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Children protection: A Social and Legal Protection in Kalimantan, Indonesia

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Abstract

This paper aims to develop a tetra-helix-based legal protection concept based on the empirical reality in three cities/regencies with the highest rates of violence against children in South Kalimantan Province, Indonesia, namely Banjarmasin, Banjarbaru, and Barito Kuala. This paper employed the socio-legal research method. It starts with the doctrinal approach, which is normative, and the qualitative non-doctrinal approach. Then, the results were abstracted to find a tetra-helix-based legal protection concept based on the perspective proposed by Lawrence Friedman. Results showed that there is still a high rate of violence against children in South Kalimantan. Even though various efforts have continuously been carried out, they have not resolved the root issue. Thus, there is an increase in new cases. Therefore, various sectors need to be involved to encourage a stronger synergy. The tetra-helix approach allows for proactive law in responding to future challenges to create an environment that is responsive to children's needs. This paper provides novelty as it is a unique research study on this theme conducted in South Kalimantan Province.

Keywords: Child protection, Children, Indonesia, Kalimantan, Law, Legal protection, Socio-legal research, Tetra helix, Violence.

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1. Introduction

The mandate of the Republic of Indonesia's 1945 Constitution, which is to guarantee child welfare and its relationship with human rights, is specifically regulated in Law No. 35 of 2014. This law was revised in 2016 with the enactment of a Government Regulation in Exchange of Laws, which was then issued in the form of Law No. 17 of 2016, strengthening child protection. It was especially motivated by the fact that the government regards the urgency that requires greater attention to the increase in cases of violence against children in Indonesia.

The increase in cases of violence against children in Indonesia is a serious issue that does not only bring long-term impacts on the physical and mental health of children. However, it also inhibits the implementation of the National Movement of Mental Revolution as instructed in Presidential Instruction No. 12 of 2016. The existence of violent cases reflects the

currently weak legal protection and regulations. This is ironic, as legal protection should be able to direct child protection and empowerment efforts in various aspects of life, including the physical and spiritual aspects [1]. In this context, Indonesia urgently requires strong and well-integrated regulations that will not only protect children from violence but also support positive character development that aligns with the values of the Mental Revolution.

The government has formulated various legal regulations that determine formal and procedural steps to protect children from violence [2]. However, in its development, there is a tendency that children who were involved as perpetrators of violence were often a result of the suboptimal education process [3]. Social media and violence in children's familial environment contribute to the formation of aggressive behavior in children. Therefore, it is crucial to conduct a rehabilitative approach towards children who became victims and perpetrators of violence. Even so, the increase in cases of violence in South Kalimantan shows that the implementation of the current legal protection is still ineffective. This indicates that there is a need for a profound evaluation of the existing implementation of regulations. Apart from that, there is a need for a more holistic and proactive approach to handling the issue of violence against children.

Violence against children in South Kalimantan Province has reached an average value of 1.4, placing it in the seventh rank out of 38 provinces in Indonesia. This is often worsened by the fact that perpetrators of violence in South Kalimantan Province often go unreported and are free from legal sanctions (impunity). Or, victims are often forced to make peace with the perpetrators [4]. This situation makes the victims experience mental issues. Victims may want vengeance. Also, a lack of resistance from the victims may lead to further violence. Cases of violence may happen to anyone. It may happen to children in kindergartens, as a lack of care for teachers' mental health may make teachers prone to becoming perpetrators of violence, even though ideally, they must protect the children that they teach [5].

Violence against children is a serious issue that requires serious attention, especially in three regions in South Kalimantan Province with a rather high rate of violence, namely Banjarmasin, Banjarbaru, and Barito Kuala. It was found that there were some striking cases in this area, including a video on bullying in Banjarmasin Tim Pencegahan Maladministrasi Ombudsman Kalsel [6], the stabbing of a student in Banjarbaru Zakaria [7], and five cases of physical violence, psychological violence, neglect, sexual violence, and women trafficking in Barito Kuala [8].

These cases are only a few examples of all the existing issues, considering that in reporting these events, victims are in a weak position. Their weaknesses reflect a more extensive challenge to child protection in that area. The high rate of violence and the weak legal protection for children became the main reason that South Kalimantan Province was chosen as the location of this research. The lack of an adequate system to protect victims from various forms of violence leads to the fact that only a small number of cases are reported. This shows that there needs to be stronger legal protection and a more effective reporting system for children so that they feel safe enough to report the cases of violence that they experienced.

Concerning the legal protection for children, there were relevant previous research studies that were used as references in this research, such as the fulfillment of sexual violence victims' rights Iksan, et al. [9], legal protection for victims Dewi, et al. [10], rehabilitation for children in conflict with the law in child correctional institutions Chusniatun, et al. [11], and how to perceive rape and violence against children from the perspective of the victims [12]. These previous research studies provide a strong foundation to evaluate various norms that were used by the government and schools in preventing violence against children. By considering these previous research studies, this research has a high rate of novelty as it was based on the collected data and the concept that will be developed. It is hoped that this research's focus on evaluating the existing norms as well as on the application of legal regulations may provide a significant contribution to resolving the issue of violence against children.

On the other hand, South Kalimantan Province is home to many large industries. It was noted that in Banjarmasin City, there were 98 units of small industries, 276 units of home industries, and 34 units of medium/large industries which are spread over various parts of the city [13]. This rate is smaller than the number of industries in Banjarbaru, with a total of 2634 units, and in Barito Kuala, which reaches 2127 units [14]. Apart from that, South Kalimantan Province is also recorded as a province that exports coal (up to July 2024, it reached USD 741.66 million) [15].

Industrialization is an unrejectable offer. In essence, it has promising potential when linked with schools in the effort to prevent violence. Even, it will become a mediator among social organizations. Especially in the context of law, there needs to be a focus on the strategic policy basis to create a partnership between industries, the government, society, and the academic world, as well as the parents of children who may potentially become perpetrators of violence. The practice that was carried out in Ethiopia showed that partnerships have a positive influence when viewed from the aspects of funding, technological transfer, skills, resources, and capabilities [16]. Creating a link between schools and industries will also increase quality, service, consumer satisfaction Rajani, et al. [17], and company sustainability [18]. Therefore, there needs to be policy interventions to prevent cases of violence from happening in South Kalimantan Province.

2. Materials and Methods

By placing a basis on the socio-legal research approach method, Wiratraman [19] this paper starts off with the normative doctrinal approach, which refers to secondary data in the form of primary legal materials that were collected using the library research method. This was carried out with the aim of finding concepts on various types of violence and the forms of legal protection contained in positive law and in customary law, if applicable. This stage was continued with the qualitative doctrinal approach method, which refers to primary data that were collected using the methods of in-depth interviews and observation. This was carried out to describe and explain the reality of the various types of violence that occurred, as well as the forms of legal protection that have been implemented. The results of this second stage were abstracted based on the tetra helix concept to find a tetra helix-based legal protection concept.

This research also employed the legal protection approach and the legal system that was introduced by the tetra helix. Thus, it focused on the rights fulfillment of child victims and perpetrators perceived from the aspects of legal substance, legal structure, and legal culture. This is so that the tetra helix approach in the legal concept may combine the interests of the government, industries, academic institutions, and civil/customary societies. Based on this approach, the legal function does not only contain adaptive and flexible characteristics. However, they also have anticipative and predictive characteristics [20]. The proposed legal protection has the characteristic of being active in fulfilling the rights and development of children [21].

