



# PROTECTION OF CHILDREN VICTIMS OF VIOLENCE IN THE FAMILY PERSPECTIVE OF ISLAMIC FAMILY LAW AND POSITIVE LAW

(Study at the Lampung Province Child Protection Institute, the Damar Lampung Child Advocacy Institute and the Regional Technical Implementation Unit for the Protection of Women and Children in Lampung Province)

by

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## ABSTRACT

*A child protection refers to any efforts aimed at ensuring and protecting children and their rights so that they can grow, develop, and contribute to their full potential while remaining safe from violence and discrimination. Child protection is handled by a number of organizations, namely the Child Protection Institute, Lampung, the child advocacy institution of Damar Lampung, and the Technical Implementation Unit for the Protection of Women and Children, Lampung. Despite the fact that these three organizations exist and operate, family violence against children continues to rise. The conclusions are (1) Threats, compulsion, fear, opportunity, power relations, economy, patriarchy, lack of morals, inability to control themselves, retribution, and lack of attention from biological moms to children's behavior are all prevalent reasons of violence against children in three institutions. The difference is that there is a sexual disorder, husband is afraid of his old wife, lack of communication between children and mother, home environment, access to meet is cut off, mother dies, revenge, persuasion, habit of having sexual relations. Study/add insight into Islam and practice it, learn and practice good morals, hang out a lot with pious and pious people, exercise self-control, psychological approach, intensity of education are some of the solutions to decrease them. (2) The types of services provided by child protection institutions, child advocacy institutions, and the Technical Implementation Unit for the Protection of Women and Children (UPTD PPA) are similar in terms of type of service, legal basis, service principle, Standard Operating Procedure (SOP) for mentoring, code of ethics, and ethics, but each has its own characteristics in terms of technical assistance, human resources, funding sources, and facilities. (3) The hadhanah concept (care, care, and education) is reflected in the perspective of Islamic family law and positive law on child protection carried out by three institutions, referring to Law No. 4 of 1979 concerning Child Welfare, Law No. 35 of 2014 on Child Protection, Law No. 11 of 2012 on Child Criminal Justice, Law No. 23 of 2004 on Marriage, Compilation of Islamic Law leading to District Courts (Criminal), Religious Courts (Civil), and Mediation.*

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## 1. INTRODUCTION

The family as the first and foremost place of care in everyone's life has a great responsibility in shaping the personality and life of the child, because the family has a great influence on the child. According to Ibn Jazari, children are the result of marriage which is an important part of their position in the family. Children are the command of Allah SWT and parents are obliged to care for, raise, and educate them. A happy family can protect children so that they feel what they are entitled to. Protection of children's rights is a basic need for children and guarantees all activities to protect children and their rights so that they can live, grow, develop and participate properly in accordance with human dignity and protection from violence and discrimination. This is in line with the mandate of the 1945 Constitution of the Republic of Indonesia. Even though the child is still in the womb, the child has *expertyah al-wujub*, namely the right to have rights because children are part of family life. and children are the fruit of a loving relationship, conjugal love.

Children are the beginning, potential and the next generation of national values, with a strategic role in securing the future existence of the nation and state. Opportunities to grow and develop in a sustainable manner are high, physically, mentally, socially and spiritually. They need to get their rights, they need to be protected and developed. In addition, children are a mandate and a gift from Allah SWT, even children are considered the most valuable assets compared to other assets, so that children are always protected and protected because they have dignity, dignity, and innate rights as humans, being creatures that need to be nurtured.

Child protection is all activities to guarantee and protect children and their rights, so that they can grow, develop and participate optimally in accordance with human dignity, and receive protection from violence and discrimination.

According to Khoirudin Nasution, the term child protection or child protection is not found in Indonesian Islamic family law and/or Indonesian Islamic Marriage Law. The terms found are child care and education in the Marriage Law, Law Number 1 of 1974 concerning Marriage. and the term child rearing in the Compilation of Islamic Law (KHI), is the same as the term *hadhanah* in fiqh. In KHI, maintenance or *hadhanah* is defined as the activities of nurturing, nurturing and educating children until they are adults or able to stand on their own. And thus there are three keys in child care, namely nurturing, nurturing and educating.

