

Islamic Law Protection for Children in the Context of Resolving Domestic Violence: Case Study at P2TP2A Pidie Regency

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Islamic Law Protection for Children in the Context of Resolving Domestic Violence: Case Study at P2TP2A Pidie Regency

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Abstract

This research aims to determine the forms of violence and the factors that cause them as well as concrete actions taken by the P2TP2A Institution in resolving existing cases by analyzing them using Islamic Law. The research method used in this research is qualitative library research, which is a research method carried out by analyzing and interpreting written sources such as books, scientific journals, articles, research reports and other documents to understand a particular phenomenon or topic. The data source is primary data. The research results show that violence against children requires the attention of all parties. This is because violence against children has broad and long-term impacts. Handling of child victims of violence cannot be carried out by one party or institution alone. The role of information services is important in efforts to prevent acts of violence against women and children, so that the community is not apathetic towards acts of violence in society. The methods of resolving acts of violence against children by P2TP2A Sigli in the perspective of Islamic law falls into the Ta'zir category where the resolution is left to the judge's authority to determine the punishment and the punishment usually does not exceed the limit penalty.

I. Introduction

Growth, development and fulfilling life's needs are very important for a child, who in fact is the nation's next generation. Unfortunately, it is not uncommon for children to become victims of crimes or criminal acts. In fact, in some cases, violence, both physical and psychological, can occur in the child's closest environment, namely their own family (Komariah, 2022). Legal protection of children involves all activities aimed at guaranteeing and protecting children's rights so that they can continue to live, grow, develop and participate optimally in accordance with human dignity. In addition, this protection also includes efforts to protect children from violence and discrimination. This reflects a commitment to ensuring that children's rights are recognized, respected and protected by the legal system and social norms (Hidayat, 2017; Hikmawati, 2019; Khairilina, 2021; Kobandaha, 2017; Mulyana et al., 2018; Rianawati, 2015). Levels of violence against children can increase due to changes in tolerance for emotional and physical violence when experiencing stress and feeling unsafe (Bhatia et al., 2021).

The issue of violence against children in the household is not a local issue, it has even become a national and international issue because the practice of violence has become part of the culture for some people and community groups for various reasons surrounding it, whether intentional or unintentional. Various forms of violence against children in the household are commonly carried out, ranging from physical and psychological violence such as beatings, neglect to sexual harassment and even more extreme, namely rape, murder and exploitation (UU No. 23/2002). In addition, evidence also shows that there is a link between violence in childhood and the main cause of death in adulthood. Synthesis of data on the prevalence of violence against children in the past year will help advance the UN's call to end all forms of violence against children (Hillis et al., 2016).

Whereas violence against children in the form of physically or emotionally painful treatment, sexual abuse, neglect, commercial exploitation or other exploitation that results in real or potential injury or loss to the child's health, child survival, child development or child dignity is carried out in the context of Relationships of responsibility, trust or power should not be carried out because it will affect the child's continued physical and psychological development.

In Islam, violence committed by parents against children beyond the limits of tolerance results in the removal of power over child custody from either the father or mother (Lianny, 2004). because he has neglected his responsibilities as a parent who should educate, look after and other things that could endanger the safety of his life. Not only Islam, all religions contain the main core of their teachings in the form of rejection because violence is an immoral act. In order to anticipate and eliminate acts of violence against children, in the Indonesian context, the government issued Law of the Republic of Indonesia no. 23 of 2002 concerning Child Protection. The Government's concern for the

dignity of a child did not appear immediately, in fact it has existed since 1979 when the Government issued Law of the Republic of Indonesia No. 4 of 1979 concerning Child Welfare, until the issuance of the Child Protection Law until now, the welfare and fulfillment of children's rights is still far from being expected.

As a form of the government's seriousness towards its implementation, the government has established various institutions, both directly managed by the government and those managed by the private sector, which operate in the field of protecting women and children, of which is the P2TP2A Institution in Pidie Regency. This institution operates to deal with the problem of violence against children in the family or household.

