

LEGAL PROTECTION REGARDING PHYSICAL VIOLENCE CRIMINAL ACTS AGAINST CHILD VICTIMS IN THE KAMPAR RESORT POLICE OFFICE

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Abstract

Problems Legal Protection Expected Crimes of Physical Violence on Child Victims in the Kampar Police Resort shows that there is still a gap between ideal child protection legal norms and law enforcement practices in the field. The purpose of this study is to analyze legal protection, obstacles faced, and efforts made in Legal Protection Expected Crimes of Physical Violence on Child Victims in the Kampar Police Resort. The research method used is sociological legal research with an empirical approach, through interviews, field observations, and literature studies. Based on the results of the study, it is known that Legal Protection Expected Crimes of Physical Violence on Child Victims in the Kampar Police Resort basically has a strong legal basis, especially the Child Protection Law and relevant criminal law provisions. In practice, police officers have attempted to apply the principle of the best interests of children through a humanistic examination approach, protection of the victim's identity, and limiting interaction between the victim and the perpetrator. However, the implementation of this legal protection has not been running optimally because it is influenced by various cultural, structural, and normative obstacles. The obstacles faced include the low courage of victims and families to report incidents of violence due to fear, social pressure, and dependence on the perpetrator; difficulties in establishing proof due to limited evidence and the psychological condition of child victims; and suboptimal supporting facilities and infrastructure, as well as cross-sector coordination in the protection and recovery of child victims. This condition indicates a gap between the adequate legal substance and the legal structure and culture that do not fully support the effectiveness of legal protection for children. Efforts to overcome these obstacles include strengthening legal outreach and education to the public to increase awareness and courage to report, optimizing evidence with a multidisciplinary approach involving medical personnel and psychologists, and increasing the capacity of investigators and strengthening coordination across institutions working in the field of child protection. Thus, legal protection for child victims of physical violence is not only oriented towards enforcing the law against the perpetrator, but also on fulfilling a sense of justice, legal certainty, and recovery for children as victims.

Keywords: Criminal Acts, Physical Violence, Legal Protection

INTRODUCTION

The legal basis for implementing accountability for criminal acts of assault in Indonesia can be found in several provisions contained in the Criminal Code (KUHP), particularly those related to the crime of assault. The following are some relevant legal bases:

1. Article 351 of the Criminal Code concerning Minor Assault:
This article regulates the crime of assault resulting in minor injuries to the victim. This article states that anyone who intentionally assaults another person and causes minor injuries can be sentenced to a maximum of two years and eight months in prison or a fine.
1. Article 352 of the Criminal Code concerning Intentional Misdemeanor Assault:
This article broadens the scope of abuse that can be punished with a fine or imprisonment for perpetrators of minor abuse that does not cause serious injury.
2. Article 353 of the Criminal Code concerning Serious Assault:
This article regulates assault that results in serious injury or permanent disability to the victim. In this case, the perpetrator can be sentenced to a maximum of five years in prison.
3. Article 354 of the Criminal Code concerning Assault with More Serious Consequences:
This article provides for harsher penalties if the abuse results in the victim's death. The perpetrator may be subject to a heavier prison sentence depending on the outcome of the case investigation.
4. Articles 55 and 56 of the Criminal Code concerning Participation and Assistance in Criminal Acts: These articles regulate the liability of those who participate in or assist in criminal acts of assault. This allows anyone directly or indirectly involved in assault to be held legally accountable.
5. Article 170 of the Criminal Code concerning the Crime of Group Assault: This article regulates the crime of assault committed by a group of people. If the act of group assault results in injuries, whether minor or serious, the perpetrators may be subject to criminal penalties according to their respective roles in the act.

In the implementation of criminal liability for acts of assault, there are the principles of *mens rea* (evil intent) and *actus reus* (physical act). For a person to be held responsible for the crime of assault, there must be intent or negligence in committing the act that results in harm or suffering to another person. The implementation of liability for the crime of assault refers to legal provisions in the Criminal Code which regulates acts that can be punished with varying penalties, depending on the level of injury suffered by the victim.

First, in the context of Indonesian criminal law, child abuse is regulated in the Criminal Code (KUHP) as well as in the Child Protection Law, namely Law Number 35 of 2014 concerning Child Protection which is an amendment to Law Number 23 of 2002. Criminal acts of child abuse can be subject to heavier sanctions if the act causes physical injury, mental injury, or psychological impact on the child.

Children are legal subjects who possess the dignity and worth of full human beings, and therefore the state is obligated to provide maximum legal protection against any form of violence they experience. Physical violence against children is a form of human rights violation that has serious impacts, not only on the victim's physical condition, but also on the child's psychological, social, and future development. In the context of law enforcement, the Kampar Police Department plays a strategic role as the vanguard of the criminal justice system in providing expected legal protection for child victims of physical violence.

Normatively, the provisions regarding abuse in the Old Criminal Code place physical violence against children within the general offense regime as stipulated in Article 351 of the Criminal Code on abuse, with increased penalties if it results in serious injury or death as stipulated in Articles 354 and 355 of the Criminal Code. However, the Old Criminal Code did not explicitly position children as subjects requiring special protection in the formulation of

these articles. Child protection was mostly accommodated through special regulations outside the Criminal Code, so that fragmentation often occurs in the application of the law at the investigative level.

