

JURIDICAL REVIEW OF THE ROLE OF THE SOCIAL OFFICE OF WOMEN'S EMPOWERMENT AND CHILD PROTECTION OF TULUNGAGUNG REGENCY IN PROVIDING PROTECTION TO WOMEN AND CHILDREN

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Abstract: To be able to understand the understanding of childhood itself can be seen from various aspects of life so that it approaches the correct meaning, namely religious, economic, sociological, and legal aspects. Therefore, we want to focus on the implementation of the role of Social Service and the Empowerment of Women and Children of Tulungagung Regency Number 23 of 2017 concerning the Implementation of Women and Children Protection. The normative legal research method is one of the approaches used in legal research to analyze applicable legal regulations. This method focuses on analyzing legal sources, such as laws and regulations, court decisions, and other legal documents. Normative legal research methods make an important contribution to understanding and analyzing applicable legal regulations. This approach helps in building a solid legal argument, providing a deeper understanding of the existing legal framework. the role of Social Services and Women Children Empowerment and Women Children Empowerment and Women and Children Empowerment in this context: 1. Policy formulation: 2. Program coordination and implementation 3. Supervision and monitoring: 4. Service and assistance. 5. Education and socialization: The Social Office of Women's Empowerment and Child Protection only makes efforts to resolve reported cases of violations of children's rights 2) its role as a concept that the Social Office of Women's Empowerment and Child Protection of child victims of violence has run quite well by meeting existing standard operating procedures.

Keywords: Social Office of Child Empowerment and Protection, Children's Rights, Child Protection.

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INTRODUCTION

To be able to understand the understanding of childhood itself can be seen from various aspects of life so that it approaches the correct meaning, namely religious, economic, sociological, and legal aspects. To realize the rights and protection of children, every country realizes the need for encouragement or support in the form of binding policies so that a country is determined to implement child protection¹. In general, what is meant by children is heredity or generation as a result of sexual relations or intercourse (sexual intercourse) between a man and a woman both within the bonds of marriage and outside marriage².

Here we will focus on the understanding of children seen from the legal aspect, namely seen from the Child Protection Law as contained in Article 1 states that a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb³. Children's rights according to Article 1 Number 12 of the Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection are part of human rights that must be guaranteed, protected, and fulfilled by parents, families, communities, states, governments, and local governments. ⁴.

Child protection is closely related to five pillars, namely, parents, family, community, government, local government, and state. All five are related to each other as child protection organizers⁵.

Protection of children is an effort to establish conditions to protect children can carry out rights and obligations. To protect children is to protect the whole person⁶. Effective child protection will ensure the welfare

¹ Gina Tamara Br.Naibaho, *Implementasi Kebijakan Penyelenggaraan Perlindungan Anak Dalam Pmemenuhan Hak-Hak Anak Di Kabupaten LabuhanBatu Provinsi Sumatera Utara* (Kabupaten Labuhanbatu, Provinsi Sumatera Utara Program Studi Kebijakan Publi, n.d.).

² Dwi PH, *Implementasi Pelaksanaan Program Perlindungan Anak Di Kota Semarang (Studi Pada Badan Pemberdayaan Perempuan, Perlindungan Anak Dan Keluarga Berencana (Bp3Akb) Melalui Bapermas Per Dankkota Semarang, 2019.*

³ L Deshaini, "Peran Masyarakat Dalam Undang-Undang Perlindungan Anak," *Majalah Citivas Akademika Sekolah Tinggi Ilmu Hukum Sumpah Pemuda* 28, no. 2 (2022): 69-76.

⁴ Junaidi Junaidi, "Perlindungan Hukum Terhadap Hak Anak Di Indonesia," *Journal of Law, Society, and Islamic Civilization* 8, no. 1 (2021): 1.

⁵ Amrunsyah, "Jurnal Hukum Islam Dan Bisnis," *Jurnal Hukum Islam dan Perundang-undangan* 4, no. 1 (2015).

