study of victimization as a branch of science. The hope is that by reviewing victimization will be understood by various aspects related to the victim. The concept of legal protection to victims includes the rights and obligations of victims in their depth. Yeni Widowaty in her book entitled "Viktimology; Legal Protection Against Victims of Environmental Crimes" explains the history of victimization. Attention to victims began when Hans von Hentig in 1941 wrote an article entitled "Remark on the interaction of preparator and victim". Subsequently in 1947 Benjamin Mendelsohn wrote an article relating to victims under the title "New Bio-psycho-social Horizons: Victimology", so it is said that Mendelsohn was considered the first person to use the term victimology. In 1948 or 7 (seven) years after the first article, von Hentig published a book entitled "The Criminal and his Victim" (Widowati, 2011). In the book von Hentig divides 6 (six) categories of victims viewed from each psychological state namely:

1. Someone who is depressed, weak and obedient;
2. Someone who wants to know, who gives in to confidence;
3. A woman who is looking for an escape related to forbidden ugliness;
4. A lonely and heartbroken person who is vulnerable to theft and fraud;
5. Someone who provokes violence; and
6. Those who are blocked and fight, who cannot take normal defensive action.

study stated 2 (two) legal issues to be discussed as follows: (1) Victimology studies of the causes of vulnerable children to become victims of criminal acts of domestic violence; and (2) Das Sollen and Das Sein legal protection of children victims of domestic violence.

Materials and Method

This type of legal research is a type of normative legal research, which aims to review the provisions of positive law in this case criminal law as a source of law. Moris L Cohen expressed the opinion of Peter Mahmud Marzuki who stated "Legal Research is the process of wall the law that governs activities in human society" (Marzuki, 2017). Legal research on its nature starts with a desire for human curiosity expressed in the form of problems or questions, where every problem and legal question is needed answers and akab gets new knowledge that is considered correct. In addition, this legal research is Doctrinal Research which provides or produces a systematic explanation of the norms or the legal tongues governing a particular category (Rijadi, 2017).

The problem approach in legal research uses the statutory approach (statute approach) carried out by reviewing existing laws and regulations relating to the legal issues being discussed. This legal research also uses the conceptual approach (conceptual approach) which according to Peter Mahmud Marzuki is to move on the views of experts so researchers need to search *ratio legis* as well as the basis of the ontology of the birth of the law and researchers can understand the philosophical content that lies behind the law and conclude whether or not there is a philosophical clash between the law and the issues faced, and accompanied by a case approach (Rijadi, 2017).

Results and Discussion

Child Viktimology Study As a Victim of Domestic Violence

Etymologically, victimization comes from the word "victim" which means victim and "logos" which means science. In terminology, victimization means a study that studies the victim, the cause of the victim's emergence and the consequences of the victim's accumulation which is a human problem as a social reality (Gosita, 1993). The development of victimization as a branch of science in addition to paying attention to the position of the victim can also divide the types of victims. The importance of the victim's position is due to holding the role in the occurrence of a crime.

The study of Viktimology in scaling the occurrence of criminal acts of violence in children in the household needs to be properly examined, so that arrangements regarding child protection that have been made and will be made right on target. Viktimology has a function to study the extent of the role of a victim in the occurrence of a crime, as well as how protection the state must provide for children who are victims of crime. In fact it can be said that there is no crime if there is no role from the victim of the crime. Some of the opinions expressed by Arif Gosita regarding Viktimology include (Parwata, 2017):

1. Viktimology studies the nature of who the victim and what causes casualties, what does victimization and victimization process mean for those involved in the victimization process. As a result of that understanding, understanding, criminal etiology and conceptions of preventive, repressive and follow-up efforts will be created in dealing with and overcoming criminal victimization problems in various fields of life;
2. Viktimology contributes to better understanding of victims due to human actions that cause mental, physical and social suffering. The goal is not to flatter (eulogize) victim, but only to provide some explanation of the position and role of the victim and his relationship with the offender and other parties. This clarity is very important in the prevention of various kinds of victimization, in order to uphold justice and improve the welfare of those who are seen directly or indirectly in the existence of victimization;
3. Viktimology gives confidence, that each individual has the right and obligation to know about the dangers he faces relating to their lives, work. Especially in the area of counseling and coaching not to become structural victims or non structural. The aim is not to frighten, but to give a good understanding and to be vigilant. Trying to have security or live safely includes the broadest knowledge of how to deal with danger and also how to avoid it;
4. Viktimology also pays attention to the problem of indirect victimization for example: the political effect on the population of "third world" due to bribery of an international corporation. Social consequences for everyone due to industrial pollution, economic, political and social victimization every time an official abuses a position in government for his own benefit. Thus it is possible to determine the origin of victimization, find a means of dealing with a case, know in advance the cases (anticipation), overcome the consequences of damaging and preventing violations, further crimes (victimization victimological di-

the cases (anticipation), overcome the consequences of damaging and preventing violations, further crimes (victimization victimological diagnosis);