With the enactment of Law Number 1 of 2023 concerning the National Criminal Code, a paradigm shift has occurred in regulating the crime of abuse. Article 466 of the New Criminal Code regulates ordinary abuse by expanding the definition of abuse beyond pain or injury to include acts that damage health. This provision is relevant in the context of physical violence against children, given that many acts of violence do not always result in serious injury, but can have serious impacts on a child's health and development. Furthermore, Article 470 of the New Criminal Code regulates serious abuse, with stricter criminal penalties if the act results in serious injury or death. This update reflects a more protective orientation of criminal law toward victims, particularly children as a vulnerable group.

Theoretically, legal protection for child victims of physical violence can be analyzed through the legal protection theory put forward by Philipus M. Hadjon (2014), which emphasizes that legal protection must be preventive and repressive. In the context of the Kampar Police Resort, preventive protection is realized through prevention efforts and legal socialization, while repressive protection is realized through an investigative process oriented towards the best interests of the child. Satjipto Rahardjo (2010) also emphasized that law cannot be separated from humanitarian goals, so that law enforcement against physical violence against children must prioritize substantive justice, not merely procedural justice.

Physical violence against children is both a social phenomenon and a legal issue that continues to demonstrate its urgency in the Indonesian criminal justice system. As individuals in the process of growing and developing, children are physically and psychologically immature, so any form of violence they experience has the potential to cause long-term impacts, both biologically, psychologically, and socially. Therefore, acts of physical violence against children cannot be viewed simply as ordinary legal violations, but rather as serious violations of human rights that require special and multi-layered legal protection.

Law enforcement against physical violence against children at the police level holds a highly strategic position. The police are the primary entry point into the criminal justice system, so the quality of legal protection received by child victims is largely determined by how police officers receive reports, conduct investigations, and interact with victims. In practice at the Kampar Police Resort, handling cases of physical violence against children is not only concerned with proving the elements of the crime, but also concerns the psychological aspects of the victim. Child victims of violence often experience trauma, fear, and emotional dependence on the perpetrator, who is often someone close to them.

The transition from the Old Criminal Code to the New Criminal Code also has practical implications for handling cases of physical violence against children. The New Criminal Code provides law enforcement officials with greater latitude to qualify various forms of abuse as abuse, including acts that were previously difficult to prosecute because they did not cause obvious physical injury. However, this expanded definition also requires increased police capacity to understand and appropriately apply the new norms. Without adequate understanding, criminal law reform has the potential to remain merely a normative change on paper without significant impact in practice.

The handling of physical violence against children demonstrates procedural legal protection efforts, but they are not yet fully optimal from the perspective of comprehensive victim protection. In the initial stages of receiving reports, police generally provide reporting access to victims or their families without distinction of social background or the perpetrator's relationship to the victim. However, in practice, not all cases of physical violence against children result in formal legal proceedings, as there is still a tendency for amicable resolution, particularly when the perpetrator is closely related to the victim.

In the field, investigators often face a dilemma between strictly enforcing criminal law and considering the psychological well-being of child victims and social pressures from their surroundings. In some cases, parents or guardians of victims withdraw reports, citing concerns about protecting the family's reputation or the child's future. This situation demonstrates that while physical violence against children is a criminal offense legally punishable, sociologically, law enforcement is still influenced by local cultural values that place family conflicts in the private sphere. As a result, the desired legal protection for child victims has not been fully realized.

In the local context of Kampar Regency, social and cultural characteristics influence the handling of cases of physical violence against children. Strong family values, on the one hand, can be a protective factor, but on the other, they can also hinder law enforcement when violence is perceived as a domestic matter best resolved within the family. In situations like this, the role of the police is crucial in ensuring that restorative approaches are not misused, thus compromising children's rights to protection and justice.

Legally, in addition to the provisions in the Old and New Criminal Codes, the protection of child victims of physical violence is also strengthened by Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. This law emphasizes that the state, government, and law enforcement officials are obliged to provide special protection to child victims of violence. This protection includes prompt handling, psychological support, and assurance that the legal process does not cause additional suffering for the child. Therefore, the handling of cases of physical violence against children by the police cannot be separated from a comprehensive child protection legal framework.

From the author's perspective, the effectiveness of legal protection for child victims of physical violence at the Kampar Police Resort is largely determined by the synergy between legal norms, the capacity of officers, and institutional support. The New Criminal Code provides a more progressive normative foundation, but its implementation requires a strong commitment from law enforcement officials to prioritize the best interests of children. Without such commitment, criminal law reform risks failing to deliver tangible change for child victims of physical violence.

Thus, the crime of physical violence against children is not only a matter of violating criminal norms, but also a reflection of the extent to which the state is present in protecting its most vulnerable citizens. The Kampar Police Resort as part of the criminal justice system has a moral and legal responsibility to ensure that every child victim of physical violence receives fair, humane, and recovery-oriented legal protection. Within this framework, the study of the crime of physical violence against child victims is relevant and important to continue to be developed, both in the academic realm and in law enforcement practice.

RESEARCH METHODS

This study uses Socio-Legal Research, which focuses on the application of positive law in society, particularly regarding legal protection for child victims of physical violence at the Kampar Police Resort. This sociological legal research aims to assess the effectiveness of the law in society and identify unwritten laws that exist and develop within the community. This study also examines the relationship between law and society, as proposed by Soerjono Soekanto, to see the extent to which legal norms are applied in practice.

The research approaches used include a statute approach to examine relevant legal regulations, a conceptual approach to examine legal doctrines and theories underlying child protection, and an analytical approach to systematically interpret and analyze legal norms and empirical data.

The data sources consisted of primary data obtained through field research, secondary data from literature, and tertiary data in the form of dictionaries and encyclopedias. Data collection techniques included observation, structured and unstructured interviews, and document studies.

