

Implementation of Law and Social Protection for Victims of Domestic Violence

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Abstract: *This study aims to determine (1) the forms of domestic violence; (2) forms of social protection for victims of domestic violence; (3) Implementation of legal protection against domestic violence. The research was conducted in the city of Makassar using a descriptive qualitative approach. Based on the source, the types of data used are primary and secondary data. Primary data obtained through the interview method. While secondary data is data obtained from various documents or published sources or other related sources. Informants were selected by purposive sampling as many as 17 people. The data is processed by condensing the data, modeling the data and drawing conclusions. The results of the study show that: (1) The forms of domestic violence are; physical violence, which is characterized by pain, serious injury and illness to the victim, psychological violence, as evidenced by loss of self-confidence, helplessness and psychological suffering, sexual violence is the force of balanced sexual relations and neglect of the household in the form of not giving decent living, not letting the public sector work outside the home; (2) The form of social protection against domestic violence is to report it to the authorities, by neighbors or relatives to intervene/obstruct the perpetrator and the victim, hide the victim from the scene; (3) Implementation of legal protection against domestic violence is that victims receive protection from their families, receive health services according to their medical needs, receive assistance from civil groups and spiritual guidance.*

Keywords: *law protection, civil groups, physical violence, psychological violence in the domestic,*

Introduction

The problem of domestic violence is one of the problems that continue to metastasize in social life. This problem continues to roll, because it can be viewed from cross-disciplinary either partially or collaboratively. This study employs two different scientific views, namely legal studies on the one hand and sociology on the other. In this case, combining legal science and sociology in domestic violence is an interesting study to do.

It does not lead this knowledge to a special perspective on each science, but rather to slice pull, namely the problem of domestic violence. Sociologically, individuals who have chosen close

relationships, must have feelings of attachment, because they are involved in intensive interactions. They will understand each other what is necessary and what to avoid. From a religious point of view, individuals who are already familiar, of course, due to blood ties that preceded by marriage bonds, so that violence should not occur. Conceptually, marriage is a legal act, so that the consequences for every legal act are legal consequences in the form of rights and obligations for both husband and wife parties or other parties. As regulated by Law Number 16 in 2019 concerning amendments to Indonesian Law Number 1 in 1974 concerning to Marriage. In article 1, marriage is an inner and outer bond between a man and a woman as husband and wife with the aim at forming a happy and eternal family (household) based on God Almighty.

Based on this elaboration, in principle, the household is a place of refuge for all family members. However, in reality, the family can become a place of suffering and torture because domestic problems are sometimes resolved in unethical ways, one of them is violence. Domestic violence contains something specific or special. The specificity lies in the relationship between the perpetrator and the victim, namely family relationships or work relationships (employer-housekeeper). In addition, the *locus delicti* on domestic violence is more specific, namely in the house, where the perpetrator and victim reside. In other crimes, *locus delicti* can be anywhere, in all over the places.

Galtung (1980; 75) defines violence in a broader sense. By “avoidable barriers to self-actualization,” we mean those things that tend to prevent people from realizing their full potential. Galtung's conceptualization of violence includes two types of violence: direct or personal violence and indirect or structural violence. Direct violence is violence perpetrated by one person or group of actors against another party (violence as an action), while structural violence is a structure (violence as a structure) or without the presence of certain actors or something that just happens (is embedded in) the structure or non-operating society by a person or group of people who use violent tools.

According to this definition, domestic violence can be explained as the use of uncontrolled and arbitrary power by the perpetrator, namely the husband or wife or other household members with acts or actions that use force and abusive objects.

Various kinds of causes and factors are used as reasons so that domestic violence can occur. Which attracted public attention was the violence against women (wives). especially if the violence occurs within the scope of the household. Often this act of violence is called a hidden crime. It is called so because both the perpetrator and the victim try to keep the act a secret from the public's view, also known as domestic violence, because of the occurrence of violence in the domestic sphere. (Soeroso, 2010: 1)

In Law No. 23 in 2004 as the legal basis regarding the protection of victims of domestic violence, normatively it has been fulfilled, but further implementation of these provisions is needed in the form of policies of each law enforcement party.

