



- Section : *Social Sciences; Law*

## Reconstructing Child-Parent Relationship Protection in Indonesia: a Legal Framework for the Rapid Child Relationship Protection Model (RCRPM)

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Received: 2026, 08,15 Accepted: 2026, 08,25

Available online: 2026, 09, 02

### Keywords :

child-parent relationship; child protection; relational neglect; parental alienation; legal reconstruction; RCRPM.

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### Abstract

**Purpose:** This study examines the normative adequacy and institutional connectedness of Indonesia's legal framework for protecting child-parent relationships and reconstructs the available legal mechanisms into the Rapid Child Relationship Protection Model (RCRPM).

**Research Design and Methodology:** The study employs normative legal research using statutory, conceptual, limited comparative, and interdisciplinary approaches. Legal materials were purposively selected and verified against authoritative sources, then analyzed through legal mapping, gap identification, authority and limitation verification, and legal reconstruction.

**Findings and Discussion:** The findings show that Indonesian law already provides relevant building blocks, including children's rights, parental responsibilities, contact rights, special protection, institutional coordination, and monitoring. However, these elements are not explicitly integrated into a continuous pathway for progressively developing relational risks. RCRPM reconstructs them into six stages: early identification, multidisciplinary assessment, immediate protective measures, relationship restoration, integrated institutional governance, and continuous monitoring. Its contribution lies in proposing relational neglect as an analytical and doctrinal lens and integrating existing functions without creating new substantive rights or institutional authority.

**Implications:** RCRPM provides a preventive, coordinated, and sustainable legal framework, while future research should assess its institutional feasibility, implementation, and effectiveness empirically.

## Introduction

Disputes regarding custody are not only about determining the parties who carry out custody, but also the fulfillment of the child's right to maintain a relationship with his or her parents as long as the relationship is not contrary to the best interests and safety of the child. Law No. 35 of 2014 affirms the right of children to be cared for by their own parents and, in the event of separation, still have the right to meet face-to-face and have permanent personal contact with both parents (Law No. 35 of 2014, Article 14 paragraph (1)–(2)). This principle is in line with Article 9 paragraph (3) of the Convention on the Rights of the Child (CRC), which has been ratified by Indonesia through Presidential Decree No. 36 of 1990, concerning the right of children separated from their parents to maintain personal relationships and direct contact on a regular basis as long as it does not conflict with the best interests of the child (Presidential Decree No. 36 of 1990; United Nations, 1989, Art. 9(3)). General Comment No. 14 (2013) also emphasizes the importance of considering the child's family environment and relationships in assessing the best interests of the child (Committee on the Rights of the Child, 2013). Thus, the legal issues in custody disputes do not stop at determining the party who gets custody, but also include how the relationship between the child and his parents can be effectively maintained without overriding the safety and best interests of the child.

The problem of protecting children-parents relations in Indonesia is not properly understood as a legal vacuum, because the national legal framework has provided norms regarding children's rights, parental responsibilities, and special protection for children. Constitutionally, child protection is guaranteed through Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia which recognizes the right of children to survival, growth and development, as well as protection from violence and discrimination (1945 Constitution of the Republic of Indonesia, Article 28B paragraph (2)). At the legal level, Law No. 35 of 2014 provides a basis for protection for the upbringing and relationship of children with their parents (Law No. 35 of 2014, Article 14). In the context of divorce, Law No. 1 of 1974 as amended by Law No. 16 of 2019 still requires both parents to raise and educate children based on the interests of the child and gives authority to the court to decide disputes regarding child custody (Law No. 1 of 1974, Article 41 letter a). The framework is strengthened by Government Regulation No. 78 of 2021 which clarifies the obligations and responsibilities of the Central Government, Regional Governments, and other state institutions in Special Protection for Children, including through prompt handling, psychosocial assistance, and protection in the judicial process in a fast, comprehensive, and integrated manner (Government Regulation No. 78 of 2021, Articles 3–4). Thus, Indonesia already has a normative and institutional foundation for child protection. The problem of this research is not the absence of the law, but whether the available frameworks are adequately connected to provide sustainable protection of the child-parent relationship when the risk to the relationship develops progressively.

