

Legal Protection for Children as Victims of Homicide Committed by Stepparents from the Perspective of Indonesian Criminal Law

Nurhabibi^{1*}, Eti Yusnita², Sauri³, Hermanto⁴, HM. Ridlwan Hambali⁵

¹ Sekolah Tinggi Ilmu Shuffah Al Quran Abdullah bin Masud Online Lampung Selatan, Indonesia

² Universitas Islam Negeri Raden Fatah Palembang, Indonesia

^{3,4} Universitas Syekh Maulana Qory Bangko, Indonesia

⁵ Universitas Nahdlatul Ulama Sunan Giri Bojonegoro, Indonesia

Email: abudaud431@gmail.com^{1*}, etiyusnita_uin@radenfatah.ac.id², saurijbi@gmail.com³, hermantotfq@gmail.com⁴, ridlwan@unugiri.ac.id⁵

ABSTRACT

Cases of violence against children in domestic settings continue to rise, with some escalating into severe crimes such as homicide. Homicide committed by a stepparent represents a particularly grave form of violence, highlighting the structural vulnerability of children within family environments. This study examines the legal protection afforded to child victims of such crimes within the framework of Indonesian criminal law. Employing a normative juridical method with statutory and conceptual approaches, the research analyzes primary legal sources, including the Kitab Undang-Undang Hukum Pidana and the Child Protection Law, supported by secondary materials such as legal scholarship and relevant court decisions. The findings reveal that, while Indonesian criminal law imposes stringent penalties for homicide, existing legal frameworks remain insufficient in addressing the specific vulnerabilities of child victims in intra-family contexts. This study argues for an expanded interpretive approach that integrates child protection principles, substantive justice, and deterrence. It proposes that the stepparent-child relationship be explicitly recognized as an aggravating factor in sentencing, reflecting the breach of trust and heightened moral culpability. This article contributes to the development of a more victim-centered and context-sensitive criminal law framework by advocating strengthened law enforcement, doctrinal refinement, and preventive strategies to ensure comprehensive protection for children and reduce the recurrence of such crimes.

Key Words: Child Protection, Criminal Law, Homicide, Stepparent Violence

INTRODUCTION

Violence against children remains a persistent social and legal problem in many countries, including Indonesia. Children occupy a vulnerable position within family and social structures, making them highly susceptible to various forms of abuse, neglect, and exploitation. In recent years, several tragic cases of child homicide have attracted public attention, particularly those occurring within the domestic sphere. One of the most alarming patterns is the killing of a child by a stepparent, which not only constitutes a serious criminal offense but also reflects a failure of familial protection mechanisms. Such cases challenge the effectiveness of legal frameworks designed to safeguard children and raise questions about the adequacy of criminal law in protecting child victims. Indonesian criminal law provides sanctions against acts of homicide, yet the issue becomes more complex when the crime occurs within the family structure, where trust and responsibility should form the foundation of child protection (Rahmi, 2023).

From a legal perspective, the Indonesian criminal justice system has undergone various developments aimed at strengthening the enforcement of justice and human rights. Legal reforms emphasize the importance of balancing punitive measures with broader principles of justice and social protection. The concept of criminal law enforcement in Indonesia increasingly highlights fairness, accountability, and the protection of vulnerable groups, including children (Putri et al., 2023). Furthermore, the revision and discussion surrounding the new criminal code demonstrate the state's effort to modernize legal regulations and address contemporary criminal issues (Malau, 2023). However, despite these regulatory developments, cases of violence against children—particularly fatal violence—continue to occur, indicating that legal protection mechanisms may still face significant challenges in practice.

Previous studies have examined various dimensions of violence and legal protection related to vulnerable groups. For instance, research by Khumaera et al. (2023) analyzes legal protection for women and children who are victims of domestic violence through the perspective of Islamic criminal law, emphasizing the importance of justice and protection within family relations. Similarly, Akmal et al. (2023) discuss child sexual violence from the perspective of *maqāṣid al-sharīʿah*, highlighting that the protection of children constitutes a fundamental objective of Islamic law in safeguarding human dignity and social welfare. Another study by Wicaksono and Ashari (2024) explores the protection of women victims of domestic violence through the lens of *maqāṣid al-sharīʿah*, stressing that the family environment should serve as a space for safety rather than violence.

Research focusing on criminal behavior within stepfamily relationships also provides important insights. Handayani et al. (2024) analyze the phenomenon of homicide involving stepparents and reveal that conflicts within stepfamily

dynamics, emotional tensions, and lack of effective social control can contribute to violent behavior. Their study demonstrates that stepfamily relationships sometimes create complex psychological and social conditions that may increase the risk of domestic violence. In addition, Wardani et al. (2022) examine the social impact of family conflict and divorce on children, finding that unstable family structures often lead to emotional stress and behavioral problems that can escalate into broader social issues. These studies collectively highlight the importance of strengthening family-based protection mechanisms and legal responses to violence within domestic settings.

Despite the growing body of literature on domestic violence and child protection, several important gaps remain. First, most previous studies primarily focus on domestic violence in general or on violence against women and children without specifically addressing the legal implications of homicide committed by stepparents. Second, many discussions emphasize sociological or religious perspectives but provide limited analysis of the legal protection framework within the Indonesian criminal justice system. Third, the increasing number of viral cases in recent years involving the murder of children by stepparents demonstrates the urgency of examining how criminal law addresses such acts and whether existing legal instruments provide sufficient protection for child victims. This gap indicates the need for a more comprehensive analysis that integrates criminal law perspectives with broader child protection principles.

