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The Role of Law in Addressing Violence against Women and Children

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Abstract: Violence against women and children is a serious violation of human rights and is a complex and multidimensional social problem. This phenomenon not only reflects the failure of the legal system, but also shows the strong patriarchal culture that is still rooted in Indonesian society. Although there are various legal instruments such as Law No. 23 of 2004 concerning the Elimination of Domestic Violence, Law No. 35 of 2014 concerning Child Protection, and Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence, in reality violence is still rampant and even tends to increase every year. This study aims to analyze the role of law in overcoming violence against women and children, as well as to evaluate the effectiveness of the implementation of protection policies at the regional level. The method used is a normative legal approach with qualitative descriptive techniques, supplemented by field data and expert opinions to strengthen the analysis. The results of the study show that the implementation of the law still faces various obstacles, such as a lack of understanding of gender perspectives in law enforcement officers, minimal integrated protection services, and weak coordination between related institutions. Therefore, efforts are needed to strengthen institutions, provide legal education to the community, and have a more restorative and victim-oriented legal approach so that legal protection for women and children can run optimally.

Keyword: Violence, Women, Children, Law, Protection, Implementation, Gender Perspective

INTRODUCTION

The Violence against women and children is a very complex social issue and continues to be a global concern, including Indonesia. This problem not only reflects the failure to protect human rights, but also shows the weakness of social, cultural, and legal structures in providing adequate protection for vulnerable groups. Violence can occur in various areas of life, both domestic and public, and has long-term impacts on the physical, psychological, and social conditions of its victims.

According to Prof. Dr. Siti Musdah Mulia (2014), a legal expert and women's rights activist, "Violence against women and children is a form of state failure to fulfill its obligation to protect its citizens. The state is not enough to just make regulations, but must ensure that the

law is implemented from the perspective of the victim." This shows that the role of law lies not only in the normative aspect, but also in the implementation and siding with the victim.

Data from the National Commission on Violence Against Women in 2023 shows that the number of cases of violence against women and children continues to increase, even though the government has issued various regulations and prevention policies. Ironically, many cases of violence are never reported, because victims experience social pressure, fear the perpetrators, or do not believe that the legal system will provide justice. This is exacerbated by the patriarchal culture that is still very strong in various regions, including Jambi, which places women and children in subordinate positions in power relations (Wijaksono, D., & Ali, H., 2019).

The state has an obligation to be present and provide legal protection for every citizen, especially women and children who are victims of violence. In this context, the law plays a role not only as a means of punishment, but also as a means of social engineering that can change people's mindsets and create a safer and more just environment. The law also functions as a regulator of relations between individuals and ensures the fulfillment of citizens' rights.

Normatively, Indonesia already has a number of regulations that can be used as a legal basis for overcoming violence against women and children. Some of them are Law No. 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT), Law No. 35 of 2014 concerning Child Protection, and Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence. However, the presence of laws alone is not enough. Firm, consistent, and victim-oriented legal implementation is urgently needed so that the law does not only become a norm on paper, but truly protects society.

Unfortunately, in practice, various obstacles are still found in the implementation of the law. Starting from the lack of understanding of law enforcement officers regarding gender perspectives and children's rights, limited victim assistance services, to weak coordination between related institutions. In addition, there are many cases that end in unequal peace, where the victim is forced to make peace in order to maintain the "good name of the family", without considering the trauma and the victim's right to justice.

This article aims to explore more deeply the role of law in overcoming violence against women and children, especially in the context of implementing policies at the regional level. Through a normative legal approach and case studies in Jambi City, the author wants to know to what extent the law has functioned effectively and what challenges must be overcome so that the law truly protects this vulnerable group.

METHOD

This study uses a normative legal method with a descriptive qualitative approach. The normative legal method is used to examine legal norms related to efforts to overcome violence against women and children, with an emphasis on the study of laws and regulations, legal doctrines, and relevant legal principles. This approach aims to understand the extent to which the legal system in Indonesia has regulated protection for victims, and how these norms are formulated in positive legal instruments. Meanwhile, a descriptive qualitative approach is used to describe in depth the practice of implementing the law in overcoming violence in the field, including obstacles that occur in the law enforcement process and in providing services to victims. With this approach, the data obtained is not only in the form of legal textual data (legal materials), but also field data in the form of interviews and observations of institutional practices directly related to the issue of protecting women and children.

