



EFFORTS TO ADDRESS THE RIGHTS OF RESTITUTION OF CHILD VICTIMS RESEARCH STUDY OF THE OFFICE OF WOMEN'S EMPOWERMENT, CHILD PROTECTION AND COMMUNITY OF BINJAI CITY

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Abstract

This writing is motivated by various forms of problems which are used as complaints experienced by several communities regarding criminal acts of violence experienced by children and women. The research method used is the Empirical Juridical method with a descriptive analysis approach. The results of this research show that the efforts made by the women's empowerment, child protection and community services provide legal protection for children who are victims of domestic violence in coordination with non-governmental organizations such as the Indonesian Child Advocacy Institute (LAAI). The Indonesian Child Advocacy Institute (LAAI), physically provides child protection by means of Litigation and Non-litigation, the factors behind which a child who has experienced violence can have the right to restitution depending on the situation and conditions faced, such as victims of criminal acts of sexual violence have the right to receive restitution and recovery services in the form of compensation for loss of wealth or income, compensation for losses incurred as a result of directly related suffering as a result of criminal acts of sexual violence, reimbursement for medical or psychological treatment costs and compensation for other losses.

Keywords: *Prevention, Restitution, Children*

A. INTRODUCTION

The phenomenon of violence against women and children has recently become a very hotly discussed issue. How could it not be, in every region there are always cases of violence against children and women. For Indonesia, apart from getting news from the mass media, an increase in the spatial scale, form, intensity and degree of violence against women and children is also obtained from the results of research that is increasingly being carried out. The violence that often occurs against women is sexual violence, which is a fact that objectively occurs frequently in society. Like it or not, the phenomenon of sexual violence has become a problem that often arises in various societies and various regions in Indonesia. Until now, some people consider cases of sexual violence to be problems that are indifferent or not considered important and are based on personal problems which in fact are not permitted by other people to take intervention or even provide alternative solutions in resolving the problem. The sexual violence experienced by the victim is certainly not commensurate with the sanctions imposed by the police on the perpetrator. Violence against women and children includes all forms of gender-based violence, whether physical, sexual or emotional, which cause women to suffer, including all forms of threats, intimidation and violations of the rights or freedom of women and children, whether openly or secretly. Violence often occurs against vulnerable children and women. said to be vulnerable is because the position of children and women is less favorable. Vulnerable children and women are children and women who are at great risk of experiencing disorders and problems in their development, both physically, mentally and socially.

Children and women are vulnerable to being influenced by their internal and external conditions. including girls who are economically disabled (girls from poor families), culturally

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disabled (girls in remote areas), disabled, who come from broken homes (Cracked Families). Violence against women is a reality of social life. all of them are the result of the construction of the socio-cultural reality of society where violence occurs as a form or manifestation of patriarchal values which exist as social facts, where these values spread in the social structure of society and reduce the role and position of women naturally, so that women are at a low point. This view assumes that violence is built by a value view that creates or produces unfair knowledge about the role and position of women. The interactions that take place in society between men and women always prioritize symbols of physical strength as men and women are considered weak creatures, so that many women are victims of violence. In cases of violence, whether it occurs in the household or in the community, such as cases of physical or sexual abuse, for example rape, the woman as the victim is suspected from the start that she has more or less contributed to the incident that happened to her (participating victim). In fact, in many cases, women as victims are the ones who are blamed.

Violence against women is any act based on gender differences that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of certain acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Thus, violence committed against children is the same as violence experienced by adult women, often occurs and has very serious impacts, the form of violence against children with the most cases is children who are victims of rape and sexual harassment, this case from year to year also more increasing. Another case that is increasing is the case of child neglect. This increasingly worrying case of violence against children needs to be followed up by the parties involved, namely the family, community and government in the form of prevention, protection for child victims of violence and legal action against perpetrators of violence. The form of violence experienced by children not only originates from the conditions or circumstances of the family and nation, but also originates from the treatment of their own family members. Forms of violence experienced by children can include acts of violence both psychological, physical and sexual.