The novelty of this research lies in its focus on the intersection between child protection and criminal liability in cases of homicide committed by stepparents. Unlike previous studies that primarily address domestic violence in general, this research specifically examines the legal protection afforded to children as victims of homicide within stepfamily relationships. Furthermore, this study highlights the importance of considering familial relationships between the perpetrator and the victim as an aggravating factor in criminal responsibility. By situating the analysis within the framework of Indonesian criminal law and contemporary child protection discourse, this research provides a more comprehensive understanding of how legal mechanisms can be strengthened to prevent and respond to such crimes.

In addition, this study contributes to the broader discourse on criminal justice reform and child protection policies in Indonesia. Strengthening legal protection for children requires not only punitive measures against perpetrators but also preventive strategies, effective law enforcement, and greater awareness of children's rights within family environments. The integration of legal, social, and ethical perspectives is therefore essential in addressing the complexity of violence against children within domestic settings.

Based on these considerations, the objective of this study is to analyze the legal protection provided to children as victims of homicide committed by stepparents from the perspective of Indonesian criminal law. Specifically, this research seeks to examine the adequacy of existing legal frameworks in addressing such crimes, evaluate the role of criminal liability in protecting child victims, and identify possible improvements to strengthen legal protection mechanisms for children in Indonesia. Through this analysis, the study aims to contribute to the development of more effective legal policies that ensure justice, protection, and security for children as one of the most vulnerable groups in society.

RESEARCH METHODS

This study employs a qualitative legal research design with a normative juridical approach to analyze the legal protection of children as victims of homicide committed by stepparents within the framework of Indonesian criminal law. The normative juridical method is used because the research primarily examines legal norms, principles, and regulations governing criminal liability and child protection. Through this approach, the study focuses on analyzing legal rules, doctrinal interpretations, and the conceptual framework that forms the basis of legal protection for children in Indonesia. The research aims to understand how existing criminal law provisions regulate acts of homicide against children and how these provisions function in protecting the rights and safety of child victims, particularly within family relationships involving stepparents.

The research adopts both statutory and conceptual approaches. The statutory approach is used to examine various legal regulations related to homicide and child protection within the Indonesian legal system. These regulations include provisions governing criminal acts of homicide and laws specifically designed to ensure the protection and welfare of children. By reviewing these legal instruments, the study seeks to identify the scope of criminal liability imposed on perpetrators and evaluate the extent to which the legal framework provides adequate protection for children as victims of serious crimes. In addition, the conceptual approach is applied to explore theoretical perspectives on child protection, criminal responsibility, and justice within the context of family-related violence. This approach enables the research to interpret legal norms not only as written regulations but also as part of a broader legal philosophy aimed at protecting vulnerable groups.

The sources of data in this research consist of primary and secondary legal materials. Primary legal materials include statutory regulations related to criminal law and child protection in Indonesia, as well as relevant judicial decisions concerning cases of homicide involving children. These materials serve as the main foundation for analyzing the legal framework and determining how criminal

law addresses acts of violence against children within domestic settings. Secondary legal materials include academic books, scholarly journal articles, legal commentaries, and other relevant literature discussing criminal law, child protection, and domestic violence. These sources provide theoretical insights and scholarly interpretations that support the analysis of legal norms and policies related to the protection of children as victims of crime.

Data collection in this study is conducted through a comprehensive literature review and document analysis. The literature review involves examining various legal texts, academic publications, and relevant research studies that discuss criminal law, child protection policies, and violence within family structures. Meanwhile, document analysis is used to review legal documents, statutory provisions, and court decisions in order to identify how the law is applied in cases involving child victims. Through these processes, the study gathers relevant information that contributes to a deeper understanding of the legal issues surrounding homicide against children committed by stepparents.

The data analysis process is carried out using qualitative legal analysis techniques. The collected legal materials are first classified based on their relevance to the research topic. After classification, the materials are systematically examined to identify key legal principles, patterns of criminal liability, and the extent of legal protection provided to children. The analysis focuses on interpreting legal norms and evaluating whether existing criminal law provisions adequately address the specific circumstances of homicide within stepfamily relationships. In addition, the study analyzes the relationship between the perpetrator and the victim within the family structure to determine its implications for criminal responsibility and sentencing considerations.

Finally, the results of the analysis are presented in a descriptive and analytical manner. The descriptive aspect explains the legal framework governing homicide and child protection, while the analytical aspect evaluates the effectiveness of these legal mechanisms in protecting children as victims of serious crimes. Through this methodological approach, the study seeks to provide a comprehensive understanding of how Indonesian criminal law addresses homicide committed by stepparents and to propose insights for strengthening legal protection for children in the future.

RESULTS AND DISCUSSION

Legal Framework of Child Protection in Indonesian Criminal Law

The legal framework for child protection in Indonesia is fundamentally grounded in the recognition that children represent one of the most vulnerable groups in society and therefore require comprehensive protection from all forms of violence, neglect, and exploitation. Within the Indonesian legal system, the protection of children is not only a social responsibility but also a constitutional

and legal obligation of the state. Various regulations have been enacted to safeguard children's rights and ensure their well-being, particularly within family environments where children are expected to receive care, affection, and security. However, the reality shows that violence against children can occur even within the domestic sphere, including extreme acts such as homicide committed by individuals who should assume parental responsibilities, including stepparents. This situation highlights the urgency of strengthening legal mechanisms that provide effective protection for children under criminal law frameworks (Rahmi, 2023).

In general, Indonesian criminal law regulates acts of violence and homicide through a set of provisions designed to maintain public order and protect human life. The criminal law system places homicide among the most serious crimes because it directly violates the fundamental right to life. The development of criminal law in Indonesia reflects an effort to align legal norms with evolving social conditions and justice principles. Recent discussions surrounding the renewal of the criminal code illustrate the government's attempt to modernize criminal law and address contemporary challenges, including crimes that occur within family structures (Malau, 2023). Through these legal developments, the state seeks to ensure that criminal sanctions serve not only as punishment but also as a means of protecting vulnerable individuals, particularly children.

