

Regent Regulation South Tapanuli Number 39 Of 2017

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ABSTRACT

The problem of this research lies in the practice of implementing South Tapanuli Regent Regulation Number 39 of 2017 concerning Violence Against Children in West Angkola District, South Tapanuli. And what is the view of Islam regarding cases of violence against children. The formulation of the research problem is how the practice of implementing the South Tapanuli regent's regulation number 39 of 2017 in handling violence against children, and what is the Islamic view on violence against children in West Angkola sub-district, South Tapanuli Regency. The basic theory used in this study is the understanding of the regent's regulations, the notion of child abuse and the contents of the regulations of the regent of South Tapanuli number 39 of 2017. The type of research used is a qualitative research study which intends to understand the phenomena experienced by research subjects such as behavior, perception, motivation, action and others. Sources of data obtained from people, places and paper. data collection techniques using field studies (observation, interviews, and documentation) and study to the library using a systematic discussion. The results of the research expressed in the thesis entitled Implementation of the South Tapanuli Regent Regulation Number 39 of 2017 concerning violence against children are the implementation of the South Tapanuli Regent's Regulation by conducting legal socialization and legal assistance and the application of healing for child victims of violence are applied in accordance with the needs of victims both in the field of law and healing the mental health of children who are victims of violence. But level of legal awareness and legal knowledge of the people of West Angkola District, South Tapanuli Regency is minimal which makes social problems of violence against children occur every year

Key word: Regulation, Child, Violence

A. Background of the Problem

Indonesia guarantees the welfare of each of its citizens,

including protection of children's rights which are human rights. Humans are one main actor in the Qur'an Lots verses of the Qur'an that discuss about human.¹ Children are the most valuable asset for the family, society and nation. They depend on hope, and more deeply, children are the party who will determine whether a country is brought towards prosperity or downward.

This is in line with law number 1 of 1974 concerning the subject of marriage, which states that parents are obliged to care for and educate children who are not yet adults until the children are adults or can stand on their own.² Roles and responsibilities

women (wife)) in creating a happy family also cannot be

¹ Muhammad Idris Dan Desri Ari Enghariano, "Karakteristik Manusia Dalam Perspektif Al-Qur'an," *Al-Fawatih: Jurnal Kajian Al-Qur'an Dan Hadis*, Vol. 1. No. 1 (2020), P. 2.

²Law Number 1 Year 1974 Concerning the Principles of Marriage in Article 45 Rights and Obligations Between Parents and Children.

separated from the role of men (husbands).³The problem that will be faced is when the state realizes the protection of children because children are the hope and successor of the nation and must be protected and do not forget to fulfill each of their rights.

This is different from the custom that belongs to the TABAGSEL area (Part of South TAPANULI) For example, someone who marries another clan is due to the beliefs that have been brought by their ancestors from generation to generation, even though they do not know for sure what happens in marrying a fellow clan, Islam views that humans created to be in pairs, we don't think that anywhere our soul mate will come later, because

³ Puji Kurniawan and Sry Lestari, "Marengge-Rengge: Upaya Membantu Kebutuhan Keluarga (Studi Terhadap Perempuan Di Pasar Sangkumpal Bonang Kota Padangsidempuan)," *Yurisprudencia: Jurnal Hukum Ekonomi*, Vol. 6. No 1 (2020), P. 116.

God has determined a mate when we are in the womb.⁴

In Article 1 of Law Number 23 Year 2002, it is stated that a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb.⁵In line with the meaning in the Law of the Republic of Indonesia, the World Health Organization (WHO) also provides the same definition of the definition of child. As the nation's successor who will fill development in the future, caring for children as well as possible is a must. However, coverage of violence against children often includes both print and electronic media.

The Indonesian Heritage Foundation (IHF) noted that throughout 2019, as many as 189 children in North Sumatra had become victims of violence and

other mistreatment. Chairman of the Indonesia Heritage Foundation Medan Management Board, OK Syahputra Harianda, said cases of violence against children in North Sumatra are considered to be increasingly concerning. Sexual abuse was the most prevalent case in 2019, with 107 children being victims, abuse of 43 victims and murder with 21 victims, 18 other victims experienced various cases, such as sodomy, incest, neglect, and rape. The Qur'an does not teach discrimination between men and women as man.⁶

Merdeka Sirait said that with the incident, his party recorded 27 cases of child abuse that occurred in South Tapanuli and Padangsidimpun in the period from January to July. 14 of them were sexual crimes.⁷And this case in early

⁴ Sawaluddin Siregar, "Mitos Larangan Pernikahan Semarga Di Sumatera Utara," *Jurnal AL-MAQASID: Jurnal Ilmu-Ilmu Kesayariahan Dan Keperdataan*, Vol. 7. No. 1 (2021) P. 3.

