

Implementation of Legal Protection of Children from Violence through Child Protection Institutions in North Sumatra

Atika Sandra Dewi¹⁾, Asmuni²⁾ & Budi Sastra Panjaitan³⁾

¹⁾Universitas Islam Negeri Sumatera Utara, E-mail: ikasandradewi1203@gmail.com

²⁾Universitas Islam Negeri Sumatera Utara, E-mail: asmuni@uinsu.ac.id

³⁾Universitas Islam Negeri Sumatera Utara, E-mail: budisastrapanjaitan@uinsu.ac.id

Abstract. *This research categorized as a legal research related to the implementation of the North Sumatra Child Protection Agency (LPA) in preventing violence against children in North Sumatra Province. This research was conducted using a qualitative research model (mode of inquiry) and included as field research (empirical). This research uses a statutory approach, case approach, normative approach, and conceptual approach. The results of the study found that the role of the North Sumatra Child Protection Agency (LPA) towards children as victims of violence in North Sumatra is currently running well, it's just not optimal and still has obstacles both from internal and external. LPA Provisnsi currently gave birth to the Sekampung Child Protection Movement Program (GPAS), as a strategy to protect children's growth and development and prevent delinquency and child abuse from an early age. To the government, it should reconstruct the legal protection of children based on prosperity, through; First, Law Number 11 of 2012 concerning the Child Criminal Justice System Article 55, paragraph (3); related to scheduling children's trials, and Second, Law Number 35 of 2014 concerning Child Protection, Article 88: related to punishment "imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least IDR150,000,000 (one hundred and fifty million rupiah) and a maximum of IDR5,000,000,000 (five) billion".*

Keywords: Agency; Child; Protection.

1. INTRODUCTION

Defining children is a simple thing but has a lot of meaning for every parent, because children are a dream and one of the goals of a marriage. Children are a trust that must be guarded and educated and fulfilled all that is right¹. Afterwards, parents will be

¹ The Geneva Declaration of the Rights of the Child was the first international document to make "men and women of all nations" accept the obligation that "children should be provided with the necessary means for normal development, both materially and spiritually". In its development at the end of the 1980s, the International Convention on the Rights of the Child introduced 4 (four) rights owned by children, namely the right to life (survival rights), the right of children to get protection (protection rights), the right of children to grow and develop (development rights) and the right of children to participate (participation rights). This convention was ratified by Indonesia through Presidential Decree No. 36 of 1990. See Nyoman

held accountable for their behavior while in the world. A visionary view, children are a form of investment that is an indicator of a nation's success in carrying out development. The success of child development will determine the quality of human resources in the future. ²

When viewed from an economic aspect, children are included in the non-productive group. However, it is not uncommon due to a shift in mindset in society that we encounter many facts in the field or in the community where children often carry out economic or productivity activities to produce economic values.

The issue of legal protection and rights for children is one side of the approach to protecting Indonesian children. In order for Indonesian children to get protection in an organized, orderly and responsible manner, it is necessary to have laws or rules that are in line with the development of Indonesian society which is fully animated by Pancasila and the 1945 Indonesian Constitution.³ Article 1 paragraph (2) of Law No. 35/2014 on Child Protection explains that, "Child protection is all activities to ensure and protect children and their rights so that they can live, grow, develop, and participate optimally in accordance with the dignity of humanity, and receive protection from violence and discrimination."

Child protection can be divided into 2 (two) parts, namely:

1. Juridical child protection, which includes protection in the field of public law and civil law.
public law and in the field of civil law.
2. Non-juridical child protection includes protection in the social, health and education sectors.
social, health, and education sectors.

Legal protection is to provide protection to human rights that are harmed by others and this protection is given to the community so that they can enjoy all the rights provided by law or in other words, legal protection is a variety of legal efforts that must be provided by law enforcement officials to provide a sense of security, both in mind and physically from interference and various threats from any party.⁴

Legal Protection is the protection of dignity, as well as recognition of human rights owned by legal subjects based on legal provisions from arbitrariness or as a collection of rules or rules that will be able to protect one thing from another. In relation to consumers, this means that the law provides protection for the rights of customers from something that results in the non-fulfillment of these rights.⁵

The legal basis used in Indonesia in implementing the fulfillment of children's rights rests on the 1945 Constitution of the Republic of Indonesia and the Convention on the

Mas Aryani, 2016, Legal Protection of Children as Victims of Sexual Violence in Bali Province, Journal of Kertha Patrika, Vol. 38/ No. 1, p. 24

² Bagong Suyanto. (2010). *Masalah Sosial Anak*. Jakarta: Prenadamedia Group, p. 21

³ Wagiati Soetodjo. (2010). *Hukum Pidana Anak*. Bandung: Refika Aditama, p. 67

⁴ Satjipto Raharjo. (2000), *Ilmu Hukum*. Bandung: PT. Citra Aditya Bakti, p. 74

⁵ Hadjon, M. Philupus. (1987). *Perlindungan Hukum bagi rakyat di Indonesia*. Jakarta: Bina Ilmu, p. 25

Rights of the Child which is in line with the principles of fulfilling children's rights in Islamic teachings which are absorbed into Law Number 23 of 2002 which was later updated with Law Number 35 of 2014.

This affirmation in Law No. 35/2014 is a legalization of children's rights absorbed from the Convention on the Rights of the Child and national legal norms. Thus, Articles 4 to 19 of the Child Protection Law create a *legal norm* about what children's rights are, namely children's rights to life, growth and development, protection and reasonable participation.⁶ According to Article 64 of Law No.35 of 2014 concerning amendments to Law No.23 of 2002 concerning child protection, efforts to provide protection to children who are victims of criminal acts in accordance with Article 64 paragraph (3) of Law No.23 of 2002 concerning Child Protection are carried out through:

1. Rehabilitation efforts, both in institutions and outside institutions,
2. Protection from identity reporting through mass media and to avoid labeling,
3. Providing safety guarantees for victim witnesses and expert witnesses, both physically, mentally, and socially. physical, mental, and social, and
4. Providing accessibility to information on case progress.

