

Building Pedophilia-Free Zones Based on Juridical and Educative Islamic Law's Perspectives

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Submission date: 19-Oct-2022 03:05PM (UTC+0700)

Submission ID: 1929490194

File name: Based_on_Juridical_and_Educative_Islamic_Law_s_Perspectives.pdf (102.02K)

Word count: 7993

Character count: 44070



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Building Pedophilia-Free Zones Based on Juridical and Educative Islamic Law's Perspectives

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Key words: Coordinative network, Islamic education, Islamic law, pedophilia

Abstract: The incidences of pedophilia in several cities in the province of East Java, Indonesia were relatively high and increasingly dangerous. Their cruelty and increasing number have made all interested parties try to take preventive and handling measures. The Indonesian government has been responding it by enacting some regulations and establishing children protection institutions. It is significant to conduct a study whether those measures are effective and efficient and whether they are in conformity with the Islamic teachings. The method used in this study was qualitative approach using field research. Four cities, Surabaya, Malang, Kediri and Nganjuk where cruel and pretty high numbers of incidences occurred quite recently were chosen as loci of study. In-depth interviews with the officers of the women and children protection centers and some judges who handled pedophilic cases on district courts of those cities as well as observing their data and programs right on the field including visiting shelters for pedophilic crime victims were carried out to gather data and materials of study. Literature review was done to gain correct understanding about the problem. From our study, we found that the Indonesian government had taken quite effective and efficient steps dealing with pedophilic issues by establishing protection centers and task forces in all levels, building shelters for victims, disseminating pedophilic issues to communities, establishing coordinative networks with many parties interested in children protection as well as enacting new regulations which favor victims and deter perpetrators. The coordinative networks in those said cities together with their on-going programs, in the perspective of Islamic law and Islamic education are very suitable as they place children on a high-level concern and grant them adequate protection. Such model may be studied further, adopted and implemented in other places where pedophilic crimes become a public crucial issue.

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Page No.: 273-282
Volume: 15, Issue 7, 2020
ISSN: 1818-5800
The Social Sciences
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INTRODUCTION

The term of child-alarming situation is very proper to dismantle the occurrence of a national scale disaster or tragedy in Indonesia which can be regarded as an ice-mount phenomenon of pedophilia. The tragedy involved modus operandies containing sadism and incidences that shocked all people. The women and children protection (PPA) Unit in the Crime Department of the East Java's Police HQ stated that from the existing data throughout 2014, 132 cases about pedophilia were registered in Surabaya alone. The number meant that almost once every 2 days a pedophile was in action victimizing children in the city. The number increased nearly double as previously in 2013 there were only 70 cases. In February 2018, ABD, a 65 year old grandfather molested 5 primary school students and so did MHS, a primary school teacher, to his 65 students.

In Malang, the city's PPA stated that throughout 2014 they handled 190 cases of pedophilia. Then, in 2015, people in Kediri were shocked after the police uncovered a case involving a building developer initialled SS, aged 63-year-old. He was nicknamed "Predator" due to his 58 victim children. Next, in 2016, again in Kediri, the police revealed a similar case done by a 30-year-old initialled SY. He committed murder and sodomy to an infant who was only 3 years old and worse, he also inserted a screwdriver and hot solder into the victim's anus. Recently, in 2018, there was a children molestation case in Nganjuk conducted by a cleric, initialled IK, of an Islamic boarding school.

A surprising data was released by the Indonesian police in 2016 about the number 12 victims of sexual violence afflicting children. The Director of Special Economic Crimes at the National Police Criminal Investigation Unit, Brigadier General Setya, explained that victims of online child prostitution reached 148 people. The cases involved same-sex enthusiasts who preyed children as their victims. Most of the victims were under 17 years old. In the first semester of 2016, 23 the Ministry of Social Affairs recorded five provinces with the highest number of cases of sexual violence afflicting children. East Java topped the list followed by Riau, North Sumatra, East Nusa Tenggara and Yogyakarta. Then, according to the data from the Women Empowerment and Children Protection office (P3A), throughout 2016 >300 cases of sexual abuse of children were recorded in Indonesia. This case was divided into several major provinces. Aceh sat on the top with 147 cases whereas East Java was second with 116 cases.

Similarly, the Director of Social Rehabilitation for Children of the Indonesian Ministry of Social Affairs, Mr. Nahar, stated that violence and abuses against children during 2017 increased. A year before, the number was

1,956; in 2017 his office handled 2,117 cases. Cases reported via the Ministry's social services hotline number also increased; initially there were 238 cases reported, the number increased to 383 in 2017^[1].

Pretty recently, in 2018, pedophilic crime incidences still occurred in Indonesia, its number was still very high compared to other cases afflicting children. In just 6 months, from January-June 2018, there were at least 965 cases of violations of children's rights. The data were recorded in the National Data and Information Center of the National Commission for Child Protection (Komnas PA) from public complaint and reports. From these 965 cases, 52 percent were still dominated by sexual crimes. The Director, Mr. Arist Merdeka Sirait, explained that comparing to the data of 2017, the number of child offenders of the first semester of 2018 had increased to 26%. Most victims were 13 years old, the youngest was 2. The provinces with the highest rates of violence were East Java, West Java, South Sulawesi, East Nusa Tenggara, 27 Central Java, Papua, North Sulawesi, North Sumatra, West Nusa Tenggara, Lampung and Bengkulu.

