



**REGENT SUKOHARJO
PROVINCE OF CENTRAL JAVA
REGIONAL REGULATIONS OF SUKOHARJO DISTRICT
NUMBER 16 OF 2016
ABOUT
CHANGES TO THE REGIONAL REGULATIONS OF SUKOHARJO DISTRICT
NUMBER 3 OF 2015 CONCERNING IMPLEMENTATION
CHILD PROTECTION**

BY THE GRACE OF GOD ALMIGHTY

REGENT SUKOHARJO,

- Considering:**
- a. that based on the letter of the Governor of Central Java Number 180/003269 dated March 30 2015 regarding the Results of Clarification of Sukoharjo Regency Regional Regulations, the Regulation Sukoharjo District Number 3 of 2015 concerning Implementation of Child Protection needs to be changed;
 - b. that based on the considerations as intended in letter a, it is necessary to stipulate a Regional Regulation concerning Amendments to the Sukoharjo Regency Regional Regulation Number 3 of 2015 concerning the Implementation of Child protection;

- Remember :**
- 1. Article 18 paragraph (6) of the 1945 Constitution of the Republic of Indonesia;
 - 2. Law Number 13 of 1950 concerning the Establishment of Regency Regions within the Province of Central Java;
 - 3. Law Number 4 of 1979 concerning Child Welfare (State Gazette of the Republic of Indonesia of 1979 Number 32, Supplement to State Gazette of the Republic of Indonesia Number 3243);
 - 4. Law Number 8 of 1981 concerning Criminal Procedure Law (State Gazette of the Republic of Indonesia of 1981 Number 76, Supplement to State Gazette of the Republic of Indonesia Number 3209);
 - 5. Law Number 20 of 1999 concerning Ratification of ILO Convention 138 Concerning the Minimum Age for Permission to Work (State Gazette of the Republic of Indonesia of 1999 Number 56, Supplement to State Gazette of the Republic of Indonesia Number 3835);
 - 6. Law Number 39 of 1999 concerning Human Rights Human (State Gazette of the Republic of Indonesia of 1999 Number 165, Supplement to the State Gazette of the Republic of Indonesia Number 3886);

7. Law Number 1 of 2000 concerning Ratification of ILO Convention Number 182 concerning Prohibition and Measures for the Elimination of the Worst Forms of Child Labor (State Gazette of the Republic of Indonesia of 2000 Number 30, Supplement to State Gazette of the Republic of Indonesia Number 3941);
8. Law Number 23 of 2002 concerning Child Protection (State Gazette of the Republic of Indonesia of 2002 Number 109, Supplement to State Gazette of the Republic of Indonesia Number 4235) as amended several times, most recently by Government Regulation in Lieu of Law Number 1 of 2016 concerning Second Amendment Regarding Law Number 23 of 2002 concerning Child Protection (State Gazette of the Republic of Indonesia of 2014 Number 99, Supplement to the State Gazette of the Republic of Indonesia Number 5882);
9. Law Number 13 of 2003 concerning Employment (State Gazette of the Republic of Indonesia of 2003 Number 39, Supplement to State Gazette of the Republic of Indonesia Number 4279);
10. Law Number 20 of 2003 concerning the National Education System (State Gazette of the Republic of Indonesia of 2003 Number 78, Supplement to the State Gazette of the Republic of Indonesia Number 4301);
11. Law Number 23 of 2004 concerning the Elimination of Domestic Violence (State Gazette of the Republic of Indonesia of 2004 Number 95, Supplement to the State Gazette of the Republic of Indonesia Number 4419);
12. Law Number 23 of 2006 concerning Population Administration (State Gazette of the Republic of Indonesia of 2006 Number 124, Supplement to State Gazette of the Republic of Indonesia Number 4674), as amended by Law Number 24 of 2013 concerning Amendments to Law Number 23 2006 concerning Population Administration (State Gazette of the Republic of Indonesia of 2013 Number 262, Supplement to the State Gazette of the Republic of Indonesia Number 5475);
13. Law Number 21 of 2007 concerning Eradication of the Criminal Act of Trafficking in Persons (State Gazette of the Republic of Indonesia of 2007 Number 58, Supplement to State Gazette of the Republic of Indonesia Number 4921);
14. Law Number 44 of 2008 concerning Pornography (State Gazette of the Republic of Indonesia of 2008 Number 181, Supplement to State Gazette of the Republic of Indonesia Number 4928);