Based on the description above, the author will examine the role of the Pidie Regency P2TP2A Institution in efforts to resolve various cases of violence against children in households in Pidie Regency. The focus of the discussion includes; forms of violence and the factors that cause them as well as concrete actions taken by the P2TP2A Institution in resolving existing cases by analyzing them using Islamic Law.

2. Research Method

Qualitative library research is a research method carried out by analyzing and interpreting written sources such as books, scientific journals, articles, research reports and other documents to understand a particular phenomenon or topic. In this research, the data used comes from written materials that are relevant to the problem or research question (Mariana, 2019; Mariana & Amri, 2021). Qualitative library research can involve steps such as identifying relevant sources, in-depth reading and understanding of existing material, organizing data, content analysis, and interpreting meaning. This method is often used to gain in-depth insight into a topic or to answer more complex research questions (Nasruddin et al., 2023; Nufiar et al., 2020). Primary data sources are data obtained directly from the first source, namely head and employees at Institution P 2 TP 2 A Pidie Regency. Secondary data sources include: Al-Quran, Al-Hadith, scriptures, books and journals. Meanwhile, tertiary sources include information from newspapers, articles and others.

3. Theoretical basis

Definition of Violence Against Children

Linguistically, violence comes from the word "hard" which means solid, strong and not easily changed in shape, with the suffix "ke-an" it means the actions of a person or group that cause injury or death to other people and can also cause physical or mental damage. others (Poerwadarminta, 2003). The word "violence" in Indonesian has the equivalent of the word "violence" in English, although the two have different concepts. In English, "violence" is defined as an assault or assault on someone's physical or mental

integrity. Meanwhile, in Indonesian, the word "violence" is generally understood to only involve physical attacks (Hanafi et al., 2022)⁶.

Definition of violence quoted from the World Health Organization (WHO): Violence is the use of physical force and power, threats, or acts against oneself, an individual, or a group of people (society) that can result or may result in bruising or trauma, death, harm psychological, developmental disorders, or deprivation of rights (Utari & Sumardiana, 2022) .

Epistemologically, violence is all forms of behavior, whether verbal or not, carried out by someone against another person so that it can cause negative physical and psychological effects on the person who is the target, violence can also cause pain, suffering, both physical and psychological, and social in someone (identical to a weak person) (Cut Fitri, 2018).

Violence against children can be seen from several perspectives, including (Huraerah, 2007):

- 1) A psychological perspective which sees that violence occurring in children is caused by poor psychological aspects of parents or caregivers, it could be said that parents experience personality disorders or experience one type of mental disorder that affects parenting patterns or parents lack education regarding discipline and child development, experiencing emotional and cognitive (knowledge) disorders as children (Froom, 2010).
- 2) A sociological perspective that pays attention to the social context of violence rather than the personality of the parents. Environmental accumulation such as poverty, unemployment, living conditions, isolation, and other factors that cause violence.
- 3) A socio-situational perspective that looks at the interaction between the child and the perpetrator of violence, this perspective looks at the child's special attributes such as disabilities, temperament, or child behavior due to pressure from parents that prevents positive ties with other environments. (Mulyana et al., 2018).
- 4) An interactive perspective states that all of the above perspectives are interrelated in incidents of violence against children (Komariah, 2023).

³⁶ Child abuse is ³² more of a form of physical abuse with marks or wounds on the child's body (Munir, 2015). If violence against children in the household is carried out by parents, an action causes suffering to the child, both physically and beyond certain limits.

³⁵ Based on the description above, it can be concluded that violence against children is a form of abuse, both physical and psychological, that contains marks or injuries on the child's body, carried out by parents beyond certain limits.