Further, The National Commission on Violence against Women (Komnas Perempuan) in their 2018 annual record stated that according to their data, the rate of child sexual exploitation through cyberspace in Indonesian was increasing. As many as 161 thousand pornographic contents containing elements of child sexual exploitation were spread on the internet. Therefore, such alarming situation needs to be dealt with properly by all interested parties. Otherwise, a lot of similar cases will certainly queue to occur in the future with no hope of ever decreasing. This study tried to overlook what had been done by the Indonesian, central, provincial and local, governments together with other interested parties (NGOs and community) in tackling this problem from the juridical and educative perspectives of Islamic law.

MATERIALS AND METHODS

Pedophilic crimes always shock people since the victims are powerless children and their impact can result in long-term trauma to the victims. The trauma affects them psychologically and brings physical and social-moral damages that will eventually harm them in their future. The psychological trauma is dominantly greater than the physical injury. Other than eliminating self-confidence to victims, it can also degrade their feelings. Such children will lose dysfunction in their sexual activity, undergo the rise of phobia and have the feeling of being isolated and tainted due to what the perpetrators had done to them. Not only that, to girl victims a delay in menstruation will also occur due to long-term stress they experience^[2-4].

The trauma and impacts to the victims can cause them committing prohibited actions such as conducting unhealthy sexual activities or abusing drug use. The acts of violence they experienced can stimulate them do the same on themselves or others^[5, 6, 4, 7]. Based on the theory of victim-abuser cycle, it will be clearly seen that when becoming an adult, a child who had experienced violences will try to avenge others when ever receiving the same treatment^[8-10]. Alexander^[11] said that the existence of patterns of insecure attachment from older people would become a role model for children to conduct any action. In a search on the existence of pedophilia's etiology, one of the studies conducted by Seto found that the act of pornography against children was a very valid and powerful indicator for pedophiles attacking their victims^[12]. By conducting phallometric tests, he showed that pedophile respondents often used pornography to increase their sexual desire to children compared to non-pedophile ones. In order to create sexual stimulation to respondents, porn pictures in catalog, magazine or other sources available freely and legally in community can be used^[13]. Those materials used to display the contents of sexual stimulation were tailored to their sexual fantasies using explicit websites^[14]. The result showed that all respondents used an explicit website with a majority of 64% respondents participated in sexually explicit chat rooms, 55% simply downloaded child pornography and 34% tried minor sex. Other research from Galbreath *et al.*^[15] found something similar: many pedophiles used pornographic materials from internet to stimulate their sexual arousal. Such condition forces all parties concerned to work together in arising their digital and law intelligences as early as possible.

This study used a qualitative method employing a field research^[16]. This is because it can help to get into the thoughts and feelings of study participants. Through this, development of an understanding of the meaning that people attribute to their experiences is enabled. Furthermore, it also can help researcher to understand why and how such behaviours take place^[17]. The methodology of ethnography was used to obtain accurate data by observing directly to research participants in their true environment which in this study were all PPA offices, district courts and victim shelters^[18]. The grounded theory was employed to conduct face to face interviews and interactions with research participants whereas phenomenology^[19] was used to share some features with grounded theory such as an exploration of informants' behaviour and to collect data, although it focused more on understanding how human beings experience their world. By doing such, it gave us the opportunity to put ourselves in another person's place and situation and to understand the subjective experiences of research informants^[20].

The research was conducted by interviewing officers at the Integrated Service Center (PPT) offices in Surabaya (the provincial and city's offices) and in Kediri, Malang, and Nganjuk (regency offices); all are in the Province of East Java. We also interviewed some judges who handled pedophilic cases on district courts of those cities. The cities were chosen as they are located in the same province with the researchers' institution and due to the data released in 2016 by both the Ministry of Social Affairs and the Indonesian Women and Children Empowerment Agency that placed the province in the first and second to prespectively regarding its occurrence of violence against children. We also observed directly the venue for handling pedophile's victims in the form of shelters. The source of primary data was taken from in-depth interviews and documentation from the P2TP2A/PPT/P3A/PPA office of those cities. Secondary, data sources were taken from journals, books and government or NGO's reports related to pedophilia issues. The data analysis technique used was presenting the existing data, conducting analysis of those data including the interviews transcripts^[21], assuring the data's validity and reliability throughout the study with an aim of having as rigorous and trustworthy as possible results^[22] and finally drawing up conclusions.

RESULTS AND DISCUSSION

The findings from the study field obtained from in-depth interviews, field observation, data collection from the participant's documentation and other data sources (institutions, NGOs, online newspapers) are compiled and presented in Table 1 and 2.

The word pedophilia is derived from Greek. It consists of two syllables: pedo which means child and philos which is interpreted as strong desire or a sense of love. Terminologically, pedophilia is defined as the condition of being sexually interested in children or sexual activity with children^[23]. The Diagnostic and Statistical Manual of Mental Disorders, fourth edition (DSM-IV) and its text revision (DSM-IV-TR) define pedophilia as "recurrent, intense sexually arousing fantasies, sexual urges or behaviors involving activity with a prepubescent child or children, generally 13 years or younger"^[24]. Pedophilia sufferers have sexual deviations because they choose under-aged children as their sexual desires. Pedophiles cannot satisfy their passions with adults of the same age or older, so that, they choose children to satisfy their lust and their actions are often repeated^[25].

