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Ni Ketut Supasti Dharmawan <ojs19@unud.ac.id> kepada saya, Endang, Anggreany

Sel, 31 Mei 2022, 20.13

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Ika Dewi Sartika Saimima, Endang Hadrian, Anggreany Haryani Putri:

We have reached a decision regarding your submission to Jurnal Magister Hukum Udayana (Udayana Master Law Journal), "An Analysis of Femicide in Indonesia on Online Media Reporting from the Perspective of Human Security".

Our decision is to: REQUEST REVISION TO THE AUTHOR

Ni Ketut Supasti Dharmawan Faculty of Law Udayana University arasswk@yahoo.com

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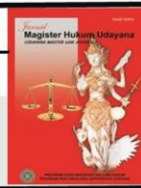
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## An Analysis of Femicide **in Indonesia** on Online Media Reporting **in Indonesia** from the Perspective of Human Security

### Info Artikel

Masuk:

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#### Keywords:

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#### Kata kunci:

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#### Corresponding Author:

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### Abstract

This article aims to explore theoretical problems related to femicide reporting that occurs in online media. There are two ways of thinking about femicides from a human **security** perspective; this is a form of continuous violence against women in the public sphere. Femicide that occurs in online media is an act of reporting that is carried out to **gain** readers without victims or their families. **The next** is Femicide in the sense of gender inequality in handling cases in the private sphere related to violence against women in private, such as domestic violence. Through the Draft Criminal Code, criminal law reform is urgently needed in handling cases of violence against women. The imposition of criminal sanctions stipulated in the Criminal Code is carried out by weighing criminal sanctions plus 1/3 (one third) for perpetrators who are within the family scope. Likewise, if the perpetrator of the crime comes from a party outside the family, the criminal sanction is added by 1/3 (one-third) of the primary offense. This criminal weighting is expected to have a deterrent effect on perpetrators of violence against women.

### Abstrak

Artikel ini bertujuan untuk menggali permasalahan teoritis terkait pemberitaan femisida yang terjadi di media online. Femisida yang terjadi di media online merupakan tindakan pemberitaan yang dilakukan untuk mendapatkan pembaca tanpa korban atau keluarganya. Berikutnya adalah Femisida dalam arti ketidaksetaraan gender dalam menangani kasus-kasus di ranah privat terkait kekerasan terhadap perempuan di ranah privat, seperti kekerasan dalam rumah tangga. Melalui Rancangan KUHP, reformasi hukum pidana sangat dibutuhkan dalam penanganan kasus kekerasan terhadap perempuan. Pengenaan sanksi pidana yang diatur dalam KUHP dilakukan dengan menimbang sanksi pidana ditambah 1/3 (sepertiga) bagi pelaku yang berada dalam lingkup keluarga. Demikian pula jika pelaku tindak pidana berasal dari pihak di luar keluarga, pidana ditambah 1/3 (sepertiga) dari pidana pokok. Pemberatan pidana ini diharapkan dapat memberikan efek jera bagi pelaku kekerasan terhadap perempuan.

### I. Introduction

Violence against women is often **brutal, which is** ~~Violence against women~~ usually occurs beyond human understanding, ranging from sexual violence, physical and mental abuse, and rape that leads to death. Women experience violence because they are

Commented [U1]: Please use softer words

merely women. Considered a vulnerable group, women are the target of criminal acts committed by men. Women are targets of violence because they are female (Femicide).

The National Commission on Violence against Women (Komnas Perempuan), in its final note for 2022, stated that the forms of violence experienced by women consisted of psychological violence as much as 36%, sexual violence as much as 33%, physical violence as much as 18% and economic violence as much as 13%.<sup>1</sup> In a press release, Komnas Perempuan mentioned that violence against women is a form of Femicide, namely the killing of women driven by hatred, resentment, conquest, mastery, connoisseurship, and views on women as a property so that they can do as they please.<sup>2</sup>

The femicide charge differs from ordinary killings in that it contains aspects of gender inequality, dominance, aggression, or oppression. It is also affirmed by the World Health Organization (WHO) mentioned that Femicide is generally understood to involve the intentional murder of women because they are women, but broader definitions include any killings of women or girls.<sup>3</sup> While Komnas Perempuan said Femicide is not a death as usual, but a product of patriarchal and misogynistic culture and occurs both in the private, community, and state spheres.<sup>4</sup> Patriarchal culture results in social constructions that result in gender-based violence.

The WHO mentions the four types of femicides in its publication, namely, Intimate Femicide, Murders in the Name of "honor", Dowry-related Femicide, and Non-intimate Femicide. If observed, the four types of femicides tend to be done by people closest to and known by the victim. Mouzos also stated that ~~t~~he nature of the relationship between victim and offender determines the context and dynamics of Femicide. It is therefore essential to examine the contexts in which a woman is killed based on the relational distance between victim and offender.<sup>5</sup>

Komnas Perempuan released the femicide case entitled "Alarm for the State and All of Us: Stop Femicide (Killing of Women)". The handling of femicide cases continued throughout 2019, and femicide cases were covered by the mass media as many as 145 cases. The top rank for the perpetrator's relationship is the husband in as many as 48 cases. This means that the husband carries out the Femicide against the wife. Friendships consist in 19 cases, courtship relationships in 13 cases, and close relatives in

<sup>1</sup>Komisi Nasional Anti Kekerasan terhadap Perempuan, 'PELUNCURAN CATAHU KOMNAS PEREMPUAN 2022: Peningkatan Jumlah Kasus KBG Di Tahun 2021 Menjadi Alarm Untuk RUU TPKS Segera Disahkan', 2022 <<https://komnasperempuan.go.id/kabar-perempuan-detail/peluncuran-catahu-komnas-perempuan-2022>>.

<sup>2</sup>Komisi Nasional Anti Kekerasan terhadap Perempuan, 'FEMISIDA SEBAGAI PUNCAK KEKERASAN BERBASIS GENDER: MENINGKAT, TIDAK DIKENALI DAN DIABAIKAN NEGARA', *Komnas HAM*, 2020 <<https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-tentang-femisida-6-desember-2020>>

<sup>3</sup>C Garcia-Moreno, A. Guedes, and W Knerr, 'Femicide (Understanding and Addressing Violence Against Women, WHO/RHR/12.38)', *World Health Organization*, 2012, 8 <[https://apps.who.int/iris/bitstream/handle/10665/77421/WHO\\_RHR\\_12.38\\_eng.pdf?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/77421/WHO_RHR_12.38_eng.pdf?sequence=1)>.

