

Implementing Law No. 35 of 2014 Regarding Child Protection in Klungkung Regency

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Abstract. The aim of this study was to evaluate how well Child Protection was implemented, what obstacles hampered it, and what efforts were made in Klungkung Regency to execute Law Number 35 of 2014 concerning Child Protection. The study's findings reveal that the Klungkung Regency's implementation of Law Number 35 of 2014 on Child Protection is proceeding well, particularly in terms of communication, disposition, and bureaucratic structure. Meanwhile, everything that isn't working well is a sign of a lack of resources. The lack of adequate human resources and supporting infrastructure is preventing the execution of Law Number 35 of 2014 concerning Child Protection in Klungkung Regency. In Klungkung Regency, efforts are being made to prepare a budget to meet the needs of lacking facilities, propose the need for additional employees, and develop abilities and competencies through education and training as part of the implementation of Law Number 35 of 2014 concerning Child Protection.

Keywords: Implementation; Child Protection; Law Number 35 of 2014; Klungkung Regency

1 Introduction

A child's existence is a mandate and a gift from God Almighty, where children naturally gravitate toward the younger generation with national growth potential. The Constitution of 1945 Article 28 B paragraph (2) which states that, "every child has the right to survival, growth and development, education and the right to protection from violence and discrimination". According to [1], Children are young individuals, in terms of age, spirit, and life experience, and easily influenced by their environment. [2] Says that the person is still a child and will only become an adult when the development process is complete, so women must be 18 years old and men must be 20 years old to becoming adult, as is the case in America, Yugoslavia, and other Western countries. It can be argued that children are individuals who are still developing and establishing their identity, making them susceptible to environmental impact [3].

Violence on children in Indonesia is one sign of the country's weak child protection system. Based on data obtained by the Republic of Indonesia's Online Information System for the Protection of Women and Children from January 1, 2020 to September 23, 2020, showed an increase in cases of violence against children in Indonesia with 6,315 victims compared to 2019 as many as 1,939 victims. Most of these children experienced violence due to the irritation of their parents in accompanying them while studying online at home. This is due to poor financials when the pandemic demands that they have to spend time and money for online learning. Besides economic factors, there are also wrong parenting patterns due to lack of knowledge.

With the increase in child violence, prevention efforts are needed so that the number of violence against children can be reduced. The Ministry of Women's Empowerment and Child Protection aims to minimize this figure through providing child protection-related communication, information, and education resources.

To safeguard children's rights, the government drafted Law No. 23 of 2002 on Child Protection, which was changed into Law No. 35 of 2014, and which can be stated as follows:

1. Non-discriminatory in nature.
2. The children's best interests.
3. Survival, growth, and the right to life.
4. Children's opinions should be respected.

As seen in article 1 number 2 about Act of Child Protection no. 35 of 2014 defining child protection, encompasses all activities aimed at protecting and ensuring of the child and all of their right to participate, grow, live and then develop to their full potential in a manner consistent with dignity that also owned by human and having freedom from any form of discrimination and violence. Article 52 of the 1999 Human Rights Law No. 39 reads as follows: (1) Each child has the right to protection from his or her parents, family, society, and state; (2) children's rights are human rights, and their interests are recognized and protected by law even before they are born; (3) children's rights are human rights, and their interests are recognized and protected by law even before they are born.

Violence against children is one of the crimes that we often encounter, not least in the province of Bali. In this situation, the Government of Bali enacted the Bali Provincial Regulation Number 6 of 2014 concerning Child Protection in order to safeguard children from violence. However, the protection for children that has been carried out so far has not been maximized. There are still many children who experience violence like what happened in Klungkung Regency. According to the Klungkung Regency's Social Service for Women's Empowerment and Child Protection, there are still many complaints of child abuse, there were 6 cases in 2018, and an increase in 2019 of 18 cases and decreased to 5 cases in 2020. The existence of this report reflects that the implementation of Law Number 35 of 2014 is not fully optimized when concerning about child safety and protection.

2 Method

A qualitative technique was applied in this research. This study makes use of two sorts of data: primary and secondary. Primary data is information acquired through interviews or direct observation. Secondary data is information gathered from existing literature. The data collection methods included observing, interviewing, and documenting. Eight individuals were questioned. The informants' conclusions satisfied the following criteria: (1) complete enculturation, (2) direct interaction, (3) foreign cultural environment, (4) adequate time, and (5) non-analytic [4]. The data were then evaluated using an interactive model from [5], this includes data reduction, data visualization, and making conclusions. After the data has been analyzed, it is structured into paragraphs and tables.

