



**THE IMPLEMENTATION OF REGENT REGULATION  
SOUTH TAPANULI NUMBER 39 OF 2017 CONCERNING  
VIOLENCE AGAINST CHILDREN IN THE WEST  
ANGKOLA SUB-DISTRICT SOUTH TAPANULI**

**THESIS**

*Submitted to the State Institute for Islamic Studies Padangsidimpuan as a Partial  
Fulfillment of the Requirement for Bachelor of Law (SH)  
In Constitutional Law (Hukum Tata Negara)*

**Written By:**

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**SHARIA AND LAW FACULTY  
THE STATE INSTITUTE FOR ISLAMIC STUDIES  
PADANGSIDIMPUAN  
2021**



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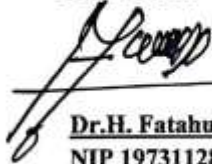
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Padangsidempuan, July 2021  
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At.  
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*Assalamualaikum Wr.Wb.*

After reading, reviewing and providing suggestions for improvement as necessary to Dinda Suciana Rambe's Thesis entitled: "The Implementation of Regent Regulation South Tapanuli Number 39 of 2017 Concerning Violence Against Children In The West Angkola Subdistrict South Tapanuli", then we declare that this thesis has been accepted to fulfill part of the requirements in obtaining a Bachelor of Law (SH) in the field of Constitutional Law at the Faculty of Sharia and Law at IAIN Padangsidempuan.

For that, in the not too distant future, we hope that the brother can be called to account for his thesis in the Munaqosyah trial.

Thus we convey, for the attention and cooperation of the parents, we thank you.

*Wassalamua'laikum Wr.Wb.*

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I here by declare that the thesis that I submit is truly my own work. To my knowledge, there are no works or opinions written or published by other people in this thesis, except as a reference or quotation by following the usual procedures for writing scientific papers.

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**STATEMENT PAGE FOR FINAL PROJECT PUBLICATION  
APPROVAL FOR ACADEMIC INTEREST**

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## ABSTRACT

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Title :Implementation of Regent Regulation South Tapanuli number 39 of 2017 Concerning Violence Against Children in The West Angkola Subdistrict South Tapanuli

The problem of this research lies in the practice of implementing South Tapanuli Regent Regulation Number 39 of 2017 concerning Violence Against Children in West Angkola District, South Tapanuli. And what is the view of Islam regarding cases of violence against children. The formulation of the research problem is how the practice of implementing the South Tapanuli regent's regulation number 39 of 2017 in handling violence against children, and what is the Islamic view on violence against children in West Angkola sub-district, South Tapanuli Regency.

The basic theory used in this study is the understanding of the regent's regulations, the notion of child abuse and the contents of the regulations of the regent of South Tapanuli number 39 of 2017. The type of research used is a qualitative research study which intends to understand the phenomena experienced by research subjects such as behavior, perception, motivation, action and others. Sources of data obtained from people, places and paper. data collection techniques using field studies (observation, interviews, and documentation) and study to the library using a systematic discussion.

The results of the research expressed in the thesis entitled Implementation of the South Tapanuli Regent Regulation Number 39 of 2017 concerning violence against children are the implementation of the South Tapanuli Regent's Regulation by conducting legal socialization and legal assistance and the application of healing for child victims of violence are applied in accordance with the needs of victims both in the field of law and healing the mental health of children who are victims of violence. But level of legal awareness and legal knowledge of the people of West Angkola District, South Tapanuli Regency is minimal which makes social problems of violence against children occur every year

Key word: Implementation, Regent Regulation, Violence Against Children.



## FOREWORD



Praise be to Allah Subhanahu Wata'ala who has given time and health and to the author to conduct research and put it in this thesis. Sholawat and greetings to the Prophet Muhammad SAW. who has guided his people to the right path.

The thesis entitled “**The Implementation of Regent Regulation South Tapanuli Number 39 of 2017 Concerning Violence Against Children in The West Angkola Subdistrict South Tapanuli**” was prepared to complete the assignments and fulfill the requirements to achieve a Bachelor of Law (SH) degree in the major State Constitutional Law Padangsidimpuan State Islamic Institute.

The author is well aware that in writing this thesis, there are still many shortcomings and it is still far from being perfect, as well as many obstacles faced by the author due to limited knowledge. However, thanks to the guidance and suggestions of the supervisor, this thesis was finally completed.

With the completion of this thesis, the writer would like to express his deepest gratitude to:

1. Mr. Dr. H. Ibrahim Siregar, M.C.L, as Chancellor of IAIN Padangsidimpuan, Vice Chancellor in Academic and Institutional Development, Vice Chancellor in General Administration, Planning and Cooperation, Vice Chancellor for Student Affairs and Cooperation and the entire academic community of IAIN Padangsidimpuan.

2. Mr. Dr. H. Fatahuddin Azis Siregar, M.Ag. as Dean of the Faculty of Sharia and Law at IAIN Padangsidimpuan.
3. Mr. Dr. H. Fatahuddin Aziz Siregar, M.Ag. as Advisor I who has guided and directed the author in carrying out research and preparation of this thesis.
4. Mr. Dr. Ikhwanuddin Harahap, M.Ag Advisor II who has guided and directed the author in carrying out the research and preparation of this thesis
5. Mrs. Dermina Dalimunthe, S.H, M.H as head of the Constitutional Law Study Program, Faculty of Sharia and Law at IAIN Padangsidimpuan.
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Finally, by surrendering and asking for the blessing of Allah Subhana wata'ala, the author hopes that this thesis will be useful especially for writers, readers and the wider community.

Padangsidempuan, Juli 2021

Auhtors

**DINDA SUCIANA RAMBE**  
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## ARAB-LATIN TRANSLITERATURE GUIDELINES

### 1. Consonants

Arabic consonant phonemes which in the Arabic writing system are denoted by letters in this transliteration are partly denoted by letters, some are denoted by signs and some are denoted by Latin.




Arab Font	Latin Letter Name	Latin Font	Name
ا	Alif	Not symbolized	Not symbolized
ب	Ba	B	Be
ت	Ta	T	Te
ث	ša	š	es (with the dot above)
ج	Jim	J	Je
ح	ħa	ħ	Ha (with the dot above)
خ	Kha	Kh	kadan ha
د	Dal	D	De
ذ	žal	ž	zet (with the dot above)
ر	Ra	R	Er
ز	Zai	Z	Zet
س	Sin	S	Es
ش	Syin	Sy	es and ye
ص	šad	š	S (with the dot below)
ض	đad	đ	de (with the dot below)

ط	ṭa	ṭ	te (with the dot below)
ظ	ẓa	ẓ	zet (with the dot below)
ع	‘ain	‘	Reverse comma above
غ	Gain	G	Ge
ف	Fa	F	Ef
ق	Qaf	Q	Ki
ك	Kaf	K	Ka
ل	Lam	L	El
م	Mim	M	Em
ن	Nun	N	En
و	Wau	W	We
ه	Ha	H	Ha
ء	Hamzah	..’..	Apostrof
ي	Ya	Y	Ye

### 1.Vowel

Arabic vowels, like Indonesian vowels, consist of single vowels or monophthongs and multiple vowels or diphthongs;

- a. Single Vowel is a single Arabic vowel whose symbol is a sign or transliteration vowel as follows

Symbol	Name	Latin Font	Name
	fathah	A	A
	Kasrah	I	I
	ḍommah	U	U

b. Double Vowels are Arabic double vowels whose symbols are a combination of vowels and letters, the transliteration is a combination of letters as follows:

Symbol and Font	Name	Combined	Name
ي.....	fathāh and ya	Ai	a and i
و.....	fathāh and wau	Au	a and u

c. Maddah is a long vowel whose symbols are vowels and letters, transliteration in the form of letters and signs as follows:

Respect and Letters	Name	Font and Symbol	Name
أ.....	fathāh and alif or ya	ā	a and top line
ي.....	Kasrah and ya	ī	i and the line below
و.....	ḍommah and wau	ū	u and the line above

## 2. Ta Marbutah

There are two transliterations for Ta Marbutah.

a. Ta Marbutah is alive, namely Ta Marbutah who is alive or gets harakat fathāh, kasrah and ommah, the transliteration is /t/.

b. Ta Marbutah dies, i. e. Ta Marbutah who dies or gets the word breadfruit, transliteration is /h/.

If a word that ends with Ta Marbutah is followed by a word that uses the article al, and the two words are read separately, then Ta Marbutah is transliterated with ha (h).

#### **4. Syaddah (Tasydid)**

Syaddah or tasydid which in the Arabic writing system is symbolized by a sign, a shaddah sign or a tasydid sign. In this transliteration, the shaddah sign is symbolized by a letter, which is the same letter as the letter marked with the shaddah.

#### **5. Article**

Articles in the Arabic writing system are denoted by letters, namely: *ﺀ*. However, in the transliteration of the article, the article is distinguished between the article followed by the letter syamsiah and the article followed by the letter qamariah.

- a. The article followed by the letter syamsiah is the article followed by the letter syamsiah transliterated according to the sound, i.e. the letter /l/ is replaced with the same letter as the letter immediately followed by the article.
- b. Articles followed by the letter qamariah are articles followed by the letter qamariah transliterated according to the rules outlined in front and according to the sound

#### **6. Hamzah**

It is stated in front of the Arabic-Latin Transliteration List that hamzah is transliterated with an apostrophe. However, it lies only in the middle and at

the end of the word. If the hamzah is placed at the beginning of the word, it is not symbolized, because in Arabic it is an alif

## **7. Word Writing**

Basically every word, whether fi'il, isim, or letters is written separately. For certain words which are written in Arabic letters which are commonly combined with other words because there are letters or vowels that are omitted, in this transliteration, the writing of these words can be done in two ways: they can be separated by words and can also be combined.

## **8. Capital Letters**

Although in the article system followed by Arabic letters capital letters are not recognized, in this transliteration the letters are also used. The use of capital letters is like what applies in improved spelling , including capital letters used to write the initial letters, self names and the beginning of sentences. If the self-name is passed by the article, then what is written in capital letters remains the initial letter of the self-name, not the initial letter of the article.

The use of the initial capital letter for Allah only applies in Arabic writing, it is complete, and if the writing is combined with other words so that letters or vowels are omitted, capital letters are not used

## **9. Tajwid**

For those who want fluency in reading, this transliteration guide is an integral part of the science of recitation. Therefore, the official guidelines for transliteration need to be accompanied by recitation guidelines.



Source: Tim Puslitbang Lektur Keagamaan. *Pedoman Transliterasi Arab-Latin*.  
Cetakan Kelima. 2003. Jakarta: Proyek Pengkajian dan Pengembangan Lektur  
Pendidikan Agama.

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# CHAPTER I

## INTRODUCTION

### A. Background of the Problem

Indonesia guarantees the welfare of each of its citizens, including protection of children's rights which are human rights. Children are the most valuable asset for the family, society and nation. They depend on hope, and more deeply, children are the party who will determine whether a country is brought towards prosperity or downward.

This is in line with law number 1 of 1974 concerning the subject of marriage, which states that parents are obliged to care for and educate children who are not yet adults until the children are adults or can stand on their own.<sup>1</sup>problem that will be faced is when the state realizes the protection of children because children are the hope and successor of the nation and must be protected and do not forget to fulfill each of their rights.

Juridically, the definition of a child is based on a certain age limit. However, the formulation of a child in various laws is not the same. In fact, sometimes there is no correlation between one law and another regarding what is meant by children. This right is influenced by the age limit of the child based on the consideration of certain interests and certain goals.<sup>2</sup>

In Article 1 of Law Number 23 Year 2002, it is stated that a child is someone who is not yet 18 (eighteen) years old, including children who are still

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<sup>1</sup>Law Number 1 Year 1974 Concerning the Principles of Marriage in Article 45 Rights and Obligations Between Parents and Children.

<sup>2</sup>Liza Agnesta Krisna, *Hukum Perlindungan Anak*, (Yogyakarta; Deepublish CV Budi Utama, 2018), p. 23.

in the womb.<sup>3</sup>In line with the meaning in the Law of the Republic of Indonesia, the World Health Organization (WHO) also provides the same definition of the definition of child. As the nation's successor who will fill development in the future, caring for children as well as possible is a must. However, coverage of violence against children often includes both print and electronic media.

The Indonesian Heritage Foundation (IHF) noted that throughout 2019, as many as 189 children in North Sumatra had become victims of violence and other mistreatment. Chairman of the Indonesia Heritage Foundation Medan Management Board, OK Syahputra Harianda, said cases of violence against children in North Sumatra are considered to be increasingly concerning. Sexual abuse was the most prevalent case in 2019, with 107 children being victims, abuse of 43 victims and murder with 21 victims, 18 other victims experienced various cases, such as sodomy, incest, neglect, and rape.<sup>4</sup>

Based on printed news and electronic media, there are still many acts of violence experienced by children in the family, school, and the social environment where the child lives. Statistically, data on violence against children from 2011 to 2016 has decreased nationally. However, the last case that occurred in 2019 was the case of a junior high school student who was held captive for three days and molested by his own neighbor with the initials JHH (32), a resident of Simasom Village. District Angkola Julu,

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<sup>3</sup>Article 1 of Law Number 23/2002 Concerning Children.

<sup>4</sup>Kekerasan Terhadap Anak, SUMUT So, quoted hTTPs: //sumutpos.co accessed on 5 July 2020 at 20.55 pm.

Padangsidimpuan received serious attention from the National Commission for Child Protection.

Sirait said that with the incident, his party recorded 27 cases of child abuse that occurred in South Tapanuli and Padangsidimpuan in the period from January to July. 14 of them were sexual harrasment.<sup>5</sup>And this case in early 2020 was the case of a man (MJ), a resident of Southeast Padangsidimpuan District, who raped his step daughter (D) until she became pregnant and gave birth in the bathroom, after being interrogated this disgraceful act has occurred since September 2019 was revealed in May 2020.

Violence of women and children in Indonesia, both in the community sphere, in the family, occupies the largest portion of cases that befell women and children by the community or the family itself. Violence against women has increased quantitatively, both in public and domestically. This is evidenced by data on violence against women and children from the Women and Children Sector.

Protection is an effort and activity of all levels of society in various positions and roles who are fully aware of the importance of children for the country and the nation in the future.<sup>6</sup>Because in essence children cannot protect themselves from various kinds of actions that cause mental, physical and social harm in various fields of life. Children must be assisted by others in protecting

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<sup>5</sup>Chairmen of Komnas PA Tapsel and Padangsidimpaun, *Kejahatan Seksual*, reported by <https://kitakini.news> accessed on July 5, 2020 at 21.57 pm.

