



## Analysis of The Implementation of Child Protection Law in Combating Violence During Dating in Medan City (Lbh Medan Study)

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**Abstract** - Currently, there are many cases of violence against children during dating, but some of those who experience these cases are reluctant to report to the authorities to be assisted in resolving the problem. However, there are also those who report but the handling often cannot be resolved. Basically, violence against girls has been regulated in the Law. The problems that we want to explore in this study are what causes violence against children during dating in the city of Medan. How is the implementation of the Child Protection Law in overcoming violence against children during dating? What is done by LBH Medan in providing protection to children who are victims of violence during dating in the city of Medan. This study uses empirical legal research, namely research or observation based on facts that occur in the field with a criminal anthropology approach method. Data collection was obtained through field research by means of interviews, while secondary data through library research. The results of the study that the author obtained were that there were many factors that caused violence in dating in girls, namely weak parental supervision, the absorption of foreign culture which caused teenagers to fall into promiscuity and the rapid development of technology, while based on the annual report from the National Commission on Violence Against Women in 2023, it was stated that the number of cases of violence in dating was ranked first, violence in dating reached 3,528 (three thousand five hundred and twenty eight).

**Keywords:** Dating Violence, Child Protection

### I. INTRODUCTION

Humans are social beings who are interconnected, which means that in order to meet their basic needs they depend on other people, since humans are inherently social beings they cannot avoid interacting with other people, which means that humans cannot avoid interacting with other individuals (Hermawan, 2023). In this relationship there are often conflicts and differences of opinion that often lead to violence. Violent actions may be considered when they breach Human Right limits as stipulated in Article 28 of the 1945 Constitution, particularly its amendment Article 28G paragraph (Hermawan, 2023). This article asserts the right of every individual to safeguard themselves, their families, dignity, and property under their control. It also guarantees the right to security and protection from threats that could induce fear, which are fundamental human rights" (samsuarni, 2022).

Violent acts are also a form of action that is more physical in nature which results in injury, disability, pain or suffering to another person with elements of coercion or unwillingness or lack of consent from the injured party (Wahid and Irfan., 2001). Cases in this act of violence are a fairly serious problem, indicating that violence is also a form of crime that often occurs in society both in rural areas and in big cities. Like in the city of Medan, where the city of

Medan is one of the cities with a fairly high crime rate including violence against children (KtA) reaching more than hundreds of cases reported in the DP3MA of the city of Medan, so it is not surprising that the violence that occurs in Medan sometimes really shocks social media, both from physical violence, stealing, mugging and even violence in dating relationships (Ritonga, 2021). At this time, acts of violence can be felt by anyone, both adults and children, but the victims are more women than men, especially children who have just become adults, many crimes against women who have just become adults who are victims of violence outside of marriage, such as violence in dating relationships (samsuarni, 2022).

Dating is no longer a strange thing for teenagers, even many teenagers believe that adolescence is a time for dating, and conclude that dating is a relationship that already has an attachment between both men and women, which means a bond that is bound without any evidence, but is a commitment that is expressed verbally, which is bound by the effort of feelings. According to Reksoprojo, dating is a feeling that grows among boys and girls that leads to the process of adulthood, dating is also an activity that is considered normal in various circles (Setiawan, 2008). In contemporary times, numerous teenagers engaged in dating violence. This refers to acts of violence towards a partner before the commitment to marriage is established, whether consciously acknowledged or not (Frasiska, 2023).

According to several researchers, such as M.A. Straus, dating violence, which is commonly known as violence in a dating relationship, is an act that is carried out committed knowingly or intentionally, by relying on abusive tactics and physical coercion in order to maintain power and control over one's partner (Straus, 2004). Meanwhile, according to Wolfe and Faring, dating violence is a form of behavior in the form of activities to control and dominate a partner, which can take the form of physical violence, sexual violence, or psychological violence that can result in injury or loss (Wolfe, 2000). violence in dating relationships is also one of the negative impacts of dating, acts of violence in dating against girls can occur physically or non-physically. Such as hitting, kicking, slapping or even cursing in the form of harsh words that are degrading, often occur in dating in general.