As happened in the city of Binjai, North Sumatra in early April 2003, namely an older brother molested two of his younger siblings. A mother in the city of Subang, West Java, in early August 2003 abused her biological child to death. The incident experienced by a nine year old little girl in Tegal, Central Java, in early May 2003, was molested by her adoptive father. Losses to children as victims of violence committed by the family are not only material, but also immaterial, including emotional and psychological shocks, which directly or indirectly will affect their future lives.. In UN General Assembly Resolution Number 40/34, it is determined that the losses suffered by crime victims include physical and mental injury, emotional suffering, economic loss or substantial damage to human rights. them (substantial impairment of their fundamental rights). It is further stated that a person can be considered a victim regardless of whether the perpetrator of the crime is known, detained or convicted and regardless of the family relationship between the perpetrator and the victim. Article 13 of Law Number 17 of 2016 concerning child protection, determines:

1. Every child while in the care of parents, guardians or any other party responsible for their care has the right to receive protection from treatment:
 - a. Discrimination
 - b. Exploitation, both economic and sexual
 - c. Neglect
 - d. Cruelty, violence and abuse
 - e. Injustice
 - f. Other Mistreatment
2. In the event that a parent, guardian or child caretaker commits any form as intended in paragraph (1), the perpetrator will be subject to increased punishment.
- 3.

B. FORMULATION OF THE PROBLEM

1. What are the Efforts to Overcome and Obstacles in Providing Rights of Restitution to Child Victims According to Law Number 17 of 2016 concerning Child Protection for the Women's Empowerment, Child Protection and Community Services?
2. What are the factors behind the child being obliged to get the right to restitution?

C. RESEARCH METHODS

Research methods are one of the elements in carrying out a series of reputable scientific research on problems or topics that are being discussed or solving problems that are still preconceived. In carrying out research, you definitely need a method for carrying it out, it feels like carrying out research is not complete without using a method in it and the problem will not even be solved. This research uses a doctrinal legal research method where this research emphasizes theories regarding the process of occurrence and regarding the process of how law works in society. Doctrinal law has a research approach, namely Juridical and Empirical. This research also tends to use socio-research, where this research directly deals with the community looking for reasons and views on the targeted research topic. This research uses a typology that is descriptive analysis, which means that the research aims to describe something in a certain area and at a certain time, in researching you have obtained/have a picture in the form of initial data about the problem to be researched.

D. DISCUSSION

1. Efforts to Overcome and Obstacles in Providing Rights of Restitution to Child Victims Against Law Number 17 of 2016 According to the Office of Women's Empowerment, Child Protection and Community

The problem of cases of violence against children and women has become an obligation or duty for the women's empowerment, child protection and community services to try to minimize these cases. As we know, this case of violence has become a black record or a dark record for the nation of the Republic of Indonesia, so that there is no change or progress in the nation as a result of the high crime rate and the lack of awareness movements among the public or socialization between governments in terms of overcoming acts of violence, one of which is. The forms of violence against children and women, ranging from neglect to rape and murder, can be classified into 4 (four) types, namely:

- a. *Emotional Abuse*(emotional violence), can occur if a parent knows their child's desire for attention but the parent does not give the child what he wants but instead ignores him. Children will remember all emotional violence if the emotional violence is consistent.
- b. *Verbal Abuse*(violence with words), born as a result of yelling, cursing parents at children, when children ask for something the parents don't give it instead shouted at him. When the child asks to talk, the parents don't respond but instead rebuke with shouts, the child will remember all this verbal violence if all this verbal violence occurs within a certain period, namely several months, years.
- c. *Physical Abuse*(physical violence), this occurs when a child receives a blow from a parent. This type of violence will be remembered by children, especially since this violence leaves scars on the child's body, because scars will continue to remind the child of the event that caused the injury.
- d. *Sexual Abuse*(sexual violence), this type of violence occurs if there is sexual activity carried out by an adult against a child

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The data on cases of violence against boys/girls and adult women in the Binjai area are as follows:

2021 Violence Case Data	
Boy	2 persons
Girl	11 People
Woman	12 People
Violence Case Data 2022	
Boy	10 People
Girl	19 People
Woman	8 people
Violence Case Data 2023	
Boy	12 People
Girl	34 People
Woman	6 People