<sup>6</sup>R Abdussalam and Adri Dessasfuryanto, *Hukum Perlindungan Anak*, (Jakarta; PTIK, 2016), p. 1.

themselves, given the situation and condition they are still children. Child protection must not be done excessively and pay attention to the impact on the environment and the child himself, so that the protection efforts do not have negative consequences.

Child protection is carried out rationally, responsibly, and is beneficial, which reflects an effective and efficient effort. Child protection efforts must not result in the death of initiative, creativity, and other things that lead to dependence on others and behave uncontrollably, so that the child does not have the ability and willingness to use their rights and carry out their obligations.

However, the fact is that child protection efforts, the existence of laws and regulations governing violence against violence along with the sanctions stated in the law are not used as a measure to reduce the number of violence against women and children in Indonesia. In fact, the news on printed media in Indonesia every day is still covered with news about violence against children and women that occurs in Indonesia.

Deputy Assistant for Child Protection from Violence and Exploitation, Valentina Ginting highlights the rampant cases of violence against children that occurred during pandemi "Based on SIMFONI PPA data, on January 1 - June 19, 2020 it happened 3,087 cases of violence against children, including 852 physical violence, 768 psychological, and 1,848 cases of sexual violence, this figure is high. Hence deep facing this new normal, we must make sure this number does not increase by taking preventive measures referring to

the protocol for handling child victims violence in the Covid-19 pandemic situation”, explained Valentina.<sup>7</sup>

From the case data obtained during the past 2020, the midst of a pandemic Covid-19, shows the problem of violence against children and women is serious problem that must be addressed by the Indonesian government and also layers Public.

To overcome problems that arise related to child violence, the Ministry of Women's Empowerment and Child Protection established an Integrated Service Center that provides services for the Indonesian people, especially women and children as the victims of violence. The P2TP2A management elements consist of the community, government elements, Women's Non-Governmental Organizations (NGOs), Women's Study Centers, Universities and women's organizations as well as various other parties who care about empowering women and children with Community Empowerment Agency facilitators in every province throughout Indonesia.

Integrated Service Center for the Empowerment of Women and Children, referred to as P2TP2A, is a service center that is integrated in efforts to empower women in various fields of development, as well as the protection of women and children from various types of discrimination and violence, including trafficking established by the government or community human, and can be in the form of: referral center, business consultation center, reproductive health consultation center, legal consultation center, integrated crisis center

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<sup>7</sup>Tingginya Tingkat Kekerasan Terhadap Anak Di Masa Pandemi Covid-19, Reported From [www.kemendppa.go.id](http://www.kemendppa.go.id) Accessed On November, 23 at 12:24 pm.



(PKT), integrated service center (PPT), trauma recovery center, women crisis management center (women crisis). center), training center, science and technology information center (PIPTEK), safe house (shelter), halfway house, or other forms.

In this case, the integrated service center for the empowerment of women and children is one of the executive agencies in implementing the South Tapanuli Regent Regulation Number 39 of 2017, especially in the field of violence against children. And the last case is a case that occurred in Panobasan, precisely at Simpang Raja, West Angkola Subdistrict, South Tapanuli, a biological father who had the heart to rape his own 17 year old child in 2018 the initials (D). Based on the results of an interview with Mrs. Lisdar, one of the parties involved in resolving the case, this case was revealed by the victim's complaint to her mother who could not stand the actions of her father (the suspect), which after several incidents occurred she always received threats from her father (suspect) . After being investigated, it turned out that his father (the suspect) had a sexual psychiatric disorder, besides that in everyday life they sometimes got acts of violence from the father (the suspect).<sup>8</sup> The impact of the violence experienced by the victim with the initials (D) is mental formation as a victim and disrupts his social and daily activities.

Based on Law No. 35 of 2014 that violence against children is an act against a child that causes physical, psychological, sexual misery or suffering, and/or neglect, including threats to commit acts of coercion, or unlawful

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<sup>8</sup>Interview with Lisdar Harahap on September 19, 2020.

deprivation of liberty.<sup>9</sup> central government, local government, other state institutions that are obliged and responsible for overcoming these social problems.

With various cases of violence against children that occurred in Indonesia, especially in the sub-district of West Angkola, South Tapanuli Regency, how is the existence of the state in dealing with cases of violence against children, especially in the District of West Angkola, South Tapanuli Regency. and how is the view of Islam in addressing the problem of violence against children, especially in the village of Panobasan Lambang, West Angkola District, South Tapanuli Regency.

Based on the background of this problem, the researcher was interested in conducting a research entitled "**The Implementation Of Regent Regulation South Tapanuli Number 39 Of 2017 Concerning Violence Againsts Children In The West Angkola Sub-District South Tapanuli**

## **B. Identification of the Problem**

So that this research is not too broad, this research focuses on the implementation of the South Tapanuli Regent Regulation Number 39 Article 1 Paragraph 23 of the South Tapanuli Regency Regional Regulation Number 39 of 2017 and how Islam views violence against children that occurs in the Angkola Barat subdistrict, South Tapanuli.

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<sup>9</sup>Law Of Number 35/2014 Violence Againsts Children

### C. Term Limit

To avoid If there is a misunderstanding of the terms used in this proposal, the following terms are defined:

1. Implementation is various actions taken by individuals, officials, government groups, or the private sector that are directed at achieving the goals that have been established in policy decisions.<sup>10</sup>
2. The regent regulation is a municipal regulation which we can see in Article 1 number 8 of Law 12/2011, namely: Regency / City Regulation is a statutory regulation established by the Regency / City Regional People's Representative Council with the joint approval of the Regent / Mayor.<sup>11</sup>
3. Violence against children is etymologically defined as the act of injuring repeatedly physically and emotionally against an dependent child, through compulsion of desire, uncontrolled corporal punishment, permanent ridicule or sexual violence. Violence shown to children is usually characterized by uncontrolled treatment whether it is physical, verbal, emotional or sexual.

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<sup>10</sup>Defenition Of Implementation, Sidhrotul Muntaha reported by [www.alihamdan.id](http://www.alihamdan.id)

<sup>11</sup> Article 1 number 8 law number 12/2011

#### **D. Formulation of the Problem**

Based on the background of the problem, the formulation of the problem that I raise is:

1. How is implementation the regulation of the Regent of South Tapanuli number 39 of 2017 concerning violence against children in the West Angkola Tapanuli sub-district?
2. How does Islam view the violence against children that occur in West Angkola sub-district South Tapanuli?

#### **E. Objectives of the Research**

The objectives of this study are:

1. To determine the implementation of the South Tapanuli Regent Regulation number 39 of 2017 concerning violence against children.
2. To find out how Islam view the violence against children that occur in West Angkola Sub-Ditric of South Tapanuli.

#### **F. Research Usefulness**

Various things that have been explained, then the realism of this research is the theoretical and practical benefits such as;

1. Theoretically, namely to develop science. The results of this study are expected to be useful for the development of science, especially in thr field of constitutional law which can be used as reference material and can provide theoretical and empirical information, especially for those who carry out further research related to the problems in this research.

2. Practically its usefulness is a requirement for obtaining a law degree in the faculty of shari'ah and jurisprudence. And this research is useful for the people of Panobasan Lombang, West angkola sub-district, South Tapanuli district on the implementation of the South Tapanuli regent's regulation number 39 of 2017 concerning violence against children.

### **G. Previous Studies**

To support related studies and research as described in the background of the problem, the authors conducted a search with several related writings, namely:

1. Arham Andrisatya Zakaria thesis with the title of thesis: *"The effectiveness of Article 17 Paragraph 1 of Law no. 23 of 2002 Jo. UU no. 35 of 2014 concerning Child Protection in Gorontalo "*. The thesis shows that the effectiveness of the application of article 17 paragraph 1 of Law no. 23 of 2002 jo. UU no. 35 of 2014 concerning Child Protection in Class II A prisons in Gorontalo is quite effective, although it still needs improvement, one of which is the clear separation between child prisoners and adult inmates so that child prisoners get better and more appropriate protection.<sup>12</sup>
2. Dewi Ayu Kartika Thesis with a thesis title: *"Implementation of Law no. 35 of 2014 concerning Child Protection in SMP Negeri Kotagajah*

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<sup>12</sup>Arham Andrisatya Zakaria "The effectiveness of Article 17 Paragraph 1 of Law no. 23 of 2002 Jo. UU no. 35 of 2014 concerning Child Protection in Gorontalo ", Thesis, State University of Gorontalo, 2015.

*Central Lampung* ". This thesis shows that the implementation of uu no. 35 of 2014 at SMP Negeri 2 Kotagajah have been implemented in schools, but some corporal punishment is still a tool to discipline students in schools. Not all teachers apply physical punishment, most teachers give up students with problems to the Counseling Guidance teacher for follow-up handling of the solution. The physical and verbal punishments given by the teacher to students are included in the typology of "light" level of violence because they do not result in injuries and do not constitute a crime.<sup>13</sup>

#### **H. Structure of Research**

To be able to describe in general and facilitate the discussion in the preparation of this thesis, the authors present a systematic discussion as follows:

Chapter I is an introductory chapter which is an overview of the research and puts the problem down worthy of research. This chapter describes the background of the problem that contains the ideas, then the focus of the problem, the definition of terms, the formulation of the problem, the purpose of the research, and the benefits of the research. This chapter ends with a systematic discussion to make this discussion easier to understand.

Chapter II is an explanation of previous research and theoretical foundations that include the implementation of the South Tapanuli Regent's regulation number 39 of 2017 regarding violence that occurred in the Angkola

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<sup>13</sup>Dewi Ayu Kartika "Implementation of Law no. 35 of 2014 concerning Child Protection at Kotagajah Middle School in Central Lampung ", Thesis of the Islamic University of Indonesia, 2018.

Barat sub-district of South Tapanuli and how Islam views child abuse that occurred in the Angkola Barat sub-district, South Tapanuli Regency. It is very important to provide a clear description, so that the discussion in the next chapter can be used as a basic overview.

Chapter III discusses research methods which include research time and location, type of research, research subjects, data sources, data collection methods, and data processing and analysis methods. This chapter is a chapter that will lead researchers to obtain research data with facilities that are truly reliable and can be tested in such a way.

Chapter IV of the research results is a chapter that discusses the implementation of the South Tapanuli regent regulation number 39 of 2017 regarding violence and how the Islamic perspective sees child violence that occurs in the Angkola Barat sub-district, South Tapanuli.

This closing chapter V contains conclusions and answers to the problem formulation and the compiler's suggestions for the implementation of the South Tapanuli Regent's Regulation Number 39 of 2017 concerning violence against children and how the Islamic perspective sees violence against children that occurs in the Angkola Barat sub-district, South Tapanuli Regency

## CHAPTER II

### THEORETICAL BASE

#### A. Definition of Implementation and Regent Regulation

Implementation is important for realizing an idea. One must implement ideas to achieve goals. Implementation is a process that is applied in various fields, without any boundaries. To implement an idea requires a series of processes. Implementing a strategic plan is just as important, or even more important, than the strategy itself. Implementation is a process that is applied in various fields such as education, social, political, technology, health, information and so on. In addition, implementation is the application of ideas with a fairly broad meaning.

Implementation is a fundamental practice for implementing any strategy or goal. According to the large Indonesian dictionary implementation is implementation or application. Implementation is also defined as developing a working version of the system from a given design. Meanwhile, according to Sudarsono in his book *Public Policy Analysis*, implementation is an activity related to the completion of a job by using means to obtain the desired results.<sup>14</sup>

In Law Number 12 Year 2011 Concerning the Formation of Legislation Types and hierarchy of Legislation consists of:<sup>15</sup>

- a. The 1945 Constitution of the Republic of Indonesia;
- b. Decree of the People's Consultative Assembly;

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<sup>14</sup>Subarsono, *Analisis Kebijakan Publik*, (Yogyakarta; Pustaka Pelajar, 2005), p.10.

<sup>15</sup>Law Number 12 Year 2011 concerning the Formation of Legislative Regulations



- c. Laws / Government Regulations in Lieu of Laws;
- d. Government regulations;
- e. Presidential decree;
- f. Provincial Regulation; and
- g. Regency / City Regional Regulations.

Article 8 paragraph (1) of Law Number 12 Year 2011 opens the possibility for other laws and regulations to be stipulated by the leadership of state institutions or agencies, such as a Regent Regulation. Based on the provisions of Article 8 paragraph (1) of Law Number 12 Year 2011, it states that there are types of laws and regulations which include regulations stipulated by the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, the Supreme Court, the Constitutional Court, the Supreme Audit Agency.

Judicial Commission, Bank Indonesia, Ministers, Agencies, Institutions, or Commissions at the same level as established by Law or the Government at the Order of Law, Provincial Regional People's Representative Council, Governor, Regency / City People's Representative Council, Regent / Mayor, Village Head or the same level.<sup>16</sup>The existence of these statutory regulations is recognized and has binding legal force as long as it is ordered by a higher level of formed based on the authority as stipulated in the provisions of Article paragraph (2) Law Number 12 Year 2011.

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<sup>16</sup>Article 8 paragraph (2) Law Number 12 of 2011.

At present the existing hierarchy is still unable to accommodate all types of legislation into the legislature, although there is recognition of the existence of various types of statutory regulations outside those referred to in Article 7 paragraph (1) of Law Number 12 Year 2011. These statutory regulations are recognized for their existence and have binding legal force as long as they are ordered by a higher level of legislation or are established based on authority.

The inability to accommodate this type of statutory regulation into the hierarchy of statutory regulations creates various problems at the level of implementation, especially when it collides with the implementation of regional autonomy. In connection with the implementation of government affairs which become regional authorities in accordance with the mandate in Law Number 23 of 2014 concerning Regional Government, the regions have the right to determine regional policies. This regional policy is of course guided by the norms, procedures and criteria set by the Central Government.<sup>17</sup> Apart from that, in implementing the task of assistance, the regions have the right to stipulate regional policies. What is meant by the with regional policies are Regional Regulations, Regional Head Regulations and Regional Head Decrees.<sup>18</sup>

District Regional Regulations are statutory regulations established by the Regency Regional People's Representative Council with the joint approval of

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<sup>17</sup>Provisions of Article 17 paragraph (2) of Law Number 23 of 2014 concerning Regional Government

<sup>18</sup>Elucidation of the provisions of Article 17 paragraph (1) of Law Number 23 Year 2014 concerning Regional Government

the Regent.<sup>19</sup>This Regional Regulation contains material on the implementation of regional autonomy and assistance tasks, and further elaborates the provisions of higher laws and regulations. Then what is meant by a Regional Head Regulation is a Governor Regulation and a Regent Regulation,<sup>20</sup>whereas what is meant by a Regional Head Decree is a decision that is concrete, individual, and final in nature.

