

Legal Protection Urgency Of Children's Rights From Violence Action In Tangerang Selatan Area

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Abstract—*This research is the result of research with Contract Number: 0225 / D5 / SPKP / LPPM / UNPAM / II / 2020. This study aims to determine the urgency of legal protection for children's rights from violence in the city of South Tangerang. The focus of this research is on the role of the Integrated Service Center for the Empowerment of Women and Children, hereinafter referred to as P2TP2A, South Tangerang City in the legal protection of children's rights from violence. This study uses an empirical juridical method by analyzing primary data obtained from the object of research. From the data then analyzed to get a real picture of the data obtained in collaboration with the objectives to be obtained from the research. The results of this study indicate that in carrying out its functions and duties from 2012 to 2019, reports in P2TP2A regarding cases involving children (aged 0 to 17 years) show an increasing trend until 2017, only in 2018 and 2019 have decreased although not significant. Furthermore, the results obtained that in carrying out its role, South Tangerang City P2TP2A has made several breakthroughs to reduce the level of violence against children.*

Keywords- *Legal Protection; Children; Violence*

I. INTRODUCTION

Children are the next generation and the main capital for the survival of humans, families and nations. Even so, children are still often seen as a group that is never considered socially or legally. You see, in recent years the development of cases of violence and crimes against children's rights has really worried many parties. The existence of Law Number 35 of 2014 concerning Child Protection is also considered unable to provide protection and reduce violence against children.

Cases of violence against children in Indonesia are increasing not only quantitatively, namely in terms of numbers, but also qualitatively, namely in terms of the worsening degree of violence or the intense treatment they receive from the perpetrators. In early January 2018, the LPSK

(Witness and Victim Protection Agency) released a statement that cases of sexual violence against children were increasing.

Until now, violence against children is still common and tends to increase. Specifically for the South Tangerang City area, the South Tangerang Police recorded 95 cases of criminal acts against minors throughout 2018. Based on data from the South Tangerang Police, the case was divided into three cases, namely violence against minors, intercourse against minors, and sexual immorality against minors. Violence against children under the age of 23 cases, sexual intercourse against children under 13 cases, and sexual abuse of children under the age of 33 cases. At the beginning of 2019, there were three cases of sexual violence against children handled by the South Tangerang Police. It is ironic, even though South Tangerang City is a city known as a child-friendly city. However, South Tangerang City seems as complacent as other cities / regencies after bearing the title of being famous.

The importance of protecting children from various threats of violence and crime cannot be ignored by the parties concerned. In the constitution of the Indonesian state it is very clear that the state guarantees the right of every child to survive, grow and develop and to protection from violence and discrimination. Even in the commemoration of children's day, it is stated that child protection needs special handling so that the so-called basic rights of children are fulfilled and protection from various forms of violence, discrimination and exploitation, which are part of the mental revolution process. Protection of children is a fixed price that cannot be negotiated any longer. Severe penalties can be imposed on anyone who commits crimes against children. Even the international community has also

committed to making rules regarding child protection.[1]

This study involved the object of research at the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) which is an integrated activity center that provides services for women and children victims of violence in South Tangerang City which include medical services, legal services, psychological services, and rehabilitation services. Social. P2TP2A is also a place to get information about women's empowerment and child protection, consultation on domestic violence and trafficking issues, complaints and a place to protect victims of domestic violence.

South Tangerang City P2TP2A itself was formed on 31 August 2010 in accordance with the Decree of the Mayor of South Tangerang Number: 147.141 / Kep. 402-Huk / 2010 concerning the Establishment of the Management of the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) of South Tangerang City with 92 administrators.

In its journey P2TP2A Kota Tangerang Selatan received 5 complaints related to violence against children in 2012, 11 complaints in 2013, 31 complaints in 2014, 36 complaints in 2015, 96 in 2017, 120 complaints, year 2018 there were 84 complaints, and in 2019 there were 148 complaints.