Although the normative framework is available, the existence of norms spread across various legal instruments has not by itself formed an integrated protection mechanism from risk identification to monitoring the child's condition after the verdict has been given. Government Regulation No. 59 of 2019 has provided a framework for coordinating child protection that includes coordination, monitoring, and evaluation of the implementation of child protection (Government Regulation No. 59 of 2019, Articles 8–11). However, from the mapping of the framework, there has not been a single specific protection pathway that is explicitly oriented towards the child's relational risk and links risk identification, multidisciplinary assessment, protective measures, relationship recovery, inter-agency coordination, and continuous monitoring in a series of case handling. The distribution of child protection functions across institutions also does not in itself indicate institutional failure, but raises coordination problems when a case requires a rapid and sustained cross-functional response. The problem of time becomes significant because delays in arranging contact can change the factual condition of the child's relationship with parents; The Committee on the Rights of the Child emphasizes the importance of prompt processing in procedures regarding the relationship and contact of children

with separated parents because the passage of time can have difficult or irreversible consequences for the relationship (Committee on the Rights of the Child, 2020).

The gap becomes more complex when the risk to the child is not in the form of neglect of physical needs, but in the form of a loss of opportunity to maintain a safe and meaningful relationship with one of his or her parents. In this study, relational neglect is proposed as a doctrinal concept to describe the unjustified failure to maintain or facilitate a child's relationship with a parent when the relationship is safe and in the best interests of the child. This concept is not a positive legal term or a stand-alone category of delinquency in Indonesian law, but is used as an analytical lens to read relational risk in the framework of children's rights, parental responsibilities, and state protection obligations (Republic of Indonesia, 2014; United Nations, 1989). The concept also needs to be distinguished from parental alienation, especially since the use of such labels in parenting cases can obscure the assessment of the facts, the context of violence, and the safety of the child. The UN Special Rapporteur emphasized the importance of assessing parenting cases based on facts and the best interests of children when the concept of parental alienation is used (Alsalem, 2023). Thus, the protection of the child-parent relationship in this study is not based on a label, but on an assessment of the child's behavior, context, safety, and best interests.

This problem further raises questions about the limits of state responsibility in child protection. Child protection does not only take place through the resolution of custody disputes, but also through obligations and protection mechanisms when children are in conditions that require protection (Republic of Indonesia, 2014; Republic of Indonesia, 2021). Government Regulation Number 78 of 2021 strengthens the framework through regulations regarding special protection and handling of children in need of special protection (Republic of Indonesia, 2021). In the context of the child-parent relationship, such obligations become relevant when there is adequate information about the real risks to the interests and safety of children and the competent institution has the legal basis and capacity to respond. Comparatively, the doctrine of positive obligations in the jurisprudence of the European Court of Human Rights suggests that respect for family life may require the state to take steps reasonably necessary to facilitate family relationships, without guaranteeing a specific outcome (*R.S. v. Poland*, 2015; *Suur v. Estonia*, 2020). Therefore, not every institutional delay or inactivity in itself indicates a violation of state obligations; The assessment depends on the concrete circumstances, the risks faced by the child, the authority available, and the reasonableness of the steps that have been taken. This perspective is the basis for examining how the existing obligations and authorities can be linked to more preventive and sustainable protection mechanisms.

Based on this framework, there are still three gaps that need to be studied. First, the study of the issue of parent-child contact shows the need for an assessment that simultaneously considers the possibility of violence in the family and behaviors that interfere with relationships, since both conditions can arise in the same context (Sullivan et al., 2024). However, this need has not been translated in this study into an Indonesian legal-institutional protection framework that places the sustainability of the child-parent relationship as part of the protection process. Second, Indonesian law already has a coordinating mechanism for child protection, but it has not been specifically integrated into a continuous relational-risk pathway that connects identification, assessment, intervention, recovery, coordination, and monitoring in a single protection cycle. Government Regulation Number 59 of 2019 shows that child protection coordination has been recognized normatively and includes monitoring and evaluation (Republic of Indonesia, 2019). Therefore, the relevant gap is not the absence of coordination mechanisms, but rather the need to reconstruct how the available mechanisms can be assembled to be more responsive to progressively evolving relational risks. Third, the condition of the child-parent relationship can change throughout the post-separation period. Longitudinal research suggests that parental conflict after separation can predict the frequency of father-child contact in the subsequent period, while other studies show the existence of different trajectories of paternal involvement during the postseparation period (Larouche et al., 2024; Baude et al., 2024). Thus, this

research is not directed to find legal vacancies, but to identify gaps between available norms, institutional authority, and the sustainability of child protection implementation.