In the implementation of child protection, the law has said that in addition to being based on Pancasila and based on the 1945 Constitution of the Republic of Indonesia, it must also be in accordance with the basic principles of the Convention on the Rights of the Child as contained in the Articles of the Convention on the Rights of the Child. The basic principles of child protection are:

1. The principle of *non-discrimination*. According to this principle, the implementation of child protection should not distinguish, limit or exclude children either directly or indirectly based on race, ethnicity, religion, economic status and others that can affect its fulfillment and implementation.
2. *The principle of the best interest of the child*. This principle emphasizes that all actions and efforts taken jointly by the Government, the community and bodies concerned with this issue must see the best interests of the child as primary.
3. The principle of the child's *right to life*, survival and development. This principle is the most basic principle for children who are protected by the state, government, society, family and parents to be able to live safely, peacefully, happily and have the right to be able to grow and develop properly for the physical, mental, spiritual and moral and social development of the child.
4. The principle of *respect for the view of the child*. This is the principle that gives the child the right to express an opinion in all matters affecting the child.⁷

This principle was later used as a guideline or basic principle for the following conventions on children and is also used as a guideline for countries in making laws and policies related to children. countries in making laws and policies relating to children.

⁶ Muhammad Joni, (2007), *Hak-Hak Anak dalam UU Perlindungan Anak dan Konvensi PBB tentang Hak Anak*, Jakarta: Beberapa Isu Hukum Keluarga. KPAI. p. 11

⁷ Syamsul Alam. (2015). *Perlindungan hukum Bagi Anak Korban Kekerasan Seksual*. Jurnal Tomalebbi. Vol.2 No.1.

Meanwhile, when viewed from Islamic teachings related to protecting children from violence and crime. As al-Syatibi explains, all *syar'i* laws (orders, prohibitions, choices) from the shari'a revealed by Allah Swt to humans are intended to provide protection and avoid hardship, and prevent harm to human life, which can be grouped into three levels. First, *al-dharuriyyat* (primary needs and protection). Second, *al-hajiyyat* (secondary needs and protection). Third, *al-tahsiniyat* (tertiary needs and protection).⁸ *Maqashid* or *maslahat dharuriyyat* is something that must exist for the realization of the benefit of religion and the world. If this does not exist, it will cause damage and even loss of life and life such as eating, drinking, prayer, fasting and other worship. Which includes *maslahat* or *maqashid dharuriyyat* there are five namely: religion (*al-din*), soul (*al-nafs*), offspring (*an-nasl*), property (*al-mal*) and aqal (*al-aql*).

However, even though Islamic teachings (sharia) and laws have regulated in such detail, criminal acts involving children still occur. One of them is in North Sumatra Province. The Office of Women's Empowerment and Child Protection of North Sumatra Province (North Sumatra) recorded that 925 children in North Sumatra were victims of violence throughout 2021. This number is compiled in the Women and Child Protection Online Information Data System (Simfoni-PPA). Based on existing data, the most common type of violence against children is sexual violence, namely 533 people. The main cause is internet abuse.⁹

Chairman of the Executive Board of Yayasan Pusaka Indonesia (YPI) OK Syahputra Harianda explained that during the Covid 19 period the number of violence against children was also high, this violence was often carried out by people closest to the victim, where children should have received protection from them. According to data from the Women and Children Information System (PPA Symphony), Ministry of Women's Empowerment for the period January 1-June 9, 2021, there were at least 3,314 cases of child abuse that occurred, with a total of 3,683 victims.¹⁰ Even North Sumatra Province is in the top 5 (five) most cases of violence against children in 2021.¹¹

From the current data on violence against children in North Sumatra Province with high rates and including the top 5 (five) in Indonesia, it is necessary to have joint efforts from various parties in paying attention to the interests of children so that all these interests can be fulfilled. Because the future of a country is determined by how the country protects the future of its young generation. The protection provided by the state to children covers various aspects of life, ranging from economic, social, cultural, political, defense and security aspects to legal protection.

⁸ Syatibi. (1997), *Al-Muwafaqat fi Ushul Al-Ahkam*. Jilid 2, Cet. Ke-1. Al-Mamlakah Al-Arabiyyah Al-Su'udiyah: Dar Ibn Affan. p.17

⁹ Rehtin Hani Ritonga, This article was published on [Tribun-Medan.com](https://tribun-medan.com) with the title DINAS PPPA Sumut Recorded 925 Children Victims of Violence throughout 2021, <https://medan.tribunnews.com/2022/05/26/dinas-pppa-sumut-catat-925-anak-jadi-korban-kekerasan-sepanjang-tahun-2021>. accessed on January 04, 2023.

¹⁰ <https://www.merdeka.com/sumut/kekerasan-pada-anak-di-sumut-saat-pandemi-cukup-tinggi-ini-faktor-penyebabnya.html>, accessed January 05, 2023.

¹¹ See <https://sumut.idntimes.com/news/indonesia/arifin-alamudi/sumut-masuk-5-besar-kasus-kekerasan-pada-anak-terbanyak-tahun>, accessed on January 05, 2023...

