

Draf Manajemen Kasus

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Submission date: 14-Mar-2023 09:33AM (UTC+0700)

Submission ID: 2036667650

File name: 7_Artikel_Manajemen_Kasus_Kekerasan.doc (209.5K)

Word count: 5134

Character count: 31723

Implementation of *Maqashid Syari'ah* in Reform of Case Management of Violence against Women and Children

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Abstract: This present study aims to reflect on the values of *maqashid syari'ah* in management patterns of violence cases against women and children. This is based on arguments about case management which until now has not been able to completely resolve violence cases against women and children in Indonesia. The presence of *maqashid syari'ah* in management pattern of violence cases against women and children is expected to have strong legitimacy to formulate a management pattern which is integrated with the basis and values of Islamic law goals. This step is a form of embodiment to resolve violence cases against women and children through *maqashid syari'ah*-based case management, which mean that it reflects the resolution of violence cases through integrated steps in order to realize a solutive fiqh for violence cases. In academic attempt, this study uses literature review through primary and secondary data with the content analysis method to obtain in-depth analysis. The findings in this study indicated that *maqashid syari'ah* has implications for the realization of protection for women and children through case management reforms.

Keywords: Case Management, Violence, *Maqashid Syari'ah*.

Introduction

In the society reality, violence is one of the most real problems in both developed and developing countries, as happened in Indonesia. Data on violence cases development which happen recently have shown the fact that violence cases have increased intensively. As a form of handling violence cases, the government has always commanded the best protection for interests of victims, even though in reality this problem is still being sidelined. As a result, there are many understanding gaps coming about for providers of protection services for women and children such as the *Unit Pelaksana Teknis Daerah Perlindungan Perempuan dan Anak (UPTD PPA)* (Regional Technical Implementation Unit for the Protection of Women and Children) (RTIU PWC), Non-Governmental Organizations (NGOs), as well as law enforcement officials such as the Police, Prosecutors and Courts. The existence of those gaps in the resolution of violence cases against women and children is mainly caused by differences in perceptions between service providers and law enforcement officials as well as a lack of understanding of ethics and a sense of sensitivity towards violence cases against women and children.¹

In principle, the state has a legal obligation to protect society, including the rights of women and children as victims of violence.² A form of constitution and state ideology for safety and life without violence become a common goal which society and the state want to realize.³ This means that no one is justified when he or she deprives women and children of

¹ Admin, "Peningkatan Kapasitas Manajemen Kasus Kekerasan Terhadap Perempuan Dan Anak," *Bppkpd.Com*, Oct 13, 2020, <https://www.bppkpd.com/bimtek-manajemen-kasus-kekerasan-terhadap-perempuan-dan-anak/>.

² Alfitri, "Protecting Women from Domestic Violence: Islam, Family Law, and the State in Indonesia," *Ahkam: Jurnal Ilmu Syariah* 27, no. 2 (2020), <https://doi.org/10.36712/sdi.v27i2.9408>.

³ See Sylvia Walby, "Violence and Society: Introduction to an Emerging Field of Sociology," *Current Sociology* 61, no. 2 (2012), <https://doi.org/10.1177/0011392112456478>. for more information

their rights.⁴ Therefore, violence against women and children is a violation of human rights and a form of attack on human dignity.⁵

One of the big obstacles that hinder the resolution of violence cases against women and children in Indonesia is the lack of integration between government agencies which handle this type of violence cases.⁶ This then makes victims reluctant to report violence against them for some reasons of embarrassment, insufficient evidence, lack of support, lengthy process, and intimidation.⁷ This condition certainly requires strategic steps to manage the violence cases through an integrated mechanism between the relations of victims, perpetrators, society and the government.⁸

In the records of the Ministry of Women's Empowerment and Child Protection, violence against children, especially related to sexual violence, increased significantly every year. Data records of the Online Information System and Children (SIPAS) showed that the number of child abuse cases in 2022 has reached 16,106.⁹ Meanwhile, according to the records of the Ministry of Women's Empowerment and Child Protection, there were 11,266 cases of violence against women in 2022.¹⁰