With all the consequences, the state inevitably has to provide protection to children. This commitment should be implemented in the Indonesian national law on children's rights. The state, in this case the South Tangerang city government together with related parties such as the existing law enforcers, has all the powers and powers that can be at the forefront of giving respect to ensuring children's rights in all aspects of life. The state is obliged to uphold the elimination of all forms of actions that endanger the future safety of children. Children must be cared for and protected regardless of their color, religion, ethnicity and gender as well as all social conditions of the child. Based on the above background, the researcher is interested in analyzing it with the hope of being able to contribute to the local government through research activities with the theme "The Urgency of Legal Protection for Children's Rights from Violence in the City of South Tangerang."

II. PROBLEMS

From the background description of the problem above, the authors are interested in raising the problem under study, namely: What is the role of the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) of South Tangerang City in the legal protection of children's rights from violence?

III. RESEARCH METHOD

This research is an empirical juridical research. Research Approach The research approach used in this study is to use qualitative methods. Qualitative research aims to gain a deep understanding of the situation at hand.[2]

IV. DISCUSSION

The Urgency of Child Protection from Violence and Preventive Efforts that Need to be Taken in the City of South Tangerang

The urgency of protecting children from violence is described as preventive efforts that need to be carried out by all parties, including the government, in this case the South Tangerang City Government to make that the regulations or provisions made by the city government reflect and protect children's rights and overcome / anticipate their existence. tension of violence against children. Preventive steps in the protection of children can be done by forming task force units to take care of it.

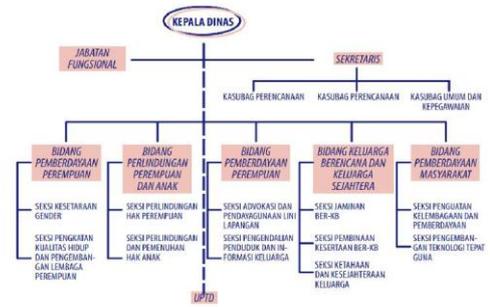
Violence against children (child abuse) ranges from child neglect to rape and murder. Terry E. Lawson, a child psychiatrist quoted by Huraerah classified child abuse into four forms, namely: emotional abuse, verbal abuse, physical abuse, and sexual abuse. Meanwhile, Suharto classified child abuse into physical abuse (physical violence), psychological abuse (psychological violence), sexual abuse (sexual violence), and social abuse (social violence). [3]

Several studies on violence against were carried out by Vina Kartikasari, whose research results indicated that the basic idea of the need for legal protection for children as victims of crime is because: (a) Children still need parental guidance;

(b) The child is physically weak; (c) The child has an unstable condition; (c) Children have not been able to choose what is good and what is bad; (d) The child is not yet mature; (e) Girls are more frequently victimized; (f) Children need education and school; (h) The child has associations; (i) Children are still able to be influenced by mass media. Meanwhile, the forms of legal protection for children who become victims are: (a) rehabilitation efforts carried out within an institution or outside the institution; (b) efforts to protect the identity of the victim from the public; (c) efforts to provide safety guarantees to victim witnesses, namely children and expert witnesses; (d) providing accessibility to obtain information on the progress of the case. [4].

Another research conducted by Yohanes Servasius Lon and Fransiska Widyawati in Manggarai resulted in a very high quantitative incidence of violence against children for each type of violence that exists. The perpetrator is an adult who is familiar with the child's life. Perpetrators generally have experienced violent trauma in their childhood. Because of that there is a link and the inheritance of violence from generation to generation. This is further strengthened by the Manggarai tradition which positions children as objects of adults. [5]. In Eva Harianti and Nina Siti Salmaniah's research, which examined the factors that cause parental violence against children, the factors that cause parents to commit violence against children in this research area are caused by low economic, educational, psychological, and social environment factors.[6]

From the three research results, we are interested in researching the same thing in South Tangerang. Preventive measures in South Tangerang City to minimize violence against children in South Tangerang City are carried out by P2TP2A South Tangerang City, which is the UPTD of the Community Empowerment Service for Women Empowerment for Child Protection and Family Planning. The service structure is described as follows:



The role of the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) South Tangerang City

To facilitate services to victims, it is necessary to do outreach by establishing a Task Force for Handling Women and Children Problems (Satgas) to assist the Public Complaints Section of the Ministry of Women Empowerment and Child Protection and the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) in providing advanced services to women. and children who have problems.