Based on these gaps, this study asks two main questions. First, how does the legal framework for child protection and family law in Indonesia provide a normative basis for timely and sustainable protection of relational risks in the context of parental child abduction, parental alienation, and post-divorce child-parental relationship disruption? Second, how can children's rights, parental responsibilities, institutional obligations, and existing protection mechanisms be reconstructed into a preventive and sustainable relational governance framework through the Rapid Child Relationship Protection Model (RCRPM)? The question is answered through normative legal research by analyzing applicable norms, institutional authority, identified gaps, and possible legal reconstruction.

This research provides three main contributions. First, doctrinally, the study proposes relational neglect as an analytical lens for reading child-parental relationship disorders within the framework of child protection, without making it a stand-alone category of lawlessness. Second, institutionally, the research reconstructs the connection between children's rights, parental responsibilities, and the functions and authorities of child protection institutions, courts, and related services, so that protection does not stop at the determination of parenting, but includes implementation and monitoring. The framework relies on the right of children to maintain relationships with both parents as well as the specific coordination and protection mechanisms that have been available in Indonesian law (Republic of Indonesia, 2014, 2019, 2021). Third, reconstructively, the research developed the Rapid Child Relationship Protection Model (RCRPM) as a preventive relational governance architecture consisting of early identification, multidisciplinary assessment, immediate protective measures, relationship restoration, integrated institutional governance, and continuous monitoring. The RCRPM is not intended to create a new substantive right to a relationship with parents, but rather to reconstruct the protection mechanisms that are already available into a more coordinated, proportionate and sustainable institutional process within the limits of the legal authority of each institution. Thus, the contribution of the research lies in the expansion of the approach from parenting determination towards preventive relational governance, with child safety, the best interests of the child, institutional authority, and the boundaries of authority as controlling principles.

## Literature Review

The relationship between the child and the family is one of the important elements in assessing the best interests of the child. General Comment No. 14 emphasizes that the assessment needs to consider the maintenance of the family environment and the relationship between children and families, as well as the need for contextual parenting, protection, and safety of children (Committee on the Rights of the Child, 2013). Therefore, the sustainability of the child-parent relationship is not absolute. Article 9 of the CRC recognizes the importance of a child's personal relationship and direct contact with both parents after separation, but provides exceptions if such relationship is contrary to the best interests of the child (United Nations, 1989). This framework shows that the protection of the child-parent relationship requires a balance between the maintenance of family relationships and the safety and best interests of the child.

This perspective can be expanded through the concept of relational health, which places safe, responsive, and meaningful relationships as an important part of the social-emotional development and well-being of children (Frosch et al., 2021). This foundation is used by research to develop relational neglect as an analytical and doctrinal lens for conditions when the child-parent relationship that is concretely safe and beneficial is disturbed or disproportionately facilitated after separation. The term is not positioned as a stand-alone positive legal category, but as an analytical concept to read the risks to the fulfillment of the rights and best interests of the child in a relational perspective.

In the context of relationship disruption, the issue of parent-child contact cannot be automatically understood as parental alienation. Sullivan et al. (2024) emphasize the need to consider simultaneously the possibility of family violence, parental alienating behaviors, parenting patterns, and the child's

response to separation. This approach puts the safety of children and parents as a top consideration. In line with that, the UN Special Rapporteur highlighted the risk of inappropriate use of the concept of parental alienation, especially if the label obscures allegations of violence or safety risks (United Nations Human Rights Council, 2023). Thus, the assessment of relationship disorders requires fact- and context-based examination, rather than the mere use of labels.

Another relevant context is parental child abduction, which creates a condition of separation and can interfere with the continuity of life and the relationship between children and parents. The impact is not uniform and can relate to experiences during separation, characteristics of family relationships, as well as conditions after the child is found or returned (Greif & Hegar, 1992; Lowenstein, 2002). Therefore, parental child abduction in this study is understood as a context that can increase relational risk, not as automatic evidence of relationship damage. The literature also suggests that its treatment does not solely end in the repatriation of the child, but can include risk assessment, prevention, and support after abduction (Lowenstein, 2002).