One of the child protection organizations in North Sumatra, namely the Child Protection Agency (LPA) as its function has certainly addressed this problem in advance. As explained by Muniruddin Ritonga, the Chairperson of the North Sumatra Child Protection Agency explained that he had handled at least 975 cases of violence against children that occurred in North Sumatra Province during 2018. From the data entered, at least 15,296 cases of violence against children occurred in Indonesia in 2018, 975 cases occurred in North Sumatra.¹² With the high rate of child abuse in North Sumatra, Muniruddin Ritonga as LPA North Sumatra carried out a strategy as an effort to reduce the high rate of child abuse by asking the North Sumatra Pilgub Paslon to create a child protection system, especially in North Sumatra,¹³ as well as by multiplying MoUs with various parties who have the ability / authority to protect children from violence such as the LPA MoU activity with the North Sumatra Regional Police which was held in February 2023.¹⁴

The factor behind the occurrence of violence against children based on data from the Online Information Data System for the Protection of Women and Children (Simfoni-PPA) is internet abuse.¹⁵ Based on Ernawati's research, the factors that cause parents to commit violence against children include internal factors; consisting of the level of parental knowledge and parental experience. External factors consist of economic level and environmental factors.¹⁶ Furthermore, KPAI, explains the factors behind the high level of violence against children, including: 1) Lack of supervision from parents; the level of supervision from parents towards children is decreasing, especially those related to supervision in the use of *gadgets*, social media, and information that makes children influenced. Therefore, KPAI encourages parents to be more active in building active communication with their children regarding intense *gadget* use activities. 2) Public awareness is still low; the level of awareness of the community and the surrounding environment is very low. This is the reason why child predators can freely find victims. 3) Law without deterrent effect; ineffective law enforcement that does not provide a deterrent effect for the perpetrators.¹⁷

2. RESEARCH METHODS

2.1 Research Type and Approach

The research method used in this research is *field* research, because this research is empirical legal research. Empirical legal research according to Soerjono Soekanto is legal research that looks at legal practices in a social environment. Empirical legal

¹² <https://sumut.antaranews.com/berita/184153/lpa-sumut-tangani-975-kasus-kekerasan-terhadap-anak>, accessed February 26, 2023.

¹³ <https://daerah.sindonews.com/berita/1297014/191/lpa-sumut-minta-paslon-lahirkan-sistem-perlindungan-anak>, accessed February 26, 2023.

¹⁴ <https://analisadaily.com/berita/baca/2023/02/02/1038444/tingkatkan-perlindungan-anak-lpa-mou-dengan-polda-sumut/> accessed on February 26, 2023.

¹⁵ Rehtin Hani Ritonga, This article was published on [Tribun-Medan.com](https://tribun-medan.com) with the title DINAS PPPA Sumut Recorded 925 Children Victims of Violence throughout 2021, <https://medan.tribunnews.com/2022/05/26/dinas-pppa-sumut-catat-925-anak-jadi-korban-kekerasan-sepanjang-tahun-2021>. accessed on January 04, 2023.

¹⁶ Erniwati, Wahidah Fitriani. (2020). Faktor-Faktor Penyebab Orang Tua Melakukan Kekerasan Verbal Pada Anak Usia Dini, *Yaa Bunayya: Jurnal Pendidikan Anak Usia Dini*. Volume 4, No. 1.

¹⁷ <https://blog.justika.com/pidana-dan-laporan-polisi/penyebab-kekerasan-seksual-pada-anak/>, accessed June 22, 2023.

research in the context is carried out by collecting data through interviews and observing a number of data documents of the Child Protection Institution (LP) related to child abuse in North Sumatra.¹⁸ According to Sugiono, the research method is defined as a scientific way to obtain data with specific purposes and uses.¹⁹ So it can be concluded that the research method is a gradual activity starting with determining the topic, collecting data and analyzing data, so that later an understanding and understanding of certain topics, symptoms or issues is obtained. This research uses empirical juridical research. Empirical juridical research, also known as field research, is research that examines the applicable legal provisions and what happens in reality in society, meaning that it looks at the compatibility of theory with legal practices practiced in society.²⁰

2.2 Research Approach

This research is a qualitative research. While the approaches used are *statute* approach, *case* approach, *comparative approach*, and conceptual approach. This approach will be used as an analysis for researchers to answer the problems in the research, which include the effectiveness of legal regulations, compliance with the rule of law, the role of legal institutions or institutions in law enforcement and the influence of law and legal comparison with several existing laws.²¹

2.3 Location and Time of Research

This research was conducted at the North Sumatra Province Child Protection Institute which is located at Jl. Durung No.105, Sidorejo Hilir, Kec. Medan Tembung, Medan City. This research is how the views of legal experts regarding the concept of legal protection against child abuse in Indonesia and how the ideal concept in protecting child abuse that occurs in Indonesia. This research was conducted in January 2023-August 2023.

2.4 Data Source

1. Primary data in this study are interviews with North Sumatra LPA administrators and Law No. 35 of 2014 concerning Child Protection.
2. Secondary Data²² is data referenced from a number of laws and regulations, books, and research results that discuss child protection and are related to the main themes of this research.
3. Tertiary data: draft laws, legal dictionaries, encyclopedias, and other information that provides guidance on primary and secondary legal materials.

¹⁸ Soerjono Soekanto. (2010). *Pengantar Penelitian Hukum*. Jakarta: UI-Press.

¹⁹ Sugiono, (2008), *Metode Penelitian Bisnis*, Bandung: Alfabet, p.2

²⁰ Suharsimi Arikunto, (2012), *Prosedur Penelitian Suatu Pendekatan Praktek*, Jakarta, Rineka Cipta, p. 126

²¹ Soerjono Soekanto dan Sri mamudji, (1995), *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Cet.IV, Jakarta: Rajawali Pers, p. 14

²² Peter Mahmud Marzuki, (2008), *Penelitian Hukum*, Jakarta: Kencana, Cet.4, p. 141

2.5 Data Collection Technique

In addition to tracing the articles contained in Law No. 35 of 2014 concerning Child Protection and the results of interviews with LPA North Sumatra as primary data in this study, field data collection will be carried out by interview techniques to LPA North Sumatra in *depth (in depth interview)* by means of question and answer while meeting face to face between the interviewer and the informant or interviewee with or without using an interview *guide*, where the interviewer and informant are involved in a relatively long life.²³

