

CHAPTER V

CONCLUSION, LIMITATION AND RECOMMENDATION

5.1 Conclusion

1. Child Abuse Prevention and Treatment Act Had Been Enacted on United States much earlier before Indonesia, which is on 1974 by Congress, while in Indonesia enactment of Child Protection law was initiated on 2002. Several amendments were established for United States Child Abuse Prevention and Treatment Act (CAPTA) with its recent amendment was on 2018 as its 15th amendment, meanwhile for Indonesia, amendment was held on 2014.
2. Comparative between Indonesia and United States used Maurice Adam and Jacob Bomhoff Theory taken from their publication in a form of book titled as Theory on Comparative Law through applying disparate activities contained in referred theory to generating conclusions as it was deliberately conduct to performing comparative of law using a legal theory to obtain a research conclusions with structured method and framework. Other theory is Lawrence Friedman Legal System Theory to acquire draught of which country is better based on fulfillment of three elements with a result that United States is better due to Indonesia relatively failed in fulfilling third element, which is legal culture. Several materials that could be implemented in Indonesia are data collecting system and budget funding distribution.
3. Indonesia is more comprehensive regarding of sanctions contained in act compares to United States, therefore nothing is much that could be implemented in Indonesia as well regarding of sanctions.

5.2 Limitation.

1. Data collection through online from several Indonesia Governmental websites is decent troublesome as a result of unavailability of comprehensive valid data compiled recently and updated due to currently collected data is based on unsettled system

and it suppose on released when actually it was not, in a form of nation wide from each provinces before eventually compiled as a last stage of recap from each region or province across Indonesia with generating national scale data subsequent to recapping process done by National Commission of Child Protection.

2. Unavailability of publication regarding of Government and Local Government budget for implementation of programs held by National Commission of Child Protection, Regional Commission of Child Protection, and other public and private agency as a disclosure attributing transparency of funding to minimize suspicion of misuse distribution of budget and causing.

5.3 Recommendation

1. Indonesia National Commission of Child Protection is suppose to held an assessment on each child foster agency on regular basis to sustain a consistent and safe nurturing process to prevent child abuse and neglect.
2. Background of workers or people involved in prevention and treatment of child abuse in Indonesia that allows to cooperate with National Commission of Child Protection, Ministry of Women and Child Protection, and Ministry of Social to combat through detecting for prevention of child abuse and treatment for its victim should be mentioned extensively on act, Government legislation, or regional legislation, for example, *“parties allows to involve and cooperate on combating child abuse through prevention and treatment as a worker is distinctively come from several background, which are medical (doctor, nurse, and hospital employee), law field (lawyer, attorney, and other), teacher or school employee, social worker, and other”*.
3. Unavailability of region legislation on some regions in Indonesia is an issue that should be ended immediately due to it might hampers on implementation of child abuse prevention and treatment through coordination with city mayor of each city.

4. Data compiling performs by National Commission of Child Protection is suppose to be implemented thoroughly based of article 76 of Indonesia Law No. 35 of 2014 on amendment to Law No. 23 of 200 on Child Protection by collecting data on amounts of children exposed to abuse and neglect from each province based of 9 clusters exist.
5. Codification number of statute, Government legislation, and region legislation are possibly updated by uploading files of referring legislations on National Commission of Child Protection website to improve a better quality of data retrieving.
6. Contact numbers and addresses of local representative of National Commission of Child Protection in a form of Regional Commission of Child Protection and public or private agencies should be added to National Commission of Child Protection website and annual performance report.
7. Government and Local Government can append amount of funding budget distribution for Indonesia National Commission of Child Protection and Regional Commission of Child Protection as an improvement for better quality on response to cases efficiently. Unnecessary programs are suppose to be cut off and replace by technical implementation of prevention through identification on signs of child as victim of abuse or neglect performs by parties involved to suspend further abusive act or neglect to a child and treatment for child that has been identified as victim by taking them away from hazard environment to received early medical treatment. Budget for funding is supposed to be claim for each fiscal year on Government legislation, region legislation, or official website.
8. Data compiling system on Indonesia could be conduct through establishment of data system consist of institutions from distinct regions by cooperating and communicating to each other in order to earn updated data of children exposed to abuse and neglect stores on a file each day and recap those data per month. These monthly files are sends to Regional Commission of Child Protection exists as local

representative before eventually these files are sends to National Commission of Child Protection each year at end of December to be compile as annual data. Institutions involves on this system are police department, hospital, clinic, lawyer, court, private agency, public agency, and other institutions and bodies.

9. Society and Citizen should denounce cases or suspicious situations that might allegedly as a child abuse, maltreatment, or neglect to police, regional commission of child protection, and other institution involve on this specific context