15. Law Number 36 of 2009 concerning Health (State Gazette of the Republic of Indonesia of 2009 Number 144, Supplement to State Gazette of the Republic of Indonesia Number 5063);
16. Law Number 12 of 2011 concerning the Formation of Legislation (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234);
17. Law Number 19 of 2011 concerning Convention on the Rights of Persons with Disabilities (Convention Concerning the Rights of Persons with Disabilities (State Gazette of the Republic of Indonesia of 2011 Number 107, Supplement to the State Gazette of the Republic of Indonesia Number 5251);
18. Law Number 10 of 2012 concerning Ratification of the Optional Protocol to the Convention on the Rights of the Child Regarding the Involvement of Children in the Sale of Children, Child Prostitution and Child Pornography (State Gazette of the Republic of Indonesia of 2012 Number 149, Supplement to the State Gazette of the Republic of Indonesia Number 5330);
19. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (State Gazette of the Republic of Indonesia of 2012 Number 153, Supplement to the State Gazette of the Republic of Indonesia Number 5332);
20. Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended several times, most recently by Law Number 9 of 2015 concerning the Second Amendment to the Law. Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to State Gazette of the Republic of Indonesia Number 5679);
21. Law Number 8 of 2016 concerning Persons with Disabilities (State Gazette of the Republic of Indonesia of 2016 Number 69, Supplement to State Gazette of the Republic of Indonesia Number 5871);
22. Government Regulation Number 27 of 1983 concerning Implementation of the Criminal Procedure Code (State Gazette of the Republic of Indonesia of 1983 Number 36, Supplement to State Gazette of the Republic of Indonesia Number 3258), as amended by Government Regulation Number 58 of 2010 concerning Amendments to Implementation Criminal Procedure Code (State Gazette of the Republic of Indonesia of 2010 Number 90, Supplement to State Gazette of the Republic of Indonesia Number 5145);

23. Government Regulation Number 2 of 1988 concerning Child Welfare Businesses that Have Problems (State Gazette of the Republic of Indonesia of 1988 Number 2, Supplement to State Gazette of the Republic of Indonesia 3367); 24. Government Regulation Number 79 of 2005 concerning Guidelines for the Development and Supervision of Regional Government Implementation (State Gazette of the Republic of Indonesia of 2005 Number 165, Supplement to the State Gazette of the Republic of Indonesia Number 4593);
25. Government Regulation Number 4 of 2006 concerning the Implementation and Cooperation in the Recovery of Victims of Domestic Violence (State Gazette of the Republic of Indonesia of 2006 Number 15 Supplement to the State Gazette of the Republic of Indonesia Number 4604);
26. Government Regulation Number 40 of 2011 concerning Guidance, Assistance and Recovery for Children who are Victims or Perpetrators of Pornography (State Gazette of the Republic of Indonesia of 2007 Number 86, Supplement to the State Gazette of the Republic of Indonesia Number 5237);
27. Presidential Regulation Number 87 of 2014 concerning Implementing Regulations of Law Number 12 of 2011 concerning the Formation of Legislative Regulations (State Gazette of the Republic of Indonesia of 2014 Number 199);
28. Minister of Home Affairs Regulation Number 80 of 2015 concerning the Formation of Regional Legal Products (State Gazette of the Republic of Indonesia of 2015 Number 2036); 29. Sukoharjo Regency Regional Regulation Number 7 of 2009 concerning Empowerment of Persons with Disabilities (Sukoharjo Regency Regional Gazette of 2009 Number 7, Supplement to Sukoharjo Regency Regional Gazette Number 166);
30. Sukoharjo Regency Regional Regulation Number 6 of 2011 concerning the Implementation of Protection for Victims of Gender-Based Violence and Children (Sukoharjo Regency Regional Gazette of 2011 Number 6, Supplement to Sukoharjo Regency Regional Gazette Number 186);
31. Sukoharjo Regency Regional Regulation Number 3 of 2015 concerning Implementation of Child Protection (Sukoharjo Regency Regional Gazette of 2015 Number 3, Supplement to Sukoharjo Regency Regional Gazette Number 219);