From data on cases of violence obtained from scientific research at the women's and children's empowerment service, since the last three years there has been a change in the quantity of people who experience violence, whether against boys or girls or adult women who experience domestic violence (KDRT), not closing the possibility that as the years pass, these acts of violence can be minimized or vice versa depending on the role of local governments in empowering women and children in making firm efforts to make new breakthroughs to minimize the number of cases of violence. The violence experienced by boys in 2021 amounted to 2 boys, 11 girls and 12 adult women with cases of violence in the form of bullying or sexual harassment which had an impact on the child's mental or psychological state so that they became disturbed. In 2022, there will be an increase in data on violence experienced by 10 boys, 19 girls and 8 adult women experiencing domestic violence (Domestic Violence) due to a decline in the household economy and violence occurring to children due to people's arrogance. old and in 2023 there will be a double increase from the previous year to 12 boys, 34 girls and 6 adult women who experienced the same problems in the previous period but the girls who experienced violence were superior. Regarding the handling carried out by the women's empowerment, child and community protection services in the city of Binjai, the violence case has reached the court process stage, the existence of legal facts in the form of evidence as a form of violence cannot be processed at the mediation stage and requires rights and obligations attached to the child so that no party is harmed.

The data on cases of violence up to the stage of court proceedings are as follows:

Year	Boy	Girl	Woma n
	Amount	Amount	Amou nt
2021	-	2 persons	-
2022	2 persons	3 people	-
2023	2 persons	2 persons	1 person

From the data on violence cases above, it shows that in 2021 cases of violence resolved at the court stage were 2 girls, but cases involving boys and adult women were resolved non-litigation or outside the court by carrying out the mediation stage. In 2022,

cases of violence that reached the court stage increased from the previous year, namely 2 cases of violence experienced by boys and 3 cases of violence experienced by girls from the previous year which went to the trial stage. Furthermore, in the following year the number of cases of violence that reached The number of trial stages was the same as the previous year, namely 2 cases of violence against boys, 2 cases against girls, while only 1 case went through the trial stage for adult women from the previous year, where resolution of the problem was only carried out to the extent of mediation. Mediation here means an alternative approach in finding a solution or common ground in resolving a problem peacefully and accompanied by both parties by considering the risks or symptoms faced in taking action. Seeing the situation and condition of children as victims of violence in general and domestic violence in particular, full attention and responsibility is needed for parents, society and the government so that children's rights can be felt directly during their development. Those who seek child protection are the government and/or society Article 11 paragraph (2) of Law Number 4 of 1979 concerning Child Welfare. In Law Number 23 of 2002 Jo Law No. 17 of 2016 concerning child protection, it is clear in one of its articles, namely Article 59, which essentially states that the government and other state institutions are obliged and responsible for providing special protection to children as victims of violence.

Juridical protection or legal protection is based on Law Number 23 of 2002 in conjunction with Law No. 17 of 2016 concerning child protection, Law Number 23 of 2004 concerning the Elimination of Domestic Violence, the Convention on the Rights of the Child and other laws and regulations concerning child protection. In this case, the women's empowerment and child protection service collaborates with the Indonesian Child Protection Association (PPAI) in providing legal protection for children who are victims of domestic violence in coordination with non-governmental organizations such as the Indonesian Child Advocacy Institute (LAAI). The Indonesian Child Advocacy Institute (LAAI) physically provides child protection through litigation and non-litigation. Litigation means that LAAI protects the rights of children who are either victims of violence or children who are perpetrators of violence in court. Non-litigation LAAI also carries out coordination relations with the community in terms of providing such as counseling, mental strengthening, providing mental strengthening to children who are victims of violence. It is very irresponsible and contrary to human values if children remain untreated and positioned in a low status. Therefore, it is necessary to find a solution to solve this problem. The solutions that can be applied are as follows:

1. There is a need to promote the Convention on Children's Rights and Human Rights at all levels of society, especially among those who have often committed violence against children.
2. Improving the quality and quality of campaigns to protect and enforce children's rights through mass media, electronic and print media, banners, posters, stickers, seminars related to violence.
3. Criminals and violations of children's rights in the public and family sectors should be enforced firmly and clearly, both physically and materially.
4. Efforts to increase the knowledge and understanding of judges, prosecutors, police lawyers and other law enforcement officials regarding children and their rights, so that law enforcement against perpetrators of violence against children can be carried out by providing a sense of justice and punishment that educates the public as well as the perpetrator.