Furthermore, in accordance with the provisions of Article 65 paragraph (2) letter c of Law Number 23 of 2014 concerning Regional Government, it is stated that the Regent Regulation can be stipulated by the Regent in carrying out the duties referred to in Article 65 paragraph (1) of Law Number 23 of 2014 concerning Regional Government. The duties of the Regent as stipulated in Article 65 paragraph (1) of Law Number 23 Year 2014 concerning Regional Government are:

- a. lead the implementation of government affairs which become the authority of the Region based on the provisions of regulation laws and policies stipulated jointly with DPRD;
- b. maintain public order and peace;
- c. compile and submit draft regional regulations on RPJPD and draft regional regulations on RPJMD to DPRD to be discussed with DPRD, and formulate and stipulate RKPD;

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<sup>19</sup>Provisions Article 1 number 8 Law Number 12 Year 2011 concerning the Formation of Legislation

<sup>20</sup>Provisions Article 1 number 26 Law Number 23 Year 2014 concerning

- d. compile and submit draft regional regulations on APBD, draft regional regulations concerning APBD Amendments, and draft regional regulations on Accountability for APBD Implementation to DPRD for joint discussion;
- e. represent his area inside and outside the court, and can show a legal representative to represent him in accordance with the provisions of laws and regulations;
- f. propose the appointment of deputy regional heads; and carry out other duties in accordance with the provisions of laws and regulations.

However, in the provisions of Article 246 paragraph (1) of Law Number 23 of 2014 concerning Regional Government as amended several times by Law Number 9 of 2015 concerning Second Amendment to Law Number 23 of 2014 concerning Regional Government in *conjunction with* Article 42 paragraph (1) Regulation of the Minister of Home Affairs Number 80 Year 2015 concerning the Establishment of the Regional Legal Products that say that to implement the Regional Regulation or on the authority of legislation, the Regulation establishes Regional Head Regional Head. Thus the Regent can formulate statutory regulations based on the delegation from the Regency Regional Regulation or higher legislation.<sup>21</sup>

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<sup>21</sup>Maria Farida Indrati S, *Ilmu Perundang-Hukum I*, (Sleman; PT. Kanisius, 2007) p. 108.

## **B. South Tapanuli Regent Regulation Number 37 of 2017**

South Tapanuli Regent Regulation Number 37 of 2017 concerning the Implementation and Handling of Persons with Social Welfare Problems in South Tapanuli Regency is one of the regulations to deal with social welfare problems in South Tapanuli Regency such as people with disabilities, people with disabilities, children under five Abandoned, Neglected Children, Naughty Children, Street Children, Socio-Economic Vulnerable Women, Abandoned Older Age, and Victims of Violence.

In this case the researcher focuses on the problem of victims of violence against children that occurred in South Tapanuli Regency. In accordance with the South Tapanuli Regent Regulation, Victims of Violence in article 1 paragraph 23 Victims of violence are children, women, elderly people who are threatened physically or non-physically (psychologically) because violence is treated wrongly / improperly by both their family and their social environment.

## **C. Definition of Violence Against Children**

Violence against children is etymologi defined as the act of injuring repeatedly physically and emotionally against a child who is addiction, through compulsion, uncontrolled corporal punishment, permanent ridicule or sexual violence. Violence shown to children is usually characterized by uncontrolled treatment whether it is physical, verbal, emotional or sexual.<sup>22</sup>

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<sup>22</sup>Abu Hurairah, *Violence Against Children* (Bandung; Publisher Nuansa, 2007), p. 47.

The Federal Child Abuse Prevention and Treatment Act defines child abuse and neglect including at least the following criteria;<sup>23</sup>

1. Any action taken by a parent or caregiver that results in death, physical or emotional bruising, sexual harassment or exploitation
2. Any action that creates a serious and dangerous risk to the child
3. Ricard J. Gellse reveals that violence against children is an intentional act which causes harm or harm to children (both physically and emotionally). Meanwhile, Campbell and Humpherey define child violence as an act that harms or can harm the health and welfare of the child.<sup>24</sup>

Based on the above definitions, it can be concluded that violence in children is adult behavior, both parents and caregivers or others that can interfere with the child's physical and psychological growth and development. Violence against children can be seen from several perspectives including;<sup>25</sup>

- 1) Psychological perspective which sees that violence occurs in children due to poor psychological aspects of the parents or caregivers. It could be that a parent has a personality disorder or has had some type of mental disorder that affects parenting. This affects the lack of empathy for others, especially children, weak tolerance and too high expectations. Parents lack education, especially about the discipline and development of children or they

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<sup>23</sup>Shannon Joyce Brennfleck, *Chile Abuse Sourcebook*, (USA; Omnigraphics, 2009), p. 3.

<sup>24</sup>Hamid Achir Yani, *Bunga Rampai Mental Health Nursing Care* (Jakarta; EGC, 2009), p. 124.

<sup>25</sup>Agus Wahyudi Riana, *Social Issues*, (Bandung; Young Niaga, 2017), p. 56-58. 16

experience emotional and cognitive disorders when they are children.

- 2) Sociological perspective that pays attention to the social context of violence compared to the personality of the parents. Accumulated environment such as unemployment, poverty, living conditions, isolation, and other factors can cause violence.
- 3) Socio-situational perspective that sees the interaction between children and perpetrators as determinants of violence. This perspective sees special attributes of children such as disabilities, temperament, or children's behavior as parental pressure that prevents positive bonds between parents and children. Interactive perspective which states that all of the above perspectives are interrelated in incidents of violence against children.

According to the Center for Integrated Services for the Empowerment of Women and Children (P2TP2A) which also provides a definition of the UN Convention On The Rights of The Child and World Report on Violence and Health, World Health Organization, 2002, the definition of violence against children consists of;<sup>26</sup>

1. Physical violence such as; hit, slap, kick, pinch etc.
2. Emotional abuse such as; violence in the form of words that frighten, threaten, insult, curse and curse loudly and harshly.

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<sup>26</sup>Muhammad Syukri Pulungan, *Violence in Children in Theoretical and Empirical Studie*, (Yogyakarta; Deepublish, 2020), p. 93.

3. Sexual violence such as; pornography, porn speech, indecent acts / abuse of sexual organs against children.
4. Neglect and neglect; all forms of neglect that violate children's rights in fulfilling nutrition and education.
5. Economic violence (exploitation); employing minors with economic motives, child prostitution.

Child protection is the effort and activity of all levels of society in various positions and roles who are fully aware of the importance of children for the country and the nation in the future.<sup>27</sup> Because in essence, children cannot protect themselves from various kinds of actions that cause mental, physical and social harm in various fields of life. Children must be assisted by others in protecting themselves, given the situation and condition they are still children. Protection of children should not be done excessively and pay attention to the impact on the environment and the children themselves, so that the protection efforts carried out do not have negative consequences.

Child protection is implemented rationally, responsibly, and is beneficial, which reflects an effective and efficient effort. Child protection efforts must not result in the death of initiative, creativity, and other things that lead to dependence on others and behave uncontrollably, so that the child does not have the ability and willingness to use their rights and carry out their obligations.

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<sup>27</sup>R Abdussalam and Adri Dessasfuryanto, *Child Protection Law* (Jakarta; PTIK, 2016), p. 1.



In strengthening child protection efforts, the Child Protection Law was formed, namely Law Number 35 of 2014 concerning Amendments to Law Number 23 concerning Child Protection. In article 1 of Law 35 of 2014 concerning amendments to Law 23 of 2002 concerning child protection, it is;

1. Child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb
2. Child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop and participate optimally according to with human dignity and protection from violence and discrimination.<sup>28</sup>

Likewise, what is contained in the Regent Regulation Number 39 of 2017 concerning the Implementation and Management of Persons with Social Welfare Problems in South Tapanuli Regency Chapter 1, paragraph 10, namely "*Social Protection is all efforts directed at preventing and managing the risks of shocks and social vulnerability*". Meanwhile, in paragraph 23, what is meant by Victims of Violence is "*Children, women, elderly people who are threatened physically or non-physically (psychologically) because of acts of violence being treated wrongly or improperly by their family and other social environment*".<sup>29</sup>

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<sup>28</sup>Law no. 35 of 2014 concerning Amendments to Law no. 23 of 2002 concerning Child Protection.

<sup>29</sup>Regent Regulation Number 39 Year 2017 Concerning the Implementation and Management of Persons with Social Welfare Problems in South Tapanuli District Chapter 1 verses 10 and 23.

Etymological, violence against children is defined as the act of repeatedly hurting physically and emotionally to an dependent child, through compulsion of desire, uncontrollable corporal punishment, permanent ridicule or sexual violence. Violence shown to children is usually characterized by uncontrolled treatment whether it is physical, verbal, emotional or sexual. Violence against children generally refers to four categories, among others;<sup>30</sup>

1. Physical violence
2. Sexual violence / abuse
3. Emotional violence
4. Child neglect .

In paragraph 23 of Regent's Regulation Number 39 of 2017, what is meant by Victims of Violence is "*Children, women, elderly people who are threatened physically or non-physically (psychologically) because of acts of violence are treated wrongly or improperly by their family and other social environment*".<sup>31</sup>

Likewise Jeffrey S. Nevid explained that violence or abuse on children can be found in several types such as physical, sexual, emotional abuse or neglect. Gelles Richard J (1982) argues that violence against children occurs as a result of a combination of various factors, among others;<sup>32</sup>

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<sup>30</sup>Kimberly A. McCabe, *Child Abuse and The Criminal Justice System*, (New York; Peter Lang Publishing Inc, 2003), p. 3.

<sup>31</sup>Regent Regulation Number 39 of 2017 concerning the Implementation and Handling of Persons with Social Welfare Problems in South Tapanuli Regency Chapter 1, paragraphs 10 and 23.

<sup>32</sup>*Ibid* p. 96-97.

1. The inheritance of violence between generations many children learn violence from their parents and when they grow up they commit acts of violence against their children. Thus, violent behavior is inherited "*Transmitted*" from generation to generation. Studies show that approximately 30% of children treated violently become parents who abuse their children. Meanwhile, only 2 (two) to 3 (three) percent of all individual parents who experience abuse and violence may accept this behavior as a model of their own behavior as parents.
2. Social stressors caused by various social conditions increase the risk of violence against children in the family. Social conditions such as unemployment, illness, poor housing conditions, large-than-average family size, birth of a new baby, a person with disabilities at home, and death of a family member. In most reported cases of violence *O*against children come from families living in poverty. Acts of violence against children can also occur in the middle and rich classes, but the reported actions are mostly among poor families for several reasons.
3. Social isolation and community involvement That parents and substitute parents who commit acts of violence against children tend to be socially isolated. Very few violent parents participate in a community organization and most have little relationship with friends or relatives.

4. Family structure Certain types of families are at increased risk of violence against children and child service. For example, single parents are more likely to commit acts of violence against children than whole parents. Families where the husband or wife dominate in making important decisions, such as where to live, what work to take, what if they have children, and several other decisions, have a higher level of violence against children compared to family - husbands and families. the wife who is simultaneously responsible for these decisions; In addition, the factors that cause violence and other mistreatment of children can be classified based on child, community / social, and parent factors, or family situations, as stated by Muhammad Syukri Pulungan in his book (Violence in Children inStudies Theoretical and Empirical), namely;<sup>33</sup>

- 1) The child factor occurs due to weight due to low birth weight so that it can interfere with their growth in the future, both physical, psychological, prematurity, disability, as well aswith children emotional behavior problems.
- 2) Community / social factors can be in the form of highrates crime, low social services, high levels of unemployment and poverty, parenting styles that are influenced by customs or habits that exist in society, the

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<sup>33</sup>*Ibid* 96-98

influence of cultural shifts, the culture of giving corporal punishment to children and the absence of creation. culture of communication between parents / society and children, or the influence of mass media which is full of violence and pornography.

- 3) Parents / family situations that cause violence against children due to a history of parents with physical and sexual violence in childhood, parents who are married in their teens so that their emotional maturity is still unstable, lack of ability to care for children, isolation from society, poverty, overcrowding, ability to interact with the community in the surrounding environment, parents commit domestic violence, parents have a history of depression and mental health, have many children under five, unwanted pregnancies, single parents, parenting styles in educating children, the values of life held by parents and lack of understanding of the development of children's rights.

#### **D. Islamic View Of Violence Against Children**

In Islam, every child born into the world is in a holy state, so parents and the environment will shape their character. Whether his character is good or bad depends on how upbringing his parents is and the environment in which he lives. Because in the early periods of life, children will receive direction from both parents. Then the responsibility to direct children to goodness rests on the shoulders of parents.

Because the early periods of a child's life are the most important and at the same time vulnerable. Children are a gift from Allah Almighty that we should be grateful for. It is the successor of the lineage that can preserve rewards for parents even when the parents have died. It is God's Mandate that must be handled properly.<sup>34</sup> Because within him are inherent dignity and human rights that must be upheld.

His pure heart is a priceless gem, still pure and unformed. He can take any shape he wants and any pattern he wants. If he is accustomed to goodness and taught by him, of course he will grow in goodness and become a happy person in this world and the hereafter. However, if he is neglected as an animal, then he will suffer and be corrupted. Because a child does not see except those around him and does not imitate except those around him as well. Meanwhile, the most basic right in human rights is the right to life.<sup>35</sup>

This child's human rights are part of human rights contained in the 1945 Constitution and the United Nations Convention on children's rights. In terms of the nation and state, children are the buds, potential and young generations who are the successors of their dreams. The successor to the ideals of the nation's struggle has a strategic role and has special characteristics and characteristics that ensure the continuity of the existence of the nation and state in the future.

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<sup>34</sup>M. Nipan Abdel Halim, *Happy Husbands Since the First Night*, (Yogyakarta: Mitra Pustaka, 2005), p. 361.

<sup>35</sup>Saladin Hamid, *Human Rights in an Islamic Perspective*, (Jakarta: Amisco, 2000), p. 39.

