

## Evaluation of Legal Protection for Women and Children's Victims of Violence by the Bengkulu City Office of Women's Empowerment and Child Protection

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### Abstract

The issue of violence against women and children represents a significant human rights violation that persists as a pervasive challenge in Bengkulu City. The objective of this research is to evaluate the implementation of legal protection for women and children's victims of violence by the P3AP2KB Office of Bengkulu City. The research method employed is normative legal research, utilizing a combination of statutory, conceptual, and theoretical approaches. The findings indicate that the P3AP2KB Office has implemented a range of legal protection initiatives, encompassing both preventive and repressive measures. These have been achieved through the provision of legal, psychological, and medical services, as well as through the strengthening of public awareness through the Gelang Peti program. Nevertheless, several challenges persist, including social stigma, limited resources, and a lack of coordination between agencies. To ensure the sustainability of legal protection for victims of violence, it is essential to strengthen resources, enhance community education, and foster institutional synergy.

**Keywords:** Bengkulu city; Legal protection; P3AP2KB Office; Violence against women and children

### 1. Introduction

Globally, it is estimated that 736 million women (approximately one in three) have experienced physical and/or sexual violence from a partner, sexual violence by a non-partner, or both at least once in their lifetime [1]. This phenomenon is becoming increasingly prevalent in both workplaces and online spaces and is further exacerbated by the effects of the post-pandemic period, ongoing conflict, and climate change. Violence against women and children constitutes a human rights violation that has long-term physical, psychological, and social impacts. This form of violence manifests in a number of different ways, including domestic violence, which is particularly prevalent in contexts where it often remains unrecognized and unpunished [2]. The United Nations has identified this issue as a critical priority, underscoring the necessity for a comprehensive strategy to eradicate all forms of discrimination and violence [3].

Human rights are a set of rights inherent in every individual as a creature of God Almighty and must be upheld, respected, and protected by the state, the law, and every individual [4]. This is enshrined in the 1945 Constitution of Indonesia, specifically in Articles 28A to 28J, which regulate the rights to life, liberty, and protection from torture and discrimination [5]. Furthermore, human rights are additionally delineated in Articles 27 to 34 of the 1945 Constitution and further defined in the Charter of Human Rights, as regulated in Law No. 39/1999 on Human Rights. The normative framework

of human rights provides the foundation for the government's obligation to ensure the protection and fulfilment of the rights of every individual, including women and children victims of violence [6]. However, despite this framework, human rights violations still occur frequently, with violence against women and children being a notable example. This highlights the necessity for an approach based on human rights principles to overcome the various obstacles faced by victims, including social stigma, public understanding of legal rights, and access to adequate protection services.

In Indonesia, violence against women and children persists as a significant concern that necessitates dedicated attention, including in Bengkulu Province. The data indicates a year-on-year increase in violence against women and children, necessitating the implementation of more efficacious measures to address this issue [7]. According to data from 2021, the province of Bengkulu recorded 220 cases of violence against women and children. Of the total number of victims, 212 were female, representing a significantly higher proportion than the 29 male victims. The aforementioned cases were distributed across a number of districts and cities within Bengkulu Province. The highest number of cases was recorded in Bengkulu City, with 60 cases, followed by Kepahiang, with 58 cases, and Seluma, with 33 cases. In Rejang Lebong, 21 cases were recorded, in North Bengkulu 16, and Central Bengkulu 19. Conversely, the regions with the lowest number of cases were Mukomuko, with 11 cases, and South Bengkulu, with only two cases. Additionally, regions such as Kaur and Lebong did not document any cases during that period. In 2022 [7], the province of Bengkulu recorded 418 cases of violence against women and children. Of the total number of victims, 356 were female and 124 were male.

The aforementioned cases were distributed across a number of districts and cities within the province of Bengkulu. The highest number of cases was recorded in Bengkulu City, with 101 cases, followed by Bengkulu Tengah, with 58 cases, and Bengkulu Utara and Seluma, each with 49 cases. In contrast, areas such as South Bengkulu and Mukomuko had a lower number of cases, with 13 cases each. In 2023, the Online Information System for the Protection of Women and Children (*in Indonesia is called as SIMFONI PPA*) revealed that 220 cases of violence had been reported across all districts and cities in Bengkulu Province [7]. Of these cases, the majority involved female victims, with 217 cases, while only 47 cases involved male victims. The distribution of these cases demonstrates that Rejang Lebong Regency has the highest number of cases, with 42 cases, followed by Seluma Regency with 33 cases, and Central Bengkulu with 25 cases. Other districts, including South Bengkulu, North Bengkulu, Bengkulu City, and Kepahiang, reported 20 cases each, while Kaur, Mukomuko, and Lebong recorded lower numbers. These figures highlight the necessity for enhanced legal protection of women and children victims of violence in Bengkulu City.