With special provisions for children regulated in Islamic family law and legislation in force in Indonesia, parents and the environment are obliged to provide protection for the child. Prevent acts of violence, whether in the form of physical, sexual, psychological and neglect. However, the reality is that there are cases of violence that are accompanied by institutions that are very worrying, because the violence is carried out by people who are around the child who should provide protection to him. As an illustration of data from the Lampung Province Child Protection Agency, which is based in 15 districts, in 2021 there will be cases of violence against children, namely 18 bullying, 117 victims of sexual abuse, 40 victims of child neglect, 109 education and 45 sodomy. Then, data from the Damar Lampung Children Advocacy Institute for 2021 is taken from the initial reflection in 2022, with 239 cases of violence against women and children from January to December 2021. Based on complaints reporting and follow-up through local print media. Of these, 170 (71%) 170 were aged 0-17 years, while the rest were aged 18-over 45 years. and the forms of violence are rape, sexual abuse, domestic violence, abuse, neglect, kidnapping. Furthermore, data from the Regional Technical Implementation Unit for the Protection of Women and Children in Lampung Province in 2021: Physical violence 14, sexual violence 371, psychological violence 21, neglect 31.

The number of cases of violence that occurs is considered an indicator of the low quality of child protection. The presence of children who have not been able to be independent certainly really needs people as a shelter. According to Law no. 35 of 2014 concerning child protection, the state, government, municipalities, families, and parents are obliged to carry out child protection.

In his book *Tuhfatul Maudūd bi Ahkām al-Mauld*, Ibn Qayyim al-Jauziyah said that Islam is very concerned about the protection and maintenance of every stage of a child's life. Protection by meeting the natural needs of children is the most important aspect to consider to ensure that their rights are properly respected and that every stage of their life is taken care of. This is almost in line with the protection of children's rights according to the law introduced in Indonesia, which aims to protect and promote the natural rights of children in general. This effort was made to improve awareness of the well-being and safety of children in the world and in the future.

Unfortunately, not all values to get children's rights can run smoothly. There are still problems in protecting children's rights, including rights and obligations that are not fulfilled and carried out properly, sometimes the leadership (*qawamah*) of the family is weak, the roles and functions of parents are sometimes confused, children's rights will be neglected. Children are ultimately victims of neglected rights. As a result, children are traumatized, isolated, inferior, lack self-confidence, pure suicide, look empty and full of tears, want to talk to anyone because of various stigmas and even parents turn it around. The family doesn't care or even suppresses and in the end the child himself is still blamed. This is a consequence of children who are also victims of domestic violence outside the home. So there are several institutions, both government institutions and non-governmental organizations, to make



efforts to protect children who are victims of violence, whether it occurs in the family realm or the public sphere, such as the Child Protection Agency (LPA), the Damar Child Advocacy Agency (LAdA) and the technical implementing unit. protection area for women and children (UPTD PPA). However, despite various efforts to protect children, there is still a lot of violence against children in the community and also in the family.

The results of this study are expected to provide the following benefits:

1. Providing an explanation of the main causes of violence against children in the family.
2. Knowing how to protect children who are victims of violence in the family at the Lampung Province Child Protection Institute, Damar Lampung Child Advocacy Institute, and the Technical Implementation Unit Areas for the Protection of Women and Children in Lampung Province.
3. The perspective of Islamic family law and positive law on the protection of children victims of domestic violence in three institutions that provide services

## 2. RESEARCH METHOD

The purpose of this descriptive study is to identify or describe existing or ongoing symptoms. Suharsimi Arikunto from Sugarsa said that the data source is the entity from which the data is obtained, where the data is recorded. Data sources can be objects, events, places, people, and so on. This study uses secondary data and primary data related to the protection of child victims of domestic violence. Secondary data consists of primary legal materials, secondary legal materials and tertiary legal materials.

Data collection method is a systematic and standard way to obtain the required data. There is always a connection between how data is collected and the problem that needs to be addressed. Collecting data in this study using several methods, namely the use of methods: observation, interviews and documentation.

The formulation of the problem: what are the factors that cause violence against children in the family, how is the protection of children carried out by the institution, what is the perspective of Islamic family law and positive law on the protection carried out by the institution? The purpose of the study: to determine the factors that cause violence against children, how the protection is provided, the perspective of Islamic family law and positive law on child protection carried out by the institution. This type of qualitative research is in the form of a case study (case study) with a descriptive analytical approach. The data were analyzed using legal protection theory, psychological theory, and *maqashid sharia* and *sadd al dzari'ah*.

## 3. RESULTS AND ANALYSIS

Based on the results of data analysis using legal protection theory, psychological theory, *maqashid sharia* and *sadd al dzari'ah*, the results and discussion of this study are as follows:

### 1. The main causes of violence against children in the family according to the Child Protection Agency Lampung Province, the Damar Lampung Child Advocacy Institute and the Regional Technical Implementation Unit for the Protection of Women and Children in Lampung Province.

The emergence of violence against children in the family is caused by various factors that influence it, these factors are actually very complex, both from the child himself, from the perpetrator and also from the social environment and as a result there is a large amount of violence, both physical violence, sexual violence, psychological violence and violence. also neglect. In line with Suharto's view in Abu Hurairah that violence against children occurs because it is caused by the child's own factors (internal factors), factors based on family and community situations.