Talking about rights, there must be obligations on the other hand. The relationship between parents and children, regarding their rights and obligations in Islam, is like what described the hadith tirmidhi is:

لَيْسَ مِنَّا مَنْ لَمْ يَرْحَمْ صَغِيرَنَا وَيُوقِّرْ كَبِيرَنَا

*"Not including my ummah, those who (old) do not love the young, and those who (young) do not respect the old". (narrated by Tirmidhi no. 1842 from Anas bin Malik).*

Children have the right to receive something from their parents, and parents are obliged to give something to their children. Considering the responsibility of parents towards children, so that they do not fall into injustice due to wasting children's rights, parents should pay attention to several matters including the following.

Referring to the stated goal of Islamic Law, namely the creation of a benefit for mankind, the protection of children's rights is closely related to the effort to care for offspring (hifzh al-nasl) which in the formulation of Maqashid al-Syari'ah is one of the pillars that must be upheld for its creation. a benefit Therefore, the protection of children's rights is very important, and for Muslims the law becomes mandatory syar'i, namely an obligation in accordance with the demands of shari'at (reward for those who carry it, sin for those who ignore it). The thought above is very relevant to some of the guidelines of syara 'as in Al-Quran Surat al-Tahrim verse 6 which reads;<sup>36</sup>

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<sup>36</sup>Qur'an Surah At-Tahrim verse 6.

يَأْتِيهَا الَّذِينَ ءَامَنُوا فُؤَا أَنفُسِكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ عَلَيْهَا مَلَائِكَةٌ غِلَاظٌ شِدَادٌ

لَا يَعْصُونَ اللَّهَ مَا أَمَرَهُمْ وَيَفْعَلُونَ مَا يُؤْمَرُونَ

*“you who have believed, protect yourselves and your families from a Fire whose fuel is people and stones, over which are [appointed] angels, harsh and severe; they do not disobey Allah in what He commands them but do what they are commanded The guardians of angels who are harsh and harsh who never disobey Allah against what He commands them and always do what He is commanded ”.*



## CHAPTER III

### RESEARCH METHODS

#### **A. Research Location and Time**

This research was conducted in Panobasan Lombang Village, Angkola Barat District, South Tapanuli. The time of this research began in September 2020 until April 2021. The reason the researcher researched in the village of Panobasan Lombang is because to see how the implementation of the South Tapanuli Regent Regulation Number 39 of 2017 concerning violence against children that occurred in the village, therefore researcher is interested in researching in this village the location.

#### **B. Types of Research**

The type of research used is qualitative research according to Lexy J. Moleong. Qualitative research methods are research that intends to understand phenomena about what is experienced by research subjects such as behavior, perception, motivation, action and others. Holistically and by way of description in the form of words and language, in a special natural context.<sup>37</sup>

Based on the explanation above, qualitative is a type of research that goes directly to the field without intermediaries by directly interviewing the people who are in the place who want to be interviewed, so that the desired results will be obtained for the sake of the task or the needs needed to help solve it. . In qualitative research, the data are continuously analyzed since the research activity was carried out. Data analysis activities include activities with

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<sup>37</sup>Lexy J. Moleong, *Metodologi Penelitian Kualitatif: Edisi Revisi* (Bandung: Remaja Rosdakarya, 2013), p.6.

grouping data, selecting and sorting, looking for patterns and finding what is important and what is learned then deciding what to present to others.<sup>38</sup>

### **C. Research Subjects**

This research uses a case study approach with the aim of finding out how the implementation of the regent's regulation number 39 of 2017 regarding violence against children in the Angkola Barat sub-district of South Tapanuli and how Islam views cases of violence against children in the Angkola Barat district of South Tapanuli.

In line with this, the subjects of this research are the Head of the Women and Children Protection Unit of the South Tapanuli Police and the Head of Panobasan Lombang Village, Angkola Barat District, South Tapanuli

### **D. Data Sources**

The data source is the subject where the researcher obtained the data. According to Lofland, the main data sources in qualitative research are words and actions, the rest are additional data such as documents and others. In this regard, in this section the types of data can be divided into words and actions, written data sources, photographs and statistics. So some of the data sources used in this research covers;

#### **1. Person**

People are one of the sources of data in a study that can provide data through oral answers when conducting interviews. In this study, the researcher conducted direct interviews with the respondents, namely

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<sup>38</sup>Sawaluddin Siregar, *Hakikat Kuliah Kerja Lapangan dan Perubahan Masyarakat*, Jurnal Al-Maqasid: Jurnal Ilmu Kesyarahan dan Keperdataan, Vol. 5, No. 2 (2019), P. 230.

Paulus Robert Gorby as well as head of detective criminal and parties who help such as Aiptu Zaki A in the field of casium. And Mr. Maraden Hutabarat as well as chief of Women and Child Protection.

## 2. Place

Data source that presents a display in the form of a stationary or moving state. silent, for example, the room, the completeness of the infrastructure. moving, for example, the resulting data in the form of image data or photos. In this study, it was used to interview the respondent directly to the Resort Police of South Tapanuli Regency regarding violence against children that occurred in West Angkola District, especially in Panobasan Lombang and to the chief of Panobasan Lombang Village, West Angkola District, South Tapanuli Regency to request information about cases of violence against children. In the village of Panobasan Lombang, West Angkola District, South Tapanuli Regency.

## 3. Paper

The next data source is a data source that presents letters or numbers, images, for which a documentation method is needed from books, archival documents and so on. In this case, the researcher has made a direct visit to the resort police of the South Tapanuli Regency in terms of conducting interviews and obtaining data in the form of data on violence against children in the Angkola Barat sub-district, South Tapanuli Regency from 2017 to 2021.

## **E. Data Collection Methods**

In this study, the researcher will use the following data collection methods:

### **1. Observation**

Observation is a method in which the researcher observes the object under study directly. There are two types of observations, first, participant observation, namely the research participating as a member of the group being studied. The second non-participant observation is observation where the researcher does not position himself as a member of the group being studied.

In this study, the researcher will conduct non-participant observations where the researcher will be neutral by not positioning himself as a group of informants to be studied. Therefore, researchers conducted research at the South Tapanuli Resort Police, especially in the protection unit for women and their children.

### **2. Interview**

Interview is a research method in which researchers conduct face-to-face interviews in depth and continuously seek information from informants. This method allows researchers to get detailed reasons for the answers of the informants which include their opinions, motivations, values or experiences.

In this study, researchers will conduct direct interviews with the head of the female child protection unit at the South Tapanuli Police and the

Panobasan Lambang Village Head, West Angkola District, South Tapanuli, to find out more about the implementation of the Regent's Regulation No. 39 of 2017 concerning child abuse in the Angkola Barat District, South Tapanuli. In this way, researchers get the answers they need.

### 3. Documentation

Documentation is a method of collecting data by studying records of the respondent's personal data, as is done by a psychologist in examining the development of a client through his personal records. A large number of facts and data are stored in materials in the form of documentation. Most of the available data are in the form of letters, diaries, souvenirs, artifact reports and photos.

In this case the researcher found data on the number of violence against children from 2017 to 2021 and photo documentation carried out by researchers with the head of the criminal investigation unit namely, Mr. Paulus Robert Gorby and the head of the women and child protection unit, namely Mr. Maraden Hutabarat.

### **F. Data analysis methods**

In this study, researchers used qualitative analysis methods, in qualitative research data were obtained from various sources, using various data collection techniques. Qualitative analysis is inductive in nature, ie analysis based on the data obtained, then developed into a hypothesis. There is steps and techniques that will be obtained to analyze qualitative data will be explained as follows;

1. Editing the data, arranging the editorial data into a systematic sentence structure
2. Data reduction, namely checking the completeness of the data to find what is still lacking and ruling out the irrelevant
3. Describing the data systematically which is associated with the data processed qualitatively according to the topic -topic of discussion.
4. Drawing conclusions, namely summarizing all the descriptions of the data in a few sentences in which the understanding is brief, solid and clear.

#### **G. Data validity test method.**

The validity An examination of the validity of the data is basically, in addition to being used to refute accusations against qualitative research that says it is not scientific, it is also an inseparable element of the body of knowledge of qualitative researchof the data is carried out to prove whether the research conducted really a scientific research as well as to test the data obtained. The data validity test in qualitative research includes credibility, transferability, dependability, and confirmability tests. So that the data in qualitative research can be accounted for as scientific research, it is necessary to test the validity of the data.

## **CHAPTER IV**

### **RESEARCH RESULT**

#### **A. Overview And Research Locations**

##### **1. Police Profile of South Tapanuli Resort and Unit Women and Child Protection**

###### **a. History of the Establishment of the South Tapanuli Resort Police Office South**

Tapanuli Regency is a Regency in North Sumatra, Indonesia. The capital city is Sipirok. The district was originally capitalized in Padang Sidempuan. After the division, the district capital moved to Sipirok. South Tapanuli Regency is located in the western and southern parts of North Sumatra Province with a geographical location between 0°58'35"-2°07'33" north latitude and 98°42'50"-99°34'16" east longitude.

One of the impacts of the regional expansion is on public services. The regional expansion policy is able to shorten the geographical distance between residential areas and service centers, as well as narrowing the span of control between local governments and government units under them.

In addition, the expansion also makes it possible to provide new types of services, such as electricity, telephone service, and other urban facilities, especially in the capital area of the expansion area. Based on Article 41 of Law no. 23 of 2014 concerning Regional Government, contains several obligations of the parent region to candidates for new

Regency/City regions in the context of regional expansion, one of which is to assist in the preparation of government facilities and infrastructure. One of the much needed public service facilities is Head quarters the Resort Policeto fulfill the service needs of the people of South Tapanuli.

At this time, the South Tapanuli Police Headquarters (Office) is located at sreet Sm Raja Padang Sidempuan, Padang Sidempuan City. The Resort Police Headquarters is a building for service purposes which becomes the property of the State and is held with funding sources originating from APBD funds, and other legal acquisitions of buildings located in the regency/city area. Resort Police or abbreviated as south tapanuli resort police is the executor of the duties and authorities of the republic indonesian Police in the district/city area under the regional police chief (Police regulation No.23 of 2010 concerning Organizational Structure and Work Procedures at the police resort levels).

In addition, the Resort Police must accommodate the needs of the community and be equipped with supporting facilities. The supporting facilities such as patrol vehicles, telecommunications, management, administration and most importantly the police office or headquarters. It is from this police headquarters that all activities related to the duties and functions of the police are coordinated. One of them is the women and children protection unit under the auspices of the South Tapanuli resort police which serves as a unit where the Tapanuli community

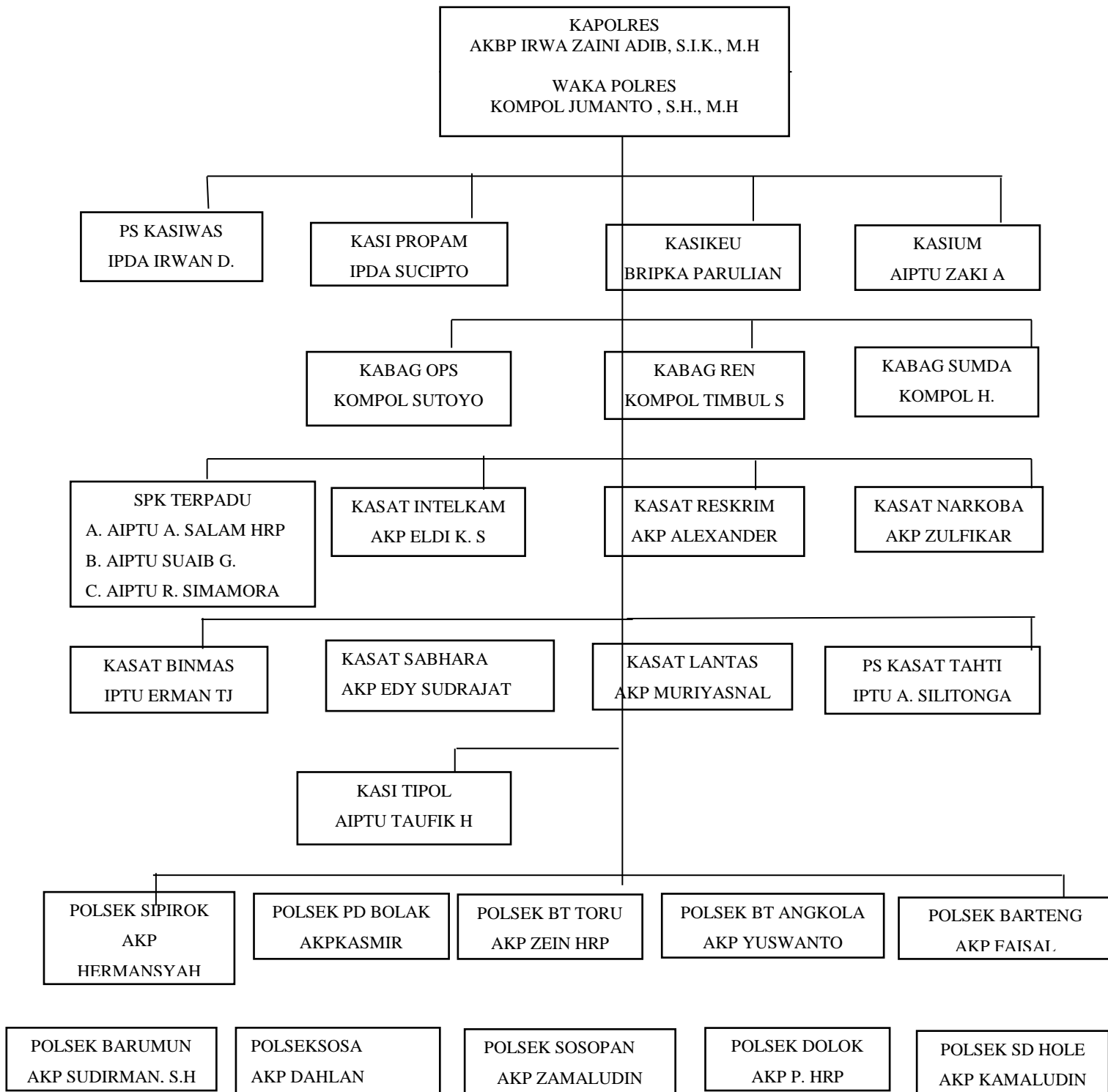


provides reports and information regarding violence against women and children.