⁵Article 1 of Law Number 23/2002 Concerning Children.

⁶ Agustina Damanik, "Kesetaraan Gender Dalam Pandangan Islam," *Jurnal Al-Maqasid: Jurnal Ilmu Kesayariahan Dan Keperdataan*, Vol. 4. No. 1. (2018): P. 71.

⁷Chairmen of Komnas PA Tapsel and Padangsidimpaun, *Kejahatan Seksual*, reported by <https://kitakini.news> accessed on July 5, 2020 at 21.57 pm.

2020 was the case of a man (MJ) who was a resident of Southeast Padangsidempuan District who had the heart to rape his stepson (D) until he became pregnant and gave birth in the bathroom, after being interrogated this disgraceful act has occurred since September 2019 was revealed in May 2020.

Violence of women and children in Indonesia, both in the community sphere, in the family, occupies the largest portion of cases that befell women and children by the community or the family itself. Violence against women has increased quantitatively, both in public and domestically. This is evidenced by data on violence against women and children from the Women and Children Sector. Protection is an effort and activity of all levels of society in various positions and roles who are fully aware of the importance of

children for the country and the nation in the future.⁸

Assistant Deputy for Child Protection from Violence and Exploitation, Valentina Ginting highlights the rampant cases of violence against children that occurred during pandemi "Based on SIMFONI PPA data, on January 1 - June 19, 2020 it happened 3,087 cases of violence against children, including 852 physical violence, 768 psychological, and 1,848 cases of sexual violence, this figure is high. Hence deepfacing this new normal, we must make sure this number does not increase withtake preventive measures referring to the protocol for handling child victims violence in the Covid-19 pandemic situation", explained Valentina.⁹

⁸R Abdussalam and Adri Dessasfuryanto, *Hukum Perlindungan Anak*, (Jakarta; PTIK, 2016), p. 1.

⁹Tingginya Tingkat Kekerasan Terhadap Anak Di Masa Pandemi Covid-19, Reported From www.kemenpppa.go.id Accessed On November, 23 at 12:24 pm.

From the case data obtained during the past 2020, the midst of a pandemic Covid-19, shows the problem of violence against children and women is deepa serious problem that must be addressed by the Indonesian government and also layers Public.

To overcome problems that arise related to child violence, the Ministry of Women's Empowerment and Child Protection established an Integrated Service Center that provides services for the Indonesian people, especially women and children victims of violence.

Integrated Service Center for the Empowerment of Women and Children, hereinafter referred to as P2TP2A, is a service center that is integrated in efforts to empower women in various fields of development, as well as the protection of women and children from various types of discrimination and acts of violence, including trafficking in persons, established by the government or community-

based , and can be in the form of: referral center, business consultation center, reproductive health consultation center, legal consultation center, integrated crisis center (PKT), integrated service center (PPT), trauma recovery center, women crisis management center (women crisis). center), training center, science and technology information center (PIPTEK), safe house (shelter), halfway house, or other forms.

Law is a statutory regulation established by the House of Representatives with the joint approval of the President. Therefore, the region has autonomy to take care of its own regional affairs, such as the South Tapanuli Regent's regulation number 39 of 2017 concerning child abuse that occurred in the Angkola Barat sub-district, South Tapanuli.¹⁰

¹⁰ Dermina Dalimunthe, "Proses Pembentukan Undang-Undang Menurut UU No. 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan," *Yurisprudencia: Jurnal Hukum Ekonomi*, Vol. 4. No. 2 (2017): P. 60.

In this case, the integrated service center for the empowerment of women and children is one of the executive agencies in implementing the South Tapanuli Regent Regulation Number 39 of 2017, especially in the field of violence against children. And the last case is a case that occurred in Panobasan, precisely at Simpang Raja, West Angkola Subdistrict, South Tapanuli, a biological father who had the heart to rape his own 17 year old child in 2018. Based on the results of an interview with Mrs. Lisdar, one of the parties involved in resolving the case, this case was revealed by the victim's complaint to her mother who could not stand the actions of her father (the suspect), which after several incidents occurred she always received threats from her father (suspect).

While in Arabic the word fair is with the intention of not torturing or oppressing other people for the determination of a problem, not following the passions that will lead

people to fraudulent traits. Furthermore, 'adl means al-istiwa' is a condition that is the same or straight.¹¹

After being investigated, it turned out that his father (the suspect) had a sexual psychiatric disorder, besides that in everyday life they sometimes got acts of violence from the father (the suspect). Based on Law No. 35 of 2014 that violence against children is an act against a child that causes physical, psychological, sexual misery or suffering, and/or neglect, including threats to commit acts of coercion, or unlawful deprivation of liberty.¹² central government, local government, other state institutions that are obliged and responsible for overcoming these social problems.

