



LEX JOURNAL: KAJIAN HUKUM DAN KEADILAN

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LEX JOURNAL: KAJIAN HUKUM & KEADILAN

LEGAL PROTECTION OF CHILDREN AS VICTIMS OF DOMESTIC VIOLENCE

(Study in the Legal Area of the Mataram District Court)

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ABSTRACT

This research aims to examine the legal protection of children as victims of domestic violence in the context of the Mataram District Court. Children, as the nation's future, are entitled to special care and protection, as stipulated by various national laws, including Law No. 35/2014 on Child Protection and Law No. 23/2004 on the Elimination of Domestic Violence. Despite legal provisions, domestic violence, including physical, psychological, and sexual violence, remains a critical issue affecting children, especially within the family environment. This study employs empirical legal research methods, using interviews and documentation to gather data. The findings indicate that although there are legal frameworks in place, challenges persist, such as the lack of comprehensive training for law enforcement and the underreporting of domestic violence incidents due to societal stigma. Despite these obstacles, significant strides have been made in ensuring child-friendly practices within the legal process, including the involvement of social workers and the establishment of child-friendly rooms in courts. The study concludes that while legal protection for child victims of domestic violence has improved, there is still a need for further enhancement, particularly in law enforcement training and community awareness.

Keywords: Legal Protection, Children, Domestic Violence, Child-Friendly Practices, Mataram District Court

1. INTRODUCTION

Children are a mandate and a gift of god almighty, in whom there is dignity. Children are also the hope of the nation for the future. Children's rights must be obtained by children against their parents since children are born in the world based on applicable laws and regulations. In addition, children also have human rights that are recognized and are the basis for independence, justice, and peace throughout the world. In the period of physical and mental growth and development of children, children need special care, protection, and legal protection both before and after birth.

Law No. 35/2014 on Child Protection defines a child as someone who is not yet 18 (eighteen) years old, including those still in the womb. In addition, the definition of children is also contained in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, namely children in conflict with the law, children in conflict with the law, children who are victims of criminal acts, and children who are witnesses. For children who are victims of criminal acts, Article 1 Paragraph (4) reads: "A child victim of a criminal offense, hereinafter referred to as a child victim, is a child under the age of 18 (eighteen) years who has suffered physical, mental and/or economic losses caused by a criminal offense."

Legal protection of children can also be interpreted as legal protection efforts against freedom and human rights, as well as various interests related to the welfare of children. In Article 2, Paragraphs (3) and (4) of Law Number 4 of 1979 concerning Child Welfare, it is stipulated that: "Children are entitled to care and protection both during the womb and after birth. Children have the right to environmental protection that can harm or hinder their growth and development."

The two verses provide a rationale that child protection intends to strive for correct and fair treatment to achieve child welfare. One form of crime that often occurs around us, even in the family environment, is the crime of violence, with the frequent occurrence

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P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

of this indicating that it cannot be separated from the behavior of the community that is less controlled, and can occur for personal reasons that invite the crime of violence.

The crime of violence is any act that violates the law and causes or threatens to cause physical injury, mental suffering, or damage to the property of another person. The crime of violence is regulated in Article 351 of the Criminal Code, namely: 1. Ordinary violence or maltreatment that does not result in serious injury or death and is punishable by imprisonment for 2 years and 8 months or a fine of four thousand five hundred rupiahs; 2. Maltreatment that results in serious injury, the offender shall be punished by a maximum imprisonment of 5 years.

In addition, the crime of violence is regulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence, namely in Article 5: "Every person is prohibited from committing domestic violence against persons within the scope of their household, using: Physical violence; Psychological violence; Sexual violence; and Domestic neglect."

Today, violence is increasingly prevalent, and this violence is not far from the lives of children, and even more concerning is that the violence comes from their family environment, and not a few children become victims. The experiences of children dealing with violence are very diverse in terms of the forms of violence experienced, the perpetrators of violence, the place of occurrence, and the causes of violence. Parents can go so far as to scold and abuse their children, such as pinching, hitting with belts, brooms, and other objects. Although this can be called light maltreatment, it is still a deliberate act that can cause pain and injury to the child's body. In addition to these forms of violence, what is worse is that parents are able or willing to commit sexual violence to intercourse against their children.

Child abuse that occurs in the household involves the closest person to the child, such as the father, mother, or other siblings. Cases of criminal acts of violence and

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

violations of children's rights often receive less public attention, because violence against children is still wrapped up by the habits of the community that views this problem as an internal family problem and not worthy or taboo to be exposed openly. In addition, it can be seen that there is still a lack of public awareness to report cases of violence against children to the Child Special Protection Agency, and this problem is still mostly resolved through family methods. Therefore, the author is interested in examining how the legal protection of children who are victims of criminal acts of domestic violence.

