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Child custody; Child protection; Contempt of court; Divorce; Family law; Legal protection

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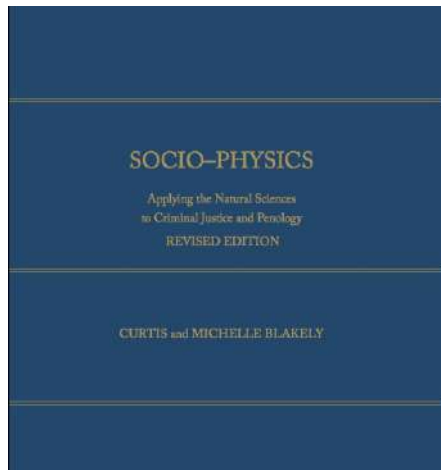
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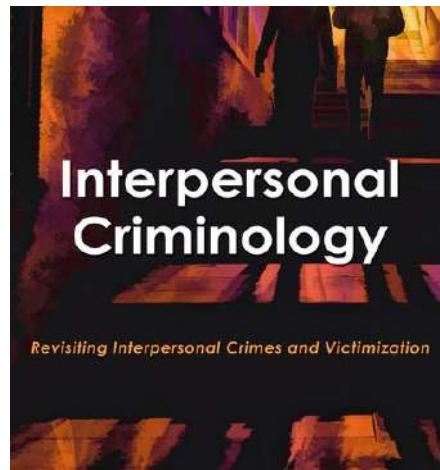
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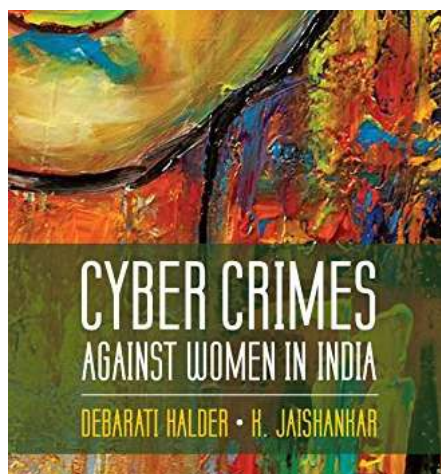
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Negligence in Implementing Child Custody Decisions: A Threat to Child Protection in Indonesia

Bambang Eko Turisno¹, R. Suharto², Ery Agus Priyono³, Siti Mahmudah⁴
Universitas Diponegoro

Abstract

The main objective of marriage is not only to form a family or to obtain offspring or children, but also to raise, nurture and educate children until adulthood. The children still have the right to care and education even if their parents' marriages are broken through a divorce. This study examines this issues of negligence in implementing the child custody decisions passed lawfully after a divorce or dissolution of marriage. This study adopted a legal research design with a normative juridical approach. The data for the current study was derived from primary and secondary legal material. The research procedure involved reviewing all the available data from legal documentation and library archives. The findings revealed that there is a non-compliance of the decisions of the court concerning the custody of children. The study recommends the need to guarantee the creation of the administration of justice to uphold a just law and improve the culture of law in the life of society and the nation. The Indonesian government should also draft statutory regulations that safeguards children who are the victims of negligent parenting due to divorce.

Keywords: Child Custody, Divorce, Child Protection, Family Law, Contempt of Court, Legal Protection.

Introduction

Marriage is a legal relationships in a society that is an inner bond between a man and a woman as husband and wife to form a family (household), happy and eternal based on the Almighty God (Tobing, 2018). Marriage is valid when performed according to the laws of religion and belief and recorded; there is no longer a variety of laws in determining the legality of a marriage. Marriage is essential in human life,

¹ Jalan Prof. Sudarto, S.H., Tembalang, Semarang City, Central Java 50275, Indonesia.

Email: turisnobambange@gmail.com, ORCID: <https://orcid.org/0000-0002-6082-9406>

² Jalan Prof. Sudarto, S.H., Tembalang, Semarang City, Central Java 50275, Indonesia.

Email: rsuharto_undip@yahoo.com, ORCID: <https://orcid.org/0000-0002-7099-8094>

³ Jalan Prof. Sudarto, S.H., Tembalang, Semarang City, Central Java 50275, Indonesia.

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Significance of Judicial Independence in the Law Governed by the Rule of Law in Vietnam

Tran Quoc Hung^{*1,2}, Huang Yong Peng¹, Nguyen Thi Lien³

Abstract

Judicial independence refers to judgements made on the basis of facts and in the light of the law. Judicial independence lies in making sure that judges are not influenced by any outside party or the judge's own personal interests, nor by any fear of defamation or threats. The purpose of this study was to examine whether the Vietnamese judiciary understands its responsibility to protect citizens against unlawful acts of government, and the extent to which is independent of the legislative and executive pillars of the government. The study used a historical and analytical approach to investigate the data collected from Procurators, legal archives and libraries. During the data collection, the focus was on the Vietnamese constitution and other related Acts. The study came across a lot of limitations in the implementation of the judicial independence as judicial reforms. The findings of this study suggest that Judicial independence and legislative and executive wings of the government should always go together. The study also suggested that Judicial independence should be seen as the demand of society and the access to justice should be integrated with human rights.

Keywords: Judicial, Judicial Independence, Communist Party of Vietnam, the law governed by the rule of law

Introduction

The meaning of Judicial independence requires that judges have the freedom to exercise their judicial powers without any interference from state, media, political entities, or even litigants. When judges are making a judgment, it is often a choice between the interest of the citizens on one hand and the state or powerful individuals on the other hand. No judge attending on a criminal case against any individual or entity should be influenced by the state nor should come under pressure to admit or not admit certain evidence and pass the sentence accordingly. Judicial independence also means that judgement ought to be made on the basis of the facts of the case and in the light of the law. Judicial independence lies in making sure that judges cannot be influenced by any outside party or by the judge's own personal interests, or by any

* 中南大学马克思主义博士研究生陈国兴.

¹ Marxism school, Central South University, Hunan, China

² Ho Chi Minh University of Banking, Ho Chi Minh, Vietnam. Corresponding author.

³ Vietnam National University of Forestry at Dongnai