



## IMPLEMENTATION OF CHILD DECENT CITY POLICY IN BANDA ACEH CITY (REVIEW OF QANUN NUMBER 2 OF 2021)

Indah Putri Sanura<sup>1</sup>, Ria Fitri<sup>2</sup>, Darmawan<sup>3</sup>

<sup>1,2,3</sup>Faculty of Law, Universitas Syiah Kuala

Correspondence Email: [indahsanura@gmail.com](mailto:indahsanura@gmail.com)

### Abstract

The Child Decent City Policy in Indonesia is based on Article 21 of Law Number 35 of 2014 concerning Child Protection which states that the State Government and local governments are obliged and responsible to respect the Fulfillment of Children's Rights, then Law Number 11 of 2006 concerning the government of Aceh which in its derivatives Aceh qanun number 11 of 2008 concerning Child Protection emphasizes the fulfillment of children's rights. Qanun Number 2 of 2012 concerning Child-Friendly Cities, which is a derivative of the regulation on which it is explained that the City government makes together with the Gampong government, parents, communities and community organizations in realizing development that protects children's rights. This study aims to find out how the Implementation of Banda Aceh City Qanun number 2 of 2021 concerning Child Friendly Cities, what factors affect the Implementation of Banda Aceh City Qanun number 2 of 2021 concerning Child Friendly Cities and the legal consequences of the unimplementation of Banda Aceh City Qanun number 2 of 2021 concerning Child Friendly Cities. The type of research used is empirical juridical with a statutory approach and an analytical approach, both of these approaches are needed to analyze and examine the implementation of the qanun, research sources consist of primary data sources (interviews, observations), secondary (laws, literature and other legal materials). The results of the study found that the implementation of the qanun of Banda Aceh City regarding a child-friendly city has not run well and effectively, this is influenced by several factors, the inhibiting factors consist of human resource factors, financial resource factors, leader commitment factors and policy implementation factors, while the supporting factors in the implementation of Child Decent Cities in Banda Aceh are resource factors, facilities and infrastructure, and community institution support factors. Then the legal effect of the non-implementation of the Banda Aceh city qanun concerning Child Decent Cities is administrative sanctions, although in fact the implementation of these sanctions has so far never been applied.

**Keywords :** *Qanun Banda Aceh, City, Child Friendly, Implementation*

### 1. INTRODUCTION

The implementation of regional autonomy has opened the widest possible door to the Regency / City to carry out government with great authority to achieve regional development goals and national development goals, the government is always required to produce pro policies and provide changes to the community, especially in overcoming increasingly complicated child problems. The existence of decentralization and regional autonomy is nothing but giving rights to each regional government and its staff in making centralized policies, and local governments can be more responsive than the central government to various problems and needs of local communities. In this case, it means the transfer of authority by delegation which is commonly referred to as delegation of authority (Sahya Anggara, 2014). Aceh Province specifically in the administration of the Government refers to the Law of the Republic of Indonesia Number 11 of 2006 concerning the Government of Aceh. Based on Article 8 of Aceh Qanun Number 11 of 2008 concerning Child Protection, it is stated that the Government of Aceh and the Regency/City Government are obliged to provide attention, guidance, guidance, supervision to the fulfillment of children's rights.

Banda Aceh is the capital of Aceh Province as a central city that has 9 sub-districts and 90 gampong. The implementation of Child Decent City Development is regulated based on Banda Aceh City Qanun number 2 of 2021 concerning Child Decent Cities, the presence of the Qanun further strengthens Aceh Qanun number 11 of 2008 concerning Child Protection. The purpose of the KLA regulation in the Banda Aceh City Qanun No. 2 of 2021 concerning Child-Friendly Cities is explained in Article 4 (a), namely, to realize a joint commitment between the City Government, Gampong Government, parents, families, communities, community organizations, the business world and the media in an effort to realize development that cares for the rights, needs and best interests of children. The realization of this commitment is stated in Article 15 of the Banda Aceh City Qanun No. 2 of 2021 concerning Child-Friendly Cities that the Gampong Government is obliged to improve the quality of fulfilling children's rights in order to support the realization of a child-friendly city. Support for the realization of a Child Decent City as referred to in paragraph (1) by realizing Gampong Decent for Children.