2. RESEARCH METHODS

This research is empirical legal research, namely, research that analyzes data conducted by going directly to the field and conducting interviews. Using a statutory approach and a legal sociology approach. The types and sources of data in this study include data sources; primary data, namely data collection done by interview and documentation, and secondary data, data collection done by interview and documentation.

3. DISCUSSION

Legal Protection of Children as Victims of Domestic Violence (Study in the Legal Area of the Mataram District Court)

The Mataram District Court is one of the district courts under the Mataram High Court Region. The Mataram District Court is located at Jalan Langko No. 68 A, Mataram, Lombok, West Nusa Tenggara, zip code 83114. In addition, the jurisdiction of the Mataram District Court covers the entire area of Mataram City, West Lombok Regency, and North Lombok Regency. Regarding the main task of the Mataram District Court, as a court of first instance, it is to accept, examine, decide, and resolve case disputes at the First Level by the applicable laws and regulations.

In Law No. 23 of 2002, as amended by Law No. 35 of 2014 concerning Child Protection, it is stated that a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb. Nowadays, the phenomenon of violence and criminal acts against children has become a strong focus of attention from various circles. This is considered an indicator of poor legal instruments and child protection.

Law No. 23 of 2002, Article 20 on child protection states that those who are obliged and responsible for the implementation of child protection are the state, government, community, family, and parents. The provisions of the article explain that the family and children are one member; the legal instruments above are proof 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 non-discrimination, 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.

The obligations and responsibilities of the State and the Government in child protection efforts are regulated in the Child Protection Law articles 21 to 24, namely: a. Respect and guarantee the human rights of every child without distinguishing ethnicity, religion, race, class, gender, ethnicity, culture, and language, the legal status of the child, the birth order of the child and physical and/or mental conditions; b. Provide support for facilities and infrastructure in the implementation of child protection; c. Guarantee the protection, maintenance, and welfare of children by paying attention to the rights and obligations of parents, guardians, or other people who are generally responsible for children and overseeing the implementation of child protection; d. Guarantee children to exercise their right to express their opinions according to the age and level of intelligence of the child. Guarantee children to exercise their right to express their opinions according to the age and intelligence level of the child.

The government also provides special protection to children contained in Law Number 35 of 2014 concerning Child Protection. Article 59 paragraph (1) reads: "The government, local governments and other state institutions are obliged and responsible for providing Special Protection to children". The condition of children who need special protection and require efforts that can be made by the government. Children who are victims of domestic violence receive special protection efforts as regulated in Law Number 35 of 2014 concerning Child Protection and Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

According to Law No. 23/2004 on the Elimination of Domestic Violence, domestic violence is any act against a woman and child, which results in physical, sexual, psychological, and/or domestic neglect, including threats to commit acts, coercion, or unlawful deprivation of liberty within the scope of the household.

Special protection for child victims of physical and/or psychological violence, as referred to in Article 59 paragraph (2) letter i, is carried out through efforts: Dissemination and socialization of the provisions of laws and regulations that protect child victims of violence; and Monitoring, reporting, and sanctioning.

In addition, the protection of children who are victims of violence is contained in Law Number 23 of 2004 concerning the Elimination of Domestic Violence. Article 5 reads: Every person is prohibited from committing domestic violence against people within the scope of their household using physical violence, psychological violence, sexual violence, and domestic neglect. However, before discussing the protection of child victims of violence in the legal process, the author will describe the number of cases of domestic violence at the Mataram District Court.

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

Table 1. Number of Domestic Violence Cases from 2023-2024 at the Mataram District Court

No.	Case Number	Date of Register	Case Classification	Parties	Case Status	Duration of Case
1.	20/pid.sus/2023/PN.Mtr	09 Jan 2023	Violence In Domestic Violence	Public Prosecutor: 1. Muthmainnah, SH 2. I.A.K. Yustika Dewi, S.H. 3. Agus Darmawijaya, SH, MH Defendant: Defendant	Minutation	42 days
2.	194/pid.sus/2023/PN.Mtr	13 Mar 2023	Violence In Domestic Violence	Public Prosecutor: 1. I Wayan Setiawan, SH 2. I.A.M Yuni Rostiawati, S.H. 3. Ni Luh PT Mirah TD, SH Defendant: Defendant	Minutation	29 days
3.	198/pid.sus/2023/PN.Mtr	13 Mar 2023		Public prosecutor: 1. Agus Darmawijaya, SH, MH 2. Ni Luh PT Mirah, SH 3. Baiq Ira Mayasari, SH Defendant: Defendant	Minutation	84 days
4.	587/pid.sus/2023/PN.Mtr	Sep. 11 2023	Violence In	Public Prosecutor:	Minutation	43 days

