

Law protects children from domestic violence

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Abstract

This community program aims to educate, motivate, and invite the general public, particularly mothers, to recognize the necessity of safeguarding children from abuse at home, as mandated by Law No. 23 of 2004 on the Elimination of Domestic abuse.

Legal counseling is conducted on utilizing the method of substance presentation by the lecturer as the extension team, followed by discussion, giving feedback, opinions, impressions, messages, or criticism from the present participants, supervised by students as moderators.

Knowing and comprehending the existence of the PKDRT Law, particularly regarding to the crime of domestic violence, it is intended that mothers will take part in disseminating this knowledge to persons in their social circle in an effort to prevent criminal acts of domestic violence.

Keywords: Safeguarding; Children; Domestic; Violence; Indonesia

1. Introduction

1.1. Situation Analysis

The family is the smallest unit in society that cannot escape the rules and/or laws determined by both the State and society and religion. A clear example of the application of rules and/or laws in the family environment is Law Number 1 of 1974 concerning marriage which is the basis for procedures in a legal marriage. In Law Number 4 of 1979 concerning Child Welfare article 1 paragraph (4) the family is defined as the smallest unit of society consisting of father, mother and child.

Children are a mandate as well as a gift from God Almighty, which we must always protect because they have human dignity and rights that must be upheld. Children's rights are human rights contained in the 1945 Constitution. Children are the potential fate of a generation or nation in the future and are also a reflection of the attitude of the nation's life and determinants of the nation's development. This is certainly a broad concern for everyone to put the position of the child as a person who needs to be considered and get all the needs that suit the needs of the child himself.

Violence against children today often occurs, even starting from their closest environment, namely by their own family. The emergence of violence against children in households that often occurs, including violence involving the father, mother and other relatives. In addition, violence also arises due to economic pressure due to the family's inability to meet the needs of its family members. As parents, the first and primary education plays the most important role, so that children are not influenced by a bad environment that can trigger the child to commit acts of violence.

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The level of violence experienced by children is quite high. Of the several types of violence, emotional violence, economic violence, and physical violence are more common. In addition, a lot of sexual violence occurs. Sexual violence is something that happens very often. This situation is further exacerbated by the ideology of *jaga praja* or strictly maintaining family ideology, especially in Javanese culture "opening a family disgrace means opening your own disgrace", such a situation according to Harkristuti Harkrisnowo in the *Unsrat Law Journal*, which on various occasions causes a high "Dark Number" because it is not reported. Things like this certainly provide more freedom and space for the perpetrator to act worse. Therefore, the important point here is the need to provide solutions for victims of violence, especially children, so that they understand the rights that should be obtained for the protection of children themselves. 1.2 Partner Problems

Students who are educated people are expected to be role models in social media that are wise and ethical so as not to be ensnared by the provisions of UUITE. For this reason, they must understand the provisions of the law, what things are prohibited and the threat of punishment for those who violate it, which certainly harms the perpetrators.

For this reason, it is necessary to conduct socialization by providing legal counseling which is expected to be able to prevent reckless behavior in social media, and foster a prudent attitude to get used to before forwarding news first check or verify, or be wise and ethical in social media.

2. Implementation method

Community service activities are carried out in the form of legal counseling with lecture and question and answer or discussion methods. The lecture was delivered by the extension team from the UNISRI Faculty of Law, followed by a discussion, either because of questions, input, responses or rebuttals from the participants present. Thus the atmosphere of counseling will feel alive because participants actively participate in conveying their ideas and opinions.

This community service activity has been carried out in this even semester, namely on June 15, 2023, adjusting the schedule of activities carried out by the Paulan Village PKK Management, with approximately 30 participants - PKK mothers and PKK administrators can attend.

This activity was held at the PKK Office, Paulan Village, Colomadum District, Karanganyar Regency. For smooth implementation, and to facilitate the delivery of material, a division of tasks was carried out, where the lecturer was responsible for the content of the counseling material, while the PKK management was technically responsible.