Prevention of violence against children in the family is a response to a very serious social problem, because violence is behavior that can affect the future of children and harm them physically, mentally and socially, while children are the next generation of the nation. This incident has become a social problem of great concern to everyone. The results of research from the Lampung Province Child Protection Institute, the Damar Lampung Child Advocacy Institute and the Technical Implementation Unit for the Protection of Women and Children in Lampung Province, and of course with various motives as causal factors. Thus, it is known that there are 29 children aged 4 months to 18 years who are victims in the family, with details of 14.8% physical violence, 59.3% sexual violence, 7.4% psychological violence, 18.5% neglect and economic exploitation. When viewed from this percentage, the most frequent cases of sexual violence against children, child victims of violence who were accompanied by the Child Protection Agency, cases of economic exploitation by the biological mother of E's child A (11 years old). The child was forced to work as a parking attendant at a mini market and had to give Rp 200,000 to his mother. Initially, the reason for forcing Mrs. A to work as a parking attendant is because her mother is divorced from her father and mother is unemployed (economically), so A is forced to become a parking attendant. Meanwhile, coercion, threats, and power relations are the causes. In addition, the same case was also found in the UPTD PPA Lampung Province,

where Ibu NN (40 years old) forced her son ET (14 years old) to become a busker. An UPTD companion as a member of the professional team interviewed said that the case started because her parents divorced and her father did not provide for ET and her younger siblings.

To protect children from violence in the family, contained in QS Al-Qhashash verse 77 which is used as the legal basis, the verse reads as follows:



Meaning: *don't you do mischief on the earth. Verily, Allah does not like those who do mischief.*

Based on this verse, what A and ET's biological mother did is completely opposite. Because in this sense it can be understood that as a human being he is forbidden to do damage on earth. Damage is anything that can cause harm to others, so Allah has those who are detrimental. This act of self-destruction can happen to anyone and in any form, such as murder, persecution and other heinous acts, which are clearly forbidden by Allah SWT. Violence against children, which resulted in a very extraordinary effect on the child's psyche. Because at that age, children have the right to a livelihood and not to provide a livelihood and can also interfere with children's education at school, because they have to earn a living for themselves and especially their families.

Economic exploitation of the family is a form of violence against children, according to AL-Syatibi it is one of the basic needs and must be met, because if this need is not met, he said, *human security* is a threat to the world and the future where people in the world have children. or called *hifzh al-nasl* (child care). This means that it is the responsibility of parents to raise children so that children become people who will be saved in the world and in the future, because child care means that all children's needs can be fulfilled.

It must be admitted that a culture that is not in favor of children still persists in society today. There is no official data on what culture harms children. However, there are still many crimes against children, such as the following cases of sexual violence. Cases that are supported by the assistance of the Child Protection Agency, for example, are cases of sexual violence (incest) perpetrated by biological fathers against their children.

Cases of incest (blood relatives) committed by biological fathers, brothers, and siblings. Cases accompanied by LPA JS (15) and cases accompanied by UPTD PPA Dzaf (14). Both cases were carried out by the biological father, but there were differences in employment. JS' biological father is unemployed and Dzaf's biological father (Sah, 55) is a State Civil Apparatus (ASN). However, the mother of the victim's two children is both a teacher. The LPA secretary said that JS's case was so unique that it was said that his son was not as beautiful as his biological mother, but that his biological mother always came home from school and found strange things related to the closeness of her husband and daughter.

The above case can be concluded that the cause of violence is more of a situational factor, meaning that the cause of an act of violence is situational and very personal. Otherwise, it cannot be an example for children, because in raising their children, there is no point in devoting faith to daily contact with the family. Because actually mujahada is important for parents, it means maximizing pious deeds to reach a level of sincerity so that they can get closer to Allah SWT. But how can parents (fathers) be closer to God if they are used to association without moral values because they often have sexual relations with women who are not relatives.

This is the current picture of the family. Because parents do not hesitate to sexually abuse their children. And here we need note that according to Freud, there is a super ego within everyone. The superego is a filter for humans because the superego is always dominated by moralists and idealists. Really ideal parents in terms of nurturing and raising their children, and as parents they have two subsystems within themselves, namely the ideal conscience and ego. Therefore, as a person who has a super ego, parents must treat their children properly, so that children who are full of weaknesses have the right to be responsible for them in the future.