<sup>4</sup>Komisi Nasional Anti Kekerasan terhadap Perempuan, 'FEMISIDA SEBAGAI PUNCAK KEKERASAN BERBASIS GENDER: MENINGKAT, TIDAK DIKENALI DAN DIABAIKAN NEGARA'.

<sup>5</sup> Jenny Mouzos, 'Femicide: An Overview of Major Findings', 124, 1999, 1-6 <[http://www.aic.gov.au/media\\_library/publications/tandi\\_pdf/tandi124.pdf](http://www.aic.gov.au/media_library/publications/tandi_pdf/tandi124.pdf)>.

7 cases, while the other 21 cases are not yet known relationships.<sup>6</sup> The data does not include unreported cases. Based on the Komnas Perempuan press release, it can be seen that the public considers that cases of violence against women are just ordinary criminal cases and are carried out with the usual handling as well. News about gender-based killings often occurs over a long enough time, presented with a narrative that is made bombastic to get to the reader so that the victim becomes a victim repeatedly because of the news.

This article analyzes the need for criminal law renewal related to handling femicide cases through sentencing ballasts reviewed from a human security perspective.

## 2. Research Methods

This article uses a descriptive analysis method with a literature study approach. Obtaining data used as actual information material and getting to know problems related to femicide cases in Indonesian online media. A qualitative approach is carried out to analyze based on human security obtained from various literature sources and laws and regulations.

## 3. Result and Discussion

### 1. Violence against women in the frame of online media coverage

The writing of this article was ~~undertaken~~ by tracing news about the violence that occurs against women. Some news about the murder of women is used as secondary data studied to comprehensively explain the legal issues. One of the issues raised in this article is about reporting murders of women with brutal violence and presented with a narrative as if the event is a criminal event that is indeed common in society. In the end, many women are victims of Femicide caused by gender inequality.

Summary of the news from femicide victims in the online media detik.com mentions the murders against women and girls that occurred for various reasons as follows;<sup>7</sup>

- a. News about the victim of a student with the initials DP aged 17 years. DP was found dead and wrapped in black plastic on the Cilebut highway in Bogor. DP said goodbye from home to do errands at a rental near the house and was found to be a body in plastic the next day.
- b. News from Cirebon police arrested three perpetrators of rape or rape of a 15-year-old girl. The girl died after being milled and plied with liquor by the perpetrators. WT (21) He was the victim of a murder by his girlfriend DH. WT decided on DH after being caught cheating with another man. DH was angry and suffocated WT's neck to the point of helplessness. DH opened the

<sup>6</sup> Komisi Nasional Anti Kekerasan terhadap Perempuan, 'FEMISIDA SEBAGAI PUNCAK KEKERASAN BERBASIS GENDER: MENINGKAT, TIDAK DIKENALI DAN DIABAIKAN NEGARA'.

<sup>7</sup>Doni Indra Ramadhan, 'Februari 2021, 4 Pelajar Perempuan Di Jabar Jadi Korban Pembunuhan', *Detik .Com* (Jakarta, 2021) <<https://news.detik.com/berita-jawa-barat/d-5472585/februari-2021-4-pelajar-perempuan-di-jabar-jadi-korban-pembunuhan>>.

**Commented [U2]:** Is there any previous studies to discuss this issue before?



victim's pants and stuck bamboo into his in a dying state. DH then pushed the victim's body into a 10-meter-high ravine.

- c. The murder and rape case of DSN (15) junior high school students found dead in the rice fields of Iplik Village, Mekarjati Village, West Karawang District. The victim was strangled to death, then the perpetrator IN (24) and pulled cigarettes into the teenage girl's body many times then threw her body into the ditch.

Based on the search of the news, it can be seen that the Femicide that occurs is non-intimate Femicide. This means that femicides happen in the community without any relationship between the victim and the perpetrator. The murder occurred because the victim was a woman, so she deserved to experience the violence. At the same time, other femicides occur because the perpetrator's relationship with the victim is in the realm of personal relations. The same pattern occurs in the female victim that there is layered sadistic violence against women by being persecuted, raped, killed, and even stripped naked. The age range of the victims also varies.

Ristra Indrasti<sup>8</sup>The results of his research mentioned that violence against women through online news is displayed from the point of view that benefits the male side. Cases of violence against women studied in online media Pojoksulsel.com have a selling point by preaching vulgar words and sadism, portraying women as marginal or guilty, and making women victims of violence against women as suspects. In online news, it is said that women are used as objects of information, presenting the victim's identity openly. This, of course, resulted in the victim again becoming a victim because of the news.

Reporting in the context of femicides derived from intimate relationships can be understood that the nature of the violence causes victims of violence to experience prolonged trauma. Komnas Perempuan reported that violence against women occurred quite frequently in the personal realm. Domestic violence cases were reported as many as 79% (6,480 cases), consisting of Violence Against Wives (KTI) ranked first at 3,221 cases (50%), dating violence at 1,309 cases (20%), and violence against girls as many as 954 cases (15%), the rest were violence by ex-girlfriends, ex-husbands, and violence against domestic workers. The forms of violence experienced were physical violence in 2,025 cases (31%), sexual violence in as many as 1,983 cases (30%), psychic 1,792 (28%), and economy in 680 cases (10%).<sup>9</sup>

Based on the details of violence cases against women, it can be said that the handling of cases of violence against women is often hampered due to the perspective of law enforcement, who consider that femicides are in the personal sphere. Views on gender issues in the femicide case are still patriarchal and not addressed proportionally.

<sup>8</sup>Rojudin Rissa Indrasty, Darajat Wibawa, 'Gender Dalam Kasus Kekerasan Terhadap Perempuan Di Media Online', *Jurnal Ilmu Journalistik*, 3.1 (2018), 90-112 <<https://jurnal.fdk.uinsgd.ac.id/index.php/annaba/article/download/581/92>>.