#### **b. Organizational Structure of the South Tapanuli Resort Police**

##### **Office**

The organizational structure of the company is a framework for the division of tasks and functional responsibilities that play a role in carrying out company activities, through a clear organizational structure. With the organizational structure, it is expected that every employee knows and can carry out the duties and obligations that he must carry out and can be responsible for these duties and obligations to know how to give authority to its members, so that each member's activities can be well organized and coordinated. Below is the Structure Organizational of the South Tapanuli Resort Police Office



### **c. Vision and Mission of the South Tapanuli Resort Police Office**

#### 1) South Tapanuli Police Vision

Based on partnerships, an Accountable and Humanist Police figure can be realized or a modern and moral figure as a trusted protector, protector and public servant in maintaining Kamtibmas and law enforcement professionally.

#### 2) South Tapanuli Police Mission

- a) Providing protection, protection and services in an easy, fast, precise, responsive and non-discriminatory manner according to existing service standards, so that the community is free from all forms of interference and physical, psychological harm and all rights they have.
- b) Maintaining public security and order, at all times throughout the jurisdiction, as well as facilitating and encouraging community participation in maintaining Kamtibmas in their environment and through their respective fields of life.
- c) Enforce the law in a professional, proportional, objective, transparent and accountable manner, in order to ensure legal certainty, a sense of justice and the upholding of human rights.
- d) Manage in a professional, proportional, transparent, accountable, effective and efficient manner, all South Tapanuli Police resources (human, material and financial) with a scientific approach, to support the implementation of both operational and coaching tasks.

- e) Improving the quality of management on an ongoing basis, especially with regard to the functions of planning (planning), organizing (organizing), actuating (actuating) and controlling (controlling), which are applied in the operational and coaching fields, so as to be able to answer task challenges as a consequence of environmental changes strategic.
- f) Strengthening the implementation of Community Policing, in order to build a Crime Management Infrastructure (IPK) based on law-abiding communities, so as to be able to support the implementation of police duties.
- g) Conduct a study on changes and developments in the Internal and External environment, in order to anticipate changes in the configuration of challenges, threats, obstacles, and disturbances faced by the command. From this study, it is hoped that more appropriate management concepts can be formulated. In this regard, it is urgent to establish a Police Environmental Assessment Forum (FKLK).

## **2. Profile of Panobasan Lombang Village**

In this study, the authors reveal the results of interviews about the profile of Panobasan Lambang village, West Angkola District, South Tapanuli Regency.

**TABLE I**  
**The Population Of Panobasan Lombang Village**  
**West Angkola District**

<b>No</b>	<b>Gender</b>	<b>Total population</b>
<b>1</b>	<b>Male</b>	<b>1.504</b>
<b>2</b>	<b>Female</b>	<b>1.449</b>
	<b>Total</b>	<b>2.953</b>

Sumber: Data Penduduk Desa Panobasan Lombang,2021

The number of residents in the village of Panobasan Lombang District of Angkola West South Tapanuli totaled 2,953 people, made up of 1,504 men, 1,449 women and consists of 700 households.

Geographically, Panobasan Lombang Village, West Angkola District, South Tapanuli Regency, North Sumatra Province, has an area of 7.30 KM. To know more about Panobasan Lombang Village, West Angkola District, it has the following regional boundaries:

- a. To the north it is bordered by Padang Lancat Village
- b. To the south, it is bordered by Panobasan Dolok
- c. In the west it is bordered by Angkola Sangkunur
- d. To the east, it is bordered by Marancar District

### **1) Livelihood Conditions of the Villagers of Panobasan Lombang**

Regarding livelihood which is the main means for the people of Panobasan Lombang village, West Angkola District, it is dominated

by the agricultural sector. For more details, as can be found in the following table:

**TABLE II**  
**Livelihood Of The Villagers Of Panobasan**  
**Lombang District Of West**

<b>NO</b>	<b>Type Of Work</b>	<b>Total Population</b>	<b>Percentage</b>
<b>1</b>	<b>Farmer</b>	<b>985</b>	<b>33%</b>
<b>2</b>	<b>Merchant</b>	<b>470</b>	<b>15%</b>
<b>3</b>	<b>Government Employees</b>	<b>270</b>	<b>10%</b>
<b>4</b>	<b>Private Employees</b>	<b>250</b>	<b>9%</b>
<b>5</b>	<b>Does Not Work</b>	<b>978</b>	<b>33%</b>
	<b>Total</b>	<b>2.953</b>	<b>100%</b>

Sumber: Data Penduduk Desa Panobasan Lombang, 2021.

From the table above it can be seen that the livelihoods of rural communities Panobasan Lombang subdistrict Angkola West South Tapanuli most are mostly farmers.

## **2) The Religious Situation of the Population**

When viewed from a religious perspective, the people of Panobasan Lombang village, West Angkola District, the whole community adheres to the Islamic religion. For more details can be seen in the following table:

**TABLE III****State Of Religious Villagers****Panobasan Lombang West Angkola District**

<b>No</b>	<b>Religion</b>	<b>Total Population</b>	<b>Percentage</b>
<b>1</b>	<b>Islam</b>	<b>2.010</b>	<b>70%</b>
<b>2</b>	<b>Christian</b>	<b>530</b>	<b>17%</b>
<b>3</b>	<b>Catholic</b>	<b>413</b>	<b>13%</b>
<b>4</b>	<b>Hindu</b>	<b>-</b>	<b>-</b>
<b>5</b>	<b>Buddha</b>	<b>-</b>	<b>-</b>
<b>6</b>	<b>Konghuchu</b>	<b>-</b>	<b>-</b>
	<b>Total</b>	<b>2.953</b>	<b>100%</b>

Sumber: Data Penduduk Desa Panobasan Lombang, 2021.

From the above table it is known that the village Panobasan Lombang District of West Angkola majority embraced Islam . Religion is human nature, so every human being needs religion as a guide and guide in his life to achieve safety and happiness both in this world and in the hereafter.

In the context of the presentation of religious teachings in Panobasanvillage, LombangWest Angkola District, the means of worship are important, namely with the presence of a house of worship in Panobasan Lombang village, West Angkola district, South Tapanuli district, there are 2 (two) mosques and 2 (two) church.

### 3) The State of Population Education

Within the scope of education in Panobasan Lombang village, West Angkola District, it can be seen from the following table:

**TABLE IV**

**The State Of Education Of Villagers Panobasan Lombang  
West Angkola District**

<b>No</b>	<b>Level Of Education</b>	<b>Percentage</b>
<b>1</b>	<b>College Graduate</b>	<b>20%</b>
<b>2</b>	<b>Senior High School</b>	<b>35%</b>
<b>3</b>	<b>Junior High School</b>	<b>20%</b>
<b>4</b>	<b>Elementary School</b>	<b>15%</b>
<b>5</b>	<b>Not In School</b>	<b>10%</b>
	<b>Total</b>	<b>100%</b>

Sumber: Data Penduduk Desa Panobasan Lombang, 2021.

From the above data it can be concluded that the population Panobasan Lombang Village, West Angkola District, tertiary level College Graduate 20% Senior High School 35% Junior High School 20% Elementary School 15% and Not in School 10%.



## **B. Implementation of the South Tapanuli Regent's Regulation on Violence Against Children Implementation of the South Tapanuli**

Regent's regulation number 39 of 2017 contained in article 1 paragraph 23 which states that violence against children is Victims of Violence are children, women, the elderly who are physically threatened or non-physical (psychological) because acts of violence are treated wrongly / inappropriately by both the family and the social environment.<sup>39</sup> All actions, whether intentional or unintentional, that can damage children in the form of physical, mental, social, economic or sexual attacks that violate human rights, are contrary to the values and norms in society.

Unfortunately, the South Tapanuli regent's regulation number 39 of 2017 only provides an explanation of the meaning of child abuse, the age of a child who is said to be a child in law who gets child protection. South Tapanuli regent regulation number 39 of 2017 has been promulgated in regional gazettes and regional news after going through several stages in the process of forming laws in accordance with law number 12 of 2011 concerning the formation of laws and regulations aimed at making the public aware of regulations formed.

Based on the result of an interview with Mr. Paulus Robert Gorby the head of crime investigation unit he said that the implementation of the regent's regulation was carried out by the every institution related to the contents of the

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<sup>39</sup>Article 1, paragraph 23 south Tapanuli regent regulation number 39 in 2017 on handling social issues.

such as violence against children that occurred in the South Tapanuli regency South Tapanuli Resort Police number 39 of 2017, together with the women's and child protection unit, the integrated center for women's empowerment and child protection, the social service, the women's empowerment and child protection service, the religious court, the district court, and the district attorney's office.

In improving implementation the regulation of the South Tapanuli regent number 39 of 2017, it is necessary for the South Tapanuli government to provide legal counseling, introduce an integrated service center for the empowerment of women and children, introduce a women and child protection unit at the South Tapanuli resort police so that the people of South Tapanuli know the regulations. and also understands the duties and function of integrated service center for women's empowerment and child protection for the community. The following is data on violence against children that occurred in the West Angkola sub-district of South Tapanuli Regency from 2017 to 2021 based on the results of interviews with Mr. Maraden Hutabarat.

<b>Time</b>	<b>Physical Abuse</b>	<b>Sexual Violence</b>
<b>2017</b>	<b>2</b>	<b>-</b>
<b>2018</b>	<b>1</b>	<b>1</b>
<b>2019</b>	<b>2</b>	<b>1</b>
<b>2020</b>	<b>1</b>	<b>2</b>
<b>2021</b>	<b>-</b>	<b>1</b>

<b>Jumlah</b>	<b>6</b>	<b>5</b>
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### **1. Socialization and legal counseling (South Tapanuli Regent Regulation 2017)**

In terms of implementing the regent's regulation number 39 of 2017 concerning violence against children, the south tapanuli district government along with institutional elements related to the south tapanuli regent's regulation number 39. Such as the social service, the women's empowerment and child protection service, the South Tapanuli resort police, an integrated service center for women's empowerment and child protection, conducted legal counseling which was carried out two months after the regent's regulation was enacted, namely 10 July 2017 in South Tapanuli district Sipirok and legal counseling was held on 5 September 2017.

Legal counseling is carried out to create a better legal awareness of the community so that every member of the community realizes and lives up to their rights and obligations as citizens and creates a legal culture in attitudes and behavior that are aware, obedient, and obedient to the law and respect human rights. Human Rights are a set of rights inherent in the nature and existence of humans as creatures of God Almighty and are His gifts that must be respected, upheld and protected by the state, law, government, and everyone for the sake of honor and protection of human dignity. So a person is not only required to obey the law but also has to respect the rights of

others, each of whom has the same value and dignity and gets legal certainty and equal treatment before the law.

Therefore, in order to increase the legal awareness of the people of South Tapanuli, especially in the West Angkola sub-district of the applicable legal norms and statutory regulations, the law of the South Tapanuli Regent Regulation Number 39 of 2017 is very necessary to disseminate legal information so that the values that live in society are in the form of understanding and obedience or obedience of the community can be realized.

Legal counseling is one of the activities of disseminating information and understanding of applicable legal norms and laws and regulations in order to realize and develop public legal awareness so as to create a legal culture in the form of an orderly and obedient or obedient to legal norms and legislation in force for the sake of upholding the law rule of law.<sup>40</sup>

Counseling is held with the aim of creating a better legal awareness of the community so that every member of the community realizes and lives up to their rights and obligations as citizens and creates a legal culture in attitudes and behavior that are aware, obedient, and obedient to the law and respect human rights.

Basically, both socialization and counseling have different aims and objectives the same thing, which is to make other people/society recognize

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<sup>40</sup>Article 1 Number 1 Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M-01.PR.08.10 of 2007 concerning Amendments to the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M-01.PR.08.10 of 2006 concerning Patterns of Legal Counseling on Patterns Legal Counseling Legal

and understand something. However in the process, socialization is more general and broader. Socialization not only about providing technical instructions, as one instructor/guide to extension participants, but can also use other methods. Even advertisements on television and a page can also be called a form of socialization. While counseling is a form of socialization that has technical and more specific procedures.

In terms of violence against children, the South Tapanuli district government together with the office of women's empowerment and child protection as well as the women's and child protection unit and also the integrated empowerment center for the protection of women and children conducted socialization and legal counseling to various places such as socializing legal counseling to every sub-district that in South Tapanuli Regency such as West Angkola District, this legal socialization and counseling was also attended by the government and the community which to introduce or provide an understanding of laws or regulations that are socialized.

Legal counseling regarding the regulation of the South Tapanuli regent number 39 of 2017 is carried out in an orderly and planned manner, the presence of the community is an important element in the sustainability of the legal counseling. The legal counseling activities for the South Tapanuli regent's regulations number 39 of 2017 were carried out in the form of lectures and print media where when legal instructors explained or provided understanding to the public about the regent's regulations they also received

books provided by the legal extension officers containing the regent's regulations. as stated by one of the employees of the West Angkola sub-district office, Mrs. Rina Harahap the legal counseling regarding the regent's regulation was carried out in the Sitinjak ward V environment which was attended by government officials from the West Angkola sub-district, village government officials, community leaders and only a few of the community attended legal counseling.<sup>41</sup>

## **2. Legal Assistance**

In addition to legal counseling carried out by the South Tapanuli Regency government to disseminate information to the South Tapanuli Regency community, especially in West Angkola district, the function of the presence of an integrated service center institution for women's empowerment and child protection to provide legal assistance to children who are victims of acts of violence such as free legal aid.<sup>42</sup> An integrated service center institution for women's empowerment and child protection, the legal department its task of providing legal assistance to children who are victims of violence, namely by providing free legal aid or in the language of advocates called pro bono given to children who are victims of violence according to their needs.

First, the victim reports about the violence against children she has experienced or victims of violence against children can also be proposed by the local hospital if they receive information related to cases of violence by the victim. In terms of legal assistance, the integrated service center for women's

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<sup>41</sup>Interview with Mrs. Rina Harahap, on 11 Juni of 2021.

<sup>42</sup>Interview with KANIT Women and Chil Protection Mr. Maraden Hutabarat, on 26 April 2021.

empowerment and child protection will provide a lawyer who is given the right to the lawyer to settle the victim's case. After the victim gets a lawyer, the lawyer is given the mandat to resolve cases of child victims of acts of violence, such as accompanying the victim in fulfilling a summons by the women and child protection unit at the South Tapanuli Resort Police to request information regarding the incident of violence, if the victim is able to tell in detail the details of the violent incident because the impact on mental health is disturbed, the lawyer may convey the incident of the violent act in accordance with what the victim told the lawyer, but if the victim does not have the impact of mental health disorders due to the act of violence, then the victim must convey how the incident of violence occurred to the women and child protection unit.

