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Implementation Of Regional Regulation No. 3 Of 2022 Regarding Child Friendly District In Langkat District Viewed From The Perspective Of Fiqh Siyasah

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ABSTRACT

Child Friendly District (KLA) is a program that guarantees and protects children's rights so that they can live, grow, develop and participate optimally in accordance with human dignity and dignity and avoid violence and discrimination. In Indonesia, violations of children's rights are increasingly common. Therefore, by enacting local regulations regarding child-friendly districts in Langkat Regency, in this case, the aim is to uphold children's rights. This study describes the implementation of Regional Regulation No. 3 of 2022 concerning KLA through 5 Clusters. There are still unfulfilled children's rights, such as low school participation, inadequate health insurance, limited infrastructure for children, and cases of child abuse. The results of the implementation of the KLA policy experienced obstacles in several factors, to be precise, the number and quality of human resources had to be expanded, correspondence and collaboration between policy implementers had not yet taken root so that the satisfaction of children's freedom was not optimal and furthermore the local community's understanding of KLA still did not exist. The KLA policy is in accordance with the principles of fiqh siyasah because it can provide benefits to people's lives, especially children.

1. Introduction

In Indonesia, the issue of child protection is still a significant issue that receives a lot of attention. Recently, many children have become victims of several things, especially harmful ways of behaving, acts of violence, discrimination and neglect of children. Children are individuals who are not yet mature physically, mentally and socially, a mandate from Allah SWT whose human rights must be protected. ¹In the Qur'an surah al-Anfal verse 28 Allah swt says,

وَأَعْلَمُوا أَنَّمَا آمَنَوكُمْ وَأَوْلَدُكُمْ فَتَنَّتْهُ وَأَنَّ اللَّهَ عِنْدَهُ أَجْرٌ عَظِيمٌ

1 Siti Malaiha Dewi, The Transformation of Kudus as a Child Friendly City (Review of the Fulfillment of Civil Rights and Participation), *Jurnal "Muwazah"*, Vol.3 No.1, 2011, page.400

"And know that your wealth and your children are only a trial and verily with Allah there is a great reward." This verse explains that a child is a test/trial. Therefore the position of a child as a test affects both parents, if they manage to protect their rights then Allah SWT will reward them. From birth to adulthood, parents bear a great responsibility in all things that affect children's lives.²

In the hadith it is also explained that "From Jabir bin Samurah ra's friend, the Messenger of Allah said, 'Teaching a person to his child is better than (i badah / reward) one sha of charity, (HR At-Tirmidhi). These arguments and hadiths show that Islam is very concerned about the realization of children's rights and protection. Children are expected to grow and develop well in a safe, calm and happy environment. In addition, children are the next generation of the nation who have the rights and obligations to participate in the development of the Indonesian state and nation.

Child protection is the responsibility of parents, family, community, government and the state, which is a series of activities that are continuously carried out to protect children's rights.³ Children must be controlled both personally and as a part of society. This is to protect children's rights and prevent the entry of negative external influences that can interfere with children's development.⁴

Therefore, the dignity and human dignity of children must be protected and their rights, such as intellectual, physical, psychological, right to life and right to freedom of expression must be realized. The implementation of children's rights in Indonesia is based on the principles of Pancasila, the 1945 Constitution (UUD 1945) and the basic principles of the Convention on the Rights of the Child (CRC). As for the regulations governing children in Law no. 17 of 2016 concerning Child Protection states that children are under 18 years of age. The constitution also stipulates that children have the right to live, grow and develop, receive education and receive protection from acts of violence. These rights must be protected by the state.

The State Ministry for Women's Empowerment and Child Protection together with the government has developed a child-friendly district/city program (KLA). This program was first developed in 2006 and piloted in 2014. Child-friendly districts, abbreviated as KLA, are districts that have a rights-based development system or comprehensively and sustainably form children through commitment and government resources that are planned in a comprehensive and sustainable manner in a program ensuring fulfillment of children's rights and protection.⁵

The KLA policy is one of the policies issued by KPPA RI which is the commitment of the Langkat Regency Government in an effort to protect and

2 Mayasari Oei, *Indonesian Families: Aspects and Dynamics of the Age*, PT. Rajagrafindo Indonesia, Jakarta, 2010, page.73

3 Ahmad Kamil and Fauzan, *Child Protection and Adoption Law in Indonesia*, PT RajaGrafindo Persada, Jakarta, 2008, page.5.