With Mutual Consent

REGIONAL PEOPLE'S REPRESENTATIVE COUNCIL OF SUKOHARJO DISTRICT

And

REGENT SUKOHARJO

DECIDE:

To stipulate: REGIONAL REGULATIONS CONCERNING AMENDMENTS TO THE REGIONAL REGULATIONS OF SUKOHARJO DISTRICT NUMBER 3 OF 2015 FOR IMPLEMENTING CHILD PROTECTION.

Article I

Several provisions in the Regency Regional Regulations Sukoharjo Number 3 of 2015 concerning Implementation Child Protection (Sukoharjo Regency Regional Gazette 2015 Number 3, Additional Regional Gazette Sukoharjo Regency Number 219), amended as follows:

- 1. Between CHAPTER II and CHAPTER III, 1 (one) chapter is inserted, namely CHAPTER IIA so that it reads as follows:**

CHAPTER IIA

CHILDREN'S RIGHTS AND OBLIGATIONS

Part One

Right

Article 4A

Every child has the right to live, grow, develop and participate appropriately in accordance with human dignity, as well as protection from violence and discrimination.

Article 4B

Every child has the right to a name as personal identity and citizenship status.

Article 4C

Every child has the right to worship according to his religion, think and express himself according to his level of intelligence and age under the guidance of his parents or guardians.

Article 4D

- (1) Every child has the right to know his parents, to be raised and cared for by his own parents.**
- (2) In the event that for some reason the parents cannot guarantee the child's growth and development, or the child is neglected, the child has the right to be cared for or adopted as a foster child or adopted child by another person in accordance with the provisions of the applicable laws and regulations.**

Article 4E

Every child has the right to receive health services and social security in accordance with their physical, mental, spiritual and social needs.

Article 4F

- (1) Every child has the right to receive education and teaching in the context of his personal development and level of intelligence in accordance with his interests and talents.**
- (2) Every child has the right to receive protection in an educational unit from sexual crimes and violence committed by educators, educational staff, fellow students, and/or other parties.**
- (3) Apart from getting Children's Rights as intended in paragraph (1) and paragraph (2), Children with Disabilities have the right to receive special education and Children who have advantages have the right to receive special education.**

Article 4GP10

Every child has the right to express and have his opinion heard, receive, seek and provide information according to his level of intelligence and age for the sake of his development in accordance with the values of decency and propriety.

Article 4H

Every child has the right to rest and utilize free time, socialize with children of the same age, play, have recreation and be creative according to their interests, talents and level of intelligence for the sake of self-development.

Article 4I

Every child with disabilities has the right to receive rehabilitation, social assistance and maintenance of social welfare levels.

Article 4J

- (1) Every child while in the care of parents, guardians, or any other party responsible for care, has the right to receive protection from treatment:**
 - a. discrimination;**
 - b. exploitation, both economic and sexual;**
 - c. neglect;**

- d. cruelty, violence, and abuse;
- e. injustice; And
- f. other wrongful treatment.

(2) In the event that a parent, guardian or caretaker of a child commits any form of treatment as intended in paragraph (1), the perpetrator will be subject to increased punishment.

Article 4K

(1) Every child has the right to be raised by his or her own parents, unless there are valid reasons and/or legal regulations indicating that separation is in the best interests of the child and is a final consideration.

