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Legal Protection For Child Victims of Partner Violence: A Perspective From Law Number 35 of 2014 Concerning Child Protection

Imelda Vratista^{1*}, Kayus Kayowuan Lewoleba²¹ Faculty of Law, Universitas Pembangunan Nasional Veteran Jakarta, Indonesia, imeldavrst@gmail.com² Faculty of Law, Universitas Pembangunan Nasional Veteran Jakarta, Indonesia, kayusklewoleba@gmail.com*Corresponding Author: imeldavrst@gmail.com¹

Abstract: This research discusses legal protection for child victims of dating violence in Indonesia, referring to Law Number 35 of 2014 concerning Child Protection. The phenomenon of dating violence among children and adolescents is becoming increasingly normalized by society, yet the available legal protection is still inadequate. The purpose of this research is to analyze the challenges and formulate efforts in implementing effective legal protection for children who are victims of dating violence. This research uses a normative juridical method with a legislative, conceptual, and legal implications approach. The research findings indicate three main challenges: the absence of legal norms due to the lack of explicit regulations regarding dating violence in the Child Protection Law, obstacles to reporting and accessing justice due to low awareness and social stigma, and weak inter-agency coordination in implementing child protection. The Indonesian Child Protection Commission (KPAI) has attempted to overcome these obstacles thru strengthening institutional synergy, policy advocacy, digital-based monitoring, and promoting responsive local regulations. However, the implementation of legal protection has not been comprehensive due to the limited understanding and sensitivity of law enforcement officials and the public. Therefore, legal updates are needed by including dating violence as a form of violence against children, increasing public legal literacy, and strengthening cross-sectoral coordination to realize child protection in accordance with the principle of the best interests of the child.

Keyword: Child Protection; Dating Violence; Law Enforcement.

INTRODUCTION

Legal protection for children is one of the fundamental aspects of legal development and a form of implementing human rights enforcement. Child protection is the most fundamental effort in realizing all children's rights as individuals. (Simatupang & Faisal, 2018). Children, as a gift from God, must be optimally cared for and protected. This is a form of respect and gratitude for the blessings and gifts bestowed by God. Additionally, children are an inseparable part of human survival and the survival of a nation and country (Lewoleba & Fahrozi, 2020).

Children are the future of the nation and the next generation to carry on the nation's ideals, so children have the right to life, growth, and development, to participate, and to be protected from violence and discrimination, and to freedom as a civil right (Singal, 2017). Children are expected to carry on the nation's ideals, play a strategic role, and possess unique characteristics and qualities that ensure the continued existence of the nation and state in the future. Therefore, children who play an important role in progress have the right to legal protection and justice from everyone, including parents, family, society, the government, and the State. (Simatupang & Faisal, 2018).

The state has an obligation to provide protection that can ensure the optimal fulfillment of children's rights in order to achieve justice and well-being for children. As reflected in the constitutional mandate in Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia (Pratiwi et al., 2024). One concrete form of the Indonesian government's efforts to fulfill its constitutional obligations is providing legal protection for children thru the enactment of Law Number 35 of 2014 concerning Child Protection, which amends Law Number 23 of 2002. This law serves as the main legal basis guaranteeing the fulfillment of children's rights, including the right to life, development, participation, and protection from violence, discrimination, and civil rights violations. (Nuroniyah, 2022)

As the primary foundation for legal protection, laws provide clear limitations regarding the age limits for children. Article 1 paragraph (1) explains that a child is someone who has not reached the age of 18 (eighteen) years, including a child still in the womb. This definition is important as a basis for determining the subjects entitled to legal protection. Furthermore, Article 15 of Law Number 23 of 2002 concerning Child Protection also stipulates that children have the right to protection from the misuse of political activities, armed conflict, social unrest, and events involving violence and war. Additionally, Law Number 35 of 2014 adds one factor, namely sexual crimes (Saraswati, 2015). Sexual violence is one of the serious crimes that continues to increase and develop. Sexual crimes against children haunt them from various aspects of life, including the community environment and social media. (Lewoleba & Fahrozi, 2020) One form of violence that is increasingly prevalent among children and often escapes the attention of the law and society is dating violence.