We need to know that the emergence of violence is caused by several things that are indications of committing violence, for example child violence is caused by:

- a. Violence is caused by a mother's lack of attention and never being cared for and educated properly, so she cannot be a mother and care for her child.

- b. Parents who are frustrated or have bad character towards their children.
- c. Lack of social skills as indicated by feelings of dissatisfaction with being a parent and feeling disturbed by the child's presence.
- d. Having dynamics between families that have a causal relationship with violence.
- e. Violence caused by neurological disorders or mental illness.

Different causes of violence against women are caused by:

- a. Domestic violence often occurs due to a lack of economic stability in the household, resulting in commotion that results in domestic violence.
- b. Sexual violence, which occurs due to lack of civilized behavior with the opposite sex.
- c. Acting rashly in doing something based solely on desire.
- d. Be egoistic in facing everything.

Coordinator of PUSPA-PKPA (Child Information and Complaints Service Center, Center for Child Study and Protection), Azmiati Zuliah also said that Government Regulation Number 43 of 2017 still found various obstacles. The obstacles to granting the right to restitution include the following:

- a. The victim has suffered losses in medical costs, loss of property or costs during the legal process but there is no written physical evidence of the loss while this is needed in the process of applying for restitution.
- b. Another legal obstacle is the complexity of the procedures in the PP where victims generally do not have an understanding of submitting a request for restitution. The procedure for applying for restitution is not simple and victims are generally asked to trace the assets owned by the perpetrator, while victims do not have access to search for this data.
- c. The obstacle in implementation in law enforcement is that at the investigation stage investigators do not include restitution in the Investigation Report because not all police understand about restitution. It is difficult to collect evidence to apply for restitution for material and immaterial losses.
- d. At the Prosecution stage, the Prosecutor did not request restitution in his lawsuit because there were no technical instructions for submitting restitution at the time of filing the lawsuit or because it was difficult to calculate immaterial losses for the victim.
- e. At the court decision stage it is difficult for the judge to decide whether the perpetrator should give restitution to the victim because the perpetrator does not have any assets, including movable/immovable property, while the law opens up opportunities for punishment options if the perpetrator cannot give restitution to the victim.

2. Factors that cause children to be required to receive the right to restitution

Juridically, the position of a child has legal consequences. In the field of civil law, the legal consequences for the position of a child relate to issues of rights and obligations, such as issues of parental authority, recognition of the child's legitimacy, denial of the child's legitimacy, guardianship, maturation, as well as issues of child adoption and so on. whereas in the field of criminal law it concerns the issue of criminal responsibility. Because there are various interests that each legal field wishes to protect, this results in differences in interpretation of the formulation of the criteria for a child. The formulation of a child in various legal formulations does not provide an understanding of the conception of a child, but rather a formulation which is a limitation for certain actions, certain interests, and certain goals.

One of the considerations in the enactment of Law Number 11 of 2012 concerning the Criminal Justice System is that Indonesia as a state party to the Convention on Children's Rights which regulates the principles of legal protection for children has an obligation to provide special protection for children in conflict with the law. Children are not to be punished but must be given guidance and guidance. So that they can grow and develop as normal children who are completely healthy and intelligent. Children are a gift from Allah SWT as future generations of the nation who are still in difficult times of physical and mental development. Sometimes children experience difficult situations that make them commit unlawful actions. Children need to receive protection from the negative impacts of rapid development, the flow of globalization, as well as changes in the style and way of life of some parents which have brought about fundamental social changes in people's lives which greatly influence children's values and behavior. The principle of legal protection for children must be in accordance with the Convention on the Rights of the Child as ratified by the government of the Republic of Indonesia with Presidential Decree number 36 of 1990 concerning Ratification of the Convention on the Rights of the Child. Considering the unique characteristics and traits of children and for the sake of protecting children, cases of children in conflict with the law must be tried in juvenile criminal courts within the general justice environment. Thus, protection for children must be given to every child, both from parents who are the closest people to the child, family, and the most important thing to obtain legal certainty is the protection provided by the government and other related agencies. This will have a very positive impact on reducing the occurrence of violence against children.