⁶ Valeria Rezha Pahlevi, "Perlindungan Hukum Terhadap Anak Yang Menjadi Korban Tindak Pidana" (Universitas Atmajaya Yogyakarta, 2016).



and success of the nation's next generation. By providing adequate protection to children, they can grow and develop properly. Children who feel safe, protected and loved have a better chance of reaching their full potential. They have the opportunity to get a good education, develop skills, and become contributing members of society. Good child protection helps in the formation of positive character and values in the next generation of the nation. When children are protected from violence and bullying, they learn about the importance of equality, tolerance, empathy, and respect for differences. These are values that are essential in building an inclusive and harmonious society. By providing proper protection to children, we can help shape the nation's next generation with integrity, responsibility, and care for others. Avoidance of the cycle of violence helps prevent the occurrence of a cycle of violence that can continue from one generation to the next. Children who grow up in an environment free from violence have a higher chance of building healthy relationships and practicing nonviolent patterns of behavior. By preventing child abuse, we can help reduce the level of violence in society as a whole and create a more peaceful next generation. Child protection is the embodiment of human values in society. When we protect children, we recognize the importance of respecting their rights, providing care and compassion, and protecting them from harm and abuse. It reflects our commitment to building a society that is just, egalitarian, and cares for the well-being of all its members. By protecting children and ensuring their well-being, we are effectively investing in the future of the nation's next generation. Effective child protection will help create a generation that is resilient, well-personed, and able to face future challenges. They will be valuable leaders, decision-makers, and contributors to building sustainable and harmonious societies. In Indonesia, there are several regulations related to child protection. Here are some of them:

Law Number 23 of 2002 concerning Child Protection: This law is the main foundation governing child protection in Indonesia. The law states the rights of children and prohibits all forms of violence, abuse, exploitation, and discrimination against children. The law also provides for the establishment of the National Commission for Child Protection (Komnas PA) as an independent agency tasked with overseeing and protecting children's rights.

Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection: This Law is an amendment and adjustment of Law Number 23 of 2002. The law places a stronger emphasis



on protecting children from violence, sexual exploitation, and unlawful work. Law Number 17 of 2016 concerning the Stipulation of Government Regulations instead of Law Number 1 of 2016 concerning Amendments to Law Number 23 of 2002 concerning Child Protection into Law: This Law amends several articles in Law Number 23 of 2002. These changes include providing stricter sanctions against perpetrators of child violence.

Government Regulation Number 17 of 2018 concerning the Implementation of Law Number 35 of 2014 concerning Child Protection: This Government Regulation regulates the Implementation of Law Number 35 of 2014. This includes regulations regarding procedures for reporting, investigating, and handling cases of violence against children. Regulation of the Minister of Women's Empowerment and Child Protection Number 8 of 2014 concerning Minimum Service Standards for Child Protection in the Regions: This regulation regulates the minimum service standards that must be provided by local governments in protecting children, including in terms of education, health, social, and legal protection. But KPAI data from 2011-2019 recorded that 574 boys were victims of bullying, and 425 girls became victims of bullying at school. 440 boys and 326 girls were bullied at school. Meanwhile, throughout 2021, there were at least 17 cases of bullying that occurred at various levels in the Education Unit (KEMENPPA). Data from KPAI, in 2022 reported 226 cases of bullying with physical and mental violence that occurred in the school environment, including 12 cases of bullying in cyberspace (KPAI). The East Java Child Protection Agency (LPA) also recorded that until November 2022, there were 96 cases of violence against children that occurred, with 37% being bullying in schools (LPA East Java). Forms of violence include rape, harassment, exploitation, torture, slavery, domestic violence, intimidation/assault including threats or attempted rape, forced prostitution, forced pregnancy, forced abortion, forced marriage, trafficking in women, sexual control including forced dress and criminalization of women through discriminatory laws on the grounds of morality and religion, inhuman punishment, and traditional practices with sexual nuances that harm or discriminate against women⁷. Child protection can be divided into 2 (two) parts, namely: a. Juridical child protection, which includes: protection in the field of public law and the field

⁷ H Chusnul, "Implementasi Peraturan Daerah Kabupaten Banyumas Tentang Penyelenggaraan Perlindungan Korban Kekerasan Berbasis Gender Dan Anak" (2022).



of civil law. Non-juridical child protection, including protection in the social sector, health sector, and education sector⁸.