<sup>9</sup> Perempuan Komnas, *Catatan Akhir Tahun 2020* (Jakarta, 2021) <<https://komnasperempuan.go.id/uploadedFiles/1466.1614933645.pdf>>.

Femicides become a social impact that leads to a shared culture because continuous violence against women does not get attention, and there is no solid legitimacy basis to change it.<sup>10</sup>

Another form of violence against women rife in online news is domestic violence. An example of a domestic violence case that occurred in Valencya (45) was charged with one year in prison for psychic domestic violence cases against her husband, Chan Yu Ching, a man from Taiwan. Public Prosecutor Glendy Rivano made Valencya a defendant for expelling and nagging her husband. This case eventually went viral on TikTok social media and Instagram, until finally, the Attorney General's Office took over the handling of the issue through a particular exam. After conducting special interviews with nine good people from the West Java High Prosecutor's Office, Kejari Karawang and the Public Prosecutor found violations in handling the Valencya case. The case can be seen that law enforcement officials, namely the Prosecutor's Office, did not have a victim perspective in handling domestic violence cases experienced by Valencya. The Public Prosecutor also did not follow Guideline Number 1 of 2021 concerning Access to Justice for Women and Children in Criminal Cases. Victims again must be victims when in the process of handling domestic violence cases, bearing the disappointment of not being taken proportionally.

Domestic violence is a brutal crime for a long time because it is not reported. Victims often have to suffer in silence, and the perpetrators are often never processed in the criminal justice system. Therefore, the news of cases of violence against women in the online media adds to the long list of the suffering of victims and their families. Handling that is not reflective of gender is ultimately used as a news commodity sold to the community. Reflecting on Valencya's case, gender bias does occur in the criminal justice system. From the initial handling of the case to the trial process of women victims of violence against women must fight against the law and law enforcement agencies. Cases of violence against women should get escorts and gender-perspective news portions.

UNESCO said that civil society could play a role in evaluating the responsibility of the media in the news it writes. Unesco explained that the press must be responsible for assessing gender issues. Evaluation can be done through indicators that include issues about;

- a) Internal media policy is necessary to ensure the level of Gender sensitivity in media management;
- b) Capacity building for media professionals;
- c) The role of professional associations/unions and academic institutions.

Commented [U3]: What is UNESCO??

<sup>10</sup> Y. A. Wahyuddin, Ambika Putri Swakartika Sari, 'Budaya Machismo Dan Kekerasan Gender (Femicide) Di El Salvador', *JPSS: Indonesian Journal of Peace and Security Studies*, 2.2, 51-69 <<http://www.ijpss.unram.ac.id/index.php/ijpss/article/download/50/22>>.

Civil society groups become secondary target groups. Based on these indicators, the media should encourage gender equality in media organizations and conduct gender portraits in the news.

Gender awareness can be integrated through implementing policies, building initiatives, and encouraging gender-conscious journalists. The indicators used in gender-based reporting can be done using; [FN?](#)

- 1) There is a gender policy in writing that is used as a reference in media practice.
- 2) There is a code of ethics in writing containing references to the representation of gender
- 3) Provide gender-sensitive news sources such as guidebooks, directories/lists of sources of women experts in various fields, and lists of individual or entity sources.
- 4) Having a gender perspective, which can help journalists formulate gender-perspective viewpoints in various fields. This is for journalists and other creative areas to avoid sexism, helping to adopt gender sensitivity in professional media practice.
- 5) All managing staff knows that applying gender diversity policy has a gender-sensitive code of conduct and diversity, providing gender guidebooks and diversity.
- 6) Managerial ranks obtain information, know and implement gender/diversity policies, gender and diversity sensitive codes of ethics, and gender manuals and diversity.
- 7) Conduct training so that media editorial staff are accustomed to using relevant sources such as gender policy and gender-sensitive code of ethics. This aims to enable the integration of gender awareness into media practice.
- 8) Internal monitoring of the content media periodically to be measurable effectiveness and impact mapping of various measuring instruments such as gender policy, gender-sensitive code of ethics, book guides, and training programs and workshops.
- 9) Set up an internal mechanism for monitoring media content Periodically by involving the public.
- 10) Publication of gender policy and routine reporting regarding institutional responsiveness to complaints or perception of performance on gender issues.
- 11) Making adherence to gender-sensitive policies related to content media as a performance assessment and one of the considerations for promotion.<sup>11</sup>

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<sup>11</sup>Aliansi Jurnalis Independen (AJI) Indonesia.

Reporting proportionally to femicides will undoubtedly help restore the condition of the victim and his family. Understanding that the media becomes a tool to convey the news to the broader community, then the media also serves to represent the community in gaining access to information. Therefore, as a form of accountability in the news, journalists should convey news by paying attention to gender-conscious indicators.

The issue of femicides in online media coverage is very concerning because it displays the narrative of brutality experienced by women. Handling femicide cases should be done precisely and showing more propositional, more humanist, and rational reporting. A series of criminal law updates continue to be carried out to strengthen the principles and character of national criminal law through the Draft Criminal Code.

Related to "The Crime Against the Body", it is stated in The First Section of The Persecution Article 472 (1) that everyone who commits persecution is sentenced to imprisonment for a maximum of 2 (two) years 6 (six) months or a fine of at most category III. (2) If the act as intended in paragraph (1) results in Severe Injury, punishable by imprisonment for a maximum of 5 (five) years. (3) If the act as intended in paragraph (1) results in the death of a person shall be punished with imprisonment for a maximum of 7 (seven) years. (4) Included in the persecution as intended in paragraph (1) is an act that damages health. (5) Attempt to commit Criminal Acts as intended in paragraph (1) shall not be punished.

Article 473 (1) Any Person who commits persecution with a plan in advance is sentenced to imprisonment for a maximum of 4 (four) years. (2) If the act as intended in paragraph (1) resulting in Severe Injury shall be punished with imprisonment for a maximum of 7 (seven) years. (3) If the act as intended in paragraph (1) results in the death of a person sentenced to imprisonment for a maximum of 9 (nine) years.