The various data regarding the increase in cases of violence against women and children as explained above are of course a common concern. Rahmi and Siregar's research stated that attempts to recover cases of violence against women and children has a positive impact on victims, namely through independent empowerment steps in making decisions to continue showing the existence in the social life of society.¹¹ Research Backes, et al. stated that the management of domestic violence cases was carried out by providing strong evidence in the form of video recordings. In addition, video-recorded evidence is prepared in order to formulate a case strategy to further carry out relevant and on target legal steps.¹² Chakraborty's research, et al. stated that an increase in violence against women and children

⁴ Ahmad Muhtadi Anshor & Muhammad Ngizzul Muttaqin, "The Implementation of Gender-Responsive Fiqh: A Study of Model Application of Women-Friendly and Child Care Village in Post-Covid-19 Pandemic," *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 19, no. 1 (2022), <https://doi.org/10.21154/justicia.v19i1.3705>.

⁵ Linda M. Williams, "Understanding Child Abuse and Violence Against Women: A Life Course Perspective," *Journal of Interpersonal Violence* 18, no. 4 (2016), <https://doi.org/10.1177/088626050225084>.

⁶ Andi Mardana, "Kasus Kekerasan Terhadap Perempuan Dan Anak Di Indonesia," *Womanindonesia.Co.Id, January* 6, 2022, <https://www.womanindonesia.co.id/kekerasan-terhadap-perempuan-dan-anak/>.

⁷ Rizky Kurniawan Pratama, "Tentang Alasan Korban Kekerasan Seksual Enggan Melapor Hingga Peningkatan Kasus," *Timesindonesia.Co.Id, December* 12, 2021, <https://timesindonesia.co.id/peristiwa-daerah/386785/tentang-alasan-korban-kekerasan-seksual-enggan-melapor-hingga-peningkatan-kasus>.

⁸ Sania Mashabi, "Begini Strategi Pemerintah Untuk Tekan Kasus Kekerasan Terhadap Perempuan...," *Nasional.Kompas.Com, March* 09, 2021, <https://nasional.kompas.com/read/2021/03/09/21412751/begini-strategi-pemerintah-untuk-tekan-kasus-kekerasan-terhadap-perempuan>.

⁹ Nafilah Sri Sagita K, "RI Darurat Kekerasan Seks Anak, KemenPPPA Berberkan Datanya," *Health.Detik.Com, Jan* 28, 2023, <https://health.detik.com/berita-detikhealth/d-6538669/ri-darurat-kekerasan-seks-anak-kemenpppa-beberkan-datanya>.

¹⁰ Ashri Fadill, "11 Ribu Perempuan Alami Kekerasan Sepanjang 2022, Hampir Setengahnya Korban KDRT," *Www.Tribunnews.Com, Jan* 26, 2023, <https://www.tribunnews.com/nasional/2023/01/26/11-ribu-perempuan-alami-kekerasan-sepanjang-2022-hampir-setengahnya-korban-kdrt>.

¹¹ Atikah Rahmi & Hotma Siregar, "Community-Based Recovery for Sexual Violence Victims: The Case of Hapsari," *Ahkam: Jurnal Ilmu Syariah* 20, no. 1 (2020), <https://doi.org/10.15408/ajis.v20i1.13520>.

¹² Bethany Backes, Anna Wasim, Leila Wood, "Prosecutorial Use of Victim Video Statements in Domestic Violence Cases," *Crime & Delinquency* 68, no. 9 (2021), <https://doi.org/10.1177/00111287211047540>.

could be controlled through economic growth, education, and increased integrity of the legal apparatus.¹³

Various studies as above have mentioned confirm that in handling and overcoming violence cases, we need a specific strategy, namely through case management. This attempt is appropriately strategic when Indonesia is still facing and struggling hard to get itself out of the confines of violence against women and children. Through this foundation, case management is actually a form of reflection on the construction of empowerment and justice in the discourse of Islamic law studies through the value of *maqashid syari'ah*. Therefore, this study is deemed necessary to reaffirm the position of Islamic law (fiqh) in providing solutions to societal problems (solutive fiqh).¹⁴

In order to provide relevant studies, this present study has provided some research questions as follows: 1) What is the pattern of case management of violence against women and children based on *maqashid syari'ah*?, 2) How is the implementation of management pattern of violence cases against women and children based on *maqashid syari'ah* in solving violence cases in Indonesia? In order to answer the research questions, this study uses the literary method to collect primary and secondary data on various cases of violence against women and children in Indonesia.¹⁵ Further investigation was also carried out through studies and literature on *maqashid syari'ah* as a basis for analysis.¹⁶ Through the content analysis method¹⁷ it is hoped that the findings in this study will be able to provide a direction for the progressive management of violence cases against women and children through the epistemological basis of *maqashid syari'ah*.