5. Viktimology provides a rationale for the problem of resolving criminal victimization, victimization opinions are used in criminal justice decisions and court reactions to criminal offenders. Studying victims from and in criminal justice processes, is also a study of human rights and obligations.

Categorized someone into the terms of children, regarding the age limit spread in some laws and jurisprudence in Indonesia as follows:

Criminal Law Book (KUHP) :

Article 45 of the Criminal Code

“In the case of criminal prosecution of immature persons for committing an act before age **16 (sixteen) year** , the judge can determine”

Burgerlijk Wetboek (BW):

Article 330 BW “who are immature are those who are has not reached an even age of 21 (twenty-one years) and not married before”.

Law Number 16 of 2019 Concerning Amendments to Law Number 1 of 1974 Concerning Marriage:

Article 7 of Law No. 16 of 2019 “ Marriage is only permitted if men and women have reached age 19 (nineteen years).”

Law Number 12 of 1995 Regarding Corrections:

Article 1 number 8 of Law No. 12 of 1995 “ Correctional students are :

- a) Criminal Child, which is the longest child until age 18 (eighteen) year”;
- b) State Children, which is the longest child until age 18 (eighteen) year ;
- c) Civil Children, which is the longest child until age 18 (eighteen) year.

Law Number 13 of 2003 concerning Employment:

Article 1 number 8 of Law No. 13 of 2003 “Children are everyone who is old under 18 (eighteen) year”.

Law Number 11 of Year 12 Concerning the Criminal Justice System of Children (SPPA Law):

Article 1 number 3, number 4, number 5 of the SPPA Law.

- Children in conflict with the law are children who are has been 12 (twelve) years old, but not yet 18 (eighteen) years old;
- Children who are victims of crime are children who are not yet 18 (eighteen) year who experience physical, mental and / or economic loss;
- Children who witness criminal offenses are children who are not yet 18 (eighteen) year.

Law Number 35 of 2014 Concerning Amendments to Law Number 23 of 2002 concerning Child Protection:

Article 1 number 1 of Law No. 35 of 2014. “A child is someone who **not yet 18 (eighteen) year** , including children who are still in the womb”.

Law Number 39 of 1999 concerning Human Rights:

Article 1 number 5 of Law No. 39 of 1999. “Children are every human being who is old under 18 (eighteen) years and unmarried, including children who are still in the womb if it is in his interest.”

Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia:

Article 4 letter h of Law No. 12 of 2006. “WNI is a child born.... And the confession was done before the child is 18 (eighteen) year or not married.”

Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons:

Article 1 number 5 of Law No. 21 of 2007. “A child is someone who **not yet 18 (eighteen) years old, including children who are still in the womb.**”

Law Number 44 of 2008 Concerning Pornography:

Article 1 number 4 of Law No. 44 of 2008. “A child is someone who **not yet 18 (eighteen) year.**”

Compilation of Islamic Law (KHI):

Article 98 paragraph (1) KHI. “The age limit of a child who is able to stand alone or mature is **21 (twenty one) years as long as the child is not physically or mentally charged or has never been married.**”

Determination of the Kepanjen District Court Number: 891/Pdt.P/2013/PN.Kpj. Refer to: SK Mendagri Director General of Agrarian Directorate of Land Registration No. 7/539/7-77.:

- a. Adult Politics, age limit 17 (seventeen) year ;
- b. Adult Sexuil, age limit 18 (eighteen) year;
- c. Adult Law, age limit certain according to the law which can be considered capable of acting in law.