The need for protection that does not stop at separation or dispute resolution is also related to the doctrine of positive obligations. In the context of family life, the European Court of Human Rights recognizes that state obligations in certain circumstances may include measures reasonably necessary to enable or facilitate family relationships, rather than simply an obligation not to intervene (European Court of Human Rights, 2004, 2020). These obligations are not a guarantee of a certain outcome, but are related to steps or means that can reasonably be demanded in the circumstances of the case, while still considering the fair balance, the interests of the child, and the limits of state authority (European Court of Human Rights, 2020, 2026). Thus, the doctrine provides a conceptual basis for preventive and ongoing protection, but does not by itself create new authorities or procedures.

Overall, the study shows that child-parent relationships and the best interests of the child, parent-child contact and parental alienation, parental child abduction, and positive obligations have been discussed through different perspectives. The literature reviewed in this study has not shown a framework that explicitly integrates risk identification, safety assessment, intervention, relationship recovery, institutional coordination, and continuous monitoring in a single legal-institutional pathway. The synthesis became the conceptual basis for the development of the Rapid Child Relationship Protection Model (RCRPM) as a reconstructive framework, not as a theory or model that had been formed by the previous literature.

## Research Design and Methodology

This research is a normative legal research that aims to analyze the normative adequacy and the connection of authority in the protection of child-parent relationships and reconstruct them into the Rapid Child Relationship Protection Model (RCRPM). The research uses a statutory approach to identify and interpret relevant institutional norms and authorities, a conceptual approach to build the concepts of relational neglect and preventive relational governance, a limited comparative approach to obtain a comparative perspective on the protection of family relations and positive state obligations, and an interdisciplinary perspective to read the needs of children's development and welfare. Primary legal materials include relevant national laws and regulations and international legal instruments, while secondary materials include relevant journal articles, books, legal doctrines, judgments, and interdisciplinary literature. Legal materials are purposively selected based on their relevance to the research issue and verified against authorized legal sources.

The analysis was carried out qualitative-normative through four successive stages, namely mapping the existing legal architecture, identifying legal and institutional gaps, verifying authority and its limits, and reconstruction of available protection mechanisms. The results of the analysis are then used to compile the RCRPM into six stages: early identification, multidisciplinary assessment, immediate protective measures, relationship restoration, integrated institutional governance, and continuous monitoring. Reconstruction is carried out by connecting existing functions and authorities, not by creating new substantive rights or institutional authority. Thus, the RCRPM is positioned as a

reconstructive framework to integrate dispersed protection mechanisms into a more coordinated, proportionate, preventive, and sustainable process.

## Findings and Discussion

### Findings

#### Existing Legal Architecture

The legal framework for child protection in Indonesia forms several normative layers that are relevant to the relationship between children and parents, ranging from constitutional guarantees, children's rights, parental responsibilities, to special protection and coordination of the implementation of child protection. At the constitutional level, Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia guarantees the right of every child to survival, growth and development, as well as protection from violence and discrimination. (JDIH DPR) At the legal level, Law Number 35 of 2014 through Article 14 regulates the right of children to be cared for by their own parents as well as the right to meet directly and have regular personal contact with both parents in a condition of separation, with restrictions based on the best interests of the child. (BPK Regulation) The provision shows that child protection is not only related to the determination of parenting, but also the sustainability of the child-parent relationship within the limits of the child's best interests.

The dimension of parental responsibility completes the construction. Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019, maintains the legal obligations of parents to children even after the marriage ends. (BPK Regulation) At the international level, the Convention on the Rights of the Child through Article 9 paragraph (3) provides a basis for a child who is separated from one or both parents to maintain personal relationships and direct contact on a regular basis, unless it is contrary to the best interests of the child. (OHCHR) Thus, the sustainability of the child-parent relationship in this legal architecture is positioned as part of the protection of children's rights, not as the absolute right of parents to access to children.

At the special layer of protection, Government Regulation Number 78 of 2021 provides a response framework for children in certain conditions, including children who are victims of kidnapping and children who are victims of mistreatment and neglect. (BPK Regulation) On the institutional side, Government Regulation Number 59 of 2019 provides a coordination framework for child protection as well as the monitoring and evaluation function of the implementation of child protection. (BPK Regulation) Thus, the legal map shows that positive law has provided a number of building blocks, namely children's rights, parental responsibility, the sustainability of children-parent relationships, Special Protection, coordination, monitoring, and evaluation. However, the mapping does not by itself show the existence of a single protection pathway that specifically connects all of these components as relational risk progresses progressively. The relationship between these components becomes the object of analysis in the next section.

