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Legal Protection to Children against Domestic Violence in the Urban Community of Indonesia during COVID-19 Pandemic

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Abstract

The COVID pandemic saw an increase in the violence against children. Despite the existence of various laws to eliminate and reduce violence against children, there has been a consistent increase in the violence cases every year. The objective of this study was to determine the phenomenon of violence against children in the household urban area in Indonesia. The data was collected through an interview with 100 informants from child protection institutions such as social and labor service and the Indonesian police. The qualitative data form interviews were transcribed and analyzed systematically. The content analysis of the interview transcripts revealed factors responsible for the increase in the cases of violence against children. These factors included parents' education level, family income, and parents' IT inability to assist children in online learning. This study also found that the government could not fully provide legal protection to the victims of domestic violence. This study recommends that the government should use the social and labor services in collaboration with the police, non-governmental organizations, and legal institutions to immediately make strategies for Indonesian child protection and elimination of violence against children

Keywords. Child Abuse, Domestic Violence, Child Protection, Child Health, and Urban Child

Introduction

The violence against children has been recognized as a global problem beyond boundaries of culture, class, or education as it occurs in almost all countries. It can occur in schools or at home. Some forms of violence against children are peer-to-peer violence as well as cyberbullying. These child victims live in isolation, loneliness, and fear, unaware of what steps they should take especially when the offender is a known person or a family member. According to one estimate, one billion children are subjected to some form of emotional, physical, or sexual violence every year (Nainar et al., 2022). The violence against children is defined as any kind of physical or mental

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violence, injury or abuse, neglect or negligent treatment, maltreatment, or exploitation, including sexual abuse, whether committed by parents, caretakers, peers, institutions or others. The child abuse is thus not only declared a crime but the violation of human rights.

Generally, negligence of parenting results exposing children to domestic abuse and public violence, which amounts to violating children's rights. According to British Human Rights Act (1998), children have the right to family life and the right to be free from abuse (Syukriani et al., 2022). There are laws for children's right to family life without abuse and neglect, but in reality, most children who are abused in the United Kingdom, and other influential countries, including the United States and Australia, live in homes with only a single parent. Data on the prevalence of victims of violence from 96 countries show that more than 1 billion children aged 2 to 17 years experienced physical or psychological violence in the past year, for children under 15 years, disciplined violence at home is the most common type of victimization. Data from 28 developing countries show that sub-Saharan Africa has the highest prevalence of child abuse, with 83% of children reporting psychological violence and 43% reporting severe physical abuse (Nainar et al., 2022). A survey conducted by the African Children's Policy Forum found that 3,025 girls experienced domestic violence. At the age of 18 to 24, it was found that, in Burkina Faso, 91% of respondents were beaten during childhood, 88% were beaten, 51% were not fed, and 43% were forced to work hard as punishment (Nainar et al., 2022). Data on violence in Australia is estimated to coexist in 55% of children who experience physical violence and 40% of children who experience sexual violence (Nainar et al., 2022). The risk of harm to children living with domestic and family violence is now well recognized. However, the development of an effective and sensitive intervention to support child safety and well-being has received little attention.

The violence against children had increased during the pandemic, which was mostly gender-based violence. The pandemic engendered new types of risks such as child labor, child sexual exploitation, trafficking and smuggling, and the enrolment of children in criminal and armed groups. These risks were further increased by pandemic related issues like ethnic conflicts, food shortage, climate change, natural disasters and political instability continue, which exposed children to multiple forms of violence. Domestic violence data of last two years shows that more than 80% of children globally suffer from physical violence in their homes (Ayuningtyas et al., 2022). Data on violence against children from the United Nations (UNICEF) shows that about 6 out of 10 children worldwide aged 2 to 14 years, experience corporal punishment, 7 out of 10 victims of child abuse, experienced psychological aggression by caregivers (Iksan et al., 2022). The immediate consequence of domestic violence against children includes physical injury, cognitive impairment, attachment disorders, and symptoms consistent with depression and post-traumatic stress disorder (Iksan et al., 2022). Although, due to these kinds of domestic violence, impairment in health and social functioning can last into adolescence and adulthood.