It is feared that the existence of domestic violence that occurs around us will have a huge impact on the victims and their children. So that serious handling is needed in solving the domestic violence. This fact can be seen from the data on domestic violence reports in the jurisdiction of the

Makassar City Police Resort PPA Unit for the last three years in 2019 which recorded 58 cases, then there was a decrease in reports in 2020 as many as 10 cases, and then in 2021 as many as 19 cases. (Source: Makassar City Police Resort August 2020). Then, the factors that cause someone to commit domestic violence in the city of Makassar are economic factors and behavioral factors. Economic factors are the most widely reported factors causing domestic violence at the Makassar Police Station

Methodology

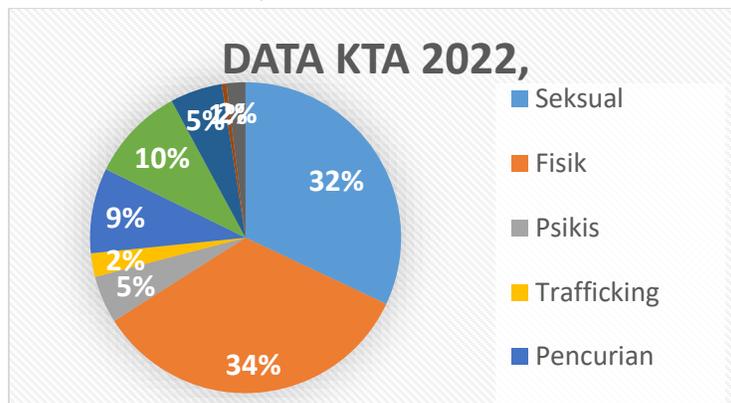
This research was conducted in Makassar with a descriptive qualitative approach. Informant data were obtained from the Makassar City Police Documentation and the Child Protection Institute in Makassar City. Informants were selected by purposive sampling with strict criteria, namely families who have experienced violence more than 2 times, families that are already threatened with dissolution or divorce, the level of violence involving physical and non-physical, so that 19 candidates were obtained. However, in this study only managed to collect data through 17 people, 2 people were not willing to conduct further and in-depth interviews, so the researchers decided to put aside the data that had been given previously. Interviews to informants were conducted several times within different locations, so that it was confirmed that the written data had been triangulated from time and source. Data were analyzed through data condensation, data modeling and data display

Findings and Discussion

The results of this study were elaborated in 3 parts, namely, an overview of forms of domestic violence, forms of social protection and implementation of legal and social protection based on existing regulations.

1. Form of Domestic Violence. D

Domestic violence is conceptually similar to other types of violence, including political violence. How many informants described the experience when they were hit with their hands or with other hard objects. The data obtained from the network of UPTD PPA Makassar City in 2022 can be described as follows;



Source: KTA Kota Makassar, 2022.

The description of the UPTD PPA Makassar City 2022 data obtained details of events from several informants. The pseudonym or initials SP (32 years old) experienced violence as a result of the incident, the victim suffered bruising to the hands, arms and head due to being beaten by her husband using a hand and a chair. The chronology is that at first it was a misunderstanding, the first time SP asked her husband for some money, but her husband answered no money, SP suspected that the money had been taken with her husband. This happened when he was about to return to his room at his house. After returning to the room, her husband followed behind and was beaten. The informant believes that the victim was persecuted because he refused to give some money to be used by the perpetrators to gamble. Domestic violence against the FI informant (29) is also similar to the first informant (the victim) being beaten by her husband for not being given money for cigarettes and liquor (alcohol) by his wife. This abuse is often experienced by FI. Since getting married in 2008, FI has been forced to work as a washerwoman to meet the perpetrators' needs for cigarettes and alcohol. As for the money earned from washing, all of her husband take it for drinking (alcohol), smoking. Meanwhile, there are seven children and this victim is merciful to deal with him and wants to return to his parents. The climax, when the perpetrator did not find the money the victim worked for to buy cigarettes, the perpetrator immediately became angry and carried out persecution on the street.