The link between these approaches can be explained as follows: (1) the positive law prepares the required regulation to facilitate the involvement of all social institutions [22] (2) regulations guarantee civil societies, the government, and industries contribute to preventing violence; (3) the public support for the involved industries will increase [23] (4) there is the creation of security in the industrial sector Sujil, et al. [24] as well as the increase in the relationship between industries and traditional markets [25] (5) School graduates may obtain a good reference on industries that will help them in making the right career decisions [26] (6) There is a mutually beneficial relationship between research and industrial innovations [27] and (7) this research also stimulates other industries to invest and develop a philanthropic attitude in South Kalimantan [28].

3. Results

3.1. The Forms of Violence Against Children in Banjarmasin, Banjarbaru, and Barito Kuala Cities

Based on the initial search it was identified that in Banjarmasin City, there were 91 cases. In Banjarbaru City, there were 56 cases, Badan Pusat Statistik Kota Banjarbaru [29] while in Barito Kuala Regency, there were 58 cases in 2023 [14]. These three locations were chosen as the rate of violence was higher than other areas in South Kalimantan Province.

However, after carrying out a search in each of these locations, the authors found that there were significant differences in the rate of violence. This was a predicted fact as violence in these regions keeps on happening while the data in the central government are not yet updated. Table 1 shows the number of violence cases in these three cities/regencies.

Table 1.
Number of Violences in Banjarmasin, Banjarbaru, and Barito Kuala (2022-2024).

No	City	Number of child victims		
		Man	Woman	Total
1	City of Banjarmasin	103	165	268
2	City of Banjarbaru	47	104	151
3	Barito Kuala	9	84	93
	Total	159	353	512

Source: Department of Women's Empowerment and Child Protection, South Kalimantan Province.

Based on the table above, it can be seen that there were 268 cases of violence against children in Banjarmasin, 151 cases in Banjarbaru, and 93 cases in Barito Kuala. These were the reported numbers. In total, there were 512 cases of violence against children in these three areas. Of the data on 512 reported victims, based on gender, it was found that 353 (69%) of the victims were girls, while the rest, namely 159 victims, were boys. This showed that there was a significant gender inequality, where girls are more vulnerable to becoming victims of violence compared to boys.

3.1.1. Banjarmasin

Banjarmasin City reported the highest number of violence cases, with a total of 268. In Banjarmasin, 62.26% of the victims were girls (165 victims), which was higher than the rate of boys who became victims, namely 103 victims (38.87%). The highest form of violence was psychological violence, with a total of 97 victims (36.6%), followed by sexual violence, with a significant number of 89 victims (33.6%). Then, 67 victims experienced physical violence (25.3%). This data showed variations in the types of violence that children experience. It was found that psychological and sexual violence were the forms of violence that most commonly occurred.

Even though there is a rather high rate of psychological and sexual violence, other forms of violence, such as neglect, also have a significant number of victims, namely 31 children (11.7%). This shows that neglect remains a crucial issue in this city. This is why the highest rate of perpetrators was parents, with 48 cases. As the largest city in this area, the high rate of psychological violence may be linked to the intense pressures of urban life, including social stress, mental pressures, unemployment, and poverty. Table 2 shows the tabulation of the types of violence in these three areas.

Table 2.
Number of Victims Based on Form of Violence (2022-2024).

City	Number of Victims Based on Form of Violence					
	Physique	Psychic	Sexual	Exploitation	Trafficking	Neglect
Banjarmasin	67	97	89	7		31
Banjarbaru	33	46	40	6		26
Barito Kuala	3	16	48	1	1	5

Source: Department of Women's Empowerment and Child Protection, South Kalimantan Province.

There are differences in the number of violence cases against children between the data in South Kalimantan Province and the data from the Banjarmasin City Child Protection Services. The differences in the number of violence cases were due

to the fact that the categories of child protection and women's empowerment in South Kalimantan Province and in Barito Kuala Regency were combined. However, these two categories are split in Banjarmasin City, where the women's empowerment and child protection categories have their own structures. Figure 1 below shows data on the cases of violence against children in Banjarmasin City from 2019 to August 2024 according to the Women Empowerment and Child Protection Service of Banjarmasin City.

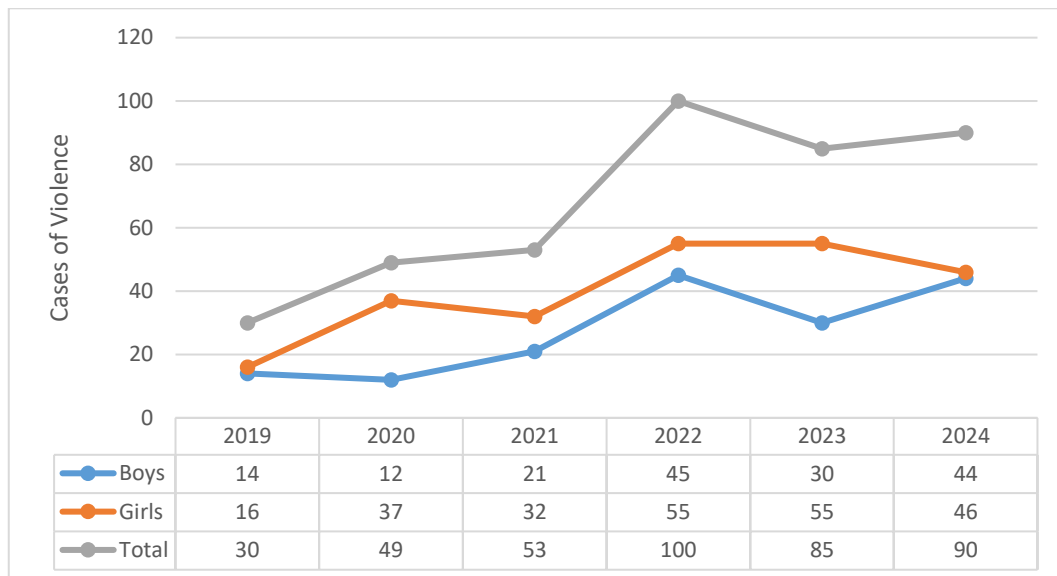


Figure 1.

The Cases of Violence Against Children in Banjarmasin City from 2019 to August 2024.

Source: An Official Report on the Data of Violence Against Children from the Child Protection Service of Banjarmasin City.

The figure above shows that there was a significant increase in the total number of cases compared to the previous years. This increase indicates a worrying trend that requires serious attention from various parties. Upon a more detailed observation, it can be seen that there are fluctuations in the number of cases each year. However, the most prominent trend in the increase in the number of cases occurred in 2022, when the number of cases reached its peak. This indicates that there are certain factors that led to the increase in the number of cases in that year. It is most likely that the influencing factors are complex and multidimensional, as they involve social, economic, cultural, and psychological aspects. It is also crucial to pay attention to differences in the number of cases between boys and girls. Even though, in general, the rate of violence against girls is higher than that against boys, it was shown that in 2024 there was a significant increase in the number of violence cases against boys. This shows that child violence is not only an issue for girls, but it is also a serious issue for boys.