The data obtained was analyzed qualitatively, by describing the data in narrative form without using statistical calculations. Conclusions were drawn inductively, drawing general conclusions based on specific facts discovered during the field research.

RESULT AND DISCUSSION

A. Legal Protection Expected for Criminal Acts of Physical Violence Against Child Victims at Kampar Police Resort

Legal protection is a fundamental concept in a state governed by law (*rechtsstaat*), as it directly relates to the recognition and guarantee of human rights. From a modern legal perspective, law is not merely defined as a set of regulatory and coercive norms, but also as an instrument that provides a sense of security, justice, and certainty for every legal subject. Legal protection is an indicator of the extent to which the law functions as a means to protect human interests from arbitrary actions, whether committed by fellow citizens or by state officials themselves.

The concept of legal protection cannot be separated from the concept of a state based on law as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that Indonesia is a state based on law. The principle of a state based on law implies that all actions of state administrators must be based on law and aimed at protecting the rights of citizens. Therefore, legal protection is a concrete manifestation of the principle of the supremacy of law, equality before the law, and guarantee of human rights (Asshiddiqie, 2016).

Conceptually, legal protection can be understood as an effort to protect individual rights from being harmed by the actions of others. Satjipto Rahardjo (2014) views legal protection as a form of protection for human interests, achieved through the granting of rights and obligations regulated by legal norms. In this view, law must side with humans and human values, not simply be a rigid and formalistic tool of power.

Physical violence against children is a form of crime that not only violates criminal law but also violates humanitarian values and the principles of human rights protection. Children, as minors, are vulnerable physically, psychologically, and socially, requiring special protection from the state. Within the jurisdiction of the Kampar Police, acts of physical violence against children are still found in various forms, occurring within the family, school, and public spaces, with perpetrators often coming from the victim's immediate circle (Soekanto, 2017).

Conceptually, physical violence against children can be defined as any act that results in pain, injury, or physical suffering to a child, whether intentionally or through negligence. This violence is often wrongly justified as a form of discipline, even though it is legally a criminal act. In law enforcement practices at the Kampar Police Resort, cases of physical violence against children are generally reported by parents, guardians, teachers, or family members after the physical or psychological impact on the child becomes apparent (Saraswati, 2015).

The phenomenon of physical violence against children cannot be separated from social, cultural, and economic factors. Authoritarian parenting styles, low legal awareness, and the assumption that children belong solely to their parents are often the underlying causes of violence. In the Kampar context, which still maintains strong social and customary ties, violence against children is often resolved within the family, hampering law enforcement and reducing the deterrent effect on perpetrators (Arief, 2016).

From a criminal law perspective, physical violence against children violates the

principle of protecting the vulnerable. Children lack the capacity to defend themselves or understand the legal consequences of their actions, so the state is obligated to provide maximum protection. Therefore, the handling of crimes of physical violence against children should not be treated like ordinary crimes, but rather requires a special approach oriented toward the best interests of the child (Rawls, 1971).

The legal basis for protection of child victims of physical violence in Indonesia is based on the 1945 Constitution of the Republic of Indonesia, specifically Article 28B paragraph (2), which states that every child has the right to survive, grow, and develop and has the right to protection from violence and discrimination. This constitutional provision serves as a philosophical and legal basis for the formation of laws and regulations that regulate child protection in more detail (Asshiddiqie, 2018).

Philipus M. Hadjon (1987) argued that legal protection for the people against government actions rests on two forms: preventive legal protection and repressive legal protection. Preventive legal protection aims to prevent disputes by providing the public with the opportunity to raise objections or opinions before a government decision is made. Meanwhile, repressive legal protection functions to resolve disputes that have already occurred through judicial mechanisms.

Preventive legal protection reflects anticipatory legal efforts. Through this mechanism, the public is given space to participate in the decision-making process, thereby minimizing the potential for rights violations. In the context of government administration, preventive legal protection is reflected in the general principles of good governance (*algemene beginselen van behoorlijk bestuur*), which require the government to act transparently, accountably, and non-arbitrarily.

Conversely, repressive legal protection serves as a means of enforcing rights after a violation has occurred. This mechanism is implemented through an independent and impartial judicial institution. Through the judicial process, the aggrieved party can seek restoration of their rights and obtain justice. Thus, repressive legal protection serves not only as a means of dispute resolution but also as an instrument of control over power to prevent its abuse.

Specific provisions regarding child protection are contained in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. This law affirms that a child is anyone under 18 years of age, including unborn children. The state, local governments, communities, families, and parents have an obligation and responsibility to protect children from all forms of violence (Gosita, 2012).

Article 76C of the Child Protection Law expressly prohibits anyone from committing, ordering, or participating in violence against children. This provision is imperative and does not allow any justification for physical violence under the pretext of education or discipline. In law enforcement practices at the Kampar Police Resort, this article serves as the primary basis for prosecuting perpetrators of physical violence against children (Wiyono, 2019).

Criminal sanctions for perpetrators of physical violence against children are regulated in Article 80 of the Child Protection Law. This article stipulates that perpetrators of violence against children are subject to a maximum prison sentence of 3 years and 6 months and/or a maximum fine of IDR 72,000,000. If the act results in serious injury, the penalty can be increased, and if it results in death, the penalty becomes even more severe. This provision reflects a criminal law policy that provides special protection for children (Wiyono, 2019).

In addition to the Child Protection Act, provisions in the Criminal Code can also be applied, particularly Article 351 of the Criminal Code concerning abuse. However, in cases involving child victims, the application of the Child Protection Act is prioritized based on the principle of *lex specialis derogat legi generali*. This principle asserts that special provisions override general provisions (Moeljatno, 2015).