In addition to physical violence, domestic violence is also experienced in the form of psychological violence as expressed by the informant, Mrs. A. The case was experienced by Mrs. A, who felt that her husband always silenced her, and when she spoke, she often humiliated Mrs. A. Her husband did not want to greet her, let alone touch her, finally A's mother tried to hurt herself. In this case, mother A's husband never used physical violence. However, her husband's actions by always keeping quiet made A's mother lose her confidence. Mother A is also increasingly anxious and feels humiliated due to the condescending attitude of her husband. In this case, Mother A can be said to have experienced psychological violence in the family. The same is the case with Mr. D. His wife, who has more income than Mr. D, often demeans, restricts treatment and also speaks harshly to Mr. D. This has a negative impact on Mr. D. Tendency to hurt himself which leads to the informant's illness.

Besides wives or husbands who are victims of domestic violence, many children are also victims of violence in their own families. One of the reasons is theft. The 11-year-old AA victim was beaten and tortured by her parents in such a way without mercy and compassion repeatedly on many occasions. This happened when his father felt that he had lost money which AA had admitted to not taking it. Mr. IR also experienced the case of theft which was the cause of domestic violence. IR got into an argument with his wife which eventually resulted in IR choosing to leave the house with a jewelry

box that was stored in the room. This makes the IR wife report the theft experienced by her own husband.

Neglect is also one of the causes of domestic violence cases. This is in line with what was conveyed by MW informants. MW's husband works as a teacher in a different city which makes MW and her husband live separately due to work reasons. Both of them were married on October 13, 2020, MW's husband still provides physical and spiritual support until November 2021. However, since December 2021, MW's husband no longer provides a living. MW's husband did not carry out his obligations on the grounds that there was no good communication between the defendant and the victim, causing misunderstandings and exposing each other to inappropriate behavior and words during an argument. A case of neglect was also experienced by informant Y. She left her husband and child because she was often treated harshly by her husband with hurtful actions or words when having sex with husband and wife. In addition, Y also admitted that her husband did not have a job so he was the one who had to bear the household needs. In contrast to the two cases above, MF informants also experienced cases of neglect in the form of a ban on working outside the home. When interviewed, MF said that this happened because MF was still working in the past, her husband always suspected that MF was having an affair with his workmate. As a result, MF was asked to resign and was prohibited from working outside the home.

Another factor that can lead to domestic violence is exploitation. Informant AN said that she was forced by her husband to become a prostitute at a club in her city. It started when the COVID-19 pandemic took place which caused her husband to be laid off from work. AN became a prostitute for fear of being beaten by her husband if she did not comply with her wishes. She is also afraid of being abandoned by her husband. Just like the case that happened to a 13-year-old child with the initials BS. His parents forced BS to become a beggar at a red light by bringing his 6-year-old sister on the pretext that people would pity her and give BS a little money. This makes BS have to "work" from morning to night. If BS came home with a little money, his parents would scold and sometimes beat BS.

Besides the above factors, intolerance is also one of the causes of domestic violence. SA and RN are married to different religions and ethnicities. SA strongly adheres to the cultural customs of the region. This is also applied to their children who incidentally are the younger generation who already understand about freedom of religion and culture. This causes conflicts and differences of opinion with his children and wife which eventually lead to violence and family divisions.

From the case described above, Zastrow & Browker 1984 (in Wahab, 2010) explain three main theories that lead to violence, namely biological theory, frustration-aggression theory, and control theory. First, the biological theory explains that humans, like animals, have an innate aggressive instinct. Sigmund Freud theorized that humans

have a desire for death that leads them to indulge in the act of injuring and killing others and themselves. Robert Ardery who suggested that humans have an instinct to conquer and control territory, which often leads to violent interpersonal conflict behavior. The meaning of this biological theory is that humans have an aggressive instinct from birth, so that conflict behavior is considered natural as a form to defend themselves from various pressures.

