

The Model of the Traditional Village Approach in Preventing Criminal Acts of Violence Against Children in the Coastal Area of Siak Regency

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Abstract—There are a lot of factors influencing child grown, some of which are family and community care. This study aims to identify a model namely traditional village approach in order to prevent violence against children living around the coastal area of Siak, Indonesia. This qualitative study has been describing such a phenomenon in a systematic way in accordance with the nature of qualitative studies. It has been found that the approach is a strategic action to prevent violence among children as they have exposure from their surroundings. It is expected that there are going to be more approaches effective to prevent violence and criminal acts among children. It is also expected that in the future, both the government and the local people put more serious attention to this issue.

Keywords—*traditional village approach, violence against children*

I. INTRODUCTION

Custom is a reflection of the personality of a nation, is one of the embodiments of the soul of the nation from the centuries. The actions of civilization and modern ways of living are not able to eliminate the customs that live in society, what is seen in the progress of the times is that these customs adapt to the circumstances and the will of the times, so that the customs become eternal and remain fresh. Customary law is a law that grows in Indonesian society, its form is in the form of legal rules that arise and grow within and caused by the association of human life. So the whole rules of customary law arise in the dynamics of human relations, in the form of the association of human life [1].

The implementation of village government is inseparable from the implementation of regional autonomy. The village government is the leading unit in service to the community and a strategic milestone for the success of all programs. Therefore, to strengthen the village (village government and community institutions) is a step to accelerate community welfare. Village government is the administration of government affairs and the

interests of the local community in the government system of the Unitary State of the Republic of Indonesia.

In Article 2 of the Regional Regulation of Siak Regency No. 2 of 2015 concerning the Determination of Traditional Villages in Siak Regency, the purpose of the establishment of Traditional Villages is to revive the role of traditional leaders in the administration of government, development and service to the community, this is caused by the increasingly complex system of life in society as a the effect of urbanization of people from other areas.

The United Nations Convention on the Rights of the Child (UNCRC) defines rights children as ethical principles and international standards for conduct towards children. the convention determines that children – the group of people under the age of 18 must be nurtured to grow, learn, play and develop in accordance with human dignity, and are protected from danger. In this context, the state is obliged to respect and promote all rights children, and also to protect all children from all forms of discrimination, violence and exploitation. States should take the necessary legislative and administrative steps to ensure that all the child is protected, and that the interests of the child are the primary consideration in all decisions or actions taken.

Based on Article 7 Paragraph (1) Rome's Statute of The International Criminal Court, sexual violence is a crime against humanity which is included in the category of the Most Serious Crime, so The International Law has a role in this matter [2].

The existence of traditional villages/traditional villages is also strengthened by the issuance of Minister of Home Affairs Regulation Number 52 of 2007 concerning Guidelines for Preservation and Development of Customs and Socio-Cultural Values of the Community. Permendagri No. 52 of 2007 explains that preservation is an effort to maintain and maintain the customs and socio-cultural values of the community concerned, especially the ethical, moral and adab values which

are the core of customs, habits in society and traditional institutions so that their existence is maintained and continues.

Children are a valuable asset for a family and society in living their collective life to the future. Family and community care for children in order to grow and develop humanely is a very profitable investment for their survival. So they are willing to devote their energy, money and thoughts for the better growth and development of children. For this reason, a good environment and social support will make the child a good generation.

Children are often victims of violence, be it at school, where they play, even within their own family environment, which should be their place of refuge. Violence is very close to the life and development of children. In some cases, it was found that early childhood had been introduced to violence. The perpetrators of acts of violence that occur in the family are usually the closest people who should have an obligation to protect these children, such as grandfather, grandmother, father, mother, siblings and their closest environment [3]. Violence experienced by children varies, there is physical and psychological violence. Both physical and psychological violence, this violence has a very bad impact on children's development, especially their psychological development.

The experience of violence against children in the first 6 years of age can affect a child's personality. This condition needs immediate attention, both to children and to perpetrators of acts of violence, so that the impact can be immediately minimized. One of the efforts to prevent violence against children is to provide information about the impact of violence, which must be carried out intensely, so that parents or caregivers understand better to prepare for a happy future for children [4].

Every human being, has inherent justice values and is the result of his spiritual and soul processing. For judges as law enforcers, spiritual justice is realized through law which functions as a tool, as a method and output in a legal dispute. Radbruch states that justice should be considered as one component of the idea of law. Law and justice as two sides of a coin, if justice is described as material and law as form, then the value of justice is material that must fill the form of law [5].

Protection of child victims of crime as regulated in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. In Article 1 paragraph (2) Child Protection is all activities that guarantee and protect children and their rights so that they can live, grow and develop and participate optimally in accordance with human dignity and protection from violence and discrimination. Parents, families and communities are responsible for safeguarding and maintaining children's human rights in accordance with the obligations imposed by law. Likewise, in the implementation of child protection, the state and government are responsible for providing facilities and accessibility for children, especially in ensuring optimal and directed growth and development [6].