The provisions regarding the crime of assault in the National Criminal Code (KUHP),

enacted through Law Number 1 of 2023, demonstrate conceptual updates and a systematic restructuring of the regulations compared to the Old Criminal Code. These updates are not only editorial but also address substantive aspects, particularly regarding the classification of acts, the expansion of the definition of assault, and changes to the criminal penalties that are more proportionate and contextual to societal developments.

The main legal basis for assault in the New Criminal Code is centrally regulated in Article 466 and Article 471. Article 466 of the New Criminal Code regulates ordinary assault which in principle includes any act that intentionally causes pain, injury, or disturbance to the health of another person. In paragraph (1) of Article 466 it is stipulated that ordinary assault is punishable by a maximum imprisonment of two years and six months or a Category III fine. This provision shows an adjustment in the criminal threat compared to the Old Criminal Code, by emphasizing the alternative of a fine as part of a more flexible sentencing policy.

Furthermore, Article 466 paragraph (2) and paragraph (3) of the New Criminal Code provides for more severe criminal consequences if the abuse results in more serious consequences. If the act of abuse results in serious injury, the perpetrator is threatened with a maximum prison sentence of five years. If the result is the victim's death, the criminal threat increases to a maximum prison sentence of seven years. This regulatory pattern reflects the principle of proportionality between the act and the consequences it causes, where the degree of wrongdoing and the impact of the act are the basis for determining the severity of the punishment.

One of the important updates in Article 466 of the New Criminal Code is found in paragraph (4), which broadens the meaning of abuse. Abuse is no longer understood narrowly as an act that causes physical pain or visible injury, but also includes acts that damage health. An example often cited in academic explanations is the act of opening a person's bedroom window with the intention of causing that person to catch a cold and fall ill. With this formulation, the New Criminal Code attempts to accommodate forms of violence or inhumane treatment that may not cause direct physical injury, but have a real impact on the victim's health. However, Article 466 paragraph (5) emphasizes that attempted ordinary abuse is not punishable, so that criminal law maintains the limits of its intervention so that it does not go too far into the realm of intent alone.

On the other hand, minor assault is specifically regulated in Article 471 of the New Criminal Code. This provision essentially adopts the concept of minor assault previously regulated in Article 352 of the Old Criminal Code. Minor assault is defined as an act of assault that does not cause illness or impede the victim's ability to carry out their work or position. The penalty imposed is a maximum of six months' imprisonment or a Category II fine. This reduction in the penalty demonstrates a more humane criminal law policy oriented toward the *ultimum remedium*, particularly for acts with relatively minor consequences.

Nevertheless, the New Criminal Code still pays attention to power relations in minor assault. Article 471 stipulates that the penalty may be increased by one-third if the act is committed against a subordinate or employee. This provision affirms legal protection for those in a weak or subordinate position, while also serving as a preventive measure against abuse of power in employment or other hierarchical relationships. In line with ordinary assault, attempted minor assault is also not punishable, demonstrating the consistency of criminal policy in the New Criminal Code. Furthermore, minor assault remains classified as a complaint-based offense, so law enforcement requires a complaint from the victim as the party directly harmed.

In addition to Articles 466 and 471, the provisions regarding assault in the New Criminal Code are also strengthened by provisions in Articles 467, 468, and especially Article 470. Article 470 of the New Criminal Code is essentially a re-arrangement of Article 354 of the Old Criminal Code concerning serious assault. This article regulates more specifically

acts of assault that intentionally cause serious injury, with a higher criminal penalty than ordinary assault. Under this provision, the perpetrator can be threatened with imprisonment of up to eight years if the act results in serious injury, and imprisonment of up to ten years if the act results in the victim's death. This affirmation shows that the New Criminal Code maintains a clear distinction between ordinary assault and serious assault, both in terms of elements and criminal penalties.

The changes and updates to the provisions on assault in the New Criminal Code reflect the legislators' efforts to align criminal law with modern values of justice. The broadening of the definition of assault, the restructuring of criminal penalties, and the emphasis on protection for vulnerable victims demonstrate the New Criminal Code's orientation, which emphasizes not only punishment but also the protection of human rights and a balance of interests between perpetrators, victims, and society. Thus, the provisions on assault in the New Criminal Code do not simply continue the legacy of the Old Criminal Code but rather present a new paradigm that is more comprehensive, proportional, and responsive to social dynamics.

From a legal theory perspective, protecting child victims of physical violence is closely related to the theory of legal protection. According to Satjipto Rahardjo (2014), legal protection is an effort to safeguard human interests by empowering individuals to act to defend their rights. In the context of children, legal protection must be active and affirmative because children are not yet capable of protecting themselves.

The theory of victimology is also relevant in analyzing crimes of physical violence against children. Victimology views victims as those who deserve attention and recovery, not simply as evidence in the criminal justice process. Children who are victims of physical violence experience not only physical suffering but also psychological trauma that can have long-term impacts on their personality development (Muladi & Arief, 2018).

From a legal theory perspective, legal protection is also closely related to the concept of legal certainty (*rechtssicherheit*). Gustav Radbruch stated that ideal law should encompass three basic values: justice, utility, and legal certainty. Legal protection will not be effective if the law does not provide certainty for legal subjects. Unclear norms or inconsistencies in legal application can actually lead to injustice and uncertainty (Radbruch, 1950).