Cases of dating violence in are one thing that is often still present found in every big city, as well as in remote areas, sadly there are still many women who are reluctant to bring their cases to the legal realm. Violence that occurs in dating relationships is also often layered and repeated, predominantly carried out by perpetrators by taking advantage of the victim's love for the perpetrator, and making sweet promises of marriage, so that when sexual violence occurs repeatedly, the perpetrator makes promises that he will be responsible if pregnant. Unfortunately, this crime of violence in dating still gets very little attention from both the community and law enforcement, even though the Criminal Code (KUHP) has also regulated acts of violence so that these acts of violence receive legal protection.

Children are a trust from Almighty powerful God, embodying the honor and dignity of being a complete human being. Each child possesses inherent dignity that must be respected, and every child has an inalienable entitlement to their rights and possesses dignity that must be protected. In Indonesia, children's protection is governed by Law Number 35 of 2014, which amends Law Number 23 of 2002 concerning child protection (Saras Wati, 2015). This amendment was introduced to ensure that the Republic of Indonesia can guarantee the welfare of all its citizens, including safeguarding children's rights, which are considered human rights as outlined in the 1945 Constitution.

According to the 2023 annual report from the National Commission on Violence Against Women, dating violence (KDP) was reported as the most prevalent type of violence, violence in dating reached 3,528 (three thousand five hundred and twenty eight) cases followed by violence against wives reaching 3,205 (three thousand two hundred and five) cases and violence against girls (KTP) reaching 725 (seven hundred and two five) cases which were then followed by violence committed by ex-boyfriends as many as 713 (seven hundred and thirteen) cases and violence in dating reached 422 (four hundred and twenty two) and violence against girls 140 (one hundred and forty) cases during 2022 the most common violence was

psychological violence (Fact sheet, annual notes of the National Commission on Women, 2023).

Meanwhile, the form of violence against children in the city of Medan in the 2021 study, Based on the annual trend from 2017-2021 there was a decrease in violence against children (KtA), in 2017 there were 189 (one hundred and eighty-nine) cases in 2018, 189 (one hundred and eighty-nine) cases in 2019, 157 (one hundred and fifty-seven) cases in 2020, 116 (one hundred and sixteen) cases and in 2021, 72 (seventy-two) cases in 2017-2018 there was an increase in violence against children, while from 2018-2021, precisely in mid-July there was a decrease in cases, violence against children occurs due to the impatience of parents in dealing with the child's behavior so that parents lose control and cause violence, and so that the child is uncomfortable at home, and breathes the air of freedom in socializing, such as getting drunk, dating excessively so that violence often occurs towards children, especially girls, in the context of dating.

Violence reported to the National Commission on Violence Against Women has increased quite drastically over the past 5 years, while in annual research in Medan City based on annual trends there has been a decrease, meaning that even though there has been a decrease in cases in Medan City, this condition still proves that violent behavior against women and children in dating is still something that deserves serious handling from the community and from various aspects of legal protection, be it the police, LBH and other legal institutions. By seeing how the implementation of the Law occurs in the field and involving young people as the nation's generation in efforts to overcome cases of violence against women and children in the community and it is hoped that it can help create peace.

Based on the background above, the formulation of the problem taken is:

1. What factors contribute to acts of violence against children during dating in Medan?
2. How is the Child Protection Law being applied to address violence against children during dating?
3. What actions are being taken by legal aid institutions in Medan to protect children who are victims of dating violence?

## **II. METHOD**

To answer the problems studied by the author, the research method used by the researcher is empirical juridical research. According to Roni Tinijo Soemitro, empirical legal research is legal research or observation obtained from primary data or based on facts that occur in the field or through direct observation (Ahmad, 2010).

Using the criminal anthropology approach, the goal is to understand and identify the underlying causes of criminal behavior in offenders. To achieve relevant results, the study relies on primary data obtained through field interviews conducted at LBH Medan, employing descriptive techniques. Additionally, it references the Criminal Code, Law Number 35 of 2014, and Law Number 13 of 2006 concerning the protection of witnesses and victims. Secondary sources include books, journals, articles, and websites.