In Indonesia, cases of domestic violence increased during the pandemic. The National Commission for Women and Children's 2019 Annual Records of Domestic Violence Private family problems reported 11,105 cases of child violence in 2019 against 9,637 cases in 2018 (Thacker et al., 2022). During the pandemic, according to a survey conducted in 2021, domestic violence against Toba Batak Muslim children, it was determined that the cases of domestic violence in children mainly triggered due to children's lack of education. Specifically, this violence against children before the pandemic was 2,851 cases, after the pandemic increased to 7,190 cases (Thacker et al., 2022). Moreover, children who live in an environment of increased domestic violence experience serious risks and danger. Despite various laws to eliminate and reduce the social evil of violence against the child, violence against children has consistently increased every year. This indicates the weak protection activities carried out by parents in the family as well as social protection carried out by the government of the Republic of Indonesia and non-governmental organization.

Problems statement

Owing to the increasing issue of child violence, various Laws in Indonesia have been passed. For instance, UUPA Number 35 of 2014 and regulations from Law Number 23 of 2002 concerning Child Protection have been in place for a few years. However, these laws have not been able to eliminate domestic violence against children effectively (Putri & Honggare, 2022). These laws of child protection have failed to support the safety and welfare of children. In this regard, it is required to make serious efforts from parents, society, state, and nation, to make more effective strategies to protect the child. It is not only the duty of the government, but at the same time, it is the social duty that is assigned by the moral and ethical values of the people.

The objective of this study was to reveal the description of the phenomenon of violence against children in families in urban areas of North Sumatra in Indonesia. This study also aimed to determine how effectively UURI on Child Protection number 35 of 2014, UURI regulation number 23 of 2002, and UURI abolition domestic violence number 23 of 2004 were applied. Importantly, this study was designed to determine the causal dimensions of domestic violence for children and to formulate government policy as executive responsible for eliminating domestic violence.

Literature Review

• Principle of Child Protection

According to UURI 23 of 2002 concerning the Elimination of Domestic Violence, the child is defined as someone who is not yet 18 years old, has no physical or mental disability, or has never been married (Kashif & Akhtar, 2020; Pradanita et al., 2022). The family is referred to husband and wife, or husband and wife and their children living in the same house, while parents are the father and mother. Furthermore, the birth of a child has a legal implication, therefore, there is a need for a legal guarantee for child protection activities (Cesarec et al., 2020; de Souza et al., 2020; Fadli et al., 2022). In this regard, legal protection of children can be interpreted as an effort to protect the child against various freedom and children's rights inequalities, as well as various interests related to the welfare of children (Dlalisa & Govender, 2020; Jaya & Wulandari, 2022; Mnisi & Ramoroka, 2020).

Furthermore, according to the UUPA Number 23 of 2002 concerning Child Protection, the protection of the child is considered as respect for human rights. There are different clauses for child protection in this document. To begin with, according

to Ha et al. (2022), every child has basic rights which must be safeguarded to him for his social life. Secondly, justice should be provided to the children if they are facing problems or consequences of any problem in their social life (Duke & Osim, 2020; Fauziah et al., 2022; Tejeiro et al., 2020). Furthermore, according to this document, if the protection of the child is ignored, it means tyranny or neglect of the child. Thirdly, according to this document, the children must be protected from the discrimination and other social problem they are facing as members of society. Fourthly, carrying out the best interest of children, respect for children's rights and survival and child development is the principal or basis for implementing child protection. Furthermore, according to Mendrofa (2022), domestic violence prevention program has generally been included in-home visiting program, group or individual-based care program, and child care.