4 Hardjon, *Legal Protection of Children*, Jakarta, Eresco, 2007, page.5.

5 Article 1 point 9 Regional Regulation No. 3 of 2022 concerning Child-friendly Districts

enable optimal child growth and development. The Langkat Regency Government requires a special legal product in the implementation of laws and regulations that apply to children's rights, namely Regional Regulation No. 3 of 2022 concerning Child-friendly Districts.

Article 7 paragraph 2 of the regional regulation contains indicators of children's rights, namely institutional strengthening and 5 child-friendly district clusters. These indicators include objectives that must be met to fulfill the child's right to life, growth and development, protection, and freedom from harm. The 5 clusters regulated in the legal product are the civil rights and freedoms cluster, the family environment cluster and alternative care, the basic health and welfare cluster, the education cluster, the use of leisure time and cultural activities, and the special protection cluster.⁶

In the Islamic view, child protection is fundamental because it is a comprehensive approach to human spiritual education, generation formation, community formation, and cultural development, in addition to practicing the principles of nobility and civilization. Islam pays special attention to children from the time they are still in their mother's womb until they reach adulthood. That form of affection is the obligation of breastfeeding (*radha'ah*), nurture (gift), a mother cannot fast during pregnancy and breastfeeding, provide a healthy and legitimate livelihood, be fair in sacrifices, give a good name, circumcise, and educate.⁷

However, the actual number of children who are neglected, dropped out of school, malnourished, exploited and victims of sexual crimes, drugs, accidents, murders and other forms of violence is still common. Such children usually come from broken families, children who receive less attention from their parents, children abandoned by their guardians (tramps), children due to parental separation, children born from infidelity, and there is also the impact of their polygamous father. Many problems can hinder Langkat Regency from realizing a Child Friendly Regency. The commitment of the Langkat Regency Government must be strengthened so that the realization of children's rights is sustainable.

Therefore, along with the many cases of violation of children's rights. The researcher aims to study the implementation of the regency's child-worthy policy as well as the view of *fiqh siyasah* on the fulfillment of children's rights in Langkat regency.

2. Research Methods

Researchers conduct empirical legal research (non-doctrinal). This research is a type of field research conducted at the Office of Population Control, Family Planning and Protection of Women and Children (PPKB and PPA). Based on their descriptions, PPKB and PPA employees became the research subjects.

6 Article 7 paragraph 2 Regional Regulation No. 3 of 2022 concerning Child-friendly Districts

7 Muhammad Zaki, *Perlindungan Anak Dalam Perspektif Islam*, *Jurnal ASAS*, Vol.6 No.2, Juli 2014, page.1

The qualitative data used in this research are opinions, concepts, or theories that describe or present problems related to the protection of children's rights in Langkat Regency. This research relies on primary and secondary legal sources. Primary data is information collected directly by researchers to answer questions and set research objectives. Data obtained directly from the Family Planning and Women Child Protection Population Control Office (PPKB and PPA). Interviews, observations, and document studies are the methods of collecting this data. Secondary Data is a change in the structure of historical data that was previously collected and compiled by another party. Researchers try to find sources in the form of journals, books, and other sources related to the problems studied in this data.

Information analysis techniques in the field use the Miles and Huberman methods through three methods that are carried out, namely the reduction of specific information, presentation of information and decision making. The quality or likelihood of information using source triangulation.