Factors and Impact of Violence on Children

1. Factors that cause violence against children

The occurrence of violence against children is caused by various factors that can influence it, failure in the process of meeting children's needs will have a negative impact on children's physical growth and intellectual, mental and social development. The driving factors or causes of violence or violations in the family committed against their children are as follows (Lianny, 2004):

- a. Economic Factors. The poverty faced by a family often leads the family to a situation of disappointment which in turn leads to violence. This usually happens in families with very large members. Worrying family financial problems or conditions of economic limitations can create various problems both in terms of meeting daily needs, education, health, buying clothes, paying house rent, all of which can relatively affect the soul. and pressure that is often vented on children (Darmasuara & Darmadi, 2015).
- b. Family Problem Factors. This refers more to the family situation, especially the relationship between parents who are less than harmonious, a father will be able to commit violence against his children solely as an outlet or an effort to release his irritation and anger towards his wife. The attitude of parents who don't like children, are angry and unable to control their emotions can also cause violence to their children. For parents who have children who are guilty, such as physically disabled or mental (idiots), they are often unable to control their patience when looking after or caring for children. -children, so they also feel burdened by the presence of the child and it is not uncommon for parents to become disappointed and frustrated (Mulyana et al., 2018).
- c. Divorce Factors. Divorce can cause problems in the household such as child custody, providing love, providing a living for children and so on. The consequences of divorce will also be felt by children, especially by fathers and stepmothers, in this case many cases of violence against children are carried out by fathers and stepmothers.
- d. Factors of Birth of Children Out of Wedlock. It is not uncommon for the birth of a child out of wedlock to cause problems between the child's parents, not to mention involving the couple's family. As a result, children will receive unfavorable treatment such as: children feel excluded, have to accept discriminatory behavior, be excluded or excluded by the family and even accept unfair behavior and other violent behavior.
- e. Factors Concerning Mental or Psychological Problems . Various psychological studies state that parents commit violence or abuse their own children because they have psychological problems. In a situation of anxiety due to and being depressed as a result of experiencing depression or stress (Sebriyani, 2023), typologically the psychological characteristics that characterize this

situation are: feelings of inferiority, unrealistic expectations for children, expectations that are contrary to their condition and lack of knowledge. about how to raise children well (Wadong, 2000).

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2. The Impact of Violence on Children

The impact of psychological violence, as reviewed above, has very fatal consequences for children's mental growth and development. Child _ Those who suffer from psychological violence continuously will develop an abnormal personality, especially children who cannot socialize well with other people, view other people with suspicion, and have a vengeful nature towards anyone who has similarities with the person who has committed violence against them. himself. Children like this are very easy to harm other people and are trapped in a bad environment or damaged environment around them, they will easily hurt other people or even very easily injure and kill other people (Isnawati, 2014). The impact caused by parental violence towards children has a more negative impact, both in terms of physical development and in terms of the child's psychological or psychological development (Almaturidi et al., 2020).

Psychological violence seems to be a trivial matter, especially for parents. Sometimes parents unknowingly or intentionally say dirty words to their children, but never think that the consequences of psychological violence will actually have a negative impact, the danger of which will not only be dangerous for their own children but will also be dangerous for other people. other.

a. The social impact of violence.

The impact of social violence, namely the result of neglect carried out by parents, is that children have to carry out tasks carried out by their father and their education is problematic (Rianawati, 2015). Neglect of children's rights is social violence against children, at an inappropriate age children have to work hard, which can not only harm the child physically, but also psychologically. Physically, growing children are not yet fully developed, their height and weight are not yet optimally developed, their bones are still small and they are not yet able to lift heavy loads, their minds are also not yet mature enough to accept work that should be done by adults. This of course can affect the child's physical growth and development, which could be that because they often receive and carry heavy burdens, the child's body develops imperfectly. Apart from that, children who should be studying to prepare for a bright future, in the end do not have the opportunity to study, let alone play and socialize with their friends. Many of their children's time will be sacrificed due to neglect by their parents (Huraerah, 2007).