This behavior can be manifested as a form of violence due to various prolonged pressures (family problems, economics, etc.). Second, the frustration-aggression theory states that violence is a way to reduce the tension generated by frustrating situations. This theory stems from the reasonable notion that frustrated people often become involved in aggressive behavior. An example is the case of a husband who has been unemployed for years and does not have a steady income to meet the needs of his family, then the husband has a great tendency to commit violence against his wife and children due to symptoms of frustration. Although everything is not like that, but from many cases that occur, the effect of frustration can influence someone to commit acts of violence. Third, control theory explains that people who are not satisfied in their relationships with other people will be easy to commit violence. In other words, people who have good relationships with other people tend to be more able to control and control aggressive behavior.

Domestic violence not only affects parents, but also affects children. The studies collected by Wahad (2010) from several psychological studies are, among others. Jaffe et al (1990) stated that at elementary school age, parents are a very significant role model. Both boys and girls who witness domestic violence quickly learn that violence is the most appropriate way to resolve conflicts in human relations. They are better able to express their fears and anxieties regarding the behavior of their parents. Hughes (1986) found that elementary-aged children often had difficulties with schoolwork, manifested by poor academic performance, not wanting to go to school, and difficulty in concentration. Wolfe et.al, 1986: Jaffe et.al, 1986, Christopoulos et al, 1987 confirmed through their studies, that children from families experiencing domestic violence tend to have more behavioral problems and lower social competence than families who do not experience violence. in the household. While a study conducted on Australian children, (Mathias et.al, 1995) as many as 22 children from the age of 6 to 11 years showed that the group of children who had historically experienced domestic violence tended to experience behavioral problems at a threshold level of up to severe level, have below average adaptive skills, 11 have reading skills below their chronological age, and have moderate to high levels of anxiety.

Forms of Social Protection Against Domestic Violence

There are various ways that we can do as neighbors, family or relatives of victims who experience domestic violence. The first is to really listen. We can tell the victim that you want to listen to him or her. But if he doesn't want to talk, don't force him. Convince him that you trust him. One of the informants said that it was very difficult for the victims to tell what they experienced. They often cover it up or give the impression that it's not too bad. Rarely do they make it up or exaggerate it. If the culprit is someone you know, you might have a hard time imagining him doing something like that. But, it could be that his behavior when he is with you is very different from when he is with the victim.

The second way is to talk with the aim of strengthening the victim. Informant HE said that he once found one of his neighbors experiencing domestic violence or domestic violence. HE said that what he did was get the victim to talk and convince him that he is also worthy. In addition, HE also said that he cared for the victim and reminded him of the good qualities he had. And HE also suggested asking for legal assistance if the domestic violence experienced was very severe.

Besides the two ways above, as a community or relative we can offer assistance. The informant with the initials AA believes that offering assistance is the most needed thing for victims of domestic violence. AA also said that the assistance could be in the form of assistance with daily affairs, for example by taking care of the child while the victim did other things or provided food. Make sure the victim knows what to do if she feels threatened, including where she should go.

The last thing you can do is reassure the victim that he or she can make their own decisions. This is in line with what the WS informant said. WS revealed that we can provide information and explain the options available to victims of domestic violence. But we should not make decisions for the victims, let the victims themselves decide based on some suggestions we can give.

3. Legal and Social Protection for Victims of Domestic Violence Cases in Makassar

Protection refers to Article 1 number 4 of Law No. 23 of 2004 concerning the Elimination of domestic violence, which states that: Protection is all efforts aimed at providing a sense of security to victims carried out by families, advocates, social institutions and police institutions, the prosecutor's office and the court, or other parties either temporarily or based on a court order. Meanwhile, what is meant by Domestic Violence (KDRT) according to Law No. 23 of 2004 is any act against a person, especially a woman, which results in physical, sexual, psychological misery or suffering, and/or neglect of the household including threats to commit acts, coercion. Violence is generally carried out by husband and wife but with legal protection that regulates domestic violence.