Dating relationships are often normalized by society today (Cahyani & Hendriani, 2023). Even children of school age today are often found to have romantic relationships with their peers. This condition is influenced by various factors, including changes in social and cultural patterns, increased consumption of romantic content on social media, and the transitional period of child development toward adulthood, characterized by changes in physical, emotional, and social aspects (Tisyara & Valentina, 2024). As individuals undergoing growth, children begin to show a tendency to be attracted to the opposite sex and attempt to form interpersonal relationships that eventually develop into romantic relationships, often referred to as dating. Generally, dating is viewed as a bond between two people who aim to get to know each other by engaging in shared activities. This phenomenon of romantic relationships in children is a form of shifting values and modern lifestyles where such actions are no longer taboo in society, but normatively, this is a violation of moral and religious values (Sholikhah et al., 2020). Dating relationships in children lead to several negative aspects, including aggression or violence toward one's partner. Dating violence is violence resulting from behavioral deviations intentionally committed with the intention of exerting pressure to gain and maintain power or control over one's partner (Sholikhah et al., 2020). Various forms of dating violence include physical violence, emotional or psychological violence, sexual violence, and restriction of activities by the partner or obsession (Julius et al., 2021). Dating violence can occur due to several factors, namely unstable emotional maturity, low self-esteem, media exposure, gender ideology, and patriarchal culture (Safitri & Herdiana, 2024).

According to a UNICEF report titled *Hidden in Plain Sight: A Statistical Analysis of Violence Against Children*, 1 in 3 adolescent girls aged 15-19 have experienced emotional, physical, or sexual violence from their partners. Additionally, 120 million girls under the age of 20, representing 1 in 10 children, have been forced into other forms of sexual activity, with the perpetrators most often being the victim's partner or close friend. (UNICEF, 2014). Additionally, the Centers for Disease Control and Prevention (CDC), a US government agency focused on improving public health and safety, notes that 1 in 12 adolescent children experience dating violence (Teen Dating Violence, 2025). This data confirms that violence in romantic relationships is a serious and widespread global issue. This global picture shows a pattern consistent with conditions in Indonesia, where the phenomenon of romantic relationships in childhood is now increasingly prevalent and often accompanied by forms of violence, as reflected in data from the Online Information System for the Protection of Women and Children as of August 9, 2025, which recorded 11,339 cases of child violence, with 9,739 victims being women. Based on data from 2024, 4,312 cases were found, with the highest number of perpetrators being in the category of the victim's boyfriend or friend. The majority of victims were in the 13–17 age range (SIMFONI-PPA Data, 2024). This data indicates that violence in dating relationships is a real and true problem in society, but specific data collection related to violence in dating is still difficult to find and has not been systematically documented by protection agencies, including children's non-governmental organizations. The minimal database on cases of dating violence in Indonesia reflects that many cases are still unrecorded or unreported, leading to a phenomenon similar to an iceberg. To date, the phenomenon of dating violence has not received adequate special attention and tends to be considered a private issue that is not prioritized by various parties (Tisyara & Valentina, 2024). Some previous studies have examined the issue of dating violence from various legal perspectives. Jeane Estrela Parera, Herlyanty Bawole, and Hironimus Taroreh (2023), in their research titled "Dating Violence Against Adolescents from a Criminal Law Perspective," highlight that dating violence is a violation of adolescents' human rights, requiring stricter and more victim-sensitive criminal law instruments. Meanwhile, Zico Junius Fernando, M. Abdi, Ria Anggraeni Utami, and David Aprizon Putra (2021), in their research titled *Child Protection Against Dating Violence*, explain that legal protection for child victims of dating violence in Indonesia is still weak because there is no explicit regulation in the Child Protection Act, so handling often depends on the interpretation of law enforcement officers. Both studies show that dating violence is a complex legal issue that is a reality in society, yet there has not been much comprehensive research specifically examining legal protection for children who are victims of dating violence using the perspective of Law Number 35 of 2014 concerning Child Protection. Therefore, this study aims to analyze the challenges and solutions in legal protection for children who are victims of dating violence. This research is expected to provide theoretical benefits by enriching the legal literature on child protection and practical benefits as input for policymakers and child protection agencies to strengthen the legal system's responsiveness to the phenomenon of dating violence against children.

METHOD

This research uses a qualitative legal research method with a normative approach. According to Abdulkadir Muhammad, normative law research is research that examines law conceived as norms or rules that apply in society and serve as a reference for everyone's behavior (Muhaimin, 2020). This research employs several approaches, namely the statute approach, which involves examining Law Number 35 of 2014 concerning Child Protection as an amendment to Law Number 23 of 2002, and the conceptual approach (Wiwik Sri Widiarty, 2024). The legal materials used in this research include primary legal materials, secondary legal materials, and tertiary legal materials. The technique for collecting legal materials in the

research was carried out thru library research. The processing technique for the collected legal materials was done in stages: inventorying, identifying, classifying, and systematizing (Muhaimin, 2020).