3. Discussion

3.1. Definition of KDRT and child abuse

The definition of domestic violence (KDRT) is any act against a person, especially a woman, which results in sexual, physical, psychological or domestic neglect, including things that result in fear, loss of self-confidence, loss of ability to act, distrust or severe psychological suffering in a person. Therefore, the existence of Law No. 23/2004 on the Elimination of Domestic Violence (PKDRT) is very important.

Abuse is a word that is commonly translated as violence, persecution, torture, or mistreatment. In The Social work dictionary, Barker defines abuse as "Improper Behavior Intended to Cause Physical, Psychological, or Financial Harm to An Individual or Group" that violence is inappropriate behavior that results in physical, psychological, or financial loss or harm, whether experienced by individuals or groups. Meanwhile, the term child abuse or sometimes child maltreatment is a term that can be used to refer to violence against children.

Child abuse is the intentional infliction of physical or emotional harm or danger to children. The term child abuse includes various forms of behavior, from direct physical threats by parents or other adults to neglect of children's basic needs. Meanwhile, according to Barker in the *Journal of Varia Education*, violence against children is the act of repeated physical and emotional harm to dependent children, through the insistence of desire, uncontrolled corporal punishment, degradation and permanent stupidity or sexual violence, usually carried out by parents or other parties who should care for children.

3.2. Forms of Child Domestic Violence

According to Law No. 23 of 2004, actions that can be categorized as domestic violence are:

3.2.1. Physical Violence

Article 6 states that physical violence is an act that causes pain, trauma, illness or serious injury, disability and even death. Examples are torture, beatings either without or with the aid of sharp, blunt objects, or firearms, slapping, shoving, grabbing etc.

3.2.2. Psychological Abuse

Psychological violence according to Article 7 is an act that causes fear (phobia), loss of self-confidence, loss of ability to act, helplessness and or severe psychological suffering in a person. Psychological violence that does not cause illness or hindrance in carrying out activities is punishable by 4 months in prison or a fine of 3 million. Examples are verbal violence such as insulting, harassing with words that dehumanize (humiliation), controlling (superior) actions, manipulation, abuse, social isolation, stalking, cheating.

Psychological abuse is difficult to identify or diagnose because it does not leave visible marks like physical abuse. This type of abuse leaves a hidden mark that manifests in several forms such as lack of self-confidence, difficulty building friendships, destructive behavior, withdrawal from the environment, drug and alcohol abuse, or suicidal tendencies.

3.2.3. Sexual Violence

According to article 8, what can be categorized as sexual violence is the coercion of sexual intercourse committed against a person who resides within the scope of the household as well as the coercion of sexual intercourse against one person within the scope of his household with another person for commercial purposes and or certain purposes. Examples are rape, verbal sexual harassment such as verbal comments, pornographic jokes, whistling, mockery and nicknames and or non-verbal, such as facial expressions, body movements or other actions that request sexual attention that the victim does not want.

3.2.4. Domestic Neglect

Domestic neglect is an act where the victim's economic access is hindered by means of the victim not being allowed to work but being neglected, the victim's wealth being utilized without the victim's permission, or taking without the victim's knowledge and consent, seizing and or manipulating the victim's property. In general, economics is used as a means to control the victim. For example, some husbands do not give their salary to their wives because their wives earn money, husbands hide their salary, take their wives' property, do not give sufficient spending money, or do not give spending money at all, demand that their wives earn more, and do not allow their wives to improve their careers.

Article 9 states that every person is prohibited from neglecting a person within the scope of his/her household, when according to the law applicable to him/her or by agreement or treaty he/she is obliged to provide life, care or maintenance to that person. Neglect as referred to in paragraph (1) also applies to every person who causes economic dependence by restricting and/or prohibiting proper work inside or outside the home so that the victim is under the control of that person.

