

Local Government Policies In Protection Of Women And Children From Violence In Semarang City

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Abstract

The policy of protecting women and children from acts of violence is one step of the Semarang City government to provide services to victims of violence, especially against women and children. The purpose of this study is to analyze (1) Local Government Policies in providing protection for women and children from acts of violence in the city of Semarang. (2) the effectiveness of the Seruni Integrated Service Center (PPT) in Semarang City in providing protection for women and children from acts of violence. (3) obstacles and solutions for implementing policies in providing protection for women and children from acts of violence in the city of Semarang. The method used by the researcher is a sociological juridical approach and the specifications in this study are descriptive analytical. The sources and types of data in this study are primary data obtained from interview field studies. The results of the study show that regional policies on the protection of women and children from violence have not been fully implemented because resources are needed to support effective policies, including budgets, human resources, facilities and infrastructure. The lack of prevention efforts made by the Government especially during this pandemic. The SOP and Perwal for this policy also have not specifically regulated so that services cannot be maximized. The effectiveness of PPT Seruni in providing services has not been fully effective in terms of service, it is not optimal because during the pandemic there is no operational standard for services that must be provided to victims.

Keywords: Local; Government; Policies; Protection; Women; Children; Violence.

1. Introduction

Violence is a very complex issue as is the case in Indonesia. Moreover, the status and condition of women and children in Indonesia is a paradox because the phenomenon of acts of violence experienced by women and children currently tends to increase from year to year, especially during this pandemic.

Violence is carried out when there is a social assumption that women exceed the limits that have been set in social roles, then there is legitimacy to commit violence against women.¹ When most countries in the world implement lock down policies in relation to the spread of the corona virus that causes Coronavirus Disease 2019 (Covid-

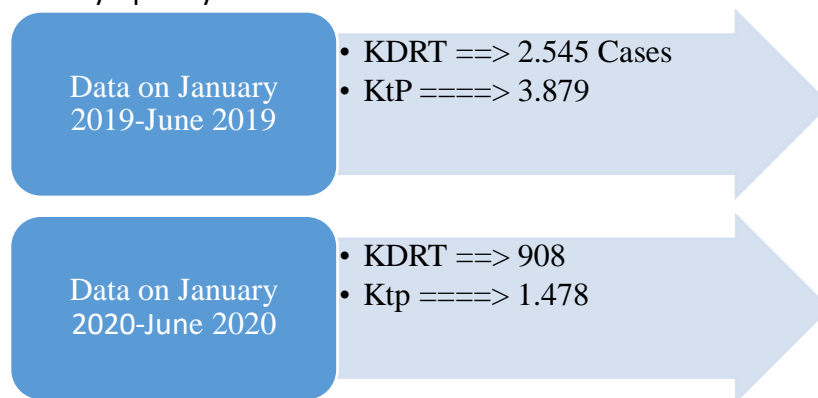
¹Sumy Hastry Purwantri, *Kekerasan pada Anak dan Wanita*, Rayyana Komunikasindo, Jakarta Timur, 2021, p. 425.

19), husband and wife spend a lot of time staying at home together. It turns out that family gatherings within a 24-hour period a day increase the number of domestic violence cases. The increase was even drastic, with the majority of victims being women and children.²

Violent criminal acts are also regulated and threatened in the Criminal Code (We are the Criminal Law Act) which are then further strengthened by Act No. 24 of 2004 concerning the Elimination of Domestic Violence, Act No. 17 of 2016 concerning Stipulation of Perppu No. 1 of 2016 concerning the second amendment to Act No. 23 of 2002 concerning Child Protection. At the same time, there have been various policy products in the regions that encourage the provision of services for women and children victims of violence in an integrated and sustainable manner within the household.³

This is important, although the state has issued several legal regulations, current developments show that acts of violence, whether physical, psychological, sexual and neglect, are in fact still common and the victims of violence are mostly women and children who are vulnerable groups.