In Tulungagung Regency to realize regulations protecting children, there is a Family Planning, Women's Empowerment, and Child Protection Office appointed to carry out child protection efforts, including Tulungagung Regency as stated in Tulungagung Regency Regional Regulation Number 23 of 2017 concerning the Implementation of Women and Children Protection. The regulation contains the objectives of the system and the ways that can be done to achieve these goals. These objectives are contained in Article 4 paragraph 1, namely: "(1) The Child Protection Implementation System aims to:

- a. Strengthen the protective environment for children from all forms of violence, exploitation, mistreatment, and neglect to live, grow, develop, and participate optimally under human dignity and dignity;
- b. Encourage the fulfillment and protection of children's rights; and
- c. Realizing qualified children, have a noble character, prosperity and character with national insight and love for the motherland."

Where the way to achieve these goals is contained in Article 4 paragraph 2 letter f namely: "(f) prevent, mitigate and implement the handling of all forms of violence, exploitation, mistreatment of children, including children facing the law and children in emergencies;"

Tulungagung Regency is a district that received the Decent Child Regency award in 2018. In Tulungagung Regency itself, there are provisions regarding child-worthy districts regulated in the Regional Regulation of Tulungagung Regency Number 23 of 2017 concerning the Child Protection Implementation System. The definition of Child Decent Regency (KLA) is explained in Article 1 of the Regional Regulation of Tulungagung Regency Number 23 of 2017 concerning the Child Protection Implementation System, namely:

"Child Decent District is a district that has a development system based on children's rights through the integration of government, community, and business commitments and resources that are thoroughly planned and sustainable in law and policies, budgeting, programs, and activities to ensure the protection and fulfillment of children's rights."

⁸ Rini Fitriani, "Anak Dalam Melindungi Dan Memenuhi Hak-Hak Anak," *Jurnal Hukum : Samudra Keadilan* 11, no. 2 (2016): 250-258.



One of the manifestations of the Child Decent Regency in Tulungagung Regency is the existence of a child protection implementation system. The definition of the Child Protection Implementation System is contained in Article 1 Number 10 of the Regional Regulation of Tulungagung Regency Number 23 of 2017 concerning the Implementation of Women and Children Protection, in the article it is stated that:

"The Child Protection Implementation System is an integrated, comprehensive, and coordinated effort for the prevention, risk reduction, and handling of child victims and/or perpetrators, consisting of legal and policy subsystems, juvenile justice subsystems, social welfare subsystems for children and families, social behavior change subsystems, and child protection data and information systems." The fulfillment of children's rights is very important in the implementation of the child-worthy district. One of the fulfillment of children's rights is related to protecting them from various forms of violence and other discriminatory behavior. This is contained in the laws and regulations owned by Tulungagung Regency, then contained in Article 3 of the Regional Regulations of Tulungagung Regency, namely:

"The basic principles of the Child Protection delivery system include; Non-discrimination; The best interests of the child; The right to life, survival, and development; and Respect for the child's opinion." Therefore, we want to focus on the role of the Social Office of Women's Empowerment and Child Protection of Tulungagung Regency in protecting women and children.

THEORYCAL BASIS

Understanding Childhood from Various Aspects of Life

Understanding childhood involves considering different perspectives, including religious, economic, sociological, and legal aspects. This multifaceted approach ensures a comprehensive understanding of childhood and helps in formulating appropriate policies and interventions to safeguard the rights of children and promote their well-being.

The Role of Normative Legal Research Method

Normative legal research method is utilized to analyze legal sources, such as laws, regulations, court decisions, and other legal documents. This method contributes significantly to understanding and analyzing



applicable legal regulations, which is crucial for building solid legal arguments and gaining a deeper comprehension of the existing legal framework concerning children's rights and protection.