3 Results and Discussion

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Public policy implementation is one of the actions to achieve the goals that have been planned in advance of decision making. This study was carried out by examining implementation of Law Number 35 of 2014 on Child Protection is based on [6], which separates the implementation into four (four) indicators, including communication, resources, disposition, and bureaucratic structure, as shown in Table 1.

Table 1. Results of implementation of Law No. 35 of 2014 concerning Protection of Children based on 4 indicators Analysis

Indicators	Aspect Rating	Status	Success	Problems
Communication	Print media	Available	Optimal	None
	Electronic media	Available	Optimal	None
	Socialization	Implemented	Optimal	None
Resources	Staff	Amount Slightly	Not Optimal	- Do not have sufficient knowledge related to child protection mechanisms
	Facilities	Amount Slightly	Not Optimal	- Operational vehicles are not available - Special mediation room and UPTD P2TP2A are not available
Disposition	Attitude: Collaborative, responsible, hard-working and initiative	Available	Optimal	None
Bureaucratic Structure	SOP (Standard Operating Procedures)	Available	Very Optimal	None

3.1 Resources

Resources in policy implementation occupy an important position. Elements of resources consist of staff, information, authority and facilities. All of these elements are very important in the implementation of policy implementation. In terms of resource indicators in Klungkung Regency, the execution of Law Number 35 of 2014 concerning Child Protection is not optimum. This was conveyed by I Gusti Agung Gede Putra Mahajaya as Head of the Office of Social Affairs, Women's Empowerment and Child Protection, Klungkung Regency, in his interview stated that:

If viewed from the resource indicator, it is very clear that it is not optimal. We still need human resources to provide understanding regarding Child Protection and also still need facilities to support various activities related to child protection such as UPTD P2TP2A (Technical Implementation Unit of the Integrated Service Center for the Empowerment of Women and Children) and special mediation rooms and also the lack of operational vehicles (interview: Friday, 30 July 2021 at 08.05 WITA). Anak Agung Istri Ngurah Manik, Head of the Child Protection and Development Division of the Office of Social Affairs, Women's Empowerment, and Child Protection, Klungkung Regency, likewise expressed same sentiment that Supporting facilities and facilities are not adequate such as the unavailability of UPTD P2TP2A and special mediation rooms and vehicles special operations. In addition, many human

resources are incompetent in the field of child protection (interview: Friday, 30 July 2021 at 09.17 WITA).

3.2 Disposition

Disposition or attitude is an important element that must be possessed by a policy implementer. If the implementer has a positive attitude towards the policy, the policy goals or objectives will be realized. Implementing Law No. 35 of 2014 regarding Child Protection seen from the disposition indicators in Klungkung Regency is optimal as described by I Gusti Agung Gede Putra Mahajaya as Chair of the Social Service, Women's Empowerment and Child and Child Protection and also Agung Istri Ngurah Manik as Chair of Protection and Child Development in the Klungkung Regency's Office of Social Affairs, Women's Empowerment, and Child Protection in the interview session stated that the officers in this office always work technically and have a high sense of responsibility to follow up and complete work related to child protection cases (interview: Friday, 30 July 2021 at 08.10 WITA).

Then, a similar statement was delivered by Dra. Sri Handayan as Chair of the Integrated Service Center for the Empowerment of Women and Children in Klungkung Regency in his interview stated that the assigned team had collaborated and they had a commitment to follow up and resolve the reported case (interview: Wednesday, 28 July 2021 at 11.08 WITA).

3.3 Bureaucratic Structure

Structure is the last dimension that has an impact on policy implementation as measured by Standard Operating Procedures (SOP) are available, as is fragmentation, which is the allocation of duties for a policy area among organizational units. A long bureaucratic structure will make bureaucratic procedures complicated and complex. In implementing the policy, a clear, effective and efficient bureaucratic structure is needed.

Regarding Child Protection by implementing Law Number 35 of 2014, indicators show that the bureaucratic structure in Klungkung Regency is optimal, as stated by I Gusti Agung Gede Putra Mahajaya, Head of the Office of Social Affairs, Women's Empowerment, and Child Protection in his interview:

According to the indications of the bureaucratic structure, the implementation of Law No. 35 of 2014 regarding child protection in Klungkung Regency was excellent, where we in implementing child protection already knew our respective duties and responsibilities according to the applicable procedures (interview: Friday, July 30, 2021 at 08.15 WITA).