According to Suharto in Jurnal Wacana, child abuse is categorized into physical abuse (physical violence), psychological abuse, sexual abuse and social abuse. These four forms of child abuse can be explained as follows:

Physical child abuse, which is torture, beatings, and abuse of children, or the use of certain objects, which cause physical injuries or death to children. Injuries may take the form of abrasions or bruises resulting from the death of the child. Injuries may include abrasions or bruises caused by contact or blunt force such as marks, bites, pinches, belts or rattan. They can also be burns caused by hot gasoline or patterned wounds caused by cigarette burns or ironing. Wounds are usually found on the thighs, arms, mouth, cheeks, chest, abdomen, back or buttocks. The occurrence of physical child abuse is generally triggered by the child's behavior that the parents do not like, such as by the child's behavior that the parents do not like, such as being naughty or cranky, asking for snacks, urinating or vomiting in random places, breaking valuable items.

Psychological child abuse includes grounding, saying harsh and dirty words, showing children pornographic books, pictures and movies. Children who receive this treatment generally show symptoms of maladaptive behavior, such as withdrawal, shyness, crying if approached, fear of leaving the house and fear of meeting other people.

Social child abuse can include child neglect and child exploitation. Child neglect is the attitude and treatment of parents who do not pay proper attention to the child's growth and development process.

Sexual child abuse, can be in the form of precontact sexual treatment between children and children and older people (through words, touch, visual images, as well as direct sexual contact treatment between adults insert, rape, sexual exploitation).

3.3. Factors Affecting Child Abuse in Domestic Violence Cases

The occurrence of violence against children is due to various influencing factors. The influencing factors are so complex as explained by Rusmil in the Journal of Discourse that the causes or risks of violence and neglect against children are divided into three parts, namely:

- Parent/family factors
- Parental factors play an important role in child abuse and neglect. Factors that cause parents to commit child abuse:
 - Cultural practices that are detrimental to children, such as obedience to parents, asymmetrical relationship.
 - Raised in abuse.
 - Mental disorders in parents.
 - Not yet reached physical, emotional or social maturity, especially those who have children before the age of 20.
 - Alcohol and drug addicts.
- Social environment/community factors
- The social environment can also be a trigger for child abuse. Social environmental factors that can lead to child abuse and neglect include:
 - Poverty in society and the pressure of rationalistic values.
 - Low socio-economic conditions
 - The societal value that children are the property of their parents.
 - The undervalued status of women.
 - The patriarchal family system.
 - Societal values that are too individualistic.
- The child's own factors include:
 - Patients with developmental disorders, suffering from chronic diseases due to the child's dependence on their environment.
 - Deviant behavior in children.

The Impact of Violence on Children in KDRT Cases

According to YKAI (Indonesian Child Welfare Foundation) concluded that violence can cause children to lose the most basic things in their lives and in turn have a very serious impact on children's lives in the future, including:

- Permanent bodily disability.
- Failure to learn.
- Emotional disturbances can even lead to personality disorders.
- Poor self-concept and inability to trust or love others.
- Passivity and withdrawal from the environment, fear of building new relationships with others.
- Aggressive and sometimes criminal.
- Becomes abusive as an adult.
- Using drugs or alcohol as an outlet
- Death is the most fatal impact when there is domestic violence against children.

A clearer picture of the effects of violence on children can also be seen in Moore's explanation in the Journal of Discourse, which looked at several cases of children who were victims of physical abuse. He revealed that the effects of violence are so broad and can generally be classified into several categories. Some become negative and aggressive and easily frustrated, some become very passive and adaptive, some have no personality of their own, what they do throughout their lives is only fulfill the wishes of their parents (parental extension), they are unable to appreciate themselves (chronically low self-esteem), some are difficult to relate to individuals with other individuals, and what seems to be the

most severe is the emergence of an extraordinary race of hatred towards himself (self-hatred) because he feels that he is the only one who is always guilty of causing torture against himself, and this self-hatred leads to acts of self-harm, including suicide and so on. In addition to these psychological effects, there is physical damage, such as abnormal body development, damage to the nervous system, and so on.

3.4. Legal Protection for Child Victims of KDRT

The many phenomena of violence and criminal acts against children have become a strong spotlight from various circles. This is considered an indicator of poor legal instruments and child protection. Based on Law No. 23/2002 Article 20 on child protection, those who are obliged and responsible for the implementation of child protection are the state, government, community, family and parents. Articles 21 and 25 of this law also further regulate the protection and responsibility of children. In Law No. 23/2004 on the elimination of domestic violence in article 2 related to the scope of this article also includes the existence of children to be protected from domestic violence.

