

## IMPLEMENTATION OF REGIONAL REGULATION NUMBER 2 OF 2021 CONCERNING THE IMPLEMENTATION OF THE PROTECTION OF WOMEN AND CHILDREN (Study at the DP3AKB Office of Majalengka Regency)

Ismayan<sup>1\*</sup>, Sanusi<sup>2</sup>, Raden Henda<sup>3</sup>, Dessy Ika Putri<sup>4</sup>, Arthur Kusuma Atmaja Manurung<sup>5</sup>  
<sup>1,2,3,4,5</sup>Universitas Swadaya Gunung Jati, Fakultas Hukum UGJ, Cirebon, Indonesia  
ismayana@ugj.ac.id<sup>1\*</sup>, sanusi@ugj.ac.id<sup>2</sup>, raden.henda@ugj.ac.id<sup>3</sup>,  
dessyikaputri525@gmail.com<sup>4</sup>, arthurkusuma123@gmail.com<sup>5</sup>.



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**Abstract:** Cases of domestic violence are of such high urgency that the state both preventively and repressively prevents and overcomes these problems so as to provide guarantees regarding order and security in social life. In the current era of decentralisation, integrally and holistically the Regional Government in carrying out regional autonomy based on the principle of medebewind is obliged to make implementing regulations of the Law both in the form of Regional Regulations, as well as Regional Regulation of Majalengka Regency Implementing Agencies, and Regional Regulation of Majalengka Regency Implementing Programs. Seeing the seriousness of the number of domestic violence cases in Majalengka, which is getting higher every year, the Regional Government of Majalengka Regency normatively issued Regional Regulation of Majalengka Regency Number 2 of 2021 concerning the Implementation of Protection of Women and Children, and in action the implementer of the Regional Regulation is equipped with an implementing agency implementing the regional regulation, namely the Majalengka Regency Office of Women's Empowerment, Child Protection and Family Planning . The results showed that the implementation of Majalengka Regency Regional Regulation Number 2 of 2021 and the role of Women's Empowerment, Child Protection and Family Planning Majalengka Regency were considered successful in resolving domestic violence cases that occurred in Majalengka Regency in a non-litigation or mediation manner, thus it has become the duties and functions of Women's Empowerment, Child Protection and Family Planning Majalengka Regency to handle domestic violence cases at the non-litigation or mediation level in a family manner with the relevant parties.

**Keywords:** *Implementation, Protection of Women and Children, Domestic Violence, Regional Regulation*

## I. INTRODUCTION

Case of domestic violence are increasingly common, recorded based on data from the Majalengka Regency Women's Empowerment, Child Protection and Family (DP3AKB) Office, cases of violence against women and children in 2022 have doubled compared to 2021 (Rakhman, 2023). Based on DP3AKB Majalengka data, there were 43 cases in 2022, this figure increased 100% compared to 2021 which recorded only 20 cases.

Domestic violence is an iceberg phenomenon hidden behind the walls of the house that is very difficult to reveal (Mardianto, 2005). Therefore, it is considered necessary and urgent for the increase in domestic violence cases in Majalengka Regency specifically in preventive and handling efforts to implement regulations for the protection of women and children against domestic violence more comprehensively and consistently so as to reduce the increase in domestic violence cases in the coming year.

This research aims to examine how the implementation of regulations on the implementation of the protection of women and children against domestic violence in Majalengka Regency along with what inhibiting factors can affect its implementation.

## II. RESEARCH METHODS

This research uses a normative juridical method where this research emphasises the law as a rule of both written and unwritten law, to support this research empirical data is used with a socio-legal approach to analyse related laws and regulations so as to describe and reveal the reality of legal aspects in society.

## III. RESULT AND DISCUSSION

Based on Law No. 23 of 2014 concerning Regional Government and its Annexes mandates that Government affairs in the field of Women's Empowerment and Child Protection and Government affairs in the field of population control and family planning are government affairs that must be carried out by the Regency or City government, including Majalengka Regency. To carry out these two mandatory affairs, the Majalengka Regency Government Regional Regulation Number 14 of 2016 concerning the Establishment and Preparation of Regional Apparatus of Majalengka Regency includes Establishing the Majalengka Regency Women's Empowerment, Child Protection and Family Planning Office (DP3AKB).