PPA Symphony Data



Although the data above shows a decrease in the rate of increase from the post-PPSKTDB period compared to previous years, this situation cannot be said to be encouraging. This could be due to the impact of the WFH and PSBB policies that make women victims of violence lose access to report cases of domestic violence they experience. Especially in areas where communication and transportation facilities and infrastructure do not support access to services for women victims of violence. In addition, the WFH policy can make the service provider center in an area unable to function optimally.⁴

As a response to the concern of the Regional Government to minimize the high number of acts of violence that occur in several districts/cities, the Regional Government together with the community are required to make efforts to prevent and protect victims of acts of violence. So that the PPT SERUNI Semarang City was formed based on the Semarang Mayor Regulation which was updated through the Mayor's

²Ibid, p. 426

³ G.Widiartana, *Kekerasan Dalam Rumah Tangga (perspektif perbandingan hukum)*, Yogyakarta: Atmajaya, 2009, p.5-7

⁴<file:///G:/MINISTRY%20PRESENTATION%20PEREMPUAN%20DAN%20PERLINDUNGAN%20ANAK-.html>

Decree No. 463/354 of 2020 concerning the Establishment of an Integrated Service Team for Handling Violence Against Women and Children of Seruni City of Semarang which was stated in the Semarang City Regional Regulation Number 05 of 2016 concerning Protection women and children from violence

The SERUNI Integrated Service Center in Semarang City in handling the protection of women and children from acts of violence in the city of Semarang has not fully run optimally. Such a reality is an interesting thing to observe when used as an object of research. Based on the problems that the authors describe, the authors are interested in conducting research on "Local Government Policies in providing protection for women and children from acts of violence (Study at the Integrated Service Center (PPT) SERUNI Semarang City)".

From the descriptions that have been mentioned, the objectives of this study are: To find out and analyze local government policies in providing protection for women and children from violence in the city of Semarang, to analyze the effectiveness of the Seruni Integrated Service Center (PPT) in Semarang City in providing protection for women and children. children from acts of violence and the last is to analyze in overcoming obstacles and solutions for implementing policies in providing protection for women and children from acts of violence in the city of Semarang.

2. Research Methods

This research is descriptive analytical. Descriptive research is research that aims to describe something in a certain area and at a certain time.⁵ Sociological Juridical Approach Method⁶ through this Sociological Juridical approach method, one must look at the facts and problems that have emerged as well as the solutions so far.

In this study, there were 2 (two) ways of collecting data,⁷ namely primary data is the words and actions of the people who are observed or interviewed⁸ and the second is secondary data obtained through literature study. The method of data collection in this study was carried out using field research⁹ among others: Interview and Observation.

The data analysis method that will be used is descriptive analysis. The data analysis used is a qualitative approach to primary and secondary data. The analysis is carried out interpretively using theory and positive law that has been poured then inductively drawn conclusions to answer the existing problems.¹⁰

3. Results and Discussion

⁵Ibid, p.35.

⁶Kartini, Kartono, *Pengantar Metodologi Research*, Alumni Bandung, Bandung, 1976, p.7

⁷ Soerjono Soekanto and Sri Pamudji, *Penelitian Hukum Normatif*, Jakarta, Radjawali, 1982, p. 35

⁸Moleong, lexy, *Metodologi Penelitian*, PT. Remaja Rosada Karya, Bandung, 2000, p.114

⁹Ali, Zainudin, *Metodologi Penelitian Hukum*, Sinar Grafika, Jakarta, 2009, p. 107

¹⁰Roni Hanitjo Soemitro, 1982, Op.cit, p. 97

3.1. Policies carried out by the Regional Government in providing protection for women and children from acts of violence

Juridical constitutionally, the Indonesian state and even families are entitled to security protection, prevention and prosecution of perpetrators of violence, this is in accordance with the Pancasila philosophy (second principle: "Just and civilized humanity", fifth principle: "Social justice for all Indonesian people") and the 1945 Constitution of the Unitary State of the Republic of Indonesia in Article 28 G paragraph (1): "Everyone has the right to protect himself, his family, honour, dignity and property under his control, and has the right to a sense of security and protection from the threat of fear of to do or not to do something is a human right". Paragraph (2): "everyone has the right to get facilities and special treatment to get the same opportunities and benefits in order to achieve equality and justice".¹¹

The real condition of the protection and enforcement of human rights in Indonesia is still very concerning, especially the protection of women's rights. The policy of legal protection for women has been stipulated in the 1945 Constitution of the Republic of Indonesia, the Criminal Code, the Criminal Procedure Code, Act No. 7 of 1984 concerning the Convention on the Elimination of All Forms of Discrimination against Women, Act No. 30 on Human Rights, Act No. 23 of 2004 concerning Elimination of Domestic Violence, and Act No. 21 of 2007 concerning the eradication of human trafficking.¹²

Policies to protect women and children from acts of violence are policies designed to address the needs of victims for comprehensive protection or treatment.