However, legal certainty should not be interpreted narrowly as merely normative certainty. Legal certainty must be accompanied by substantive justice so that the law truly protects the interests of society. In this context, Satjipto Rahardjo (2009) emphasizes the importance of progressive law, namely law that dares to break free from the constraints of normative texts to achieve true justice. Legal protection, according to this approach, must be oriented toward people, not solely toward rules.

Based on the author's observations in the field, legal protection for victims of physical violence against child victims at the Kampar Police Resort has generally been attempted through procedural and non-procedural approaches. Procedurally, the Kampar Police have carried out case handling in accordance with the provisions of criminal procedure law and laws and regulations related to child protection. Meanwhile, non-procedurally, police officers demonstrate a humanistic approach in interacting with child victims, including by creating a conducive examination atmosphere, limiting interaction between the victim and the perpetrator, and involving a companion for the child victim. However, based on the author's observations, there is still a need to strengthen the psychological recovery aspect of victims on an ongoing basis through more intensive coordination with child protection agencies and other relevant agencies. Therefore, legal protection for child victims of physical violence needs to be interpreted not only as a law enforcement process, but also as a comprehensive effort to ensure a sense of security, justice, and recovery for children as victims.

Legal protection is also inseparable from the concept of human rights. Every individual

has inherent rights from birth, and the state is obligated to respect, protect, and fulfill these rights. The state's obligation to provide legal protection is reflected in various national and international legal instruments, including Law Number 39 of 1999 concerning Human Rights. This law affirms that the protection, promotion, enforcement, and fulfillment of human rights are the responsibility of the state, particularly the government (Ali, 2017).

In law enforcement practice, legal protection often faces various obstacles. Structural, substantive, and cultural factors frequently influence its effectiveness. A less-than-professional law enforcement structure, legal substance that is not yet responsive to societal needs, and a weak legal culture pose serious challenges to realizing ideal legal protection.

Furthermore, legal protection must also be viewed within the context of the power relations between the state and its citizens. Max Weber argued that the state holds a monopoly on the legitimate use of violence. Therefore, without adequate legal protection mechanisms, state power has the potential to be abused. Legal protection serves as a limit on power and as a means to ensure that the use of power is carried out in accordance with the law and principles of justice (Weber, 1965).

In practice at the Kampar Police Resort, cases of physical violence against children are handled through the Women and Children Protection Unit (PPA). This unit has the specific task of handling cases involving women and children, including conducting investigations using a child-friendly approach. The investigations are conducted by paying attention to the victim's psychological condition and avoiding actions that could cause re-traumatization (Mulyadi, 2016).

However, in reality, various obstacles remain in handling cases of physical violence against children. These obstacles include limited human resources with specialized expertise, a lack of supporting facilities for child examinations, and low public awareness of the need to report acts of violence. Cultural factors of shame and the desire to protect the family's reputation often lead to cases of violence against children not being officially reported (Soekanto, 2015).

Discussions regarding physical violence against children cannot be separated from the role of the family as the child's primary and primary environment. Ironically, many cases of physical violence against children occur within the family. This demonstrates that legal protection is not sufficient through criminal law alone; it also requires a preventative approach through education and public awareness (Saleh, 2013).

Legal protection for physical violence against child victims at the Kampar Police Resort essentially encompasses two forms: preventive and repressive legal protection. Preventive legal protection is implemented through outreach activities, legal counseling, and collaboration with relevant agencies such as schools and social services. The goal is to prevent violence against children before it occurs (Hadjon, 1987).

Repressive legal protection is realized through the law enforcement process against perpetrators of physical violence against children. The Kampar Police Department plays a frontline role in receiving reports, conducting investigations, and referring cases to the prosecutor's office. This process aims to provide justice for victims while simultaneously deterring perpetrators (Mertokusumo, 2019).

In addition to criminal law enforcement, legal protection for child victims of physical violence also includes recovery efforts. Recovery includes medical rehabilitation, psychological rehabilitation, and social support. These efforts are crucial to ensuring that children can grow and develop optimally after experiencing violence (Saraswati, 2017).

Thus, legal protection for victims of physical violence against child victims at the Kampar Police Resort is a complex and ongoing process. This protection depends not only on effective law enforcement but also on the synergy between law enforcement officials, local government, the community, and families. The law must be present not only as a means of

punishment but also as a means of protection and recovery for children as the nation's future generation (Fuller, 1964).

B. Obstacles and Efforts to Overcome Obstacles in Legal Protection Expecting Criminal Acts of Physical Violence Against Child Victims at the Kampar Police Resort

Handling crimes of physical violence against children is a crucial issue in the Indonesian criminal justice system, particularly during the police investigation phase. Although a legal framework for child protection is normatively established through Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, the reality of implementation at the regional level still faces various structural, cultural, and technical obstacles. This condition is also reflected in the practice of handling cases of physical violence against children within the jurisdiction of the Kampar Police Department, which in many cases has not been fully able to provide effective, responsive, and best-interest-oriented legal protection for children.

These obstacles do not stand alone, but are interconnected, forming a complex chain of problems. In this context, the most prominent primary obstacles include low participation and courage among victims and families to report, limited evidence and difficulties in establishing proof, and limited supporting facilities and weak cross-sectoral coordination. These three obstacles significantly impact the quality of law enforcement and have direct implications for the fulfillment of the rights of children as victims of crime.

The first and most fundamental obstacle in handling physical violence against children at the Kampar Police Resort is the low level of participation and courage of victims and their families to report the incidents. This phenomenon is not merely an individual issue, but rather reflects deeply rooted sociological and cultural issues within society. Children, as victims of violence, are in a highly vulnerable position, both physically and psychologically, often lacking the courage to disclose their experiences of violence to the authorities.