The Organisational Structure of the Majelngka Regency Women's Empowerment, Child Protection and Family Planning Office (DP3AKB), consists of one Secretary (consisting of 3 subsections) and four fields, namely: the field of strengthening, empowerment and protection of women (3 sections), the field of protection and fulfilment of rights (2 sections), the field of family quality improvement (3 sections), the field of family planning services (2 sections) and as well as functional position groups.

The Majalengka Regency Women's Empowerment, Child Protection and Family Planning Office (DP3AKB) is led by a Head of service and is responsible to the Regent through the Regional Secretary who has the main task of formulating, organising, fostering, and evaluating the preparation and implementation of regional policies in the field of Women's Empowerment and Child Protection as well as the Population Control and Family Planning Sector.

Based on Law Number 23 of 2014, it mandates that the affairs of women's empowerment and child protection as well as the affairs of the population court and family planning are mandatory non-basic service affairs that should be organised by the Regency/City government, including Majalengka Regency.

The Office of Empowerment of Child Protection and Family Planning (DP3AKB) is a Regional Technical Institution in the form of an Office as an element of Regional

Government Support which consists of affairs, namely Government Affairs in the field of Empowerment of Protection and Child Protection and Government Affairs in the field of Population Control and family planning. The Department of Women's Empowerment, Child Protection and Family Planning (DP3AKB) of Majalengka Regency is located at Ahmad Yani Street Number 37 Majalengka Wetan Village, Majalengka District, Majalengka Regency Postcode 45411.

The Office of Women's Empowerment, Child Protection and Family Planning (DP3AKB) of Majalengka Regency has the main tasks and functions as utilised in Regional Regulation Number 14 of 2016 concerning the Formation and Preparation of Regional Apparatus of Majalengka Regency. The main task is to formulate, organise, foster, and evaluate the preparation and implementation of regional policies in the field of Women's Empowerment, Child Protection and Family Planning. In order to carry out the main task as intended, DP3AKB Majalengka Regency carries out the following functions:

- a. Formulation of technical policies in the field of women's empowerment child protection and family planning.
- b. Providing support for the implementation of local government affairs in the field of Women's Empowerment, Child Protection and Family Planning..
- c. Guidance, task implementation, and evaluation in the field of women's empowerment, child protection and family planning.
- d. Organising secretarial administration.
- e. Carrying out other tasks assigned by the Mayor in accordance with their duties and functions.

The vision proclaimed is a description and goals and ideals that will be achieved by a government agency, especially for the apparatus of the Majalengka Regency DP3AKB office in carrying out its functions and duties and the mandate of the Majalengka Regency regional government. The vision of the DPAKB Office is expected to reflect the goals to be achieved, as well as provide clear direction and program continuity, and be able to become a unifying force for various levels in the organisation. The vision of DP3AKB Majalengka Regency: "Realising Protected Women, Children and Family Planning Acceptors, Gender Mainstreaming, and Getting Service Guarantees".

In realising and realising the Vision of the Majalengka Regency DP3AKB Service, it is necessary to have a rarity in realising this Vision so that it can be implemented and can be carried out in accordance with the expected ideals, while the Mission of the Majalengka Regency DP3AKB Service is as follows:

1. Improve the quality of life of women;
2. Improving the Protection of Women;
3. Improving the Quality of the Family;
4. Increase efforts to fulfil children's rights (PHA);
5. Improving the special protection of children;
6. Developing a Gender and Child Data System;
7. Developing a population control information system;
8. Improving the quality of family planning programme services; and
9. Carry out family welfare development.

The Majalengka Regency Women's Empowerment, Child Protection and Family Planning Service (DP3AKB) which must be accountable to a Buapti and through the Regional Secretary while the Head of Service as a Coordinator or an Organiser of the Government of the Working Area. The Head of Service has the task of assisting the Regent in implementing government affairs in the field of improving the quality of life. Women's

Protection, Child Protection and Improving the quality of Family Planning (KB) programme services as well as the implementation of other duties and functions given by the Regent related to their duties and functions, among others, Article 17 of Regional Regulation Number 2 of 2021 concerning the Implementation of Women's and Children's Protection, namely Prevention of violence against women and children.