Policy Formulation

The Social Service and Women Empowerment play a vital role in policy formulation related to child protection. By engaging with relevant stakeholders and experts, these agencies can develop effective policies that address the unique needs and challenges faced by children, ensuring their rights are upheld and protected.

Program Coordination and Implementation

Another crucial aspect of the role of Social Service and Women Empowerment is program coordination and implementation. By overseeing and coordinating various programs aimed at child protection, these agencies can ensure the efficient delivery of services and interventions to vulnerable children in Tulungagung Regency.

Supervision and Monitoring

The review highlights the importance of supervision and monitoring in safeguarding children's rights. Social Service and Women Empowerment must oversee the implementation of child protection programs, ensuring they meet the required standards and make necessary adjustments to enhance their effectiveness.

Service and Assistance

The Social Service and Women Empowerment agencies provide crucial services and assistance to children in need. This support can include shelter, counseling, legal aid, and other forms of assistance to help children overcome the challenges they face and lead a safe and fulfilling life.

Education and Socialization

Education and socialization initiatives play a pivotal role in raising awareness about children's rights and protection measures. The Social Service and Women Empowerment agencies work to educate the public, parents, and caregivers on child rights issues, thereby creating a safer environment for children.



RESEARCH METHODS

The normative legal research method is one of the approaches used in legal research to analyze applicable legal regulations. This method focuses on analyzing legal sources, such as laws and regulations, court decisions, and other legal documents. Normative legal research methods make an important contribution to understanding and analyzing applicable legal regulations. This approach helps in building a solid legal argument, providing a deeper understanding of the existing legal framework.

RESEARCH RESULT

Policies in handling children and those issued by national ones such as the law on victims of violence already exist in both policies in violence prevention⁹.

Regional Regulation of Tulungagung Regency No. 23 of 2017 concerning the Child Protection Implementation System is a regional regulation that regulates the system and mechanism of child protection implementation in Tulungagung Regency. In this regulation, several things can be explained related to its implementation, including the Scope of child protection: This regulation provides regulations regarding the scope of child protection which includes efforts to protect, prevent, restore, and fulfill children's rights in Tulungagung Regency. This includes aspects such as health, education, security, justice, and protection from exploitation and violence. Implementing authority: This regional regulation explains the authority to implement child protection in Tulungagung Regency.

In this case, institutions or agencies responsible for the implementation of child protection are determined, such as the Social Office of Women's Empowerment and Child Protection, the Health Office, the Education Office, and other related institutions. Case reporting and handling mechanism: This regulation regulates the mechanism for

⁹ Mulyana Nandang, Risna Resnawaty, and Agus Wahyudi, "Pelayanan Sosial Bagi Anak Korban Kekerasan (Social Service for Child Abuse)," *Prosiding Penelitian dan Pengabdian kepada Masyarakat* 6, no. 2 (2019): 123.



reporting and handling child protection cases in Tulungagung Regency. Explained procedures for reporting cases of violence or violations of children's rights, as well as procedures for handling cases involving cooperation between relevant agencies. Community involvement: This regulation emphasizes the importance of community involvement in child protection. This includes the role of families, communities, schools, and community institutions in providing support, monitoring, and education related to child protection. Sanctions and supervision: This regulation also provides for sanctions for violations of child protection stipulated in this local regulation. In addition, it is also regulated regarding the supervision and evaluation of the implementation of child protection in Tulungagung Regency. Regional Regulation of Tulungagung Regency No. 23 of 2017 concerning the Child Protection Implementation System aims to protect children's rights, prevent violence and exploitation of children, and provide adequate protection for children in Tulungagung Regency.