(2) In the event of separation as intended in paragraph (1), the child still has the right to:

- a. meet face to face and have personal contact remains with both parents;
- b. receive care, maintenance, education and protection for the growth and development process from both parents in accordance with their abilities, talents and interests;
- c. obtain living finances from both parents;

And

- d. obtain other children's rights.

Article 4L

Every child has the right to obtain protection from: a. abuse in political activities; b. involvement in armed conflict; c. involvement in social unrest; d. involvement in events containing elements of violence; e. involvement in war; and f. sexual crimes.

Article 4M

(1) Every child has the right to obtain protection from being subjected to abuse, torture or inhumane punishment.

(2) Every child has the right to freedom in accordance with the law.

(3) Arrest, detention or criminal imprisonment of children is only carried out in accordance with applicable law and can only be carried out as a last resort.

Article 4N

**(1) Every child who is deprived of his liberty has the right
For :**

**a. receive humane treatment and be placed separately from
adults; b. obtain legal aid or other assistance
effectively at every stage of applicable legal action; And**

**c. defend oneself and obtain justice before an objective and
impartial juvenile court in a trial closed to the public.**

**(2) Every child who is a victim or perpetrator of sexual violence
or who is in conflict with the law has the right to confidentiality.**

Article 4O

**Every child who is a victim or perpetrator of a crime has the right
to receive legal aid and other assistance.**

**The second part
Obligation
Article 4P**

**Every child is obliged to: a. respect
parents, guardians, and teachers; b. love family,
community, and cherish
Friend;
c. love the homeland, nation and country; d.
perform worship in accordance with the teachings of his religion;
And
e. implement noble ethics and morals.**

**2. Between Article 53 and Article 54, 1 (one)
Article, namely Article 53A, reads as follows:**

Article 53A

**Efforts to protect and reduce the risk of violence against children
are regulated by separate Regional Regulations.**

**3. The provisions of Article 68 have 1 (one) paragraph added, namely
paragraph (3) so that it reads as follows:**

Article 68

**(1) Every organizer of an entertainment business for adults who
violates the provisions of Article 65 is threatened with
imprisonment for a maximum of 6 (six) months or a fine of a
maximum of IDR 50,000,000.00 (fifty million rupiah).**

(2) The criminal act as intended in paragraph (1) is a violation.

(3) Apart from criminal acts as intended in paragraph (1), violations of this Regional Regulation are subject to other sanctions in accordance with the provisions of statutory regulations.

Article II

This local regulation are applied at the date stated.

So that everyone is aware, this Regional Regulation is ordered to be promulgated by placing it in the Sukoharjo Regency Regional Gazette.

Set in Sukoharjo
on October 7, 2016

REGENT SUKOHARJO,

signed

WARDOYO WIJAYA

Promulgated in Sukoharjo
on October 7, 2016

**REGIONAL SECRETARY
SUKOHARJO DISTRICT,**

signed

AGUS SANTOSA

**SUKOHARJO DISTRICT REGIONAL GAZETTE
YEAR 2016 NUMBER 16**

The copy corresponds to the original
HEAD OF LEGAL SECTION,

signed

BUDI SUSETYO, SH, MH
NIP

Trustee. 19730705 199203 1 004

**NOREG REGIONAL REGULATIONS OF SUKOHARJO DISTRICT, PROVINCE
CENTRAL JAVA : (16/2016)**

EXPLANATION
ON
PLAN OF REGIONAL REGULATIONS OF SUKOHARJO DISTRICT
NUMBER 16 OF 2016
ABOUT
CHANGES TO THE REGIONAL REGULATIONS OF SUKOHARJO DISTRICT
NUMBER 3 OF 2015 CONCERNING IMPLEMENTATION
CHILD PROTECTION

I. GENERAL

That based on the results of the Central Java Governor's clarification of Sukoharjo Regency Regional Regulation Number 3 of 2015 concerning the Implementation of Child Protection, there are provisions that need to be added, namely relating to the Rights and Obligations of Children.