Based on the description of the Duties and Functions of the apparatus of the Office of Women's Empowerment, Child Protection and Family Planning (DP3AKB), it is very helpful in an Empowerment of Women through the Elimination of Domestic Violence by the Office of Women's Empowerment, Child Protection and Family Planning of Majalengka Regency. In addition, the organisational structure that has been made so that one apparatus with another can carry out tasks according to their functions and can complement each other, the organisational structure of the Office of Women's Empowerment, Child Protection and Family Planning in Majalengka Regency can be seen below consists of:

1. Head of Service Has the task of assisting the Mayor in carrying out the implementation of government affairs in the field of Women's Empowerment, Child Protection and Family Planning which are the authority of the region and the assistance tasks assigned to the region.
2. Secretary, carries out:
  - a. Head of General Subdivision;
  - b. Head of Sub Division of Finance; and
  - c. Head of PEP Subdivision.
3. National Position Group
4. Division of Strengthening Women's Empowerment and Protection
  - a. Section on Improving the Quality of Life of Women;
  - b. Women's Protection Section; and
  - c. Information, Cooperation, and Institutionalisation Section.
5. Family Quality Improvement Division
  - a. Gender Mainstreaming Influence Section;
  - b. Section on Strengthening Family Welfare; and
  - c. Family Resilience Section.
6. Child Protection and Rights Fulfilment Division
  - a. Child welfare section; and
  - b. Child Protection Section.
7. Family Planning Services Division
  - a. Family Planning Data Mapping Section; and
  - b. Family Planning Services Section.

Based on the description of the organisational structure above is the initial result of research while in the field, with the existence of an organisational structure at the DP3AKB Office of Majalengka Regency, the community can be seen from the performance of each apparatus, so that it can provide empowerment for victims of domestic violence in Majalengka Regency properly.

Based on an interview on Tuesday 11 August 2023 with the Head of the Women and Children's Division of the Majalengka Regency Child Protection and Family Planning Office, he explained that domestic violence is a complaint offence. Complaint offences are offences that can be processed if the victim reports. Within the scope of the household, the victim can be a husband, wife, parent, parent-in-law or household assistant who is a victim of domestic violence may report. But when it comes to domestic violence involving children, it is not a complaint offence, so anyone who sees or hears can report the incident.

The following is data on domestic violence cases handled by DP3AKB Majalengka in 2017-2022:

Table 1. DP3AKB's Domestic Violence Handling Cases Majalengka Year 2017-2022

No	Forms of Violence	amount	Non Litigation		Litigation
			Counselling	Mediation/Diversion	In Process
1	Domestic Violence				
	Neglect	0	-	-	-
	Persecution	2	-	2	-
	Persecution	0	-	-	-
	Sexual	1	-	1	-
2	Sexual Violence	40	15	25	-

The Head of the Women and Children Division of the Majalengka Regency Child Protection and Family Planning Office also explained that not all women want to report domestic violence, because they reason that it will be a disgrace to their family. The factor that most influences the incident in Majalengka Regency itself is economic factors. But actually the power factor is the main factor in domestic violence, so the husband feels he is the strongest, he is the leader and he becomes arbitrary towards his wife.

Based on an interview with the Head of PPA DP3AKB, the data obtained from the accumulated cases of children and domestic violence in 2022 were 43 cases, but all cases could be handled by non-litigation, either mediation or diversion. On the one hand, this is good news regarding the partiality of the state / DP3AKB which prioritises the interests of children, both children as perpetrators and children as victims. Likewise, domestic violence cases can be resolved through mediation. The minimal data on domestic violence cases was acknowledged by the Head of PPA that it shows the continuous prevention and socialisation and education efforts among village communities and at the RT level with the existence of the Domestic Violence Task Force.