Despite the existence of numerous regulations that provide legal protection for women and children victims of violence, including Law No. 23 of 2004 on the Elimination of Domestic Violence (PKDRT) and Law No. 35 of 2014 on Child Protection, which contains articles that regulate the government's obligation to provide legal, Despite the availability of psychological and social services for victims, the implementation of legal protection for women and children victims of violence by the Bengkulu City Office of Women's Empowerment and Child Protection, Population

Control and Family Planning (*in Indonesian is called as P3AP2KB*), henceforth referred to in this study as the P3AP2KB Office, still encounters a number of challenges. A significant number of cases of violence, particularly sexual violence, are either not reported at all or are not addressed in an optimal manner. This is frequently attributable to the existence of a robust social stigma, whereby victims are apprehensive about being regarded as having defamed their family or being held culpable of the events that have befallen them. Furthermore, the lack of public awareness regarding victims' legal rights, coupled with the challenges in accessing support services, serves to exacerbate this situation.

The extant research indicates that sexual violence is still considered a taboo subject within society, with victims frequently being blamed rather than supported [8]. Government Regulation No. 4/2006 on the Implementation and Cooperation of Recovery for Victims of Domestic Violence encourages collaboration between stakeholders, including social services, legal institutions, and civil society organizations. The role of the P3AP2KB Office is of great significance in terms of providing legal protection, services, and assistance for victims. However, the implementation of legal protection is confronted with a number of challenges, including limited resources and a lack of public awareness concerning the importance of reporting and handling cases of violence. Consequently, a more comprehensive study is required in order to evaluate and strengthen the implementation of legal protection for women and children's victims of violence in Bengkulu City.

This research project aims to evaluate the legal protection of women and children's victims of violence by the P3AP2KB Office of Bengkulu City from a human rights perspective. It is, therefore, necessary to gain a deeper understanding of the extent to which the Social Affairs Office is able to complement the rights of victims of violence, as well as to identify strategies and policies that need to be implemented to strengthen legal protection for women and children's victims of violence in Bengkulu City. It is anticipated that the findings of this evaluation will facilitate the development of a comprehensive solution to enhance legal protection and guarantee the fulfilment of the rights of women and children, as part of the broader objective of achieving gender equality and sustainable development based on human rights.

## **2. Research Methods**

This paper presents a normative legal research study that employs a three-pronged analytical approach to examine the implementation of legal protection. The study utilized a statute approach, a conceptual approach, and a theoretical approach to investigate the role of legal theory as a meta-theory of dogmatic law [9]. The analysis was conducted in line with the applicable legal framework, specifically Law No. 23 of 2004 on the Elimination of Domestic Violence, Law No. 35 of 2014 on Child Protection, and Bengkulu Mayor Regulation No. 50 of 2021.

## **3. Results and Discussion**

Legal protection means making sure that people and organizations have the resources they need to live and work in a way that is protected by the law. This legal

protection includes resources to support legal subjects in making political and economic decisions about how resources are distributed. Philipus M. Hadjon divides legal protection into two types based on government action [10].

1. The objective of preventive legal protection is to prevent disputes from occurring. This is achieved by providing the public with the opportunity to *submit objections or opinions* before a government decision becomes definitive. The objective of this protection is to preclude the emergence of disputes by affording the public the opportunity to *submit objections or opinions* prior to the finalization of a government decision. This approach is significant in that it prompts the government to exercise caution in its decision-making, particularly in instances where discretion is involved.
2. The concept of Repressive Legal Protection can be defined as follows: The objective of these protections is to facilitate the resolution of disputes that have already occurred, including through the Indonesian public and administrative courts, with a view to ensuring justice for individuals adversely affected by government decisions.

In the context of legal protection for women and children's victims of violence in Bengkulu City, the concept of legal protection outlined by Hadjon in Bengkulu City is applied as follows:

### **3.1 Preventive Legal Protection**

The preventive legal protection of women and children's victims of violence by the Bengkulu City Office of Women's Empowerment and Child Protection, Population Control and Family Planning (P3AP2KB) employs a multifaceted approach that integrates legal, social, and educational measures. This approach is designed to address the underlying causes of violence, provide immediate assistance to victims, and ensure long-term protection and empowerment. The integration of diverse strategies and collaboration with law enforcement and community organizations are essential for the efficacy of these measures. In this instance, the aforementioned approach can be observed in practice.

#### **a. Legal Framework and Institutional Support**

The legal framework and support systems in place to protect women and children from violence encompass comprehensive legislation that addresses various forms of violence, including domestic and sexual violence. In some countries, legislation designed to prevent violence against women has served as a model for the establishment of integrated victim support systems [11]. In this context, efforts to prevent violence against women and children in Indonesian society have been guided by a regulatory framework that has been incorporated into the Indonesian legal system. This framework is operationalized through two specific regulations: Law No. 23 of 2004 on the Elimination of Domestic Violence (PKDRT Law) and Law No. 35 of 2014 on Child Protection.