Article 474(1) Any Person who seriously injures another person is convicted of gross persecution, with a maximum imprisonment of 8 (eight) years. (2) If the act as intended in paragraph (1) results in death, punishable by imprisonment for a maximum of 10 (ten) years. Article 475(1) Any Person who commits severe persecution with a plan in advance is sentenced to imprisonment for a maximum of 12 (twelve) years. (2) If the Criminal Act as intended in paragraph (1), results in the death of a person sentenced to imprisonment for a maximum of 15 (fifteen) years.

Article 476 Criminal acts as intended in Article 472 to Article 475, the criminal can be increased by 1/3 (one by three) if the Criminal Act is committed:

- a. against the Official when or for performing his lawful duties;
- b. by providing materials that are harmful to life or health; or
- c. to mother or father. Article 477 (1) In addition to the persecution as intended in Article 473 and Article 476, persecution that does not cause disease or impediment to carry out the profession of office or livelihood is punishable by minor persecution with a maximum imprisonment of 6 (six) months or a maximum fine of category II. (2) If the Criminal Act as intended in paragraph (1) is committed against the person who works for

him or becomes his subordinate, the criminal can be increased by 1/3 (one by three). (3) Attempted minor persecution, as intended in paragraph (1), shall not be punished.

Article 44 paragraph (1): "Any person who commits acts of physical violence within the scope of the household as intended in Article 5 letter a shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 15,000,000.00 (fifteen million rupiah)."

If you pay attention to the criminal sanctions stipulated in the Draft Criminal Code, it seeks the imposition of criminal sanctions plus 1/3 (one-third) for perpetrators in the family sphere. Similarly, if the perpetrator of the crime comes from an outside party of the family, then the criminal sanction is added to 1/3 (one-third) of the main criminal.

The Criminal Code recognizes the principles of maximum and minimum specifics. This means that each type of criminal offense has an ultimate threat of criminal threat. In comparison, the particular minimum concept is the minimum criminal sanction imposed on certain criminal acts. A specific minimum criminal is set on crimes that disturb society, one of which is violence against women.

The imposition of criminal threats in cases experienced by women is a crucial issue in renewing Indonesia's criminal law. The renewal of the criminal law is carried out as an effort to review and form criminal law by the socio-cultural and socio-political developments that occur in Indonesian society. Femicide is a criminal offense experienced by women and is a form of violence against women that violates women's human rights.

The five types of criminal acts made as special rules in the Draft Criminal Code include severe crimes against human rights, terrorism, corruption, money laundering, and narcotics. The laying of the rules on criminal acts against Human Rights as a particular criminal offense in the Draft Criminal Code affirms that everyone has the right to be protected by their human rights. The State must be able to ensure that women victims of criminal acts are obliged to be given legal protection. Prioritizing gender equality means saving the lives of many Indonesian women and children. Law enforcement officials are also responsible for ensuring that the handling of cases of violence against women must pay attention to the interests of victims.

The concept of retributive punishment introduced by Immanuel Kant mentioned that the criminal received by a person is an integral part of the crime he committed. This means that retributive treatment is expected to satisfy the victim's feelings of revenge, his friends, and his family. Criminals and members of the public are reminded that any threat that harms others or benefits from others will unnaturally receive retaliation. The retributive assessment shows the proportionality between the degree of seriousness of the act and the criminal imposed. Therefore, related to femicide cases, the main criminal prosecution with the imposition of a third criminal sanction can provide justice for women. The aggravating circumstances in the court's decision should be the judge's consideration of the seriousness of the actions committed by the defendant. Judges must pay attention to factors such as the condition of the direct victim, the community, the perpetrator's relationship with the victim directly,

repetition of actions, and technicalities in performing the act. The victim's physical condition must also be used as an excuse and consideration for the imposition of criminal sanctions with the blessing.

## 2. Violence against women in the perspective of human security

The concept of security is not only aimed at security within the State but also addresses the security of each individual who has an essential portion as a citizen. The main issue of the concept of security for each individual is security for women when in the private and public spheres. Fundamental principles of the idea of human security developed by UNDP are Freedom from fear, Freedom from want, and Freedom to live in dignity. This can be interpreted that every woman as an individual and a citizen must be free from fear, free from lack, and can live with dignity.

The definition of human safety is affirmed by UNDP first, safety from chronic threats such as hunger, disease, and repression. And second, it means protection from sudden and hurtful disruptions in the patterns of daily life, whether in homes, jobs, or communities. Such threats can exist at all levels of national income and development.<sup>12</sup>

Bellany<sup>13</sup> mentioned that the concept of security is interpreted as security is relative freedom from war, coupled with a relatively high expectation that defeat will not be a consequence of any war that should occur. The UNDP's statement also reinforces this that the idea of human security is an effort to strengthen democratic values and human rights that are developed comprehensively related to non-military issues.

In the Opening of the Declaration of Nations on the Elimination of Violence Against Women, it was stated that violence against women is the product of the unequal power relationships that characterize gender relations in all parts of the world. The Declaration recognizes that in addition to acts of individual violence, the history of unequal relationships is at the core of the widespread nature of violence against women. Violence against women is a universal reality but, at the same time, invisible. Even such violence is not reported if it is not normalized as an act.

Fear and effort to live a dignified life often cannot be obtained by women because they have to deal with inferiority and vulnerability. In the context of relationship power, men control women on religious and cultural grounds. This results in women not being appreciated both in the private and public environment. Society distinguishes women into the realm of domestic activity, immune from supervision and activism, while men control and determine public power and community priorities as a whole part.

Women in the concept of human security are citizens who should be able to determine their fate and life with dignity, are given legal protection by the surrounding environment, and be able to prosper their lives. Sharbanaou Tadjbakhsh and Anuradha M. Chenoy asserted that the definition of human security is the protection given to each individual from various risks that threaten physical and psychological security,

<sup>12</sup>UNDP, *Human Development Report 1994* (New York, 1994).