When observing the types of violence against children, there are differences between data from the province and data from Banjarmasin City. Figure 2 below illustrates the types of violence against children from 2022 to August 2024:

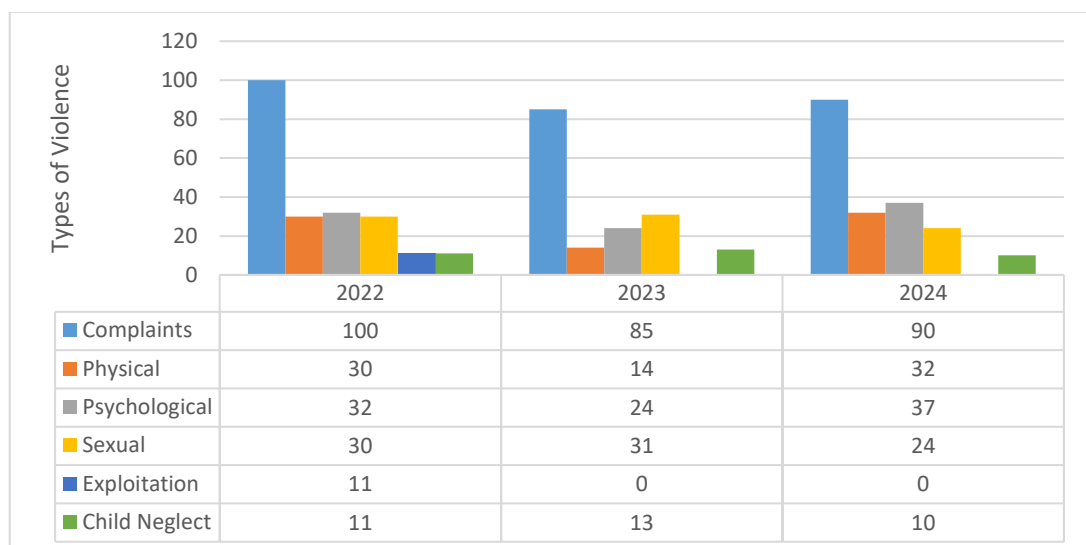


Figure 2.

The Types of Violence Against Children from 2022 to August 2024 in Banjarmasin City.

Source: An Official Report on the Data of Violence Against Children from 2022 to 2024 from the Child Protection Service of Banjarmasin City.

Based on the data above, it can be seen that there have been fluctuations in the reports on physical violence, psychological violence, sexual violence, exploitation, and neglect in the last three years. There was a decrease in the number of physical

violence incidents in 2023, which was then followed by an increase in 2024. This shows that changes in law enforcement and the effectiveness of social intervention programs are still inconsistent. In 2023, the decrease may be due to the strengthening of law enforcement or the effectiveness of anti-violence campaigns. However, the increase in 2024 indicates that these short-term changes are not enough to resolve the root of the social problem. In this context, legal culture plays a crucial role, i.e., in how society perceives violence and reports it. Changes in public perception or awareness towards certain types of violence may influence the level of reports, which is reflected in the increase in the rate of psychological violence reports in 2024.

The lack of exploitation cases in 2023 and 2024, as well as variations in the case of child neglect, show that there is a rift in law enforcement or reporting for certain types of violence. The reality can be understood from the cases of violence in previous years. There was a case of exploitation against a six-year-old child in 2022, which actually involved her father and close family members. It was also supported by local gangsters. When this case was reported to the police force, further investigation was inhibited as the person who filed a complaint, who was the victim's neighbor, changed his testimony. Azizah, et al. [30] explained that this happened even though they obtained assistance from a psychologist and a lawyer who was appointed by the government to provide emotional and legal support. The incapability to resolve cases through the formal legal route becomes an obstacle in law enforcement. Apart from that, the existing legal culture does not sufficiently support the victim in fighting against the external pressures and intimidations from the parties who reap benefits from the crime of exploitation against children.

Apart from that, violence against children often occurs in multiple forms, where victims simultaneously experience various types of violence. That is why, even if the victim is only one person, he or she may obtain two or three types of services as the victim experiences physical and psychological violence and needs to be rehabilitated in a safe house provided by the government. These two cases illustrate the complexity of this problem and its long-term effects on the victims and their families. In the first case, there was a pattern of sexual exploitation that occurred for many years, where a father systematically carried out sexual violence against his two daughters, even though they were boarding school students in an Islamic boarding school in Banjarmasin, as explained by Putri, et al. [31]. As a result, the victims experienced dissociative disorder according to the research conducted by Lahav and Elklit [32]. They had trouble differentiating between love and exploitation. The repetitive cycles of violence, as well as a betrayal of trust from a figure that should ideally protect them, have caused them to suffer from profound psychological damage.

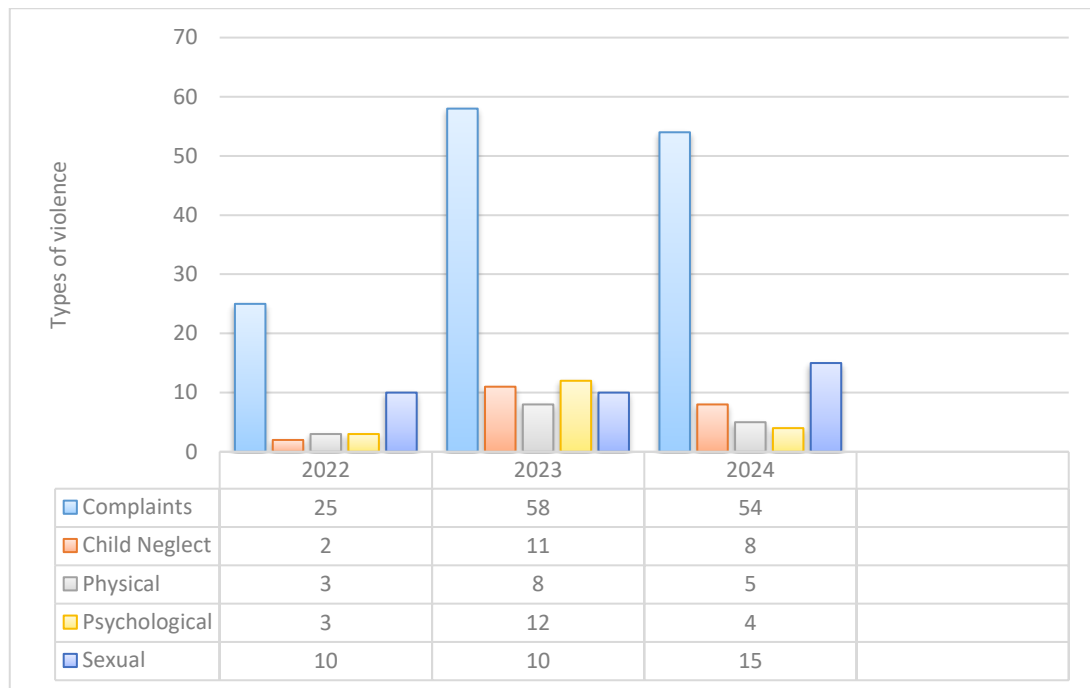
The second case showed that there is a pattern of intersection between sexual violence against children and human trafficking. The main perpetrator was the biological father of the victim, who works as a State Civil Servant. In this case, he not only sexually exploited his child but also used her as a commodity to obtain personal gain. This action violated various international conventions on children's rights and human rights. It reflected a wider social issue [33]. These factors increase children's vulnerability to exploitation and trafficking. The role of the father as the main perpetrator and pimp worsened the situation and lengthened the cycle of violence. Apart from that, it showed how this case is highly complex and multidimensional.