Maqashid Syari'ah: Attempts to Actualize Equality and Justice

The acceleration of *maqashid syari'ah* in contemporary *ijtihad* reflects the elasticity of Islamic law (fiqh).¹⁸ This can be seen in the journey of intellectual treasures in the study of Islamic law which notes that there are various legal views on several cases among Muslims. Legal decisions in various cases focus on considerations of goodness and benefit. This foundation is based on the decisions which were done by the Prophet Muhammad who in various ways made decisions based on considerations of goodness and benefit.¹⁹ In this case,

¹³ Chandrima Chakraborty, Soma Pal, & Dioryaman Pal, "Violence against Scheduled Caste Women: The Case of Rape across States in India," *Journal of Asian and African Studies*, 2023, <https://doi.org/10.1177/002190962211496>.

¹⁴ Mengenai konsep dasar tentang fiqh solutif, lihat dalam Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: the International Institut of Islamic Thought, 2007).

¹⁵ Robert Bogdan & Steven J Taylor, *Introduction to Qualitative Research Methods: A Phenomenological Approach to the Social Sciences* (New York: John Wiley & Sons, 2000).

¹⁶ Reema Safadi & Valerie Swigart, *Qualitative Methods in Researching Violence Against Women* (New York: SAGE Publications Ltd, 2017), <https://doi.org/10.4135/9781526411549>.

¹⁷ Ernest W. Burgess, *Research Methods in Sociology* (New York: New York Philosophical Library, 1998).

¹⁸ Abdurrahman Ba Bakr, *Dirasat Tathbiqiyah Haula Falsafah Al-Maqashid Fi as-Syari'ah Al-Islamiyah* (Beirut: Dar al-Fikr, 2007), 18.

¹⁹ Al-Yubi, *Maqashid Al-Syari'ah Al-Islamiyah Wa Alaquatuha Di Al-Adillah Al-Syar'iah* (Riyadh: Dar al-Hijrah, 1998), 10.

the substantial analysis model of the objectives of Islamic law (*maqashid syari'ah*) has consideration in the values of *maqashid syari'ah*.²⁰

The discourse on the *maqashid syari'ah* study appears institutionally mazhabiya under various dynamics of Islamic legal idea. In the study of *ushul fiqh*, it was noted that there was a study on the topic of classifying the embodiment of benefit (*maqashid syari'ah*).²¹ Although in its process, this discourse has gone through some debates and problems related to discussions about the authority to determine Islamic law.²² Humans have limitations in fulfilling the requirements as a legal subject of *mukallaf* and restrictions in discussing the ability of the mind to find the aims and objectives of establishing Islamic law (*maqashid syari'ah*).²³

In this case the absolute authority of God in establishing Islamic law has a very central position as set out in the text of the Qur'an, although in reality various texts and other histories also explicitly emphasize the existence of some authority possessed by the *mujtahid* to establish Islamic law. The position of the *mujtahid* in formulating Islamic law in the contemporary era has very strong authority when it is faced with the problems and reality of the need for interpretation of religion with its various orientations and dimensions in contemporary life and society.²⁴ This means that the development of society requires religion to display two orientations for its adherents, namely orientation of the temporary world and orientation of the hereafter. In this case, when religion has an interaction in the development of civilization on contemporary human reality, it is necessary to have resistant perspective to show the primordial nature of religion as the eternal law of *hukm al-ilahy* and the demands of religion to show compatible nature with the ever-changing space and time (*shalih li kulli zaman wa makan*).²⁵

As a theological religion, the position of Islamic law is the value of the legal system and teachings that are divine or *ilahiyah*, transcendent, and absolute. Islamic law has sociological characteristics which is the embodiment of cultural phenomena and social reality in human life. Where in the social reality, Islamic law is not only a collection of universal doctrines, but also laws which can adapt and participate in social institutions influenced by the situation and dynamics of space and time.²⁶ Therefore the relationship between religion

²⁰ Iffatin Nur, Syahrul Adam, M. Ngizzul Muttaqien, "Maqasid Al-Shari'at: The Main Reference and Ethical Spiritual Foundation for the Dynamization Process of Islamic Law," *Ahkam: Jurnal Ilmu Syariah* 20, no. 2 (2020), <https://doi.org/10.15408/ajis.v20i2.18333>.