A similar statement was also made by Made Puput Indrayati Social Worker in his interview stating that the bureaucratic structure is optimal where we as a technical team will take on our respective duties and responsibilities and act according to applicable procedures (interview: Friday, 6 August 2021 at 09.10 WITA). Then, a similar explanation was also given by Ni Komang Reyna Nadhira Dewi as an ordinary person, in the interview session stating that, "I see that the officers already have their respective duties and are not complicated in following up on the cases we report," (interview: Friday, 6 August 2021 at 14:47 WITA).

The implementation of Law No. 35 of 2014 on Child Protection in Klungkung Regency can be accomplished through the use of four indicators, including indicators of bureaucratic structure, resources, disposition and communication; in this case, the communication indicators are the most effective. According to the findings of researchers' interviews, the communication strategy used by the Klungkung Regency's Office of Social Affairs, Women's Empowerment, and Child Protection cooperates with related parties in providing socialization through various media such as print media, social media, and directly to the community. This finding is consistent with [7], which asserts that communication is a critical component affecting the

execution of public policy; it will decide whether or not the aims of implementing public policy are met. Likewise, a research done by [8] which shows that the implementation of the plan to protect women and children victims of violence in P2TPA RDU seen from communication indicators has gone well. In addition, it can be seen from the indicators that the resources are not optimal based on the outcome of interviews conducted by researchers that the existing supporting facilities and facilities are not adequate, such as the unavailability of UPTD P2TP2A, special mediation rooms, lack of operational vehicles and inadequate human resources. Resources are in dire need of quality improvement [9];[8].

4 Conclusion

Grounded by the research results that the child protection by implementing Law Number 35 of 2014 regarding Child Protection in Klungkung Regency which has been going well, disposition indicators where in carrying out their duties and functions technically related parties assigned in the field of child protection have collaborated and are responsible/committed to follow up and resolve existing cases and indicators of bureaucratic structure where in doing their duties and functions in child protection are in accordance with standard operating procedures which exists. Meanwhile, the indicator of resources is not going well because the supporting facilities and human resources are not adequate. Then, as for the inhibiting factors for the implementation process, namely the lack of available human resources and also the unavailability of UPTD P2TP2A and special mediation rooms and the lack of operational vehicles. Furthermore, the efforts made in implementing Law Number 35 of 2014 regarding Child Protection in Klungkung Regency are preparing a budget to meet the needs of lacking facilities, proposing the need for additional employees according to competence and developing abilities and competencies through education and training relating to the implementation of child protection.

References

- [1] R. Koesnan, *Susunan Pidana dalam Negara Sosialis Indonesia*. Bandung: Sumur Bandung, 2005.
- [2] M. Gultom, *Perlindungan Hukum terhadap Anak dalam Sistem Peradilan Pidana Anak di Indonesia*. Bandung: Refika Aditama, 2008.
- [3] A. Prakoso, *Pembaruan Sistem Peradilan Pidana Anak*. Yogyakarta: Aswaja Pressindo, 2016.
- [4] Subanda, *Dasar-Dasar Penelitian Ilmiah*. Bandung: CV Pustaka Setia, 2004.
- [5] M. B. Miles, A. M. Huberman, and J. Saldana, *Quaitative Data Analysis: A Method Sourcebook*, 3rd ed. Singapore: SAGE Publications, Inc, 2014.
- [6] G. C. Edwards, *Implementing Public Policy*. Washington DC: Congressional Quartely Press, 1980.
- [7] L. Agustino, *Dasar-Dasar Kebijakan Publik*. Bandung: Alfabeta, 2012.
- [8] Y. K. Adiyuwana, *Perencanaan dan implementasi perlindungan perempuan dan anak korban kekerasan di DIY (Studi pada P2TPA RDU DIY)*. 2016.
- [9] G. C. Edward III, *Implementing Public Policy*. Washington, DC: Congressional Quarterly Press, 1980.
- [10] The Constitution of 1945.
- [11] Law No. 39 of 1999 concerning Human Rights.
- [12] Law Number 23 of 2003 concerning Child Protection.

- [13] Law Number 35 of 2014 concerning Child Protection.
- [14] Kitab Undang-Undang Hukum Pidana (KUHP) [Criminal Code].
- [15] Regional Regulation of the Province of Bali Number 6 of 2014 concerning Child Protection].
- [16] Government Regulation of the Republic of Indonesia Number 59 of 2019 concerning the Implementation of Child Protection Coordination.