Protection of women and children from acts of violence is the obligation of the Regional Government in the context of regional autonomy. On that basis, the regional government has taken steps as an effort to provide protection for women and children from acts of violence. Number 5 of 2016 concerning the Protection of Women and Children from Violence in the City of Semarang.

According to Sri Kusriyah¹³ the establishment of general guidelines for the implementation of gender mainstreaming in the regions is to provide guidance to local governments in the administration of governance, development and public services with a gender perspective.

Regional Regulation Number 5 of 2016 concerning the Protection of Women and Children from Violence in the City of Semarang aims, to:

- Prevent acts of violence against women and children including trafficking in persons;
- Eliminate all forms of violence and exploitation against women and children;
- Protect, provide a sense of security for women and children;

¹¹Tim Redaksi Fokusmedia, 2011, *UUD'45 Dan Amandemennya*, Bandung, Fokusmedia, p.20

¹² Munawwarah and Eko Supoyono, *Sexual Harassment Criminal Law Policy In Criminal Law Revision Of Indonesian*, Jurnal Daulat Hukum, Volumen 2 issue 3, September 2019 (<http://dx.doi.org/10.30659/jdh.v2i3.5674>)

¹³ Sri Kusriyah, *Kebijakan Pemerintah Daerah dalam Pemberdayaan Perempuan di Kabupaten Demak*, Jurnal Pembaharuan Hukum, Volume IV No.1 January-April 2017, p.123 (<http://dx.doi.org/10.26532/jph.v4i1.1651>)

- Provide services to women and children from acts of violence, whistleblowers, and witnesses; and
- Strengthening women and children victims of violence to be more empowered physically, psychologically, socially, and economically.

The regional regulation contains the principles of implementation, forms of violence, rights that should be obtained by victims.

Semarang City Regional Regulation number 5 of 2016 concerning the protection of women and children from acts of violence is one of the rules established by the Regional Government of Semarang City to follow up on legislation that discusses the protection of women and children, with this regulation it is hoped that protection can be implemented optimally because it already has specific guidelines in the implementation of protection. In this regulation, in general, it contains efforts to protect women and children from acts of violence by guaranteeing their rights.

To realize the protection of women and children from acts of violence, it is also explained in the Regional Regulation that the regional government establishes an Integrated Service Center (PPT) at the City and District levels.

The policy will never be separated from who implements the policy. In determining the implementer as an activity carried out in the policy of protecting women and children from violence in the city of Semarang, it is actually not a difficult thing to do. This cannot be separated from the network that was formed even before Perda Number 5 of 2016 concerning the Protection of women and children from acts of violence, especially in providing protection to women and children victims of violence, was ratified.

The Semarang City Women's Empowerment and Child Protection Service is an element of the implementation of the Semarang city government's affairs in the field of Women's Empowerment and Child Protection. Formed based on the Regional Regulation of the City of Semarang Number 14 of 2016, previously the institution authorized to provide legal protection for women and children was the Community Empowerment, Women and Family Planning Agency (Bapermas, Perempuan and KB).

The statement above can be understood that the organizers who are given the authority to carry out policies to protect women and children from acts of violence are PPT SERUNI Semarang City. Where the interesting thing in determining this implementation is that the work system already existed before the local regulation on the protection of women and children from acts of violence as a basis for providing protection to women and children from acts of violence was ratified. Thus the policies made are more directed to the clarity of the legal umbrella in the PPT SERUNI Semarang City in carrying out their duties.