²¹ Abdul Wahab al-Jundi, *Ahammiah Al-Maqashid Fi Al-Syariah Al-Islamiyyah* (Kairo: Dar al-Arabi, 2000), 14.

²² See Ahmad Raisuni, *Nazariyyat Al-Maqashid 'inda Al-Imam Al-Syathibi* (Beirut: Al-Muassasah al-Jami'iyah li al-Dirasat wa al-Nasyr wa al-Tauzi', 1995). for more information

²³ See Husain Hamid Hisan, *Nazariyat Al-Maslahah Fi Al-Fiqh Al-Islam* (Beirut: Dar al- Nahdhah al-'Arobiyyah, 2010). for more information

²⁴ See Ahmad Hafidh, *Meretas Nalar Syariah (Konfigurasi Pergulatan Akal Dalam Pengkajian Hukum Islam)* (Yogyakarta: Teras, 2011). for more information

²⁵ Muhammad Ngizzul Muttaqin & Iffatin Nur, "Fiqh Jalan Tengah (Mempertemukan Maqashid Syari'ah, Hukum, Dan Realitas Sosial)," *Zawiyah: Jurnal Pemikiran Islam* 5, no. 2 (2019), <https://doi.org/10.31332/zjpi.v5i2.1509>.

²⁶ Emilia Justyna Powell, "Islamic Law States and the International Court of Justice," *Journal of Peace Research* 50, no. 2 (2013), <https://doi.org/10.1177/002234331247027>.

and the phenomenon of modernity over social reality is a medium to reformulate Islamic law in order to present the values and objectives of Islamic law (*maqashid syari'ah*).²⁷

A presence of *maqashid syari'ah* concept in the discourse on Islamic law studies can present Islamic legal products which are able to accommodate the challenges of the times and respond to various dynamics regarding inequality, injustice and oppression.²⁸ At a practical level, the concept of *maqashid syari'ah* has a strong human element. The concept of the intention behind the creation of human beings and the intention behind *maqashid syari'ah* then develops into rationality in *ijtihad*.²⁹ The implication of this concept is the expansion of *maqashid syari'ah* namely from five (*maqashid al-khams*) to be universal human values. The use of *maqashid syari'ah* as a method in the context of legal discussion is developed in accordance with the objectives of Islamic law.³⁰

The presence of *maqashid shari'ah* need not to be doubted as it is rooted in the textual injunctions of the Qur'an and Sunnah, but they look primarily at general philosophy and the purpose of these injunctions often goes beyond the specifics formulations of its text. The focus is not so much on the words and sentences of the text as on the suggested and upheld purposes and objectives. Compared to the legal theory of its source, namely *ushul al-fiqh*, *maqashid syari'ah* is not enfolded with methodological techniques and literalist reading of texts. Thereof, *maqashid shari'ah* integrates a level of versatility and understanding into the reading of shari'ah which is in many ways unique and transcends changes in time and circumstances. The existence of important doctrines of *ushul al-fiqh* such as general consensus (*ijma'*), analogical reasoning (*qiyas*) and even *ijtihad* seem to be burdened with difficult conditions, conditions that may not be in harmony with the current socio-political climate prevailing in Muslim countries at this time. Meanwhile *maqashid* has become the focus of attention because it tends to provide wider access. Naturally, *maqashid shari'ah* means understanding the outlines of shari'ah purposes which are adequate in providing insight and theoretical framework for various Islamic legal doctrines (*fiqh*).³¹

Case Management Reform in Solving Social Problems

Case management is an attempt to manage the process of handling cases systematically which includes assessment, planning, service implementation, monitoring and evaluation steps. Case management helps people to coordinate across various sectors and levels of government. Case management also has dimensions of client relationships through ongoing service delivery. In addition, case management is also interpreted as a form of

²⁷ Mukti Tabrani, "Maqashid Revitalization in Global Era: Istidlal Study from Text to Context," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 13, no. 2 (2018), <https://doi.org/10.19105/al-ihkam.v13i2.1814>.