The stages of submitting restitution are divided into 2 ways, namely: submitting restitution before the court decision has permanent legal force and after the court decision has permanent legal force. Regulations governing the stages of submitting restitution before a court decision include: Law Number 26 of 2000 concerning Human Rights Courts and Government Regulation Number 3 of 2002 concerning Compensation, Restitution and Rehabilitation for Victims of Serious Human Rights Violations, Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning the Determination of Government Regulations in Lieu of Law Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism into Law, Law Number 35 of 2014 concerning Amendments to Law Number 17 of 2018 2016 concerning Child Protection, Government Regulation Number 43 of 2017 and Law Number 21 of 2007 concerning Eradication of the Crime of Human Trafficking. The stage of submitting a request for restitution before the court decision becomes legally binding is carried out by means of a request for restitution submitted by the victim of a crime through the LPSK, Investigator or Public Prosecutor. This is different from the Criminal Procedure Code in Articles 98-101, the application for restitution is carried out by combining the compensation claim cases.

The regulations governing the stages of submitting restitution after a court decision has permanent legal force include: Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims, with implementing regulations namely Government Regulation Number 44 of 2018 which follows revoked and amended by Government Regulation Number 7 of 2018 concerning Providing Compensation, Restitution and Assistance to Witnesses and Victims and Supreme Court Regulation Number 1 of 2022 concerning Procedures for Settlement of Applications and Providing Restitution and Compensation to Victims of Crime. The stage of submitting a request for restitution which is carried out after the court decision has permanent legal force, can also be submitted through the LPSK or to

the Court directly. Requests for restitution in Law Number 12 of 2022 concerning Crimes of Sexual Violence are regulated in Articles 30-37.

Victims of criminal acts of sexual violence have the right to receive restitution and recovery services in the form of compensation for loss of wealth or income, compensation for losses incurred as a result of suffering directly related to the crime of sexual violence, compensation for medical or psychological treatment costs and compensation for other losses. Investigators, Public Prosecutors and Judges are obliged to notify the victim and LPSK of their right to restitution. In the event that the perpetrator is a child, the provision of restitution is carried out by the parent or guardian and the procedures for submitting restitution are carried out in accordance with the provisions of statutory regulations.

There are various regulations governing restitution that do not contain coercive measures and legal consequences if restitution is not paid by the perpetrator to the victim's child, except for Law Number 21 of 2007 which regulates the legal consequences of restitution that is not paid by the perpetrator to the victim of a crime, namely that the perpetrator will be subject to imprisonment. replacement for a maximum of one year, but this law does not specifically regulate children who are victims of sexual violence. In Law Number 12 of 2022 concerning Crimes of Sexual Violence, it is explained that investigators can confiscate the assets of perpetrators of crimes of sexual violence as collateral, this is the latest legal breakthrough among other regulations which do not impose confiscation of the perpetrator's assets as collateral. Restitution is given for a period of 30 (thirty) days from the time the copy of the decision or court order is received, then the prosecutor will submit a copy of the court decision containing the grant of restitution to the convict, victim and LPSK within a period of 7 (seven) days. If the perpetrator does not fulfill the restitution payment by the deadline, the victim will notify the court. The court gave a written letter as a warning to immediately fulfill the restitution obligations towards the victim. The judge in his decision ordered the prosecutor to auction off the confiscated restitution guarantee as long as the restitution was not paid within 30 (thirty) days after the court decision.

If the convict's confiscated assets are not sufficient to pay restitution, the convict will be subject to a substitute prison sentence not exceeding the principal penalty and the state will provide compensation for the amount of underpaid restitution to the victim in accordance with the court decision, compensation paid through the Victim Assistance Fund obtained from philanthropy, society, individuals, social responsibility, corporate environment and other non-binding sources as well as the state budget. Currently, in its implementation, every court decision that has permanent legal force as a result of the perpetrator not paying restitution will be subject to imprisonment. For example, Decision Number 26/Pid.Sus/2020/PN.Wsb which stated that the defendant had been legally proven to have committed violence and deception to force the child to have sexual intercourse with him, which then, as in the decision, the court sentenced the perpetrator to imprisonment for 10 (ten) years and a fine of IDR 100,000,000 (one hundred million rupiah) provided that if the fine is not paid it will be replaced by imprisonment for 3 (three) months and the perpetrator is also obliged to pay restitution to the victim's child in the amount of IDR 6,364,000 (six million three hundred and sixty four thousand rupiah) with the provision that if the perpetrator cannot pay the restitution, it will be replaced by imprisonment for 2 (two) months. In Decision Number 26/Pid.Sus/2020/PN.Wsb, taking into account Article 81 paragraph (2) in conjunction with Article 81 paragraph (1) RI Law No. 35 of 2014 concerning Amendments to Law no. 23 of 2002 concerning Child Protection which has been stipulated as Law Number 17 of 2016. In this decision the judge imposed an obligation to pay restitution to the

child victim with the provision that if the restitution is not paid it will be replaced by imprisonment for 2 (two) months.