3.1.2. Banjarbaru

In Banjarbaru City, it was reported that there were 151 cases of violence against children, with the victims being girls. It was noted that 68.87% of the victims (104 people) were girls compared to 31.13% of the victims who were boys (47 people). Even though there is a smaller rate of violence types in Banjarbaru compared to Banjarmasin, these two cities show a similar pattern in the distribution of the types of violence. These violence cases were dominated by psychological violence (46 victims or 35.4%) and sexual violence (40 victims or 30.8%). Meanwhile, it was reported that there were 33 child victims of physical violence (25.4%). Exploitation and neglect were also clearly seen, each with 6 victims (4.6%) and 26 victims (20%) respectively. This shows that there are social and economic vulnerabilities that influence the welfare of children in Banjarbaru.

Based on the obtained data, perpetrators of violence in Banjarbaru are dominated by the category of parents (21 cases), followed by family members (7 cases), friends/boyfriends (5 cases), neighbors (1 case), and teachers (1 case). These findings indicate that the domestic scope, especially the nuclear family, becomes the main context in the event of an act of violence. The domination of perpetrators of violence from the nuclear family category (parents and family members) reflects the existence of a fundamental issue in the family dynamics in Banjarbaru City. Factors such as incorrect parenting methods, familial conflicts, economic issues, and the lack of awareness of violence may become the triggers of violence cases in families.

Even so, if the above data are compared with the data that were issued by the Child Protection Service of Banjarbaru City, there are differences in the number and type of cases. Figure 3 shows the number and the type of violence cases against children in Banjarbaru City from 2022 to 2024:

**Figure 3.**

The Types of Violence Against Children from 2022 to 2024 in Banjarbaru City.

Source: An Official Report on the Data of Violence Against Children from 2022 to 2024 from the Child Protection and Children's Fulfillment of Rights Service of Banjarbaru City.

The data above provides a rather clear illustration of the dynamics of violence against children in Banjarbaru City from 2022 to 2024. There were several significant findings that require special attention. The number of complaints regarding cases of violence against children experienced fluctuations, with a rather significant increase in 2023. This increase may indicate several things, including an increase in society's awareness of the importance of reporting cases of violence, an improvement in the reporting system, and even an increase in the occurrence of violence.

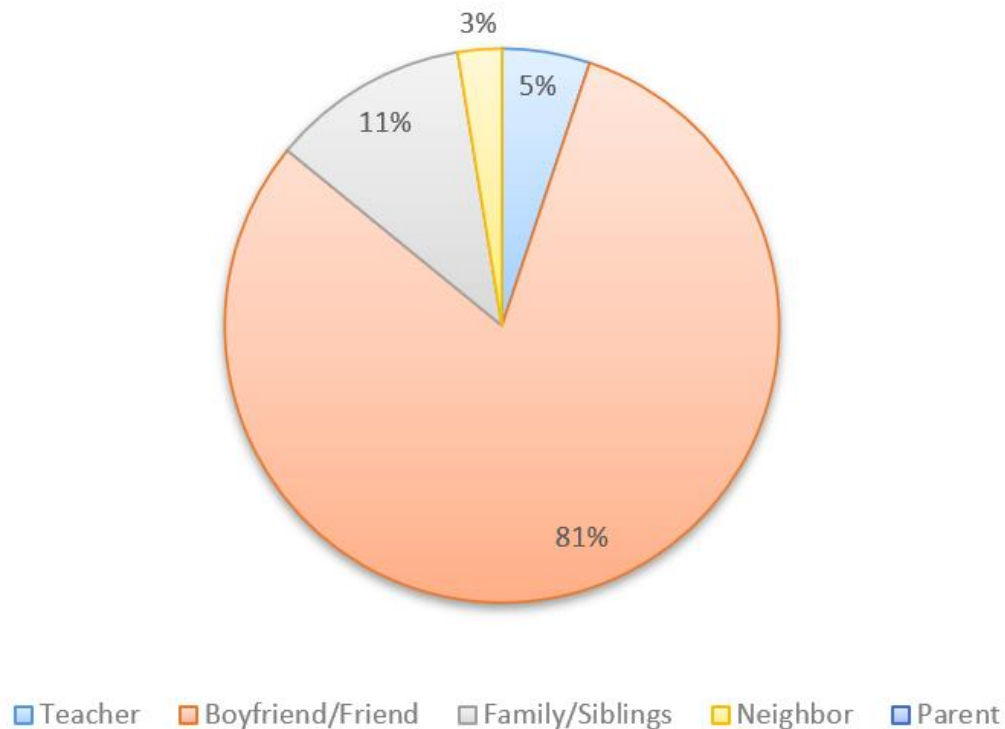
The most dominant type of violence was sexual violence, followed by psychological violence. There was a relatively stable trend in the occurrence of sexual violence. Meanwhile, there was a rather steep increase in the number of psychological violence cases. The increase in psychological violence cases must receive serious attention, considering its significant long-term impacts on the development of children's psychology. Other types of violence, such as neglect and physical violence, showed smaller fluctuations. This indicates that the efforts to prevent and handle these types of violent cases have been effective. However, it must be considered that this data only represents the reported cases. Thus, the number of real cases may be higher than these reported cases.

The factors causing violence against children in Banjarbaru are highly complex and interdependent. An inconducive environment, poor socio-economic conditions, incorrect parenting methods, as well as mental health issues may increase the risk of violent cases occurring. Poverty, a lack of education, and domestic violence are some factors that are often identified as the main causes of these cases, as stated by Hartati and Sukarmanto [34]. Apart from that, specific factors such as migration, customs and culture, as well as the availability of child protection services must also receive attention. To address this issue, there needs to be a comprehensive approach that involves various parties, including the government, society, and individuals.

3.1.3. Barito Kuala

The Barito Kuala Regency recorded the third-highest number of child violence cases in South Kalimantan Province, reaching 93 cases. Even though there is only a small number of cases, it was shown that there was a dominantly high percentage of victims who were girls in Barito Kuala, where 84 out of the 93 victims were girls. This showed that school-age girls in this area are highly vulnerable to violence, with 48 victims (51.6% of the total victims in this area), which was far higher than the rate of other forms of violence victims. This reflected the vulnerability of girls to sexual violence in semi-urban or rural areas.

Physical violence seldom occurs in Barito Kuala, with only three victims (3.2%). Meanwhile, the rate of psychological violence is also lower compared to other areas, with 16 victims (17.2%). Other forms of violence, such as neglect and exploitation, although they exist, have a relatively small number of cases, with 5 victims of neglect (5.4%) and 1 victim of exploitation (1.1%). However, when considering the victims' relationship with the perpetrator, most violence cases were perpetrated by friends or boyfriends. Figure 4 shows the perpetrators of violence in Barito Kuala Regency as well as the relationship between the perpetrator and the victim:

**Figure 4.**

The Relationship Between Perpetrators and Victims of Child Violence in Barito Kuala Regency.