The concept of child protection in Indonesian law also reflects broader principles of justice and human rights. Legal protection for children emphasizes the importance of safeguarding their physical, psychological, and social development. Children must be protected from violence in all environments, including within families where they are supposed to receive protection and nurturing. From this perspective, acts of violence against children, especially fatal violence, represent a profound violation of both legal norms and moral responsibilities. The legal system therefore plays a crucial role in ensuring that perpetrators of such crimes are held accountable and that the rights of child victims are fully recognized (Ibnu Abidin & Rohmah, 2019).

The legal framework for child protection is further strengthened by policies that emphasize the responsibility of the state, society, and families in ensuring children's welfare. The government is obligated to implement measures that prevent violence against children and to provide legal protection when such acts occur. These responsibilities include ensuring access to justice, providing support for victims, and enforcing laws that deter potential perpetrators. The state's role in protecting children extends beyond criminal sanctions, encompassing social policies aimed at improving family welfare, education, and social awareness about children's rights (Sirait, 2017).

Family relationships play a crucial role in the realization of child protection. In principle, the family is expected to function as a safe and supportive environment where children can grow and develop. However, conflicts within family structures—particularly in blended or stepfamily relationships—may create tensions that increase the risk of violence. Research on family dynamics indicates that unstable family environments, including those affected by divorce or remarriage, may lead to emotional and social challenges that affect children's well-being (Wardani et al., 2022). These conditions demonstrate the importance of strengthening legal protection mechanisms to ensure that children remain safe even when family structures change.

From a broader legal perspective, child protection must also be understood within the context of domestic violence prevention. Violence within households often occurs behind closed doors, making it difficult to detect and address through conventional legal mechanisms. Legal frameworks aimed at eliminating domestic violence emphasize the need for both preventive and punitive approaches. Preventive measures include strengthening family education, promoting awareness about children's rights, and encouraging social responsibility within communities. At the same time, punitive measures ensure that individuals who commit violence against children face strict legal consequences. Such a balanced approach is essential for ensuring that the law functions effectively as a tool for protecting vulnerable groups (Karimuddin, 2017).

In addition to national legal frameworks, perspectives derived from Islamic legal thought also emphasize the importance of protecting children from harm and injustice. Within Islamic legal philosophy, the protection of life and human dignity constitutes one of the fundamental objectives of law. Children are viewed as individuals who must be protected from physical and psychological harm, and any act that threatens their well-being is considered a serious violation of moral and legal principles. This perspective aligns with the broader objective of safeguarding human welfare and preventing harm within society (Akmal et al., 2023). Similarly, studies on Islamic legal approaches to domestic violence highlight the importance of justice and compassion within family relationships, emphasizing that family members bear moral and legal responsibilities to protect vulnerable individuals (Wicaksono & Ashari, 2024).

The integration of these perspectives demonstrates that child protection is not only a legal issue but also a social and ethical concern that requires cooperation among legal institutions, families, and communities. Effective legal protection requires a system that not only punishes perpetrators but also addresses the root causes of violence. This includes strengthening social awareness, improving legal enforcement mechanisms, and ensuring that victims

receive adequate support and protection. Criminal law must therefore function as part of a broader system that promotes justice, prevention, and rehabilitation.

Furthermore, the concept of criminal responsibility in cases involving violence against children must consider the particular vulnerability of child victims. Children lack the physical and psychological capacity to defend themselves against abuse, making them particularly susceptible to exploitation and violence. Legal frameworks must therefore recognize the imbalance of power between perpetrators and victims, particularly in cases involving adults who occupy parental roles. The law must ensure that individuals who abuse their authority or trust within family relationships face appropriate legal consequences. This principle reflects the broader objective of criminal law in protecting human dignity and ensuring justice for victims (Putri et al., 2023).

In addition, the development of criminal law policies increasingly emphasizes the importance of integrating punitive measures with restorative justice approaches. While serious crimes such as homicide require strict punishment, broader criminal justice policies also encourage mechanisms that promote fairness, accountability, and social restoration. Restorative justice frameworks aim to create a legal system that not only punishes offenders but also addresses the needs of victims and communities affected by crime (Ardhan, 2023). Although restorative justice may have limitations in cases involving severe crimes, its principles highlight the importance of ensuring that victims' rights and dignity remain central within the justice process.

The legal framework of child protection in Indonesian criminal law reflects a comprehensive effort to safeguard children's rights through legal, social, and ethical mechanisms. The law seeks to protect children from violence by imposing strict criminal sanctions on perpetrators while also promoting preventive measures that address the root causes of abuse within families and communities. However, the persistence of severe crimes against children, including homicide committed within domestic environments, indicates that further strengthening of legal protection mechanisms remains necessary. Strengthening law enforcement, improving social awareness, and ensuring effective legal responses to crimes against children are therefore essential steps in realizing a justice system that truly protects the most vulnerable members of society.

Criminal Liability for Homicide Committed by Stepparents

Criminal liability represents a fundamental principle within the criminal justice system, aimed at ensuring that individuals who commit unlawful acts are held responsible for their actions. In the context of homicide committed by stepparents, criminal liability becomes particularly significant because the act involves not only the deprivation of life but also a betrayal of familial

responsibility and trust. In principle, Indonesian criminal law emphasizes that every individual who intentionally commits homicide must be subject to legal sanctions proportionate to the severity of the crime. The law recognizes homicide as one of the most serious criminal offenses because it directly violates the most basic human right—the right to life. Therefore, criminal responsibility for such acts must be examined carefully through legal, moral, and social perspectives (Rahmi, 2023).