Cases found in Surabaya, Malang, Kediri and Nganjuk indicate that that pedophiles have deviant characteristics and extreme features. Children are indeed vulnerable preys for pedophilic predators; they are easily seduced even just by giving them snacks or money. Many

Table 1: Physical data of city of research participants

City (Government level)				
Aspects studied	Surabaya (City and Provincial)	Malang (Regency)	Kediri (Regency)	Nganjuk (Regency)
Previous data of sexual violence against children cases	City: 2013 = 70; 2014 = 132; 2017 = 52; Jan-Feb 2018 = 5 Province : 2016 = 116 (2nd top nationally) 2018 = highest (according to Komnas PA)	2017 = 79; Jan-Mar 2018 = 21	2017 = 36	2014 = 12
Recent notable case (s)	2018 = ABD, a grandfather, abused 5 Primary School (PS) students; MHS, a PS teacher, abused 65 of his students	2018 = IS, a PS teacher, abused 20 of his students	2015 : A pedophilic case involving SS or Koko or Predator with his 58 victims; 2016: SY committed a sodomy and murder to a 3 year old baby	2018: an Islamic cleric committed children molestation to his students
Existence of coordinative network; coordinator(s)	Exists; City : PPA's Task Force Province : East Java's PPT	Exists; P2TP2A	Exists; PPA's Task Force	Exists P3A
Interested Parties involved	Dr. Soetomo Hospital, Bhayangkara Hospital, Provincial government elements, WCCs, NGOs, LBHs, LPA, KPAI, East Java Police, provincial and city's courts, schools	Regency's Hospital, Regency's government elements, NGOs, city's police, district court, WCC, schools, village chiefs, neighborhood watches, mothers associations	City's Parliament, Regency's Hospital, Regency's government elements, NGOs, city's police, district court, KPAI, WCC, community (i.e., schools, village chiefs, neighborhood watches volunteers)	City's parliament, Regency Hospital, Regency's government elements, ministry of religious affairs, city's police, district court, BNN, WCC, For PAN, Islamic boarding schools
Number of safe house(s), capacity	Province :1 shelter and playground, 10 children; City: 1 shelter and playground, 5 children	1 shelter and playground, 5 children	1 shelter and playground, 5 children	1 shelter and playground, 30 children (in cooperation with Islamic boarding school)

Glossaries: Komnas PA = Komisi Nasional Perlindungan Anak (the National Commission for Child Protection), PPT = Pusat Pelayanan Terpadu (the Integrated Service Center), P2TP2A = Pusat Pelayanan Terpadu Perlindungan Perempuan dan Anak (the Integrated Service Center for Women and Children Protection), PPA = Perlindungan Perempuan dan Anak (the Women and Children Protection), P3A = Pemberdayaan Perempuan dan Perlindungan Anak (the Women Empowerment and Children Protection), WCC = Women Crisis Center, NGO = Non-Government Organization, LBH = Lembaga Bantuan Hukum (the Legal Aid Agency), LPA = Lembaga Perlindungan Anak (the Institute for Child Protection), KPAI = Komisi Perlindungan Anak Indonesia (the Indonesian Commission for Child Protection), BNN = Badan Narkotika Nasional (the National Agency of Narcotics), ForPAN = Forum Perlindungan Anak Nganjuk (the Forum of Child Protection of Nganjuk)

Table 2: Data of child protection institution's services and programs

City (Government level)				
Aspects studied	Surabaya (City and Provincial)	Malang (Regency)	Kediri (Regency)	Nganjuk (Regency)
Principles of service⁹⁾:				
Non-discriminative	✓	✓	✓	✓
Best interest of child	✓	✓	✓	✓
Protection of child's right to live and develop	✓	✓	✓	✓
Respecting child's opinions	✓	✓	✓	✓
Services:				
Psycho-social assistance	✓	✓	✓	✓
Medical	✓	✓	✓	✓
Legal	Province: Has its own legal service division, cooperates with LBHs; City: cooperates with LBHs	Cooperates with LBHs, advocates	Cooperates with LBHs, advocates	Cooperates with LBHs, advocates
Empowerment	✓	✓	✓	✓
Educative programs:				
Assisting and counseling victims	✓	✓	✓	✓
Public trainings on child protection issues or good parenting	✓	✓	✓	✓
Public socialization	Information dissemination to public through printed and electronic media, seminars, socializations to schools	Campaigning for health parenting, intensifying community's forums	Socialization to villages and schools	Road shows to school and communities
Juridical programs:				
Legal consultation	✓	✓	✓	✓
Mediation and legal assistance	✓	✓	✓	✓
Investigation	✓	✓	✓	✓
Case registration	✓	✓	✓	✓

Glossaries: ⁹⁾ = implementing articles of UN Convention on the Rights of the Child & the Indonesian Constitution of 1945; ✓ = available / conducted; X = not available / not conducted

cases become valid proof of how children do not really understand that what they are doing is wrong and can eventually harm them. Thus, a better understanding of people who are sexually attracted to children is critically important to protect against the severely destructive effects of childhood sexual abuse^[26, 8].

Such crime attacks many cities in Indonesia, not only those four being discussed. This research that studied cases from those four said cities indicates that almost each city had high records of pedophilic cases. Other than cases known to public, there were also many cases afflicting children in those cities that were not reported. The cases found were mostly children molestation with a modus operandi of luring them with gifts and, in some cases, by promising to marry the (opposite sex) victims. Furthermore, pedophiles usually also threatened their victims. Their approach to victims was carried out carefully so that they would keep secret about what happened to them. This becomes the reason why many pedophilic cases in these cities were often revealed long after the incidences took place.

