



Implementation of the responsibility of the women's empowerment and child protection office for the protection of children with disabilities victims of abuse in Aceh Besar Regency

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Abstract

Human rights as basic rights that are inherently inherent in human beings are universal, need to be protected, respected, and defended, so that the protection and human rights of vulnerable groups, especially persons with disabilities, must be protected. Respect, Protection, and Fulfillment of the Rights of Persons with Disabilities is an obligation of the state in accordance with Article 28 B paragraph (2) of the Constitution of the Republic of Indonesia 1945 which states "Every child has the right to survival, growth and development, and the right to protection from violence and discrimination". Persons with Disabilities have experienced a lot of discrimination which has resulted in the unfulfilled implementation of the rights of Persons with Disabilities. The number of cases of molestation with children as victims is often found in the midst of society. This study aims to answer and explain the Implementation of the Responsibility of the Women's Empowerment and Child Protection Office for the Protection of Children with Disabilities Victims of Abuse. The research method used is an empirical juridical research method, namely literature and field legal research that uses legal materials in the form of legislation and legal facts that occur in the field. The results of the study show that the Protection of the Women's Empowerment and Child Protection Office of the Women's Empowerment and Child Protection Office (DP3A) for Children with Disabilities Victims of Abuse based on Law Number 8 of 2016 concerning Persons with Disabilities, Article 5 Paragraphs (2) and (3) contain special rights for women and children with disabilities, including protection from discrimination, neglect, harassment, exploitation, as well as violence and sexual crimes. These rights are guaranteed to ensure that children with disabilities who are victims of abuse receive more specific and effective protection. The protection of the Women's Empowerment and Child Protection Office for children with disabilities victims of abuse includes efforts to prevent, assist, rehabilitate, and reintegrate socially, as well as more specific legal protection to ensure the rights of children with disabilities victims of abuse. The efforts of the Women's Empowerment and Child Protection Office in fulfilling the rights of children with disabilities victims of abuse are in the form of Mentoring, Socialization and forming forums, the Form of PPA Task Force, Victims' Home Visits, and Data Collection. The Women's Empowerment and Child Protection Office has made great efforts in providing legal protection and assistance to children with disabilities who are victims of sexual acts. The responsibilities of the Women's Empowerment and Child Protection Office for Children with Disabilities Victims of Abuse refer to Article 4 of the PPA Ministerial Regulation No. 4 of 2018 and carry out its responsibilities as stated in Ministerial Regulation Number 2 of 2022 concerning Service Standards for Women's Empowerment and Child Protection. It is recommended to provide more understanding to parents and the surrounding community in their responsibility to provide protection to each child, and to provide adequate infrastructure and budget so that the underprivileged community can meet the needs of services, such as safe houses which are important to provide quality services. Furthermore, there needs to be good cooperation between the government, child protection institutions, the police, parents and the community in providing protection for children with disabilities who are victims of abuse. Finally, it is necessary to have a Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA) in each district to carry out operational technical activities in their respective work areas.

Keywords: Responsibility, protection of children with disabilities, child victims of abuse

Introduction

Human beings are creatures created by god almighty, so that every individual who is born is attached to the same dignity, dignity and position on earth. Indonesia is a country that respects and upholds human dignity and dignity. Human rights as a basic right that is inherently inherent in human beings are universal, need to be protected, respected, and defended, so that the Protection and Human Rights of vulnerable groups, especially Persons with Disabilities, are protected. Respect, Protection, and Fulfillment of the rights of Persons with Disabilities is an obligation of the state, so that the community has a responsibility to respect the rights of Persons with Disabilities. Persons with Disabilities have experienced a lot of discrimination which has resulted in the unfulfilled implementation of the rights of Persons with Disabilities.

Cases of molestation of minors are often found in the community. Children are young and weak people (mentally and physically) who need legal protection from various negative situations outside of them, one of which is the crime of molestation as a weak person, children must be protected so that the needs of children can be guaranteed and also fulfilled protection from violence and discrimination.