Within the Indonesian criminal justice system, criminal liability is closely connected to the concept of fault, which includes both intention and negligence. A person can be held criminally liable if it can be proven that the individual committed the act intentionally and with awareness of the consequences of their actions. In cases of homicide involving children, particularly when committed by a stepparent, the element of intent often becomes a crucial factor in determining the level of criminal responsibility. The perpetrator's awareness, planning, and control over their actions are carefully examined during the judicial process to determine whether the act constitutes ordinary homicide or a more aggravated form of criminal conduct (Malau, 2023).

The legal evaluation of homicide cases also considers the relationship between the perpetrator and the victim. When a homicide occurs within a family context, the crime carries a deeper moral and social dimension. Family members are generally expected to provide protection, care, and emotional support for children. Therefore, when violence originates from within the family itself, particularly from individuals who assume parental roles such as stepparents, the act is perceived as a grave violation of social and legal norms. The criminal justice system must therefore take into account the abuse of authority and trust that occurs within such relationships. These circumstances strengthen the justification for imposing strict criminal sanctions against perpetrators (Handayani et al., 2024).

The dynamics of stepfamily relationships may also influence the occurrence of violence within domestic environments. Stepparents often enter family structures that already contain complex emotional and social relationships. In some cases, unresolved conflicts, emotional stress, jealousy, or difficulties in adapting to new family roles may create tensions that increase the risk of violence against children. Although such social dynamics may help explain the background of certain criminal behaviors, they cannot serve as legal justification for acts of violence. Criminal law maintains that individuals remain fully responsible for their actions, regardless of personal or familial conflicts (Wardani et al., 2022).

From a broader perspective, the concept of criminal liability also reflects the legal system's commitment to protecting vulnerable members of society. Children occupy a particularly vulnerable position due to their physical and psychological limitations. They rely heavily on adults for protection and care, which makes them

more susceptible to abuse and exploitation. As a result, crimes committed against children require a firm legal response to ensure justice and deterrence. Legal protection mechanisms must therefore be designed in a way that recognizes the vulnerability of children and provides adequate punishment for perpetrators who harm them (Ibnu Abidin & Rohmah, 2019).

In addition to the framework of positive law, discussions regarding criminal responsibility in cases of violence against children can also be viewed through the lens of Islamic legal principles. Islamic legal thought emphasizes the protection of human life as one of the fundamental objectives of law. Within this framework, any act that threatens or destroys human life is considered a grave violation that requires strict accountability. The concept of justice in Islamic law also highlights the importance of protecting vulnerable individuals, including children, from oppression and harm. Therefore, acts of violence against children, especially those committed by individuals who hold parental authority, represent serious moral and legal violations (Akmal et al., 2023).

Furthermore, Islamic legal perspectives on domestic violence stress the importance of maintaining harmony and compassion within family relationships. Families are expected to serve as environments of protection and emotional support, not spaces where violence and fear prevail. When violence occurs within families, particularly against children, it represents a breakdown of ethical responsibilities that must be addressed through both legal enforcement and social reform. Legal institutions therefore play a critical role in ensuring that perpetrators are held accountable and that victims receive justice (Wicaksono & Ashari, 2024).

Another important aspect of criminal liability relates to the broader objectives of criminal law enforcement. The criminal justice system is designed not only to punish offenders but also to prevent future crimes and maintain social order. Strict enforcement of criminal sanctions against perpetrators of child homicide serves as a deterrent to others who may consider committing similar acts. At the same time, effective law enforcement demonstrates the state's commitment to protecting vulnerable citizens and upholding justice within society (Putri et al., 2023).

Contemporary discussions on criminal justice also highlight the importance of balancing punitive approaches with broader principles of justice and accountability. Some scholars emphasize the role of restorative justice in addressing certain types of criminal behavior, particularly those involving community conflicts. Restorative justice encourages dialogue, accountability, and efforts to repair harm caused by criminal acts. However, in cases involving severe crimes such as homicide, the application of restorative justice remains limited

because the gravity of the offense requires strict legal sanctions to ensure justice and deterrence (Ardhan, 2023).

The protection of children from violence is also closely related to the responsibilities of families and society in maintaining safe environments for child development. The concept of a harmonious family emphasizes mutual respect, compassion, and shared responsibility among family members. When these values are absent, the risk of conflict and violence increases. Legal regulations therefore function as mechanisms to ensure that family relationships remain consistent with principles of justice and human dignity. In this context, criminal liability for homicide committed by stepparents becomes an important tool for enforcing accountability and safeguarding children's rights (Sainul, 2018).

Moreover, the broader framework of child protection policies highlights the need for collaboration between legal institutions, social services, and communities in addressing violence against children. Law enforcement agencies must respond promptly and effectively to reports of abuse, while social institutions must provide support and assistance for victims. Strengthening cooperation between these institutions is essential to ensure that children receive comprehensive protection and that perpetrators are held accountable under the law (Sirait, 2017).

Criminal liability for homicide committed by stepparents represents a critical issue within the broader discourse on child protection and criminal justice. Such cases illustrate how violence within domestic environments can lead to severe violations of children's rights and human dignity. The legal system must therefore respond with firm and effective measures to ensure that perpetrators are punished appropriately and that justice is delivered for victims. By strengthening criminal liability mechanisms and reinforcing legal protections for children, the criminal justice system can play a vital role in preventing similar crimes and promoting a safer environment for future generations.