Source: The Women Empowerment and Child Protection Service of South Kalimantan Province.

The data above show several important phenomena related to violence against children in Barito Kuala Regency. First, the high rate of violence perpetrated by friends or boyfriends (63%) may reflect a risky relational culture where the relationship that is deemed close to the victim becomes a source of threat. This phenomenon may be linked to social factors such as the lack of education on healthy behavior, gender inequality, and the influence of social pressure among teenagers. Second, the involvement of parents in 22% of all cases of violence shows that the home, which should ideally be a safe place for children, actually becomes a location where violence often occurs. This may be linked to factors such as violent parenting methods, the lack of social support, economic stress, and the psychological issues of parents.

Apart from that, even though the violence that is perpetrated by teachers (4%) and neighbors (2%) is lower than in other cases, it shows that violence against children occurs in various contexts, including educational and social environments. Violence by teachers may indicate that there is a gap in the monitoring and implementation of child protection policies in schools. Meanwhile, violence by neighbors highlights the importance of community monitoring in maintaining the safety of children. This reality provides a statement that violence against children in Barito Kuala Regency is not only an individual matter but is also influenced by structural and cultural factors that require a comprehensive approach to its handling. Policies that target education on violence, the increase in parents' capacities, as well as the enforcement of child protection at various levels, become crucial actions to carry out.

The involvement of friends or partners in the act of violence indicates that violence may reach a wider social scope. Research conducted in various countries such as Ethiopia, Egypt, Uganda, Norway, and the United Kingdom (Ruijne, et al. [35]; Abdelrheem, et al. [36]; Gil-Gonzalez, et al. [37]; Hansen, et al. [38] and Barger [39]) shows that violence impacts mental health, potentially leading to psychopathy and criminal behavior. In this case, perpetrators exploit the victim's social vulnerability, where conflicts between couples are often regarded as common personal issues. This tendency causes the environment to ignore such cases unless victims explicitly ask for help or display clear signs of violence. This phenomenon illustrates the normalization of interpersonal conflicts in society, which may potentially overlook the dynamics of violence, especially if victims do not directly request assistance.

3.2. The Forms of Legal Protection in Banjarmasin City, Banjarbaru City, and Barito Kuala Regency

3.2.1. Legal Substance

Violence against children in South Kalimantan Province often becomes a significant issue that draws public attention. The high rate of violence against children is one of the main considerations for the central government to formulate a stricter policy, such as through the Government Regulation that substituted Law No. 1 of 2016, which was enacted into Law No. 17 of 2016, strengthening child protection, especially in handling cases of violence that often occur. These efforts are inseparable from the fact that the substance of the law on child protection has been revised twice in two years due to an urgent situation regarding violence against children. Such a situation forces the government to undergo amendments to the law on child protection.

Law No. 35 of 2014 highlights the guarantee of child welfare and its relationship with human rights. The acknowledgment that children's rights are part of human rights brings a significant implication, including the need for the

involvement of various governmental institutions and non-governmental organizations that focus on human rights issues. In this context, the involvement of these institutions becomes crucial in guaranteeing the protection of children at the provincial and city/regency levels. This is to encourage societal participation to create a child-safe environment.

In response to that law, the Ministry of Women Empowerment and Child Protection issued some crucial regulations. Decision No. 52 of 2018 on the Coordinating Team on the Implementation of the Juvenile Criminal Justice System was part of this series of policies. These two regulations were derived from Law No. 11 of 2012 on the Juvenile Criminal Justice System. One of its focuses was to apply the diversion mechanism (Article 29). Diversion is an effort to resolve juvenile issues outside of the litigation method. This serves as proof of the government's commitment to emphasizing a child-friendly approach and preventing children from experiencing social stigma due to the formal justice process.

Further, these efforts were strengthened by the Regulation of the Ministry of Social Affairs No. 26 of 2018 on Social Rehabilitation and Social Reintegration for Children in Conflict with the Law. This regulation stipulates the importance of rehabilitation and reintegration for children who are faced with legal conflicts so that they may return to society with adequate support. This is in line with Law No. 11 of 2012, which aims to create a justice system that does not only punish but also considers the best interest of children. Apart from regulations from the Ministry of Women Empowerment and Child Protection and the Ministry of Social Affairs, the Republic of Indonesia's Police Force also issued Law No. 8 of 2021, which regulates criminal actions based on restorative justice. This regulation emphasizes the resolution of criminal actions with a more humane approach, which orients towards victim recovery, a peaceful resolution, and reintegration into society.

In the context of children in the face of the law, the restorative justice approach becomes highly relevant as it prevents children from going through the formal legal process that may bring long-term negative effects. It also emphasizes the importance of peaceful dispute resolution that involves the victims, perpetrators, and society.

In 2022, Law No. 12 of 2022 specifically regulated the issue of sexual violence crimes, imposing severe sanctions and fines. It also provides a framework for public and family participation to prevent sexual violence both at home and outside of the home. In that law, the government has also explicitly given the Witness and Victim Protection Institution the authority to become involved in protecting witnesses and victims of sexual violence crimes.

At the regional level, the Government of the South Kalimantan Province has also responded to the issue of violence against women and children through the Regulation of the South Kalimantan Province Governor No. 54 of 2021 on the Regional Action Plan for the Protection of Women and Children from Violence in South Kalimantan Province for the Period of 2021 to 2026. This regulation was born from the awareness that women and children are vulnerable groups that often become victims of violence in that province. Article 18 of this law specifically regulates the formation of an institutional work team as well as inter-provincial and inter-city/regency networks, which have the task of addressing the issue of violence against women and children.

This regulation of the Governor also stipulates the need for the fulfillment of holistic services, starting from medical and legal to social rehabilitation services, to ensure that the handling of violence against women and children is carried out comprehensively. The approach taken does not only emphasize the preventive and rehabilitation aspects; it also strengthens inter-sectoral cooperation at both the governmental and societal levels. This shows that the issue of violence against children is a multidimensional issue that requires the participation and collaboration of various parties.

However, even though there are already regulations at the provincial level, in Banjarmasin City, the applicable regional regulations still refer to Banjarmasin City Regional Regulation No. 17 of 2014 on Child Protection. The regional regulation regulates the formation of regional institutions to create a child-friendly city. However, in line with the development of challenges in child protection, this regional regulation may require some revisions so that it aligns with the regulatory developments at the national and provincial levels. The effort to renew regulations at the city level is crucial so that each region may have an effective legal framework for protecting children from various types of violence and violations of rights. Various regulations that were enacted both at the central and regional levels reflect the commitment of the Indonesian government to developing a comprehensive legal framework to address violence against children.

3.2.2. Legal Structure

With the existence of legal regulations related to child protection, various institutions have been formed at the provincial, city/regency, and village levels. In Banjarmasin City, the Women Empowerment and Child Protection Service plays an active role in forming work units and partnership networks that are spread across villages and schools. This initiative aims to strengthen the child protection mechanism through its direct involvement in communities.

At the provincial level, the formation of the Child Protection Institution of South Kalimantan Province and the Public Participation Forum for Child Welfare (*Forum Partisipasi Publik Untuk Kesejahteraan Anak/PUSPA*) was an effort to facilitate coordination between various parties involved in the effort to protect children. The Child Protection Institution serves as a legal advocacy and assistance institution for children who have become victims of violence. Meanwhile, PUSPA encourages societal participation in guaranteeing children's rights through programs that are oriented towards children's rights.