According to the author, based on the theory of legal protection in the Islamic perspective, regional policies on the protection of women and children from acts of violence in the city of Semarang as outlined in the regional regulation number 05 of 2016 are in harmony and in accordance with the objectives of the law, namely the five aspects (*al-kulliyat al-khams or ad-daruriyah al-khams*).¹⁴ This confirms that Islamic

¹⁴M. Hasby Ash-Shidieqy, 1976, *Filsafat Hukum Islam*, Bulan Bintang, Jakarta, p. 188

law came to the world carrying a very noble protection mission, namely as a mercy for all humans on earth. *Shari'ah* maker (Allah and His Messenger) establishes *Shari'ah* aims to realize the general benefit, provide benefits, and avoid harm to mankind.¹⁵ In line with the above opinion, al-Syathibi, an expert on Islamic law from the Maliki Madzab, developed the *Maqashid al-Shari'ah* doctrine by explaining that the ultimate goal of Islamic law is one, namely the benefit or goodness and welfare of mankind. Because the nature of the protection of women and children in Islam is the fulfillment of their rights and protection from things that can endanger themselves, their lives and their property, which includes physical, mental, spiritual and social aspects.

3.2. The effectiveness of the SERUNI Integrated Service Center (PPT) in Semarang City in providing protection for women and children from violence

PPT SERUNI Semarang City¹⁶ born on March 1, 2005 as a result of an agreement with the training participants and a cross-sectoral coordination meeting organized by the TOT Team for Human Rights Education with a Gender perspective in Central Java in collaboration with the National Commission on Violence Against Women (KOMNAS PEREMPUAN) which was attended by representatives from the government, academics, NGOs, Women Practitioners and Activists. An Integrated Service Network for the Elimination of Violence Against Women and Children was formed in the City of Semarang under the name PPT SERUNI, which was later supported and followed up by the Semarang City Government with the stipulation of the Decree of the Mayor of Semarang Number: 463.05/112 dated May 4, 2005 concerning the Establishment of an Integrated Service Team for Handling Violence Against Women. and Gender-based Children "SERUNI" Semarang City,

In 2009 the Decree was updated because many members of the Team were Retired, so the Mayor's Decree on the Establishment of an Integrated Service Team for Women and Children based on Gender "SERUNI" Semarang City was replaced with Decree Number 463/A.023 dated February 12, 2009, Then it was replaced again with the Decree of the Mayor of Semarang dated January 6, 2011 Number 463/05/2011 and then it has been renewed again through the Mayor's Decree No. 463/354 of 2020 concerning the Establishment of the Integrated Service Team for Handling Violence Against Women and Children "SERUNI" Semarang City

The vision of PPT SERUNI Semarang City is the achievement of integrated services for handling violence against women and children based on gender, in order to realize the elimination of violence against women and children and trafficking in the city of Semarang.

Meanwhile, PPT SERUNI's mission is as follows: To build and develop an integrated service system for handling gender-based violence against women and children and trafficking in the city of Semarang; Realizing development policies and programs with a gender perspective for women and children; Encouraging increased

¹⁵Mukhtar Yahya and Fatchurrahman, 1993, *Dasar-dasar Pembinaan Hukum Islam*, Al- Ma'arif, Bandung, p. 333

¹⁶ <https://dp3a.semarangkota.go.id/jasa-publik/seruni>

community participation in eliminating violence against women and children and trafficking.

PPT SERUNI Semarang City has the main task of carrying out some of the tasks of the Regional Government in providing fast, accurate and integrated services to protect women and children from acts of violence, discrimination and trafficking.