• Protection and Prevention Model of Domestic Violence Against Children

In Indonesia, the domestic violence prevention program has generally been included in-home visiting programs, group or individual-based care programs, and child care. According to Warsifah and Arif (2022) some perinatal home visiting programs, such as the nurse and family partnership, and early childhood care programs have been shown to prevent or reduce certain forms of violence against children such as physical abuse and neglect. On the other hand, according to Astiarani et al. (2022), the other programs are designed to reduce violence against children outside the family have mostly been implemented in schools in high-income countries, especially in the form of group education and training to deal with juvenile dating violence or childhood sexual abuse. According to a recent review, the most effective program in reducing domestic violence against a child is the one that involves community mobilization and economic empowerment paired with gender equality training (Akbay & Delibalta, 2020; Solehati et al., 2022).

• Worldwide Violence Against Child

Violence against the child is reported worldwide and different social cultural and psychological factors are asserting the people for the act of violence. In America and Canada, 20% of children are violated due to the psychological reasons of their parents. In the case of Uganda and Africa, parents are violent for their children because of their less income and lower class (Denney & Powell, 2020; Prasetyo et al., 2022). In countries like Australia, people are violent against their children due to their busy life and not because they are not able to appropriately share time with their children (Duadji & Tresiana, 2022; Salavrakos, 2020). In Malaysia. people are violent to their children for their social and cultural affiliation in which they are so much engaged and they do not understand the physiological and psychological needs of their children. Moreover, these acts of violence are never reported. As a result, it is concluded that in Indonesia the child is violated for the same reasons because the people are sharing some trait of culture and traits of people of the other reigns (Amarulla Octavian et al., 2020; Reuben et al., 2022).

Methodology

A qualitative research design was adopted to collect primary data for this study. The instrument comprised 20 questions for interviews, prepared with the help of

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experts. These questions were related to finding causes of violence and abuse in which the victims were children. The sample of the study form whom the data were collected comprised 100 individuals from child protection institutions such as social and labor service and the Indonesian police. The questions were designed to get the response regarding the domestic violence against the child during and post covid-19 pandemic scenario. The questions were asked to the target respondents, and they were requested to provide the appropriate and right information for the study because, based on this information, the ultimate conclusion of this study would be derived.

After completing the interview, the responses were evaluated by analyzing them through content analysis. Interview transcripts were prepared in order to draw a rationale for the study and draw conclusion. The key answers were noted separately in the form of themes or constructs of the study. This provided researchers critical information related to the influencing factors behind the increasing numbers of child violence in the urban community of Indonesia. These factors proved useful information to prepare the discussion and conclusion of this study, as they also helped in understanding the contributing factors of child abuse cases. A few case studies were also considered in this study, to get information about the related factors and their influence on domestic violence against children. Furthermore, the media reports and other information related to the violation against children were also considered by the researcher to fulfill the purpose of the study.

Results and Discussion

• The Phenomenon of Domestic Violence Against Children

The findings of interviews regarding domestic violence against children in the urban area of North Sumatra, Indonesia revealed that children faced different types of violence. The results show that 13.53 % of children were beaten up, 3.30% were kicked, 16% were slapped, 1.2 % were burned with a cigarette, 6.62% were snatched. and 12.33% even experienced more than one type of physical violence. However, 47.02% of children never experienced physical violence at all in their life. On the other hand, children also faced psychological violence such as 16.54% were threatened, 11.13% were prohibited from making friends, 27.98% were shouted with hurtful words, 13.81% were prohibited from visiting friends, 6.64% experienced other types of violence. However, 23.91% of children never experienced domestic violence. Similarly, 24.67 % of children faced sexual violence, 10.23% faced economic violence, 3.90% forced to earn money, 3.00% were forced to work, and 16.85 % faced exploitation at work place. Importantly, 59.34% of children did not experience economic violence. These statistics revealed that Laws such as UURI Number 35 of 2014, regulations of UURI Number 23 of 2002 concerning child protection, and UURI Number 23 of 2004 concerning the elimination of domestic violence have not been implemented effectively.