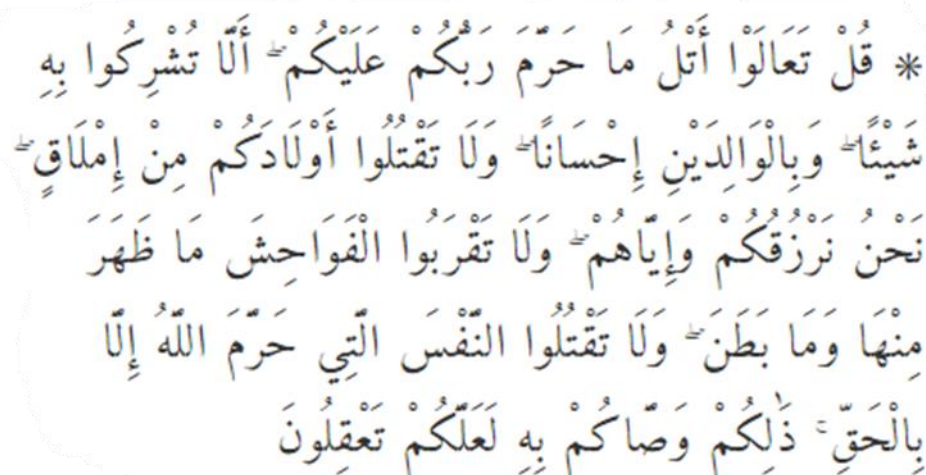
Islamic law in supporting child protection uses the term *hadhanah* or parenting, namely caring for small, weak children. Therefore, children as vulnerable people and as small children must receive protection from their parents, family, community.





In the case of JS and Dzaf above, there will be no violence against him, because as a parent you have an obligation to take care of yourself. Younger and older but not tamyiz and it doesn't matter. Identify the gender of your children. Parents are also led to respond to all the needs of the child and what supports his growth and development, protecting him from everything that is harmful to his health. Then they are trained physically and mentally so that children can be independent in navigating life and carrying the burden of responsibility.

Regarding the above, parents should raise their children with love and be fair to them, and fulfill their every need. Rasulullah SAW also explained the obligations of parents as the following hadith which means: "Give your wealth to your family sufficiently, do not add to your employees (easy to overcome) so that they improve their morals. However, instill a fear of Allah" (Narrated by Ahmad, Ibu Majah and Al Bukhari in the book al-Adab al-Mufrad). From the above hadith, it is clear that Islam does not approve of violence against children. What this hadith emphasizes is the upholding of the values of faith in Allah SWT as the basis of religion. In addition, it is not wise to harm or kill children due to economic factors and poverty, because Allah SWT has promised to take care of every creature on earth. This is what is meant by the word of Allah as follows:



\* قُلْ تَعَالَوْا أَتْلُ مَا حَرَّمَ رَبِّيَ عَلَيْكُمْ ۖ أَلَّا تُشْرِكُوا بِهِ شَيْئًا ۚ وَبِالْوَالِدَيْنِ إِحْسَانًا ۚ وَلَا تَقْتُلُوا أَوْلَادَكُمْ مِنْ إِمْلَاقٍ ۚ نَحْنُ نَرْزُقُكُمْ وَإِيَّاهُمْ ۚ وَلَا تَقْرَبُوا الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَنَ ۚ وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ ۚ ذَٰلِكُمْ وَصَّاكُم بِهِ لَعَلَّكُمْ تَعْقِلُونَ

Meaning: *don't you kills a soul which Allah has forbidden (killing) except with the right (cause)."* That is what you are commanded so that you may understand (it)

Other cases which are assisted by LPA, LAdA and UPTD PPA, are cases of sexual violence perpetrated by stepfathers. In this case, there are DL (16th), MF (12th) and AN (16th) cases. Each case has a different motive from the perpetrator. From these three cases, it turns out that parents' divorce has an impact on children, namely being victims of sexual violence from their stepfathers. While the factors because varied, namely: a single or broken home (*broken home*), namely divorce and single parents (only the stepfather and biological mother died), power relations that parents are rulers so they can do anything, coercion and threats, asking for revenge. Budi because doing all the housework is done by the stepfather (AN), family problems (husband and wife problems) (MF and DL cases), not having adequate education or religious knowledge. According to the factors causing violence against children in the family according to Siti Fatimah in Bagong and also according to Huraerah, Cases of domestic violence show that there is violence from adults. This shows that there is no healthy personality in people who can commit violence, because healthy individuals can usually balance the id, ego and super ego, so there is no behavioral disorder that always requires satisfaction.

Borrowing an expression from *sadd al dzariah*, that no matter how good the purpose of doing the deed, but the path taken is wrong by hurting others, it is still declared wrong. Because it brings harm to children, namely fear, trauma, sadness and physical injury due to being confined for too long. Because according to Soetarso in Abu Huraerah if the growth and physical welfare of children is hampered, then this is the proof that there have been problems in upholding children's rights.