Apart from the governmental institution, several non-governmental organizations also participate in handling cases of violence against children, such as:

1. The Indonesian Psychological Association (*Himpunan Psikologi Indonesia/HIMPSI*) of the South Kalimantan Province has the role of giving psychological support to children as victims of violence;
2. Clinical Psychology Association (*Ikatan Psikologi Klinis/IPK*) of the South Kalimantan Province is involved in mental counseling and rehabilitation for children who experienced trauma due to violence;

3. The Indonesian Islamic Scholar Assembly (*Majelis Ulama Indonesia/MUI*) of Banjarmasin City has the role of providing religion-based guidance in educating society on child protection;
4. The Institution of Islamic and Societal Studies (*Lembaga Kajian Keislaman dan Kemasyarakatan/LK3*) of Banjarmasin City is active in providing education on Islamic issues and child protection;
5. The Institution of Consultation and General Aid for Women and Families (*Lembaga Konsultasi dan Bantuan Umum untuk Wanita dan Keluarga/LKBWUK*) provides legal and social aid for children and families who became victims of violence; and
6. The Ministry of Human Rights of the South Kalimantan Province has a role in encouraging the immediate resolution of cases of violence against children if families or victims report instances of neglect by the regional government or the local police force.

Apart from NGOs, some governmental organizations such as Community Health Centers and hospitals in Banjarmasin City also have the role of providing medical aid for children who have become victims of violence. These health services are crucial to ensure that the children who have become victims of violence can obtain comprehensive physical and psychological treatment.

Banjarmasin, Banjarbaru, and Barito Kuala City/Regency Governments have taken further steps by forming Society-Based Integrated Child Protection (*Perlindungan Anak Terpadu Berbasis Masyarakat/PATBM*). PATBM is a society-based initiative that consists of volunteers who work in villages to provide complaint services and handle cases of violence against children (Lisa Herawati, Personal Interview, October 2nd, 2024; the Women Empowerment and Child Protection Service of Barito Kuala Regency). PATBM plays a crucial role in expanding the scope of child protection, especially in areas that are difficult for formal institutions to reach. In handling cases of violence against children, these institutions have a vital role. Figure 5 shows the flow in handling cases of violence against children.

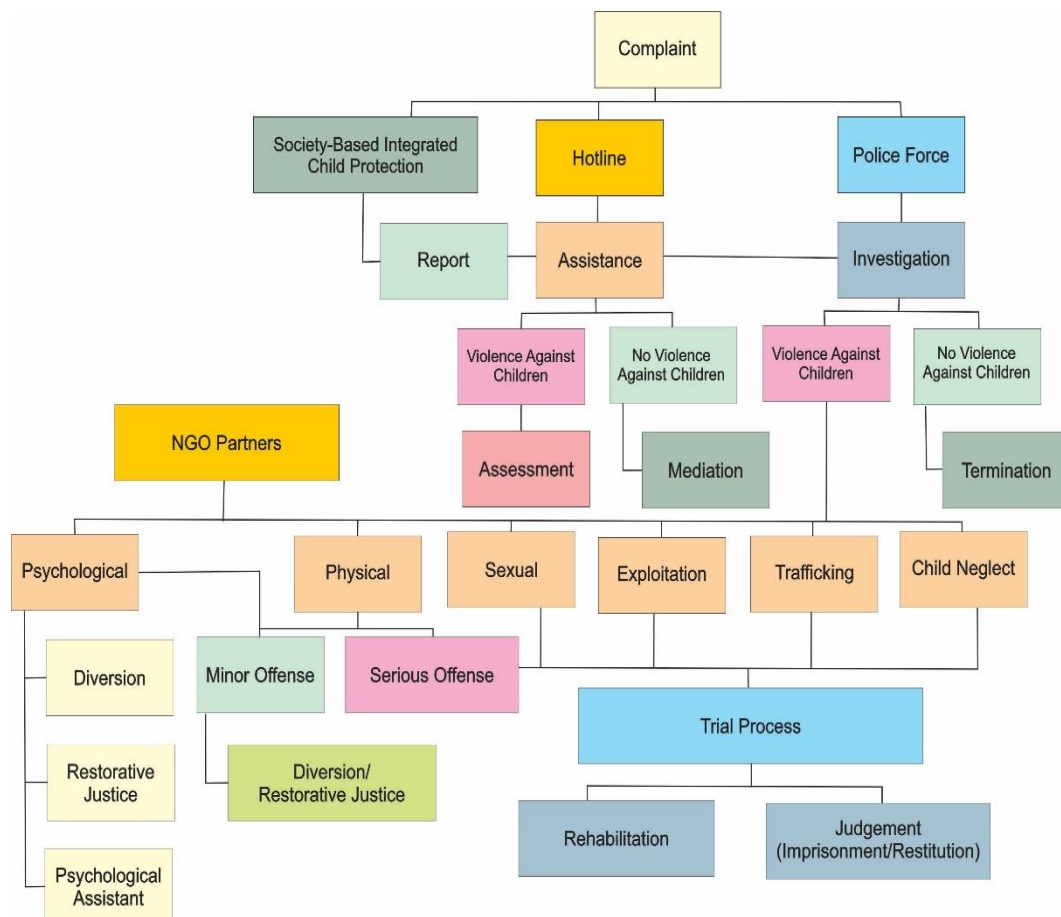
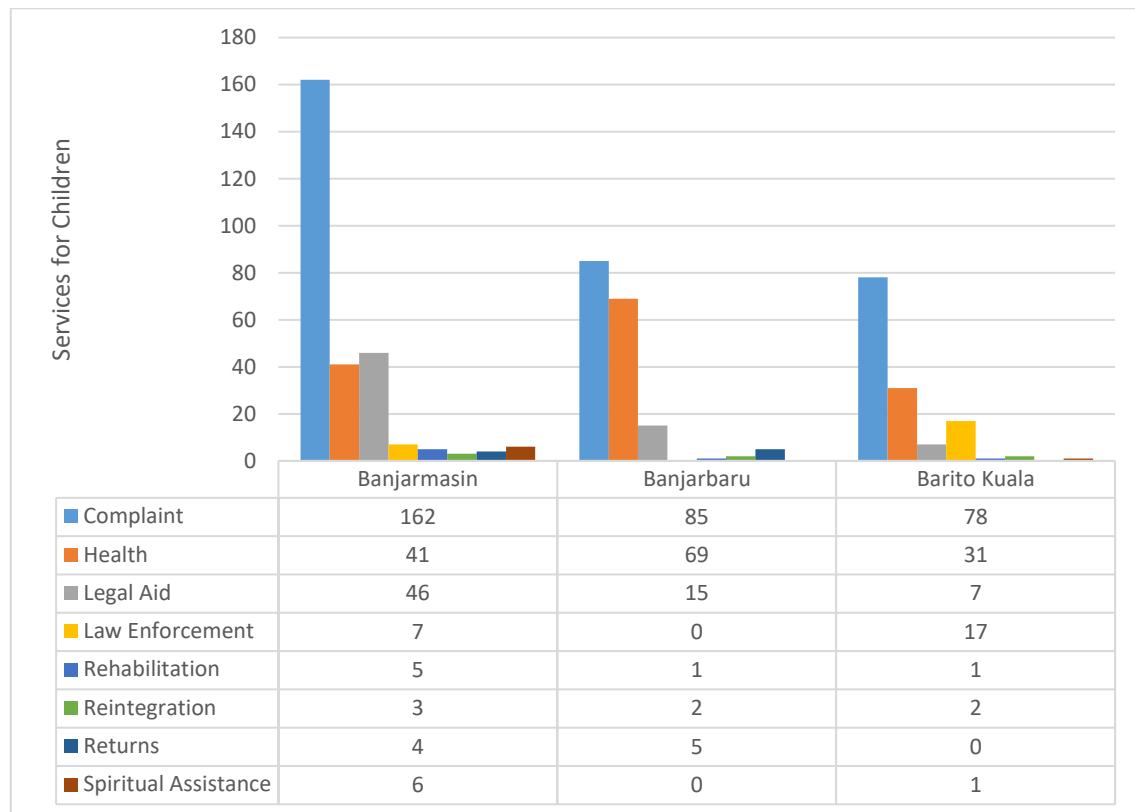