Handling victims of violence is not easy but requires a system that must also be made professionally starting from complaints. The government provides several types of complaints including direct complaints, complaints via email, complaints via mail, and complaints via referral. The steps in handling victims of violence must also be in accordance with what has been regulated in the Regional Regulation of Majalengka Regency Number 3 of 2015 concerning the Implementation of Protection of Victims of Gender-Based Violence and Children. Not only that, handling officers must also have the capability to handle these cases of violence. Procedures for protecting victims of gender-based violence include:

#### 1. Preventive Measures

Efforts to prevent gender-based violence in Majalengka Regency include:

- a. Organising communication, information and education on gender-based violence and children. PPA DP3AKB has a socialisation program, involving community leaders in activities to protect women and children, and involving local government. Counseling or socialisation to educate the community to apply positive norms to prevent GBV is conducted once a month.
- b. Socialising laws and regulations related to gender-based violence and children.

#### 2. Complaint Efforts

##### a. Direct Complaint Service

What is meant by a direct complaint is that the complainant (victim or family or other person) comes directly to complain or report an act of violence experienced by himself or someone else.



- b. Telephone Complaint Service  
The form of complaint by telephone is that the complainant submits his complaint by contacting the telephone number +6285842739733.
  - c. Complaint Service by Mail  
The form of complaint by letter is to submit the complaint written on the letter and sent to PPA DP3AKB with no copy.
  - d. Complaint Service from Referral  
The form of complaint referral is where the local government such as RT, RW or lurah gives a referral to the victim to be reported to UPTD PPA.
  - e. Victim Outreach Service  
Victim outreach services are when the victim cannot come directly, but must be followed up immediately, the officer will coordinate with service agencies that are relevant to the nature of the complainant's emergency. The officer informs the service offered according to the needs of the victim and the duties and capacity of the institution, where the place and time of the incident. If the complainant agrees, it will be followed up.
3. Assistance and Law Enforcement Services
    - a. Legal aid services include litigation legal assistance and non-litigation legal assistance.
    - b. Law enforcement services include law enforcement at the Police level, law enforcement at the Prosecutor's Office level and law enforcement at the Court level.
    - c. Increasing community participation
    - d. Raising public awareness of cases of gender-based violence and children.
    - e. Encourage the community to actively participate in providing information and reporting cases of gender-based violence and children.
    - f. Fostering local wisdom in handling gender-based violence and children.
    - g. Organising the strengthening of community groups in handling gender-based violence and children.
    - h. Disseminating information on laws and regulations relating to gender-based violence and children.
  4. Monitoring and Reporting
    - a. Monitoring.
    - b. Documentation.
    - c. Reporting cases of gender-based violence and child abuse.

Based on the procedure for protecting victims of violence in accordance with Majalengka District Regulation Number 2 of 2021 concerning the Implementation of Protection of Victims of Violence Against Women and Children, that the officer in handling adjusts the level of the case experienced by the victim and the condition of the victim. The bigger the case, the longer the process of handling the case. As information obtained from the Head of the PPA Division of DP3AKB Majalengka Regency:

“ We deal with victims based on the case, if the victim has been assaulted and injured, then we take the victim for medical treatment as well. Likewise, if the case requires legal action, we assist the victim during the legal process. However, if the victim is only traumatised, we provide psychological treatment until the victim recovers (Wawancara, 2023).”

PPA DP3AKB is only in charge of handling victims of violence. In its handling, PPA DP3AKB handles victims of violence cases in the Majalengka Regency area and residents of Majalengka Regency who are outside the Majalengka Regency area through cooperation with UPTD PPA / PPA DP3AKB in the area concerned (Wawancara, 2023).

The implementation of protection of victims of violence in the Majalengka Regency area is further regulated in Majalengka Regency Regional Regulation Number 2 of 2021 concerning the Implementation of Protection of Victims of Violence Against Women and Children. Article 3 of the Regional Regulation explains the objectives of protecting victims of violence in Majalengka Regency which include preventing forms of violence against women and violence against children that occur within the scope of the household or community, providing protection in the form of complaint services, health services, social rehabilitation services, assistance services and law enforcement as well as repatriation and social reintegration services, and seeking increased community participation (Pasal 23 No 2, 2021).