The two legal products are designed to provide comprehensive protection to women and children from a broad spectrum of violence, including physical, sexual, psychological, and economic dimensions [12]. The substance of these regulations is not merely normative; rather, they are designed to establish a concrete and comprehensive

protection mechanism. The importance of these two pieces of legislation lies in their function as a robust legal foundation for the protection of human rights, particularly those of women and children. These legal instruments are not merely declaratory of existing rights; they are also strategic instruments for the realization of substantive justice, the provision of protection, and the guarantee of the fundamental rights of vulnerable groups in society. In the context of Bengkulu City, the legal framework for the protection of women and children is based on Bengkulu Mayor Regulation No. 50 of 2021. This states that the Office of Women's Empowerment, Child Protection, Population Control, and Family Planning (P3AP2KB) has a central role in implementing legal protection for women and children who are victims of violence.

The P3AP2KB Office is primarily responsible for assisting the Mayor in the execution of regional government affairs pertaining to the domains of women's empowerment, child protection, population control, and family planning. The following key functions are to be highlighted: The development of programs for the protection of women and children, including services for victims of violence, is addressed in Article 4. The objective is to reinforce the capacity of service provider institutions to empower women and protect children (Article 4, paragraph 3). The prevention of violence against women and children is to be achieved through the implementation of policies and the dissemination of public education (Article 4, paragraph 6) [13].

In addition to the legal framework, the role of law enforcement, particularly the police, is of paramount importance in providing immediate legal protection and interrupting the cycle of violence. The Indonesian National Police, for instance, plays a pivotal role in the early detection of potential violence and the dissemination of information to the public, with the objective of preventing such incidents [14]. In Bengkulu City, the Indonesian National Police (Polri) engages in direct dialogue with the Office of Women's Empowerment, Child Protection, Population Control, and Family Planning (P3AP2KB). In this forum, the police provide guidance to the community and relevant institutions on the prevention of violence. Furthermore, the face-to-face dialogue serves to foster collaboration and coordination between the various institutions involved in addressing violence.

#### **b. Community and Education Initiatives**

Community-based organizations, such as legal committees, play a significant role in providing psychological, legal, and educational support to victims. Such organizations facilitate the empowerment of women, enabling them to overcome trauma and become self-reliant, thereby contributing to the betterment of society. Educational programs must be implemented with the objective of increasing awareness and comprehension of domestic violence legislation [15]. Such programs assist communities in recognizing and preventing violence, thereby ensuring that victims and their families are informed and supported. As indicated in the Bengkulu City Women and Children Violence Report, the city of Bengkulu is facing a significant sexual emergency, with more than 400 cases of sexual violence reported in 2019. The majority of cases remain unreported due to social stigma, taboos, and victims' limited understanding of legal procedures [16].



Consequently, the Gelang Peti Program (*Gerakan Lanang Peduli Tino* has a meaning Men's Movement for Women's Care in Indonesian) was established. The report indicates that the Gelang Peti Program successfully engaged 50 participants from ASN, community organizations, and violent service institutions. One of the pioneering initiatives that has been introduced is the Gelang Peti Program (*Gerakan Lanang Peduli Tino*), which engages men as agents of change in the prevention of gender-based violence. The objective of this program is to encourage the participation of men in the prevention of violence through a community-based approach. The handling of cases involving women victims of violence is under the purview of the provincial authority. The following indicators can measure the success of the program: There has been an increase in awareness of the role that men can play in the prevention of violence. Nevertheless, the long-term impact of this program remains to be evaluated, particularly in terms of its impact on community behavior and the stigma attached to victims of violence.

Subsequently, the Bengkulu City Office of Women's Empowerment, Child Protection, Population Control, and Family Planning (P3AP2KB) engaged with community-based organizations, namely the Bengkulu City Population Control and Family Planning community, which serves as the foundation for the Bengkulu Center for Education for Women and Children (*in Indonesian is called as PUPA*). The PUPA is a volunteer-based organization. Currently, there are almost 40 PUPA volunteers, comprising individuals from a range of backgrounds, including junior and high school students, university students, housewives, and other professionals [17]. The Women's Empowerment and Child Protection Office has been found to be inadequate in carrying out its authority, main duties, and functions. This is evidenced by the numerous cases of sexual violence against children in Bengkulu City and the significant challenges faced by the Women's Empowerment and Child Protection Office, among others. The Gelang Peti program, in conjunction with the involvement of community-based organizations, namely the Bengkulu City Population Control and Family Planning Community, namely the Bengkulu Center for Women and Children (PUPA) Foundation, has demonstrated efficacy as a preventive measure, effectively raising public awareness. However, its effectiveness is constrained by the lack of understanding among the general public regarding the significance of prompt reporting of cases of violence.