Indonesia is one of the countries that has become a fertile land for child predators, so much so, it stands the top among the ASEAN countries. Unfortunately, the protection of sexual violence victims is still considered minimal because the Indonesian Criminal Procedure Code is considered to only regulate their protection from perpetrators with less paying attention to other more important domains such as the prevention of repeated sexual violence or the protection of victim's rights. Therefore, the NCVAW urged the draft law on the Elimination of sexual violence being discussed by the government and parliament to be immediately enacted as a base to create other rules that could regulate overall protection and recovery of victims.

Pedophilic crime cannot be neglected; it has become both national and international issue. The Government of Indonesia has compiled various regulations including the Indonesian Acts No.7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women, No. 39 of 1999 on Human Rights, No.23 of 2002 on the Protection of Children, No. 23 of 2004 on the Elimination of Domestic Violence and No.13 of 2006 on the Protection for Witnesses and Victims, to mention some. As a follow up, various parties have responded pretty well and almost covered all provinces and cities/regencies by issuing laws through provincial and governor regulations down to city/regency or mayor ones. In addition, the governments also established various service units for handling violence such as Women Crisis Centers (WCCs), PPTs, and the Integrated Service Centers (P2TP2As) which consist of provincial or city's/regency's elements, hospitals or medical services, law enforcers including

police, attorneys and district courts, Non-Government Organizations (NGOs), the Child Protection Institutes, and many religious organizations.

Along with the establishment of integrated service institutions in all levels, a system of documenting data on violence is needed. This is aimed for recording and reporting violence across districts and across provinces through an integrated and comprehensive application system. Therefore, the Ministry of Women Empowerment and Child Protection has developed an online application system for recording and reporting violence against women and children called the Online Information System for Women and Child Protection (SIMFONI PPA). It can be accessed by all victims of such violence at the national, provincial and city/regency levels in an up to date, real time and accurate manner. The system itself was built a media for data collection, monitoring and evaluating cases of violence against women and children. By establishing such system, it is hoped to realize a vision of having one national data about violence.

The ministry is present as the country's representative in their commitment to empowering and protecting women and children. It continues to realize this commitment and strengthen coordinative networks among the ministries or the central governmental institutions, local governments and other interested parties to provide various facilities and services especially for victim women and children. This commitment is evidenced by the establishment of P2TP2As throughout Indonesia including in those four said cities. They carry out the programs in a system called a coordinative network. It is collaboration among interested parties as the first step in a real change to deal with pedophilia. This progress arose because the high number of pedophilic incidences indeed needs to be handled properly. This is so because not only such handling should give a deterrent effect to the perpetrators but more importantly, it must be able to return the victims back to their daily activities and environment. The network operates juridically and educatively. Juridically, it focuses on cooperation in the field of law while educatively it collaborates in the field of education. Its targets are not only the victims of pedophiles but also other children in general as a form of preventive measure. In addition, currently the Ministry had designed a task force for the protection of women and children in collaboration with the Indonesian policewomen. It will immediately observe and detect violence afflicting women and children in community.

Not only by establishing a coordinative network among PPA offices, the Indonesian Government also provides normative references that can send its perpetrators into prison. These references include the Indonesian Penal Code, the Indonesian Crime Procedure Code, those acts previously mentioned, the Act No. 35 of 2014 to amend the Act No. 23 of 2002 and the

Government Regulation in lieu of Act No. 1 of 2016 which is the second amendment to the Act No. 23 of 2002. Later on, this Government Regulation was definitely legalized through the Act No. 17 of 2016 on November. The dictums revised were mainly the articles 81 and 82 with the weighting down and giving additional penalties for perpetrators of crimes of sexual violence against children: imprisonment of up to 20 years, life imprisonment, capital punishment, publication of perpetrator's identity, installation of electronic detectors and up to a chemical castration. With these legal references, it is expected that law enforcers can provide the fairest punishment to pedophiles.

The Indonesian Constitution of 1945 as the highest legal norm in Indonesia has outlined in Article 28B Paragraph 2 that "every child has the right to survive, grow and develop and has the right to receive protection from violence and discrimination". With the inclusion of children's rights in the body of the Constitution, it can be understood that the position and protection of their rights are important matters that must be further elaborated and conducted in daily reality. Even, in the Act No.39 of 1999, 15 articles, from article 52 to 66- were formulated specifically to regulate children's rights. This is because the legislators realized that children were group of humans who were very vulnerable to experience rights violations.

The United Nation's Convention on the Rights of the Child article 2^[27] and the Act No.35 of 2014 article 76A state that carrying out children protection must be based on the principle of non-discrimination. The fact the researchers found showed that the children protection carried out in the said cities had exercised this first principle. The services provided were fair, any child considered to be victim of pedophilic crime was properly handled. Even, prevention of the presence of pedophiles was also handled well by all interested parties.

The second principle carried out by the P2TP2A/PPT /P3A/PPA offices in the four said cities is considering the best interests for the child^[27]. It means that every decision made in the context of child protection must take into account the best interests for the child. A child must not accept losses due to a decision making which is done to protect him/her. The third principle is protecting children's right to live and develop^[27]. This principle has been well implemented by all P2TP2As. This is the reason why these offices were established which is to anticipate the occurrence of undesirable incidences as a consequence of pedophilic crime.