<sup>13</sup>Jan Bellany, 'Towards a Theory of International Security', *Political Studies*, 29.1 (1981), 102 <<https://journals.sagepub.com/doi/pdf/10.1111/j.1467-9248.1981.tb01276.x>>.

dignity, and well-being.<sup>14</sup>The concept of security presented by Tadjbakhsh is not only how a person can survive but also thinking about his dignity and dignity as a human being and the welfare that his environment can provide. The concept of human security must undoubtedly be accompanied by a human security policy that can ensure no direct or indirect acts of violence, both physical and psychic, carried out by individuals, groups, and even by the State.

Based on human security, cases of violence against women reported through online news should get exceptional crime handling. The State must ensure that the sanctions or models imposed on the accused do not result in the victimization of women who are victims of crime.

Victim-blaming behavior occurs when the victim of a crime is blamed and responsible. Be responsible for the crimes they acquire and often apply in the context of sexual violence.<sup>15</sup>

In cases of violence against women, criminal sanctions should be imposed to the maximum against perpetrators of violence against women to provide justice for the victim. In the concept of human security, circumstances can quickly turn into social severe conflicts. Therefore, handling the crime of violence against women requires special knowledge and skills for law enforcement. It should be noted about the principles of general criminal law, there is a non-national element, where the perpetrator can be very cruel to the victim and cause deep trauma for the victim and his family. In the criminal justice process, female victims need to be assisted by psychologists and escorts. To avoid revictimization during the criminal justice process, women victims of violence need various stages of recovery, and legal protection during this cannot be provided in general criminal justice procedure law.

Gender-based approaches and analyses in criminal law must be used to achieve justice based on actual conditions based on equity rather than equality. The achievement of justice for women victims of violence must be proportionate to context and circumstances.

Amid the contestation of thoughts and signs of news delivery, journalists must remember the standards and ethics in conveying information about femicide cases. Online media today has a vital role in society. Therefore, every news narrative expressed needs careful identification to avoid imbalance and gender gap. Recognizing that depictions of women and men must be conveyed in non-stereotypical situations.

Journalists have the responsibility of delivering news on the concept of human security. The idea of human security is subject to various interpretations, including emphasizing the safety of people (e.g., freedom from threats to life such as those caused by armed conflict), people's living conditions (e.g., elimination of poverty and

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<sup>14</sup>Shahrbanou Tadjbakhsh and Anuradha M. Chenoy, 'Human Security: Concepts and Implications', *Human Security: Concepts and Implications*, 2006, 1–272 <<https://doi.org/10.4324/9780203965955>>.

<sup>15</sup> Erika Putri Wulandari, Hetty Krisnani, 'KECENDERUNGAN MENYALAHKAN KORBAN ( VICTIM-BLAMING) DALAM KEKERASAN SEKSUAL TERHADAP PEREMPUAN SEBAGAI DAMPAK KEKELIRUAN ATRIBUSI', *Sosial Work Jurnal*, 10.2 (2020), 187–97 <<https://journal.unpad.ac.id/share/article/download/31408/15061>>.

underdevelopment), or one's dignity such as human values and rights.<sup>16</sup> Therefore, paying attention to victims and their families' human values and rights should be a consideration for online media in writing titles and narratives conveyed to the broader community.

In practice, the concept of human security must ensure that it can provide justice and legal certainty. Although it is not easy to realize justice and legal confidence in the practice of law, it is under the principles of criminal law that respect, fulfillment, and promotion of human rights, including women's rights, must be the basis and ideals to realize gender-perspective justice.

#### 4. Conclusion

Femicide reporting in online media has the potential to spread and perpetuate gender injustice. Therefore, presenting a criminal law that is to the needs of the community and at the same time realizes respect, fulfillment, and promotion of human rights, including women's human rights. Online media is responsible for conveying news about femicides while still paying attention to the journalistic code of ethics by paying attention to the condition of the victim and his family. Regarding femicide cases, the State shall be held responsible for appropriate criminal sanctions. In the concept of human security, policies and updates to the criminal law must ensure that there are no direct or indirect acts of violence, both physical and psychological, carried out by individuals or media groups through various news that harm the victim his family. The renewal of the criminal law through the Draft Criminal Code is needed in the handling of femicide cases. The enforcement of criminal sanctions stipulated in the Draft Criminal Code has carried out the imposition of criminal sanctions plus 1/3 (one-third) for perpetrators in the family's scope. Similarly, if the perpetrator of the crime comes from an outside party of the family, then the criminal sanction is added to 1/3 (one-third) of the leading criminal. This criminal punishment is expected to cause a deterrent effect for perpetrators of violence against women.

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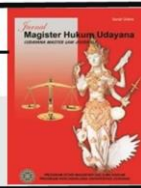
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## An Analysis of Femicide on Online Media Reporting in Indonesia from the Perspective of Human Security

### Info Artikel

Masuk:  
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**Keywords:**  
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### Abstract

This article aims to explore theoretical problems related to femicide reporting that occurs in online media. There are two ways of thinking about femicides from a human security perspective; this is a form of continuous violence against women in the public sphere. Femicide that occurs in online media is an act of reporting that is carried out to gain readers without victims or their families. The next is Femicide in the sense of gender inequality in handling cases in the private sphere related to violence against women in private, such as domestic violence. A descriptive analysis method with a literature study approach and legislation is used to obtain actual data related to femicide cases in Indonesian online media. A qualitative approach is also used to analyze issues of femicide from a human security perspective. Through the Draft Criminal Code, criminal law reform is urgently needed in handling cases of violence against women. The imposition of criminal sanctions stipulated in the Criminal Code is carried out by weighing criminal sanctions plus 1/3 (one third) for perpetrators who are within the family scope. Likewise, if the perpetrator of the crime comes from a party outside the family, the criminal sanction is added by 1/3 (one-third) of the primary offense. This criminal weighting is expected to have a deterrent effect on perpetrators of violence against women.