Protection of Children from Child Violence in Islamic Law

In Islamic law, acts of violence against children constitute a violation of religious

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values. Islam provides protection for children to guarantee and protect children and their rights so that they can live, grow and develop, participate optimally in accordance with human dignity, both physically and mentally. (Amrunsyah, 2017). In Islamic law, violence against children is included as a heinous crime of morality, so that if it is proven and brought before a judge the law is firm and clear. Because in this case, crimes against decency are very sensitive, because they involve human dignity and dignity. Broadly speaking, Jarimah or criminal acts in Islamic criminal law (fih jinayah) are divided into three, namely: Jarimah *hudud*, Jarimah *qishash & diyat*, and Jarimah *ta'zir*. Actions that contain moral offenses in them are jarimah *hudud* and jarimah *ta'zir*.

3
According to the Islamic view, violence is also called abuse (tyranny) against children, acts of violence against children carried out by parents by carrying out abuse, whether in the form of physical actions or words, in Islam is called tyranny. Physical violence is an action where there is a possibility that it could harm the victim or someone who receives unwanted treatment (Hadiati, 2010).

When a child experiences unfair treatment or violence from their parents, it can have a very detrimental impact on the child. Such treatment can include physical, emotional, or even neglect. Children who experience injustice like this often feel disappointed, suffering and traumatized. Children will experience disadvantages in the development of physical and emotional well-being. Apart from that, bad treatment from parents can also affect the child's relationship with those parents and form negative behavior patterns in life. Therefore, it is important to protect children's rights and ensure that they receive the proper protection and care and love they need. As Rasulullah SAW said:

اعرجسده بالسهر والحمى) البخارى) God willing Facebook

It means:

"From 'Amir he said: I heard An Nu'man bin ³⁵ *Asyir* say: Rasulullah SAW said: you will see believers loving each other, loving and caring like one body. If one part of the body is sick, the whole body will be awake and hot (will also feel the pain). (HR. Al-Bukhari).

Violence in Islam is any act of harming another person that affects their body, but does not result in the loss of their life. ¹According to the *fuqaha*, a crime for other than the soul (torture) is any painful act that affects a person's body, but does not result in death. This is a very thorough opinion and is able to contain every form of lawlessness and crime that can be described, so it includes: injuring, hitting, pushing, pulling, blackmailing, pressing, cutting hair and plucking, etc. (Hidayat, 2017). As Allah says in QS Al-Maidah (5): 32 :

¹ Zainudin Ali, *Islamic Criminal Law*, (Jakarta: Sinar Grafa, 2012). matter. 33

من أجل ذلك كتبنا على بني إسرائيل أنه من قتل نفسا بغير نفس أو فساد في الأرض يسرفون (ال) 46
59 قد جاءتهم رسلنا بالبينت ثم إن ٣٢ (مائدة كثيرا منهم بعد ذلك في
الارض لمسرفون) ال

It means:

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"Therefore, we decreed (a law) for the Children of Israel, that whoever kills someone, not because that person killed another person, or not because he caused mischief on earth, it is as if he had preserved human life. Whoever preserves the life of one human being, it is as if he has preserved the lives of all humans. Indeed, our Messenger has come to them with (bringing) clear information. But then many of them after that went beyond the limits of the earth. (Q. S Al-Maidah: 32)."

This verse explains that anyone who kills a human being, without a justified reason as required by *qishash*, causes damage on the face of the earth with various types of damage, the punishment will be decided by a competent court, because the perpetrator has taken the life of a child. In Islamic law, violence against children is included as a heinous crime of morality, so that if it is proven and brought before a judge the law is firm and clear. Because in this case, crimes against decency are very sensitive, because they involve human dignity and dignity. Broadly speaking, ⁴⁰ Jarimah or criminal acts in Islamic criminal law (*figh jinayah*) are divided into three, namely: Jarimah *hudud*, Jarimah *qishash & diyat*, and Jarimah *ta'zir*. Actions that contain moral offenses in them are jarimah *hudud* and jarimah *ta'zir*.

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According to the Islamic view, violence is also called abuse (tyranny) against children, acts of violence against children carried out by parents by carrying out abuse, whether in the form of physical actions or words, in Islam is called tyranny. Physical violence is an action where there is a possibility that it could harm the victim or someone who receives unwanted treatment (Hadiati, 2010).