The fourth principle practiced by the offices is respecting children's opinions^[27]. Children were given the right to express their opinions well. Many programs were held to make them feel valued by expressing their feeling either directly in person or through social media. Such

activity is purposed not only to reduce their burden but also as a medium for channeling their aspirations against anything that disturbs them.

Relating to deterrent effect for perpetrators, each region had been dealing with pedophilic cases very well. Recent penalties for the perpetrators were found to be more than five years or seven years whereas, before the Act No. 17 of 2016 enforced, the punishment for them ranged from five to seven years imprisonment. Since, its enforcement, the punishment has become increasingly severe. This enforcement is a form of the government's seriousness in prosecuting such perpetrators. Previously, the penalty is a maximum of seven years; the new rule applies a sentence of more than seven years. In these four said cities, criminals of pedophilia or obscenity had been sentenced >10 years. This was due to a juridical consideration that apart from the large number of children becoming victims, the crimes had left physical and psychological damages to the victims.

Sadly, most cases occurred in the four cities were sexual-abuse ones conducted by victim's educators. There were teachers, religious figures (clerics) and those who worked as employees in a dormitory where victim students lived. These perpetrators were supposed to be persons who must provide protection for children but contrarily, they became figures that gave a bad influence and even conducted improper actions to them. Likewise, schools were expected to make students feel comfortable to learn and arrange their dreams and ambitions, unfortunately, in reality they actually caused them feel insecure and even traumatized to go to school again. This is why the offices provide integrated handling and assistance to the cases occurred. The term used to provide such assistance for victims is reintegration rehabilitation. This term is used to reflect that those offices provide comprehensive rehabilitation and not only concern with the smallest part of handling and mentoring to victims of pedophilic crimes.

Educational institutions should give a form of education as a precaution against pedophilia to children. One thing regarded important is sex education. It is about the recognition of a child's body, so that, he/she gets familiar and understands his/her body parts. Knowledge about this will make children understand the boundaries of other's knowledge of their bodies. However, such education carried out through coordinative networks must also in still a sense of shame to children. The existence of such feeling on a child will have him/her understand that they have limitations in carrying out various conducts. At least having such feeling can become the starting point for the child to understand that there is a healthy separation between men and women.

The process of assistance is carried out by the relevant institution, since, a victim undergoing medical treatment in a hospital. He/she might have suffered

physical violence or abuse on his/her genital. To avoid him/her from experiencing something unwanted or contracting a dangerous disease, a medical examination is then taken. If deemed necessary, an intensive care for the victim is done. A maximum approach is carried out by the assistant to obtain his/her trust. Only after the victim feels confident and comfortable with the assistant then the actual form of assistance can be carried out. The real assistance actually starts here by instilling positive thoughts to a victim who feels, on his/her daily life, negative thoughts and fears towards things that had happened or not even yet happened. Eliminating negative thoughts is carried out at the very first time during assistance as a form of trauma recovery.

Another program conducted by the PPTs is running a juridical and educative pedophilia free zone coordinative network. Each city carries out a juridical coordinative networking program. They set up cooperation with the police. This is so because they have the authority to investigate any crime including pedophilic ones. From their work, the perpetrators of pedophilic crime and their victims can be identified and found. It becomes their job to position themselves as a facilitator for the PPTs before taking actions to deal with victims. Even so, the police must also treat pedophile's victims the same as conducted by the children protection institutions. The PPTs in the four said cities also work together with the respective district courts. The court, as a punishment decider for pedophilic perpetrators, must give special attention to children victims. Better still, there has been training for judges to handle cases of violence against children brought to the court. Every trial process that includes children victims must be carried out in a closed manner and may not seem like an ordinary court. Rather, all judges must treat them like their own children and may not give impression as if they are handling cases. Disclosing information about the case or testimony must all be done in a closed manner. The closeness of the trial done is to maintain the confidentiality of the child's identity and also to avoid him/her from trauma.

Regarding pedophilic cases, the role of the district courts is not only preventing further psychological trauma to victims but also to provide fair justice for them. In addition, it must also determine sentences that deter perpetrators. This means that the punishment given to them is in accordance with the actions they had done. Criminal acts including obscene or pedophilic have their own legal rules that must be obeyed by related authorities. Therefore, the court must provide clear and deterring punishment to prevent same perpetrators from conducting such crimes that harm others especially children and women.

The other form of coordinative network is the educational based one. Pedophilic issues and education are things that must be given by concerned parties to

children as a preventive measure and a form of assistance for victims. The PPTs at four cities provide education for children. In addition, socialization on parenting and education about sex must also be given to children. Socialization about parenting is done so that parents or educators can position themselves well and properly among their children. Such socialization has been carried out by the PPTs in those cities concerned.

There are three primary things that can prevent or reduce pedophilic crimes from occurring, the first is by providing safe spaces for children. This had been carried out by the children protection institutions in all those cities by creating and building shelters which are functioned to secure children of pedophilic victims. Apart from shelters, there are also playgrounds for them so they could enjoy themselves and forget their problem. This was intended to prevent them from becoming increasingly depressed. Shelters were made as comfortable as possible while paying adequate attention to assistance for them.