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E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

			Domestic Violence	1. Agus Darmawijaya, SH, MH 2. Muthmainnah, SH I.A.K Yustika Dewi, SH Defendant: Defendant		
5.	848/pid.sud/2023/PN.Mtr		Violence Domestic Violence Domestic Violence	Public prosecutor: 1. Agus Darmawijaya SH 2. Baiq Nurul Hidayah 3. Amiruddin SH Defendant: Defendant	Minutation	74 days
6.	78/pid.sus/2024/PN.Mtr	06 Feb. 2024	Violence In Domestic Violence	Public prosecutor: 1. Agus Darmawijaya, SH 2. Ni Made Saptini SH 3. Bq. Ira Mayasari, SH Defendant: Defendant	Minutation	56 days
7.	191/pid.sus/2024/PN.Mtr	21 Mar. 2024	Violence In Domestic Violence	Public Prosecutor: 1. Romula Hasonangan SH 2. I.A.K Yustika Dewi SH 3. I.A.M Yuni Rostiawaty SH Defendant: Defendant	Minutation	24 days
8.	243/pid.sus/2024/PN.Mtr	Apr. 03 2024	Violence In Household	Public Prosecutor: 1. Romula Hasonangan SH	Minutation	61 days

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

				2. I.A.K Yustika Dewi SH 3. Ni Luh PT Mirah SH Defendant: Defendant		
9.	449/pid.sus/ 2024/PN.Mtr	01 Jul 2024	Violence In Domestic Violence	Public Prosecutor: 1. Agus Darmawijaya SH, MH 2. I.A.K Yustika Dewi SH 3. Ni Luh PT Mirah SH Defendant: Defendant	Minutation	51 days
10.	512/pid.sus/ 2024/PN.Mtr	24 Jul 2024	Violence In Domestic Violence	Public Prosecutor: 1. I.A.K Yustika Dewi SH 2. I.A.M Yuni Rostiawaty SH 3. Muhammad Harun Al Rashid SH Defendant: Defendant	Minutation	34 days
11.	615/pid.sus/ 2024/PN.Mtr	27 Aug. 2024	Violence In Domestic Violence	Public Prosecutor: 1. Dany Curia Novitawan SH 2. Dina Kurniawati SH 3. Edi Wansen SH Defendant: Defendant	Minutation	114 days

Data Source: Mataram District Court

Based on the data above, it is shown that cases of domestic violence in the jurisdiction of the court have increased, which makes the author want to examine these cases because victims of domestic violence have the right to legal protection. In addition

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

to data from the courts, the UPTD PPA of NTB Province recorded that in 2024, there were 250 cases of domestic violence, and in early 2025, the number of cases increased to 340 cases, dominated by sexual violence. Based on the many cases that entered the UPTD PPA of NTB Province, there are several parts of types of violence against children, namely:

Table 2. Number of Domestic Violence Cases from 2024/2025 in the UPTD PPA of NTB Province

NO	YEAR	TYPE OF VIOLENCE	AMOUNT	TOTAL
1	2024	PHYSICAL VIOLENCE	50	250
		PSYCHOLOGICAL ABUSE	55	
		SEXUAL VIOLENCE	115	
		ABANDONMENT	30	
2	2025	PHYSICAL VIOLENCE	105	340
		PSYCHOLOGICAL VIOLENCE	25	
		SEXUAL VIOLENCE	170	
		ABANDONMENT	40	

Source: UPTD PPA West Nusa Tenggara Province

Furthermore, the legal protection of child victims in the legal process has stages that will be passed by child victims, namely from the investigation, prosecution, to the trial stage.

To obtain further information, the author also interviewed with one of the judges at the Mataram District Court, namely Mr. Lalu Moh. Sandi Iramaya, SH, MH, said that "Children who are victims of domestic violence, whether it is in the form of physical, psychological, sexual violence, or neglect, in the trial stage will have their rights

protected. Children will get protection and assistance as contained in the law to assist victims".

Article 23 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System reads: "In every level of examination, child victims or child witnesses must be accompanied by parents and/or people trusted by child victims and/or child witnesses, or social workers". The court also cooperates with the Department of Social Affairs and the Child Protection Agency to ensure the protection and safety of the child after the legal process is completed.

Based on an interview with a child victim with the initials MA who was a victim of physical violence committed by the father of the victim in Duman Village, Lingsar District in 2023 (decision number: 194/pid.sus/2023/PN.Mtr), explained that the victim felt comfortable and received protection during the criminal process. The child victim also received assistance from psychologists and social workers, and the victim felt comfortable during the criminal process at the investigation, prosecution, and trial levels, which did not pressure the child victim. In addition, officers did not use attributes that made victims feel intimidated. During the trial process, the child victim was accompanied by a social worker, and if the victim felt afraid, the victim would be placed in a child-friendly room, and the trial was conducted via *video conference*.