If a parent acts tyrannically towards his child and he acts inappropriately towards his child, because of the violent attitude a child experiences, he becomes disappointed and suffers from what his parents did. As Allah SWT says in QS Yunus (10): 23

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Facebook لى انفسكم منع الحيوة الدنيا ثم اينا مرجعكم فنتبينكم بما كنتم تعملون (يونس: ٢٣)

It means:

"But when Allah saved them, instead they committed injustice on earth without any valid (reason). O people! Indeed, your tyranny will be dangerous for you; It's just the enjoyment of life in this world, then you will return to us, later we will tell you what you have done. (Q.

S Yunus: 23).

This verse explains that it is not permissible for those who commit injustice (violence) towards children which will have a negative impact on the child's personal growth, because the burden of suffering felt is not only on the physical body but also on mental growth, which of course will have an impact on the child's future. child.

From the description above, it can be concluded that violence against children in Islamic law is any form of physical abuse involving injury to the child's body but not to the point of causing death or psychological injury which results in suffering for the child.

4. Results and Discussion

Forms of Violence Against Children and Their Causes in the Household.

Violence against women and children includes all acts that result in physical or psychological suffering. Acts of violence against women and children are considered crimes that can be subject to criminal sanctions. The government has the responsibility to protect women and children from all forms of violence, and to enforce legal sanctions as a form of upholding justice (Taufiq, 2020). Violence against children is any form of physical or mental violence, injury or abuse, neglect or negligent treatment, abuse or exploitation, including sexual abuse (Berghan & Aarkadas, 2018).

Children who experience violence need to be protected and their rights need to be fulfilled, considering the various negative impacts they may experience. These children's rights are explained in Law Number 35 of 2014 which is an amendment to Law Number 23 of 2002 concerning Child Protection. Unfortunately, the quality of child protection in Indonesia has received quite a lot of criticism regarding the implementation of children's rights. This is especially seen in efforts to protect child victims of sexual violence, where many doubt the system's ability to guarantee children's survival as part of human rights (Umamah et al., 2023)

Cases of violence against children in Pidie Regency are relatively high. The Head of the Pidie Regency DP3AKB Subdivision said that data from the Pidie Regency Police states that every month they handle 35 to 60 cases. In general, this form of violence can be explained as follows;

a. Forms of Physical Violence

This form of physical violence committed by parents occurs when parents cannot control their emotions, so the slightest mistake made by a child will make parents not hesitate to carry out physical violence on the child, whether using tools or not that have the potential for injury. Physical violence includes hitting, kicking,

punching, stabbing, biting, pushing, throwing, pulling, dragging, dropping, strangling, burning and poisoning.

b. Forms of Psychological Violence

A form of psychological violence that often occurs to children is that they are worthless, unloved, unwanted, blaming, belittling, degrading, intimidating, terrorizing, isolating, restraining, limiting, destroying, exploiting, and insensitive to the child's developmental needs.

c. Forms of Neglect or Social

Forms of social violence are experienced in forms of violence where there is a lack of attention from the family, the father is busy working, and neglect is carried out by the father because he left the mother so that the child also experiences neglect in the form of not being provided with living expenses and education.

The main factors causing cases of violence against children in Pidie District include;

a. Family Economic Factors

Poor family economic conditions will encourage parents, either father or mother, to go looking for work and leave the family. Children who are left behind will lack attention so that children often become victims of violence or become perpetrators of violence against other children.

b. Family harmony factor

Family disharmony tends to result in violence against children, whether committed by parents or siblings. Fathers and mothers who are not in harmony tend to be indifferent to their children, parents are busy with the problems they are facing, so parents become neglectful of their children's development and interactions. Children need attention and protection and then seek attention outside the home, in this condition children become vulnerable to becoming victims of violence or becoming perpetrators of violence against other children, which basically takes out their disappointment and uses violence as a means of seeking good attention from their parents, as well as from the surrounding community.

c. Environmental factor

The influence of the social environment and technological developments often causes violence against children outside, such as *bullying*, bullying behavior very often occurs in educational institutions. Children's curiosity is so great that it encourages them to try to imitate what they see and these children easily imitate violent scenes.