The joint commitment between the City Government, Gampong Government, parents, families, communities, community organizations, the business world and the media has not been able to solve problems regarding children, This has resulted in an increase in the number of children who are victims of sexual violence, according to the records of the Aceh Child Protection Supervision Commission (KPPA), cases of violence against children are very concerning, data on complaints received by KPPAA from 2017 - 2021 there are 2,975 Direct complaints and indirect complaints, the most cases are child custody struggles, child neglect, bullying cases that affect children who are expelled from school, cases of child marriage. Meanwhile, P2TP2A/UPTD PPA complaint data from 2017 - 2021 there were 2,860 cases of violence against children and 1,463 of them were cases of sexual violence. Data from the Banda Aceh District Court, in 2018 - 2020 there are 55 child cases outside the 10 cases regulated in Qanun Jinayat, such as cases of theft, molestation, narcotics, embezzlement and the ITE Law Finally, andikpas data in LPKA as of December 23, 2021 amounted to 33 children and 80 percent were children of immoral perpetrators caused by addiction to watching porn, The children were sentenced to 36 to 41 months. Currently, problems in the field of protection and fulfillment of children's rights require supervision in their implementation to achieve the success of developing child-friendly cities.

However, based on data obtained through the Head of the Office of Women's Empowerment, Child Protection, Population Control and Family Planning (DP3A2KB) of Banda Aceh City, of the 90 Gampong in Banda Aceh, the Gampong that has been declared as a child-worthy Gampong has only been 20 Gampong and the number of Gampong that has not been declared a child-worthy Gampong is 70 Gampong and is still very large in the realization of children's rights towards a child-worthy city. In addition, Article 16 of the Banda Aceh City Qanun No. 2 of 2021 concerning Child Decent Cities requires the Gampong Government to improve the quality of fulfilling children's rights at least by issuing regulations at the gampong (reusam) level concerning efforts to fulfill children's rights, as well as involving children in a participatory manner in preparing gampong planning documents, but this has not yet been realized. Based on the explanation of the data above, the problems discussed are what factors affect the implementation of the Banda Aceh City Qanun concerning Child Friendly Cities? and the legal consequences of the non-implementation of the Banda Aceh City Qanun on Child Friendly Cities?.

## 2. IMPLEMENTATION METHOD

This research applies normative-empirical legal methods with a statutory approach (statute approach) which in this case is related to the problems raised by the author. Therefore, in this study, the author examines the regulations issued by the Banda Aceh City Government on how legal protection of children's rights is implemented through the Child Decent City Policy. The analytical approach is the activity of analyzing the Implementation of Legal Products issued by the Government in providing protection for children through child-friendly city policies and analyzing the opinions of child observer community institutions. Statute approach and analytical approach research is also known as normative-empirical legal research (Ibrahim, 2013) As normative-empirical legal research, research is carried out by analyzing primary, secondary and tertiary data



Included in the primary data are data obtained based on the results of field interviews related to the Implementation of Banda Aceh City Qanun Number 2 of 2021 concerning Child Friendly Cities. Secondary data for this study are primary, secondary, and tertiary legal sources. (Mahmudji, 2015) As a first step in conducting an analysis for research, a comprehensive inventory of positive laws is carried out. This study used a qualitative data analysis model. Data in the form of primary, secondary and tertiary legal materials were carried out qualitative analysis inductively and deductively. After processing, the data processing will be described descriptively in the form of descriptions accompanied by explanations of legal theories, so that later a clear picture and conclusion can be obtained from the problems studied regarding child protection in the city of Banda Aceh with the District / City Decent Child Policy.