2.6 Data Analysis

Data analysis is carried out by organizing data, breaking it down into units, synthesizing, compiling into patterns, selecting what is important and what will be studied, and making conclusions that can be told to others. Miles and Huberman suggested that activities in qualitative data analysis are carried out interactively and take place continuously until completion, so that the data is saturated. Activities in data analysis are *data reduction*, *data display* and *data conclusion drawing / verification*.²⁴ Where the three activities are interrelated activities before, during and after data collection in a parallel form to build general insights called analysis.²⁵

3. RESULT AND DISCUSSION

3.1 Forms of Crimes Against Children as Victims of Violence in North Sumatra

Muniruddin Ritonga, explained that the forms of violence against children do not only include physical violence or sexual harassment, The forms of violence against children that occur in North Sumatra, in accordance with his experience while at the North Sumatra Provincial Child Protection Agency, are as follows:²⁶

1. Emotional abuse: Child abuse is not only physical, but can also take other forms, such as mental abuse. Mental child abuse can take many forms. Examples of emotional abuse include belittling or humiliating the child, yelling in front of the child, threatening the child, and telling them they are no good. Rarely making physical contact such as hugging and kissing a child is also an example of child emotional abuse. Signs of child emotional abuse include:
 - a. Loss of self-confidence
 - b. Looks depressed and anxious

²³ Burhan Bugin, (2007), *Penelitian Kualitatif: Komunikasi, Ekonomi, Kebijakan Publik dan Ilmu Sosial lainnya*, Jakarta: Kencana, p.108

²⁴ Miles, M.B & Huberman A.M. (1984), *Analisis Data Kualitatif*. Terjemahan oleh Tjetjep Rohendi Rohidi, Jakarta: Penerbit Universitas Indonesia, p. 22. Lihat juga Hadari Nawawi dan Martini Hadari, (1992), *Instrumen Penelitian Bidang Sosial*, Yogyakarta: Gajah Mada University Press, p. 213.

²⁵ Regarding the explanation of the possibility of research results and discussion not being separated in a dissertation can be seen, Postgraduate Program of the University of North Sumatra, 2001, *Guidelines for Writing Proposals and Dissertations*, tp., Medan, p. 21. 21.

²⁶ Muniruddin Ritonga, Chairperson of the North Sumatra Province Child Protection Agency. Interview. Deli Serdang, November 15, 2023.

- c. Sudden headache or stomach pain
 - d. Withdrawal from social activities, friends, or parents
 - e. Delayed emotional development
 - f. Frequent skipping of school and decline in achievement, loss of enthusiasm for school
 - g. Avoiding certain situations
 - h. Loss of skills
2. Child neglect: The obligation of both parents towards their children is to fulfill their needs, including providing love, protection and care. If both parents are unable to fulfill their children's needs, it can be considered that the parents have neglected their children. This is a type of child abuse. The reason is, children certainly still need parental attention, love and protection. Parents who are unable or unwilling to provide all the needs of their children are committing child abuse. Here are the signs of child neglect:
- a. The child feels indifferent
 - b. Has poor hygiene
 - c. Have poor height or weight growth
 - d. Lack of clothes or other necessities for children
 - e. Poor performance in school
 - f. Lack of medical care or emotional care
 - g. Emotional abnormalities, irritability or frustration
 - h. Feelings of fear or anxiety
 - i. Weight loss without apparent cause.
3. Physical abuse: One of the most common types of abuse that may happen to children from parents is physical abuse. Sometimes, parents intentionally physically abuse their children in order to discipline them. However, the way to discipline a child does not always have to be by using physical violence, such as yelling at the child which hurts his/her heart. There are many other ways that are more effective in disciplining children without traumatizing them or leaving wounds on their bodies. Signs of physical abuse experienced by children can be seen in the presence of injuries, bruises, or scars on the body.
4. Sexual abuse; Apparently, the trauma of sexual abuse is not only in the form of bodily contact. Exposing children to sexual situations or sexually harassing materials, even if they do not touch the child, is included in child sexual abuse. For example, parents who mock the shape of a child's breast growth is not in accordance with the size of a child's breast, especially in front of others. This is considered child sexual abuse. As a parent, you should teach your children to protect themselves from sexual violence outside the home. On the other hand, introducing children to pornography at an age when they shouldn't be is also a form of sexual violence, as reported by the Mayo Clinic. Signs of sexual violence experienced by children usually include having sexually transmitted diseases, problems with intimate organs, pregnancy, pain when walking, and others.

Furthermore, Muniruddin, explained the impact of violence on children, namely: ²⁷

²⁷ Muniruddin Ritonga, Chairperson of the North Sumatra Province Child Protection Agency. Interview. Deli Serdang, November 15, 2023.

1. Child abuse leads to death: If parents are violent towards children who are still unable to defend themselves, they may hit or hurt the child so hard that the child loses their life. Not only that, even though children have entered adolescence, the impact of child abuse on this one can still occur. Especially if parents cannot control their anger, it is not impossible that it can be fatal for children.
2. Wounds or injuries: Although it does not cause death, this impact of child abuse is also not a good one. Children who experience violence at home mostly have injuries from being hit, thrown hard objects, and many more. When a parent is angry, he may not realize that what he is dealing with is his child or baby. This can cause parents to do things out of control that can hurt their children physically and mentally.
3. Impaired brain and nervous system development: Violence can also have an impact on the growth and developmental disorders that your child is experiencing. Experiencing violence when a child is very young can certainly interfere with the growth and development process, including disorders of the nervous, respiratory, reproductive and immune systems. In fact, this condition can cause a prolonged impact on the child's life physically and psychologically. It can also hamper the child's cognitive development, which can make the child's academic performance at school decrease or even worsen.
4. Negative attitudes in children due to violence; another equally dangerous impact of violence on children is the formation of bad attitudes in them. This can take many forms, such as smoking, abusing alcohol and drugs, and deviant sexual behavior. If children engage in deviant sexual behavior, they may experience pregnancy outside of marriage. In fact, children are not necessarily ready to become parents at that age. In addition, if the child has anxiety, depression, or other mental illnesses, they may experience suicidal thoughts.
5. The impact of child abuse on health problems; In fact, the health problems experienced by children are usually quite serious such as heart disease, cancer, diabetes, endometriosis, and various other health problems. In addition, the various effects of violence on children's health include:
 - a. Retarded brain development
 - b. Imbalance between social, emotional and cognitive abilities
 - c. Specific language impairment
 - d. Difficulties in vision, speech and hearing
 - e. Difficult to focus
 - f. Sleeplessness
 - g. Eating disorders
 - h. Tendency to self-harm
6. Problems with the child's future: The problems faced by the child are not only at the time of the violence, but also related to the child's future. Generally, violence against a child when they are young may cause them to drop out of school. Not only that, the impact of the violence on the child can also make it difficult for him/her to find a job. The child may also tend to do bad things to themselves in the future. In fact, this condition can be passed on to their descendants, meaning that a child who was abused as a child may 'pass on' this to their children and grandchildren.