Decision of the Palembang District Court Number 96/1973/PN.Plg jis Decision of the South Sumatra High Court Number 41/1975/PT.PERDATA jis Supreme Court Cassation Decision Number 477/K/Sip./1976: Someone who **not yet 21 (twenty one) year** considered immature so that his father was obliged to memorize him. In the Cassation ruling, the Supreme Court tried itself so that: The father is obliged to make a living until his child is old **18 (eighteen) year, not 21 (twenty one) year.**

Establishment of East Jakarta District Court Number 115/Pdt.P/2009/PN. Jaktim: The limit of a person's adult life is **age 18 (eighteen) year.**

The cause of a child being a victim of violence within the scope of his family is caused by various factors. The author in this case summarizes the cause of the child being a victim of violence in his family as follows: **First** : Cultural Factors in Indonesia which have so far held the view that children are wealth assets of their parents and the view that children are the property of their parents. Gradually the child has been degraded from the original legal subject to an object that can be treated as he pleases with the wishes of his parents. The culture that children must always obey parents makes the reason for the withdrawal of violence committed by parents against children.

Then consider the child as parental property makes the child a material for the deprivation of anger, emotions, desires if the parent is depressed and depressed about the life he experiences. It could be said that the child becomes a place where parents vent their disappointment at the course of life that is not in accordance with their will. Then the social culture of people in Indonesia who thought it right would add to the long barrage of cases of violence against children, causing a lack of community participation in preventing violence against children.

Factor Second: Social Structure Factors. Unbalanced position between children and parents within the scope of the family is the cause of violence against children. For parents the structural position of the child is under his parents. All the joints of life and the things that a child lives are due to parental orders, the child becomes a subordinate of his parents who must always carry out the will on him. Children must always be afraid of parents, not dare to express opinions even more against the opinions of their

parents, regardless of whether their parents' opinions are good or bad. Moving from the bad treatment experienced by his parents as a child made *legacy* parents bring this down to their children.

Factor Third: Welfare Factor. This factor is related to the economic factors experienced by a family. Indeed this factor will be very conditional against the reality that occurs in society, not necessarily if the economic situation of a family is a prosperous act of violence against children does not occur in the near future. In general, violence against children within the family is triggered by economic welfare factors. Disgruntled because parents cannot meet the needs of their households and the powerless parents in lifting their family's social strata causes violence in children to occur. Coupled with dissatisfaction with the economic structure of life partners makes quarrels between parents difficult to avoid and will be hard on the child.

Das Sollen and Das Sein Legal Protection of children victims of domestic violence.

Legal protection of children from violence and threats of violence is absolutely necessary. The concept of normative legal protection under Article 1 number 4 of the PKDRT Law is any effort aimed at providing security to victims carried out by families, advocates, social institutions, police, prosecutors, court, or other party both temporarily and based on court determination. In addition there is also the definition of legal protection from several legal experts as follows:

1. Satjipto Rahrdjo: "legal protection is an effort to protect one's interests by allocating a Human Rights, the power to him to act in the context of his interests" (Rahardjo, 2003).
2. Muchsin: "legal protection is an activity to protect individuals by harmonizing the relationship of values or tongues that incarnate in attitudes and actions in creating order in the association of life between fellow human beings." (Muchsin, 2003).
3. Philip M. Hadjon: "legal protection is interpreted as an act of protecting or providing assistance to legal subjects with legal instruments. When looking at the above understanding, elements of legal protection can be known, namely: protecting subjects, protected objects, protection instruments." (Hadjon, 2011).

The obligations and responsibilities of the state in the context of protecting children with human rights can be seen in 3 (three) forms as follows (Tim Penyusun Naskah Akademik, 2022):

1. Respect (obligation to respect); it is the duty of the state not to interfere in regulating its citizens when exercising their rights. In this case the state has an obligation to take actions that will hamper the fulfillment of all children's human rights;
2. Protect (obligation to protect); it is the duty of the state to act actively to guarantee protection of the rights of its citizens. In this case the state is obliged to take actions to prevent violations of all children's rights by third parties;
3. Meet (obligation to fulfill); it is the duty and responsibility of the state to act actively so that all citizens are fulfilled their rights. The state is obliged to take legislative, administrative, legal and other measures to fully realize children's human rights.

At present the laws and regulations governing the protection of the law against children as victims of crime are outlined through the Criminal Code (KUHP), Law Number 23 of 2004 concerning the Elimination of Domestic Violence and Law Number 35 of 2014 Regarding Amendments to Law Number 23 of 2002 concerning Child Protection which only points to protection the law in terms of granting criminal sanctions for perpetrators of violence in children is felt to be unable to suppress the pace of cases of violence in children. In the old Child Protection Act (UU No. 23 of 2002) the imposition of criminal sanctions for perpetrators of violence in children is generally regulated in Article 80 of Law No. 23 of 2002 with the following arrangements:

Article 80 paragraph (1): "Everyone who commits cruelty, violence or threat of violence, or abuse of children is sentenced to prison for the longest time 3 (three) 6 (six) month and / or the most Rp. 72,000,000,- (seventy-two million rupiah)."