### 3. RESULTS AND DISCUSSION

#### Factors Influencing the Implementation of the Banda Aceh City Qanun on Child Friendly Cities

Policy implementation is the process of implementing a policy that has been formulated and decided through a series of mature procedures to achieve the expected target. In implementing the policy, there must be factors that influence it, whether it is supportive or inhibiting. This is as stated by Imron that policy implementation is influenced by several factors, namely: First, the complexity of the policies that have been made. The more complex a policy is made, the more complicated and prolonged its implementation. Second, the vagueness of the policy problem formulation and alternative solutions to the policy problem proposed in the formulation. Such vagueness can be a cause for doubts from the implementing apparatus. Third, potential sources that can support policy implementation. Whether or not potential sources are available, both human and non-human, will affect policy implementation. Fourth, the expertise of policy implementers. The more expert policy implementers, both technical, professional and managerial expertise, the better the implementation of the policy. And vice versa. Fifth, support from policy objectives. Support from policy objectives Support from targets to policies implemented is very important, because policies are implemented by involving the public and the average citizen. Sixth, bureaucratic effectiveness and efficiency. This factor is very important because not infrequently, audiences experience difficulties just because of the poor performance of the bureaucracy that supports it. For this reason, effectiveness and efficiency need to be applied in order to gain the trust of policy users, namely the policy target (Community).

In the implementation of the child-friendly city program in Banda Aceh City, there are factors that influence its implementation, namely Inhibiting and Supporting Factors, each of which includes internal factors and external factors. Internal factors are factors originating from within the policy implementation environment, namely Resources (human resources, financial resources, facilities and infrastructure resources), Commitment of Policy Leaders and Implementers, and Communication. External factors are factors sourced from outside the policy implementation environment, namely community support and business support for the implementation of the Child Decent City Program in an effort to fulfill children's rights in Banda Aceh City.

#### Supporting Factors

In supporting factors, it can be seen that in internal factors, resource factors, facilities and infrastructure, and in external factors, there is support from community institutions, support from the business world, and the role of the Children's Forum. The resource factor of facilities, facilities and infrastructure has supported implementors in carrying out various activities as an effort to fulfill children's rights in Banda Aceh City. These facilities and infrastructure include the Children's Forum Secretariat located at the office of the Office of Women's Empowerment, Child Protection and Family Planning in Banda Aceh City, safe houses used to protect children who must be protected by their identities, operational vehicles, and office space. The support of community institutions has also become a supporting factor in the implementation of the child-friendly city program in Banda Aceh City. Various actions of the people of Banda Aceh City in supporting the implementation of the current child-friendly city program are by participating in the establishment

of a child-friendly city reusam in gampong, and being responsive to report all forms of crimes against children and conducting socialization related to Child Protection. Another supporting factor is the support of the business world which has also contributed to efforts to fulfill children's rights in Banda Aceh City, although the number is still very small. There has been support from the business world in fulfilling children's rights in Banda Aceh City through the provision of appropriate facilities for children, and providing discounts to children who already have a Child Identity Card as an effort to accelerate child registration to obtain identity rights. Therefore, the Banda Aceh City Government in this case the Office of Women's Empowerment, Child Protection and Family Planning continues to strive to encourage the business world to play a role in the implementation of the fulfillment of children's rights in Banda Aceh City by immediately forming APSAI.

The role of the Children's Forum is also sufficient to support the fulfillment of children's rights by increasing the role of many campaign activities such as healthy internet, celebration of world women's day, stop violence against women and children, celebration of world children's day, conducting several MOUs with 3 agencies, namely, Disdukcapil, social services, and education offices and conducting many workshop activities with Unicef, such as disaster workshops, involved in PKPM, Q&A with Unicef.

### **Inhibiting Factors**

At Inhibiting factors that exist internal factors, namely human resources, financial resources, commitment of leaders and policy implementers are factors that hinder the implementation of the child-friendly city program in Banda Aceh City. In the human resources factor, the Banda Aceh City Government has constraints, namely the limited human resources available both in quantity and quality in the implementation of various activities in the child-friendly city program so that its implementation has not been optimal. For example, Human Resources who have been trained in accordance with the Convection of Children's Rights are still very minimal, as well as the lack of advocacy ability of most stakeholders who have been assigned to the KLA task force. At Financial resource factors The Government in this case DP3AP2KB Banda Aceh City has limited budget to build a task force (satgas) for child-friendly cities in Banda Aceh City, as well as to make activities, In addition, there are budget limitations in the implementation of child-friendly cities are also found in the construction of child-friendly facilities in Banda Aceh City. The budget allocated for the Child Friendly City Program decreased from 2019 to 2021, due to the effects of Covid 19 the budget must be refocused to overcome Covid 19, the budget previously in 2018 reached 800 million, but in 2019 it was only 200 million. In 2023 the budget for the Child Decent City budgeted from APBK is 250 million, and Banda Aceh City receives a Special Allocation Fund (DAK) from the Ministry of Women and Child Protection of the Republic of Indonesia of 600 million, but until this June the budget has not been used at all, even though the planned activities are already in the Budget Implementation Document (DPA), However, if a Letter of Provision of Funds (SPD) has not been issued by the Banda Aceh City Financial Management Agency, then these activities cannot be carried out, this makes a deterioration in the implementation of a child-friendly city.