Indonesian media also reports that by domestic violence during pandemic against children increased by 60% (Brooks et al., 2022). The note also states that domestic violence is the fourth highest cause of divorce in Indonesia. From January to April 2020, 128 cases of violence against women and children were recorded, an increase of 100% compared to the previous year (Nguyen et al., 2022). LBH APIK Jakarta

recorded that on April 16, 2020, there were 97 cases. The news published in the People's Mind article mentioned 4,116 cases of domestic violence against children, 2,556 cases of which were sexual violence. On August 18, 2020, the number of violence against children increased to 4,833 cases. According to reports, 1,111 cases of domestic violence against children consisted of 979 cases of physical violence, 2,556 cases of psychological violence, 68 cases of sexual violence, 73 cases of trafficking and exploitation, and 346 cases of neglect or discrimination in Indonesia in 2020 (Nguyen et al., 2022).

Based on interviews and data reports, the violence against children was at peak during the first outbreak of COVID-19. This was the time when the children were even not safe at home because they were facing critical challenges from their parents and society as well. The reported cases of victims of violence against children in various provinces in Indonesia during COVID-19 are presented in Table 1.

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Table 1. Number of Reported Cases in COVID-19 (Indonesia)		
No	Region	Number of victims
1	East Java	562
2	Central Java	488
3	South Sulawesi	398
4	DKI Jakarta	368
5	West Java	359
6	North Sumatra	337
7	Banten	232
8	Riau	228
9	West Nusa Tenggara	215
10	Lampung	193
	Total	3,380
Data Source: Rosy Dewi Arinti Saptoyo		

http://www.jpnn.com/news/kerasan-pada-perempuan-dan-anak

From the data in Table 1, it is determined that the East Java Region ranks the highest and Lampung as the lowest regions in the cases of domestic violence.

• Factors Causing Violence Against Children in the Household

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The findings of the study reveal that violence against children in the family cannot be eliminated easily despite though the government has made many efforts. There are different factors identified in this study that are causing violence against children. To begin with, parents' low level of education is causing problems for the children because illiterate parents are not well informed with the manner to treat their children. This is consistent with a current study (Mohd Yusoff et al., 2022). Secondly, based on interviews, it was observed that the low level of family income was also the reason for domestic violence against the children, consistent with a current study (Prasetiyo et al., 2022). Thirdly, it was noted that the incapability of the parents related to IT was also a reason that triggered the domestic violence against the children because the parents were not so literate to assist the children in online learning.

The chairman of the United North Sumatra Alliance (ASB) observed that until now the Medan City Government was not serious in protecting against violence against women and children. It was appropriate to call Medan a city not suitable for women and children (Prasetiyo et al., 2022). This statement indicates that the city of Medan, the capital of North Sumatra Province in Indonesia, was a city that did not protect women and children. It also suggested that the government had failed to carry out efforts to protect women and children, and that protection programs for children were not taken seriously. Furthermore, it illustrated that the weak protection of women and children also resulted in the increasing number of victims of domestic violence in the urban areas of North Sumatra, Medan, Indonesia.

• Efforts to Protect Children Victims of Domestic Violence

The informants in the interview from the social and labor service, city of Medan, North Sumatra, shared that the programs for handling victims of domestic violence were the responsibility of the Department of social and labor service officials, the Section for violence and migrant workers, the Bureau of women's empowerment and children and Family Planning in North Sumatra Province. Furthermore, it was also determined that social organizations and non-governmental organizations carry out only the preventive actions that are service efforts for independent young families through strengthening social and productive economic mentality (Rossevelt, 2022). In the same way, family welfare consulting institutions are tasked with finding a solution when there is an indication that there will be domestic violence in society. It was also noted that the women and children protection unit of the regional police of North Sumatra conducted several programs regarding the handling of victims of domestic violence. The provided services included receiving complaints, socializing efforts to protect women and children, advocacy and legal assistance, rehabilitation, and counseling (Rossevelt, 2022). Moreover, according to the results, the shortcomings and weaknesses were also noted. To begin with, the victim was not protected from the violence at a large level. Secondly, there were flaws in data collection on victims of domestic violence, server access that is appropriate for victims to access and the unavailability of psychologists or psychiatrists who are tasked with recovering trauma experienced by victims, and unequal perception of evidence of domestic violence among law enforcers.