RESULTS AND DISCUSSION

Challenges in Legal Protection for Child Victims of Dating Violence

Dating violence is an act of violence or abuse that occurs in a romantic relationship. In The National Clearinghouse on Family Violence and Dating Violence (2006), dating violence includes sexual, physical, and emotional attacks committed against a partner during a dating relationship (Fatdiansyah et al., 2025). However, in its development, there is additional violence in the form of economic violence, utilizing the personal finances of the partner (Novita Eleanora et al., 2023). Additionally, violence thru digital media refers to online spaces or technology, where online harassment, sexual violence, and doxxing frequently occur to threaten partners (UNFPA Indonesia, 2025).

Violence in dating relationships causes significant physical and psychological suffering for victims, which greatly impacts their quality of life. The impact felt by the victims includes physical effects such as bruises, broken bones, and even permanent disabilities, as well as psychological effects including emotional distress, low self-esteem, shame, and feelings of humiliation. Victims also frequently blame themselves, live in fear of repeated violence, and experience confusion, anxiety, guilt, and even severe depression, which can affect their behavior and threaten their safety (Novita Eleanora et al., 2023).

In children, dating violence is often unnoticed by both the victim and their surroundings. This unawareness is caused by several factors, including the child's immature psychological state, which means they are not yet able to recognize violent behavior as a violation against themselves. Additionally, victims tend to bottle up their feelings and remain silent due to fear, shame, and concern about losing a partner who is emotionally important to them. (Sholikhah et al., 2020). In many cases, emotional dependence and fear of social stigma also contribute to the victim's reluctance to report to the authorities. This condition poses a serious challenge in efforts to provide legal protection for children.

This condition is exacerbated by the fact that the national legal framework has not fully accommodated the dynamics of dating violence. Normatively, although Law Number 35 of 2014 concerning Child Protection has regulated protection against violence in general, including physical, psychological, and sexual violence as stated in Articles 59A, 69, and 69A, these regulations do not explicitly address violence in the context of dating relationships. As a result, dating violence does not have specific legal regulations as it does in the context of domestic violence, leading to a normative gap that impacts the minimal enforcement of laws against dating violence cases involving children. Furthermore, this normative vacuum impacts implementation barriers in the field. Victims are often unaware of available legal procedures, while law enforcement agencies have difficulty accurately categorizing cases of dating violence. The 2024 KPAI Performance Report emphasizes that inter-agency coordination in addressing child violence still needs to be strengthened, including in cases of dating violence, which are on the rise but have not been optimally addressed (Komisi Perlindungan Anak Indonesia, n.d.). In addition to normative challenges such as the absence of explicit regulations regarding dating violence against children in the Child Protection Act, there are also structural and cultural challenges that hinder the delivery of justice to victims. The law enforcement system in Indonesia, which involves the police, the prosecutor's office, and the judiciary, often exhibits gender bias in handling cases of violence against women, including dating violence. The deep-rooted patriarchy in society creates the perspective that women, including girls, are considered guilty or contribute to the violence. This condition is exacerbated by the tendency of law enforcement officials to prioritize the honor of male perpetrators over the dignity of

victims, leading female victims to often be silenced, reluctant to report, or even blamed for the violence they experience. In the context of children who are victims of dating violence, this kind of bias can be a major obstacle to reporting, investigation, and victim recovery, and can lead to impunity for perpetrators (Purwanti et al., 2024).

There are several obstacles in implementing legal protection for children who are victims of violence, caused by factors other than normative factors and the implementation by law enforcement officers. These factors include a shortage of human resources, limited government funding, and Insufficient facilities, difficulty obtaining information from victims who often feel afraid, ashamed, and traumatized, a lack of sex education provided by family or relatives to children from an early age, and the public's reluctance to testify during police or court examinations due to fear of legal consequences and a lack of public awareness regarding dating violence are the biggest obstacles to the process of protecting children who are victims of dating violence in various regions. These are some of the obstacles that lead to the failure of the legal process in enforcing legal protection for child victims of sexual violence. (Simanjuntak, 2024)

Efforts to Overcome Obstacles in the Process of Legal Protection for Children Who Are Victims of Dating Violence