Ali Hot Sinaga, as the Chairperson of the Medan City Child Protection Agency for the 2020-2022 Priodation, explained that it is possible that children who have experienced

violence or abuse can do the same to their children in the future. Some of the main factors that are very influential in children's behavior in the future are:²⁸

- a. Violence experienced early in life
- b. Violence perpetrated over a long period of time
- c. Violence perpetrated by people closely related to the victim, such as parents
- d. The violence committed is very harmful to the child

Child victims of abuse often cope with their own trauma by denying that they have been abused or by blaming themselves. The excuse of discipline is often used to abuse a child. That is why this treatment is justified by some parents who abuse their children when they should not. In the end, children who have experienced violence as children cannot see how parents should love and treat their children well. As such, it is likely that they will grow up modeling what their parents have done. They will likely raise their children the same way they were raised by their parents.

3.2 Strategy of the North Sumatra Child Protection Agency (LPA)

Considering that previously in North Sumatra Province was included in the vulnerable zone of child abuse, because of the large number of violence against children in North Sumatra Province to anticipate it, the Sekampung Child Protection Movement (GPAS)²⁹ program was launched. This program is one of the special programs of the Child Protection Institute in collaboration with the Indonesian National Commission for Child Protection, as well as the North Sumatra Provincial Women's and Children's Protection Empowerment Office. Gerakan Perlindungan Anak Se-Kampung is a community-based national program movement that is aware of the importance of children's rights in the form of protection of their growth and development and also to prevent child delinquency from an early age in order to avoid acts of violence from child predators, so that our environment is maintained by breaking the chain of child predators. Because the target of the program is children, the volunteers who are ready to go down to the community have a creative way so that children's participation is high in participating in the socialization of this program so that the message contained in the aims and objectives of the program can be conveyed.

A national program that departs from strategic issues according to researchers needs to be carefully designed, so that the aims and objectives of the program are truly in accordance with the conditions to be achieved. The benefits to the public must also be felt even though this program does not receive funding assistance from the Regional Government or the Central Government.

²⁸ Ali Hot Sinaga, Chairperson of the Child Protection Agency of Medan City Priodasi 2020-2022. Interview. Deli Serdang, November 15, 2023.

²⁹ This activity has been carried out in Paluta Regency, see <https://analisadaily.com/berita/arsip/2017/1/26/306995/paluta-canangkan-gerakan-perlindungan-anak-sekampung/>, accessed on. December 10, 2023. The Gerakan Perlindungan Anak Sekampung (GPAS) program also received support from the North Sumatra Provincial Government. See Commitment to Reduce the Number of Child Violence Cases, Musa Rajekshah Agrees to Build Village-Based Protection. <https://diskominfo.sumutprov.go.id/artikel-5081-komitmen-kurangi-angka-kasus-kekerasan-anak-musa-rajekshah-sepakat-bangun-perlindungan-berbasis-desa.html>, accessed on. December 11, 2023.

In Moore's strategic triangle, a public manager must take into account 3 (three) strategic aspects so that a program can run and the goals that have been set are achieved. In this study, researchers used Moore's theory, by looking at how the three components in the strategic triangle are managed by a public manager who in this study is the Chairperson of the North Sumatra Province Child Protection Agency, where the Sekampung Child Protection Movement program is a barometer for North Sumatra Province in realizing a child-friendly city. The per-dimension discussion of the strategic triangle will be described as follows;

1. *Public Value Outcomes*

The premise is that if the role of the private sector is to create private value, then it follows that the public sector should create public value. In private companies, managers are expected to have an idea of how to create value for their organization. Plans to determine public value form the first level of the so-called strategic triangle, a strategic management tool by which public sector managers can check the degree to which they are engaged in activities that can be valuable, authorized and enforceable. In short, public managers must know whether a program should be implemented or not. This level is closely related to the goals, objectives, mission and targets of a program.

Referring to the results of the data description in the previous sub-chapter, it can be explained that in the dimension of *public value outcomes* (creating public value), the North Sumatra Province Child Protection Agency in setting goals based on North Sumatra Province which is declared a red zone for children, this is due to the lack of responsiveness of the local government in responding to cases of child abuse. The purpose of this program is to provide a comprehensive understanding to the community that how important it is to protect children, where the community also has the responsibility to carry out the mandate of the Constitution No.35 of 2014 which plays a role in protecting children, and the hope is to minimize cases that occur in children who currently occur in many villages. It is known that the LPA of North Sumatra Province formed 33 LPAs as branches in districts / cities, where each of these regional administrators plays a role in actively communicating with the local community to how to care for children together, because there are still many people who think violence against children is still a cosmetic area, causing them to care less about their surroundings, other things are also caused by public ignorance of what to do when child abuse occurs.