**Table 1.**  
Existing Legal Architecture of Child-Parent Relational Protection

| Architectural layers      | Main legal basis                                                          | Verified normative content                                                                                                          | Functions in protection architecture                                              |
|---------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Constitutional Foundation | 1945 Constitution of the Republic of Indonesia, Article 28B paragraph (2) | Children have the right to survival, growth and development, as well as protection from violence and discrimination. (JDIH DPR)     | It is the constitutional basis for child protection.                              |
| Child Rights              | Law No. 35 of 2014, especially Article 14                                 | Children have the right to be cared for by their own parents; In the condition of separation, the child still has the right to meet | Placing the child as a holder of rights in the parenting and family relationship. |

|                                      |                                                                                                     |                                                                                                                                                                                                                                                                                                      |                                                                                                                                                         |
|--------------------------------------|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                      |                                                                                                     | and have regular personal contact with both parents with the best interests of the child.                                                                                                                                                                                                            |                                                                                                                                                         |
| Parental Responsibility              | Law No. 1 of 1974 jo. Law No. 16 of 2019                                                            | The legal framework of marriage maintains the legal consequences of the parent-child relationship after the marriage ends. (BPK Regulation)                                                                                                                                                          | It is the basis of parental responsibility after divorce.                                                                                               |
| Contact and Relational Rights        | Law No. 35 of 2014; CRC Article 9(3)                                                                | Children who are separated from one parent have a legal basis to maintain personal relationships and direct contact on a regular basis, as long as it is not contrary to the best interests of the child. (OHCHR)                                                                                    | Provide a normative basis for the sustainability of the child-parent relationship.                                                                      |
| Special Protection                   | Government Regulation No. 78 of 2021                                                                | The Central Government, Regional Governments, and other state institutions are obliged and responsible to provide Special Protection to the specified categories of children, including victims of kidnapping and victims of mistreatment and neglect. (BPK Regulation)                              | Provide a framework for the protection response of children in special conditions.                                                                      |
| Institutional Coordination           | Government Regulation No. 59 of 2019                                                                | Regulating the implementation of child protection coordination. (BPK Regulation)                                                                                                                                                                                                                     | Provide a normative basis for inter-institutional connectivity in the implementation of child protection.                                               |
| Monitoring and Evaluation            | Government Regulation No. 59 of 2019, Articles 9–11                                                 | Monitoring produces data and information on the fulfillment of children's rights and Special Protection; the results become evaluation materials. (BPK Regulation)                                                                                                                                   | Provide monitoring and evaluation functions in the child protection system.                                                                             |
| Best Interests and Safety Limitation | the 1945 Constitution of the Republic of Indonesia; Law No. 35 of 2014; CRC Article 3 and Article 9 | The best interests of the child become the controlling principle; the relationship with the parents is not maintained when it is contrary to the best interests of the child. CRC also places <i>best interests</i> as the main consideration in actions concerning children. (Human Rights Library) | It is a <i>controlling principle</i> so that relationship protection does not turn into an obligation to maintain relationships that endanger children. |

Source: Processed by researchers based on the 1945 Constitution of the Republic of Indonesia, Law No. 1 of 1974 jo. Law No. 16 of 2019, Law No. 35 of 2014, Government Regulation No. 59 of 2019, Government Regulation No. 78 of 2021, and the Convention on the Rights of the Child.

#### Gaps in the Existing Child Protection Framework

Although the Indonesian legal framework has provided a basis for children's rights, parental responsibilities, child-parent relations, special protection, and institutional coordination, there are no provisions in the legal instruments analyzed that explicitly encapsulate these functions as a path of protection against the relational risks of children and parents. Law Number 35 of 2014 recognizes the right of children to continue to meet and have personal contact with their parents after separation, while Government Regulation Number 78 of 2021 provides a Special Protection mechanism that is implemented quickly, comprehensively, and integratedly. However, the provision has not explicitly linked risk identification, assessment, protective measures, relationship recovery, and monitoring in a single set of safeguards.

The second gap lies in institutional integration. Government Regulation Number 59 of 2019 has provided a coordination mechanism for child protection as well as monitoring and evaluation functions, while Government Regulation Number 78 of 2021 regulates the obligations and responsibilities of the Central Government, Regional Governments, and other state institutions in Special Protection. Thus, this study does not place the problem in the absence of coordination or institutional authority. In the analyzed instruments, the mechanism has not been explicitly constructed as a case handling pathway that is specifically oriented to the child-parent relational risk.