With various cases of violence against children that occurred in

¹¹ Ummi Kalsum Hasibuan, "Keadilan Dalam Al-Qur'an (Interpretasi Ma' Na Cum Maghza Terhadap Q . S . Al-Hujurat { 49 } Ayat 9)," *Al Fawatih Jurnal Kajian Al-Qur'an Dan Hadis: Vol. 1. No. 2* (2020): Hlm. P. 62.

¹²Law Of Number 35/2014 Violence Againts Children

Indonesia, especially in the sub-district of West Angkola, South Tapanuli Regency, how is the existence of the state in dealing with cases of violence against children, especially in the District of West Angkola, South Tapanuli Regency. and how is the view of Islam in addressing the problem of violence against children, especially in the village of Panobasan Lambang, West Angkola District, South Tapanuli Regency.

B. Research Of Method

The type of research used is qualitative research In qualitative research, the data are continuously analyzed since the research activity was carried out. Data analysis activities include activities with grouping data, selecting and sorting, looking for patterns and finding what is important and what is learned then deciding what to present to others. The data source is the subject where the researcher obtained the data. So some of the data sources used in this research

covers; Person, Place, Paper. In this study, the researcher will use the following data collection methods such as observation, interview documentation. Research This was conducted in Panobasan Lombang Village, Angkola Barat District, South Tapanuli. The time of this research began in September 2020 until June 2021

C. Discussion and Research Results

Implementation is a fundamental practice for implementing any strategy or goal. According to the large Indonesian dictionary implementation is implementation or application. Implementation is also defined as developing a working version of the system from a given design. Meanwhile, according to Sudarsono in his book Public Policy Analysis, implementation is an activity related to the completion of a job by using means to obtain the desired results.

South Tapanuli Regent Regulation Number 37 of 2017 concerning the Implementation and

Handling of Persons with Social Welfare Problems in South Tapanuli Regency is one of the regulations to deal with social welfare problems in South Tapanuli Regency such as people with disabilities, people with disabilities, children under five Abandoned, Neglected Children, Naughty Children, Street Children, Socio-Economic Vulnerable Women, Abandoned Older Age, and Victims of Violence.

In this case the researcher focuses on the problem of victims of violence against children that occurred in South Tapanuli Regency. In accordance with the South Tapanuli Regent Regulation, Victims of Violence in article 1 paragraph 23 Victims of violence are children, women, elderly people who are threatened physically or non-physically (psychologically) because violence is treated wrongly / improperly by both their family and their social environment. Violence (bullying) is an act of power carried out to injure

and intentionally intimidate others which may cause harm to other people. Family is the first place for children to get education. Family is a school where the nation's sons and daughters study. Parents have an obligation to educate children.

Violence shown to children is usually characterized by uncontrolled treatment whether it is physical, verbal, emotional or sexual. Violence against children generally refers to four categories, among others;¹³

1. Physical violence
2. Sexual violence / abuse

The definition of violence against children consists of;¹⁴ Physical violence such as; hit, slap, kick, pinch etc. Emotional abuse such as; violence in the form of words that frighten, threaten, insult,

¹³ Ahmad Sainul, "Kajian Umum Tentang Tindak Kekerasan Dalam Rumah Tangga" *Jurnal el-Qanuniy: Jurnal Ilmu-Ilmu Kesyarahan Dan Pranata Sosial*, Vol. 7. No. 1 (2021): p. 54.

¹⁴Muhammad Syukri Pulungan, *Violence in Children in Theoretical and Empirical Studie*, (Yogyakarta; Deepublish, 2020), p. 93.

curse and curse loudly and harshly. Sexual violence such as; pornography, porn speech, indecent acts / abuse of sexual organs against children. Neglect and neglect; all forms of neglect that violate children's rights in fulfilling nutrition and education.

Regent's regulation number 39 of 2017 contained in article 1 paragraph 23 which states that violence against children is Victims of Violence are children, women, the elderly who are physically threatened or non-physical (psychological) because acts of violence are treated wrongly / inappropriately by both the family and the social environment.¹⁵ All actions, whether intentional or unintentional, that can damage children in the form of physical, mental, social, economic or sexual attacks that violate human rights, are contrary to the values and norms in society. The difference in

¹⁵ Regent Regulation number 39 of 2017 Article 1 paragraph 23

essence not something to be happy about from a social point of view, psychological, economic, religious, and moral which is commendable. In that case a Muslim must prioritize equality, not difference.¹⁶

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¹⁶ Dame Siregar, "Analisis Hadis-Hadis Tentang Solusi Perbedaan Pendapat," *Jurnal el-Qanuny: Jurnal Ilmu - Ilmu Kesyarahan Dan Pranata Sosial*, Vol. 6. No. 2 (2020):P. 219.

improving implementation the regulation of the South Tapanuli regent number 39 of 2017, it is necessary for the South Tapanuli government to provide legal counseling, introduce an integrated service center for the empowerment of women and children, introduce a women and child protection unit at the South Tapanuli resort police so that the people of South Tapanuli know the regulations and also understand the duties and function of integrated service center for women's empowerment and child protection for the community. The following is data on violence against children that occurred in the West Angkola sub-district of South Tapanuli Regency from 2017 to 2021 based on the results of interviews with Mr. Maraden Hutabarat In terms of implementing the regent's regulation number 39 of 2017 concerning violence against children, the south tapanuli district government along with institutional elements related to the south

tapanuli regent's regulation number 39.