Parents who have problems with their partner's friends or are stressed out by unemployment should not use violence against their children, even if they are biological children or stepchildren. Such as cases accompanied by LPA and UPTD namely physical violence and economic exploitation, A (14 years) and ET economic exploitation (14.) by biological mother, physical violence J (7.) by prospective stepmother and case Az (8.) and AD (6.) is made

of rigidity. According to Imam Ghazali, punishment or reward is the last method used to provide education for Abu Huraerah. *Violence Against Children*. Bandung: Nuansa Cendikia, 2018, pp. 64 *Ibid*, hlm.41 morals, because *reward* and *punishment* are the result of good causes, while punishment is the result of bad factors. Imam al Ghazali said: "It is not just about hastening the punishment of a child who has been injured, but about giving him the opportunity to correct his own mistakes so that he can respect himself and feel the consequences of his actions. And Praise also when he does a commendable deed that is worthy of respect and praise and encouragement.

## **2. Protection of children who are victims of violence in the family by the Lampung Province Child Protection Institute, Damar Lampung Child Advocacy Institute and the Regional Technical Implementation Unit for the Protection of Women and Children in Lampung Province**

The Government, Regional Government, Community, Family, and Parents or Guardians are obliged and responsible for the implementation of Child protection. Based on this, the government is present through the UPTD PPA both at the provincial and regional/district levels, the Child Protection Agency at the provincial and district levels and the Damar Child Advocacy Institute.

UPTD PPA as the purpose of its establishment is that UPTD is tasked with carrying out operational technical activities in its working area in providing services for women and children who experience problems of violence, discrimination, special protection, and other problems.

Community involvement in child protection is stated in Article 72 of Law Number 35 of the Republic of Indonesia of 2014: (1) the community has the right to the widest possible access to play a role in child protection. (2) The role of the community as referred to in paragraph 1) is carried out by individuals, child protection institutions, social institutions, non-governmental organizations, educational institutions, religious institutions, business entities and the mass media.

The Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA) has the task of carrying out operational technical activities in its operational area to provide services to women and children who experience problems of violence and discrimination, special protection and other problems. To carry out its service function, it has a service mechanism that must be implemented to provide protection and refers to service standards that are experiencing obstacles; and make it easier for service personnel to provide the services needed for women and children in need.

LPA accompanies each child's case if there is a report from the ABH family (the child is in conflict with the law) to the LPA office; if the child becomes a victim at the city or district level, the level of investigation reaches the court, and if the child is traumatized and needs a safe house and a psychologist, LPA will coordinate with the government, namely UPTD PPA regarding social services for safe houses and psychological assessment of children. The service flow is a direct complaint to the LPA and the completeness of files or documents, such as a complaint form and chronological preparation of cases of children as victims. These cases are accompanied by all cases of rights violations that occur against children, with the principles of non-discrimination, the best interests of the child, the right to life, and respect for the opinion of the child.

Cases accompanied by LPA related to cases of incestuous sexual violence JS (15). The victim and his family reported the case, but did not want to complain to the authorities because they were ashamed of the others. LPA did not insist on reporting this case because JS' biological mother said that she was ashamed of the incest case. No follow-up services were provided after the complaint, but the services provided by LPA provided reinforcement to the family and assisted JS' biological mother in the divorce process with her husband. What is being done here is to the service principle that there should be no discrimination, the best interests of the child, respect for opinions, the survival and development of the child. In connection with this, it is not surprising that LPA, LADA, and UPTD cannot continue their services in cases of violence against children, when the child or family wishes that the case will not be continued.

In terms of case acceptance, LADA has hotline, Dpop-in and outreach services. According to the Director of LADA, the service that is often received is drop-in, namely services provided to victims who come directly and report their cases to the office. According to him, when receiving the case acceptance service, the physical and psychological conditions may vary from one another, as well as the need to resolve the case. Victims who feel it is not safe to return to their families will be referred for temporary stay in a safe house or shelter. As for the recording and documentation, it is done by recording the chronology of the case which contains the events that started from the beginning of the violence until it was handled by the service agency which was written in a coherent way from beginning to end. The chronological writing in it contains 5W + 1H, namely when the incident occurred (date, month, hour by showing the time of morning, noon or night), where was the scene, who did it, witnesses, victims and institutions were involved at the time of the incident, why it happened ( the reason or background of the incident), what (what violence occurred), How (how the victim experienced violence). From this service, LADA receives



documents such as chronology, evidence of a police report (if you have reported it to the police). After the case and document receipt services are complete, further services will be provided as needed.

For UPTD PPA Lampung Province, the services provided are in accordance with the ministerial regulation, that the services provided are public complaint services, victim outreach, case management, mediation, mentoring services (consultation, health services, legal aid services), placement in safe houses and recovery services. . Public complaints service, UPTD does not require victims who come directly, if conditions are not in place or conditions are not yet possible, Because anyone who sees, hears and knows then don't be silent, please come to the UPTD office to make a complaint. So, complaints can be made by telephone, coming in person to the office, whether they have brought the victim or have not brought the victim.