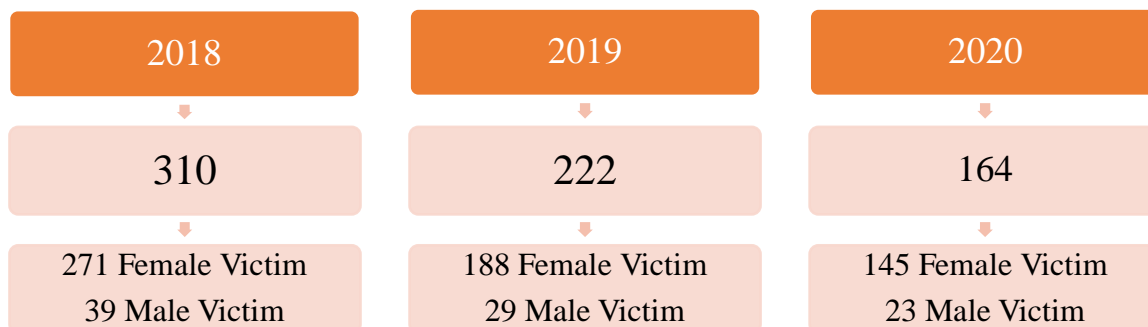
The establishment of an Integrated Service Center (PPT) for the protection of women and children is the responsibility of the Regional Government. This is in accordance with the mandate of Act No. 23 of 2004 concerning the Elimination of Domestic Violence, Act No. 35 of 2014 on amendments to Act No. 23 of 2002 concerning Child Protection, Act No. 21 of 2007 concerning Eradication of Crime Trafficking in Persons, Act No. 13 of 2006 concerning Protection of Witnesses and Victims and Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia Number 1 of 2010 concerning Minimum Service Standards (SPM) for Integrated Services for Women and Children Victims of Violence.

Based on article 1 of the Ministerial Regulation, this MSS is a tool to measure the performance of the Integrated Service Unit in fulfilling the rights for women and children victims of violence which includes 5 (five) types of services, namely: complaint services, health services, social rehabilitation, law enforcement and assistance law, as well as repatriation and social reintegration.¹⁷ Based on the MSS, an Integrated Service Center must be established by each Regional Government, whether in the Province, Regency/City.

In the Regional Regulation of the City of Semarang Number 05 of 2016 in the institutional chapter it is explained to create an Integrated Service Center, namely it is explained that the PPT is PPT SERUNI to provide services and protection for women and children from acts of violence and based on the Semarang Mayor Regulation which has been updated through the Mayor's Decree No. 463/354 of 2020 concerning the Establishment of an Integrated Service Team for Handling Violence Against Women and Children in Seruni City of Semarang,

Case data based on the results of research conducted in the city of Semarang, women and children who became victims from 2018-2020:

¹⁷ Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia Number 01 of 2010 concerning Minimum Service Standards (SPM) for Integrated Services for Women and Children from Victims of Violence.



Although the data above shows a decrease in the rate of increase in cases and the difference in the number of cases to a decrease compared to previous years, this situation cannot be said to be encouraging. "It is highly suspected that the level of domestic violence is still the same as in previous years. This could be due to the impact of the WFH and PSBB policies that make women victims of violence lose access to report cases of domestic violence they experience. Especially in areas where communication and transportation facilities and infrastructure do not support access to services for women victims of violence. In addition, the WFH policy can make the service provider center in an area unable to function optimally.

For service integration, the form of protection provided by the SERUNI Semarang City Integrated Service Center (PPT) is in accordance with its mandate, namely providing 5 (five) services, namely complaint services, medical, legal, social rehabilitation, social reintegration and repatriation.

According to Soerjono Soekanto¹⁸ whether the law is effective or not is determined by five factors, namely: legal factors, law enforcement factors, supporting facilities or facilities, community factors and cultural factors.

In handling violence against women and children at the SERUNI Integrated Service Center (PPT) Semarang City has not been fully effective, this is revealed in the results of the study, namely:

The presence of PPT SERUNI in Semarang City has not been able to provide comprehensive and multidimensional services according to the needs of victims because the forms and types and impacts of violence that victims receive are not only one but many and complex. However, the presence of PPT SERUNI in Semarang City also provides opportunities for sustainable services for victims of violence, especially in definite budgeting because the form of PPT and its budgeting is attached to the Semarang City Women's Empowerment and Child Protection Service, but has the power to build coordination outside the Office, especially vertical institutions such as the House of Representatives. Sick, Polrestabes, District Courts and others. This is because PPT SERUNI Semarang City was built based on a network through an MOU so that victim services can run well.

¹⁸Ria Ayu Novita, Agung Basuki Prasetio, and Suparno, "Efektivitas Pelaksanaan Undang-Undang Nomor 2 tahun 1960 tentang Perjanjian Bagi Hasil Tanah Pertanian (Tanah Kering) di Desa Bringin, Kecamatan Bayan, Kabupaten Purworejo", *Diponegoro Law Journal* Vol. 6 No. 2, of 2017, p.4.