Conclusion, Recommendations and Implications

The study revealed that the number of cases of domestic violence among children increased during the last three years, especially during the COVID-19 pandemic. This violence was noted in various forms such as physical, psychological, and economic exploitation, triggered by various factors such as the low level of parental education, the level of family income during the covid-19 pandemic is getting more difficult, and the lack of parental IT capabilities in assisting online learning. These are well-recognized critical factors are responsible for increasing the cases of violence against children, as also observed in another study by Atashi et al. (2022).

Looking at the seriousness of the issue, it has become necessary for the social and labor service, the police, and non-governmental organizations to work in cooperation in carrying out protective measures and assistance for child victims of domestic violence. They need to collaborate and form task committees to provide legal awareness education for the community regarding the violence against children. In addition, it is necessary to conduct creative economic training, accompanied by the provision of business capital for groups of people with similar low incomes. Furthermore, the government and non-governmental organizations should take a safe and united approach, and increase parental understanding through government programs such as home visits and training for the community on a productive creative economy. When parental education increases, IT skills and parental income would also increase. This would reduce the possible number of cases of domestic violence against children. The recommended types of activities are education, training, and skill course for the creative economy as well as providing business capital.

The study recommends that professional committees on the elimination of violence and child protection should be formed to set up standards of care in children's social care homes, collect data on children who are victims of domestic violence, and establish policies that prioritize family and community-based care. Additionally, the public should be advised to immediately report cases of child abuse to the police department, if they know that a case of domestic violence would occur in the community, in the result that the police will immediately take action to protect the victim and aid. This is consistent with the study of Atashi et al. (2022), who also suggested that the perpetrators of violence against children should be legally processed immediately to make a deterrent effect, so that violence against children in the household can be eliminated.

This study has theoretical as well as practical applications to eliminate the problems of domestic violence against children in Indonesia. No study earlier had been conducted to determine the causes of domestic violence against children during the pandemic in Indonesia. Hence, this study provided useful insights and deeper understanding of the causes contributing to domestic violence against children in Indonesia. The reasons found included illiterate parents as they failed to consider the moral and ethical rights of children. The parents' low income was also found responsible for the violence against children as parents with low income were not capable to meet their children's demands. The less assistance from parents to their children for online learning was also a reason behind domestic violence against the child, which is consistent with a study by Kurniawan and Andani (2022). This study also identified factors contributing to domestic violence against the child and demonstrated strategies that would be useful for protecting the child from domestic violence in the urban community of Indonesia.

Among the practical implications, this study would help eliminating or reducing the cases of domestic violence against the child in the urban community of Indonesia. Different government departments like the police department, the judiciary, and the non-government and social welfare organizations can work in a single direction to develop strategies for the protection of the child from domestic violence in the urban community of Indonesia. A practical suggestion would be to form a committee to socially mobilize people to not participate in the activities of domestic violence against the child. This committee can report every case of child abuse or violence to the appropriate authority and provide legal assistance to the victim child for his or her health and safety. The committee can also work on a large scale to promote education of the parents regarding the rights of the child to ensure that they will not be further involved in any kind of violence against the child. The law enforcers should also need to take firm action against perpetrators of violence against children, to create a deterrent effect.

This study had a few limitations too. It was purely based on interviews to get only the qualitative information about child abuse and domestic violence in the urban community of Indonesia. Future studies can focus to get the quantitative data from a wider selection of the population from the perspective of the abused child. Furthermore, the other social and psychological reasons should be identified to determine the causes of violence against the Indonesian child in the post-pandemic era of COVID-19.

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