

Analysis of Bekasi City Regional Regulation Number 3 of 2023 About Child Protection

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ABSTRAK

Kondisi psikososial pada anak dan tujuan psikososial adalah memulihkan individu atau keluarga atau kelompok setelah kejadian tertentu (bencana alam atau bencana sosial) agar menjadi kuat secara individu atau kolektif; berfungsi secara optimal, memiliki ketahanan dalam menghadapi permasalahan, serta berdaya dan produktif dalam menjalani kehidupan. Setiap orang berhak berpartisipasi dalam perencanaan, pelaksanaan dan pemeliharaan program pemberian bantuan pelayanan kesehatan, termasuk dukungan psikososial. Penelitian ini bertujuan untuk menjelaskan betapa pentingnya psikososial bagi anak dan untuk memulihkan individu atau keluarga atau kelompok setelah peristiwa tertentu (bencana alam atau bencana sosial). Setiap orang berhak berpartisipasi dalam perencanaan, pelaksanaan dan pemeliharaan program bantuan pelayanan kesehatan, termasuk dukungan psikososial. Layanan psikososial ditujukan kepada korban yang mengalami trauma dan depresi. Perlindungan anak di Kota Bekasi masih belum berjalan dengan baik, sejak terbitnya Peraturan Daerah ini masih banyak anak dibawah umur yang dipekerjakan atau dimanfaatkan untuk mencari uang seperti mengamen, berjualan di lampu merah, mengemis. Seharusnya pemerintah lebih menekankan peraturan ini agar lebih baik.

ABSTRACT

Psychosocial conditions in children and psychosocial goals are to restore individuals or families or groups after certain events (natural disasters or social disasters) so that they become strong individually or collectively; function optimally, have

resilience in facing problems, and are empowered and productive in living life. Everyone has the right to participate in the planning, implementation and maintenance of programs providing health service assistance, including psychosocial support. This research aims to explain how important psychosocial is for children and to recover individuals or families or groups after certain events (natural disasters or social disasters). Everyone has the right to participate in the planning, implementation and maintenance of health service assistance programs, including psychosocial support. Psychosocial services are aimed at victims experiencing trauma and depression. Child protection in Bekasi City is still not running well, since the issuance of this Regional Regulation there are still many underage children who are employed or used to earn money such as busking, selling at red lights, begging. The government should put more emphasis on this regulation to make it better.



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1. Introduction

Bekasi City Regional Regulation (Perda) Number 3 of 2023 concerning Child Protection is an important regulation that aims to guarantee the rights and welfare of children in Bekasi City. This state regulation was passed on July 17, 2023 and went into effect on the same day. Regional Child Protection Regulations advance child protection efforts in Bekasi City. This regional regulation strengthens the existing legal framework and expands the scope of child protection. This regional arrangement is also in line with the Convention on the Rights of the Child which has been ratified by Indonesia. Regional regulations regarding child protection are important regulations that need to be understood and studied in depth. Analysis of regional regulations regarding child protection will help ensure the protection of children's rights and welfare in Bekasi City. A form of protection received by children in certain situations and conditions to guarantee a sense of security against threats that endanger themselves and their lives in their growth and development. Meanwhile, the aim of child protection is to ensure that children's rights are fulfilled so that they can live, grow, develop and participate optimally in accordance with human dignity, as well as receive protection from violence and discrimination, for the sake of creating quality Indonesian children with noble morals. The Child Protection System (SPA) provides an overview of the roles, characteristics, elements, functional and governance requirements, as well as interactions between various stakeholders and the components of an effective child protection system. SPA focuses on the interacting elements of the child protection system, including legal and policy systems, justice systems, child and family social care systems, integrated social behavior

change systems, and data and information systems. Integration into planning and budgeting, these elements are controlled by system components: standards, structure, and processes. From a legal perspective, violence against children is not yet prohibited in all circumstances (spousal rape is still permitted) and the juvenile justice system is still focused on protecting all children in conflict with the law. The state budget for protecting children from violence is less than 0.1% of the total budget, Complicated administrative procedures and a lack of legal authority to protect children make it difficult to provide effective services to vulnerable children (Unicef n.d.)¹. Additionally, around 17 percent of children under the age of 18 do not have birth certificates, making it difficult for them to access essential services.