## **III. RESULT AND DISCUSSION**

### **1. actors Causing Criminal Acts of Violence Against Children During Dating in Medan City**

The desire to commit violence against someone certainly has a reason, it does not just appear by itself, the causative factors can come from the family environment, friends, social media, the perpetrator has a disorder and the perpetrator's motivation to commit violence. Cases of violence in dating relationships can occur at any time, tend to be dominated by men because they are physically stronger, while women are weaker and often become victims of violence by men, but it is also undeniable that women can also commit acts of violence, this is called (dating violence), violence in dating relationships can usually go unnoticed by the victim because the behavior is slow, starting from verbal violence to physical violence (Husna, 2023).

Based on the results of the interview conducted by the author with the deputy director of LBH Medan, the factors that often cause violence in dating relationships are as follows:

- a) Family environment where parental supervision is weak, causing children to be easily influenced by free association
- b) Absorption of foreign culture, caused by shows, both mass media or films or social media, often showing violence, excessive dating often appears in television broadcast programs or sexual scenes in certain films, triggering violence.
- c) Lack of religious education in the current curriculum, causing a lack of morals among today's youth.
- d) Rapid technology and easy access to content that is mixed with 18+ and above, causing bad things to happen to teenagers who are growing up.
- e) Gender roles, where among the many cases of violence in dating, the victims are women. This is related to the socio-culture that differentiates gender, namely men are required to have a macho soul while women are prettier and weaker. Even men are considered normal if they are aggressive while women are expected to restrain their aggression, meaning that gender inequality still applies in the social and cultural environment to this day (M. Alinafiah Matondang, 2024).

The way that can be done if you have experienced dating violence is to try to be honest with your partner when the conditions allow, invite your partner to try consulting a psychologist. If this continues, it is better to end the toxic relationship because it will only torture yourself, do not hesitate to tell and ask for help from those we trust or even report it to the authorities (Husna, 2023).

## **2. Implementation of the Child Protection Law in Addressing Violence During Dating in Medan City**

According to Article 1, number 2 of Law Number 35 of 2014, which amends Law Number 23 of 2002 on child protection, child protection encompasses all activities designed to ensure and safeguard children and their rights. This includes enabling them to live, grow, and develop optimally in accordance with human dignity and honor, while being shielded from violence and discrimination. The aim is to foster Indonesian children who are joyful, healthy, and prosperous.

The Child Protection Law (UUPA) covers multiple facets of child protection, including essential rights, parental duties, and measures against violence. As stated in Article 20 of Law Number 35 of 2014, which amends Law Number 23 of 2002 on Child Protection, the task of ensuring child protection is shared among the state, government, society, family, and parents. Articles 21 to 25 of the law provide detailed descriptions of the state and government's specific obligations and responsibilities, including the following:

1. The State, Government, and Regional Government are responsible for upholding and ensuring children's rights, regardless of factors such as ethnicity, religion, race, social class, gender, culture, language, legal status, birth order, or physical and/or mental conditions.
2. To ensure children's rights are met, the state must take action to fulfill, protect, and respect these rights.
3. The Government is responsible for creating and implementing policies related to child protection to guarantee children's rights.
4. Regional Governments must execute and support national child protection policies within their regions to ensure the fulfillment of children's rights and effective policy implementation.
5. Regional initiatives to promote child protection may include developing Child-Friendly Districts or Cities. Further details regarding policies for Child-Friendly Districts or Cities
6. Further provisions regarding Child-Friendly District/City Policies

As outlined in paragraph (5), this is governed by a Presidential Regulation. Article 22 of Law Number 35 of 2014, which amends Law Number 23 of 2002 on Child Protection, states

that the State, Government, and Regional Government are responsible for supporting child protection efforts by providing necessary facilities, infrastructure, and human resources.