Psychologically, child victims of physical violence often experience profound trauma characterized by fear, anxiety, and distrust of their surroundings. This trauma is exacerbated when the perpetrator is someone close to the child, such as a parent, family member, or authority figure. In such circumstances, children tend to remain silent due to fear of threats, retaliation, or even greater psychological pressure if they report the incident. According to Arief Gosita (2010), child victims of crime often experience secondary victimization due to an unsupportive social environment, including family attitudes that prefer to cover up the incident to protect the family's reputation.

In addition to the child's psychological factors, the family's attitude is also a major determinant of whether or not a police report is filed. In practice in the Kampar region, many families still view violence against children as a domestic or internal family matter that should not be brought to the legal realm. This view is influenced by patriarchal culture and traditional values that place children as objects of care completely under the control of their parents. As a result, when physical violence occurs, families tend to resolve it amicably or even allow it to go unaddressed without adequate legal action.

From a legal perspective, this attitude clearly contradicts the principle of child protection as legal subjects possessing human rights that must be protected by the state. Philipus M. Hadjon (2011) emphasized that legal protection is not only provided after a violation occurs but also encompasses preventive measures through guaranteed access to complaint mechanisms and law enforcement. The low level of reporting indicates that this access, in fact, has not been fully felt by the community, especially vulnerable groups such as children.

Barriers to reporting are also exacerbated by the community's lack of legal knowledge regarding children's rights and the mechanisms for reporting crimes. Many parents do not

understand that physical violence against children is a serious crime that can be prosecuted, even if committed by the parents themselves. This lack of awareness leads families to prefer peaceful means or even blame the child for the violence. In this context, the law loses its educational and preventive function, as Satjipto Rahardjo argued that the law should be there to defend the vulnerable, not to allow injustice to persist under the pretext of culture or custom. (Rahardjo, 2014).

The second significant obstacle in handling cases of physical violence against children at the Kampar Police Resort is the limited availability of evidence and the difficulty of establishing proof. Crimes of violence against children generally occur in private, closed spaces, and without witnesses, making it difficult for law enforcement officials to gather sufficient evidence to meet the evidentiary standards in criminal procedure. However, Article 183 of the Criminal Procedure Code (KUHAP) stipulates that a judge may not sentence a person unless, based on at least two valid pieces of evidence, they are convinced that a crime has actually occurred and that the defendant is guilty of committing it.

In many cases in Kampar, reports of physical violence against children are only filed long after the incident has occurred, so that scars have healed or are no longer medically evident. This situation results in the inability of the post-mortem examination (*visum et repertum*) to provide a strong picture of physical violence. This post-mortem examination is a crucial piece of evidence in cases of physical violence. This delay in reporting is closely related to the first obstacle: the fear and reluctance of victims and their families to report immediately.

Difficulties in establishing evidence also arise because child victims' statements are often considered weak if not supported by other evidence. Although victim statements are considered valid evidence, in practice, investigators still face challenges in obtaining comprehensive statements from children without causing additional psychological stress. Children often provide conflicting accounts due to trauma, fear, or an inability to recall the details of events coherently. According to Muladi (2010), the juvenile criminal justice system requires a special approach that differs from that of adult criminal cases, particularly in terms of evidence gathering and victim examination.

On the other hand, the limited human resources with specialized expertise in child questioning also poses a barrier. Not all investigators have specialized training in child interview techniques with a victim protection perspective. As a result, the questioning process has the potential to lead to revictimization, where the child experiences further psychological stress due to the legal process itself. This contradicts the principle of the best interests of the child, which should be the primary foundation at every stage of child case handling.

A third, equally significant obstacle is the limited supporting facilities and weak cross-sectoral coordination in handling physical violence against children at the Kampar Police Resort. Handling children's cases cannot be handled solely by the police; it requires synergy between various parties, such as social services, child protection agencies, psychologists, medical personnel, and the prosecutor's office. However, in practice, this inter-agency coordination has not been optimal.

The limited supporting facilities are evident in the inadequate availability of child-friendly facilities at the police department, such as dedicated examination rooms for children, accompanying psychologists, and integrated support mechanisms from the investigation stage. As a result, children often undergo examinations in psychologically unsupportive environments. Gustav Radbruch (2014) emphasized that justice is not solely related to legal certainty but also to the perceived utility and sense of justice felt by the community. In this context, the lack of adequate supporting facilities indicates that the utility and substantive justice aspects have not been fully realized.

Weak cross-sector coordination also impacts the slowness of case handling and victim

recovery. Overlapping authority or even shifting of responsibility between agencies is not uncommon. This results in victims not receiving ongoing psychological and social support, even though victim recovery is an integral part of child legal protection. John Rawls (2011) states that social justice demands special protection for the most vulnerable in society, including child victims of violence.

One of the most significant obstacles is the lack of official reports from victims or their families. Children who are victims of physical violence are generally in a weak, dependent, and powerless position, both psychologically and socially. In many cases in Kampar, the perpetrators are from the child's immediate environment, such as parents, immediate family members, or people in a power relationship with the victim.

This situation causes children to experience fear, psychological stress, and threats, making them reluctant to report the violence they have experienced. Furthermore, families often choose to conceal cases out of concern for family honor, shame, or fear of social stigma. Consequently, many cases of physical violence against children remain unreported in the legal system, making it difficult for police to effectively enforce the law.

Another obstacle is the difficulty of proving physical violence against children. In practice, reports are often filed late, so that scars or signs of violence have faded or disappeared. Furthermore, physical violence against children is often committed without witnesses, in private settings, and often without adequate post-mortem reports.