In general, protection of children is divided into two, namely juridical protection and non-juridical protection. Protection that has a juridical nature is a protection that includes all legal regulations that can regulate the child's life. Meanwhile, non-juridical protection covers the health, education and social sectors [7].

Child protection is carried out rationally, responsibly and usefully which reflects an effective and efficient effort. Child protection efforts must not result in the death of initiative, creativity and other things that cause dependence on others and uncontrolled behavior, so that children do not have the ability and willingness to exercise their rights and carry out their obligations [8].

The most common forms of violence against children in Siak Regency are sexual violence and physical violence. The causes of sexual violence against children include the negligence of parents who do not pay attention to the growth and development of children, the low morality and mentality of the perpetrators so that they cannot control their passions or behavior and economic factors that make the perpetrators easily smooth out their plans by giving promises to the victims. Sexual violence against children is an example of a violation of human rights, especially the rights of children. The fact that there are many cases of sexual abuse that afflict children indicates that they tend to receive less attention, protection, and are often neglected [9].

Some of the efforts to prevent violence against children carried out by the PPPA Ministry are:

- Encouraging the realization of Child Friendly Schools (SRA), which until now have been established in 16,800 schools in 243 districts/cities.
- The PPPA Ministry also conducts socialization of Positive Discipline to be applied in schools. Positive Discipline Approach is a form of approach that provides an alternative to corporal punishment. This can ensure that the punishment received by the child is logical, that is, problem solving is not violent.
- The Ministry of PPPA has conducted a campaign to Stop Child Marriage and revised Law Number 1 of 1974 concerning Marriage.
- Socializing digital literacy aimed at parents and children through the Safe Internet for Children program. This program engages the community to promote healthy internet use and integrates this approach in the national education curriculum.

A study on violence against children was also conducted by Sandhi Praditama, Nurhadi and Atik Catur Budiarti from the Faculty of Teacher Training and Education, majoring in Sociology Anthropology Education, Sebelas Maret University, Surakarta, with the title Violence against children in the family in the perspective of social facts. In addition, Rianawati at the Center for Gender and Child Studies at the State Islamic

Institute (IAIN) Pontianak, with the title Legal protection against violence against children.

This study aims to prevent violence against children through the contribution of customary law and involve traditional leaders with their customary regulations so that violence against children can be eliminated and can create a child-friendly community environment and support prevention programs for violence against children. In essence, children's rights are part of human rights as regulated in the 1945 Constitution, so legal protection for children is an important thing to be given so that children's rights are protected and avoid unpleasant treatment. Moreover, a child is the hope of the nation in the future, so that he has the right to live his life and continue and realize the ideals of the nation.

II. METHODS

The type of research used in this research is sociological legal research, namely research conducted by identifying the law and how the effectiveness of the law is applied in society or reviewing the state of the problems that exist in the field associated with applicable legal aspects and those manage the problem. This research is a research that focuses on individual or community behavior in relation to the law [10]. Judging from its nature, this research is descriptive analysis, because it intends to describe the reality under study clearly and systematically.

Data obtained by document study techniques in the form of seminar results, research results and literature that have relevance to the object of research and interviews, namely to those who are considered competent and authorized to answer the problem. Data obtained through this study were analyzed using qualitative juridical methods, searching for living and unwritten laws.

III. RESEARCH RESULTS AND DISCUSSION

The constitutional guarantee for children's rights is stated in Article 28 B paragraph (2) of the 1945 Constitution of the Republic of Indonesia that "every child has the right to survive, grow and develop and has the right to protection from violence and discrimination". Child protection is all efforts made to create conditions so that every child carries out his rights and obligations for the development and growth of children naturally, physically, mentally and socially. The legal aspect of child protection is more focused on children's rights that are regulated by law and not obligations, considering that legally (juridically) children have not been burdened with obligations. The implementation of legal protection for children is clearly written in the Child Protection Act which guarantees the fulfillment of children's rights in accordance with human dignity and protection from acts of violence and discrimination.

Along As time goes on violence becomes culture or behavior that continuously carried out among Indonesian society until now can change personality values nation or

person. Violence is also attached with community life, for always resolve conflicts followed by violence [11].

Sexual violence against children is coercion, threats or deception a child in sexual activity. Sexual activity includes seeing, fingering, penetration (pressure), molestation and rape. The impact of sexual violence Questions to children can be physical, psychological, and social [12].