The commitment factor of leaders and policy implementers is still an inhibiting factor in its implementation because leaders and policy implementers do not have a strong commitment to the implementation of the child-friendly city program in Banda Aceh City. The commitment of the leadership is not strong enough to cause the policy implementers below to be unable to synergize well so that not all implementors of child-friendly cities in Banda Aceh City pay full attention to efforts to fulfill children's rights. Lack of commitment from policy leaders and implementers, while the Child Decent City Program is a Key Performance indicator (IKU) of the Mayor, but does not get attention and priority in its implementation.. In the communication factor, there are obstacles in its implementation, namely in the process of information transformation between policy implementers and target targets, namely because not all communities, especially children of Banda Aceh City, can be reached information about what facilities are provided by the Banda Aceh City Government for them, including the lack of public knowledge about the existence of Banda Aceh



City Qanun Number 2 of 2021 about child-friendly cities, where the Qanun has been regulated regarding the fulfillment of children, based on an interview with the Head of the Subdivision of Legal Legislation of the Banda Aceh City Setda that since the ratification of this Qanun has not been carried out socialization. Then related to communication in the process of information transformation between policy implementers in charge of implementing child-friendly cities, there are still obstacles in its implementation because the communication has not been well established, causing the planned programs in fulfilling children's rights to be poorly coordinated so that their implementation has not been optimal.

### Legal Effects

A legal effect is an effect caused by law, on an act committed by a legal subject. Legal consequences are a result of actions taken, to obtain an effect expected by legal actors. The consequences in question are consequences regulated by law, while the actions taken are legal actions, namely actions that are in accordance with applicable law.

According to Soeroso, legal consequences are consequences caused by a legal event, which can be in the form of:

1. The birth, change or disappearance of a state of law. For example, legal consequences can change from being legally incompetent to legally competent when a person turns 21 years old.
2. The birth, change or disappearance of a legal relationship between two or more legal subjects, where the rights and obligations of one party conflict with the rights and obligations of the other.
3. The birth of sanctions if unlawful actions are taken.

Based on the Expert Opinion above, a legal effect is an event caused by a cause, namely actions committed by legal subjects, both actions that are in accordance with the law, and actions that are not in accordance with the law. In the implementation of the Child Decent City Policy Qanun of Banda Aceh City Number 2 of 2021 has regulated the provision of Administrative Sanctions, namely the business world, schools, media and health service facility providers who violate the provisions as referred to in Article 18 paragraph (2), Article 20 paragraph (2), Article 30 paragraph (2) letter a, Article 32 paragraph (2) letter b, and Article 37 are subject to administrative sanctions in the form of: a. oral reprimand; b. written warnings; c. delays in assistance or financing; or d. revocation of permission. The contents of these Articles are,

1. Article 18 Paragraph (2) Qanun Kota Banda Aceh Number 2 of 2021, Obligations and Responsibilities of the business world as referred to in paragraph (1) are carried out by:
  - a. avoid violations of children's rights and deal with the adverse effects of each of their efforts;
  - b. provide lactation room facilities for breastfeeding women;
  - c. provide lactation room facilities for female consumers who breastfeed;
  - d. not to employ the child in a profession that robs the child of his childhood, potential and dignity;
  - e. ensure that the products and services produced are safe;
  - f. support children's rights through the various products and services produced;
  - g. use marketing and advertising that respects and supports children's rights;
  - h. voluntary actions to promote and promote children's rights;
  - i. provide space or location for children's playground free of charge; and
  - j. Provide facilities for the fulfillment of children's rights.
2. Article 20 paragraph (2) of the Banda Aceh City Qanun Number 2 of 2021 regulates the participation of the media as referred to in paragraph (1) including:
  - a. take an active role in socialization and at the same time advocacy related to the fulfillment of children's rights;
  - b. pay attention to and comply with the norms that apply in society in accordance with the Press Law and the Press Code of Ethics in news related to children;