### Abstrak

Artikel ini bertujuan untuk menggali permasalahan teoritis terkait pemberitaan femisida yang terjadi di media online. Femisida yang terjadi di media online merupakan tindakan pemberitaan yang dilakukan untuk mendapatkan pembaca tanpa korban atau keluarganya. Berikutnya adalah Femisida dalam arti ketidaksetaraan gender dalam menangani kasus-kasus di ranah privat terkait kekerasan terhadap perempuan di ranah privat, seperti kekerasan dalam rumah tangga. Metode analisis deskriptif dengan pendekatan studi kepustakaan dan perundang-undangan digunakan untuk memperoleh data aktual terkait kasus femisida yang terjadi di media online Indonesia. Pendekatan kualitatif juga digunakan untuk menganalisis isu-isu femisida dari perspektif keamanan manusia. Melalui Rancangan KUHP, reformasi hukum pidana sangat dibutuhkan dalam penanganan kasus kekerasan terhadap perempuan. Pengenaan sanksi pidana yang diatur dalam KUHP dilakukan dengan menimbang sanksi pidana ditambah 1/3 (sepertiga) bagi pelaku yang berada dalam lingkup keluarga. Demikian pula jika pelaku tindak pidana berasal dari pihak di luar keluarga, pidana ditambah 1/3 (sepertiga) dari pidana pokok. Pemberatan pidana ini diharapkan dapat memberikan efek jera bagi pelaku kekerasan terhadap perempuan.

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## I. Introduction

Violence against women is often **cruel**, which is usually occurs beyond human understanding, ranging from sexual violence, physical and mental abuse, and rape that leads to death. Women experience violence because they are merely women. Considered a vulnerable group, women are the target of criminal acts committed by men. Women are targets of violence because they are female (Femicide).

The National Commission on Violence against Women (Komnas Perempuan), in its final note for 2022, stated that the forms of violence experienced by women consisted of psychological violence as much as 36%, sexual violence as much as 33%, physical violence as much as 18% and economic violence as much as 13%.<sup>1</sup> In a press release, **The National Commission on Violence against Women** mentioned that violence against women is a form of Femicide, namely the killing of women driven by hatred, resentment, conquest, mastery, connoisseurship, and views on women as a property so that they can do as they please.<sup>2</sup>

The femicide charge differs from ordinary killings in that it contains aspects of gender inequality, dominance, aggression, or oppression. It is also affirmed by the World Health Organization (WHO) mentioned that Femicide is generally understood to involve the intentional murder of women because they are women, but broader definitions include any killings of women or girls.<sup>3</sup> While The National Commission on Violence against Women said Femicide is not a death as usual, but a product of patriarchal and misogynistic culture and occurs both in the private, community, and state spheres.<sup>4</sup> Patriarchal culture results in social constructions that result in gender-based violence.

The World Health Organization (WHO) mentions the four types of femicides in its publication, namely, Intimate Femicide, Murders in the Name of "honor", Dowry-related Femicide, and Non-intimate Femicide. If observed, the four types of femicides tend to be done by people closest to and known by the victim. Mouzos also stated that the nature of the relationship between victim and offender determines the context and dynamics of

<sup>1</sup> Komisi Nasional Anti Kekerasan terhadap Perempuan, 'PELUNCURAN CATAHU KOMNAS PEREMPUAN 2022: Peningkatan Jumlah Kasus KBG Di Tahun 2021 Menjadi Alarm Untuk RUU TPKS Segera Disahkan', 2022 <<https://komnasperempuan.go.id/kabar-perempuan-detail/peluncuran-catahu-komnas-perempuan-2022>>.

<sup>2</sup> Komisi Nasional Anti Kekerasan terhadap Perempuan, 'FEMISIDA SEBAGAI PUNCAK KEKERASAN BERBASIS GENDER: MENINGKAT, TIDAK DIKENALI DAN DIABAIKAN NEGARA', *Komnas HAM*, 2020 <<https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-tentang-femisida-6-desember-2020>>

<sup>3</sup> C Garcia-Moreno, A. Guedes, and W Knerr, 'Femicide (Understanding and Addressing Violence Against Women, WHO/RHR/12.38)', *World Health Organization*, 2012, 8 <[https://apps.who.int/iris/bitstream/handle/10665/77421/WHO\\_RHR\\_12.38\\_eng.pdf?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/77421/WHO_RHR_12.38_eng.pdf?sequence=1)>.

<sup>4</sup> Komisi Nasional Anti Kekerasan terhadap Perempuan, 'FEMISIDA SEBAGAI PUNCAK KEKERASAN BERBASIS GENDER: MENINGKAT, TIDAK DIKENALI DAN DIABAIKAN NEGARA', *Komnas HAM*, 2020 <<https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-tentang-femisida-6-desember-2020>>.

Femicide. It is therefore essential to examine the contexts in which a woman is killed based on the relational distance between victim and offender.<sup>5</sup>

The National Commission on Violence against Women released the femicide case entitled "Alarm for the State and All of Us: Stop Femicide (Killing of Women). The handling of femicide cases continued throughout 2019, and femicide cases were covered by the mass media as many as 145 cases. The top rank for the perpetrator's relationship is the husband in as many as 48 cases. This means that the husband carries out the Femicide against the wife. Friendships consist in 19 cases, courtship relationships in 13 cases, and close relatives in 7 cases, while the other 21 cases are not yet known relationships.<sup>6</sup> The data does not include unreported cases. Based on The National Commission on Violence against Women press release, it can be seen that the public considers that cases of violence against women are just ordinary criminal cases and are carried out with the usual handling as well. News about gender-based killings often occurs over a long enough time, presented with a narrative that is made bombastic to get to the reader so that the victim becomes a victim repeatedly because of the news. The media also often blame women for attacks against them. This further exacerbates the condition of the victims.<sup>7</sup> Blaming the victim is a common issue that occurs in society, and considers that crime is everyone's responsibility to protect them.

This article analyzes the need for criminal law renewal related to handling femicide cases through sentencing ballasts reviewed from a human security perspective.

## 2. Research Methods

This article uses a descriptive analysis method with a literature study approach. Obtaining data used as actual information material and getting to know problems related to femicide cases in Indonesian online media. A qualitative approach is carried out to analyze based on human security obtained from various literature sources and laws and regulations.

## 3. Result and Discussion

### 1. Violence against women in the frame of online media coverage

The writing of this article was undertaken by tracing news about the violence that occurs against women. Some news about the murder of women is used as secondary data studied to comprehensively explain the legal issues. One of the issues raised in this article is about reporting murders of women with cruel violence and presented with a narrative as if the event is a criminal event that is indeed common in society. In the end, many women are victims of Femicide caused by gender inequality.