The dynamics of Domestic Violence that occur in Makassar generally occur a lot, it's just that reports from the Police for the PPA section in Makassar experience these changes every year. As obtained from the data and results of interviews by the police who said that legal protection in overcoming cases of domestic violence uses Law No. 23 of 2004 concerning the Elimination of Domestic Violence if those who commit acts of violence are husband or wife who are recorded as legally and legally, while those who are religiously married, this legal protection is included in Article 351 of the Criminal Code, namely acts of persecution. Because Law No. 23 of 2004 concerning PKDRT is *Lex specialis* which is the principle of legal interpretation that is specifically.

Legal protection in cases of domestic violence in Makassar every year from 2019 to 2021 has ups and downs, so from the results of an interview from one of the police officers said that we have implemented Law No. It's just that some people in the city of Makassar consider that domestic violence is an act of disgracing themselves and their families, even though the goal is not to divorce the two parties, but rather to mediate, provide peace from both parties and continue to apply Restorative Justice. The protection that should be carried out by the Police for victims who make reports is as stated in Article 16 as follows: Within 1 x 24 (one time twenty four) hours from the time of knowing or receiving reports of domestic violence, the police must immediately provide protection while on the victim. The temporary protection as referred to in paragraph (1) is given no later than 7 (seven) days after the victim is received or handled. Within 1 x 24 (one time twenty four) hours as of the granting of the protection as referred to in paragraph (1), the police are obliged to request a letter of stipulation of a protection order from the court.

Domestic violence is a case that repeatedly occurs in the city of the community but in fact the results of reports at the Makassar City Police have ups and downs of cases, because one of the causes is the lack of socialization from the police to the community regarding legal protection, therefore the community does not know legal protection regarding Domestic Violence, which should be law enforcement officers, have the obligation to socialize, as stated in Article 11, namely the Government is responsible for efforts to prevent domestic violence.

In carrying out the duties and functions of the police, especially in handling cases of domestic violence, they organize socialization and advocacy, education related to gender and issues of domestic violence. Where according to the government's obligations and is responsible for efforts to prevent Domestic Violence.

Conclusion

Domestic violence in various scientific perspectives that can be cross-ethnic, creed, and region can be found in people from various groups, statuses and social strata almost everywhere. As an antisocial and anti-humanitarian act, domestic violence can occur suddenly and planned by and against all actors or members in a household who act as perpetrators or victims. Domestic violence in the statutory provisions in Indonesia is classified as a crime with the threat of criminal law because it causes physical and mental pain and suffering to the victim. In a broader dimension, domestic violence is a serious violation of human dignity according to basic principles in human

rights (HAM). In fact, domestic violence is a matter of privacy of a family that is closed and far from the attention and intervention of other parties, including the government. The forms of domestic violence can vary from the mildest to the most extreme to cause death.

Its development which is increasingly widespread in society with unspeakable consequences has made this case begin to be revealed and receive serious attention from the surrounding community, government, and the international community. Domestic violence acts in various forms and cases occur because of the domination and excessive use of power by the perpetrators. However, a number of internal factors in the personalities of the actors in the household, and external factors centered on the local cultural value system and rapid social change, also play a role as causes and triggers. The expansion of domestic violence in the community should not be allowed to continue to grow without control. Various efforts and methods must be carried out by all parties as a form of concern for common social problems, especially by those who are directly related to them as perpetrators and victims. All steps towards eliminating acts of domestic violence can be started from efforts to break the chain of causes and triggers through strengthening social networks, re-understanding the positive values contained in local cultural wisdom, and strengthening building foundations and structures family economy through innovation and new creations. Overcoming all of this is to make religious teachings the main source of value through the steps of deepening and implementing its teachings, especially the teachings on the ideal procedure for family life and empathy for one another.

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