Such as the social service, the women's empowerment and child protection service, the South Tapanuli resort police, an integrated service center for women's empowerment and child protection. Legal counseling is one of the activities of disseminating information and understanding of applicable legal norms and laws and regulations in order to realize and develop public legal awareness so as to create a legal culture in the form of an orderly and obedient or obedient to legal norms and legislation in force for the sake of upholding the law rule of law.¹⁷

In addition to legal counseling carried out by the South Tapanuli Regency government to disseminate

¹⁷Article 1 Number 1 Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M-01.PR.08.10 of 2007 concerning Amendments to the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M-01.PR.08.10 of 2006 concerning Patterns of Legal Counseling on Patterns Legal Counseling Legal

information to the South Tapanuli Regency community, especially in West Angkola district, the function of the presence of an integrated service center institution for women's empowerment and child protection to provide legal assistance to children who are victims of acts of violence such as free legal aid.¹⁸

An integrated service center institution for women's empowerment and child protection, the legal department its task of providing legal assistance to children who are victims of violence, namely by providing free legal aid or in the language of advocates called pro bono given to children who are victims of violence according to their needs. First, the victim reports about the violence against children she has experienced or victims of violence against children can also be proposed by the local hospital if they receive information related to cases

¹⁸Interview with KANIT Women and Chil Protection Mr. Maraden Hutabarat, on 26 April 2021.

of violence by the victim. In terms of legal assistance, the integrated service center for women's empowerment and child protection will provide a lawyer who is given the right to the lawyer to settle the victim's case. After the victim gets a lawyer, the lawyer is given the mandat to resolve cases of child victims of acts of violence, such as accompanying the victim in fulfilling a summons by the women and child protection unit at the South Tapanuli Resort Police to request information regarding the incident of violence, if the victim is able to tell in detail the details of the violent incident because the impact on mental health is disturbed, the lawyer may convey the incident of the violent act in accordance with what the victim told the lawyer, but if the victim does not have the impact of mental health disorders due to the act of violence, then the victim must convey how the incident of violence occurred to the women and child protection unit.

The women and child protection unit collaborates with the integrated service center institution for the empowerment of women and children in every subdistrict in the South Tapanuli district such as the integrated service center for women's empowerment and child protection in the west Angkola subdistrict. The women and children protection units in carrying out their functions are;¹⁹

1. Implementation of legal services and legal protection
2. Conducting investigations and criminal investigations
3. Implementation of cooperation and coordination with relevant agencies.

In addition to providing free assistance to children who are victims of child abuse, they also receive mental health treatment due to the impact of violent acts experienced by victims. The steps for implementing trauma healing for

victims carried out by the health department of an integrated service center for women and children empowerment are as follows;

a. Report Receipt

After receiving reports of acts of child abuse, both victims themselves who provide reports or submissions from hospitals related to acts of child violence, at that time the counselor as the person who will provide mental healing for children who are victims of child violence due to acts of violence, then at that time the counselor knows reporting acts of violence. In this case, the counselor will also get files for reporting incidents of violence that the counselor gets from the administration department at the integrated service center for empowering women and children, Reporting can be done by the victim, the family of the victim, and also the community.

¹⁹Interview with KANIT Women and Child Protection Mr. Maraden Hutabarat. On 26 April 2021.

b. The Counselor's Introduction To The Victim

The counseling process for victims of child abuse is the main thing that must be done attention in dealing with victims of violence against children. Victims of violence on child is a person who is vulnerable to trauma and uncomfortable with a new person who is not known even if the new person here is a counselor who will help solve the problem but a child who has been experiencing a sense of trauma will find it difficult to accept the existence of people who are not known in his life so that it will take time and its own process to face the victim.

D. Conclusion

Legal counseling carried out by the South Tapanuli Regency government along with elements of related institutions has been realized as it should, which aims to disseminate legal information and also increase legal understanding in the community and Legal assistance and the application of healing for child victims of violence are applied in accordance with the needs of victims both in the field of law and healing the mental health of children who are victims of violence

The level of legal awareness and legal knowledge of the people of West Angkola District, South Tapanuli Regency is minimal which makes social problems of violence against children occur every year.

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