²⁸ Abdullah Ahmed Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Right, and International Law* (New York: Syracuse University Press, 2006).

²⁹ Ahmad Raisuni, *Nazariyyat Al-Maqashid 'inda Al-Imam Al-Syathibi*.

³⁰ Muhammad Aminuddin Shofi, Sahrul Hidayatullah, & Abdul Hamid, "Multidimensional Paradigm of Maqasid Sharia in the Book of 'Nahwa Taf'ili Maqashid Sharia' by Jamaluddin Athiyah," *Jurnal Lektur Keagamaan* 20, no. 2 (2022): 530, <https://doi.org/10.31291/jlka.v20i2.1085>.

³¹ Mohammad Hashim Kamali, "Maqasid Al Shariah: The Objectives of Islamic Law," *Islam101.Net*, 2022, <https://islam101.net/index.php/shariah/141-maqasidalshariah>.

service that links assistance from agencies and institutions with psychosocial, medical, and practical service support for every individual who needs service.³²

Case management is a step taken by the government to provide service effectiveness. Services in this case are intended to facilitate society to encounter any problems and issue. Through services that have integration and relationships between local governments and the central government, it is hoped that it will be a solution to the various dynamics and turmoil that exist in society. The collaboration of government relations from the regional to the central level as well as relations with the community, is the most important aspect to jointly resolve violence cases against women and children. This foundation is the main step to formulate case management of violence against women and children in Indonesia.³³

Violence case management has undergone many transformations or changes because it aims to provide effective and efficient public services based on the values of the best interests of society. Transformation of public services which implement values and commitments in laws and regulations and supervision aims to realize public services which are integrated into community relations with the aim of obtaining protection from the government.³⁴ Case management efforts in the public service transformation system are based on the embodiment of legal certainty which guarantees every community need through applicable laws in public services and endeavor to provide the best possible service to the community. This is performed in order to help the community to face any problems and issues.³⁵

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Case management carried out by the government is applied through a variety of resource services which are able to facilitate every problem that exists in the community. In

³² Sarah Farahdita Tamimi & Sahadi Humaedi, "Manajemen Kasus Tindak Kekerasan Anak Di Pusat Pelayanan Terpadu Pemberdayaan Perempuan Dan Anak P2TP2A Provinsi DKI Jakarta," *Prosiding Penelitian Dan Pengabdian Kepada Masyarakat* 4, no. 1 (2017): 116. <https://doi.org/10.24198/jppm.v4i1.14220>.

³³ Editorial Team, "Pelatihan Manajemen Kasus Bagi UPTD, Strategi Intervensi Kekerasan Fisik Dan Psikis Terhadap Perempuan & Anak," *Dp3a Sulselprov.Go.Id/*, January 27, 2021, <http://dp3a.sulselprov.go.id/news-151--pelatihan-manajemen-kasus-bagi-uptd--strategi-intervensi-kekerasan-fisik-dan-psikis-terhadap-perempuan---anak.html>.

³⁴ Trisapto Wahyudi Agung Nugroho, "Analysis Of E-Government To Public Services In The Ministry Of Law And Human Rights," *Jurnal Ilmiah Kebijakan Hukum* 10, no. 3 (2016), <https://doi.org/10.30641/kebijakan.2016.V10.279-296>.

³⁵ Editorial Team, "DP3AP2KB Tingkatkan Perhatian Terhadap Perempuan Dan Anak Melalui Manajemen Kasus," *Diskominfo.Bandaacehkota.Go.Id*, November 21, 2022, <https://diskominfo.bandaacehkota.go.id/2022/11/21/dp3ap2kb-tingkatkan-perhatian-terhadap-perempuan-dan-anak-melalui-manajemen-kasus/>.

the case management planning, the government carries out various forms of socialization and understanding of the people who need assistance. Services that focus on education and counseling forms are closely related to various problems related to matters that physically and non-physically threaten the existence of society. Furthermore, in order to guarantee the needs of the community, plans carried out by the government are realized through case management with a service process in order to fulfill every need and demand of the community.³⁶