Child protection can be approached in two ways: directly and indirectly. Direct child protection involves activities specifically aimed at children, such as shielding them from external and internal threats, providing education, nurturing, and support, preventing malnutrition, improving health, and offering opportunities for self-development. Indirect child protection involves activities directed at individuals or groups who support child protection efforts, such as parents and caregivers. These efforts include safeguarding children from various threats, ensuring their well-being, and supporting their development. Additionally, indirect protection also includes those involved in the criminal justice system and others who contribute to the broader child protection framework (Gultom, 2014). Indonesia has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Which has been established as Law Number 7 of 1984. This convention outlines the state's responsibilities (Indonesia)

The application of the law to address the previously discussed issues is demonstrated by the ratification of Law Number 23 of 2002 on child protection, which specifically addresses various matters including legal issues involving child abuse, such as sexual violence and other forms of abuse. This law emphasizes child protection based on the principle of non-discrimination. Its implementation aligns with the 1945 Constitution of the Republic of Indonesia, which guarantees human rights (HAM) and affirms that children, as individuals, have equal rights to grow and develop.

In addition to the aforementioned Child Protection Law, Law Number 13 of 2006 in the protection of witnesses and victims is also relevant, as it was later amended by Law Number 31 of 2014, which revises the 2006 law. Article 7, paragraph 1 of the revised law states that victims of serious human rights violations and terrorism-related crimes are entitled to compensation in addition to the rights specified in Articles 5 and 6. Furthermore, article 7A, paragraph 1 of the law stipulates that victims of criminal acts have the right to receive restitution in the form of:

- 1) Compensation for loss of property or earnings.
- 2) Compensation for damages resulting from suffering directly linked to criminal acts,
- 3) Compensation for medical and/or psychological treatment expenses (Dr. Budi Sastra Panjaitan, 2022).
- 4) Legal Protection Efforts Carried Out by the Medan Legal Aid Institute for

#### Children Who Are Victims of Violence During Dating in Medan City

The increasing number of acts of violence against girls cannot be separated from the weak law enforcement and the soft threat of punishment for the perpetrators. The process of handling cases from the beginning until the imposition of punishment tends to be disproportionate when compared to the consequences experienced by victims of violence (Martha, 2003).

Therefore, legal protection for children in overcoming violence against children including in dating is very important to prevent early marriage and promiscuity, in Indonesia, the Child Protection Law, particularly Law Number 35 of 2014, establishes a legal framework to shield children from violence, including abuse in dating relationships. This law ensures that every child is entitled to protection from mistreatment, violence, or neglect, whether under the care of parents, guardians, or other responsible individuals. Additionally, Law Number 11 of 2012 addresses the juvenile criminal justice system, focusing on the protection and welfare of children involved in legal proceedings

Although this dating relationship is not bound by official law, it does not mean that it cannot solve the problem of violence in dating through legal channels. Therefore, based on the results of temporary research through interviews conducted by researchers at LBH Medan, the protection efforts that can be made in overcoming violence in dating are:

1. Law enforcement, namely public and law enforcer awareness of the importance of providing legal sanctions for perpetrators of violence in dating and ensuring that law enforcement is carried out firmly and fairly
2. Education and socialization, conveying the importance of education about children's rights and the dangers of promiscuity in dating, if necessary, law enforcers provide legal counseling to parents and the community, especially young people
3. Victim protection, providing services and facilities to protect victims who report, because many victims of violence in dating or outside the scope of dating are reluctant to report because of fear, shame, especially in the surrounding environment, of what they experience.
4. Cooperation between institutions, cooperation between child protection, police and other justice systems in dealing with violence.
5. Monitoring and evaluation, namely monitoring the implementation of laws to ensure their effectiveness, by conducting periodic evaluations to adjust regulations to the development of needs and challenges that arise in the future

However, the deputy director of LBH Medan Medan also explained further that they do not handle cases of violence in dating against minors under the age of 15 because they are not yet competent in the law, however, LBH Medan can provide legal protection in handling cases of dating against children if there are criminal elements against the perpetrators such as molestation, sexual intercourse, and threatening, blackmailing by asking for money from the victim and others that are detrimental to the victim, this can be prosecuted legally. Cases that have been handled by LBH Medan related to violence against women and children are 10 (ten) to 15 (fifteen) cases in less than 2 (two) years, one case is violence in dating, where the woman becomes a victim of sexual violence by her own boyfriend, with the promise that she will be married by the perpetrator if something unwanted happens such as pregnancy, LBH Medan also explained that this case can be said to be a long process to complete from the reporting/complaint stage, then the report is recorded and processed to the next stage to examine the elements of the case, whether or not the case is included to be developed, but LBH Medan can process it well, in accordance with applicable laws.