The increasing prevalence of violence that occurs makes it necessary to protect victims. In organising protection for victims of gender-based violence and children, the Regional Government can collaborate with the Government, Provincial Government, other Regency / City Governments and other institutions. In the protection of victims of gender-based violence and children carried out by the Regional Government, Mrs Mumum Mugni said funding is charged to the APBD and / or other legal sources in accordance with the provisions of laws and regulations. The government has endeavoured to protect women. With the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women through Law Number 7 of 1984 which states:

“ Gender-based violence is a form of discrimination that constitutes a serious obstacle to women's ability to enjoy their rights and freedoms on a basis of equality with men”. The general recommendation also formally expands the prohibition of discrimination based on gender and defines gender-based violence as: acts of violence that are directly directed against women because they are women, or that affect women disproportionately. These include acts resulting in physical, mental and sexual harm or suffering, threats to commit such acts, coercion and other forms of deprivation of liberty”.

Domestic violence is a type of gender-based violence that has increased significantly from year to year, even though the government has issued Law No. 23/2004 on the Elimination of Domestic Violence as a shift from gender-based violence which is a private law issue to public law. However, in its realisation there is a gap between expectations and reality, although it is clear that Gender-Based Violence is a violation of human rights, a crime against human dignity and a form of discrimination that is still rampant. This is due to the ineffectiveness or lack of socialisation of the law to every element of society, not just women. The effect of gender inequality is a decline in women's quality of life.

Legal awareness is everyone obeying the rules or legal norms made by the government. In addition to the applicable legal norms, there are also other norms, namely religious norms, norms of decency, and norms of decency. The high number of cases of criminal acts of gender-based violence and children shows the lack of legal awareness of the perpetrators. Mrs Rosmaya as a victim advocate said that victims are sometimes reluctant to report gender-based violence that has happened to them on the grounds of shame, domestic disgrace, the consequences of gender-based violence that are not too severe, fear of threats or further violence by the perpetrator if the victim reports (Wawancara, 2023).

The occurrence of gender-based violence is also related to the low legal awareness of the community to report cases of gender-based violence in their environment. From the statement of Mrs Rosmaya as a victim advocate, she also said that the reason for community non-participation is because they do not want to interfere with other people's household affairs, are afraid of getting revenge from the perpetrator and are reluctant to deal with the law enforcement process, starting from the police, protection agencies, to court hearings (Wawancara, 2023).

The low level of public legal awareness is also strongly influenced by the lack of socialisation of the Law on gender-based violence, so that the parties and the community do not know their rights, obligations and participation. They also do not understand how dangerous the impact of gender-based violence and child-based violence is.

The social environment is part of the place where people live or the social environment that can influence a person's behaviour. In an environment where the community tends not to care about gender-based violence that occurs, victims tend to keep the violence they experience quiet because they think the community will consider it a common problem that often occurs. The community will usually react when the violence that occurs causes severe consequences and takes someone's life.

The community can participate in assisting efforts to prevent and handle victims of gender-based violence. Community participation can take the form of:

- a. Provide information and or report any violence of which they are aware.
- b. Provide protection for victims.
- c. Provide emergency assistance.
- d. Providing advocacy to victims and or the community on handling gender-based violence and children.
- e. Assisting in the process of applying for a protection determination.
- f. Assisting in the process of repatriation and social reintegration.

In handling a case, of course there will be obstacles or barriers. In handling victims of violence, the Head of the PPA Division of DP3AKB Majalengka Regency conveyed that there were several obstacles that hampered the handling process for victims of violence. These obstacles include:

1. Victims who are not forthcoming

Reporting cases of violence after this long time can cause difficulties in the process of collecting evidence. Even so, the Head of the PPA Division of DP3AKB Majalengka Regency, Mumu Mugni, understands this because victims need time to gather courage and face shame.