RESULTS AND DISCUSSION

Implementation of Women and Children Protection Policies

Protection of women and children in Indonesia has made significant progress with the issuance of a number of regulations aimed at reducing gender-based violence and improving

the living conditions of victims. Among them are Law No. 23 of 2004 concerning the Elimination of Domestic Violence (KDRT), Law No. 35 of 2014 concerning Child Protection, and Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence. However, even though there are many regulations and policies that have been established, the implementation of these policies in the field still faces a number of challenges.

The presence of government institutions that deal with women and children, such as the Women's Empowerment, Child Protection, and Family Planning Service (DP3AKB) in Jambi City, provides a positive sign in terms of protecting victims of violence. This institution is expected to provide complaint services, legal assistance, and psychological rehabilitation for women and children who are victims of violence. One of the efforts made is the establishment of safe houses that are provided to temporarily accommodate victims who are threatened with violence (Ndraha, H. E. M., & Ali, H., 2020).

However, many of the policies that have been implemented still face obstacles related to the lack of socialization and public understanding of their rights, especially the rights of women and children to receive protection from violence. In some areas, especially those with conservative and patriarchal social characteristics, the problem of violence is often considered a private family problem that should not be opened to the public. As a result, many victims, especially women and children, find it difficult to report the violence they experience. The social stigma that considers victims to be the ones to blame or shunned further worsens their situation. The fear of being divorced or neglected by their families also prevents them from reporting incidents of violence that occur in the household.

Overall, even though policies are in place, there is still a gap between the legal demands in the regulations and their implementation in the field. Many victims feel marginalized due to the lack of adequate facilities and resources. Safe houses that should be able to provide a safe place for victims are often limited and inadequate, both in terms of capacity and the quality of services available. The large number of victims who must be served also makes the management and assistance of victims limited, which ultimately makes victims feel they have no other choice but to return to the perpetrator.

Obstacles in Law Enforcement and Regulation Implementation

Law enforcement against cases of violence against women and children often encounters various obstacles. One of the main obstacles found in this study is the lack of understanding of law enforcement officers about gender and gender-based violence. Although the existing regulations are quite adequate, in practice many law enforcement officers do not have a deep understanding of how to handle cases of violence with a gender-sensitive approach. This can be seen in the way cases of violence against women are handled which tend to be inadequate. For example, in some cases, legal processes that are not sensitive to the needs of victims worsen their trauma, rather than providing justice.

For example, in several cases that researchers have encountered, mediation is often chosen as the first solution in handling cases of domestic violence. This approach aims to improve problematic family relationships, but often does not pay attention to the psychological condition of the victim, who may still be in fear or trauma due to the violence they have experienced (Kholisoh, N., & Ali, H., 2020). When the mediation process is implemented, many victims feel forced to return to live with the perpetrator due to social pressure or economic dependence. This certainly worsens the condition of the victim, because they do not get the protection they actually need.

At the court level, despite clear instructions to deal with cases of violence with greater priority, lengthy legal processes and problems in the justice system often make matters worse. Many victims feel they do not receive adequate services during the legal process, even after the perpetrators have been sentenced. They do not always receive adequate psychological and social recovery, which are important aspects of resolving the problem of violence. On the other hand, despite efforts to provide legal assistance to victims, many victims feel blamed in the

legal process or feel unheard. This happens because of the many prejudices against victims of violence, which are often caused by limited knowledge or counseling given to law enforcement officers.

Efforts to Strengthen Integrated Protection Services

Non-governmental organizations (NGOs) working in the field of women and children protection also play an important role in handling cases of violence. Many of these institutions provide legal, psychological, and social assistance to victims of violence. One example of the success of non-governmental organizations is the provision of safe houses that provide temporary housing for victims who are threatened with violence. This program has helped many victims to obtain temporary protection before they can continue the legal process or obtain deeper psychological recovery.