Legal protection for children with disabilities in Article 34 of the 1945 Constitution of the Indonesian Constitution "The poor and abandoned children are cared for by the state". In the article it shows that the child is the responsibility of the state, in simple terms it can be described that the state is the second parent for the child besides the biological parents, although the article does not specifically mention "children with disabilities", of course

for children with disabilities with special needs need more attention than other normal children, if only children with normal conditions are protected and can be cared for by the state, Therefore, children with disabilities must be more protected by the state.

Article 28 B paragraph (2) of the 1945 Constitution of the Republic of Indonesia states "Every child has the right to survival, growth and development, and the right to protection from violence and discrimination". In this case, children with disabilities who have special needs and are at great risk of violence and discrimination have received affirmation of their rights and guarantees of protection in the constitution. Then in relation to persons with disabilities, at least in Article 28 H paragraph (2) of the Constitution has expressly provided guarantees for protection and equality, in the Article it is stated that "Everyone has the right to convenience and special treatment to obtain equal opportunities and benefits in order to achieve equality and justice". With demikian, it can be concluded and seen that the firmness and attention of the state is given by guaranteeing in the constitution the protection of the law for children with disabilities. This law regulates the types of Persons with Disabilities, the rights of Persons with Disabilities, the implementation of Respect, Protection, and Fulfillment of the rights of Persons with Disabilities, coordination, the National Commission on Disabilities, funding, international cooperation, and awards.

In 2011 Indonesia has ratified the *convention on the Right of Person With Disabilities* (or abbreviated as CRPD) which is a convention on the rights of persons with disabilities, with the issuance of the law of the Republic of Indonesia Number 19 of 2011 concerning the ratification of CRPD, CRPD is an international and national human rights instrument in an effort to respect, fulfill and protect the rights of persons with disabilities in Indonesia (*Devolment Tool and Human Right Instrument*).

Persons with disabilities generally have the same individual rights as other societies in general, these rights include the right to live free from exceptions, privacy, justice and legal protection, education, employment/entrepreneurship/cooperatives, health, politics, accessibility, public services, protection from disasters, habilitation and rehabilitation, concessions, data collection, living independently and being involved in society, repression/communication and obtaining information, change of place or nationality, free from acts of discrimination, neglect, torture, and exploitation.

The government guarantees the provision of protection for people with disabilities so that they can live prosperously. Protection of persons with disabilities is very important where with protection from the government, the rights of persons with disabilities can be protected from discriminatory treatment and there are no more certain parties who exploit persons with disabilities for personal gain (Nurfadhila Ramadhani Latif, 2016:652) ^[1]. As described above, people with disabilities are guaranteed their lives by the government both through the provision of social assistance and empowerment. DP3A (Women's Empowerment and Child Protection Office) is one of the institutions established by the government to protect children with disabilities. DP3A has the main task of providing legal protection and rehabilitation to children who are victims of sexual acts, including children with disabilities. But in fact, even though there are child

protection institutions, cases of violence against children continue to increase every year and the victims are mostly women.

DP3A, as an institution that focuses on women's empowerment and child protection, has an important role in preventing and overcoming sexual violence against children, including children with disabilities. Based on the case and exposure above, it is necessary to conduct further research on "DP3A's Responsibility for the Protection of Children with Disabilities Facing the Law of Victims of Abuse"

Research Methods

This type of research is Empirical Juridical or often referred to as research in the field. Empirical juridical research is literature and field research that uses legal materials in the form of laws and legal facts that occur in the field (Suharsimi Arikunto, 2012:126) ^[2]. Empirical juridical research aims to analyze the applicable laws and regulations and is associated with the implementation of legal facts in society. The research approach used is a statute approach and a conceptual approach.