The third gap relates to the continuity of protection. The monitoring and evaluation function has been recognized in Government Regulation Number 59 of 2019, while Government Regulation Number 78 of 2021 emphasizes the implementation of Special Protection in a fast, comprehensive, and integrated manner. However, in the analyzed instruments, this function has not been explicitly constructed as case-based monitoring that follows changes in the relational risk of children and parents on an ongoing basis. Thus, the gap identified by the research is not a legislative vacuum, but a gap in normative integration, institutional integration, and continuity of protection. These findings are the basis for analyzing the authority of each institution and the limits of actions that can be taken before the RCRPM reconstruction is carried out.

**Table 2.**  
Gaps in the Existing Child Protection Framework

| Dimensions                       | Available legal conditions                                                                                                                          | Identified gaps                                                                                                             |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| <b>Normative integration</b>     | Child-parental relationship rights and Special Protection mechanisms are in place.                                                                  | It has not been explicitly assembled into a single path from risk identification to monitoring.                             |
| <b>Institutional integration</b> | Coordination and institutional authority have been regulated through Government Regulation No. 59 of 2019 and Government Regulation No. 78 of 2021. | It has not been explicitly constructed as a path for handling cases that are oriented towards relational risk.              |
| <b>Continuity of protection</b>  | Fast, comprehensive, and integrated monitoring, evaluation, and protection have been arranged.                                                      | It has not been explicitly constructed as a <i>case-based continuous monitoring</i> of the development of relational risks. |

Source: Processed by researchers based on Law No. 35 of 2014, Government Regulation No. 59 of 2019, and Government Regulation No. 78 of 2021.

### **Institutional Authority and Legal Limitations**

The legal framework analyzed shows that the authority for child protection does not lie in one institution, but is spread according to their respective functions and mandates. Law Number 35 of 2014 places the Government and Regional Governments in the obligation and responsibility for the implementation of child protection; The Government is responsible for formulating and implementing policies, while the Regional Government implements and supports national policies in the regions (Law No. 35 of 2014, Article 21). In Special Protection, the Government, Regional Governments, and other state institutions have obligations and responsibilities according to the category of children who need

Special Protection (Law No. 35 of 2014, Article 59). Government Regulation Number 78 of 2021 then clarifies the implementation of Special Protection and provides support for social workers, health workers, educators, and legal aid workers according to the needs of child protection.

At the coordination level, Government Regulation Number 59 of 2019 provides a basis for coordination, monitoring, and evaluation of the implementation of child protection. Related institutions can convey results, obstacles, and solutions in the implementation of child protection, while the monitoring results become evaluation material (Government Regulation No. 59 of 2019). However, this authority is still carried out according to the mandate of each institution. Thus, these findings suggest that coordination functions to link the implementation of protection, monitoring, and evaluation, but does not in itself become the basis for the transfer of substantive authority between institutions. Professional personnel and services also carry out functions according to the competencies and service functions specified in the Special Protection framework.

Based on this mapping, the limit of authority is an important element in the reconstruction of the RCRPM. The RCRPM is therefore not placed as a new source of substantive authority, but rather as a framework for organizing and sequencing the use of authority that is already available in the legal instruments analyzed.

Tabel 3. Institutional Authority and Legal Limitations.

**Table 3.**  
Institutional Authority and Legal Limitations

| Aktor/fungsi                           | Legal basis                                     | Action space                                                                                                               | Legal limits                                                                |
|----------------------------------------|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <b>Government</b>                      | Law No. 35/2014 Article 21; PP No. 78/2021      | Formulate and implement child protection policies according to its mandate.                                                | It does not exceed the authority given by the regulations.                  |
| <b>Local Government</b>                | Law No. 35/2014 Article 21; PP No. 78/2021      | Implement and support child protection policies and services according to regional authority.                              | It is bound by the division of affairs and government authority.            |
| <b>Related institutions</b>            | Law No. 35/2014; PP No. 59/2019; PP No. 78/2021 | Carry out protection, coordination, monitoring, or evaluation functions according to their respective mandates.            | Do not take over the authority of other institutions without a legal basis. |
| <b>Professional personnel/services</b> | PP No. 78/2021                                  | Provide assistance and services according to competencies, including social, health, educational, and legal aid functions. | Limited to professional competence and legal mandate.                       |
| <b>Coordination</b>                    | PP No. 59/2019                                  | Linking coordination, monitoring, and evaluation of child protection.                                                      | It does not by itself create new substantive authority.                     |

Source: Processed by researchers based on Law No. 35 of 2014, Government Regulation No. 59 of 2019, and Government Regulation No. 78 of 2021.