However, although the efforts made by NGOs are very useful, there are still many obstacles faced by these institutions. One of the biggest obstacles is limited resources. NGOs often rely on grant funds from international donors, which are irregular and limited. With the dependence on foreign funds, the programs implemented are often short-term and cannot provide sustainable protection. In addition, in some cases, coordination between government institutions and non-governmental institutions is still weak. This can lead to duplication of services or imbalances in the provision of services to victims (Azhari, F., & Ali, H., 2024).

To overcome this problem, it is necessary to strengthen cooperation between government institutions and NGOs, as well as increase government budget allocation to support programs to protect women and children. This is important so that efforts to protect victims of violence can be more effective and sustainable.

Education and Counseling as a Preventive Step

In addition to handling cases that have occurred, preventive efforts are also very important in reducing violence against women and children. One effective preventive step is through education and legal counseling to the community. This counseling needs to be carried out continuously so that the community is increasingly aware of their rights and the importance of maintaining the dignity of women and children.

Counseling for children and adolescents is also important so that they can recognize various forms of violence, both at home and outside the home. Education about gender equality, women's rights, and the importance of respecting others must begin at an early age. This education is expected to instill values that can reduce gender-based violence in the future. Education and counseling programs for law enforcement officers are also very important to improve the quality of handling cases of violence. Law enforcement officers must be given an understanding of the principles of gender-based justice so that they can act more sensitively towards victims of violence.

Recommendations for Improving Legal Protection

Based on the results of this study, there are several recommendations that can be made to improve protection for women and children, as follows:

- a. **Improving Education and Training for Law Enforcement Officials:** Improving training on gender equality and handling of gender-based violence cases is very important to improve the quality of law enforcement.
- b. **Strengthening Coordination Between Institutions:** The government and non-governmental organizations need to strengthen coordination so that handling of violence cases is more integrated and comprehensive.
- c. **Increasing Budget Allocation:** The government must increase the budget allocation for victim protection services, such as safe houses and broader legal assistance.
- d. **Wider Education and Counseling Programs:** Counseling to the community about the rights of women and children must be expanded, and carried out at the elementary to secondary education levels to create a generation that is more sensitive to gender-based violence.

Table 1. Data on Cases of Violence against Women (2019–2023)

Years	Number Of Cases
2019	431.471
2020	299.911
2021	338.496
2022	401.976
2023	445.502

Source: Source National Commission on Violence Against Women – Annual Report (CATAHU) 2023

The graph above shows the trend in the number of cases of violence against women in Indonesia from 2019 to 2023. In 2019, there were 431,471 cases of violence against women. This figure decreased significantly in 2020 to 299,911 cases, which was most likely influenced by the COVID-19 pandemic which restricted mobility and reporting of cases. However, in the following years, the number of cases increased again. In 2021, there were 338,496 cases, then increased to 401,975 cases in 2022, and peaked in 2023 with 445,502 cases. This increase shows that violence against women remains a serious problem that requires ongoing attention and handling. This data is compiled from various sources, including religious institutions, service institutions, and direct reports to the National Commission on Violence Against Women. It is important to note that these figures may not reflect all cases that occur, considering that many victims are reluctant to report for various reasons, such as social stigma, fear, or economic dependence on the perpetrator.

CONCLUSION

Violence against women and children is a complex problem that requires serious attention and handling from various parties. Based on the results of the discussion, it can be concluded that the law has a very important role in overcoming this violence, both in preventive, repressive, and rehabilitative forms. Legislation such as the Law on the Elimination of Domestic Violence, Child Protection, and Criminal Acts of Sexual Violence have provided a strong legal basis to protect victims and prosecute perpetrators of violence.

However, the biggest challenge lies in the implementation of the law in the field. Various obstacles are still found such as the lack of understanding of law enforcement officers about the gender perspective, minimal protection facilities, and social stigma against victims which causes many cases to go unreported. Therefore, strengthening is needed in the form of officer training, public education, increased budget, and collaboration between the government and non-governmental institutions so that legal protection can truly be felt by women and children.

Thus, overcoming violence against women and children is not only the responsibility of the state through regulation, but also requires the active participation of all elements of society to create a safe, just, and human rights-respecting environment.

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