Legal Analysis of Child Homicide within Stepfamily Relationships

The phenomenon of child homicide within stepfamily relationships represents a complex legal and social issue that requires careful examination from multiple perspectives. Stepfamily structures are increasingly common in modern societies as a result of divorce, remarriage, and shifting family dynamics. While many stepfamilies function harmoniously, some may experience tensions and conflicts arising from emotional adjustment, economic pressures, or difficulties in establishing parental authority. These dynamics can sometimes create environments where children become vulnerable to neglect or abuse. In extreme cases, such tensions may escalate into severe violence, including homicide. From a legal perspective, such acts constitute serious criminal offenses that demand strict

accountability and thorough legal analysis within the framework of criminal law and child protection policies (Handayani et al., 2024).

In Indonesian criminal law, homicide is categorized as one of the gravest crimes because it involves the unlawful deprivation of human life. The legal system recognizes that the right to life is a fundamental human right that must be protected by the state. When homicide occurs within a family context, particularly involving children, the crime becomes even more serious because it reflects a violation of both legal norms and familial responsibilities. Children rely on adults for protection, guidance, and emotional support. Therefore, when the perpetrator is a stepparent who occupies a parental role, the act represents not only a criminal offense but also a profound breach of trust and moral responsibility (Rahmi, 2023).

A legal analysis of child homicide within stepfamily relationships must consider the specific characteristics of such family structures. Stepparents often enter existing family systems that already have established emotional bonds between biological parents and children. Adjusting to these relationships may involve psychological challenges, including feelings of insecurity, jealousy, or difficulties in establishing authority over children who may not immediately accept a new parental figure. These complex interpersonal dynamics may contribute to conflict within the household. However, it is essential to emphasize that social or emotional factors cannot serve as justification for acts of violence. Criminal law maintains that individuals remain fully responsible for their actions regardless of personal or familial conflicts (Wardani et al., 2022).

Legal scholars also emphasize that violence within domestic environments often occurs in hidden or private contexts, making it difficult for authorities to detect early warning signs. Many cases of domestic violence escalate gradually over time, beginning with emotional abuse or neglect before progressing to physical violence. Without effective intervention, such patterns may lead to tragic outcomes. Legal frameworks addressing domestic violence therefore stress the importance of early prevention and intervention to protect vulnerable family members, particularly children (Karimuddin, 2017). In stepfamily contexts, children may experience heightened vulnerability because they may feel reluctant to report abuse due to fear, emotional dependence, or lack of support systems.

The legal analysis of child homicide cases must also consider the principle of protection for vulnerable victims. Children are recognized as individuals who lack the physical and psychological capacity to defend themselves against violence. As a result, legal frameworks often emphasize the need for stronger protection mechanisms for children compared to adults. When homicide involves a child victim, the criminal justice system must ensure that the severity of the offense is reflected in the legal consequences imposed on the perpetrator. Strict

criminal sanctions serve both as punishment and as a deterrent against similar acts in the future (Ibnu Abidin & Rohmah, 2019).

From a sociological perspective, stepfamily violence can also be influenced by broader social conditions, including economic hardship, social stress, and lack of emotional support within families. However, legal systems are designed to address the consequences of criminal acts rather than merely their social causes. The role of criminal law is to ensure accountability, maintain public order, and protect vulnerable individuals from harm. By imposing sanctions against perpetrators of child homicide, the legal system demonstrates its commitment to safeguarding the fundamental rights of children and maintaining justice within society (Putri et al., 2023).

Islamic legal perspectives also provide valuable insights into the ethical dimensions of child protection and family responsibility. Within Islamic legal philosophy, the preservation of human life is considered one of the fundamental objectives of law. Acts that threaten life or human dignity are viewed as severe violations of moral and legal principles. Children, in particular, are regarded as individuals who must be protected from harm because of their vulnerability and dependence on adults. Any act of violence against children is therefore strongly condemned within Islamic legal thought and must be addressed through strict accountability and legal sanctions (Akmal et al., 2023).

Furthermore, Islamic teachings emphasize the importance of compassion, justice, and responsibility within family relationships. Families are expected to provide a nurturing environment where children can develop physically, emotionally, and spiritually. Violence within families contradicts these ethical principles and undermines the fundamental purpose of family institutions. Legal scholars therefore emphasize that both religious and legal frameworks share a common objective in promoting family harmony and protecting vulnerable individuals from harm (Sainul, 2018). When violence occurs within stepfamilies, it represents a breakdown of these moral and legal responsibilities, requiring strong intervention from legal authorities.

Another important aspect of legal analysis concerns the role of criminal justice institutions in responding to cases of child homicide. Effective law enforcement requires coordination among police investigators, prosecutors, judges, and social institutions responsible for child protection. Investigative procedures must ensure that evidence is collected thoroughly and that the rights of victims are respected throughout the legal process. Although legal procedures also guarantee the rights of suspects and defendants, the justice system must remain attentive to the particular vulnerability of child victims and the gravity of crimes committed against them (Bakhtiar, 2019).

Contemporary discussions on criminal justice reform also highlight the importance of integrating punitive approaches with broader mechanisms aimed at preventing violence and strengthening social awareness. Some scholars advocate the use of restorative justice principles in addressing certain types of criminal conflicts. Restorative justice focuses on repairing harm, encouraging accountability, and promoting reconciliation between parties. However, in cases involving severe crimes such as homicide, the application of restorative justice remains limited because the gravity of the offense requires strict legal sanctions to ensure justice and deterrence (Ardhan, 2023).

The persistence of cases involving violence against children also highlights the importance of strengthening social institutions responsible for family welfare and child protection. Government agencies and social organizations play a crucial role in monitoring family environments, providing support for vulnerable children, and raising public awareness about the dangers of domestic violence. Effective cooperation between legal institutions and social services is therefore essential for preventing violence and ensuring that children receive the protection they deserve (Sirait, 2017).