Legal protection of children is also implicitly explained in the Law on Witness and Victim Protection. Law Number 13 of 2006 in article 5 paragraph 1 point a, namely: "A witness or victim has the right to obtain protection for personal security, family, and property, as well as freedom from threats related to the testimony that will, is, or has been given.

In the general provisions of this article, it describes the family and the child as one of its members. The above legal instruments are evidence that Indonesian law pays attention to the existence of children. What must be understood again to prevent violence against children is the principle of child protection. The principle of nondiscrimination, the principle of the best interest of the child, the principle of the right to life, survival and development of children, and the principle of respecting the views of children. Based on Article 1 point 2 of the Child Protection Law:

"Child protection is all activities to ensure and protect children and their rights so that they can live, grow, develop, and participate, optimally in accordance with the dignity of humanity, and receive protection from violence and discrimination".

The obligations and responsibilities of the State and the Government in child protection efforts are regulated in the Child Protection Law articles 21 - 24, namely:

- Respect and guarantee the human rights of every child regardless of ethnicity, religion, race, class, gender, ethnicity, culture and language, legal status, birth order and physical and/or mental condition.
- Provide support for facilities and infrastructure in the implementation of child protection.
- Ensure the protection, care and welfare of children by taking into account the rights and obligations of parents, guardians or other persons generally responsible for children and overseeing the implementation of child protection.
- Guarantee children to exercise their right to express their opinions in accordance with the age and intelligence level of the child. UN Member States, including Indonesia, as signatories to international treaties and conventions, are responsible for complying with ratified treaties, protocols and conventions within their national territory. The United Nations Convention on the Rights of the Child is an international convention governing the civil, political, economic, social and cultural rights of children. As such, the government bears the overall responsibility for implementing these international obligations, as well as the mandate of leadership in implementing the regulations and mechanisms necessary to realize these obligations. As a manifestation of the Government of Indonesia's commitment to child protection, Law No. 23/2002 on Child Protection was passed. There are various definitions of children in Indonesian legislation, where different legal instruments define different limits for children. The age limit of a child is the maximum age grouping as a manifestation of the child's ability in the legal status or legal position of the child. Child protection aims to ensure the fulfillment of children's rights so that they can live, grow, develop, and participate optimally in accordance with human dignity, and receive protection from violence and discrimination, for the realization of quality, noble, and prosperous Indonesian children.

Law Number 23 Year 2004 also contains criminal sanctions for perpetrators of KDRT.

Penalties for perpetrators of physical domestic violence include:

- Imprisonment of up to five years or a maximum fine of IDR 15 million for every person who commits physical violence in the household;

- Imprisonment of up to ten years or a fine of up to Rp 30 million if the physical violence causes the victim to fall ill or suffer serious injury;
- Imprisonment of up to 15 years or a maximum fine of Rp 45 million if the physical violence causes the victim to die;
- Imprisonment for a maximum of four months or a maximum fine of IDR 5 million if the physical violence is committed by the husband against the wife or vice versa that does not cause illness or an obstacle to carrying out work or daily activities.
- Penalties for perpetrators of psychological violence in the household include:
 - Imprisonment of up to three years or a fine of up to Rp 9 million for every person who commits acts of psychological violence in the household;
 - Imprisonment for a maximum of four months or a maximum fine of IDR 3 million if the psychological violence is committed by the husband against the wife or vice versa that does not cause illness or hindrance to carry out daily work or activities.
- Penalties for perpetrators of domestic sexual violence include:
 - Imprisonment for a maximum of 12 years or a maximum fine of IDR 36 million for every person who commits coercion of sexual intercourse committed against a person who resides within the scope of the household;
 - Imprisonment for four years to 15 years or a fine of Rp 12 million to Rp 300 million for any person who forces a person within the scope of his/her household to have sexual intercourse with another person for commercial or specific purposes;
 - Imprisonment for five years to 20 years or a fine ranging from Rp 25 million to Rp 500 million if the sexual violence causes the victim to suffer injuries that cannot be completely healed, has a mental or thinking disorder for at least a month or one year not consecutively, aborts or dies in the womb, or results in the malfunction of the reproductive organs.
- Penalties for perpetrators of domestic neglect include:
 - Imprisonment of up to three years or a fine of up to Rp 15 million for any person who neglects another person in his/her household or who restricts his/her family to work so as to cause economic dependence.