Especially in the cases **management of violence against women and children**, a pattern of public services which integrates service **professionalism** and the interests of the victims is the most important step in resolving **cases of violence against women and children**. Furthermore, violence case management services are implemented through identification processes, assessment processes, preparation of intervention plans, implementation of interventions, case reviews, and **evaluations**. It is expected that this process will be able to provide integrated control of **violence cases against women and children in a sustainable manner**.³⁷ Service through mentoring and guidance as well as providing legal certainty to victims is one of the government's case management efforts to provide services in accordance with previous plans. So that, the case management of violence is considered to be an appropriate approach to respond all the complexities of the problem of protecting women and children. It is expected that through case management, the handling of violence cases and patterns of protection for women and children can be performed effectively, comprehensively, and sustainably. Therefore the implementation of case management of violence against women and children is also expected to be able to combine efforts in preventing violence cases from all levels. This step is an attempt to embody safety, equality, and justice for women and children who are the great assets of the state to lead dignified and full of equality life.³⁸

Implementation of *Maqashid Syari'ah* in Reform of Cases Management of **Violence against Women and Children**

The problem of violence and exploitation of women and children in today's situation of course becomes a common concern for society, the state, and the international world. Indonesian government has taken steps to face these problems through the central government to the regional governments to jointly resolve cases of violence and exploitation of women and children. The central and regional governments is in formulating case

³⁶ Echa Wahyudi, "Cegah Kekerasan Terhadap Perempuan Dan Anak, DPPPA-KB Pesibar Terapkan Pola Manajemen Kasus," *Kupastuntas.Co*, October, 18, 2022, <https://kupastuntas.co/2022/10/18/cegah-kekerasan-terhadap-perempuan-dan-anak-dpppa-kb-pesibar-terapkan-pola-manajemen-kasus>.

³⁷ Editorial Team, "Manajemen Kasus Untuk Minimalisir Kasus Kekerasan," *Dkp3a.Kaltimprov.Go.Id*, February 18, 2020, <https://dkp3a.kaltimprov.go.id/2020/02/18/manajemen-kasus-untuk-minimalisir-kasus-kekerasan/>.

³⁸ Tim Humas, "Pelatihan Manajemen Kasus Kekerasan Terhadap Perempuan Dan Anak Tahun 2022," *Pesisirbaratkab.Go.Id*, October 18, 2022, <https://pesisirbaratkab.go.id/berita/pelatihan-manajemen-kasus-kekerasan-terhadap-perempuan-dan-anak-tahun-2022>.

management as a form of the right approach to resolve violence cases and exploitation of women and children in Indonesia.³⁹

Case management of violence against women and children attempts to be the right approach in responding to the complex issues of violence against women and children in Indonesia. The presence of case management of violence and exploitation of women and children brings about integration and unified coordination of protection services for women and children. This is in accordance with Law Number 23 of 2014 concerning Regional Government which states that child protection is not only the authority of the central government alone, but also as a form of authority of provincial regional governments and district/city regional governments. The implication of this rule is the establishment of the *Unit Pelaksana Teknis Daerah Perlindungan Perempuan dan Anak (UPTD PPA)*/(Regional Technical Implementation Unit for the Protection of Women and Children (RTIU PWC) as a service center for victims of violence at the provincial and district/city levels.⁴⁰

The urgency of UPTD PPA in carrying out operational technical in regional areas to provide services for victims of violence, discrimination, special protection, and other problems. In its services, the UPTD PPA provides services which serve as a form of public complaints, case management, outreach to victims, mediation, temporary shelters, and assistance to victims of violence. The presence of the UPTD PPA is a manifestation of Government Regulation Number 59 of 2019 concerning the Coordination of Child Protection which attempt to carry out cross-sectoral alignment in handling violence cases. The harmonization of the handling of violence cases is expected to grow a harmony between the central government down to the regional government in order to foster a sense of justice and equality for the community.⁴¹

The vulnerability of women and children as objects of violence seems unresolved. Various aspects that do not support the resolution of this problem, such as legal, economic and social aspects of society which still place women and children at the bottom level.⁴² Therefore, case management efforts to realize the protection of women and children is one of the systematic and strategic steps to construct protection arrangements for the welfare of women and children.⁴³ A new concept regarding the case management of violence against

³⁹ See Neelam Tyagi, "Gender Violence, Gender Justice and Gender-Based Laws: An Analysis of Pattern and Policies in India and Indonesia," *Brawijaya Law Journal: Journal of Legal Studies (BLJ)* 7, no. 2 (2020), <https://doi.org/10.21776/ub.blj.2020.007.02.01>. for more information

⁴⁰ Mohamad Farhan Zhuhria, "UPTD PPA Diperlukan Untuk Beri Perlindungan Bagi Perempuan Dan Anak," *Mediaindonesia.Com*, January 21, 2022, <https://mediaindonesia.com/humaniora/465987/uptd-ppa-diperlukan-untuk-beri-perlindungan-bagi-perempuan-dan-anak>.