When carrying out assistance carried out by LPA, LADA and UPTD PPA, they have principles and a code of ethics, so that confidentiality is guaranteed, not forcing the companion's wishes on the victim's child being accompanied. The Damar Child Advocacy Agency, as a representative of the community has the responsibility for child protection as contained in Law Number 35 of 2014 as follows: Article 25:

- (1) Community obligations and responsibilities towards child protection are carried out through community role activities in the implementation of Child Protection,
- (2) The obligations and responsibilities of the community as referred to in paragraph (1) are carried out by involving community organizations, academics, and child observers.

Meanwhile, to get the opportunity to provide services based on Article 72 and Article 73:

Article 72:

- (1) The community has the right to get the widest possible opportunity to play a role in protecting children.
- (2) The role of the community as referred to in paragraph (1) is carried out by individuals, child protection institutions, social institutions, non-governmental organizations, educational institutions, religious institutions, business entities, and the mass media.

Article 73:

The role of the community is carried out in accordance with the provisions of the regulations applicable laws.

The results of the study show that children who are victims of domestic violence who are accompanied by 3 institutions are estimated to range from months to 18 years of age. If using the principles and point of view of psychoanalysis, this age is an important age in the formation of one's personality and if there are obstacles in the psychosexual stage accompanied by a traumatic event, it will have an impact on personality and life in adulthood. So that children will be born or appear who will be hampered from their moral development. Because the results obtained from the age of children victims of domestic violence with details:

NO	AGE	TOTAL
1	4 month	1
2	4 year	1
3	6 year	3
4	7 year	1
5	8 year	1
6	10 year	1
7	12 year	1
8	14 year	6
9	15 year	4
10	16 year	8
11	18 year	1
Total		29

Based on this data, that the most dominating number of children who are victims of violence is children aged 16 years, this shows that children at that age have entered their teens, and already know which ones are good to follow and which ones can be rejected, when there is a desire parents to him. In addition, at least 16 years of age can fight against anyone who will hurt him, including his own parents. Based on this, there is a need for solutions that need to be implemented, such as learning/adding Islamic insights and practicing them. This is necessary so that in

families where violence occurs against children, they can understand that in this life it is necessary to get ridho from Allah, and will understand that there are actions that can be done and that cannot be done. According to the QS Al-Imran: 110

كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ  
 وَتَنْهَوْنَ عَنِ الْمُنْكَرِ وَتُؤْمِنُونَ بِاللَّهِ وَلَوْ آمَنَ أَهْلُ  
 الْكِتَابِ لَكَانَ خَيْرًا لَهُم مِّنْهُمُ الْمُؤْمِنُونَ وَأَكْثَرُهُمُ  
 الْفَاسِقُونَ

Meaning: "You are the best community that has been raised up for mankind. Ye enjoin right conduct and forbid indecency; and ye believe in Allah".

Child protection is an activity that aims to guarantee and protect children and their rights so that they can grow, develop, and participate optimally in accordance with human dignity and protection from violence and discrimination. This is done by LPA, LADA and UPTD in providing their services to children who are victims of domestic violence, including children who are victims of sexual violence. This includes cases of sexual violence committed by family members in this case are biological parents, siblings, siblings, stepfather perpetrators (AN, MT, DL cases), uncle perpetrators (ML, N), biological father perpetrators (AJ) and others.

The family is the first school for children, so moral education is very important to do. Moral education needs to be given to children as an effort to protect generations from childhood from various abuses in the style of ignorance, develop their lifestyle, feelings and thoughts in accordance with nature to become a strong foundation, the education provided will affect the child and will become part of his personality To build the foundation strong, in the child is needed religious education as early as possible. A child has two potentials, namely it can be better and it can be worse. Also, in providing assistance, always provide education to families so that moral education is applied in daily family life, both LPA, LADA and UPTD conduct education about morals like this, so that in the future there will be no violence in the family.

When handling cases of child victims of violence, according to the UPTD PPA Assistance Team, many things were encountered while the assistance was in progress. This can happen because of the impact or impact of the violence received, for example in medical health, the child of the victim feels that there is an irregularity in his genitals and itches, then the Institute will make a referral to conduct an examination of his complaint. make a referral to the UPT PKTK (Technical Implementation Unit for Women Victims of Violence) at the Abdul Muluk General Hospital will appear and be escorted by a companion, and receive the service, all costs are borne by the government. Likewise with LPA and LADA, if they find something new after the child is accompanied, they will refer the case for services as needed that cannot be done by the institution alone. Protection from LPA, LADA and UPTD is always carried out in an integrated manner towards several interests, so that the implementation of protection and fulfillment of children's rights can be fulfilled.