In addition to criminal sanctions, the Domestic Violence Law also lists additional penalties that can be imposed by judges on perpetrators of domestic violence, namely in the form of:

Restrictions on the movement of the perpetrator, both aimed at keeping the perpetrator away from the victim within a certain distance and time, as well as restrictions on certain rights of the perpetrator; and the determination of the perpetrator to participate in a counseling program under the supervision of certain institutions.

3.5. How to avoid KDRT

Domestic violence cuts across ethnicity, age, gender, religion and sexual orientation. This also includes relationships outside of marriage, or what we know as dating. People from all socio-economic backgrounds and any level of education are not immune to domestic violence. Therefore, the need to understand how to avoid domestic violence is as follows:

- Education

Educational training can help us learn how to stop domestic violence. It also teaches us about violations of women's or men's rights. Why is proper education needed? Because low literacy has been identified as a factor that negatively impacts domestic violence prevention efforts. Thus, quality education can be one of the most efficient ways to stop violence against any gender.

- Tolerance

Tolerance can be one of the best domestic violence prevention strategies. When there is tolerance, violence rarely arises in any relationship. This attitude of tolerance should also be extended to children, domestic helpers, and other family members.

- Get consent

To prevent domestic violence, both partners should obtain each other's consent before taking certain actions. Each person should learn to treat the other in the right way and understand that coercion can be a violation of a woman's rights or a man's rights.

- Following the norms of religious teachings

All major religions teach love, peace, kindness, loyalty and more. Adhering to this religious advice will help stop the domestic violence that you are building.

- Dialogue (maintain two-way communication)

It is undeniable that humans are often brutal. In relationships, intolerance and temper often turn into domestic violence. The most common tolerance that should be maintained in relationships is to keep communicating (dialog). This method aims to understand and know what things the other person may or may not like.

- Professional help

There are many professionals out there with knowledge on how to help people who have been abused. If you find one, you may consider seeing the relevant professional to address health, legal, psychological, or other forms of advice.

- Engage in productive activities

An idle mind is the devil's workshop. Unexpectedly, such fatigue can lead to domestic violence. A great way to keep your mind focused is to keep yourself busy in productive activities.

- Avoid bad neighborhoods

The next way is to avoid bad environments. This includes friendships, or even workplaces. Because, the moment you find yourself in an environment that boasts about the exploitation of domestic violence, you are likely to adopt the habit immediately.

- Practice problem-solving

When you find it difficult to solve problems at home or at work, this can sometimes lead to violence. This is because pent-up emotions will require an outlet which is very detrimental. For this reason, training yourself to get used to solving problems will undoubtedly help in preventing domestic violence.

- Show your love and affection

Marriage and all its problems can be very challenging. If not strong, this is why there is a high rate of divorce cases around the world. However, where there is a will, there is a way out. With genuine love and affection for each other, challenges and obstacles in the household can be handled well.

4. Conclusion

Based on the results of the discussion above, it can be concluded that parents need to understand the child's condition without violence. There are also many factors that cause violence against children in the family even though the impact on children can be fatal. Not only that, perpetrators of domestic child abuse are threatened with punishment in accordance with Law Number 23 of 2002 Article 20 concerning child protection. But in fact, domestic violence and violence against children are still rampant. There needs to be an awareness of parents that children are entrusted to be taken care of as best as possible, not to be abused, especially to the point of physical, psychological and sexual violence against children.

Compliance with ethical standards

Disclosure of conflict of interest

No conflict of interest to be disclosed.

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