3. Result And Discussion

3.1 Implementation of Regional Regulation No. 3 of 2022 concerning Child-friendly Districts in Langkat Regency

The implementation stage of Perda No. 3 of 2022 concerning child-friendly districts is the subject of this study. The process of realizing the plan is called implementation. The purpose of the implementation function is to work to realize the results of government activities. Implementation is an important stage in the structure of the general strategy, because through this stage the entire planning process as a whole can be affected by the level of progress or failure in achieving goals.⁸ KLA policy is part of the policy that must be considered by the government in planning a regional development. So that the government in this case makes regulations that must be implemented in Regional Regulation No. 3 of 2022 concerning Child-friendly Districts.

Children's rights and child safety are the two objectives and targets of Child Friendly District/City policies. Fulfillment of efforts to build the concept of regional governments, especially districts and cities, to transform the Convention on the Rights of the Child from a legal context into development materials, plans and interventions in the form of development programs aimed at providing a sense of security and protecting children's rights.

Child-friendly district/city policies classify indicators of fulfilling children's rights into six aspects/clusters, which include aspects of institutional strengthening and five child rights clusters. In institutional strengthening, a KLA task force has been formed as stated in the Regent Regulation No. 463-21/K/2017 concerning the Child Friendly District task force which will be revised in 2022 which is adjusted to the Presidential Regulation of the Republic of Indonesia No. 25 of 2021 concerning Child Friendly District Policies. The local government has made efforts to strengthen cooperation between OPDs in realizing KLA and has also

8 Sri Suwitri, *Basic Concepts of Public Policy*, UNDIP Publishing Agency, Semarang, 2009, page.80

made publications to the public in the form of making booklets, posters, banners, media coverage, and also conducting KIE to all sub-districts in Langkat Regency.

Regarding the five clusters of fulfilling children's rights in the Child Friendly District policy in Langkat Regency, it is explained as follows,

3.1.1 Cluster of civil rights and liberties

This cluster has two children's interests that must be fulfilled, namely civil rights and freedom rights. In terms of fulfilling civil rights, the Langkat district government provides maximum service in the management of birth certificates. The data shows that in 2022 the percentage of children registered will be 306,237 and the percentage of children who have birth certificates will be 306,568. As for the efforts or innovations regarding the acceptance of birth registration, ownership of birth certificates and MCH, namely ALDA KITA, RATU PATI, AZKIA CERIA. And the Langkat district government also pays attention to children with disabilities by providing the innovation "NANTI I'LL DO" so that children can easily get population documents.

Regarding children's rights to freedom, the Langkat district government provides infrastructure for child-friendly information services (ILA), namely a public library that has been accredited by the national library, mobile libraries and reading gardens. The Langkat government also provided innovation in the form of SIBAKAT (Langkat Reading System) which was launched on November 18, 2022, which is an online reading system application that is easily accessible to children and can increase children's interest in reading in this modern era. The government also provides opportunities for children to take part in the Langkat children's forum, which is in accordance with their right to freedom. One of the forums for children's aspirations is the Langkat Children Forum. the government is of the opinion that the nature of youth support should increase in recognizing child-friendly development through information and education.

3.1.2 Cluster of family environment and alternative care

In the family environment cluster and alternative care can be associated with early marriage and according to informants, the number of underage marriages in Langkat district is low. Educational unit institutions also participate in reducing early marriage, while the steps taken by the Education Office to reduce the number of early marriages in the community are:

3.1.2.1 The Education Office provides motivation for non-formal education unit institutions, namely course and training institutions (LKP), where these institutions carry out entrepreneurial work programs (PEW) and work skills programs (PKK)

3.1.2.2 The target of the educational unit is children aged 15 to 25 years

3.1.2.3 By holding this program automatically for school dropouts not necessarily to carry out early marriages, this program is expected to reduce cases of early marriages in the community.

The Langkat Regency Government is also trying to take action to conduct

outreach to educate the public about child care and care. However, there are still many parents who cannot attend, so that information regarding children's rights is not conveyed properly. In terms of alternative care, there are several family consulting service institutions in Langkat district, namely the family learning center (PUSPAGA), the Prosperous Family Service Center (PPKS), Toddler Family Development (BKB), Youth Family Development (BKR), and the Counseling Information Center. Youth (PIK-R). Fulfillment of child-friendly infrastructure is adequate, such as reading parks and children's playrooms. Children's playrooms are available in 8 places, namely, at the TA Hamzah Cultural Park, the Dukcapil service office, the Social service office, the Health Center, the PPKB and PPA service offices in the PUSPAGA room, the UPPA office, the UPPA Langkat Police Room and in the Alun-alun.