LPA regional and local administrators will go directly to the community and provide information about the knowledge of children's rights, and how to avoid predators, so that the more people are aware, the cases of child abuse will also decrease. With the formation of management in each district/city and the socialization of children's rights and protection, as well as conducting FGDs or discussions on the conditions and situation of children in the village, it is hoped that the formation of the Sekampung Child Protection Group (KPAS) will make a joint agreement for the prevention and handling of child cases in the village.

As the target of this program is children, the District/City LPAs that have conducted socialization of the sekampung child protection movement program in each sub-district state that there are communities and children who are enthusiastic and quiet or lack of enthusiasm, so that the distribution of benefits varies in each sub-district.

Based on the researcher's observation, the socialization provided by LPA Region and District/City is still very lacking, in Medan City alone in the activity only counted 4 sub-districts out of 21 sub-districts. So that the lack of human resources is one of the obstacles faced by LPA North Sumatra Province, because this program does not get funding from the Regional Government, there is very little community participation so that public benefits or messages to be conveyed are not evenly distributed in each sub-district.

2. *The Authorizing Environment* (Legitimacy and Environmental Support)

The second dimension is how a public manager gains legitimacy and support. After deciding on the public value, the next need is to have endorsement from the environment consisting of decision makers and support from other partners outside the organization. In short, public managers must know whether a program is viable or not. This level is closely related to approval and support.

From the data description above, researchers can describe the second dimension, namely the dimension of *the authorizing environment* (legitimacy and environmental support) that the Sekampung Child Protection Movement program has a clear legal basis, namely in Law No.35 of 2014. However, there is no Village Regulation formed regarding the budget for Child Protection, so this program is only based on Law No.35 of 2014.

The Sekampung Child Protection Movement program has not yet received legal legality, only supported by the Ministry of Women's Empowerment and Child Protection, but there is a lot of support from other organizations that support this child protection movement such as the Tangerang Regency Women's Empowerment and Child Protection Office, P2TP2A North Sumatra Province, as well as several surrounding communities who help one of them in the formation of reading parks under and also the provincial government which strongly supports the Sekampung Child Protection Movement because the existence of GPAS is a barometer for North Sumatra Province in realizing a child-friendly city³⁰. However, the researcher observed that the North Sumatra Provincial Government only supports the Sekampung Child Protection Movement Program, such as the Office of Women's Empowerment and Child Protection of North Sumatra Province and the Office of Population and Civil Registry in collaboration with LPA North Sumatra Province in managing children's birth certificates.

3. Operational Capacity

The third point is that the public manager must ensure he or she has enough operational capacity to implement the plan or program that has been approved. Public managers must know their own organizational limits because the greater the operational capacity, the greater the value or benefit to the target. Public managers must know whether the organization is capable of implementing the program or plan. This level is related to staffing, employee capabilities, technology, infrastructure and facilities.

³⁰ See Commitment to Reduce Child Abuse Cases, Musa Rajekshah Agrees to Build Village-Based Protection. <https://diskominfo.sumutprov.go.id/artikel-5081-komitmen-kurangi-angka-kasus-kekerasan-anak-musa-rajekshah-sepakat-bangun-perlindungan-berbasis-desa.html>, accessed on. December 11, 2023.

From the various statements above, researchers can describe the operational capacity dimension that the Sekampung Child Protection Movement Program has enough employees who can be empowered to implement this program, with internal employees owned by the North Sumatra Provincial Child Protection Agency totaling 33 district / city administrators, but the facts in the field are not all active, only about 5 district / city LPA administrators who look active, because indeed this LPA is an independent institution, does not receive a salary and only volunteers, so other employees also have their own busy lives, such as those who are busy in political parties, police, notaries or lecturers / teachers. The internal staff of the LPA consists of various muspika who have the same heart movement to help protect children so they join the internal LPA.

The placement of employees is very important in this dimension, but based on the interview above, it can be concluded that the Child Protection Agency of North Sumatra Province does not have a special placement for employees in running the Sekampung Child Protection Movement Program, the researcher realizes that employee placement is very important in this dimension, but the Child Protection Agency of North Sumatra Province has not been careful in dividing its employees in the Sekampung Child Protection Movement program, as a result there are some internal LPA employees who are less active. However, the community or students can join in helping this program so that children can be saved from child abuse. Volunteers who are ready to help and plunge into the field are previously given several stages such as socialization skills in the community, knowledge tests on the Child Protection Law and health tests for volunteers. The infrastructure in the field mentioned by the previous source must first coordinate with the village officials there, and indeed some village points are difficult to reach the road, this can result in delaying the socialization that will be given to the local community there. The researcher considers that the Child Protection Agency of North Sumatra Province does not conduct further surveys to villages throughout North Sumatra Province and the researcher also sees that there are still several sub-districts that have not been visited by the Regency / City LPA to conduct socialization about the Sekampung Child Protection Movement Program which provides knowledge about what rights every child should have, which in turn will reduce the essence or spread of the benefits to be achieved.

Technology has also been utilized well through facebook or whatsapp stories to provide information to the public or the public can ask anything about how to make complaints, consult and so on, according to researcher observations with the active social media owned by LPA North Sumatra Province and Districts / Cities will make it easier for the goals and intentions to be conveyed to the public at large. However, there are several obstacles faced by LPA North Sumatra Province, namely inadequate facilities such as the absence of special cellphones / telephones or operational vehicles to help deal with victims.