The women and child protection unit collaborates with the integrated service center institution for the empowerment of women and children in every subdistrict in the South Tapanuli distric such as the integarted service center for womens empowerment and child protection in the west Angkola subdistrict. The women and children protection units in carrying out their functions are;<sup>43</sup>

1. Implementation of legal services and legal protection
2. Conducting investigations and criminal investigations
3. Implementation of cooperation and coordination with relevant agencies.

When a child who is a victim of violence gets legal resistance, at the time she or he also entitled to legal protection by law enforcement officers, children

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<sup>43</sup>Interview with KANIT Women and Child Protection Mr. Maraden Hutabarat. On 26 April 2021.

who get legal protection are children 18 years including children who are in the womb. Therefore, efforts to implement the South Tapanuli regent regulation number 39 of 2017 in addition to conducting socialization aimed at disseminating legal information in the community, also providing free legal assistance and ensuring the fulfillment of newspaper rights through an integrated service center institution for women's empowerment and child protection, providing lawyers who given a mandate to resolve cases of child victims of violence.

### **3. Heaeling Application**

In addition to providing free assistance to children who are victims of child abuse, they also receive mental health treatment due to the impact of violent acts experienced by victims. the steps for implementing trauma healing for victims carried out by the health department of an integrated service center for women and children empowerment are as follows;

#### **a. Report Receipt**

After receiving reports of acts of child abuse, both victims themselves who provide reports or submissions from hospitals related to acts of child violence, at that time the counselor as the person who will provide mental healing for children who are victims of child violence due to acts of violence, then at that time the counselor knows reporting acts of violence. In this case, the counselor will also get files for reporting incidents of violence that the counselor gets from the administration department at the integrated service center for empowering women and



children, Reporting can be done by the victim, the family of the victim, and also the community.

Reporting can be done by the victim, the family of the victim, and also the community, either directly or indirectly, such as through (phone, letter, WhatsApp and so on) to the complaints section of the integrated service center for empowering women and children. After that, based on the report, the complaints section of the integrated service center for women's empowerment and child protection will analyze the case whether outreach is needed or not. If outreach is needed regarding the case, a letter of assignment will be drawn up signed by the head of the integrated service center for empowering women and children experiencing problems and coordinating with related parties, such as community leaders, police, and women and children protection units.

#### **b. The Counselor's Introduction To The Victim**

The counseling process for victims of child abuse is the main thing that must be done attention in dealing with victims of violence against children. Victims of violence on child is a person who is vulnerable to trauma and uncomfortable with a new person who is not known even if the new person here is a counselor who will help solve the problem but a child who has been experiencing a sense of trauma will find it difficult to accept the existence of people who are not known in his life so that it will take time and its own process to face the victim.

At this stage the counselor begins to approach the victim or child who is having problems. As in the counselor's counseling skills will be counselling fostering the victim's trust in the counselor by creating support as well as trust in counselors. At this stage the counselor first interacts with the victim such as; as if the counselor didn't know anything about the victim. Counselor invites the victim to get acquainted, when the counselor gets to know the victim that's where counselors begin to understand how severe the level of trauma experienced by the victim is.

Through the interview data that the author did, the mental conditions in each victims are different, there are victims who are completely silent and don't want to meet with strangers if you meet a victim like this then a counselor it takes longer to get acquainted and get victim's trust. But there are also victims who remain cheerful like never whatever happens in his life, this type of victim is easier to deal with approached by the counselor and are usually more open to the counselor.

So the first step that the counselor does is to foster trust the victim, namely by inviting the victim to chat so that the victim is able to have an opinion that the counselor is the person who understands him the most and can take care of the secret that he had been hiding all this time because some of the victims were indeed with deliberately concealing memories of embarrassing events or incidents that traumatized him so that in this case the counselor must be able to convince victim that the counselor is a person who is able to maintain the victim's confidentiality.

If at the first meeting the victim still does not want to accept the presence of the counselor then the counselor must step back and not impose his will, which often is usually the victim's child new violence will start accepting counselor attendance after the third meeting with a counselor.

At this early stage the skills counselors must use when dealing with victims is an empathetic skill that is as if a counselor too counselor feel what the victim is experiencing so that the counselor tries to dive into the feelings victim by feeling what happened to the victim. Activity step at this stage the child begins to talk about his daily life, during the victim has started to open up with the counselor, the counselor must be observant how much trauma the victim experienced.

In this stage the counseling function. Alleviation function at this stage the counselor provides an alleviation function to the problem victim by determining the type of trauma the victim experienced after experiencing violence, after knowing how deep the level of trauma, the counselor bridges the victim to be referred to a psychologist or psychiatrist, considering that counselors do not have the same authority as psychologists or a psychiatrist being a counselor here provides an alleviation function in problems one of the victims is about the mental condition of the victim who has traumatized by violence.

In these functions, the main thing given to the victim is a sense of security and comfort with the counselor so that the counseling process can run smoothly. At the stage of counseling activities, the counselor will

explore various types of information that is needed when the case is heard later, the information that must be obtained from the victim is when it happened the harassment incident, how it happened, so that during the counseling process, such information must be able to be accessed dig by the counselor so that when the trial is indeed the child's condition it is not possible to answer.

### **C. Islamic View of Violence Against Children**

Children are a gift from Allah Almighty for which we should be grateful. He is the successor of the lineage that can preserve the reward for parents even if the parents have died. It is a mandate from God that must be handled properly. Because in him inherent dignity and rights as a human being that must be upheld. While the most basic in the matter right of human rights is the right to life. Children's rights are part of the human rights contained in the 1945 Constitution and the United Nations Convention on children's rights. Talking about rights, there must be obligations on the other side. The relationship between parents and children, regarding their rights and obligations in Islam, is as described in the hadith of the Prophet Muhammad SAW: "Not among my ummah, those who (old) do not love the young, and those who (young) do not respect the old." . (narrated by Tirmidhi)

The Qur'an is the holy book of Muslims, serves as a hudan (guidance) for all mankind to achieve happiness in life in this world and the hereafter, for believers who follow its instructions by doing good deeds, will get a great reward from Allah (Surah al-Isra': 9).

إِنَّ هَذَا الْقُرْآنَ يَهْدِي لِلَّتِي هِيَ أَقْوَمُ وَيُبَشِّرُ الْمُؤْمِنِينَ الَّذِينَ يَعْمَلُونَ الصَّالِحَاتِ أَنَّ لَهُمْ أَجْرًا كَبِيرًا

*Indeed, this Qur'an guides to that the which is most suitable and Gives good Tidings to the believers who do righteous deeds that they will have a great reward.*

Among the instructions explained by the Qur'an in an effort to create security and safety in life in the world are the rules in the form of sanctions or punishments for perpetrators of crimes. The crime or crime described in the Qur'an is one of the acts of sexual violence. Islam lays down basic principles in human life whose rights must be protected by anyone. If these basic principles are violated, the perpetrator will be punished. As for the principles in human life that must be maintained, namely the soul or self-esteem, reason, property, lineage, and religion. On this basis, if a person's life is threatened, then he is justified in defending himself, even in his defense of harming the perpetrator of the crime.

Likewise, if family, property, self-esteem, religion, or actions can result in loss of mind, then a person is justified in defending himself, while the perpetrators are threatened with punishment according to the actions they have taken.

A very inhumane act of violence against children is an act of violence that results in the loss of one's virginity or rape. The act of rape or sexual violence is basically more than adultery. If adultery is considered a mortal sin and is punished with a very severe penalty, then rape must be more severe than adultery. Because in the act of rape there is adultery, there is coercion, and threats. Coercion in Islamic jurisprudence is one of the elements that can

burden punishment. Therefore, criminal rape actionable doubled, the sins committed *pelakuknya* and the impact of his actions, that is, those who are victims.

Indeed, in *fiqh*, more discusses adultery as a criminal honor. Adultery is sexual intercourse (*coitus*) carried out outside of legal marriage. The main element in the crime of adultery is the act of *jima'* outside of marriage. Adultery may be the initial basis for the formulation of the act of rape, but rape is not synonymous with adultery.

Rape has an additional element than just sexual intercourse, namely coercion and violence which often results in prolonged trauma to the victim. Cases of rape occurred during the time of the Prophet Muhammad, as explained in the hadith narrated by Imam Turmudzi and Abu Daud, from the companions of *Wa'il bin Hujr ra*, which means that

*one day there was a woman at the time of the Prophet who went out to pray at the mosque. . On the way he met a man who teased him and forced him (to be taken somewhere) to have sex. The woman screamed, and when she finished the rape, the man ran away. Then, passing by several emigrants, he said: "That man has raped me". They chased and arrested the man who was suspected of having raped her. When confronted with the woman, he said: "Yes, this is the person". They were brought before the Messenger of Allah. When they were about to be punished, the men said: "O Messenger of Allah, I did it". The Messenger of Allah said to the woman: "Go, Allah has forgiven you." Then to the man*

*the Prophet said a kind word (appreciative of his confession) and ordered: "Rajamlah". (Narrated by Turmudzi and Abu Dawud).*

The rapists at the time of the Prophet were sentenced, while the rape victims were released. Based on the hadith, the punishment for rape is the same as the punishment for adultery, which is not carried out by coercion and violence. Therefore, the majority of hadith scholars and fiqh scholars place the act of rape exactly the same as the act of adultery. The only difference is that the two perpetrators must undergo punishment, while in the case of rape, only the rapists receive the punishment, while the victim must be released.

In the hadith narrated by Imam al-Bukhari, from Nafi' maula Ibn Umar, ra said: *"That Shafiyah bint Abi Ubaid reported that a male slave met a female slave, and forced her to have sex, then Caliph Umar punished him with lashes and expelled her (from the city), and did not punish the woman because she was forced."*

The two hadiths above are used as the basis for scholars to release punishment from people who are forced to commit crimes (mukrah). In fiqh it is stated that a person is neither subject to sin nor the consequences of the act in which he is forced to do so. Ibn Hajar's statement above clearly denies the possibility of being 'sinful' for rape victims. As if the act was committed by a rape victim's kin (such as their own parents, stepfather, siblings, or unrelated), then the punishment is more severe. Here are some hadiths of the prophet that explain the case. The hadith

narrated by Ahmad, from Barra' bin 'Azib is explained which means "*From Barra' bin 'Azib, he said: My uncle Al-Harith bin Amr came to me, carrying a flag tied by the Prophet Muhammad. I also asked: O uncle, where have you been sent by the Messenger of Allah ?, he replied: "I was sent by the prophet to meet people who marry their father's wives, then I was ordered to hit their necks" (HR. Ahmad)*

In another hadith, the history of Ibn Abbas is also explained that meaning "*From Abdullah ibn Abbas ra, that the Messenger of Allah said: "Whoever has sex, in another editorial "Whoever marries his muhrim" then kill him"* This hadith is an affirmation of punishment for verse 22 of Surah an-Nisa 'which explains the prohibition of a person. son marries his father's ex-wife. In fiqh, the element of coercion to commit a crime is indeed discussed as an element that can relieve or release the forced victim from legal bondage. However, this element is not widely discussed as an element of weight against the threat of criminal punishment for perpetrators. Moreover, making it a separate crime, for example in the case of rape.

#### **D. Author's Analysis**

In the implementation of South Tapanuli Regent Regulation number 39 of 2017 concerning violence against children. Policies issued by the South Tapanuli Regency Government such as socialization carried out with the aim of disseminating legal information and to increase public understanding of the



law, in fact only a few of the community participated in the legal socialization. Legal awareness in the general public is still low, besides the presence of both students and young women in the West Angkola sub-district, South Tapanuli Regency is very minimal.

It is different with legal assistance and also the application of healing for child victims of violence. The Integrated Service Center for Women's Empowerment and child protection is carried out in accordance with the needs of the community who stumbled upon cases of violence against children that occurred in the district of West Angkola. However, due to weak legal awareness in the community, many people do not know about the existence of the South Tapanuli Regent Regulation Number 39 of 2017 and also the function of an integrated service center for women's empowerment and child protection.

## **CHAPTER V**

### **Conclusion and Suggestion**

#### **A. Conclusion**

After analyzing the research, the conclusion that can be obtained from the formulation of the problem and the overall discussion are as follows;

1. Legal counseling carried out by the South Tapanuli Regency government along with elements of related institutions has been realized as it should, which aims to disseminate legal information and also increase legal understanding in the community and Legal assistance and the application of healing for child victims of violence are applied in accordance with the needs of victims both in the field of law and healing the mental health of children who are victims of violence
2. The level of legal awareness and legal knowledge of the people of West Angkola District, South Tapanuli Regency is minimal which makes social problems of violence against children occur every year

#### **B. Suggestion**

Based on the research results of the study there are several suggestions from the research to build a reciprocal function between the regent's regulation and the institutions involved with the people of South Tapanuli, especially in the est Angkola subdistric and in every action the community does not violate islamic law.

1. Increase legal awareness to the community by involving the community both from the village apparatus and the youth in the west Angkola subdistrict in the process of disseminating the law.
2. Provide an understanding in language that easily understood by the community about the existence of an integrated service center institutions for women's empowerment and child protection in order to improve community welfare.

With some suggestions that are implemented can form a reciprocal function between the regulations of the South Tapanuli regent and the community and can increase legal awareness in the South Tapanuli community, especially in the west Angkola subdistrict. And every action of all levels of society cannot be separated from the provisions of Islamic law.

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## CURRICULUM VITAE

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3. State Semior High School 1 West Angkola, Tapanuli Selatan (2014 – 2017)
4. State Institut For Islamic Studies Padangsidimpuan ( 2017 – 2021)

## INTERVIEW LIST

### A. Interview with the Head of Criminal Investigation Unit of the South Tapanuli Resort Police

1. Did the TAPSEL POLRES in the Criminal Investigation Division contribute to implementing the South Tapanuli Regent's Regulation number 39 of 2017?
2. Apart from the TAPSEL POLRES, what institutions have contributed to implementing the South Tapanuli Regent's Regulation Number 39 of 2017?
3. What has the South Tapanuli government done, including the Police, to achieve the function of the South Tapanuli Regent Regulation number 39 of 2017?

### B. Interview with the Head of the Women and Children Protection Unit

1. What kind of services does the Women and Children Protection Unit provide to Children Victims of Violence?
2. What kind of services is provided by the Integrated Service Center for the Empowerment of Women and Children to Children Victims of Violence?