Results and Discussion

The Women's Empowerment and Child Protection Office (DP3A) is a government agency tasked with protecting women and children from all forms of violence. The Women's Empowerment and Child Protection Office (DP3A) in the government system has a strategic role, both at the national and regional levels. DP3A is a tangible institution in the entire government system and has the task of managing and implementing programs related to the protection of children and women. DP3A plays a role in developing programs that aim to deceive women and protect children from violence and legal protection. The Women's Empowerment and Child Protection Office (DP3A) for children with disabilities who are victims of abuse is part of the government's efforts to protect the rights of children who are victims of sexual violence. DP3A, as an institution that focuses on women's empowerment and child protection, has an important role in preventing and overcoming sexual violence against children, including children with disabilities.

DP3A makes various efforts through routine socialization, forming a PPA task force, and visiting each victim's home to pay attention to children with disabilities who are victims of criminal acts of molestation. In this effort, DP3A collaborates with a team of companions who provide assistance in accordance with the needs of victims, as well as carry out rehabilitation and social reintegration efforts to assist victims in the process of recovery and reintegration into society.

In addition, DP3A also plays a role in providing legal protection for children with disabilities who are victims of abuse. In Law Number 8 of 2016 concerning Persons with Disabilities, Article 5 Paragraphs (2) and (3) contain special rights for women and children with disabilities, including protection from discrimination, neglect, harassment, exploitation, as well as violence and sexual crimes. These rights are guaranteed to ensure that children with disabilities who are victims of abuse receive more specific and effective protection. In the synthesis, DP3A protection for children with disabilities victims of abuse includes efforts to prevent, assist, rehabilitate, and reintegrate socially, as well as more

specific legal protection to ensure the rights of children with disabilities who are victims of abuse.

The forms of protection and responsibilities provided by DP3A for children with disabilities who are victims of abuse are as follows

1. **Legal Assistance:** DP3A provides direct and indirect legal assistance to victims of molestation, including children with disabilities. Direct legal aid involves the direct handling of victims by DP3A, while indirect legal aid involves consultation with both expert witnesses, legal advisors and psychologists in facing the judicial process.
2. **Rehabilitation:** DP3A provides various rehabilitation services to children with disabilities who are victims of criminal acts of molestation. This rehabilitation involves placing victims in specific centers, treatment, and completing the victim's rehabilitation needs through a referral process to relevant institutions.
3. **Psychosocial Treatment and Healing:** DP3A provides psychosocial treatment and healing to victims, including children with disabilities, by providing service briefings related to the psychological and social aspects of the victim.
4. **Psychosocial Healing:** DP3A also provides psychosocial healing to victims, including children with disabilities, by providing service briefings related to the psychological and social aspects of victims.
5. **Placement in a Safe House:** DP3A provides placement of victims in what is commonly called a "Safe House", so that victims feel comfortable and improved.
6. Collaborate with law enforcement, health offices and other institutions to provide more comprehensive protection to children with disabilities who are victims of sexual abuse.

Efforts of the Women's Empowerment and Child Protection Office in Fulfilling the Rights of Children with Disabilities Victims of Abuse. Here are some of the efforts that have been made by DP3A

1. **Assistance:** DP3A provides assistance to victims with a team of assistance that provides assistance in accordance with the needs of the victim. This assistance includes counseling psychology, victim legal assistance and others;
2. **Socialization and forming forums:** DP3A conducts regular socialization and establishes children's forums at the school, village, regional and provincial levels to prevent violence against children, including children with disabilities. This socialization aims to increase public awareness of the importance of child protection and preventing violence against children.
3. **Form of PPA Task Force:** DP3A formed the Women's Empowerment and Child Protection (PPA) Task Force to handle cases of violence against children, including children with disabilities. The PPA Task Force functions as a fast-moving team to handle cases of violence and provide protection to victims.

4. **Victims' Home Visits:** DP3A visits each victim's house to pay attention to children with disabilities who are victims of violence. This visit aims to provide support and protection to the victims.

5. **Data Collection:** DP3A collects data on violence against children, including children with disabilities, to determine the number of violence and analyze the factors that affect violence. This data is used to formulate effective policies and strategies in preventing violence against children.