Article 59 of the Child Protection Law states that "the Government, Regional Government, and other state institutions are obliged and responsible to provide special protection to children". This is because in essence a child cannot protect himself from various kinds of actions that cause harm, such as mental, physical, and social losses in various areas of life, so the child must be assisted by others in protecting himself.

One form of prevention of criminal acts of violence against children in the coastal area of Siak Regency is the Traditional Village approach, namely traditional villages in Siak Regency can contribute through traditional programs involving the community to implement a child-friendly environment and provide customary sanctions on perpetrators. violence against children. Customary sanctions that are hereditary in nature will certainly be more obeyed and provide a deterrent effect for perpetrators not to commit violence against children. In addition, the penghulu can also participate by routinely collaborating with local governments and related parties to disseminate information about the importance of preventing violence against children, especially in villages that have been designated as traditional villages so that they can provide examples for other villages.

This is certainly in line with the year 2021, Siak Regency win again the Child Friendly City (KLA) award for the Nindya category. It is hoped that Siak Regency is able to provide protection for children and the fulfillment of children's rights namely the right to life, the right to grow and develop, the right to get protection, and the right to participate. With this fulfillment, it is hoped that the children of Siak Regency can be paid more attention and can become children who grow and develop well into children who are increasingly intelligent, qualified, superior, competitive and pious.

Constraints faced by the traditional village head in the application of customary law for the prevention of criminal acts of violence against children in the coastal areas of Siak Regency is:

A. *There is no Minister of Home Affairs Regulation (Permendagri) Regarding Changing the Status and Structuring of Traditional Villages*

As mandated in Government Regulation no. 47 of 2015, further regulations regarding customary villages should be filled in through a Minister of Home Affairs Regulation. In addition, the issuance of the Minister of Home Affairs Regulation regarding customary village governance has resulted in the ineffectiveness of the customary village government system that has been established through regional

regulations because there are no clear guidelines for the direction of developing customary village governance after it is established as a customary village. In addition, the practice of establishing customary villages, although it has been officially listed in the Siak Regency Regional Regulation, is only limited to village status because the government system used still refers to the administrative village government system that has been implemented so far.

B. There is no Budget for Implementation as a Traditional Village

This is because there is no planning and preparation of customary governance in Siak Regency. The absence of this budget is a big enough obstacle that must be faced by the traditional village head in Siak Regency, so that it is not optimal in terms of providing assistance, counseling and handling cases of violence against children, especially for areas in remote areas, which are far from inadequate access to communication and transportation.

C. Victims and/or Families Who Don't Report

Article 20 of the Child Protection Law states that: "The State, Government, Regional Government, Community, Family, and Parents or Guardians are obliged and responsible for the implementation of Child Protection." However, the facts on the ground show that in some cases violence against children and women is carried out by people who are known to be close to the victim, such as husbands against their wives, fathers against daughters and brothers against their sisters [13]. Often the community or family considers the problem of violence against children as a family disgrace so that it is embarrassed if it has to be known by others.

D. There is no Monitoring and Evaluation from the Provincial Government or the Central Government on the Processes of Establishing Customary Villages

Determination as a traditional village should be supported by regulations and programs that focus on preserving cultural values and customary law so that it can run effectively, not just transitioning into a traditional village, but also being able to contribute to the prevention of cases of violence in the children by involving the role of customary law and local traditional leaders. Existing regulations serve as instruments to further strengthen the existence and development of traditional villages. Efforts to strengthen traditional villages always encounter many problems, obstacles, and dilemmas. This is caused by several factors including the lack of roles of village institutions in welcoming the existing changes, the village government has not found its true identity in the era of village autonomy where the village is an autonomous region from the government so that the village is able to take initiation, creation, and innovation according to with the spirit of change that exists [14].

The efforts made by the traditional village chiefs in preventing criminal acts of violence against children in the coastal areas of Siak Regency are:

- Conducting socialization to the community regarding traditional villages in Siak Regency.
- Educating the community through the Remote Indigenous Community Basic Literacy program (KDKAT).
- Inviting schools and non-governmental organizations to participate in preventing violence against children.
- Cooperating and coordinating with the Regional Government, Malay Traditional Institutions and related parties in establishing regional regulations Recognizing the Existence of the Indigenous Indigenous Peoples of Rawa Penyengat Children.

IV. CONCLUSION

One form of prevention of criminal acts of violence against children in the coastal area of Siak Regency is the Traditional Village approach, namely traditional villages in Siak Regency can contribute through traditional programs involving the community to implement a child-friendly environment and provide customary sanctions on perpetrators violence against children. Customary sanctions that are hereditary in nature will certainly be more obeyed and provide a deterrent effect for perpetrators not to commit violence against children. In addition, the penghulu can also participate by routinely collaborating with local governments and related parties to disseminate information about the importance of preventing violence against children, especially in villages that have been designated as traditional villages so that they can provide examples for other villages.

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