⁴¹ Editorial Team, "Menteri PPPA: Tata Kelola Baru, UPTD PPA Jadi Tempat Pertama Penanganan Kasus Kekerasan," *Kompas.Com*, March 13, 2022, <https://nasional.kompas.com/read/2022/03/13/18480681/menteri-pppa-tata-kelola-baru-uptd-ppa-jadi-tempat-pertama-penanganan-kasus>.

⁴² Lindsey P. Battaglia, Irene Tung, & Alison E. Hipwell, "Timing of Violence Exposure and Girls' Temperament Stability From Childhood to Adolescence," *Journal of Interpersonal Violence*, 2023, <https://doi.org/10.1177/088626052311562>.

⁴³ Tim Penyusun, *Modul Pelatihan Manajemen Kasus Bagi Lembaga Penyedia Layanan Perlindungan Perempuan Dan Anak* (Jakarta: Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, 2019).

women and children is carried out through the "One Stop System" or One Stop Service. This strategy is designed to provide the best service for victims of violent crimes.⁴⁴

Case management efforts of violence against women and children are carried out through various stages, namely: First, assessment. This step is considered as an effort to identify and understand psychosocial situations to find out the problems they face. Second, planning. The main objective of planning is to formulate the development of effective service delivery to the community. This planning stage is implemented by compiling and developing services as a whole with problem identification patterns obtained from the assessment stage which then the results become a formulation arrangement in problem priorities which finally used to develop appropriate planning patterns. Including in terms of case management of violence, planning efforts are carried out in a professional manner to contribute to the handling of the cases on an appropriate and directed basis. Third, implementation (implementation). This implementation phase is obtained in order to guarantee the needs of violence victims on the basis of planning. This implementation phase is carried out by providing services needed by victims of violence to ensure that their rights are protected. Fourth, monitoring. Monitoring efforts are a form of continuous supervising of the planning and implementation process. This monitoring process is performed through reading the results of reports from each implementation. Fifth, assistance. Assistance or evaluation of progress in handling these cases is carried out through a success identification pattern.⁴⁵

Case management efforts of violence with the various stages mentioned above are concrete steps to reformulate the appropriate pattern of resolution of violence cases. Furthermore, the complexity of this violence problem needs strategic steps to provide a resolution pattern. More than that, the epistemological basis through a relevant approach is an attempt to integrate management patterns and the right epistemological basis. The integrated management pattern with the basic values of Islamic law (*maqashid syari'ah*) is an idea of how the management pattern has strategic steps which lead to the realization of benefit for humanity.⁴⁶

The position of *maqashid syari'ah* in case management patterns is implemented in several aspects, namely: 1) empowerment and protection of women and children as a manifestation of soul protection (*hifdz al-nafs*). 2) recovery of psychosocial trauma for violence victims as a manifestation of protecting the mind (*hifdz al-'aql*). 3) recovery of the victim's name as a manifestation of the protection of human dignity (*hifdz al-'irdz*). The construction of *maqashid syari'ah* is a strategic step in the epistemological foundation of case management patterns. This epistemological foundation is the basic value for realizing various interests in efforts to protect women and children as violence victims. The embodiment of human values and women and children dignities is a step towards transforming case management. Furthermore, *maqashid syari'ah* is a universal value in the study of Islamic law

⁴⁴ Editorial Team, "Layanan UPTD PPA Diperluas Fasilitasi Perempuan-Anak Korban Kekerasan," *Antaraneews.Com*, April 26, 2022, <https://www.antaraneews.com/berita/2846033/layanan-uptd-ppa-diperluas-fasilitasi-perempuan-anak-korban-kekerasan>.