### 3. Perspective of Islamic family law and positive law on the protection of children victims of domestic violence in these institutions.

Protection of Islamic law is called territorial, because the protection of children includes all aspects related to children, both physically, spiritually, and spiritually, both personal and property conditions. This means that the protection here must not allow violence against children, which can have an impact on physical and mental. To prevent violence against children, children need other people to care for them or their caregivers. The standard of child protection in Islam is At-Tharim: 6.





يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنْفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ  
عَلَيْهَا مَلَائِكَةٌ غِلَظٌ شِدَادٌ لَا يَعْصُونَ اللَّهَ مَا أَمَرَهُمْ وَيَفْعَلُونَ مَا  
يُؤْمَرُونَ

Meaning: “O ye who believe! Ward off from yourselves and your families a Fire whereof the fuel is men and stones, over which are set angels strong, severe, who resist not Allah in that which He commandeth them, but do that which they are commanded”

At least verse 6 of Surah At-Tahrim reflects Islam's concern about the importance of protecting children from suffering in the world and in the future. He also highlighted the fact that the main function of the Islamic family is to educate quality generations who live prosperously in the world and in the future. Creating such a household is not easy, because there are so many things behind it.

Services for child victims are carried out by each institution. The services offered in this case are legal services and legal services are divided into judicial and non-litigation. Help in fighting for children's rights. The right to be cared for, for example knowing that the baby is in the womb of her husband's second wife (FL) is her husband's child. The man was devastated, as was his family, where he felt uncomfortable seeking the last refuge of LADA. And in a situation like this that requires shelter; LADA refers to a safe house belonging to the social service, namely RPTC (Trauma Recovery Center). Efforts other than safe house referrals include helping with breastfeeding costs for mothers and children, accessing immunization services for children, and accessing care to the POLDA. This effort is dedicated to protecting children's rights. LADA seeks to enforce Islamic family law and child protection laws. In addition, efforts have been made to maintain a sense that the role of the community through child protection institutions, religious institutions, social organizations, and the world is indispensable in maintaining leadership, development and protection of children in media or educational institutions.

Based on data on children who are victims of domestic violence, namely physical violence 14.8%, sexual violence 59.2%, psychological violence 7.5% and neglect 18.5%. Based on these data, evidence that LPA, LADA and UPTD play a role in fighting for children's rights. In an effort to protect children, different barriers, different methods and different cases help to promote children's rights in the family. This is also stated in 5 kinds of protection that must be given to children, namely religious protection (*Hifdz Ad-Din*), soul protection (*Hifdz An-Nafs*), intellectual protection (*Hifdz Al 'Aql*), protection of honor (*Hifdz Al'Ardh*). Protection of property (*Hifdz Al Mal*). After looking at these cases, with the help of 3 institutions where the investigation was carried out, it is in line with the 5 pillars of child protection supported by Islamic family law. This means that although it is not a religious institution or a religious institution, it fights for children's rights in almost the same way, thus protecting the five pillars above (religion, soul, spirit, honor, and property).

UPTD PPA Lampung Province as a government agency tasked with serving cases of women and children victims of violence. Participate in helping to solve the problems of children's education. The AQ case is a case of psychological violence perpetrated by his biological mother. UPTD participates in fighting for children's rights to make choices and opinions. Efforts were made by counseling the father and mother of the child, assasmenting the child, coordinating with the Islamic Boarding School in order to help the child's psychological recovery by making a statement of apology, and at the same time looking for a school according to the child's wishes. This is done with the concept of integrated recovery, and all in the best interests of the child, in accordance with the service principle that is held as a reference for providing services.

As the law is obligatory for care, so providing for him is also obligatory. According to the word of Allah SWT in QS Al-Baqarah: 233

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنْفِقَ مِنْهُمَا فَالْجُنَاحُ عَلَيْهِمَا إِذَا رَضِعَا مِنْهُمَا شَهْرًا فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَادْتُمْ أَنْ تُسْرِعُوا فَلَاحُكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَأَلْتُم مَّا أَنفَقْتُم بِالْمَعْرُوفِ وَالْقَوَا وَأَعْلَمُوا أَنَّ اللَّهَ يَبْصُرُ  
بِصِرَتٍ

Meaning: “Mothers shall suckle their children for two whole years; (that is) for those who wish to complete the suckling. The duty of feeding and clothing nursing mothers in a seemly manner is upon the father of the child. No-one should be charged beyond his capacity. A mother should not be made to suffer because of her child, nor should she to whom the child is born (be made to suffer) because of his child. And on the

*(father's) heir is incumbent the like of that (which was incumbent on the father). If they desire to wean the child by mutual consent and (after) consultation, it is no sin for them; and if you wish to give your children out to nurse, it is no sin for you, provide that you pay what is due from you in kindness. Observe your duty to Allah, and know that Allah is Seer of what you do".*

The verse above explains the position of the right of good maintenance of his parents, namely by giving milk to him. In fact, if the mother cannot express milk or says she is reluctant to breastfeed her child, then it is the duty of a father to find a milk mother for his child. Here, there is an obligation for a father to provide for his child. And in another verse Allah SWT says in QS At-Tahrim: 6

يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنْفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ  
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 يُؤْمَرُونَ

Meaning: "O you who believe! Ward off from yourselves and your families a Fire whereof the fuel is men and stones, over which are set angels strong, severe, who resist not Allah in that which He commandeth them, but do that which they are commanded".