Figure 5.
The flow in handling cases of violence against children.

Therefore, various types of services are available for children who have become victims of violence when they report their cases. These services encompass complaints, physical and psychological health treatment, legal aid, law enforcement, social rehabilitation, social reintegration, returning victims home, as well as guidance from religious figures. Figure 6 shows various services that victims have used in Banjarmasin City, Banjarbaru City, and Barito Kuala Regency.

**Figure 6.**

Various Services for Children as Victims of Violence in Banjarmasin City, Banjarbaru City, and Barito Kuala Regency.

Source: The Women Empowerment and Child Protection Service of South Kalimantan Province.

The figure above shows the distribution of services for children who became victims of violence in three areas, namely Banjarmasin City, Banjarbaru City, and Barito Kuala Regency, with categories of services such as complaints, health, legal aid, law enforcement, social rehabilitation, social reintegration, returning victims home, as well as spiritual assistance. The figure above shows that complaints were dominated by Banjarmasin with 162 cases, followed by legal aid (46 cases). This indicates that there was a high rate of reports and legal service needs in this area. Banjarbaru has a higher focus on health services (69 cases), indicating its priority in treating the victims' physical health.

Meanwhile, the prominent treatment in Barito Kuala is rehabilitation (17 cases), which shows the focus on the victims' recovery and returning them to society. This data indicates that every area has different service characteristics, where Banjarmasin tends to handle the legal aspect, Banjarbaru focuses on health, and Barito Kuala emphasizes social rehabilitation. This reflects the priorities and the adequacy of available resources in each area.

The handling of violence cases against children does not always go through the formal law process. This happens because it is often the case that the families of victims, who usually come from a lower economic background with a limited level of education, often choose to resolve the issue through deliberation. They often avoid the complicated bureaucratic processes that require much time. On the other hand, families with middle to high economic backgrounds, who generally have a higher level of education, tend to choose the formal legal route to resolve such issues [40].

Low-income societies often choose quick and peaceful resolution methods due to their economic needs. Following the legal process that involves the summoning of witnesses, examination in the police office, and attending trials in court is deemed to take much time and may potentially disturb their economic activities. This makes them prefer a more practical and simpler resolution method, even though such methods still lack in providing a more comprehensive sense of justice.

PATBM does not only function as a place to file a complaint, but it is also a preventive mechanism that was implemented by the Regional Technical Execution Unit (*Unit Pelaksana Teknis Daerah/UPTD*) in every village. Through this initiative, the PATBM aims to directly reach society and motivate victims and their families to voice the violence they have experienced. The complaint process will continue after carrying out an investigation and providing guidance to the perpetrator, which aims to ensure that the crime of violence against children has truly occurred. If it is confirmed that violence has indeed happened to a child, the next step is to carry out the legal process as well as provide victims with psychological guidance and spiritual support.

3.3. Legal Culture

The increasing rate of violence against children in South Kalimantan province may be attributed to the legal culture factor in society. In this context, legal sanctions do not usually create a deterrent effect, reflecting the need for the Law on Child Protection to be revised. The existing laws still lack accommodation for the legal culture aspect of society.

For instance, there was a case where parents yielded their children to someone who gave them a loan to repay their debt. In this case, the parents became the main perpetrators, and the child victim became a maid [41]. However, in reality, this

situation is deemed to be exploitation and slavery, as the victim works without pay and lives in another person's house without any protection from her family.

This condition worsened when the child became a victim of sexual assault. The current law only explicitly prohibits the exploitation and sale of women; thus, such cases are not accommodated by the existing law. This leads to the question of how the state can intervene to help the victim and how the parents, as perpetrators, will be punished.

From the legal culture perspective, it can be understood that the effectiveness of the law does not only depend on written laws; it also depends on social norms and society's behavior. The legal system's inability to act upon violence against children shows a gap between formal law and social reality. Thus, the law needs to be revised so that it can accommodate child protection needs based on the existing social dynamics and culture.

4. Discussion

The Governor's Law No. 54 of 2021 has initiated the involvement of various parties to prevent violence against children and educate the people of Banjarmasin, Banjarbaru, and Barito Kuala about it. However, to become a tetra helix concept, industries need to be involved as one of the pillars that contribute to eradicating violence. Here, there is a missing link in handling violence against children. If all chains are perfectly linked, it will create strength to minimize the intensity of the occurring violence. This means that the increase in the rate of violence against children in South Kalimantan happened due to the disconnection of elements in the tetra helix that were identified after the Corona Virus Disease 2019 (COVID-19) due to a lack of outdoor activities, the occurrence of panic, the lack of access to child services, as well as the rampant unemployment [42].

Unemployment after COVID-19 in Banjarmasin as well as the long holidays that commonly happen from July to August also lead to the increase in violence rates [43]. People without productive activities tend to commit violence against children.

Economic pressures in Banjarbaru stimulate violence against children. The high rate of poverty in Banjarmasin, Banjarbaru, and Barito Kuala forces people to live in impoverished conditions. They built their houses near rivers and used the river water for drinking, bathing, washing, and relieving themselves, as shown in Figure 7. This threatens their health and emotional well-being, causing anger and leading to violence against their vulnerable children.