LBH Medan further clarified that individuals aged 18 or older who commit offenses may face penalties under the Criminal Code (KUHP) or Law Number 44 of 2008 concerning pornography. Meanwhile, if the individuals involved are under 18, they are subject to Law Number 11 of 2012, which governs the juvenile justice system. All forms of dating violence are punishable under the law, with perpetrators facing criminal charges. If the victim is under 18 years old, the perpetrator may be prosecuted under Article 76 C in conjunction with Article 80 paragraph (1) of Law Number 35 of 2014, which prohibits violence against children. Violators of these provisions may face imprisonment for up to 3 years and 6 months, as well as fines up to Rp. 72,000,000.00 (seventy two million rupiah)" (of, 2014 ). However, if the individual is 18 years old or older, they have the option to file a lawsuit for abuse under Chapter XX of the Criminal Code (KUHP). This includes offenses such as Ordinary Abuse (Article 351), Minor Abuse (Article 352), Serious Abuse (Article 354), as well as other forms of violence like Molestation (Articles 289-296), Sexual Harassment (Articles 281-283), and Crimes Against Decency (Articles 532-533). Additionally, charges can also be brought under Law Number 44 of 2008 concerning Pornography (M. Alinafiah Matondang, 2024)..

However, according to M. Alinafiah Matondang, SH.Mhum, regarding cases of violence during dating or other violence such as sexual violence, law enforcement officers are still not paying enough attention, and the implementation of the Child Protection Law is still not running well, he also said that even if law enforcement is running well, there are still repetitions from the perpetrators, in the sense that there is no deterrent effect felt by the perpetrators, this proves that law enforcement carried out by law enforcement officers is still not running well, due to the lack of coordination between law enforcers, both at the theoretical and rule levels, as well as at the operational level.

The situation described demands significant attention to prevent its recurrence, as it can profoundly impact the lives of victims. The 1945 Constitution forms the cornerstone for

ensuring equal legal protections for both men and women. Article 27 paragraph (1) guarantees equal standing of all citizens before the law and government, mandating universal compliance with the law without exceptions. This provision underscores the principle of equality before the law for all citizens, including women, commonly known as the principle of equal rights. Additionally, Indonesia has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), incorporated into Law Number 7 of 1984, which delineates the state's obligations (Indonesia).

#### **IV. CONCLUSION**

Based on the results of the study, it can be concluded that dating is something that is considered normal by teenagers which can cause quite serious problems, such as violence against partners during dating, where this can happen such as hitting, kicking, and uttering curses at partners, and the victims tend to be women, seeing based on the catahi (annual records) from the National Commission on Violence Against Women in 2023, it stated that the number of cases of violence in dating (KDP) was in first place, violence in dating reached 3,528 (three thousand five hundred and twenty eight) cases.

From the results of research conducted by the author at LBH Medan, related to handling cases in dating relationships, usually in addition to providing free consultations, they also make litigation and non-litigation efforts with the aim of being able to seek protection for victims or enforcement of unlawful acts, if there are elements that are against the law such as physical violence, if the victim is still a child, then the enforcement of the Law refers to the Child Protection Law or can refer to Law No. 11 of 2012 concerning the juvenile justice system

Efforts that can be made further in overcoming violence in dating are to increase law enforcement, as well as public awareness of the importance, providing legal sanctions for perpetrators of violence in dating and ensuring that law enforcement is carried out firmly and fairly. And for victims who experience violence, whether physical, sexual or other violence, they must be able to defend their rights as victims, because in reality victims also have the right to receive legal protection as stated in Law Number 13 of 2006 concerning the protection of witnesses and victims which was later amended by Law of the Republic of Indonesia Number 31 of 2014 concerning amendments to Law Number 13 of 2006 concerning the protection of witnesses and victims.

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