Child victims often struggle to provide consistent testimony due to age, psychological trauma, and limited communication skills. These factors impact the strength of evidence during the investigation, leaving Kampar Police investigators facing significant challenges in legally fulfilling the elements of a crime, as stipulated in criminal procedure law.

Another structural barrier is the limited resources and support needed to handle cases of physical violence against children. Handling cases involving children ideally requires a multidisciplinary approach, involving investigators with specialized expertise in children, psychologists, social workers, and child protection agencies.

In the field, coordination between the police, social services, child protection agencies, and psychological services is not yet fully effective. Furthermore, the limited number of investigators with specialized expertise in child cases also impacts the lengthy case handling process and the suboptimal application of the principle of the best interest of the child at every stage of the legal process.

Based on this analysis, it can be concluded that the obstacles in handling physical violence against children at the Kampar Police Resort are multidimensional and interrelated. Lack of reporting, difficulty in providing evidence, and limited resources and coordination not only hamper the law enforcement process but also potentially deprive children of their right to justice and adequate reparation. Therefore, comprehensive reform efforts are needed, including increasing public legal awareness, strengthening the capacity of law enforcement officers, and developing a cross-sectoral coordination system oriented toward the protection and best interests of children.

Based on the author's observations in the field, the obstacles and efforts to overcome obstacles in legal protection for physical violence against child victims at the Kampar Police Resort are generally related to internal factors of the victim and external factors in the form of family and social environment. The victim's psychological trauma, limited understanding of the law, and concerns about social stigma are real obstacles in the law enforcement process. The efforts made by the police to overcome these obstacles are seen through the application of a humanist approach, providing assistance during the examination process, and efforts to maintain the confidentiality of the victim's identity. However, based on the author's observations, it is still necessary to strengthen coordination with support institutions and professional personnel, especially in the aspect of psychological recovery of victims on an

ongoing basis, so that legal protection for child victims of physical violence can be implemented more optimally and comprehensively.

Efforts to overcome obstacles in handling crimes of physical violence against children at the police level cannot be separated from the primary objective of child protection law, namely to ensure the fulfillment of children's rights to a sense of security, justice, and adequate recovery. In the context of the Kampar Police Department, the various obstacles outlined above require systematic, sustainable, and integrated measures. These efforts are not merely normative but must also address sociological and institutional aspects to ensure the law is truly effective in protecting children as a vulnerable group.

Theoretically, legal protection for child victims of physical violence embodies the principle of "best interests of the child," which has been universally recognized and adopted in national legal systems. This principle requires that every policy and action by law enforcement officials prioritize the interests of the child. Therefore, efforts to address these barriers must be directed at strengthening children's access to justice, improving the quality of evidence, and strengthening institutional capacity and coordination within the criminal justice system.

The first strategic effort in overcoming obstacles to handling physical violence against children is strengthening outreach, education, and child-friendly reporting mechanisms. The low level of courage among victims and families to report demonstrates that the law is not yet fully understood and trusted as a means of protection. From a sociological perspective, this situation indicates a gap between the law on the books and the law in action. While the law explicitly prohibits violence against children, this norm has not yet been fully implemented and internalized in public legal consciousness.

Strengthening legal socialization needs to be carried out systematically, involving various elements of society, such as schools, traditional leaders, religious leaders, and community organizations. Socialization should not only focus on prohibitions and sanctions, but should also emphasize children's rights as legal subjects and the obligations of the state and society to provide protection. According to Soerjono Soekanto (2014), the effectiveness of the law is largely determined by the level of legal awareness in society, which includes knowledge, understanding, attitudes, and legal behavior. Without adequate legal awareness, legal norms will be difficult to implement effectively.

In the context of the Kampar Police Department, strengthening legal education must also be directed at fostering a positive perception of the police institution as a safe and welcoming place for child victims of violence. Child-friendly reporting mechanisms, such as providing a dedicated complaint room, using language accessible to children, and guaranteeing the confidentiality of victims' identities, are concrete steps to reduce the fear and stigma that have hindered reporting. This approach aligns with the view of Philipus M. Hadjon (2011), who emphasized that preventative legal protection must be realized through the provision of adequate procedural guarantees for citizens.

Furthermore, involving families and the social environment in the legal education process is crucial. Many cases of violence against children go unreported because families feel ashamed or afraid of social consequences. Therefore, outreach efforts must shift the societal paradigm, emphasizing that reporting violence against children is not a disgrace, but rather a form of moral and legal responsibility. In this context, the law functions not only as a repressive tool but also as a means of social engineering (law as a tool of social engineering), as argued by Roscoe Pound (2010).

The second, equally important, effort is optimizing the collection of evidence through a multidisciplinary approach. Difficulties in establishing proof in cases of physical violence against children are a classic problem in criminal law, given that violent incidents often occur in private settings and without witnesses. Therefore, an evidentiary approach that relies solely

on conventional evidence as stipulated in the Criminal Procedure Code (KUHAP) is often inadequate to uncover the material truth in children's cases.

A multidisciplinary approach requires collaboration between law and other disciplines, such as psychology, forensic medicine, and the social sciences. Testimony from a child psychologist, for example, can be a crucial tool in assessing the impact of violence and the consistency of the victim's testimony. According to Muladi (2010), the modern criminal justice system must accommodate scientific developments to achieve substantive justice, not just formal justice. In this context, a post-mortem examination (*visum et repertum*) is not only understood as physical evidence but can also be supported by psychological assessments that demonstrate trauma resulting from violence.