Efforts to resolve cases by P2TP2A of violence against children in the household.

childhood children have rights that must be recognized even when they are still in the womb. However, public understanding and perception regarding the rights of early childhood is still minimal, so there is often a lack of attention to the situation. It is important to protect children from environments that are potentially detrimental to

development. Maintaining the mental health of young children is very crucial for forming good character in the future. Increasing attention to these issues needs to be done to ensure that children receive a positive environment that supports growth and development (Syawalitiani Putri et al., 2023) .

Violence against children (VAC) is a serious public health problem and has a significant impact on the well-being of children throughout the world. Various forms of violence against children can harm children physically, emotionally and psychologically. This is a deep and complex issue with long-term implications that can affect a child's development and well-being well into adulthood (Al-Mohannadi et al., 2022) .

The Integrated Protection Center for Child Empowerment and Protection (P2TP2A) is one of the Indonesian government's efforts to implement the Law on the Elimination of Domestic Violence (PKDRT) to deal with violence against women and children. P2TP2A aims to provide protection, empowerment and integrated services for victims of violence (Rosnawati, 2018; Wahyudi et al., 2020) .

The Head of the DP3AKB Subdivision of Pidie Regency said that there are stages and procedures carried out to provide assistance in cases of violence against children as follows:

- a. Identification, initial study of problems regarding acts of violence against children, reports from the public or from other professions, such as police, doctors, legal experts can be used as input at this stage.
- b. Investigation, investigation of reported cases, social workers can carry out home visits, interviews with children or people suspected of being perpetrators regarding reported allegations, observations of children's behavior and reviews of family life.
- c. Intervention, providing help to children and/or their families which can be in the form of concrete assistance (money, goods, housing), supporting assistance (child care, stress management training, medical care), or healing (counseling, group therapy, social rehabilitation).
- d. Termination, termination or closure of cases can be caused by several factors including:
 - a) The family is improving.
 - b) The child is no longer in danger.
 - c) The family deteriorates so that the child must be released from the family and placed in care outside his own family.
 - d) There is no progress in handling the case.
 - e) The institution is running out of funds .
 - f) The family refuses to cooperate .
 - g) Neither party took the case to court.

Conclusion

- a. Violence against children requires the attention of all parties. This is because violence against children has broad and long-term impacts. The trauma that children will face, whether as victims or perpetrators, will always be carried throughout their lives. In fact, in some cases, perpetrators of violence against children during their childhood are victims of violence. Therefore, more specific attention is needed for child victims of violence and perpetrators of violence who are still children.
- b. Handling of child victims of violence cannot be carried out by one party or institution alone. Inter-institutional coordination is required due to limited facilities and human resources in each institution. Violence against children is social control that can monitor behavior that leads to violence. Monitoring violence in society is certainly not strictly monitoring all of society's behavior.
- c. The role of information services is important in efforts to prevent acts of violence against women and children, so that the community is not apathetic towards acts of violence in society. The results that can be obtained from this information service are quite satisfying because many community parties report to P2TP2A when acts of violence against children occur in the household.
- d. As explained in the theory above, in Islam children are protected figures to maintain their survival both psychologically and physically so that children can grow up as normal adult humans. Regarding the methods of resolving acts of violence against children by P2TP2A Sigli, in the perspective of Islamic law, it falls into the Ta'zir category where the resolution is left to the authority of the judge in determining the punishment and the punishment usually does not exceed the had penalty.

Suggestion

- a. To create a total shared understanding regarding child violence, the Government must be proactive in socializing the Child Protection Law both within the government bureaucracy itself, law enforcement officers, the wider community in general, in social institutions, religious organizations and all educational institutions.
- b. Specifically for the P2TP2A Institution in Pidie Regency to become an institution that is highly committed to helping victims of violence by providing assistance so that children who experience domestic violence can return to living a normal and healthy life, both physically and psychologically.

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