Regional Regulation of Tulungagung Regency No. 23 of 2017 concerning the Child Protection Implementation System involves several parties related to its implementation. The following are some of the parties commonly involved:

- (1) Tulungagung Regency Government: The party responsible for drafting, ratifying, and implementing the Regional Regulation. The Tulungagung Regency Government has an important role in ensuring child protection in its area.
- (2) Regional People's Representative Council (DPRD) of Tulungagung Regency: As a legislative institution, the Tulungagung Regency DPRD has a role in the discussion and ratification of Regional Regulations on child protection. They are involved in the process of drafting laws and giving approval to pass the regulations.
- (3) Social and Women's Empowerment Office and has direct responsibility for the implementation of child protection activities. They are responsible for coordinating and implementing child protection programs stipulated in the Regional Regulation.
- (4) Child Protection Agencies: Various child protection agencies can be involved, such as law enforcement agencies, health agencies, educational institutions, and other non-governmental agencies that focus on child protection. These institutions cooperate with the



government in providing protection, services, and fulfillment of children's rights.

- (5) **Community:** Local regulations on child protection also involve the participation of the community at large. The community is expected to be part of child protection efforts by reporting incidents or cases that violate children's rights and play an active role in maintaining and ensuring the safety and welfare of children in the Tulungagung Regency area.

The implementation of the Child Protection Implementation System policy is adequate and each of its human resources already knows their respective duties and responsibilities very well. This is evidenced by the existence of the Child Decent District Task Force number 188.45/412/031/2010 concerning the Formation of a Child Worthy District Task Force Team, but does not yet cover the institutions of 5 KLA clusters, the Regent Decree was updated with the Tulungagung Regent Decree number 188.45/134/013/2018 concerning the Tulungagung Regency Child Worthy District Task Force Team which has covered 5 KLA clusters. These stages include 1) planning (declaration, formation of task force, preparation of KLA profile), 2) pre-KLA (self-assessment and preparation of regional action plans), 3) implementation of KLA, 4) evaluation of KLA, and 5) determination of KLA rating.

For the Social Service and Women and Children Empowerment and Women's Empowerment and has an important role in the implementation of Tulungagung Regency Regional Regulation No. 23 of 2017 concerning the Child Protection Implementation System. Here are some of the roles of Social Services and Women and Child Protection in this context:

- (1) **Policy drafting:** They conduct analysis, research, and policy formulation under local regulations. The Department of Social Affairs and Women and Children Empowerment and Women and Children Empowerment and Women and Children Empowerment are also involved in the process of formulating child protection programs and activities.
- (2) **Program coordination and implementation:** Children have the responsibility to coordinate and implement child protection programs stipulated in the Regional Regulation. They cooperate with relevant agencies, such as law enforcement agencies, health agencies, educational institutions, and non-governmental agencies to run child protection programs.



- (3) Supervision and monitoring: responsible for supervising and monitoring the implementation of local regulations on child protection. They ensure that all activities related to child protection are under the stipulated provisions.
- (4) Services and assistance: providing services and assistance to children in need of protection, including victims of violence, neglect, or exploitation. They provide temporary shelter, counseling, recovery, and other services to support children affected by violence or adverse situations.
- (5) Education and socialization: play an important role in educating and socializing the community about the importance of child protection. They conduct campaigns, trainings, seminars, and other activities to raise public awareness about children's rights and how to protect them.

Through these roles, the Social Office of Women's Empowerment and Child Protection of Tulungagung Regency strives to protect children and ensure that the implementation of Regional Regulations on the Child Protection Implementation System can be carried out effectively and integrated with various related parties.

CONCLUSION

The Social Office of Women's Empowerment and Child Protection of Tulungagung Regency in protecting children victims of violence, namely providing assistance in handling victims of violence against children which is sufficient to act as norms, concepts, and behaviors is fully running when viewed from 1) the role as a norm for binding rules based on Tulungagung Regency Regional Regulation No. 23 of 2017 concerning the Child Protection Implementation System. The Social Office of Women's Empowerment and Child Protection only makes efforts to resolve reported cases of violations of children's rights; 2) the role as a concept that the Social Office of Women's Empowerment and Child Protection for child victims of violence has run well enough by meeting existing standard operating procedures.

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