The elaboration of the conclusions is as follows; First, the Child Protection Agency of North Sumatra Province makes various considerations to achieve the benefits it wants to create and disseminate to the community, especially to children, starting from setting the goals, objectives, objectives and mission of the program, although not all components are well arranged. Second, the approval of the program to be carried out already has a clear foundation, and speaking of the legality of this program, of course, it has received legal legality by the National Commission on Child Protection, but has

not yet received legality from the Governor of North Sumatra, but of course the Provincial Government is very supportive of the Sekampung Child Protection Movement, it's just that there is less good cooperation by the LPA of North Sumatra Province, so that only a few other organizations support this program. Third, the accuracy in the placement and division of work has not been carried out properly which resulted in the inactivity of some internal Child Protection Agency of North Sumatra Province so that the spread of socialization to several villages and sub-districts in North Sumatra Province is uneven, but the use of technology to spread the image of the program has been done well, and there is still a further survey in several villages which indicates the lack of careful public managers in that section.

The meaning that can then be understood is that the public manager in this study, namely the North Sumatra Province Child Protection Agency, in some cases can be said to have made careful considerations. However, there are shortcomings, namely the lack of involvement of several employees, and further surveys in the program strategy which ultimately resulted in several villages still not having socialization activities regarding the Sekampung Child Protection Movement program, which has the effect of reducing the essence of the program and the benefits to be conveyed.

3.3 Ideal Legal Efforts by LPA in Providing Protection to Children as Victims of Violence in North Sumatra

Law enforcement is an effort to realize the ideas and legal concepts that people expect to be a reality for child protection agencies. The researcher's recommendations as legal efforts by child protection institutions in providing child protection for victims in cases of violence in this case, especially to the Child Protection Agency (LPA) of North Sumatra Province, namely:

1. To LPA to increase efforts in minimizing crimes against children by collaborating with the Integrated Service Center for Women and Children Empowerment (P2TP2A) and other related government agencies in conducting socialization activities. Socialization must be carried out continuously and periodically.
2. The LPA is expected to increase socialization within the district / city government by involving the Head of RT / RW, community leaders and the local community, as well as establishing and implementing social sanctions that are burdensome to perpetrators of violence against children in their environment.
3. As an effort made to minimize crimes against children, it is important for the LPA of North Sumatra Province to increase its role by collaborating with social services in conducting socialization to campuses and schools.
4. To LPA, especially North Sumatra Province, providing human resources that are qualified in number and professional in their fields of work, of course in this case the LPA of North Sumatra Province should recruit and conduct training for administrators / employees for the implementation of child protection activities in accordance with what is aspired to.
5. The government should make funding regulations for child protection organizations such as LPA that have not been accredited in providing financial assistance so that LPA, especially North Sumatra Province, in carrying out its function as a child protection institution, can work optimally.

This effort, for researchers, is an optimization step towards child protection by child observers such as LPA, especially Sumatra Province, which has been carried out for law

enforcers and assisted by community institutions. Especially the struggle of community institutions such as LPA, especially the Province of Sumatra, DP3APM, Posbakum, and the Social Service in defending the interests of children as victims of crime in order to maximize justice for children.

3.4 Reconstructing the Implementation of Legal Protection for Children as Victims of Violence in Indonesia

The reconstruction of legal protection for child victims of violence in Indonesia today is based on the following;

1. Value Reconstruction;

Reconstructing the value of legal policy towards the legal protection of child victims of violence, especially children as victims of sexual violence, because the legal protection of child victims of sexual violence does not provide legal certainty and a sense of justice, namely restorative justice.

In the formulation of Article 55 of Law Number 11 of 2012, the Judge is obliged to order the parents/guardian or companion, Advocate or other legal aid provider, and Community Counselor to accompany the child. If the parents/guardians and/or companions are not present, a rescheduling of the child's hearing should be carried out and the Judge must order the Public Prosecutor to forcefully summon the parents/guardians and/or companions who did not attend the previous hearing, accompanied by an Advocate or other legal aid provider and/or Community Counselor to attend the rescheduled child hearing.

Restitution for child victims of sex crimes is also more important than just debating the punishment of perpetrators. The far more important issue is what to do with victims, and the government and authorities must ensure restitution is given to every victim.

The police must proactively process the application since the investigation stage. The formulation of Article 88 of Law Number 35 of 2014 concerning Child Protection still shows the lack of seriousness of the Government in the Legal Protection of Child Victims of violence, especially related to sexual violence against children in Indonesia.

The protection of child victims of violence, especially sexual violence, in the formulation of Article 88 of the Child Protection Law is currently still not equitable and has not implemented the benefits.

In addition to the threat of criminal penalties against perpetrators of child abuse crimes is considered still low, it also lacks to see the impact caused when children become victims of sexual crimes is extraordinary. In addition to physical injuries, it also has an impact on psychological conditions in the long term, also because the compensation for child victims of pedophilia crimes is still considered too low compared to the condition of the child in welcoming his future back.

2. Reconstruction of Legal Norms;

The formulation of Article 55 of Law Number 11 of 2012 concerning the Juvenile Justice System after being reconstructed reads as follows:

Law No. 11/2012 on Juvenile Justice System Article 55

- a. In the Juvenile hearing, the Judge shall order the parents/guardian or companion, Advocate or other legal aid provider, and Community Counselor to accompany the Juvenile.
- b. In the event that the parent/guardian and/or companion is not present, the hearing is postponed until a certain time accompanied by an Advocate or other legal aid provider and/or Community Counselor.
- c. In the event that the Judge does not implement the provisions as referred to in paragraph (2), the Juvenile hearing will be rescheduled and/or forced summons will be issued by the Public Prosecutor by order of the Judge.

The formulation of Article 88 of Law Number 35 of 2014 concerning Child Protection, after being reconstructed, reads as follows:

Law No. 35 of 2014 Concerning the Amendment to Law No. 23 of 2002 Concerning Child Protection Article 88 "Every person who violates the provisions referred to in Article 76 I, shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least IDR150,000,000 (one hundred and fifty million rupiah) and a maximum of IDR5,000,000,000 (five) billion".