This can be seen in decision number 26/Pid.Sus/2020/PN.Wsb that if the defendant does not pay restitution then it will be replaced by imprisonment for 2 (two) months. This sentence follows a pattern of imprisonment whose length is not the same as a substitute prison sentence, thus making the perpetrator prefer to carry out the prison sentence rather than pay restitution. Law Number 12 of 2022 concerning Crimes of Sexual Violence regulates that in the case of a perpetrator whose assets are insufficient, the State shall provide compensation for the underpayment of restitution to the victim and the perpetrator shall be subject to additional imprisonment. This compensation creates two different situations when viewed from the perpetrator's point of view, it will give rise to the opinion that it will not provide deterrence to the perpetrator for the criminal act he has committed and will prefer to serve a substitute prison rather than pay restitution to the victim. If seen from the interests of the child victim, then this can provide a guarantee that there will be results from submitting a request for restitution that has been attempted by the child victim. Law enforcement officials, in determining the length of alternative prison if the perpetrator does not pay restitution, should not follow the pattern of imprisonment as stipulated in the Criminal Code, which is a minimum of 1 (one) day, a maximum of 1 (one) year and in the case of aggravation a maximum of 1 (one) year.) year 4 (four) so that the perpetrator prefers to carry out a prison sentence rather than pay restitution to the victim of the crime. This is one of the obstacles in implementing restitution, because imprisonment for perpetrators who do not pay restitution is very detrimental to victims of criminal acts. In fact, with the restitution regulations, the perpetrator is also responsible for the victim's losses.

E. CLOSING

a. Conclusion

- 1) Efforts made by the women's empowerment, child protection and community services provide legal protection for children victims of domestic violence in coordination with non-governmental organizations such as the Indonesian Child Advocacy Institute (LAAI). The Indonesian Child Advocacy Institute (LAAI) physically provides child protection through litigation and non-litigation. Litigation means that LAAI protects the rights of children who are either victims of violence or children who are perpetrators of violence in court. Non-litigation LAAI also carries out coordination relations with the community in terms of providing such as counseling, mental strengthening, providing mental strengthening to children who are victims of violence. The obstacles in granting the right to restitution include the lack of written evidence of physical loss, while this is required in the process of applying for restitution, the procedure for applying for restitution is not simple and victims are generally asked to trace the assets owned by the perpetrator, while the victim does not have one. access to search for this data and the difficulty of collecting evidence to apply for restitution for material and immaterial losses.
- 2) The factors behind which a child who has experienced violence may have the right to restitution depend on the situation and conditions faced, such as victims of criminal acts of sexual violence have the right to receive restitution and recovery services in the form of compensation for loss of wealth or income, compensation for losses incurred as a result of directly related suffering. as a result of criminal acts of sexual violence, compensation for medical or psychological treatment costs and compensation for other losses.

b. Suggestion

- 1) The efforts made by the Department of Women's Empowerment, Child Protection and Community of Binjai City have been maximal in this regard, but as an input to continue providing services that further improve this performance,
- 2) Even though there are still many children and women who are still neglected, the Department of Women's Empowerment, Child Protection and Community Affairs in Binjai City must continue to optimize the problems that exist in the Binjai City community.