2. Environmental Factors

The closedness of victims of violence, especially the victim's family, is an obstacle to handling cases of violence. In addition, the victim's environment tends to close access, so that the case is prone to recurrence. Because the initial point of revealing acts of violence is based on access and information. So that if access is hampered, the effect of violence can be repeated. So that no matter how much effort in handling these cases becomes raw again.

3. As a Disgrace

The community still considers that cases of violence are a disgrace and a family domestic problem that does not deserve to be known by others. Especially if the perpetrator is one's own family so that it is resolved in a family manner.

4. Ignorance of Complaint Procedures

In addition to the community's fear of reporting cases of violence that occur, another obstacle in handling victims of violence is the community's ignorance of the procedures for reporting complaints of cases of violence.



From some of these obstacles, the PPA DP3AKB overcomes these obstacles. For example, when the victim does not want to be frank, the PPA DP3AKB gives time to the victim until they are brave enough to tell the case of violence they have experienced. As for the factor of ignorance of the complaint procedure, the PPA DP3AKB conducted socialisation to the community. From the description above, the government, especially from the PPA DP3AKB, has handled victims of violence in accordance with Majalengka Regency Regional Regulation Number 2 of 2021 concerning the Implementation of Protection of Victims of Violence against Women and Children.

Human beings, in the view of Islam, are God's most honourable creation compared to His other creations. This honour is in addition to being a thinking and creating being. Pancasila as the foundation of the state and the 1945 Constitution of the Republic of Indonesia as the constitution have made national consumers. It is the most ideal meeting point for the aspirations and desires of various religions and beliefs wherever they are located throughout the archipelago.

All the precepts and articles in the constitution are not only not contradictory, but also in accordance and in line with the vision and mission of religion. The Constitution of the Republic of Indonesia has created articles that guarantee human rights. As a human right, it is something that is inherent in every human being and cannot be taken away from them. It is universal, because this right is expressed as part of the humanity of every human being, regardless of their gender, skin colour, cultural background or religion (Hariyanto, 2017).

The government and all state institutions are obliged to develop legislation and public policies that are in line with humanitarian principles as the most logical and responsible consequence for all citizens of our constitution. The rule of law must be in line with and must not contradict universal humanitarian principles and values. For this reason, the government and law enforcers are required to implement and enforce them consequently.

The Indonesian government, in order to provide protection for the rights of all people, especially local governments in protecting their citizens, has made regulations regarding the protection of victims of violence. The regulation mentions various protections that must be obtained by victims. The government must pay attention to this so that it does not neglect its obligations towards the rights of victims of violence. So that people feel guaranteed protection from the government (Rismana, dkk, 2021).

When someone does not get what they are entitled to, it is considered violence. There are four types of violence, including physical violence, psychological violence, sexual violence, and economic violence. Among them, the basis of power is power, it is not justified if power is exercised to commit violence. Seeing the facts about violence against gender and children, we should be moved and called to immediately stop it, because it is contrary to religion and humanitarian principles.

The inequality of gender and child-based power relations is exacerbated when one party (the perpetrator) has more control over the victim, be it economic, knowledge, social status, and so on. Control appears in the form of patronkelin relationships, such as between parents and children, employers and labourers, teachers and students, community leaders or religious leaders and residents, caregivers and santri, and armed groups or officials and civilians, even central and local people.

#### IV. CONCLUSION

Based on the description of the research results above, it can be concluded that the implementation of Majalengka Regency Regional Regulation Number 2 of 2021 concerning the Implementation of the Protection of Women and Children through the Majalengka Women's Empowerment, Child Protection and Family Planning Office (DP3AKB) is considered effective in handling cases of Domestic Violence in Majalengka Regency

considering that out of a total of 86 domestic violence cases from 2017-2022 handled by DP3AKB Majalengka, all of them can be resolved through non-litigation.

Non-litigation or mediation of domestic violence cases is the most optimal step taken in resolving domestic violence cases, thus minimising the impact of punishment or social stigma on women and children who are in conflict with the law.

With the presence of DP3AKB Majalengka Regency integrally from the village government line to the district, it can quickly and responsively handle and resolve domestic violence cases that occur in Majalengka Regency.

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