The central level task force has been formed by Ministerial Decree Number 25 of 2016 concerning the Central Level Task Force for Handling Problems of Women and Children, while for the provincial level it will be formed by a Governor / Regent / Mayor decree. The Ministerial Decree explains the functions of the Task Force namely :

- 1). Outreach women and children who experience problems;
- 2). Identify the conditions and services needed by women and children who experience problems;
- 3). Protect women and children at the scene from things that could endanger them
- 4). Place and evacuate women and children who experience problems to the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) or other service institutions;
- and 5). Make referrals and / or recommendations to the nearest Integrated Service Center for Women and Children or women and children service agencies to get further services. [7]

P2TP2A activities in child protection include: 1). Prevention of cases of violence against children, 2). Handling of cases that have occurred, 3). Recovery and empowerment of victims of violence. P2TP2A tasks as stated in the Minister of KPPPA and the Regulation of the Mayor of South Tangerang regarding violence against children and women are:

1). Providing services to children who have experienced violence, including sexual violence. 2). Record the increase in complaints of sexual violence against children every year 3). For cases of sexual violence against children, the services provided include: making a post mortem, medical, psychological, legal assistance, social rehabilitation, safe house (safe house), and repatriation.[7]

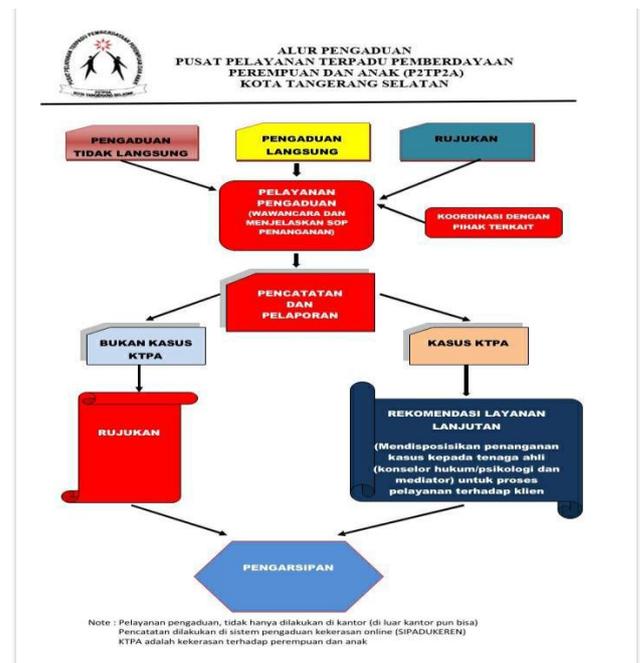
The objectives of P2TP2A activities are prevention of cases of violence against children, handling of cases that have occurred, and recovery and empowerment of victims of violence. Meanwhile, the main task of P2TP2A, as stated in the Ministry of Public Affairs and Regional Regulations for Tangsel City regarding violence against children and women is to provide services to children who experience violence, including sexual violence, to record an increase in complaints of cases of sexual violence against children every year, for cases of sexual violence. For children, the services provided include: making a post mortem, medical, psychological services, legal assistance, social rehabilitation, safe houses, and repatriation of victims.

In general, the above P2TP2A main activities and tasks can be divided into 4 fields. First, data and information center. From observations and interactions between researchers and P2TP2A administrators, this function is carried out quite effectively. This is evidenced by the completeness of client data, both detailed data and disaggregated data (which have been processed into tables / graphs). Second, the function of prevention or outreach.