That in overcoming the problems of obstacles in legal protection for children who are victims of dating violence, efforts are made thru both written and unwritten regulations. The state is responsible for protecting, enforcing, and ensuring the proper implementation of human rights, including the protection of children who are victims of violence in dating relationships (Simanjuntak, 2024). This is affirmed in line with the establishment of the Indonesian Child Protection Commission (KPAI) in Law Number 35 of 2014 concerning Child Protection, which, as an independent institution, has the main mandate to increase the effectiveness of supervision over the implementation of child protection in Indonesia, as regulated in Law Number 35 of 2014 concerning Child Protection. As a solution, thru the KPAI institution, strategies are being developed to realize child protection from various forms of violence, including cross-sector collaboration with Ministries/Institutions and local governments, and encouraging the formation of Regional Regulations with a child protection perspective, such as Regional Regulation Number 4 of 2024 in Dompu Regency concerning the implementation of protection for women and children who are victims of violence. Additionally, policy advocacy is also directed toward educational and religious institutions thru the development of technical guidelines for violence prevention and the establishment of task forces within pesantren (Indonesian Child Protection Commission, n.d.).

The concrete manifestation of the state's responsibility in providing protection for children has been attempted in Article 59A of Law Number 35 of 2014 concerning Child Protection, namely providing special protection for children. This article regulates special protection for children who are victims of sexual crimes, physical violence, and/or psychological violence, which substantially includes the scope of violence in dating relationships. Special protection for children is provided thru rapid intervention efforts such as medical treatment, physical, psychological, and social rehabilitation, and the prevention of other diseases and health disorders. In addition, protection is also provided thru psychosocial support during treatment until recovery, social assistance for children from low-income families, and protection and support at every stage of the criminal justice process.

In addition to the Child Protection Act, Law Number 12 of 2022 concerning Sexual Violence Crimes also provides a basic legal framework for addressing sexual violence in non-marital relationships, including sexual violence in dating. Articles 5 and 6 of the TPKS Law explicitly regulate both non-physical and physical sexual harassment, as well as forced sexual relations without consent, which can occur in the context of dating relationships involving children. In addition, the provisions in the Criminal Code (KUHP), particularly Article 351

concerning assault and Article 285 concerning rape, can also be used as a reference in taking action against perpetrators of physical and sexual violence in dating, although their application still depends on strong evidence and the sensitivity of law enforcement officials toward the relationship between the perpetrator and the victim.

However, despite the availability of a legal basis for protection, the implementation of these regulations has not been effectively coordinated between institutions. Dating violence often goes unaddressed in formal settings due to a narrow interpretation of regulations and law enforcement officials' poor understanding of forms of violence that do not occur within the household context. Therefore, it is necessary to strengthen the legal framework that specifically regulates violence in dating relationships as a form of violence against children. This requires strengthening the legal framework thru revisions and the issuance of derivative regulations that explicitly include perpetrators in dating relationships within the category of perpetrators of violence against children. This approach is important for eliminating normative gaps and ensuring consistency in the implementation of law enforcement.

Efforts to overcome these obstacles can be made by increasing education and training for law enforcement officers so that they have a perspective that is sensitive to gender-based violence and the age of the victims. In addition, an integrated referral system needs to be established thru synergy between state institutions such as KPAI, the Ministry of Women's Empowerment and Child Protection, law enforcement agencies, and rehabilitation institutions to ensure that victims receive continuous protection, assistance, and recovery. The establishment of child-friendly legal and psychological support services is also an urgent need to ensure the comprehensive fulfillment of victims' rights. Additionally, counselling and education regarding healthy relationships and the dangers of dating violence need to be expanded thru school, family, and social media approaches as an early prevention strategy (Whittaker et al., 2014). On the other hand, the existence of safe houses (shelters) as places of protection and recovery for victims has been regulated, but they are not yet evenly available throughout Indonesia, so they need to be strengthened in terms of availability, accessibility, and service quality, especially for child victims in rural areas.

CONCLUSION

Violence in adolescent dating relationships is a form of gender-based violence that has serious consequences for the physical and psychological health of victims, but is often overlooked due to psychological immaturity, emotional dependence, and a culture of silence influenced by social stigma. Although the Child Protection Act, the TPKS Law, and the Criminal Code have provided a legal framework to protect children from violence, the lack of norms explicitly regulating dating violence has resulted in legal protection not being effective. This barrier is exacerbated by gender bias in law enforcement, a lack of understanding among authorities, poor inter-agency coordination, and a shortage of resources and safe houses in various regions. Therefore, it is necessary to strengthen the legal framework specifically addressing dating violence, provide gender sensitivity training for law enforcement officers, establish an integrated referral system, and ensure equal access to protection facilities such as safe houses. Additionally, preventive efforts thru education and socialization regarding healthy relationships must be expanded, involving schools, families, and communities so that collective awareness in preventing and responding to this violence can be effectively formed.

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