### Reconstruction of the Rapid Child Relationship Protection Model

Based on existing legal architecture, identified gaps, and institutional authority limits, this study reconstructs the Rapid Child Relationship Protection Model (RCRPM) as a continuous relational-risk pathway that connects risk detection, assessment, protection, recovery, coordination, and monitoring. The reconstruction does not constitute a new substantive right, but organizes the existing child protection obligations and functions into a more coordinated, multidisciplinary and child-centered process.

**Table 4.**  
Reconstruction of the Rapid Child Relationship Protection Model

| Stages                                        | Function reconstruction                                                                                                                                                              | Legal limits                                                                                                               |
|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <b>1. Early Identification</b>                | Detect early indicators of relationship disorders or risks to children and trigger the assessment process.                                                                           | Identification is not a determination of fault, <i>parental alienation</i> , or violation of the law.                      |
| <b>2. Multidisciplinary Assessment</b>        | Involve relevant actors and professionals to assess the child's condition, risk level, as well as distinguish <i>protective separation</i> from unjustified relationship disruption. | Based on evidence and competence of each other; does not replace the authority of the court or the authorized institution. |
| <b>3. Immediate Protective Measures</b>       | Attribute substantial risk to proportionate temporary measures, including facilitation of communication, <i>supervised contact</i> , or legally available protective interventions.  | It must have a basis of authority, proportionality, and not determine the final outcome of parenting prematurely.          |
| <b>4. Relationship Restoration</b>            | Facilitate relationship recovery through appropriate interventions if the relationship is safe and beneficial for the child.                                                         | It does not apply when contact poses a risk; the safety and <i>best interests of the child</i> are the main limits.        |
| <b>5. Integrated Institutional Governance</b> | Connecting courts, child protection authorities, social services, professionals, and related institutions according to their respective functions.                                   | Coordination does not create new substantive authority or take over the mandate of other institutions.                     |
| <b>6. Continuous Monitoring</b>               | Monitor the development of the child's condition and the implementation of protection after intervention or decision.                                                                | It is carried out based on the available authority and does not become unlimited supervision.                              |

Source: Processed by researchers based on Law No. 35 of 2014, Government Regulation No. 59 of 2019, Government Regulation No. 78 of 2021, and the results of the *legal reconstruction* of the research; the substance of the six stages refers to the draft of the RCRPM in the research manuscript.

The six stages form a series of protections: early identification triggers assessment, assessment becomes the basis for determining responses, protective actions respond to risks, and relationship restoration is carried out when it is safe and in accordance with the interests of the child. Integrated institutional governance connects dispersed functions, while continuous monitoring extends the protection process after intervention or decision. Thus, the reconstruction results place the RCRPM as a framework for the protection process, not as a new institution or source of authority.

The reconstruction of the RCRPM relies on the connectedness and continuity of the use of existing norms and authorities. Each stage is still limited by the safety of the child, the best interests of the child, adequate evidence, procedural fairness, and the authority of the applicable institution.

### Discussion

The findings of the study show that the problem of protecting children-parents relationships in Indonesia does not mainly lie in the absence of norms, but in the unconnected rights of children, parental responsibilities, protection functions, institutional authority, and sustainability of monitoring in one protection pathway. These findings reinforce the best interests of the child perspective that places the maintenance of family relationships, protection, and safety as elements that must be assessed contextually and individually, rather than as stand-alone or absolute interests (Committee on the Rights of the Child, 2013). Thus, the existence of the right to family relations is not enough to be judged from its normative recognition, but also from the ability of protective structures to respond to changes in the child's condition in a sustainable manner.