### C. Interview with Panobasan Village Secretary

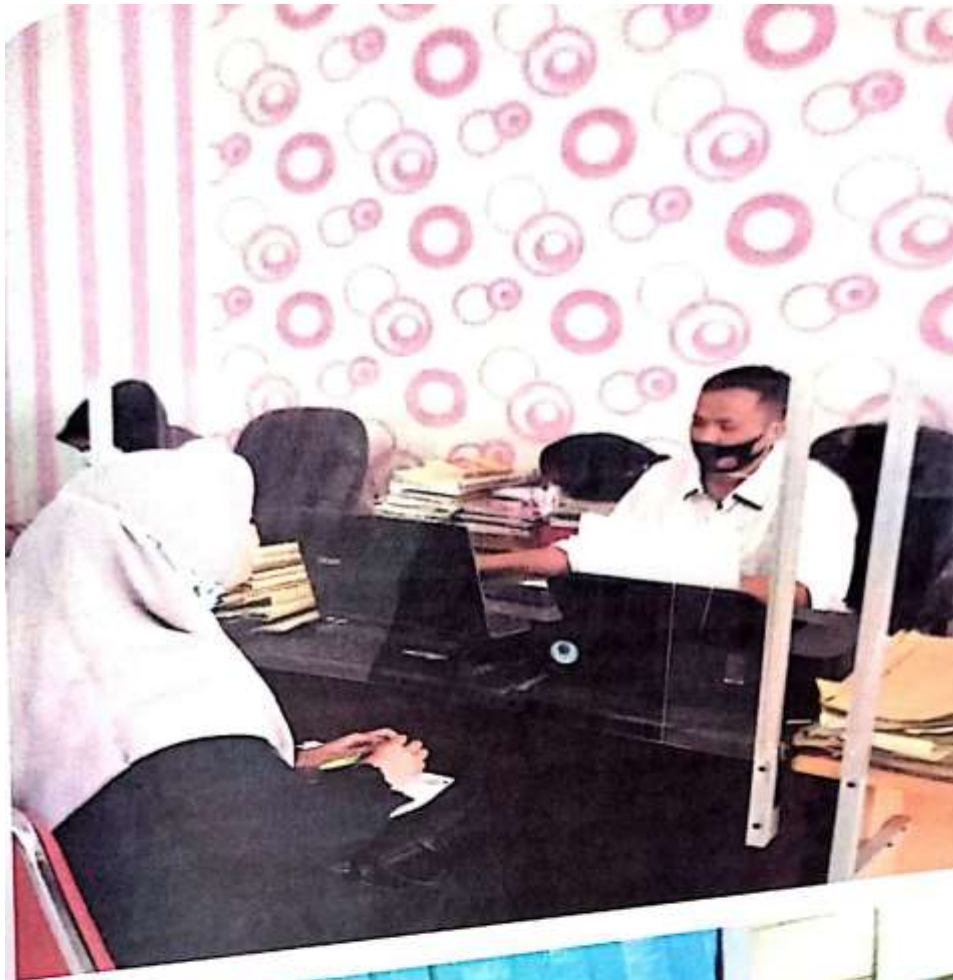
1. In what year was the case of violence against children that occurred in Panobasan, Angkola Barat District, South Tapanuli and how old were the children who were victims of the violence?
2. What kind of violence is experienced by children who are victims of violence?
3. Before the child's violence was discovered by the victim's mother and also by the police, how many times did the child victim of violence receive violence from the father?
4. What times did children who are victims of violence receive violence from their fathers?
5. After experiencing violence, do children who are victims of violence receive psychological or legal services?
6. Did the victim's child decide to change his/her residence for reasons of comfort and mental health?

# Documentation











KEMENTERIAN AGAMA REPUBLIK INDONESIA  
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: B&S/In.14/D.1/PP.00-9/10/2020

Padangsidimpuan, Oktober 2020

Pengesahan Judul dan Pembimbing Skripsi

Bapak/Ibu :

1. Dr. H. Fatahuddin Aziz Siregar, M. Ag
2. Dr. Ikhwanuddin Harahap, M. Ag

Assalamu'alaikum Wr. Wb

Yang hormat, disampaikan kepada Bapak bahwa berdasarkan hasil sidang Tim Pengkaji Kelayakan Judul Skripsi telah ditetapkan Judul Skripsi Mahasiswa tersebut di bawah ini sebagai berikut:

: DINDA SUCIANA RAMBE  
 : 1710300043

: VII (Tujuh) 2020

: Syariah dan Ilmu Hukum/HTN

: **The Implementation of Regent Regulation South Tapanuli Number 39 of 2017 Concerning Violence Against Children in The West Angkola Sub-district South Tapanuli**

Seiring dengan hal tersebut, kami mengharapkan kesediaan Bapak/Ibu menjadi Pembimbing I dan Pembimbing II penelitian penulisan skripsi mahasiswa dimaksud.

Demikian kami sampaikan, atas kesediaan dan kerjasama yang baik dari Bapak, kami ucapkan terima kasih.

Assalamu'alaikum Wr. Wb.

Dekan

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nomor  
list  
ampiran  
di

B-322 /In.14/D.1/TL.00/004/2020

April 2021

**Mohon Bantuan Informasi  
Penyelesaian Skripsi.**

Kepala Kepolisian Negara Republik Indonesia  
Resort Tapanuli Selatan

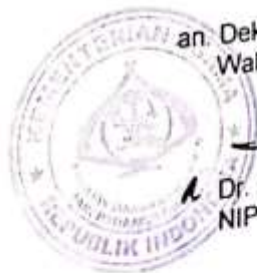
Dengan hormat, Dekan Fakultas Syariah dan Ilmu Hukum Institut Agama Islam  
Negeri Padangsidempuan menerangkan bahwa:

Nama : Dinda Suciana Rambe  
NIM : 1710300043  
Fakultas/Jurusan : Syariah dan Ilmu Hukum/Hukum Tata Negara  
No Telpon : 082275625260

adalah benar mahasiswa Fakultas Syariah dan Ilmu Hukum IAIN Padangsidempuan yang  
sedang menyelesaikan Skripsi dengan judul "The Implementation Of Regent Regulation  
Number 39 Of 2017 Concerning Violence Against Children In The West  
Tapanuli Sub-District South Tapanuli".

Sehubungan dengan itu, dimohon bantuan Bapak untuk memberikan data dan  
informasi sesuai dengan maksud judul skripsi di atas.

Demikian kami sampaikan, atas kerjasamanya kami ucapkan terima kasih.



an. Dekan,  
Wakil Dekan Bidang Akademik

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NIP 197501032002121001

**JUMLAH KASUS KEKERASAN TERHADAP ANAK  
DIWILAYAH KECAMATAN ANGKOLA BARAT  
PADA TAHUN 2017 S/D 2021**

<b>Tahun</b>	<b>Kekerasan Fisik</b>	<b>Kekerasan Seksual</b>
2017	2	-
2018	1	1
2019	2	1
2020	1	2
2021	-	1
<b>JUMLAH</b>	<b>6</b>	<b>5</b>

Tapanuli Selatan, 27 April 2021  
KAMIT PPA

  
MARADEN HUTABARAT  
NIPU NRP 73110257



## SURAT KETERANGAN

Nomor : SK / 171 / IV / 2021 / RESKRIM

yang bertanda tangan dibawah ini :

Nama : DINDA SUCIANA RAMBE  
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Fakultas : Syariah dan Ilmu Hukum  
Program Studi : Hukum Tata Negara  
Semester : VIII (Delapan)  
Tahun Akademik : 2021 / 2022

berdasarkan Surat Dekan Bidang Akademik IAIN Nomor: B-322 / In.14 / D.1 / TL.00 / 004 / tanggal 08 April 2021 Tentang Permohonan Bantuan Informasi dan Penelitian / Riset (pengumpulan Data).

Sebenarnya benar mahasiswa tersebut diatas telah melakukan penelitian / riset (pengumpulan data dan wawancara di Satuan Reserse Kriminal Polres Tapanuli Selatan dengan judul riset "IMPLEMENTATION OF REGENT REGULATION SOUTH TAPANULI NUMBER 39 CONCERNING VIOLENCE AGAINST CHILDREN IN THE WEST ANGKOLA SUB-DISTRICT SOUTH TAPANULI (STUDI DI POLRES TAPANULI SELATAN) " guna untuk melengkapi persyaratan dalam menyelesaikan Skripsinya pada program studi Hukum Tata Negara.

Surat keterangan ini diberikan kepadanya untuk dipergunakan seperlunya.

DIKELUARKAN DI : TAPANULI SELATAN  
PADA TANGGAL : 27 APRIL 2021  
a.n KEPALA KEPOLISIAN RESOR TAPANULI SELATAN  
KEPALA SATUAN RESERSE KRIMINAL  
Selaku Penyidik

  
PAULUS ROBERT GORBY PEMBINA, S.Ik  
AJUN KOMISARIS POLISI NRP 90040415



BUPATI TAPANULI SELATAN  
PROVINSI SUMATERA UTARA

PERATURAN BUPATI TAPANULI SELATAN  
NOMOR 39 TAHUN 2017

TENTANG

PENYELENGGARAAN DAN PENANGANAN  
PENYANDANG MASALAH KESEJAHTERAAN SOSIAL  
DI KABUPATEN TAPANULI SELATAN

DENGAN RAHMAT TUHAN YANG MAHA ESA

BUPATI TAPANULI SELATAN,

- Menimbang :
- a. bahwa dalam rangka untuk meningkatkan pelayanan kesejahteraan sosial, khususnya masyarakat, baik secara individu maupun kelompok-kelompok yang kurang beruntung (disadvantage groups), cacat (disabilitas), korban bencana alam dan sosial, keterpencilan, keterlantaran, penyimpangan perilaku, dan korban tindak kekerasan yang kondisinya rentan, agar mampu mengembangkan diri serta mampu melaksanakan fungsi sosialnya dengan baik, maka perlu adanya acuan yang dapat dijadikan pedoman pelayanan kesejahteraan sosial;
  - b. bahwa sebagaimana dimaksud pada pasal 30 Undang-undang Nomor 11 Tahun 2009 tentang Kesejahteraan Sosial, Pemerintah Daerah berwenang membuat kebijakan yang bersifat lokal;
  - c. bahwa berdasarkan pertimbangan sebagaimana huruf a dan huruf b diatas maka perlu diatur dalam peraturan Bupati Tapanuli Selatan tentang Penyelenggaraan dan Penanganan Penyandang Masalah Kesejahteraan Sosial Kabupaten Tapanuli Selatan.
- Mengingat :
1. Undang-Undang Darurat Nomor 7 Tahun 1956 tentang Pembentukan Daerah Otonom Kabupaten-Kabupaten Dalam Lingkungan Daerah Propinsi Sumatera Utara (Lembaran Negara Republik Indonesia Tahun 1956 Nomor 58, Tambahan Lembaran Negara Republik Indonesia Nomor 1092);
  2. Undang-Undang Nomor 4 Tahun 1997 tentang Penyandang cacat (Tambahan Lembaran Negara Republik Indonesia Tahun 1997 Nomor 9, Tambahan Lembaran Negara Republik Indonesia Nomor 3670);

3. Undang-Undang Nomor 13 Tahun 1998 tentang Kesejahteraan Lanjut Usia (Lembaran Negara Republik Indonesia Tahun 1998 Nomor 190, Tambahan Lembaran Negara Republik Indonesia Nomor 3796);
4. Undang-Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak (Lembaran Negara Republik Indonesia Tahun 2002 Nomor 109, Tambahan Lembaran Negara Republik Indonesia Nomor 4235);
5. Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan Dalam Rumah Tangga (Lembaran Negara Republik Indonesia Tahun 2004 Nomor 95, Tambahan Lembaran Negara Republik Indonesia Nomor 4419);
6. Undang-Undang Nomor 40 Tahun 2004 tentang sistem-sistem Jaminan Sosial Nasional ( Lembaran Negara Republik Indonesia Tahun 2004 Nomor 150, tambahan Lembaran Negara Republik Indonesia Nomor 4456);
7. Undang-Undang Nomor 11 Tahun 2005 tentang Pengesahan Internasional Covenaat Economie, Social and Cultural Rights ( Komitmen Internasional tentang hak-hak Ekonomi, Sosial dan Budaya) ( Lembaran Negara Republik Indonesia Tahun 2005 Nomor 118, Tambahan Lembaran Negara Republik Indonesia Nomor 4557 );
8. Undang-Undang Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang (Lembaran Negara Republik Indonesia Tahun 2007 Nomor 66, Tambahan Lembaran Negara Republik Indonesia Nomor 4967);
9. Undang-Undang Nomor 24 Tahun 2009 tentang Penanggulangan Bencana (Lembaran Negara Republik Indonesia Tahun 2009 Nomor 66, Tambahan Lembaran Negara Republik Indonesia Nomor 4723);
10. Undang-Undang Nomor 11 Tahun 2009 tentang Kesejahteraan Sosial (Lembaran Negara Republik Indonesia Tahun 2009 Nomor 12, Tambahan Lembaran Negara Republik Indonesia Nomor 4967);
11. Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika (Lembaran Negara Republik Indonesia Tahun 2009 Nomor 143, Tambahan Lembaran Negara Republik Indonesia Nomor 5062);
12. Undang-Undang Nomor 13 Tahun 2011 tentang Penanganan Fakir Miskin (Lembaran Negara Republik Indonesia Tahun 2011 Nomor 83, Tambahan Lembaran Negara Republik Indonesia Nomor 5235);
13. Undang-Undang Nomor 19 Tahun 2011 tentang Pengesahan Convensi On The Rights of Person With Disabilitas (Lembaran Negara Republik Indonesia Tahun 2011 Nomor 107, Tambahan Lembaran Negara Republik Indonesia Nomor 5251);