The legal analysis of child homicide within stepfamily relationships demonstrates the complex interaction between family dynamics, social conditions, and criminal law enforcement. While stepfamily structures may create unique challenges in family relationships, such challenges cannot justify acts of violence against children. The legal system must therefore respond firmly and decisively to such crimes in order to uphold justice, protect vulnerable victims, and reinforce the fundamental principle that every child has the right to live in safety and dignity. Strengthening legal frameworks, improving law enforcement mechanisms, and promoting greater social awareness remain essential steps in preventing similar tragedies and ensuring that children are protected within all family environments.

Strengthening Legal Protection for Child Victims of Domestic Homicide

Strengthening legal protection for child victims of domestic homicide is a critical issue in contemporary criminal law discourse. Children represent one of the most vulnerable groups in society due to their limited physical, psychological, and social capacities. Consequently, they depend heavily on adults for protection, guidance, and care. When acts of extreme violence such as homicide occur within domestic environments, particularly within family structures, the consequences extend beyond individual tragedy and reflect systemic failures in protecting children. The legal system therefore has a fundamental obligation to ensure that comprehensive mechanisms exist to prevent such crimes and to hold perpetrators

accountable in accordance with the principles of justice and human rights (Rahmi, 2023).

The legal protection of children must begin with a robust regulatory framework that clearly defines the rights of children and the responsibilities of the state, families, and communities. Legal policies concerning child protection emphasize that children must be safeguarded from all forms of violence, including physical abuse, neglect, and exploitation. These protections are not only preventive but also corrective in nature, ensuring that when violations occur, appropriate legal responses are implemented. The role of the government is particularly important in establishing policies and institutional mechanisms that prioritize the welfare and safety of children, especially those who may be at risk within their own families (Sirait, 2017). In this regard, cooperation between legal institutions and social services is essential to ensure effective protection for child victims.

Domestic homicide involving children often occurs within complex family dynamics where conflicts, emotional stress, and power imbalances contribute to violence. Studies on domestic violence emphasize that children are particularly vulnerable in family environments where authority and control are misused by adults. Such conditions demonstrate the importance of legal frameworks that not only punish perpetrators but also prevent violence through early intervention and social support systems. Efforts to eliminate domestic violence require coordinated strategies involving law enforcement agencies, social institutions, and community organizations (Karimuddin, 2017). Preventive measures such as public awareness campaigns, family counseling, and community monitoring can help identify potential risks before they escalate into severe crimes.

From the perspective of criminal law, strict sanctions against perpetrators of child homicide are essential to ensure justice and deterrence. Criminal liability for such acts reflects the fundamental principle that the right to life must be protected at all times. Legal scholars emphasize that severe crimes involving vulnerable victims require firm legal responses in order to maintain public trust in the justice system. The imposition of appropriate penalties serves not only to punish offenders but also to send a strong message that violence against children will not be tolerated under any circumstances (Putri et al., 2023). Strengthening law enforcement mechanisms therefore plays a crucial role in ensuring that perpetrators are prosecuted effectively and that victims receive justice.

Legal protection for children must also incorporate principles of fairness and proportionality in criminal justice processes. The justice system must balance the rights of suspects and defendants with the need to protect victims and uphold societal values. In cases involving severe crimes such as homicide, the legal process must prioritize the protection of victims and the enforcement of

accountability for perpetrators. Scholars highlight that effective criminal justice systems must integrate both punitive and preventive approaches to address violence comprehensively (Ardhan, 2023). While restorative justice may be applicable in certain criminal contexts, its use in cases involving homicide remains limited due to the gravity of the offense and the irreversible harm inflicted upon victims.

In addition to the framework of positive law, perspectives derived from Islamic legal thought provide important ethical foundations for protecting children from violence. Islamic legal philosophy emphasizes the preservation of life and human dignity as fundamental objectives of law. Children are regarded as individuals who must be protected from harm because they represent the future of society. Any act that threatens the life or well-being of a child is therefore considered a serious violation of moral and legal principles (Akmal et al., 2023). These principles reinforce the idea that protecting children from violence is not only a legal obligation but also a moral responsibility shared by families, communities, and the state.

Islamic perspectives on family relationships also emphasize the importance of compassion, justice, and responsibility among family members. Families are expected to serve as environments that nurture and protect children rather than spaces where violence and fear prevail. When domestic violence occurs, particularly against children, it indicates a breakdown of ethical and social responsibilities within the family. Legal frameworks must therefore intervene to restore justice and ensure that perpetrators are held accountable for their actions (Wicaksono & Ashari, 2024). Such interventions are essential to maintaining social order and protecting vulnerable individuals from further harm.

Another important aspect of strengthening legal protection involves improving institutional coordination between legal authorities and social welfare agencies. Effective protection for children requires collaboration among police, prosecutors, courts, child protection agencies, and community organizations. These institutions must work together to ensure that cases of violence are reported promptly, investigated thoroughly, and addressed through appropriate legal procedures. In addition, social support systems must be available to assist families and children who may be experiencing vulnerability or conflict. The integration of legal enforcement with social welfare policies can significantly enhance the effectiveness of child protection mechanisms (Perdagangan, 2019).

Educational and social initiatives also play a crucial role in preventing domestic violence and protecting children from harm. Public awareness programs that emphasize children's rights, family responsibilities, and the dangers of domestic violence can help create safer environments for children. Education systems, community leaders, and religious institutions can contribute to

promoting values of compassion, respect, and non-violence within families. By fostering greater awareness and responsibility among parents and caregivers, society can reduce the likelihood of violence occurring within domestic environments (Toni, 2022).