The variety of violence experienced by women and children requires a variety of approaches and handling, this integrated service concept is a step forward in providing protection for women and children from violence. The intended service integration is the strengthening of coordination mechanisms between service-providing institutions, including within the OPD and vertical institutions so that victims can be helped and handled more quickly.

3.3. Barriers and Solutions in implementing policies related to the protection of women and children from acts of violence in Semarang City

It cannot be denied that in every implementation it does not always run as expected, or it always runs smoothly without encountering obstacles or obstacles. In fact, apart from supporting things, there are also things that can hinder the smooth running of the process of implementing the protection of women and children.

In terms of policies and regulations related to the Protection of Women and Children, although there is already a Regional Regulation of the City of Semarang Number 5 of 2016 concerning the Protection of Women and Children from acts of violence, it has not been maximized because there are several things, namely: prevention to reduce acts of violence against women and children, From the side of Guidance and Supervision it has not been clearly regulated so that the authority has not been running, During the pandemic from the service side it is not optimal because there is no clear Perwal or SOP, Budget constraints, do not have standard standards for settlement of cases so that currently served there is no time limit, for which the service becomes immeasurable, Lack of communication and commitment to agencies or OPD whose systems have not yet been established regarding the protection of women and children from acts of violence, lack of coordination causes no synergy in services that can support the goals of PPT SERUNI Semarang City, referral system that is not understood jointly between facilitators and service providers. Mutations or changes in officials affect service performance because the perspective that has been built so far, especially in SKPD, must be from scratch to rebuild if there is a change or mutation of new officials besides that there is no information distribution mechanism and there is no documentation of the track record of PPT SERUNI being the reason why it doesn't happen continuity. The lack of community support for victims of violence against women and children sometimes actually puts pressure on victims and provides less support, victims with disabilities experience difficulties because there are no expert translators so they must involve expert translators, Law Enforcement Officials are not all have perspective on female and child victims and from the victim's side, they often cover up because they feel ashamed and so on.

Supporting factors or solutions in implementing regional policies on the protection of women and children from acts of violence, namely: Regional policies on the protection of women and children must be binding on all, especially agencies as a whole, not only cross-sectoral. There are parameters to measure the regional policy has been running or not so that there must be an evaluation, this regional policy must also harmonize with regional policies whose issues are the same as the protection of women and children, the regional government must prepare infrastructure and human

resources in implementing the regional policy, the availability of facilities and infrastructure for PPT at the sub-district level and JPPA (Women and Children Protection Network) at the village level, substantive evaluation to be accommodated so that measurable service performance and internal reflection need to be developed.

4. Closing

The policies carried out by the Semarang City Government regarding the Protection of Women and Children from Violence based on the theory of legal protection in the perspective of Islamic law are aligned and in accordance with the objectives of the law, namely towards five aspects (*al-kulliyat al-khams or ad-daruriyah al-khams*). This confirms that Islamic law came to the world carrying a very noble protection mission, namely as a mercy for all humans on earth. The effectiveness of PPT Seruni in providing services has not been fully effective, this is revealed because it has not been able to provide comprehensive and multidimensional services according to the needs of victims because the forms and types and impacts of violence that victims receive are not only one but many and complex. Obstacles and solutions in implementing policies related to the protection of women and children from acts of violence in Semarang City; Budget constraints, Perwal and SOPs do not have standard standards for case resolution, OPD does not all understand and have a perspective on the protection of women and children from violence, services during the pandemic are not optimal, there are no expert human resources for victims of disabilities, Law Enforcement Officials do not have all perspectives against women and child victims.

The Semarang City Government should review Regional Regulation Number 05 of 2016 during the pandemic and prepare infrastructure and human resources for protection as well as the existence of parameters and harmonization of policies related to women and children issues. In addition, optimizing the PPT Seruni service in Semarang City as a place for providing services belonging to the Semarang city government specifically for victims of women and children from violence which is expected to be able to answer demands and a substantive evaluation to be accommodated so that service performance is measurable and internal reflection needs to be developed;

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