Through Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, the government recognizes the existence of children's rights. The human rights inherent in children include basic human rights, namely the right to life, the right to growth and development, the right to protection and the right to participation.

To fulfill the right to life, children need sufficient, healthy and nutritious food, as well as optimal access to health care. To fulfill their rights to growth and development, children need space to play, exercise and education that is appropriate physical and mental development. Protection from violence that threatens safety and health must be provided from an early age. Protection is needed to prevent physical, mental and sexual violence and exploitation. In fulfilling children's rights, every government administrator, community and parents are obliged to understand and care about children's rights.

In connection with the above, it is necessary to form a Regional Regulation concerning Amendments to Sukoharjo Regency Regional Regulation Number 3 of 2015 concerning the Implementation of Child Protection.

II. ARTICLE BY ARTICLE

Article I

Quite clear.

Article 4A

Quite clear.

Article 4B

Quite clear.

Article 4C

This provision is intended to give freedom to children in order to develop their creativity and intellect (reasoning power) according to the child's age level. The provisions of this article also emphasize that this development must still be under the guidance of parents or guardians.

Article 4D

Paragraph (1)

The provisions regarding the child's right to know who his parents are, in terms of his or her origins (including his or her wet nurse), are intended to avoid breaking the genealogy and blood relationship between the child and his biological parents, while the right to be raised and cared for by his parents is intended to ensure that the child can obey and respect his parents.

Paragraph (2)

The care or adoption of a child is carried out in accordance with legal norms, applicable customs and the child's religion.

Article 4E

Quite clear.

Article 4F

Quite clear.

Article 4G

Quite clear.

Article 4H

Quite clear.

Article 4I

The rights in this provision are intended to guarantee a life in accordance with human dignity, increase self-confidence and the ability to participate in the life of society, nation and state.

Article 4J

Paragraph (1)

Letter a

Discriminatory treatment, for example treatment that discriminates against ethnicity, religion, race, class, gender, ethnicity, culture and language, legal status of children, birth order of children, and physical and/or mental conditions.

Letter b

Exploitation treatment, for example the act or act of using, exploiting or blackmailing a child to obtain personal, family or group gain.

Letter c

Neglect, for example the act or act of deliberately ignoring the obligation to look after, look after or take care of a child properly.

Letter d

Cruel treatment, for example actions or actions that are unjust, cruel, cruel, or show no mercy towards children.

Violence and abuse, for example acts of injuring and/or injuring children, and not only physically, but also mentally and socially.

Letter e

Unjust treatment, for example acts of partiality between one child and another, arbitrariness towards children.

Letter f

Other wrongful treatment, for example acts of harassment or indecent acts towards children.

Paragraph (2)

Quite clear.

Article 4K

Paragraph (1)

What is meant by "separation" includes separation due to divorce and other situations that do not eliminate the child's relationship with both parents, such as children whose parents leave the country to work, children whose parents are detained or imprisoned.

Paragraph (2)

Quite clear.

Article 4L

Protection in this provision covers direct and indirect activities, from actions that endanger children physically and psychologically.

Article 4M

Quite clear.

Article 4N

Paragraph (1)

Letter a

Quite clear.

Letter b

What is meant by other assistance are, for example, social guidance from social workers, consultation from psychologists and psychiatrists, or assistance from language experts.

Letter c

Quite clear.

Paragraph (2)

Quite clear.

Article 4O

Other assistance in this provision includes medical, social, rehabilitation, vocational and educational assistance.

Article 4P

Quite clear.

Article 4M

Quite clear.

Article 53A

Quite clear.

Article 68

Paragraph (1)

Quite clear.

Paragraph (2)

Quite clear.

Paragraph (3)

What is meant by "subject to other sanctions in accordance with the provisions of statutory regulations" is to be subject to all forms of sanctions regulated in the relevant statutory regulations.

Article II

Quite clear.