Furthermore, strengthening legal protection for children requires continuous evaluation and reform of criminal law policies. Legal reforms must address emerging challenges and ensure that existing regulations remain effective in protecting vulnerable individuals. Discussions regarding the modernization of criminal law demonstrate the importance of adapting legal frameworks to contemporary social realities, including the increasing complexity of family structures and domestic relationships (Malau, 2023). By updating legal provisions and strengthening enforcement mechanisms, the state can improve its capacity to respond to crimes involving violence against children.

In conclusion, strengthening legal protection for child victims of domestic homicide requires a comprehensive approach that integrates legal enforcement, social intervention, and ethical responsibility. The criminal justice system must impose strict sanctions on perpetrators while simultaneously addressing the broader social conditions that contribute to domestic violence. Collaboration between legal institutions, social organizations, and communities is essential to ensure that children receive the protection they deserve. By reinforcing legal frameworks, promoting public awareness, and strengthening institutional cooperation, society can take meaningful steps toward preventing domestic violence and ensuring that every child grows up in a safe and dignified environment.

CONCLUSION

In conclusion, the issue of homicide against children committed by stepparents represents a serious violation of both legal norms and fundamental human rights, particularly the right to life and protection for children as vulnerable members of society. Within the perspective of Indonesian criminal law, such acts constitute grave criminal offenses that demand strict legal accountability and firm sanctions in order to ensure justice, deterrence, and the protection of societal values. The existence of violence within stepfamily relationships demonstrates that family environments, which ideally function as spaces of protection and care, can also become contexts of vulnerability when conflicts, power imbalances, and emotional tensions are not properly addressed. Therefore, legal protection for children must not only focus on punitive measures against perpetrators but also emphasize preventive strategies through stronger regulatory frameworks, effective law enforcement, and comprehensive social support systems. The collaboration between legal institutions, social services, and

community organizations is essential to identify potential risks, provide early intervention, and ensure that children are safeguarded from all forms of violence within domestic settings. Strengthening public awareness regarding children's rights and family responsibilities also plays an important role in preventing similar tragedies in the future. For future research, it is recommended that scholars conduct interdisciplinary studies that integrate criminal law analysis with perspectives from sociology, psychology, and child protection studies in order to better understand the underlying factors contributing to domestic violence within stepfamilies. Comparative legal studies between Indonesia and other jurisdictions may also provide valuable insights into best practices in child protection policies and criminal justice responses to cases of child homicide within family environments.

REFERENCES

- Akmal, Jafar, M., & Lawang, K. A. (2023). Kekerasan Seksual Anak Dan Kebiri Kimiawi Perspektif Maqashid Syariah. In *Perkumpulan Rumah Cemerlang Indonesia* (Vol. 11, Issue 1). Perkumpulan Rumah Cemerlang Indonesia.
- Ardhan, A. (2023). Penegakan Keadilan Restoratif dalam Hukum Pidana Indonesia. *Jurnal Hukum Dan Kesejahteraan Universitas Al Azhar Indonesia*, VIII(2), 72–80.
- Bakhtiar, Y. (2019). Perlindungan Hukum Bagi Pelaku Tindak Pidana Anak Pada Tingkat Penyidikan. *Legitimasi*, 8(I), 46–59. <https://doi.org/http://dx.doi.org/10.22373/legitimasi.v8i1.6439>
- Bayu Wicaksono, A., & Son Ashari, W. (2024). Analisis Perlindungan Islam Terhadap Perempuan Korban Kekerasan dalam Rumah Tangga dalam Tinjauan Maqashid Syariah. *Rayah Al-Islam*, 8(3), 888–904. <https://doi.org/10.37274/rais.v8i3.1027>
- Fiteriana, H. (2023). Urgensi Penerapan Batas Usia Perkawinan di Indonesia Perspektif Sadd Adz-Dzari'ah dan Maqashid Syari'ah. *Al-Ahwal Al-Syakhsiyyah: Jurnal Hukum Keluarga Dan Peradilan Islam*, 4(1), 123–132. <https://doi.org/10.15575/as.v2i2.14327>
- Fitriani, N. A. (2019). Tinjauan Hukum Islam dan Positif Terhadap Perlindungan Perempuan dalam Proses Perceraian: Studi Kasus Dr. Letty. Isti'dal : Jurnal Studi Hukum Islam, 9(1), 57–81.
- Ghazali, M. Al. (2016). Perlindungan terhadap Hak-hak Anak Angkat dalam Pembagian Harta Waris Perspektif Kitab Undang-undang Hukum Perdata dan Hukum Islam. *Jurnal Ahwal Syakhsiyyah (QIYAS)*, 1(1), 102--[informasi tidak lengkap].