The second primary thing is talking about issues of sexuality with children in a healthy and open manner. This must be done. The children protection institutions in all said cities approached children by collaborating or utilizing coordinative networks with related parties such as schools and communities. As an example, For PAN in Nganjuk consists of children who were given sufficient knowledge about pedophilia and then encouraged to spread it to other children of about the same age.

The third primary thing that must be done is developing digital intelligence to children. The uncontrollable development of internet leaves no option but controlling its users, especially children. It is necessary to educate and train them, so that, they understand which sites or contents are appropriate for them or not. In this case, the role of parents is very much needed since it is impossible for children to filter and choose wisely of whatever to see and read from internets. Regarding this matter, all P2TP2As in four cities also provided training and education to parents. This was done through activities such as parenting seminars which were organized and attended by PPA's or LPA's officials.

The theories and practices carried out related to coordinative networks had been done very well. The coordinative network conducted by P2TP2As in cooperation with many other interested parties including the police, district courts, PPAs, LPAs, LBHs, advocates, teachers, communities and other interested parties had been in accordance with the theory of psychology and other theories relating to children. The practices done by P2TP2As in those cities have been able to establish an educative juridical-based coordinative network that makes children feel protected. Even, so, the role of parents is still crucial in providing assistance to their children because they have more time and better relation with them. It will not be wise to leave everything to the government. Sex

education must also be taught early to children, so, they have a foundation before plunging into the world of digital technology. Islam itself states that children must be separated from their parents when they are adults. This separation is actually a form of limitation relating to seeing one's or another's 'aurat (genital organs). Such limitation will train children to be more mature in carrying out various activities. By this, it is hoped that when a child trespasses this limitation, he/she will naturally feel embarrassed and will not do it again on other times.

In the Islamic teaching, preventing and tackling a³¹ misconduct is every Moslem's obligation. God says in Surah Ālu 'Imrān (3): 110: "Ye are the best of peoples, evolved for mankind²⁸ enjoining what is right, forbidding what is wrong"²⁸. One of the ma¹³ hadiths of the Prophet narrated by Imam²⁹ states that on the authority of Abu Sa'eed al-Khudree, he heard that the Prophet said: "Whosoever of you sees an evil, let him change it with his hand; and if he is not able to do so, then [let him change it] with his tongue and if he is not able to do so, then with his heart (by praying) and that is the weakest of faith." Thus, it is very clear that such mischief conduct like pedophilia must be dealt with appropriately and this becomes every individual Moslem's obligation, although, executing it properly and effectively is a collective one.

From the Islamic law's perspective, pedophilia can be regarded analogue to the following terms of Islamic jurisprudence: al-intihāk 'ala al-urmah al-nisā' (violation of women's dignity) and al-ighṭā' (rape). The approach of maqā'id al-'ir (dignity's objectives) and hif' al-nasl (preserving the descendants) were initiated by Ibn 'Asyur in his magnum opus Maqā'id Sharī'ah al-Islāmiyyah (The Objectives of Islamic Law), Abdul Wahab al-Jundi in Ahammiyyah al-Maqā'id fi al-Sharī'ah al-Islāmiyyah (The Urgency of the Objectives in Islamic Law) and Ahmad bin Mas'ud al-Yubi in his book Maqā'id Sharī'ah al-Islāmiyyah. Those three figures proposed to employ the perspective of maqā'id sharī'ah (objectives of law) whenever discussing Islamic jurisprudence, so that, the thinking method in response to any issue remains in accordance with its true intentions and objectives³⁰⁻³².

Relating to maqā'id sharī'ah, Al-Qaradhawi³³ explained as follows: "Indeed what is meant by the Holy Quran is to affirm the determination of human nobility and to safeguard human rights, so, mankind should respect each other with the following principles: affirming human nobility, asserting human rights, and strengthening the rights of those who are weak". In the case of pedophilia, it concerns with the human existence of the child who will be threatened from his/her psychological side. His/her existence of humanity is the big point to be protected which is the core of maintaining the status and dignity of humans (hif' al-'ir). In the context of hif'

al-nasl, the essence of marriage is al-bud' (intimate relationship) in which its purpose is to bear descendants whose legitimacy are religiously and morally recognized. Pedophilia is a crime that harms the purpose of revelation as it can result in the birth of offsprings whose legitimacy are religiously and morally not acknowledged.

A direct punishment for pedophiles is not mentioned in the Quran but the law according to Islamic sharī'ah relating to pedophilia has been gradually discussed and it can be used as a reference in dealing with the case in view of religious teachings. This is so, since, pedophiles are considered to be very dangerous and threaten the existence of revelation's objective sustainability. Therefore, studies of proper penalties for perpetrators of pedophilic crime, both in the view of positive law and fiqh (Islamic jurisprudence), must be encouraged alongside with efforts to minimize such crime from occurring.

The Quran and the hadith have made it very clear that there is a boundary or limitation concerning of seeing another's genital organs. This limitation must be clearly explained to children by their parents before they reach their mature ages. The earlier it is done, the better it will be. They must be taught and made aware that concerning their genitals, there is limitation and difference between men's and women's which can physically be seen clearly. Instilling such thought to children early on is necessary for their sustainability in the future. Parents must always be aware of their children's' education since early hood and must observe their behaviors in their development period. Parents must also observe the surrounding environment and people's behaviors around their children. That's the very first step of anticipation to avoid pedophilic cases from happening.