The above verse is generally a call to believers to protect themselves and their families from the heat of the hellfire by directing them to the path of obedience to Allah SWT.

From the verse above it can also be understood that every believer has the burden of obligations and responsibilities, namely to take care of himself and his family, including here in terms of taking care of his children. So that if children are experiencing problems in their self-care, and cannot be resolved by the family, LPA, LADA and UPTD can facilitate it. As in the case of AN who was accompanied by UPTD PPA. An is a victim of incestuous sexual violence from his stepfather, as an effort by UPTD against AN is to fight for his custody, education and place of residence. In an effort to maintain custody, UPTD becomes the sibling of his father and mother in Java, this is done through telephone and WA communication. As a result, AN lives with his biological father's younger brother, is included in the family card and the school is shared between several siblings of his father and mother.

What is sought from the UPTD above is a step that is in accordance with the order of who is entitled to the hadhanah. In addition, AN's close relationship with his uncle's aunt had existed long before the sexual violence he experienced.

## CONCLUSION

1. The main causes of violence against children in the family according to the Lampung Provincial Child Protection Institute, the Damar Lampung Child Advocacy Institute and the Lampung Provincial Technical Implementation Unit for the Protection of Women and Children, have in common namely threats, coercion, fear, opportunity, power relations, patriarchy, do not have morals, cannot control themselves, revenge, lack of mother's attention to children and stress. The difference is that father and son have enjoyed sexual relations (Insces), husband is afraid of old wife, wrong obedience (reciprocity), lack of communication between mother and child, home environment, access to biological father and child is cut off, loss of mother figure (died) retaliation against the victim's child's mother, persuasion (his biological father has a hernia and to reduce the pain is sexual intercourse), economics, the habit of having sexual relations with women other than his wife

To minimize violence against children in the family, the solutions proposed are: a. Learn / add insight into Islam and practice it. b. Studying and practicing alkarimah morals in the family, c. Many associate with pious and pious people. d. Exercise self-control. e. Psychological approach. f. Intensity of education in the family

2. Protection of children who are victims of domestic violence by the Lampung Province Child Protection Institution, the Damar Lampung Child Advocacy Institute and the Regional Technical Implementation Unit for the Protection of Women and Children in Lampung Province, a. The types of services are complaint services, outreach services, legal services, safe house services, health services, mentoring services. b. Legal Basis. c. Health services refer to the Technical Implementation Unit for Women Victims of Violence (UPT PKTK) at Abdul Muluk Hospital.

While the characteristics of each institution are: the Child Protection Agency monitors the assistance provided by City LPAs in 15 districts, by visiting each city district to provide assistance, when the victim's child requires psychological services and a safe house, it will refer to other institutions, sources independent funds and facilities,



limited human resources to advocates. The Damar Child Advocacy Institute has the characteristic of providing assistance with the aim of changing the social order to change the condition of children, focusing on cases of children with various problems. UPTD PPA Lampung Province, handles cases of women and children as a result of violence received, has complete facilities (protection car, motorbike protection and safe house), HR is equipped with a professional team (clinical psychologist, child lawyer, mediator, and assistant), supported funds from the APBD, the work system in assisting victims of violence is guarded to completion so that it can cooperate with various existing networks, according to the needs of the cases being handled.

3. Perspective of Islamic family law and positive law on the protection of children victims of domestic violence in these institutions. Islamic family law that both the Child Protection Institution, the Child Advocacy Institute (LAdA) Damar and the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA) Lampung Province, Islamic family law that the three institutions in carrying out protection is based on the concept of child protection (hadhanah) which consists of maintenance, care and education with an age range from the fetus to the age of 18 years (Mumayyiz). The positive law that the three institutions protect children victims of domestic violence refers to what is contained in Law Number 4 of 1979 concerning Child Welfare, Law Number 35 of 2014 concerning Child Protection, Law Number 11 of 2012 Regarding Child Criminal Justice, Law Number 23 of 2004 concerning Marriage, Compilation of Islamic Law which leads to the District Court (Criminal) and Religious Court (Civil) and Mediation.

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