3.1.3 Basic health and welfare clusters

In this cluster, maternal and child health is the main focus, the percentage of undernutrition problems in toddlers is 1.93%, below the national figure and smaller than the previous year and overnutrition problems are 0.97%. If the problem of stunting (short and very short) in Langkat district has experienced a decrease in stunting problems, the prevalence data for 2021 is 15.19 and in 2022 it is 13.60, and in 2023 the government ensures that stunting cases will decrease. In Permenkes No. 29 of 2019 there is a team for handling nutrition problems, namely the Health Service, the PPKB PPA Service, the Agriculture Service, the Fisheries and Maritime Service and the PKK. With this team, the Langkat district government is committed to reducing stunting rates in children. However, inter-departmental cooperation on nutrition issues is still not optimal.

In terms of health facilities for children, there are already 30 puskesmas that have been designated as puskesmas that have developed child-friendly puskesmas. The Salapian Health Center has been awarded a child-friendly health center award by the Indonesian Ministry of PPPA. The lack of human resources in child-friendly health center services is one of the focus problems in child-friendly health services.

In terms of child welfare, there is one program, namely the National Health Insurance (JKN), but its implementation is still constrained. Due to limited financial resources for poor families, many children lack access to health care.

Regarding a healthy environment, the district government has made efforts to provide access to proper drinking water, namely by managing bulk water in the Drinking Water Supply System (SPAM). There are also efforts from the Perkim Office to improve access to proper drinking water supply, namely, counseling to households, expanding access to clean water, and empowering communities to get clean water independently. The percentage of households that have access to proper drinking water is 75.43%. In addition to proper drinking water, the provision of smoke-free areas is also considered in all schools, health centers and service offices in creating a healthy environment.

3.1.4 Education Cluster on the use of free time and cultural activities

By providing opportunities for all Langkat District children to attend school, the

education cluster can take advantage of leisure time and culture related to education on children's rights. The government hopes that with this "12 Year Compulsory Education" policy, children can fulfill their right to receive education from elementary to high school. The government also has efforts to deal with the problem of dropping out of school, the Langkat district education office has a handling mechanism for dropping out of school, namely by holding a learning activity center (PKBM)/training course institution (LKP) for non-formal education, then moving on to the learning process/life skills (expertise).), and will get a diploma equivalent to children with formal education.

In this cluster, one of the programs, such as child-friendly schools, must be given proper attention. Child-friendly schools are expected to be able to create a learning atmosphere that is safe, comfortable, without violence, and so on. Currently Langkat Regency already has child-friendly schools at various levels. Number of school children in Kindergarten 15, SD/MI 104 schools, SMP/MTs 60 schools, SMA 72 schools and SLB 1 school. Educators and education staff at child-friendly schools must have the skills to be trained in the Convention on the Rights of the Child, but there are still many educators who have not been trained, but there are already 3,531 educators who are certified in training on positive discipline towards children and the rights of students. Regarding education services in alternative care and underdeveloped, foremost and outermost areas, there are several services such as LPKS, Islamic Boarding Schools/ Boarding Schools and PKBM.

In this cluster, a child's creativity is also considered. The lack of availability of a children's creativity center in Langkat is also an obstacle for the Langkat Regency government. The children's creativity centers (PKA) in Langkat Regency are the Seri Wampu Studio, the Mahardika Vehicle Studio and the Cempaka Studio.

3.1.5 Cluster of special protection for children

As part of the implementation of the Cluster of Children's Rights to Special Protection, fulfillment of the rights of children who need special protection (AMPK) has been going well. Through collaboration with P2TP2A, various forms of services are provided by the Langkat Regency Government to children, namely, psychological services, Mediation/diversion, health services, legal services, temporary children's housing services, social services and reintegration/repatriation services.