Child protection is given²⁹ much attention in the Quran for examples in Surah al-An'ām (6): 151 which says: "Say: Come, I will rehearse what Allah hath (really) prohibited you from: join not anything as equal with Him, be good to your parents; kill not your children on a plea of want, We provide sustenance for you and for them. Come not nigh to shameful deeds whether open or secret. Take not life which Allah hath made sacred except by way of justice and law. Thus doth He command you that ye may learn wisdom." In Surah Al-Isrā' (17): 31 God says: "Kill not your children for fear of want; We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin"²⁸. Both verses indicate that a child should not be killed only for the reason that his/her parent fear from poverty. Even God the Almighty has ensured that He will provide sustenance to parents for caring their child/children, so that, there should be no need to worry about being poor. These verses command parents to keep caring for their children and not killing them, since, it is regarded as a big sin. This is one form of protection for children's rights to live. Hence, if parents themselves may not kill their children let alone other people.

God does not only prohibit murdering children but even killing the fetus. Islam provides protection for the child's right to live even when he/she is still in the form of fetus. This is clearly stated in Surah at-alāq (65): 6 which says; "Let the women live (in waiting period) in the same style as ye live according to your means. Annoy them not so as to restrict them. And if they carry (live in their wombs) then spend your substance on them until they deliver their burden and if they suckle your offspring, give them their recompense and take mutual counsel together, according to what is just and reasonable. And if ye find yourself in difficulties, let another woman suckle (the child) on the (father's) behalf"⁽²⁸⁾. This verse explains that a child who is still in the form of a fetus must also receive protection in the form of maintenance. So, it is clearly seen how Islam positions and regards highly the human's right to live. When it is still in the form of fetus God orders to carry out protection and maintenance for him/her, let alone after the baby is born, he/she must be brought up, protected and cared maximally.

Preservation of offspring is the next most important element that must be guarded by humans. Not only producing offspring must be carried out in accordance with the Islamic teachings but also providing education for them, especially children, must be guided by the Quran and hadith. Children must be educated early on about important matters concerning their lives which must be directed according to Islamic teachings, so that, the attainment of happiness, both in this world and in the hereafter can be realized.

14 CONCLUSION

Based on the result of the research, it can be concluded that the juridical-based coordinative networks in developing pedophilia-free zones in the cities of Surabaya, Malang, Kediri and Nganjuk had been conducted very well. The coordinative network includes cooperation between related agencies with other parties that have a role in providing legal assistance. This adds to legal aid facilities that are provided by both the regencies' P3As and the East Java Province's PPT. The networks also collaborate with governmental and private LBHs. Such legal assistance serves not only to protect victims' rights but also to give them proper understanding regarding legal issues. Further cooperation was also made with the Police and the District Court in each city. The police assists in handling and investigating pedophilic cases occurred in the community, whereas the District Courts play their role in upholding fair justice for pedophilic victims. This certainly conforms to the juridical perspective of the Islamic law.

The research also showed that the educationally-based networks had been carried out pretty well and have been running in those four cities. Additionally, in each

city a PPA task force with the function of providing education to pedophilic victims and children in general as a form of preventive action against pedophilia was formed. Apart from providing such education, other activities they carried out included establishing children only communities such as ForPAN in Nganjuk. This community was formed to facilitate the parties concerned with children in approaching them so that the delivery of messages regarding pedophilia and preventive measures for protecting them can be conveyed well and can be applied in real. They provided shelters (safe houses) and playgrounds for victims and conducted integrated rehabilitation for them. Preventive actions taken included community-based approaching and implementing education and training related to strategic issues concerning the protection for women and children. Not only that, parenting activities were also conducted, so that, parents get the know-how in providing good education regarding pedophilia with proper language which does not cause various interpretations to their children. This is in accordance with the educative perspective of the Islamic law. Hopefully further studies to elaborate deeper a discourse to find the best model of building pedophilia-free zones can be conducted.

ACKNOWLEDGEMENTS

16 The researchers would like to express their gratitude to the Indonesian Ministry of Religious Affairs for funding the research, to those officers of the Women and Children Protection offices of the East Java Province and of the four said cities, officers of victims' shelters and to judges of district courts who had given lots of supports, help, materials and information during the interviews and research taken there.

REFERENCES

01. Purnamawati, D. and R. Mulyadi, 2018. Cases of sexual violence against children rise. Antara, Central Jakarta, Indonesia.
02. Cutler, S.E. and S. Nolen-Hoeksema, 1991. Accounting for sex differences in depression through female victimization: Childhood sexual abuse. Sex Roles, 24: 425-438.
03. Davison, G.C., J.M. Neale and D. Hindman, 2004. Abnormal Psychology. 8th Edn., John Wiley, New York, USA., ISBN: 9780471232070.
04. Alloy, L.B., J.H. Riskind and M.J. Manos, 2005. Psychology: Current Perspective. 9th Edn., McGraw-Hill, New York, USA., ISBN: 9780071217804, Pages: 537.
05. Groth, A.N. and H.J. Birnbaum, 1978. Adult sexual orientation and attraction to underage persons. Arch. Sexual Behav., 7: 175-181.