- c. protect children facing the law by not exploiting news in print and electronic media; and d. avoid airing news and broadcast content that may cause SARA conflicts related to children's lives in society.
3. Article 30 paragraph (2) of the Banda Aceh City Qanun Number 2 of 2021 regulates child-friendly schools as referred to in paragraph (1) at least meet the provisions
  - a. have an inclusive, anti-violence, bullying, bullying, hazing, bullying, ostracism, or intimidation policy that regulates fellow students, educators and education staff, including other school employees;
  - b. establish a grievance mechanism in schools and their networks;
  - c. has a School Health Business (UKS) program;
  - d. have a clean and healthy school environment;
  - e. implementing Clean Healthy Living Behavior (PHBS);
  - f. have an Honesty and sound Stall/Canteen or similar trading activities;
  - g. Students are involved/involved in school policy making;
  - h. apply positive discipline and eliminate punishment; and
  - i. Have infrastructure and facilities that meet the elements of feasibility, friendliness and inclusiveness as well as disaster mitigation.
4. Article 37 of the Banda Aceh City Qanun Number 2 of 2021 states that every business operation whose activities can interfere with children's growth and development is prohibited from accepting child visitors.

According to J.B.J.M. ten Berge, sanctions are at the core of administrative law enforcement. Sanctions are necessary to ensure administrative law enforcement. The use of administrative sanctions is the application of government authority, where this authority comes from written and unwritten administrative law rules". JJ. Oosternbrink argues administrative sanctions are sanctions that arise from relations between governments–citizen and that is exercised without the intermediary of a third party (judicial power), but can be directly exercised by the administration itself. Based on an interview with the Head of the Legal Section of the Banda Aceh City Setda, the sanction has never been carried out, because the implementation has not been thorough so that no evaluation has been carried out on the Qanun . In addition, the consequences that arise from the non-implementation of the Qanun Decent City for Children properly are the decrease in assessment suspensions and the revocation of the child decent city award, where the city of Banda Aceh has received the Child-Worthy City award at the Nindya level. If the evaluation conducted by the Ministry of Women and Child Protection of the Republic of Indonesia does not reach the target that has been set, it will have an impact on the revocation of the special allocation fund (DAK) from the Ministry of PPA to the City of Banda Aceh.

#### 4. CONCLUSION

1. Policy implementation is the process of implementing a policy that has been formulated and decided through a series of mature procedures to achieve the expected target. In implementing the policy, there are factors that influence it, both supporting and inhibiting.
  - a. Supporting factors are influenced by internal factors, resource factors, facilities and infrastructure, and external factors. In external factors, there is the support of community institutions, the support of the business world, and the role of the Children's Forum, the factor of facilities and infrastructure resources has supported implementors in carrying out various activities as an effort to fulfill children's rights in Banda Aceh City. These facilities and infrastructure include the Children's Forum Secretariat located at the office of the Office of Women's Empowerment, Child Protection and Family Planning in Banda Aceh City, safe houses used to protect children who must be protected by their identities, operational vehicles, and



- office space. Supporting factors consisting of the support of community institutions and the support of the business world.
- b. Inhibiting factors that exist internal factors, namely human resources, financial resources, commitment of leaders and policy implementers are factors that hinder the implementation of the child-friendly city program in Banda Aceh City.
2. A legal effect is an effect caused by law, on an act committed by a legal subject. In the implementation of the Child Decent City Policy Qanun Banda Aceh City Number 2 of 2021 has regulated the provision of Administrative Sanctions, namely the business world, schools, media and health service facility providers who violate the provisions as referred to in Article 18 paragraph (2), Article 20 paragraph (2), Article 30 paragraph (2) letter a, Article 32 paragraph (2) letter b, and Article 37 is subject to administrative sanctions in the form of: a. verbal reprimand; b. written warnings; c. delays in assistance or financing; or d. revocation of permission.

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