2. Methods

This analysis will be carried out using normative and empirical legal research methods. The normative legal research method will be used to analyze the substance and material of the Regional Regulation, while the empirical research method will be used to assess the effectiveness and implementation of the Regional Regulation. This research uses a qualitative descriptive methodology with an inductive approach. Data collection was carried out through interviews and direct observation in the field and data tracking to analyze and identify main problems. Data collection techniques in normative juridical legal research will be obtained through document study and empirical juridical legal research in this research will be obtained through interviews.²

1. Juridical Analysis

Understanding the background and objectives of regional regulations: Study the history and reasons for creating regional regulations, as well as the goals to be achieved. Analyzing the contents of Regional Regulations: Read and understand each article and paragraph in the Regional Regulations, as well as the relationship between articles and paragraphs. Identifying rights and obligations: Determine the rights and obligations given to women and other stakeholders based on regional regulations.

2. Policy Analysis

Assessing the effectiveness of regional regulations: Evaluating the extent to which regional regulations are effective in achieving their objectives. Identifying obstacles and challenges: Determining the factors that hinder the implementation of regional regulations and finding solutions to overcome them. Recommend improvements: Provide suggestions and input to improve the effectiveness of Regional Regulations.

3. Social Impact Analysis

¹ <https://www.unicef.org/indonesia/id/child-protection>

² SURYANI, Danu; RUMATIGA, Hidayat; NURJANAH, Siti. ANALISIS HUKUM KEBIJAKAN PEMDA KABUPATEN BOGOR DALAM PENGENDALIAN PENDUDUK UNTUK MEWUJUDKAN KESEJAHTERAAN KELUARGA. *Causa: Jurnal Hukum dan Kewarganegaraan*, 2004, 3.4: 99-110.

Understanding the impact of regional regulations on women: Analyzing how regional regulations impact the lives of children in Bekasi City.

3. Results and Discussion

To overcome these challenges, continuous efforts are needed from all parties, including local governments, civil society organizations, women's communities and the wider community. With continuous efforts from all parties, it is hoped that this new regional regulation can become an effective instrument for realizing child protection in Bekasi City. There are several results and discussions that I got so that these regulations can run well in Bekasi City.

3.1. Results

Regional regulations on child protection include an inclusive definition of children that includes children of all ages and backgrounds. The Child Protection Area Ordinance recognizes various children's rights, such as the right to life, the right to education, the right to health, the right to play, and the right to participate. Regional regulations on child protection establish clear child protection mechanisms, including reporting, response and rehabilitation of children who are victims of violence, exploitation and neglect. Regional regulations on child protection include various strategies to achieve these goals, including: Education Programs, Provision of Child Protection Services, and Law Enforcement. Although the Child Protection Regional Regulation has great potential to improve child protection in Bekasi City, there are still many challenges that need to be overcome so that this regional regulation can be implemented effectively. It is important to involve various stakeholders in efforts to implement regional regulations on child protection, including the government, civil society, business community, media and children, to ensure that regional regulations on child protection are expected to be passed through collaboration and involvement. Cooperation from all parties can be an effective means of protecting the rights and welfare of children in Bekasi City. Child protection means guaranteeing and protecting children and their rights so that they can live, grow, develop and participate optimally in accordance with their human dignity and are protected from violence and discrimination. The aim of protection is to ensure that children's rights are fulfilled so that they can live, grow, develop and participate optimally in accordance with human dignity, as well as educating children in Indonesia so that they are protected from violence and discrimination. Quality people have noble morals and are rich, children have the right to love, attention, education, services for their growth and development, both in the womb and after birth, care and protection, as well as protection from the environment that hinders their development. In dangerous/dangerous situations, children receive first aid, help and protection. Children's rights are human rights and are recognized and protected by law. Forms of legal protection according to Law No. 39 of 1999 are contained in: > Article 52 (1) that every child is obliged to receive protection from parents, society and the state (Sukoharjo n.d.)³. According to Ahmad Kamil, child protection is

³ <https://jdih.sukoharjokab.go.id/berita/detail/5-bentuk-perlindungan-anak-menurut-hukum-di-indonesia>

responsibility parents, family, society, government and state which are a series activities carried out continuously for the protection of children's rights (Fauzan 2008)⁴.