06. Kendall-Tackett, K.A., L.M. Williams and D. Finkelhor, 1993. Impact of sexual abuse on children: A review and synthesis of recent empirical studies. *Psychol. Bull.*, 113: 164-180.
07. Williams, C.R. and S. Draganich, 2006. Admissibility of propensity evidence in paedophilia cases. *Deakin Law Rev.*, Vol. 11, 10.21153/dlr2006vol11no1art22
08. Bagley, C., M. Wood and L. Young, 1994. Victim to abuser: Mental health and behavioral sequels of child sexual abuse in a community survey of young adult males. *Child Abuse Negl.*, 18: 683-697.
09. Haywood, T.W., H.M. Kravitz, O.E. Wasyliv, J. Goldberg and J.L. Cavanaugh Jr, 1996. Cycle of abuse and psychopathology in cleric and noncleric molesters of children and adolescents. *Child Abuse Negl.*, 20: 1233-1243.
10. Halgin, R.P. and S.K. Whitbourne, 2005. *Abnormal Psychology: Clinical Perspectives on Psychological Disorders*. 4th Edn., McGraw-Hill, New York, USA., ISBN-13: 978-0072817218,.
11. Alexander, P.C., 1992. Application of attachment theory to the study of sexual abuse. *J. Consulting Clin. Psychol.*, 60: 185-195.
12. Seto, M.C., J.M. Cantor and R. Blanchard, 2006. Child pornography offenses are a valid diagnostic indicator of pedophilia. *J. Abnormal Psychol.*, 115: 610-615.
13. Howitt, D., 1995. *Paedophiles and Sexual Offences Against Children*. Wiley, New York, USA., ISBN-13: 978-0471955917, Pages: 302.
14. Quayle, E., M. Vaughan and M. Taylor, 2006. Sex offenders, internet child abuse images and emotional avoidance: The importance of values. *Aggression Violent Behav.*, 11: 1-11.
15. Galbreath, N.W., F.S. Berlin and D. Sawyer, 2002. Paraphilias and the Internet. In: *Sex and the Internet: A Guidebook for Clinicians*, Cooper, A. (Ed.). Brunner-Routledge, Philadelphia, Pennsylvania, USA., pp: 187-205.
16. Lysack, C.L., L. Krefting and J.A. Gliner, 1994. Qualitative methods in field research: An Indonesian experience in community based practice. *Occup. Therapy J. Res.*, 14: 93-111.
17. Sutton, J. and Z. Austin, 2015. Qualitative research: Data collection, analysis and management. *Can. J. Hosp. Pharm.*, 68: 226-231.
18. Hammersley, M. and P. Altkinson, 2007. *Ethnography: Principles in Practice*. 3rd Edn., Routledge Publisher, London, ISBN: 0-203-94476-3.
19. Miles, B. and A.M. Huberman, 2009. *Qualitative Data Analysis*. 3rd Edn., Sage Publications, Thousand Oaks, California, USA., ISBN-13: 978-1452257877, Pages: 408.
20. Smith, J.A., M. Jarman and M. Osborn, 1999. Doing Interpretative Phenomenological Analysis. In: *Qualitative Health Psychology: Theories and Methods*, Murray, M. and K. Chamberlain (Eds.). Sage Publications, Thousand Oaks, California, USA., pp: 218-240.
21. Burnard, P., 1991. A method of analysing interview transcripts in qualitative research. *Nurse Educ. Today*, 11: 461-466.
22. Bengtsson, M., 2016. How to plan and perform a qualitative study using content analysis. *NursingPlus Open*, 2: 8-14.
23. McIntosh, C., 2013. *Cambridge Advanced Learner's Dictionary*. 4th Edn., Cambridge University Press, Cambridge, UK., ISBN: 9781107035157, Pages: 1856.
24. Cohen, L.J. and I. Galynker, 2009. Psychopathology and personality traits of pedophiles. *Psychiatric Times*, 26: 42-47.
25. Rachmawati, E., 2017. The dark side of tourism in the isle of gods. *Kompas*, Jakarta, Indonesia.
26. Herman, J.L., 1992. *Trauma and Recovery: The Aftermath of Violence, from Domestic Abuse to Political Terror*. Ingram Publisher Services, Jackson, Tennessee, USA., ISBN-13: 9780465061716,.
27. Anonymous, 1989. *Convention on the rights of the child*. United Nations Visitor Centre, New York, USA.
28. Ali, A.Y., 2008. *The Meaning of the Holy Quran*. Amana Publication, Beltsville, Maryland, USA., ISBN-13: 978-0915957323, Pages: 1824.
29. Imam, M., 2005. *Sahih Muslim*, (Translated by M.M. Al-Syarif). Dar al Kotob al-Ilmiyah, Beirut, Lebanon, ISBN 13: 9782745144249,.
30. Al-Jundi, S.A.A.W., 2008. [The Urgency of Islamic Law's Objectives and their Impacts in Understanding Legal Texts and Reasoning]. *Mu'assasah Al-Risalah*, Beirut, Lebanon, (In Arabic).
31. Muhammad, T.I.A., 2001. [The Objectives of Islamic Law]. *Dar an-Nafais*, Jordan, (In Latvian).
32. Al-Yubi, M.S.B.A., 1998. [The Objectives of Islamic Law and Their Relation with Legal Proposition]. 1st Edn., *InterContinental Dar al Hijra Madinah*, Saudi Arabia, (In Arabic).
33. Al-Qaradhawi, Y., 2006. [The Study on Islamic Law's Objectives: Between General Objectives of Law and Specific Legal Texts]. *Dar Al-Syuruq*, Cairo, Egypt, (In Arabic).

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