4. CONCLUSION

The strategy of the North Sumatra Child Protection Agency (LPA) towards children as victims of violence in North Sumatra by giving birth to the Sekampung Child Protection Movement Program (GPAS). This program is one of the special programs of the Child Protection Agency in collaboration with the National Commission for Child Protection of Indonesia, as well as the Office of Empowerment of Women and Children Protection of North Sumatra Province. Gerakan Perlindungan Anak Se-Kampung is a national program based on a community that is aware of the importance of children's rights in the form of protection of their growth and development and also to prevent child delinquency from an early age in order to avoid acts of violence from child predators. Legal arrangements for children as victims of violence in Indonesia should be amended, namely by reconstructing the legal protection of child victims of violence in Indonesia today based on legal protection of children, through; First, Law Number 11 of 2012 concerning the Child Criminal Justice System Article 55, paragraph (3); "In the event that the Judge does not carry out the provisions referred to in paragraph (2), the Child's trial will be rescheduled and / or forced summons by the Public Prosecutor by order of the Judge". Second, Law Number 35 of 2014 Concerning the Amendment to Law Number 23 of 2002 Concerning Child Protection, Article 88: "Any person who violates the provisions referred to in Article 76 I, shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least IDR150,000,000 (one hundred and fifty million rupiah) and a maximum of IDR5,000,000,000 (five) billion".

5. REFERENCES

Journals:

Alam, Syamsul. (2015).Perlindungan hukum Bagi Anak Korban Kekerasan Seksual. *Jurnal Tomalebbi*. Vol.2 No.1.

Aryani, Nyoman Mas, (2016), Perlindungan Hukum Terhadap Anak Sebagai Korban Kekerasan Seksual di Provinsi Bali, *Jurnal Kertha Patrika*, Vol 38/ No. 1.

Erniwati, Wahidah Fitriani. (2020). Faktor-Faktor Penyebab Orang Tua Melakukan Kekerasan Verbal Pada Anak Usia Dini, *Yaa Bunayya: Jurnal Pendidikan Anak Usia Dini*. Volume 4, No. 1.

Books:

Arikunto, Suharsimi, (2012), *Prosedur Penelitian Suatu Pendekatan Praktek*, Jakarta, Rineka Cipta.

Bugin, Burhan. (2007). *Penelitian Kualitatif: Komunikasi, Ekonomi, Kebijakan Publik dan Ilmu Sosial lainnya*, Jakarta: Kencana.

Hadjon, M. Philipus. (1987). *Perlindungan Hukum bagi rakyat di Indonesia*. Jakarta: Bina Ilmu.

Joni, Muhammad. (2007). *Hak-Hak Anak dalam UU Perlindungan Anak dan Konvensi PBB tentang Hak Anak*, Jakarta: Beberapa Isu Hukum Keluarga. KPAI.

Marzuki, Peter Mahmud. (2008). *Penelitian Hukum*, Jakarta: Kencana, Cet.4.

Miles, M.B & Huberman A.M. (1992). *Analisis Data Kualitatif. Terjemahan oleh Tjetjep Rohendi Rohidi*. Jakarta: Penerbit Universitas Indonesia.

Nawawi, Hadari dan Martini Hadari, (1992). *Instrumen Penelitian Bidang Sosial*. Yogyakarta: Gajah Mada University Press.

Raharjo, Satjipto. (2000). *Ilmu Hukum*. Bandung: PT. Citra Aditya Bakti.

Soekanto Soerjono dan Sri mamudji, (1995). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Cet.IV, Jakarta: Rajawali Pers.

Soekanto. Soerjono. (2010). *Pengantar Penelitian Hukum*. Jakarta: UI-Press.

Soetodjo, Wagiaty. (2010). *Hukum Pidana Anak*. Bandung: Refika Aditama.

Sugiono. (2008). *Metode Penelitian Bisnis*, Bandung: Alfabet.

Suyanto. Bagong. (2010). *Masalah Sosial Anak*. Jakarta: Prenadamedia Group.

Syatibi. (1997). *Al-Muwafaqat fi Ushul Al-Ahkam*. Jilid 2, Cet. Ke-1. Al-Mamlakah Al-Arabiyah Al-Su'udiyah: Dar Ibn Affan.

Website:

<https://analisadaily.com/berita/arsip/2017/1/26/306995/paluta-canangkan-gerakan-perlindungan-anak-sekampung/>.

<https://analisadaily.com/berita/baca/2023/02/02/1038444/tingkatkan-perlindungan-anak-lpa-mou-dengan-polda-sumut/>.

<https://blog.justika.com/pidana-dan-laporan-polisi/penyebab-kekerasan-seksual-pada-anak/>.

<https://daerah.sindonews.com/berita/1297014/191/lpa-sumut-minta-paslon-lahirkan-sistem-perlindungan-anak>.

<https://sumut.antaraneews.com/berita/184153/lpa-sumut-tangani-975-kasus-kekerasan-terhadap-anak>.

<https://sumut.idntimes.com/news/indonesia/arifin-alamudi/sumut-masuk-5-besar-kasus-kekerasan-pada-anak-terbanyak-tahun>.

<https://www.merdeka.com/sumut/kekerasan-pada-anak-di-sumut-saat-pandemi-cukup-tinggi-ini-faktor-penyebabnya.html>.

<https://diskominfo.sumutprov.go.id/artikel-5081-komitmen-kurangi-angka-kasus-kekerasan-anak-musa-rajekshah-sepakat-bangun-perlindungan-berbasis-desa.html>.

<https://medan.tribunnews.com/2022/05/26/dinas-pppa-sumut-catat-925-anak-jadi-korban-kekerasan-sepanjang-tahun-2021>.

Interview:

Ritonga, Muniruddin. Chairman of the North Sumatra Province Child Protection Agency. Interview. Deli Serdang, November 15, 2023.

Sinaga, Ali Hot. Chairperson of the Child Protection Agency of Medan City Priodasi 2020-2022. Interview. Deli Serdang, November 15, 2023.