Optimizing evidence also requires improving the quality of examinations of child victims. Child-friendly interview techniques must be consistently applied to ensure accurate information is obtained and prevent additional trauma. This aligns with the principles of non-discrimination and special protection for children as mandated by law. From a theoretical perspective, the use of a multidisciplinary approach broadens the meaning of evidence, remaining within the scope of criminal procedure law while being more responsive to the characteristics of child victims.

In practice at the Kampar Police Resort, the implementation of a multidisciplinary approach still faces various obstacles, such as limited access to experts and the lack of a systematic cooperation mechanism. Therefore, an internal policy is needed that encourages investigators to actively involve experts from the early stages of the investigation. This step not only strengthens the evidence but also improves the quality of protection for child victims. Gustav Radbruch (2014) stated that good law must be able to balance certainty, justice, and expediency. A multidisciplinary approach to evidence is a concrete manifestation of efforts to achieve this balance.

The third structural effort is to increase the capacity of investigators and strengthen inter-agency coordination. Investigators are key actors in the process of handling crimes of violence against children. Therefore, the quality of law enforcement depends heavily on the competence, sensitivity, and integrity of investigators. Capacity building for investigators encompasses not only the technical aspects of investigations but also an understanding of child psychology, victimology, and the principles of child protection.

Specialized training for investigators handling child cases is an urgent need. Without adequate understanding, investigators could potentially engage in actions that are detrimental to victims, such as unnecessary repeated examinations or the use of intimidating approaches. From the perspective of legal protection theory, this situation can be categorized as a form of state failure to fulfill its obligation to protect children's human rights. According to Satjipto Rahardjo (2010), law enforcement officers must be able to use conscience and empathy in enforcing the law, especially when dealing with vulnerable groups.

In addition to improving individual capacity, strengthening inter-agency coordination is a key prerequisite for an effective child protection system. Handling violence against children cannot be left solely to the police but requires synergy with social services, child protection agencies, the prosecutor's office, and health care institutions. Good coordination will ensure that children not only receive justice through the legal process but also achieve sustainable physical and psychological recovery.

In the context of the Kampar Police Department, strengthening cross-agency coordination can be achieved through the establishment of formal cooperation mechanisms, such as memorandums of understanding or integrated teams for handling violence against children. This mechanism will minimize sectoral egos and expedite the case handling process. From the perspective of social justice theory, John Rawls (2011) emphasizes that basic institutions in society must work fairly to protect the most vulnerable. Therefore,

strengthening cross-agency coordination is part of the state's responsibility to achieve justice for child victims of violence.

The primary effort that needs to be undertaken is to increase legal awareness and public education regarding child protection and reporting mechanisms for violent crimes. The Kampar Police can continuously provide legal education in schools, villages, and the community, emphasizing that violence against children is a serious crime and not a private family matter.

Furthermore, it's necessary to provide a child-friendly, safe, and easily accessible reporting mechanism so that victims and their families are not afraid to report. This persuasive approach aims to build public trust in the police and eliminate the social stigma that has been a major barrier to disclosing cases of physical violence against children.

To overcome evidentiary difficulties, it is necessary to strengthen cross-professional collaboration between investigators, medical personnel, psychologists, and social workers from the early stages of case management. Victim examinations must be promptly accompanied by a post-mortem examination (*visum et repertum*), psychological assessment, and professional documentation of the victim's condition.

This approach helps investigators obtain comprehensive evidence, rather than relying solely on the victim's testimony. This way, the child's limited ability to testify can be offset by scientific evidence and expert testimony, ensuring the investigation still meets the evidentiary standards of criminal procedure law.

Another strategic effort is to improve the capacity of human resources, particularly investigators handling child cases. Special training on child examination techniques, victim psychology, and the application of the best interest of the child principle needs to be conducted on an ongoing basis.

Furthermore, strengthening cross-agency coordination—such as with social services, child protection agencies, and rehabilitation services—is key to ensuring that case handling goes beyond law enforcement alone and also ensures the physical and psychological recovery of child victims. This synergy will expedite the case handling process and improve the quality of legal protection for children.

Based on the above description, it can be concluded that efforts to overcome obstacles in handling physical violence against children at the Kampar Police Resort must be carried out comprehensively and sustainably. Strengthening child-friendly outreach and reporting, optimizing evidence through a multidisciplinary approach, and increasing investigator capacity and cross-agency coordination are three main, complementary pillars. If these three efforts are implemented consistently, legal protection for children will not only be realized normatively but also be felt concretely by child victims and by the wider community.

CONCLUSIONS

Legal Protection for Physical Violence Against Child Victims at the Kampar Police Resort believes that the handling of physical violence against children within the jurisdiction of the Kampar Police Resort has a strong legal basis, particularly through the Child Protection Law and other criminal law provisions. However, the implementation of this legal protection has not been optimal. This is due to the existence of major cultural, structural, and normative barriers, which are interrelated and influence the effectiveness of law enforcement.

Obstacles and Efforts to Overcome Obstacles in Legal Protection Expecting Physical Violence Crimes Against Child Victims in Kampar Police Resort that the low courage of victims and families to report, difficulties in proving due to limited evidence and psychological conditions of children, as well as less than optimal supporting facilities and cross-sector coordination. To overcome these obstacles is for the Kampar Police Resort to strengthen socialization and legal education to the community to increase awareness and

courage to report, optimize evidence through a multidisciplinary approach involving medical personnel and psychologists, and increase the capacity of investigators and cross-agency coordination related to child protection.

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