REFERENCE

- Djamil, Nasir. *Anak Bukan Untuk Dihukum Catatan Pembahasan Undang-undang Sistem Peradilan Pidana Anak*, (Jakarta: Sinar Grafika, 2013)
- Luhulima, Achie Sudiarti. *Pemahaman Bentuk-Bentuk Tindak Kekerasan Terhadap Perempuan Dan Alternatif Pemecahannya*, (Jakarta: P.T. Alumni, 2000).
- Nawawi, Barda. *Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana*, (Bandung: Citra Aditya Bakti, 1998)
- Pusat Kajian dan Perlindungan Anak, *Kekerasan Terhadap Anak*, 1995.
- Sambas, Nandang. *Peradilan Pidana Anak di Indonesia dan Instrumen Internasional. Perlindungan Anak Serta Penerapannya*, (Bandung: Graha Ilmu, 2013).
- Savitri, Niken. *HAM Perempuan Kritik Teori Hukum Feminis Terhadap KUHP*. (Refika Aditama: Bandung, 2008).
- Sulaeman, Munandar. *Kekerasan Terhadap Perempuan Tinjauan Dalam Berbagai Disiplin Ilmu dan Kekerasan*, (Bandung: Reflika Aditama, 2010)
- Sunarso, Siswanto. *Viktimologi Dalam Sistem Peradilan Pidana*. (Sinar Grafika: Jakarta, 2015)
- Suratman dan Philips Dillah, *Metode Penelitian Hukum*, (Bandung: Alfabeta, 2015)
- Asmita Widimartha Nainggolan, Yasmirah Mandasari Saragih, Penerapan Diversi terhadap Anak yang Berhadapan Dengan Hukum dalam Sistem Peradilan Anak, **Vol. 3 No. 4 (2023): Innovative: Journal Of Social Science Research**, <https://doi.org/10.31004/innovative.v3i4.4284>.
- Dermawan, Ari. "Peran Dinas P2KBP3 Kabupaten Asahan dalam Memberikan Perlindungan Hukum Terhadap Perempuan dan Anak." *Doktrina: Journal Of Law* 2.1 (2019): 32-44.
- Irmawan, Ferry, Firman Halawa, and Muhammad Arif Sahlepi. "Related Case Of Current Process Of Claiming Oleh Children Through Restorative Justice In The Way Of Law Polres Binjai." *International Journal Of Humanities Education and Social Sciences* 3.5 (2024).
- P. I, Vonda & Fitri, C. D. *Pelaksanaan Perlindungan Anak di Kota Banda Aceh*. (Gender Equality: International Journal of Child and Gender Studies, 3(1), 2017)
- Nopiana Mozin, Yasmirah Mandasari Saragih, PERAN UNIT PPA DALAM MENERAPKAN TEORI RESTORATIVE JUSTICE PADA TINDAK PIDANA PENCURIAN TERHADAP PELAKU ANAK DI KOTA GORONTALO, **VOL. 7 NO. 2 (2021): JURNAL SOSIAL EKONOMI DAN HUMANIORA**, DOI: <https://doi.org/10.29303/jseh.v7i2.39>.

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- Nainggolan, Asmita Widimartha, and Yasmirah Mandasari Saragih. "Penerapan Diversi terhadap Anak yang Berhadapan Dengan Hukum dalam Sistem Peradilan Anak." *Innovative: Journal Of Social Science Research* 3.4 (2023): 6371-6383.
- Mozin, Nopiana, and Yasmirah Mandasari Saragih. "Peran Unit PPA dalam Menerapkan Teori Restorative Justice pada Tindak Pidana Pencurian Terhadap Pelaku Anak di Kota Gorontalo." *Jurnal Sosial Ekonomi dan Humaniora* 7.2 (2021): 132-141.
- Romdoni, Muhamad, and Yasmirah Mandasari Saragih. "Pertanggungjawaban Tindak Pidana Pencabulan Terhadap Anak Yang Dilakukan Oleh Anak." *Jurnal Hukum Pidana Dan Kriminologi* 2.2 (2021): 64-76.
- Rikson, Rikson, and Yasmirah Mandasari Saragih. "Perlindungan Hukum Terhadap Anak Sebagai Pelaku Tindak Pidana." *Innovative: Journal Of Social Science Research* 3.4 (2023): 6437-6449.
- Safrina, Rahmi, Iman Jauhari, and Arif Arif. "Perlindungan Hukum terhadap Anak Korban Kekerasan dalam Rumah Tangga." *Jurnal Mercatoria* 3.1, (2010)
- Undang-Undang Nomor 12 Tahun 2022
- Undang-Undang Nomor 23 Tahun 2002 Jo 17 Tahun 2016 Tentang Perlindungan Anak