This function, with all the resources and limitations of the South Tangerang P2TP2A, this preventive function has been implemented even though it is not optimal. This is because the focus of P2TP2A resources is directed to handling cases which continues to increase every year. Until finally this prevention function was assisted by other units such as the PA Task Force (established in 2013), the PPT Task Force for the Protection of Women Victims of Violence (established in 2014), PATBM (established in 2016), and PUSPAGA (established in 2016). Although this is quite helpful, the role of these supporting institutions must be increased because they are not given targets and performance measures, as well as a clear work monitoring

system. Third, the handling function. From the results of observations and assessments from partners / stakeholders, the role of handling P2TP2A received excellent appreciation. The criteria are that all cases that come in can be recorded and handled. Fourth, the function of empowerment / recovery. Namely the recovery of the victim's condition after the incident of violence. In this function, P2TP2A should have a trauma healing center and a skills training center. For this function, P2TP2A has not performed its function optimally. Therefore, together with DPMP3AKB, collaborate with other units to include clients in training, for example held by the Cooperatives & Small Medium Enterprises Office or the Industry and Trade Office.

Apart from that P2TP2A Kota Tangerang Selatan also serves complaints. The flow of complaints is illustrated as follows:



The social service process in P2TP2A Kota Tangerang Selatan is for clients to report (come directly, by telephone, or referral) then fill out a complaint form, receive staff, assess complaints and interview clients. Then the client is referred to the service according to the client's needs and is assisted, the staff receives complaints and the administrator monitors the client's case and records and reports. Furthermore, the efforts of P2TP2A Kota Tangerang Selatan to overcome the problem of domestic violence are carried out through several

activities which include prevention, service and recovery. However, in its development, complaints can be made through the website <http://sipadukeren.tangerangselatankota.go.id> as an innovation in the complaint system.

V. CONCLUSION

The role of P2TP2A of South Tangerang City in reducing the level of violence towards children has made innovations by preparing online complaints to make it easier for complainants to make complaints. The use of this application is very effective because the P2TP2A of South Tangerang City can immediately follow up by studying the complaint for the next step.

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REFERENCES

- [1] O. Yanto, "Prostitusi Online sebagai Kejahatan Kemanusiaan terhadap Anak: Telaah Hukum Islam dan Hukum Positif" *AHKAM: Jurnal Ilmu Syariah*, Vol. 16, No. 2., pp. 187-196, 2016.
- [2] M.L Susanto and W. Supriyatna. "Creating an Efficient Justice System with E-Court System in State Court and Religious Court of Rights" *International Journal of Arts and Social Science*, Vol 3, No. 3., pp. 354-361, 2020.
- [3] A. Huraerah. *Child Abuse*, Bandung : Nuansa, 2007.
- [4] V. Kartikasari, "Tinjauan Yuridis Tentang Urgensi Perlindungan Hukum Terhadap Anak Sebagai Korban Tindak Pidana Perkosaan" *Kumpulan Jurnal Mahasiswa Fakultas Hukum*, Vol. 1, No. 6, 2017
- [5] Y. S. Lon and F. Widyawati, "Lingkaran Kekerasan Terhadap Anak Dalam masyarakat Manggarai". *Jurnal Pendidikan dan Kebudayaan Missio*, Vol. 9, No. 1., pp. 12-20, 2017.
- [6] E. Harianti and N.S. Salmaniah. "Faktor-Faktor Penyebab Terjadinya Kekerasan Orang Tua terhadap Anak" *JPPUMA Jurnal Ilmu Pemerintahan dan Sosial Politik Universitas Medan Area*, Vol. 2, No. 1, pp. 45-57, 2014.
- [7] Dinas Pemberdayaan Masyarakat Pemberdayaan Perempuan Perlindungan Anak dan Keluarga Berencana (DPMP3AKB) Kota Tangerang Selatan, (*Efektivitas Peran Lembaga P2TP2A dalam Menangani Korban Kekerasan terhadap Perempuan dan Anak di Tangerang Selatan*, Kota Tangerang Selatan, 2018