14. Undang-Undang Nomor 24 Tahun 2011 tentang Badan Penyelenggara Jaminan Sosial ( Lembaran Negara Republik Indonesia Tahun 2011 Nomor 116, tambahan Lembaran Negara Republik Indonesia Nomor 5256);
15. Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah ( Lembaran negara Republik Indonesia Tahun 2014 Nomor 244 , Tambahan lembaran Negara Republik Indonesia Nomor 5581 sebagaimana telah diubah beberapa kali terakhir dengan Undang - Undang Nomor 9 Tahun 2015 tentang Perubahan Kedua atas Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah ( Lembaran Negara Republik Indonesia Tahun 2015 Nomor 58, Tambahan Lembaran Negara Republik Indonesia Nomor 5);
16. Peraturan Pemerintah Daerah Nomor 31 Tahun 1980 tentang Penanggulangan Gelandangan dan Pengemis (Lembaran Negara Republik Indonesia Tahun 1980 Nomor 51, Tambahan Lembaran Negara Republik Indonesia Nomor 3206);
17. Peraturan Pemerintah Nomor 42 Tahun 1981 tentang Pelayanan Kesejahteraan Sosial Bagi Fakir Miskin (Lembaran Negara Republik Indonesia Tahun 1981 Nomor 59, Tambahan Lembaran Negara Republik Indonesia Nomor 3206);
18. Peraturan Pemerintah Nomor 2 Tahun 1988 tentang Kesejahteraan Anak Yang Bermasalah ( Lembaran Negara Republik Indonesia Tahun 1988 Nomor 2, Tambahan Lembaran Negara Republik Indonesia Nomor 3367);
19. Peraturan Pemerintah Nomor 43 Tahun 1998 tentang Upaya Peningkatan Kesejahteraan Sosial bagi Penyandang Cacat ( Lembaran Negara Republik Indonesia Tahun 1998 Nomor 70, Tambahan Lembaran Negara Republik Indonesia Nomor 3754);
20. Peraturan Pemerintah Nomor 58 Tahun 2005 tentang Podoman Keuangan Daerah ( Lembaran Negara Republik Indonesia Tahun 2016 Nomor 64, Tambahan Lembaran Negara Republik Indonesia Nomor 3956);
21. Peraturan Pemerintah Nomor 21 Tahun 2008 tentang Penyelenggaraan Penanggulangan Bencana ( Lembaran Negara Republik Indonesia Tahun 2008 Nomor 42. Tambahan Lembaran Negara Republik Indonesia Nomor 4828);
22. Peraturan Pemerintah Nomor 29 Tahun 2012 tentang Penyelenggaraan Kesejahteraan Sosial ( Lembaran Negara Republik Indonesia Tahun 2012 Nomor 68, Tambahan Lembaran Negara Republik Indonesia Nomor 5294);
23. Peraturan Pemerintah Nomor 18 Tahun 2016 tentang Perangkat Daerah ( Lembaran Negara Republik Indonesia Tahun 2016 Nomor 114, Tambahan Lembaran Negara Republik Indonesia Nomor 5887);

24. Peraturan Pemerintah Nomor 2 Tahun 2018 tentang Standar Pelayanan Minimal ( Lembaran Negara Republik Indonesia Tahun 2018 Nomor 2, Tambahan Lembaran Negara Republik Indonesia Nomor 6178);
25. Keputusan Presiden Nomor 83 Tahun 1999 tentang Lembaga Koordinasi dan Pengendalian Peningkatan Kesejahteraan Sosial Penyandang Cacat;
26. Peraturan Menteri Dalam Negeri Nomor 32 Tahun 2011 Tentang Pedoman Pemberian Hibah dan Bantuan Sosial yang bersumber dari Anggaran Pendapatan dan Belanja Daerah ( Berita Negara Republik Indonesia Tahun 2011 Nomor 450 ), sebagaimana telah diubah beberapa kali terakhir dengan Peraturan Menteri Dalam Negeri Nomor 14 Tahun 2016 Tentang Perubahan Kedua atas Peraturan Menteri Dalam Negeri Nomor 32 Tahun 2011 Tentang Pedoman Pemberian Hibah dan Bantuan Sosial yang Bersumber dari Anggaran Pendapatan dan Belanja Daerah (Berita Negara Republik Indonesia Tahun 2016 Nomor 541);
27. Peraturan Menteri Sosial Nomor 8 Tahun 2012 tentang Pedoman Pendataan dan Pengelolaan Data Penyandang Masalah Kesejahteraan Sosial dan Potensi dari Sumber Kesejahteraan Sosial (Berita Negara Republik Indonesia Tahun 2012 Nomor 567);
28. Peraturan Menteri Sosial Nomor 19 Tahun 2012 tentang Pedoman Pelayanan Sosial Lanjut Usia (Berita Negara Republik Indonesia Tahun 2012 Nomor 862);
29. Peraturan Menteri Sosial Nomor 25 Tahun 2012 tentang Standar Rehabilitasi Sosial Penyandang Disabilitas oleh Lembaga di Bidang Kesejahteraan Sosial (Berita Negara Republik Indonesia Tahun 2012 Nomor 1217);
30. Peraturan Menteri Dalam Negeri Nomor 80 Tahun 2015 tentang Pembentukan Produk Hukum Daerah (Berita Negara Republik Indonesia Tahun 2015 Nomor 2036);
31. Peraturan Menteri Sosial Nomor 08 Tahun 2012 tentang Pedoman Pendataan dan Pengelolaan Data Penyandang Masalah Kesejahteraan Sosial dan Potensi dan Sumber Kesejahteraan Sosial;
32. Peraturan Daerah Kabupaten Tapanuli Selatan Nomor 7 Tahun 2016 tentang Pembentukan Perangkat Daerah Kabupaten Tapanuli Selatan (Lembaran Daerah Kabupaten Tapanuli Selatan Tahun 2016 Nomor 281, Tambahan Lembaran Daerah Kabupaten Tapanuli Selatan Nomor 141), sebagaimana telah diubah dengan Peraturan Daerah Kabupaten Tapanuli Selatan Nomor 7 Tahun 2017 tentang Perubahan atas Peraturan Daerah Kabupaten Tapanuli Selatan Nomor 7 Tahun 2016 tentang Pembentukan Perangkat Daerah (Lembaran Daerah Kabupaten Tapanuli Selatan Tahun 2017 Nomor 290, Tambahan Lembaran Daerah Kabupaten Tapanuli Selatan Nomor 20);

33. Peraturan Bupati Tapanuli Selatan Nomor 84 Tahun 2016 tentang Kedudukan, Susunan Organisasi, Tugas dan Fungsi serta Tata Kerja Perangkat Daerah Kabupaten Tapanuli Selatan (Berita Daerah Kabupaten Tapanuli Selatan Tahun 2016 Nomor 659);
34. Peraturan Bupati Tapanuli Selatan Nomor 93 Tahun 2016 tentang Uraian Tugas dan Fungsi serta Tata Kerja Dinas Sosial Daerah Kabupaten Tapanuli Selatan (Berita Daerah Kabupaten Tapanuli Selatan Tahun 2016 Nomor 668);

MEMUTUSKAN :

Menetapkan : PERATURAN BUPATI TAPANULI SELATAN TENTANG PENYELENGGARAN PENANGANAN PENYANDANG MASALAH KESEJAHTERAAN SOSIAL DI KABUPATEN TAPANULI SELATAN.

BAB I  
KETENTUAN UMUM

Pasal 1

Dalam Peraturan Bupati ini yang dimaksud dengan :

1. Daerah adalah Kabupaten Tapanuli Selatan;
2. Pemerintahan Daerah adalah penyelenggaraan urusan pemerintahan oleh Pemerintah Daerah dan Dewan Perwakilan Rakyat Daerah (DPRD) menurut asas otonomi dan tugas pembantuan dengan prinsip otonomi seluas-luasnya dalam sistem dan prinsip Negara Kesatuan Republik Indonesia sebagaimana dimaksud dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945;
3. Pemerintah Daerah adalah Kepala Daerah sebagai unsur Penyelenggara Pemerintahan Daerah yang memimpin Pelaksanaan Urusan Pemerintahan yang menjadi kewenangan Daerah Otonomi;
4. Kepala Daerah adalah Bupati Tapanuli Selatan;
5. Dinas Sosial Daerah adalah Dinas Sosial Daerah Kabupaten Tapanuli Selatan;
6. Penyelenggara Kesejahteraan Sosial adalah upaya terpadu, terarah dan berkelanjutan dilakukan dalam bentuk pelayanan sosial guna memenuhi kebutuhan dasar setiap warga Negara yang meliputi rehabilitasi sosial, jaminan sosial, pemberdayaan sosial, dan perlindungan sosial;

7. Kesejahteraan Sosial adalah kondisi terpenuhinya kebutuhan material spritual, dan sosial warga Negara agar dapat dan mampu mengembangkan diri, sehingga dapat melaksanakan fungsi sosialnya;
8. Kesejahteraan sosial adalah kondisi terpenuhinya kebutuhan material, spiritual, dan sosial warga Negara agar dapat hidup layak dan mampu mengembangkan diri, sehingga dapat melaksanakan fungsi sosialnya;
9. Rehabilitasi sosial adalah proses fungsionalisasi dan pengembangan untuk memungkinkan seseorang mampu melaksanakan fungsi sosialnya secara wajar dalam kehidupan masyarakat;
10. Perlindungan sosial adalah semua upaya yang diarahkan untuk mencegah dan menangani resiko dari guncangan dan kerentanan sosial;
11. Pemberdayaan sosial adalah semua upaya yang diarahkan untuk menjadikan warga Negara yang mengalami masalah sosial mempunyai daya, sehingga mampu memenuhi hidupnya secara layak;
12. Jaminan sosial adalah skema yang melembaga untuk menjamin seluruh rakyat agar dapat memenuhi kebutuhan dasar hidupnya yang layak;
13. Standar Sarana dan Prasarana penyelenggaraan Kesejahteraan sosial adalah ukuran kelayakan harus dipenuhi secara minimum baik mengenai pelayanan sebagai alat dan penunjang utama dalam peyelenggaraan Kesejahteraan Sosial;
14. Perlindungan Sosial adalah semua upaya yang diarahkan untuk mencegah dan menangani resiko dari guncangan dan kerentanan sosial;
15. Penanganan fakir miskin adalah orang yang sama sekali tidak mempunyai sumber mata pencaharian dan tidak mempunyai kemampuan memenuhi kebutuhan dasar seperti; sandang, pangan , perumahan, kesehatan, pendidikan dan pekerjaan yang layak bagi kehidupan dirinya dan /atau keluarganya;
16. Penyandang Disabilitas Sosial adalah orang baik secara bawaan lahir, sakit dan/ atau karena aktivitasnya mengalami disabilitas permanen tidak dapat melakukan aktivitas sebagaimana mestinya serta kehilangan sumber pendapatan bagi kehidupan yang layak untuk dirinya atau keluarganya;
17. Anak Balita Terlantar adalah anak dibawah lima tahun yang mengalami gangguan pertumbuhan dan perkembangan jasmani, rohani dan sosialnya karena orang tuanya miskin/ tidak mampu sehingga tidak dapat melakukan kewajibannya sebagai orang tua;
18. Anak Terlantar adalah anak usia sekolah tidak terpenuhi kebutuhan dasar hidupnya dengan wajar karena orang tuanya miskin/tidak mampu, salah satu/kedua orang tuanya meninggal dunia/tidak harmonis;

19. Anak Nakal adalah anak usia sekolah berperilaku menyimpang dari norma/kebiasaan yang berlaku di masyarakat, lingkungan sosialnya sehingga merugikan dirinya, keluarganya, dan orang lain yang dapat mengganggu ketertiban umum;
20. Anak Jalanan adalah anak usia sekolah yang menghabiskan sebagian besar hidup dan waktunya di jalanan dan tempat umum untuk mencari nafkah;
21. Wanita Rawan Sosial Ekonomi adalah wanita remaja/ dewasa, sebelum menikah / janda tidak mempunyai penghasilan cukup untuk memenuhi kebutuhan hidupnya;
22. Lanjut Usia Terlantar adalah seseorang berusia diatas 60 tahun yang tidak dapat memenuhi kebutuhan dasar hidupnya secara wajar baik jasmani, rohani, maupun sosialnya;
23. Korban Tindak Kekerasan adalah anak, wanita, lanjut usia yang terancam secara fisik atau nonfisik (psikologis) karena tindak kekerasan diperlakukan salah/tidak semestinya baik oleh keluarga maupun lingkungan sosialnya;
24. Penyandang Cacat (disabilitas) adalah seseorang yang mengalami kelainan baik penglihatan, pendengaran, fisik, maupun mental sehingga mengalami gangguan/rintangan/hambatan bagi dirinya dalam melakukan aktifitas hidupnya;
25. Tuna Susila adalah seseorang yang melakukan hubungan seksual baik dengan sesama jenis atau lawan jenis yang bukan suami/isteri dengan tujuan untuk mendapatkan imbalan materi/jasa;
26. Pengemis adalah orang yang mendapatkan penghasilan dengan cara meminta-minta ditempat umum mendapatkan belas kasihan dari orang lain;
27. Gelandangan adalah seseorang / sekelompok yang hidup tidak sesuai norma yang berlaku dimasyarakat karena tidak memiliki mata pencaharian, dan tempat tinggal yang tetap;
28. Bekas Warga Binaan Lembaga Kemasyarakatan adalah seseorang yang telah selesai / segera mengakhiri masa hukuman/masa pidananya, mengalami hambatan dalam menyesuaikan diri dengan lingkungan sosialnya;
29. Korban Penyalahgunaan Napza adalah seseorang yang menggunakan narkoba dan zat-zat adiktif lainnya termasuk minuman keras tanpa sepengetahuan dokter yang berwenang;

- (3) Program/kegiatan penyelenggaraan kesejahteraan sosial yang dilaksanakan Dinas Sosial diarahkan untuk peningkatan kualitas hidup para penyandang masalah kesejahteraan sosial (PMKS), kemandirian masyarakat, membantu meringankan beban masyarakat;
- (4) Untuk mendapatkan data yang valid, setiap tahunnya harus dilakukan update data.

BAB X  
KETENTUAN PENUTUP  
Pasal 21

Hal-hal sepanjang mengenai pelaksanaannya akan diatur lebih lanjut dengan Keputusan Bupati.

Pasal 22

Peraturan Bupati ini mulai berlaku pada tanggal diundangkan agar setiap orang mengetahuinya, memerintahkan Pengundangan Peraturan Bupati ini dengan Penempatannya dalam Berita daerah Kabupaten Tapanuli Selatan .

Ditetapkan di Sipirok  
pada tanggal 10 JULI 2017  
BUPATI TAPANULI SELATAN,

dto,

SYAHRUL M. PASARIBU

Diundangkan di Sipirok  
pada tanggal 10 JULI 2017  
SEKRETARIS DAERAH KABUPATEN,

dto,

PARULIAN NASUTION

BERITA DAERAH KABUPATEN TAPANULI SELATAN TAHUN 2017 NOMOR 731



Salinan sesuai dengan aslinya  
Dit. KEPALA BAGIAN HUKUM,

MOH. SAID, SH  
NIP. 196604091995031002