<sup>5</sup> Jenny Mouzos, 'Femicide: An Overview of Major Findings', 124, 1999, 1-6 <[http://www.aic.gov.au/media\\_library/publications/tandi\\_pdf/tandi124.pdf](http://www.aic.gov.au/media_library/publications/tandi_pdf/tandi124.pdf)>.

<sup>6</sup> Komisi Nasional Anti Kekerasan terhadap Perempuan, 'FEMISIDA SEBAGAI PUNCAK KEKERASAN BERBASIS GENDER: MENINGKAT, TIDAK DIKENALI DAN DIABAIKAN NEGARA'.

<sup>7</sup> Lily K. Thacker, 'Rape Culture, Victim Blaming, and the Role of Media in the Criminal Justice System', *Kentucky Journal of Undergraduate Scholarship*, 1.1 (2017), 92 <<https://encompass.eku.edu/cgi/viewcontent.cgi?article=1008&context=kjus>>.

Summary of the news from femicide victims in the online media detik.com mentions the murders against women and girls that occurred for various reasons as follows:<sup>8</sup>

- a. News about the victim of a student with the initials DP aged 17 years. DP was found dead and wrapped in black plastic on the Cilebut highway in Bogor. DP said goodbye from home to do errands at a rental near the house and was found to be a body in plastic the next day.
- b. News from Cirebon police arrested three perpetrators of rape or rape of a 15-year-old girl. The girl died after being milled and plied with liquor by the perpetrators. WT (21) He was the victim of a murder by his girlfriend DH. WT decided on DH after being caught cheating with another man. DH was angry and suffocated WT's neck to the point of helplessness. DH opened the victim's pants and stuck bamboo into his in a dying state. DH then pushed the victim's body into a 10-meter-high ravine.
- c. The murder and rape case of DSN (15) junior high school students found dead in the rice fields of Iplik Village, Mekarjati Village, West Karawang District. The victim was strangled to death, then the perpetrator IN (24) and pulled cigarettes into the teenage girl's body many times then threw her body into the ditch.

Based on the search of the news, it can be seen that the Femicide that occurs is non-intimate Femicide. This means that femicides happen in the community without any relationship between the victim and the perpetrator. The murder occurred because the victim was a woman, so she deserved to experience the violence. At the same time, other femicides occur because the perpetrator's relationship with the victim is in the realm of personal relations. The same pattern occurs in the female victim that there is layered sadistic violence against women by being persecuted, raped, killed, and even stripped naked. The age range of the victims also varies.

Ristra Indrasti<sup>9</sup> The results of his research mentioned that violence against women through online news is displayed from the point of view that benefits the male side. Cases of violence against women studied in online media Pojoksulsel.com have a selling point by preaching vulgar words and sadism, portraying women as marginal or guilty, and making women victims of violence against women as suspects. In online news, it is said that women are used as objects of information, presenting the victim's identity openly. Meanwhile Widya Evayani, in her research, states that reporting on the representation of actors in writing on sexual violence in newspapers uses an inclusion strategy by activating actors in the news. Social actors, especially suspects, are explained in detail about the sequence of problems or the chronology of the issues. Perpetrators are represented as parties who actively control the victim and use their position and power to control the victim. In contrast, the victim is more described as a

<sup>8</sup> Doni Indra Ramadhan, 'Februari 2021, 4 Pelajar Perempuan Di Jabar Jadi Korban Pembunuhan', *Detik .Com* (Jakarta, 2021) <<https://news.detik.com/berita-jawa-barat/d-5472585/februari-2021-4-pelajar-perempuan-di-jabar-jadi-korban-pembunuhan>>.

<sup>9</sup> Rojudin Rissa Indrasty, Darajat Wibawa, 'Gender Dalam Kasus Kekerasan Terhadap Perempuan Di Media Online', *Jurnal Ilmu Jurnalistik*, 3.1 (2018), 90-112 <<https://jurnal.fdk.uinsgd.ac.id/index.php/annaba/article/download/581/92>>.

passive party and must accept an action.<sup>10</sup> This, of course, resulted in the victim again becoming a victim because of the news.

Reporting in the context of femicides derived from intimate relationships can be understood that the nature of the violence causes victims of violence to experience prolonged trauma. The National Commission on Violence against Women reported that violence against women occurred quite frequently in the personal realm. Domestic violence cases were reported as many as 79% (6,480 cases), consisting of Violence Against Wives ranked first at 3,221 cases (50%), dating violence at 1,309 cases (20%), and violence against girls as many as 954 cases (15%), the rest were violence by ex-girlfriends, ex-husbands, and violence against domestic workers. The forms of violence experienced were physical violence in 2,025 cases (31%), sexual violence in as many as 1,983 cases (30%), psychic 1,792 (28%), and economy in 680 cases (10%).<sup>11</sup>

Based on the details of violence cases against women, it can be said that the handling of cases of violence against women is often hampered due to the perspective of law enforcement, who consider that femicides are in the personal sphere. Views on gender issues in the femicide case are still patriarchal and not addressed proportionally. Femicides become a social impact that leads to a shared culture because continuous violence against women does not get attention, and there is no solid legitimacy basis to change it.<sup>12</sup>

Another form of violence against women rife in online news is domestic violence. An example of a domestic violence case that occurred in Valencya (45) was charged with one year in prison for psychic domestic violence cases against her husband, Chan Yu Ching, a man from Taiwan. Public Prosecutor Glendy Rivano made Valencya a defendant for expelling and nagging her husband. This case eventually went viral on TikTok social media and Instagram, until finally, the Attorney General's Office took over the handling of the issue through a particular exam. After conducting special interviews with nine good people from the West Java High Prosecutor's Office, Kejari Karawang and the Public Prosecutor found violations in handling the Valencya case. The case can be seen that law enforcement officials, namely the Prosecutor's Office, did not have a victim perspective in handling domestic violence cases experienced by Valencya. The Public Prosecutor also did not follow Guideline Number 1 of 2021 concerning Access to Justice for Women and Children in Criminal Cases. Victims again must be victims when in the process of handling domestic violence cases, bearing the disappointment of not being taken proportionally.