There are still many incidents of violence that occur in Langkat which can hinder the realization of a child-friendly district in Langkat. Therefore, the community also participates in the special protection of children by forming community institutions. The community organizations in Langkat district that are active in protecting children's rights are the LPAI, the Sahda Ahmo Association (PESADA), the Foundation for Life and the United North Sumatra Alliance (ASB).

Regarding services for children who are victims of disasters and also facilities for children with disabilities, they have been made. There is already 1 early warning system unit that has been placed on the bridge in the district. Bahorok

for warning in case of flooding. And there is also a child-friendly evacuation route about a fire disaster simulation carried out by BPBD and Pol Hut.

3.2 Views of Fiqh Siyasa on the Implementation of Regional Regulation No. 3 Year 2022

Fiqh siyasa is the study of human affairs and the various laws, regulations and policies enacted by authorities according to the basic principles of sharia teachings to achieve the welfare of the people.⁹ Siyasa fiqh studies focus on internal state relations and external relations between nations, as well as aspects of regulating relations between citizens and state institutions, citizens and state institutions, and citizens and state institutions.¹⁰

Within the scope of siyasa it has been divided into several sections according to their respective portions related to the life of the state:

- 3.2.1 Siyasah Dusturiyah, which discusses laws and regulations, including the establishment of laws by the legislature, the administration of a country by the executive branch and justice by the judiciary.
- 3.2.2 Siyasah Dauliyah, which regulates the power of a country to regulate its relations with other countries (between countries).
- 3.2.3 Siyasah Maliyah, which discusses finance and monetary matters, covering sources of state income, state taxation, international trade, and so on.

When viewed from the three main topics of siyasa fiqh, the implementation of the Regional Regulation on child-friendly districts is included in the scope of Siyasa dusturiyah because it involves laws and regulations, including law-making by the legislature, administration of a country by the executive branch. In siyasa fiqh, al-sulthah al-tasyri'iyah or also known as legislature, namely the government's power to produce and determine a legal product.¹¹

In the Islamic view, matters relating to the care of small children, male or female, or people who do not understand and cannot distinguish can be referred to as hadhanah. The term "hadhanah" in the encyclopedia of Islamic law is defined as "caring for young children or normal children who have not or cannot live independently", especially by meeting their needs and protecting them from threats. For him to be able to handle the responsibilities of life, give him a physical education and develop his intellectual abilities.¹²

Children's rights in Islamic law are a broad part of the realization of human rights in relation to the fulfillment of children's basic rights. In the Islamic view, children's human rights are a gift from Allah SWT which must be guaranteed, protected and fulfilled by parents, family, society, government and the state. In Islam, there are five basic rights (human rights) known as maqasid al-shari'ah,

9 Suyuti Pulungan, *Fiqh Siyasah*, Yogyakarta, Ombak, 2014, page.28.

10 Teungku Muhammad Hasbi Ash Shiddieqy, *Introduction to Islamic Law*, Rizki Putra Library, Semarang, 1997, page.30.

11 Nurcholish, *Fiqh Siyasah Contextualization of Islamic Political Doctrine*, Prenadamedia Group, Jakarta, 2014), Cet. 1st, page.187

12 Abdul Aziz Dahlan, *Encyclopedia of Islamic Law*, Ihtiar Baru Van Hoeva, Jakarta, 1997, page.37.

namely as follows:¹³

3.2.4 Maintenance of religious rights

In Islam, safeguarding children's religious rights is known as *hifz al-din*. Religious guidance for newborn children is the responsibility of both parents. A child's religion is the same as the religion adhered to by both parents, so that the child can choose for himself whether to adhere to the religion he has followed from birth or choose the religion that is most suitable for him. In Islam, both parents must first uphold the religious rights of their children, especially mothers who conceive, give birth and care for them.

3.2.5 Maintenance of honor and lineage/descent

Family custody of children seen from an Islamic perspective includes several things. First, even if the child has become an adopted child, the biological father may not be replaced with someone else's name in order to maintain the human rights and dignity of the child. Second, child psychology is related to rights and honor because a child's personality development will suffer if he is known as a child without a clear lineage. It is feared that there will be problems with the *muharramat* if the child's origin is unknown. This clarifies that the Islamic perspective views that birth certificates are absolutely necessary for the welfare of children.