3.2. Discussion

Strengthening the principles of child protection, such as non-discrimination, the best interests of the child, and child participation, Expanding the scope of child protection, including children with disabilities, neglected children and children victims of crime, Strengthening mechanisms for preventing and handling violence against children, Strengthening law enforcement system for violations of children's rights, increasing the role of society in child protection.

4. Conclusion

Bekasi City Regional Regulation Number 3 of 2023 concerning Child Protection (Perda) is an important regulation that aims to guarantee the rights and welfare of children in Bekasi City. This regional regulation strengthens the existing legal framework and expands the scope of child protection in line with the Convention on the Rights of the Child which has been ratified by Indonesia. Analysis of regional child protection regulations shows that these regional regulations have great potential in improving child protection in Bekasi City. However, there are still several weaknesses and challenges in implementing zoning regulations, including: Limited resources, weak coordination between authorities, less than optimal public education, and weak law enforcement. Efforts must be made to address these challenges, including increasing budgets, strengthening coordination, comprehensive public education, and strengthening law enforcement. It is important to involve various stakeholders in efforts to implement local regulations on child protection, including government, civil society, business, the media and children. Children are a gift from God that we must take care of so that we can reach the stages of growth and development towards maturity as the future successors of the nation. Children are not small adults, but humans, including children in the womb, who grow and develop until the age of 18 years. In the context of the survival and glory of the nation, the most important key to turning children into national potential is the government's commitment to making children a top priority. The role of the Child Protection Commission is to monitor the implementation of protection and realization of children's rights in the crime of sexual exploitation of children, providing input and suggestions in developing policies regarding child protection practices as well as collecting data and information on child protection. Receiving and reviewing public complaints regarding violations of children's rights, resolving disputes regarding violations of children's rights, collaborating with community-based institutions in the field of child protection, the authorities have submitted reports regarding alleged violations of child protection laws.

⁴ Ahmad Kamil dan Fauzan. *Hukum Perlindungan dan Pengangkatan Anak di Indonesia*. PT RajaGrafindo Persada. Jakarta 2008.

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References

Ahmad Kamil dan Fauzan. *Hukum Perlindungan dan Pengangkatan Anak di Indonesia*.

PT RajaGrafindo Persada. Jakarta 2008.

Aini, Rohatul. "Perlindungan Khusus Anak.", Accessed Wednesday 18 September 2023 From, <https://dp3ap2kb.ntbprov.go.id/2023/09/18/perlindungan-khusus-anak/>

Ani Yumarni, Ani Nuraeni, and Hidayat Rumatiga. "Pengawasan Pengelolaan Tanah Wakaf Dalam Kewenangan KUA Kecamatan Nanggung Kabupaten Bogor dalam Pendekatan Konsep Kesejahteraan Sosial." *KRTHA BHAYANGKARA* 17, no. 3 (2023).

Danu Suryani; Hidayat Rumatiga, Siti Nurjanah. ANALISIS HUKUM KEBIJAKAN PEMDA KABUPATEN BOGOR DALAM PENGENDALIAN PENDUDUK UNTUK MEWUJUDKAN KESEJAHTERAAN KELUARGA. *Causa: Jurnal Hukum dan Kewarganegaraan*, 2004, 3.4.

https://perpustakaan.bappenas.go.id/e-library/file_upload/koleksi/migrasi-data-publikasi/file/Unit_Kerja/Deputi_Bidang_Pembangunan_Manusia_Masyarakat_dan_Kebudayaan/Direktorat-Keluarga-Perempuan-Anak-Pemuda-Olahraga/OUTPUT-DIREKTORAT-KPAPO-TAHUN-2016-2020/Modul-Sistem-Perlindungan-Anak/SPA_MODUL_1.pdf

<https://www.unicef.org/indonesia/id/child-protection>

<http://e-journal.uajy.ac.id/17120/3/HK115772.pdf>

<https://jdih.sukoharjokab.go.id/berita/detail/5-bentuk-perlindungan-anak-menurut-hukum-di-indonesia>