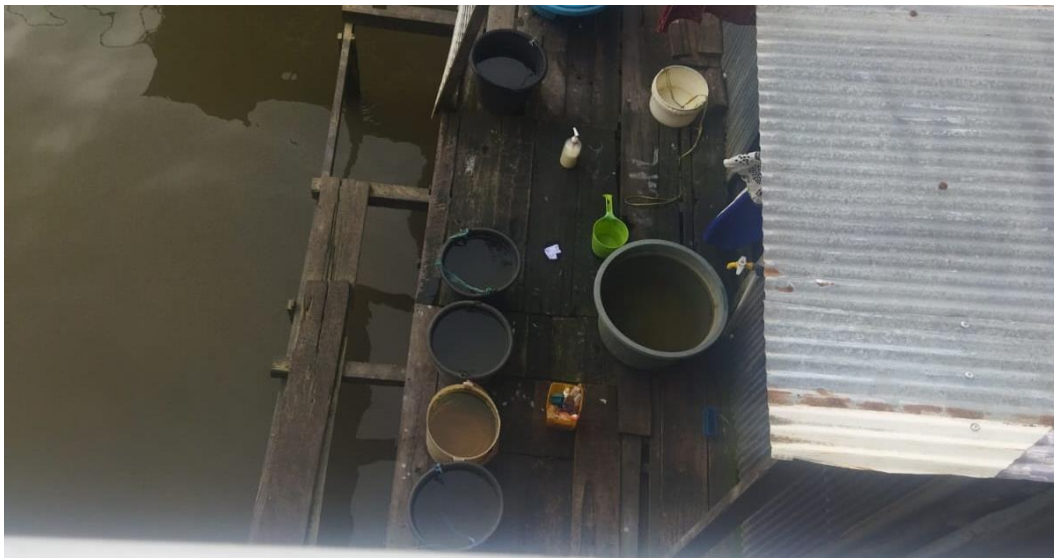


Figure 7.
People precipitate river water to drink.

Small rivers in Banjarmasin are connected to the large Barito River, which is moderately polluted based on the water quality measurement [44]. Rivers in Banjarmasin are quite polluted, with a lower BOD (5.0) but very muddy (TSS 269). In Banjarbaru, the water quality is very muddy (TSS 481). Thus, from upstream to downstream, the Barito River becomes more acidic, muddier, and has a higher phosphate content [45].

In many ways, the water pollution of the Barito River contributes to the rate of violence against children. Water pollution disturbs people's sources of income and worsens poverty. This increases families' economic pressures, which may lead to domestic violence. Children are also more prone to diseases related to polluted water, bringing more burden to parents and increasing the risk of neglect and violence. Apart from that, girls are often forced to collect water from faraway sources, increasing the risk of gender-based violence. This condition creates social instability and violence against children, both directly and indirectly. Figure 8 shows the intricate river network of Banjarmasin that connects to the Barito Kuala River.

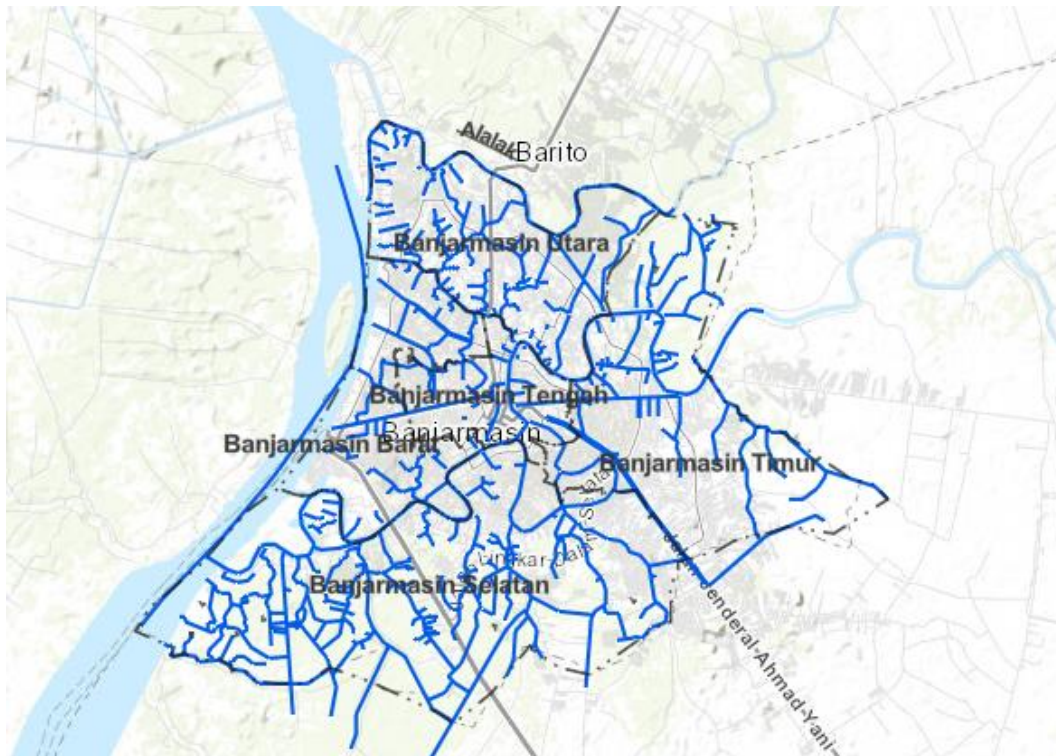


Figure 8.
River Network Map in Banjarmasin that Connects to the Barito Kuala River

The Barito River water is basically unconsumable. Thus, its fish are also unsafe for consumption due to the heavy metal content in shrimp, which indicates the bioaccumulation of toxic metals, especially tin (Pb) and cadmium (Cd), exceeding the standard [46]. However, the Kalimantan society has culturally used rivers for various economic needs that are difficult to shift to other sectors. This makes them dependent on nature, although these rivers have been contaminated. It creates a dilemmatic condition between health and economic needs. Thus, there needs to be a culturally sensitive intervention to create positive changes. Figure 9 shows houses on riverbanks in Kalimantan. It is an unideal situation to live in.



Figure 9.
Houses on river banks which are passed by fishing boats and coal-carrying barges.

River pollution and environmental destruction due to industrialization and domestic waste do not only cause health issues but also impact interpersonal violence (social etiology) [47]. Environmental destruction that leads to violence harms various sectors of life. This condition makes people prone to commit violence, including neglect, exploitation, and deviant sexual behavior. There was a case where a five-year-old engaged in incest with her siblings as she copied her parents, who had sex without a barrier due to a lack of funds [48]. Therefore, the factors of poverty and river pollution also contribute to sexual violence.

Apart from leading to environmental destruction and triggering violence, industries may bring a positive impact if they are involved in preventing violence [49]. For instance, in Ethiopia, partnerships bring benefits in the aspects of funding, technological transfer, skills, resources, and capability. Linking schools with industries will also increase quality, service, consumer satisfaction, and company sustainability [17].

The tetra helix-based legal protection approach is a collaborative and innovative strategy that involves the government, academic institutions (schools, universities, or research institutions), civil societies (including the private sector or customary communities), as well as parents [50]. Here, civil society encompasses the norms that are acknowledged as a reflection of local customs. This approach allows all social components to contribute to planning a violence-free educational policy in South Kalimantan [51]. Thus, there is a need for policy intervention to prevent violence from occurring through the involvement of tetra helix elements in South Kalimantan.

5. Conclusion

Violence against children in South Kalimantan was a follow-through impact from the Covid-19 pandemic, which has increased the rate of unemployment. Even so, unemployment was not the only contributing factor. This violence was also related to parenting methods, family dynamics, environmental conditions, as well as communities' attitudes, which tend to ignore the issue of violence against children. In this case, the factors of legal norms and culture also play a role. Even though legal regulations have, in general, allowed societal participation in formulating cooperative actions to prevent and handle violence against children between different sectors, the current institutional relationship is more dominant in the interaction between institutions that were formed by the government. There is still a lack of the industrial sector's involvement. Thus, there are obstacles in the case of human resources and funding to carry out programs that are outside of the funding from the government's special allocation of funds.

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