3.2.6 Right to Health Care

In order for children to grow normally without being ruled out by physical or mental illness, the maintenance of children's health is an obligation to maintain their physical and mental health. Since the child is still in the womb, various efforts must be made to maintain his health. Taking care of children's health is the obligation of parents, especially mothers as caring parents. One of the rights related to health that children have is the right to eat well and get enough vitamins while still in the womb. The first thing a mother has to do to keep up with her child's development is to breastfeed her own child or what is commonly called ASI (Breast Milk).

In Islam, the fundamental right to health can also be realized through long-term strategies, such as disease prevention and treatment. Children must be protected from various diseases.

3.2.7 Maintenance of reason

Recognition of the right of children to go to school as a whole is an important reason for efforts to increase human dignity and increase human development, which in Islam is known as *hifz al-aql* (mind maintenance). Early education for a child is an obligation that must be fulfilled by parents as a guide from Allah SWT. As a result, parents must work to ensure that their children's education reflects their God-given abilities. Society and government must fulfill these obligations if parents are unable to do so.

3.2.8 Social and economic rights

13 Ibnu Anshori, *Child Protection in Islam*, KPAI, Surabaya, 2006, page.28

By applying the principles of social security, Islam is very concerned about the social rights of everyone, especially the rights of vulnerable groups such as the poor, women and children. Islamic teachings show that by providing Baitul Mal and Zakat, Islam has encouraged people to overcome poverty. Socially, Islam guarantees every child born to a Muslim, whether the child is a child of a government official, worker or an ordinary person.

Parents play an important role in shouldering the socio-economic responsibility of their children, Allah rewards fathers who take care of their families financially.

All policies taken by the government, whether legislative, executive or judiciary, must be based on an understanding of the general benefit of the people and eliminate harm in the relationship between citizens and state institutions. Likewise in the formation of regional regulations regarding child-friendly districts with the aim of benefiting the fulfillment of children's rights, this is in accordance with the rules of fiqh:

تصرف الامام على الرعية منوط بالمصلحة

Meaning: "The policy of a leader towards his people depends on the benefit"¹⁴

This rule emphasizes that leaders must work for the interests of the people rather than their own and their group's interests. This rule has many examples, including the obligation to plan, implement, regulate, and evaluate the progress of any policies that are beneficial to the people.

From these rules it can be seen that the implementation of Regional Regulation No. 03 of 2022 concerning child-friendly districts from the point of view of siyasa fiqh can be said to be in accordance with Siyasa Fiqh because it can bring benefits to people's lives.

4. CONCLUSION

Through Regional Regulation No. 3 of 2022 concerning KLA, the Langkat Regency Government is obliged to process the implementation of this policy in the context of upholding children's rights by forming a Community-Based and Business-Based Child Friendly District Task Force. In Langkat District, various efforts were made through five clusters and one indicator of institutional strengthening. However, the implementation of the child rights program still faces a number of challenges, including a lack of human resources both in terms of quantity and quality, lack of communication between policy implementers, making it difficult to implement children's rights, and a lack of understanding among parents. in support of KLA policies.

Application of the Langkat Regency Regional Regulation Viewed from siyasa fiqh, Law no. 3 of 2022 is included in the realm of siyasa dusturiyah. Legislation (or legislative power) is also called al-sultha al-tasyri'iyah in the study of siyasa fiqh, which refers to the power of the Islamic government to make laws and make decisions. According to the fiqh siyasa rule which states that a leader's policy towards his people depends on benefit, the KLA policy has brought many

14 HAdjazuli, Fiqh Siyasah, Kencana, Jakarta, 2003, page.29

benefits. The practices of *hifz al-din*, *hifz al-nafs*, *hifz al-nasl*, *hifz al-aql*, and *hifz al-mal* are referred to as *maqasid al-shariah*.

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