Article 80 paragraph (2): "In the case of the child referred to in paragraph (1) severe injury, the offender is sentenced to a prison criminal of at most 5 (lima) year and / or a fine of at most Rp. 100,000,000,- (one hundred million rupiah)."

Article 80 paragraph (3): "In the case of children referred to in paragraph (2) dead, the offender is sentenced to a prison criminal of at most 10 (ten) years and/or a fine of at most Rp. 200,000,000,- (two hundred million rupiah)."

Article 80 paragraph (4): "Criminal plus one third of the lethargy referred to in paragraph

(1), paragraph (2), paragraph (3) if the person who carried out the persecution is his parents".

In changes to the fall of criminal sanctions for perpetrators of violence against children are regulated in Article 76 jo Article 82 of Law Number 35 of 2014 Concerning Amendments to Law Number 23 of 2002 concerning Child Protection as follows:

Article 76E: "Everyone is prohibited from committing violence or threats of violence, forcing, committing deception, committing a series of lies or persuading children to commit or allow obscene acts".

Article 82 paragraph (1): "any person who violates the provisions referred to in Article 76E is convicted with the shortest prison criminal 5 (lima) year and a maximum of 15 (fifteen) year and a fine of at most Rp. 5,000,000,000,- (five billion rupiah)".

Article 82 paragraph (2): " In the case of a crime as referred to in paragraph () carried out by parents, guardians, child caregivers, educators, or education personnel, the pidants are added 1/3 (tiga) from criminal threats as referred to in paragraph (1)".

Falsafah of idling, people always seek criminal justification (justification of criminal punishment). Deep theoretical conversation about mortality itself, Herbert L. Packer tried to involve himself in 2 (two) conceptual views, each of which had different moral implications. First is the retributive view (retributive view) which presupposes criminal as a negative reward for any deviant behavior carried out by citizens. The second is the utilitarian view (utilitarian view) who looks more at the criminal in terms of its benefits or uses. The first view assumes that everyone is responsible for their respective moral choices. If the choice is correct, then he gets positive rewards such as praise, flattery, appreciation and more. But if it is wrong he must be held responsible by being punished (Packer, 1968).

Ideally, legal protection approaches are not only focused on the imposition of criminal sanctions (funding; repressive) but rather prevention matters (preventive). Matters that need to be maximized in the context of preventing violence in children can be in the form of a reporting system, complaints to be responded more quickly and responsively. Such modernity and level of understanding of society are expected to be able to gradually erode the old man's view of the parent's treatment of his child to be driven by days of diminishing cases of violence against children.

Conclusion

1. Children have an important position in social life, prey and country because children are shoots that grow and develop into the next generation. In fact there are still many malicious acts of violence committed against children within the scope of the family caused by several factors. Through victimization studies can be elaborated on the causes of children being victims of acts of violence. The weak position of children in the family is a major factor in violence against children can occur. Children who are obedient can be victims of violence committed by their parents on the basis of the child will receive all parental treatment of them. Conversely, even a bad child will be able to experience the same violence that parents consider the violence he does as a justification in providing education to children. Parental life knowledge and experience take a vital role in the occurrence of violence against children.
2. Legal protection of children in a general sense includes a diverse scope, because this form of protection is not only limited to his soul, but also includes protection of the rights of children and their interests. Regarding the form of legal protection governed by the state in existing legal instruments starting the Criminal Code, Law Number 23 of 2004 concerning the Elimination of Domestic Violence is even specific through Law Number 35 of 2014 Regarding Amendments to Law Number 23 of 2002 concerning Child Protection has not yet made a case violence against children decreases in intensity.

Suggestion

1. It needs to be regulated in the future regarding the rule of law specifically within the scope of the family relating to criminal offenses. In the future there must be legal instruments in strengthening the position of children in the family, instruments for fostering and improving welfare that are specific to children and families must take precedence over instruments that contain criminal sanctions that have not been effective in tackling violence against children within the scope of the household.
2. Uniformity is needed regarding the regulation of legislation regarding the age limits of a person can be qualified as children, so as not to cause confusion and difficulties in its implementation. In addition, the concept that contains material regarding legal protection of children must also be uniformed because there are still many scattered among the laws and

regulations relating to the funding of criminal offenders whose victims are children.

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