DP3A has made great efforts in providing legal protection and assistance to children with disabilities who are victims of criminal acts of molestation. These efforts aim to prevent violence against children and provide protection to victims. The DP3A, especially the UPTD PPA, implements responsibility for victims still referring to Ministerial Regulation Number 2 of 2022 concerning Standards for Women and Child Protection Services. Article 1 states "Service Standards are benchmarks that are used as guidelines for the implementation of public services and a reference for assessing service quality as an obligation and promise of the organizer to the community in the context of fast, accurate, comprehensive, and integrated services". Furthermore, according to Article 4 of the Ministerial Regulation of PPA No. 4 of 2018 concerning Guidelines for the Establishment of Regional Technical Implementation Units for the Protection of Women and Children. "UPTD PPA is tasked with carrying out operational technical activities in its work area in providing services for women and children who experience problems of violence, discrimination, special protection, and other problems". Then, the PPA service functions carried out by UPTD PPA include

1. Community Complaints;
2. Victim Outreach;
3. Case Management;
4. Temporary Shelter;
5. Mediation; and
6. Victim Assistance.

These principles are implemented quickly, accurately, comprehensively, and integrated, which means

1. Fast, in accordance with the time standards set out in the Standard Operating Procedures (SOP) and affordable;
2. Accurate, in providing services supported by correct information based on adequate evidence and facts and can be accounted for the truth;
3. Comprehensive, in fulfilling the rights and needs of women and children comprehensively, appropriately, and completely, with a Case Management approach by professionals so that there is no repetition of incidents; and
4. Integrated, by various units or credible PPA service providers that provide various types of quality services in synergy and integration with one goal so that women and children can enjoy their rights again.

Conclusion

The Protection of the Women's Empowerment and Child Protection Office (DP3A) for Children with Disabilities Victims of Abuse based on Law Number 8 of 2016

concerning Persons with Disabilities, Article 5 Paragraphs (2) and (3) contains special rights for women and children with disabilities, including protection from discrimination, neglect, harassment, exploitation, as well as violence and sexual crimes. These rights are guaranteed to ensure that children with disabilities who are victims of abuse receive more specific and effective protection. DP3A protection for children with disabilities victims of abuse includes efforts to prevent, assist, rehabilitate, and reintegrate socially, as well as more specific legal protection to ensure the rights of children with disabilities victims of abuse. The efforts of the Women's Empowerment and Child Protection Office in Fulfilling the Rights of Children with Disabilities Victims of Abuse are in the form of Mentoring, Socialization and forming forums, the Form of the PPA Task Force, the Form of the PPA Task Force, Victims' Home Visits, and Data Collection. DP3A has made great efforts in providing legal protection and assistance to children with disabilities who are victims of criminal acts of molestation. These efforts aim to prevent violence against children and provide protection to victims. The responsibility of the Women's Empowerment and Child Protection Office for Children with Disabilities Victims of Abuse refers to Article 4 of PPA Ministerial Regulation No. 4 of 2018 "UPTD PPA is tasked with carrying out operational technical activities in its work area in providing services for women and children who experience problems of violence, discrimination, special protection, and other problems". DP3A PPA carries out its responsibilities as stated in Ministerial Regulation Number 2 of 2022 concerning Service Standards for Women's Empowerment and Child Protection.

References

1. Nurfadhila Ramadhani Latif, *Perlindungan Hukum Terhadap Penyandang Disabilitas Saksi Dan Korban Tindak Pidana Ditinjau Dari UU No 19 Tahun 2011 Tentang Pengesahan Convention On The Rights Of Persons With Disabilities (Konvensi Mengenai Hak-hak Penyandang Disabilitas) Juncto UU Number 39 Tahun 1999 Tentang Hak Asasi Manusia, Ius Quia Iustum Law Journal*, 2016, 4.
2. Suharsimi Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktek*, Jakarta, Rineka Cipta, 2012.