Furthermore, the authors also assess that the implementation of legal protection has reflected the main principles of child protection, such as first, the principle of non-discrimination, where child victims of violence (domestic violence) are served without differentiating the child's background, such as gender, social, and economic status. Second, the best interests of the child are where the legal process and rehabilitation are established to minimize the traumatic impact on the child. Third, the right to live, grow, and develop, which is realized through psychological and social recovery efforts. Finally,

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E-ISSN: 2580-9113
P-ISSN: 2581-2033
LEX JOURNAL: KAJIAN HUKUM & KEADILAN

the right to be heard, especially in the legal process that provides space for children to convey their experiences in a safe, comfortable, and secure manner.

The practice in the field also shows positive progress, such as the existence of child-friendly rooms in courts such as in the Mataram District Court which can make children feel comfortable and safe in providing their testimony, assistance by psychologists or social workers during the legal process, and the closed trial policy to maintain the confidentiality of children's identity. Thus, the current child protection has shown that the state's efforts to not only uphold justice but also protect the dignity and future of children, both as perpetrators, victims, and witnesses, are appropriate.

Obstacles in Legal Protection Efforts Against Children Who Are Victims of Domestic Violence (Study in the Legal Area of the Mataram District Court)

According to R. La Porta in the Journal of Financial Economics, the form of legal protection provided by a country has two characteristics, namely prevention (prohibition) and sanction. The most obvious form of legal protection is the existence of law enforcement institutions such as courts, police, and other non-litigation dispute resolution institutions.

In the legal protection of children as victims of domestic violence, some obstacles exist both from children and other obstacles such as internal obstacles which consist of several factors, namely; the human resources/law enforcement factor because not all legal officials, both judges, prosecutors and legal advisors, have in-depth training and understanding of the psychosocial approach to children. As a result, the examination process tends to be procedural and does not consider the emotional impact on child victims; facilities and facilities factors, such as victims not getting assistance from psychologists and social workers in trials; child factors, children are not yet able to discuss how the chronology that happened to them, besides that there is an emotional dependence

on the perpetrator where child victims feel afraid to report because the perpetrators are usually close even their parents.

The external obstacles are: Community factors, the community's lack of understanding about child victims of domestic violence needing protection, is an obstacle to the legal protection of victims. In addition, there are still thoughts or assumptions that domestic violence, including violence against children, is an internal family matter; family factors, there are still many families who are reluctant to report because they are worried that this will defame the family, because the perpetrator is their family member.

In addition, the Head of Sub-Department of Public Works UPTD PPA West Nusa Tenggara Province also added regarding the obstacles in the implementation of protection against child victims of violence, namely: "The understanding of most people, in this case parents, that educating children with violence is normal. This is what causes cases of physical violence against children to be difficult to reveal. The number of cases that are revealed is because they have exceeded the limit".

As a case that is considered understandable and that has violated ethical boundaries, characterized by cases of domestic violence that are very rarely published out, and even if it is later known by the public or society in general, it is usually due to the role and presence of the mass media or because of a shocking event. Just like a mother or father slapping their child or even beating them severely, as long as what they do does not cause serious physical injury or death, then the event will pass by.

Because the conditions of violence experienced by children are very dangerous for the health and development of children at a later stage, it can even cause mental health problems as adults. Families must be made aware of the seriousness of the problem of violence against children and need protection from the authorities or child protection agencies.

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

In addition, there is still a strong social stigma and patriarchal culture within the family and community that considers domestic violence against children an internal problem, which causes many cases of violence against children to go unreported or reports to be withdrawn. This has an impact on the legal process, including at the trial stage, because the evidence and information needed is minimal. The author believes that these obstacles show that there is still a gap between legal norms and their implementation in the field, therefore comprehensive improvement is needed, starting from more training for law enforcement officials to strengthening synergies between institutions, so that the protection of child victims of domestic violence (DV) in court truly reflects the principles of child protection.

4. CLOSING

The process of legal protection of child victims of domestic violence at the Mataram District Court has been implemented by legal provisions, but still needs improvement, especially in the capacity of law enforcement officials and child assistance agencies, as well as the quality of safe houses to ensure the safety of children from perpetrators. To realize optimal protection, obstacles that interfere with the legal process must be overcome, including increasing the competence of officials through special training and appropriate assistance during the trial. In addition, socialization and education in the community are important so that domestic violence is no longer considered a private matter, but rather a violation of the law that requires joint attention and action.

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E-ISSN: 2580-9113
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LEX JOURNAL: KAJIAN HUKUM & Keadilan

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