⁴⁵ Sarah Farahdita Tamimi & Sahadi Humaedi, "Manajemen Kasus Tindak Kekerasan Anak Di Pusat Pelayanan Terpadu Pemberdayaan Perempuan Dan Anak P2TP2A Provinsi DKI Jakarta.", 119-120.

⁴⁶ Ilyya Muhsin, Sukron Ma'mun, Wardah Nuronyah, "Sexual Violence in an Islamic Higher Education Institution of Indonesian: A Maqasid Al-Shariah and Foucauldian Perspective," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (2021).

which can be implemented in every social setting,⁴⁷ including in this case as the basis for transforming the case management of violence.

The acceleration of *maqashid syari'ah* in contemporary *ijtihad* develops as a value approach and social indicator. In the contemporary context, social indicators through *maqashid syari'ah* are intended to provide human development through the values of Islamic legal philosophy. This is in order to formulate *maqashid syari'ah* as a legal basis in various complex traditions in the contemporary era. This step is understood as a universal form of *maqashid syari'ah* which is not only oriented towards individual life, but also community development through strategic steps from the community itself as well as from government institutions.⁴⁸ The value shift of *maqashid shari'ah* in the study of Islamic law towards social indicators is passed through by a juridical interpretation of the various steps of the *mujtahid* and the government to provide life education to the community. This is important to perceive considering that Islamic law is the result of interaction between *mujtahid* and the environment which of course has characteristics. This reality of course becomes a concern in the discourse on Islamic law studies to present social values as a form of product of Islamic legal thought to then be applied in juridical values and social indicators.⁴⁹

The implementation of *maqashid syari'ah* as the case management of violence basis is a form of embodiment of an effective pattern of case management. Case management of violence against women and children is needed in order to take anticipatory steps and appropriate handling steps. The implication of the pattern of case management of violence against women and children based on *maqashid syari'ah* is a form of prevention and handling violence cases. Prevention in this case is carried out through advocacy and outreach policies as well as appropriate law enforcement patterns. Concept of *maqashid syari'ah* provides an epistemological basis for prevention of negative things (*dar'u mafasid*). Meanwhile efforts to deal with cases through management transformation are carried out through service patterns with empowerment standards to actualize proper legal enforcement and assistance as well as appropriate social rehabilitation. This is in order to realize the main principles of *maqashid syari'ah* to create an ideal and just society.

Conclusion

Based on the complexity of the violence problems against women and children, it is expected that the case management approach will be able to provide the coordination and integration of services pattern needed by victims and their families. This transformation of case management services is intended to create comprehensive, competent, effective and efficient services which are then applied together as a form of strategy for women and children protection. It is then also intended to guarantee the protection of women and children through accurate and appropriate services. The pattern of case management of violence against women and children based on *maqashid syari'ah* is applied through strategic steps for

⁴⁷ Zaprulkhan, "Maqasid Al-Shariah in the Contemporary Islamic Legal Discourse: Prespective of Jasser Auda," *Walisongo: Jurnal Penelitian Sosial Keagamaan* 26, no. 2 (2018), <https://doi.org/10.21580/ws.26.2.3231>.

⁴⁸ Deri Wanto, Rahmad Hidayat, & R. Repelita, "Maqasid Shariah's Change as Theory: From Classical to Cotemporary Maqasid Shariah," *Al Istibath: Jurnal Hukum Islam* 6, no. 2 (2021): 428, <https://doi.org/10.29240/jhi.v6i2.3122>.

⁴⁹ Badruddin Badruddin & Aditya Prastian Supriyadi, "Dinamika Hukum Islam Indonesia: Reaktualisasi Norma Islam Dalam Menalarkan Hukum Positif Merespon Sosio-Kultural Era Kontemporer," *De Jure: Jurnal Hukum Dan Syariah* 14, no. 1 (2022): 143, <https://doi.org/10.18860/j-fsh.v14i1.15512>.

prevention, protection, and recovery for victims. This pattern is implemented through an integrated management transformation between the central and regional governments. In addition, case management transformation efforts have an emphasis on the pattern of embodiment of *maqashid syari'ah* values as a basis for protection for violence victims. In the Indonesian context, this pattern has an urgency in preventing violence against women and children. This strategic step through the transformation of violence case management is a form of preventive steps and resolution of violence cases through human values in *maqashid syari'ah*.

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