The findings also provide a basis for the position of relational neglect as an analytical and doctrinal lens. The relational health perspective views the quality of parent-child relationships as an important part of the social-emotional development and well-being of children, and emphasizes the importance

of identifying risks and interventions that support the quality of those relationships (Frosch et al., 2021). In this context, the relational neglect offered by the research does not replace existing legal categories, but provides a way to read relationship disorders based on their behavior, context, and impact on the child. This position is consistent with the literature on parent-child contact problems that demands an assessment of a range of possibilities simultaneously, including family violence and parental alienating behaviors, so that a label does not replace factual examination and child safety (Sullivan et al., 2024).

At the institutional level, the findings suggest that child protection coordination is already available, but has not yet been explicitly established as a case pathway oriented to relational risk. This gives further meaning to the reconstruction of the RCRPM: the value of the model lies not in the establishment of new institutions or authorities, but in the organization of functions that have been dispersed into a more connected order of protection. This perspective is also in line, comparatively, with the doctrine of positive obligations in family life, which may require authorities to take steps reasonably necessary to facilitate family relationships, but not an obligation to guarantee a particular outcome and remain subject to the best interests of the child as well as the concrete circumstances of the case (European Court of Human Rights, 2026).

The findings of the six stages of the RCRPM further show that the speed and continuity aspects are a substantive part of protection, not just an administrative issue. Longitudinal research by Larouche et al. (2024) showed that parental conflict after separation could predict the frequency of father-child contact in the following period, while Baude et al. (2024) found that there was some trajectory of paternal involvement during the eight years after separation. The findings support the need to recognize risks early on and monitor changes in relationships after intervention or judgment. At the same time, "rapid" in the RCRPM does not mean hasty action; The quick approach must remain evidence-based, proportionate, and sensitive to child safety. And *v. Serbia* also points out that in certain circumstances authorities may need to take temporary measures quickly to protect the best interests of the child, while the obligation to facilitate contact remains non-absolute (European Court of Human Rights, 2026).

From a contribution perspective, RCRPM fills the conceptual gap found in literature review by integrating risk identification, assessment, protective response, relationship restoration, institutional governance, and continuous monitoring into a single legal-institutional pathway. Thus, the contribution of the RCRPM does not replace parental alienation with a new label or establish an obligation to maintain contact in all circumstances, but rather provides an architecture that allows decisions about the child-parent relationship to be made in stages based on risk, evidence, safety, and institutional authority. Finding 3.4 shows that the six stages are the result of a reconstruction of the available legal functions, rather than a model that is claimed to have been established or tested by the previous literature.

However, such reconstruction has its limits. RCRPM in this study is a legal and doctrinal reconstruction, so the research has not proven the empirical effectiveness of the model, the feasibility of its implementation in each institution, or the psychological impact of each intervention. Therefore, RCRPM must be understood as a normative framework that organizes the use of authority and protection mechanisms that have been available, with the safety of the child, the best interests of the child, proportionality, procedural fairness, and limits of authority as controlling principles. This limit is consistent with the research findings that the RCRPM is not a new source of substantive authority and that each stage must still be placed within the authority of the applicable institution.

## Conclusion

This study concludes that the Indonesian legal framework already provides normative foundations for protecting child-parent relationships through children's rights, parental responsibilities, special protection mechanisms, institutional coordination, and monitoring. However, the analysis identifies gaps in normative integration, institutional integration, and continuity of

protection, particularly in the absence of an explicitly connected pathway addressing progressively developing relational risks.

To address these gaps, the study reconstructs the Rapid Child Relationship Protection Model (RCRPM) as a continuous legal-institutional pathway consisting of early identification, multidisciplinary assessment, immediate protective measures, relationship restoration, integrated institutional governance, and continuous monitoring. The contribution of the study lies in proposing relational neglect as an analytical and doctrinal lens, integrating dispersed institutional functions without creating new substantive rights or authorities, and developing a preventive and sustainable governance framework guided by child safety, the best interests of the child, proportionality, procedural fairness, and institutional competence. These findings directly answer the research questions by demonstrating both the limitations of the existing legal architecture and the manner in which available legal functions can be reconstructed through RCRPM.

The study is limited by its normative and doctrinal design and therefore does not empirically establish the effectiveness, institutional feasibility, or psychological outcomes of RCRPM implementation. Future research should empirically examine the feasibility and effectiveness of the six-stage model, including institutional coordination, multidisciplinary assessment, protective interventions, and continuous monitoring, while assessing the safeguards required to ensure that relational protection remains consistent with child safety and the best interests of the child.

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