### **3.2 Restrictive legal protection**

The legal protection of women and children's victims of violence by the Women's Empowerment and Child Protection, Population Control and Family Planning (DP3AP2KB) Service employs a multifaceted approach that encompasses legal frameworks, law enforcement mechanisms, and community engagement. Despite the existing regulatory framework, challenges persist in ensuring effective protection and justice for victims. The following sections examine the key aspects of these protection mechanisms based on legal frameworks and challenges, as well as implementation and response.

It is widely acknowledged that legal protection for women and children is enshrined in a multitude of legislative instruments, including the Child Protection Law

and the Law on the Suppression of Women and Children. These laws are designed to safeguard the rights of individuals and to ensure the dispensation of justice. However, their implementation can be uneven, resulting in the neglect of rights, particularly in matters pertaining to marriage and divorce [18]. It is acknowledged that the objective of repressive legal protection is to address disputes or instances of violence by ensuring justice and redress for victims. In this context, the legal protection is enshrined in the Mayor of Bengkulu Regulation Number 50 of 2021 and associated documentation. The strategic steps involved in the repressive protection of women and children are numerous [16]:

**a. Victim Assistance Services**

In this case, the Office of Women's Empowerment and Child Protection, Population Control and Family Planning (DP3AP2KB) is responsible for implementing the aforementioned service. This office is supported by the Legal Services department, whose objective is to assist victims in reporting, processing cases through legal channels, and providing accompaniment during trials. Subsequently, psychological services are provided with the objective of facilitating trauma recovery through the provision of psychological assistance by duly qualified institutions, such as the Regional Technical Implementation Unit (*in Indonesian is called as UPTD*) under the P3AP2KB Office. Additionally, medical services are made available, encompassing physical health examinations and the issuance of a medical certificate as legal evidence of the violence experienced.

**b. Inter-institutional collaboration**

The P3AP2KB Office works in collaboration with a number of external agencies, including the police, community institutions, and the business world to ensure that victims receive integrated protection. To illustrate, the collaboration between the UPTD, the police, and the Integrated Service Center for Women and Children Empowerment (P2TP2A) has resulted in the regulation of this matter in the Bengkulu Mayor Regulation Number 50 of 2021. This regulation is attributed to the Office of Women's Empowerment, Child Protection, Population Control, and Family Planning (P3AP2KB). The implementation of this regulation in the city of Bengkulu is to hold [16]:

**1) Advocacy and mediation**

The objective of advocacy is to enhance the knowledge and abilities of participants, thereby empowering them to spearhead tangible policy reforms that hold actors to account [19]. In certain cases, mediation is facilitated by the service with the objective of reaching a fair settlement for the victims in accordance with their expressed wishes [20]. This has been implemented, as evidenced by the following documentation. In Bengkulu, the advocacy for women victims of domestic violence is conducted in collaboration with the Cahaya Perempuan Women's Crisis Center Foundation of Bengkulu City. One of the challenges encountered in the provision of advocacy services is the behaviour of the client [21]. Despite the existence of protection measures, their implementation in practice is hindered by a number of obstacles, particularly in the context of repressive protection [17]:

- 1) One of the key factors contributing to the decision not to pursue legal action is the lack of confidence among victims in their ability to make informed decisions and to continue with the legal process.
- 2) A further obstacle is the lack of support from victims' families, who often consider violence to be a personal problem.
- 3) The considerable distance between victims and service institutions, such as the Cahaya Perempuan Foundation, presents a significant challenge in accessing assistance. The psychological and social recovery of victims is a crucial aspect of the process.

## 2) Reporting And Surveillance

Those who have been victimised may choose to report the incident via the hotline or directly to the UPTD P3AP2KB Office. The complaint and subsequent follow-up process is overseen by a dedicated team, which is also tasked with the preparation of periodic reports for the local government.

## 4. Conclusions

In accordance with the theory proposed by Philipus M. Hadjon, legal protection can be classified into two distinct categories: preventive and repressive. The implementation of legal protection by the Bengkulu City P3AP2KB Office is reflective of these two forms, although challenges remain in its implementation. Preventive legal protection is regulated by Bengkulu Mayor Regulation Number 50 of 2021. Additionally, community education programs exist, such as the P3AP2KB Office Crate Bracelet, which is run in collaboration with the Center for Education for Women and Children (PUPA). In terms of repressive legal protection, the P3AP2KB Office provides a range of services, including legal, psychological, and medical assistance, in collaboration with numerous foundations and organizations. Overall, the implementation of legal protection in Bengkulu City has demonstrated notable advancement; however, there is a need for further strengthening in key areas, including the allocation of resources, community education, and the coordination between institutions to guarantee the long-term protection of women and children who have experienced violence.

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