- Handayani, R., Fadli Faisal R, M., & Amir, A. (2024). Membongkar Kedalaman Kriminalitas: Analisis Ilmiah Pembunuhan Terhadap Orang Tua Tiri. *Jurnal Litigasi Amsir*, 11(2), 166–173.
- Ibnu Abidin, & Rohmah, S. N. (2019). Perlindungan Hukum Terhadap Korban Pembunuhan Anak Menurut Undang-Undang Nomor 17 Tahun 2016 dan Hukum Islam. *Jurnal Sosial Dan Budaya*, 9(2), 389–402. <https://doi.org/10.15408/sjsbs.v10i6.42135>
- Idham. (2023). Perlindungan Hukum Terhadap Istri Dalam Hukum Positif Islam Di Indonesia (Studi Aplikasi Hak Asasi Manusia). *Varia Bina Civika: Majalah Fakultas Hukum Untan*, 75(XXIX), 41–51.
- Karimuddin, K., & Abdullah, A. (2021). Child Sustenance After Divorce According To Fiqh Syafi’Iyyah. In *Proceeding International Seminar of Islamic Studies*, 2(1), 101–107. <https://doi.org/10.3059/insis.v2i1.6220>
- Karimuddin. (2017). Upaya Penghapusan Kekerasan dalam Rumah Tangga Menurut Hukum Islam dan Undang-Undang Nomor 23 Tahun 2004. *SINTESA*, 17(1), 149–161.
- Karimuddin. (2019). Nafkah Anak Pasca Perceraian Orang Tua Menurut Fiqh Al-Syafi’iyah. *Jurnal Al-Fikrah*, 20(1), 105–132.
- Karimuddin Abdullah. (2015). Tindak Pidana Pelaku Trafiking. *Jurnal Al-Fikrah*, 4(2), 203–21673. <https://ejournal.iaialaziziyah.ac.id/index.php/jiaf/article/view/384>
- Khumaera, I. A., Hannani, & Rusdi, A. (2023). Analisis Fiqhi Jinayah terhadap Perlindungan Hukum Bagi Perempuan dan Anak Korban Kekerasan dalam Rumah Tangga. *Delictum: Jurnal Hukum Pidana Islam*, 1(2), 129–147.
- Lubis, M. R., & Putra, P. S. (2021). Pemidanaan Terhadap Anak Yang Berhadapan Dengan Hukum. *Jurnal Usm Law Review*, 4(1), 226–240. <https://doi.org/10.26623/julr.v4i1.3354>
- Malau, P. (2023). Tinjauan Kitab Undang-Undang Hukum Pidana (KUHP) Baru 2023. *AL-MANHAIJ: Jurnal Hukum Dan Pranata Sosial Islam*, 5(1), 837–844. <https://doi.org/10.37680/almanhaj.v5i1.2815>
- Museum, M. F. (2019). Rancangan Undang-Undang KUHP. 45(45), 95–98.
- Ningrum, M. P. A. (2015). Analisis Tindak Pidana Pembunuhan Anak Yang Dilakukan Oleh Ibu Kandung. *Jurnal Recidive*, 3(2), 133–140.
- Nugraheni, A. S. C., C, D. T., & Luthfiyah, Z. (2013). Komparasi Hak Asuh dan Hak Nafkah Anak dalam Putusan- Putusan Perceraian di Pengadilan Negeri dan Pengadilan Agama Kota Surakarta. 2(3), 61–70.
- Nurhabibi, Pinem, S., & Rahman, M. A. (2024). The Racial Justice Dilemma : Examining the Enforcement of Capital Punishment in Contemporary Legal Systems. *Journal of Mujaddid Nusantara*, 1(1), 29–37. <https://doi.org/10.62568/jomn.v1i1.111>

- Perdagangan, D. (2019). Dinas Pemberdayaan Perempuan dan Perlindungan Anak Kota Pekanbaru, Laporan Tahunan Keluarga dan Perlindungan Sosial, 2023.
- Prayogi, A., Lawang, K. A., Djunaidi, Nugroho, R. S., Septiandani, D., Aisyah, S., Dahliani, S., Sudrajat, S. A., & Hilmy., M. (2025). Fiqih Dan Hukum Islam. Yayasan Tri Edukasi Ilmiah.
- Putri,, Putu Karina, I. W. B. S. L. (2023). Penegakan Hukum Pidana Berdasarkan Aspek Keadilan di Indonesia. *Jurnal Kertha Negara*, 11(3), 317–325.
- Rahmi, N. (2023). Hukum Pidana Indonesia dan Relevansinya dengan Hukum Pidana Islam. *Islamika : Jurnal Ilmu-Ilmu Keislaman*, 23(1), 1–18.
- Sainul, A. (2018). Konsep Keluarga Harmonis dalam Islam. *Jurnal Al-Maqasid*, 4(1), 86–98.
- Saputro, A. E., & Bangsawan, M. I. (2025). Analisis Yuridis Kedudukan Anak Angkat Dan Anak Kandung Dalam Pembagian Waris. *Eprints*, 1–23. <http://eprints.ums.ac.id/id/eprint/133227>
- Sari, N. Y. (2018). Perbandingan Perlindungan hukum Anak Angkat Setelah Pengangkatan Anak Melalui Penetapan Pengadilan Negeri dan Pengadilan Agama. *Privat Law*, VI(2), 265–270.
- Sirait, S. C. (2017). Tanggung Jawab Pemerintah Untuk Memberikan Pendidikan Kepada Anak Terlantar Dalam Perspektif Undang-Undang Perlindungan Anak. *De Lega Lata*, 2(1), 158–182.
- Sukardi Didi. (2015). Kajian Kekerasan Rumah Tangga Dalam Perspektif Hukum Islam Dan Hukum Positif. *Mahkamah*, 9(1), 41–49.
- Sukris Sarmadi, A., Huzaimah, A., Jalaluddin, J., Lahmudinur, L., Bambang Nugraha, A., & Abdullah Lawang, K. (2023). Criminal Liability of Children from the Perspective of Islamic Law and Positive Law in Indonesia. *AT-TURAS: Jurnal Studi Keislaman*, 10(1), 116–127. <https://doi.org/10.33650/at-turas.v10i1.5497>
- Toni, R. (2022). Perlindungan Hak Pendidikan bagi Anak Perspektif Qanun Aceh Nomor 11 Tahun 2008. *Jurnal Pendidikan Tambusai*, 6(1), 1984–1989.
- Wardani, A. K., Suhariadi, F., & Sugiarti, R. (2022). Dampak Perceraian Terhadap Perilaku Sosial Anak. *Kewarganegaraan*, 6(2), 2684–2690.