Domestic violence is a cruel crime for a long time because it is not reported. Victims often have to suffer in silence, and the perpetrators are often never processed in the criminal justice system. Therefore, the news of cases of violence against women in the online media adds to the long list of the suffering of victims and their families. andling

<sup>10</sup> Widya Evayani and Akhyar Rido, 'Representation of Social Actors in Sexual Violence Issue in The New York Times and The Jakarta Post Newspapers: A Critical Discourse Analysis', *Teknosastik*, 17.2 (2019), 43 <<https://doi.org/10.33365/ts.v17i2.322>>.

<sup>11</sup> Perempuan Komnas, *Catatan Akhir Tahun 2020* (Jakarta, 2021) <<https://komnasperempuan.go.id/uploadedFiles/1466.1614933645.pdf>>.

<sup>12</sup> Y. A. Wahyuddin Ambika Putri Swakartika Sari, 'Budaya Machismo Dan Kekerasan Gender (Femicide) Di El Salvador', *JPSS: Indonesian Journal of Peace and Security Studies*, 2.2, 51-69 <<http://www.ijpss.unram.ac.id/index.php/ijpss/article/download/50/22>>.

that is not reflective of gender is ultimately used as a news commodity sold to the community. Reflecting on Valencya's case, gender bias does occur in the criminal justice system. From the initial handling of the topic to the trial process of women, victims of violence against women must fight against the law and law enforcement agencies.

Cases of violence against women should get escorts and gender-perspective news portions. Reports presented by journalists influence people's perceptions by choosing who to interview, quote, or ignore. The news delivered by journalists influences people's perceptions by choosing who to interview, quote, or neglect. This results in inequality and marginalization of certain groups based on stereotypes in society and results in victims being used as credible sources or ignoring stories in which they are victims.<sup>13</sup>

The United Nations Educational, Scientific and Cultural Organization (UNESCO) said that civil society could play a role in evaluating the responsibility of the media in the news it writes. Unesco explained that the press must be responsible for assessing gender issues. Evaluation can be done through indicators that include issues about<sup>14</sup>

**Commented [Office2]:** Mohon cantumkan sumbernya

- a) Internal media policy is necessary to ensure the level of Gender sensitivity in media management;
- b) Capacity building for media professionals;
- c) The role of professional associations/unions and academic institutions.

Civil society groups become secondary target groups. Based on these indicators, the media should encourage gender equality in media organizations and conduct gender portraits in the news.

Gender awareness can be integrated through implementing policies, building initiatives, and encouraging gender-conscious journalists. The indicators used in gender-based reporting can be done using<sup>15</sup>

**Commented [Office3]:** Sumbernya dari mana?

- 1) There is a gender policy in writing that is used as a reference in media practice.
- 2) There is a code of ethics in writing containing references to the representation of gender
- 3) Provide gender-sensitive news sources such as guidebooks, directories/lists of sources of women experts in various fields, and lists of individual or entity sources.

<sup>13</sup> Feirouz Al Agkmpari, 'The Portrayal of Femicide in Greek Media', 2020, p.28

<sup>14</sup> UNESCO, *Jornalism, 'Fake News' & Disinformation*, ed. by Cherilyn Ireton and Julie Posetti (France: United Nations Educational, Scientific and Cultural Organization, 2018).

<sup>15</sup> AJI, *Indikator Sensitif Gender Untuk Media*, 2015 <<https://aji.or.id/read/buku/37/indikator-sensitif-gender-untuk-media.html>>.

- 4) Having a gender perspective, which can help journalists formulate gender-perspective viewpoints in various fields. This is for journalists and other creative areas to avoid sexism, helping to adopt gender sensitivity in professional media practice.
- 5) All managing staff knows that applying gender diversity policy has a gender-sensitive code of conduct and diversity, providing gender guidebooks and diversity.
- 6) Managerial ranks obtain information, know and implement gender/diversity policies, gender and diversity sensitive codes of ethics, and gender manuals and diversity.
- 7) Conduct training so that media editorial staff are accustomed to using relevant sources such as gender policy and gender-sensitive code of ethics. This aims to enable the integration of gender awareness into media practice.
- 8) Internal monitoring of the content media periodically to be measurable effectiveness and impact mapping of various measuring instruments such as gender policy, gender-sensitive code of ethics, book guides, and training programs and workshops.
- 9) Set up an internal mechanism for monitoring media content Periodically by involving the public.
- 10) Publication of gender policy and routine reporting regarding institutional responsiveness to complaints or perception of performance on gender issues.
- 11) Making adherence to gender-sensitive policies related to content media as a performance assessment and one of the considerations for promotion.

Reporting proportionally to femicides will undoubtedly help restore the condition of the victim and his family. Understanding that the media becomes a tool to convey the news to the broader community, then the media also serves to represent the community in gaining access to information. Therefore, as a form of accountability in the news, journalists should convey news by paying attention to gender-conscious indicators. In reporting on femicide, women victims of violence and their families need and empathize with the difficulties they face. The concept of empathy for women victims of violence must be carried out with the view that this is the time for victims to make amends to create a just world. Gender roles are slowly shifting from contemporary present threats and insecurities for men. They then attribute the blame to the victim to justify their justification.<sup>16</sup>

The issue of femicides in online media coverage is very concerning because it displays the narrative of cruelty experienced by women. Handling femicide cases should be done precisely and showing more propositional, more humanist, and rational

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<sup>16</sup> Erika Putri Wulandari and Hetty Krisnani, 'Kecenderungan Menyalahkan Korban (Victim-Blaming) Dalam Kekerasan Seksual Terhadap Perempuan Sebagai Dampak Kekeliruan Atribusi', *Share : Social Work Journal*, 10.2 (2021), 187 <<https://doi.org/10.24198/share.v10i2.31408>>.



reporting. A series of criminal law updates continue to be carried out to strengthen the principles and character of national criminal law through the Draft Criminal Code.

Related to "The Crime Against the Body", it is stated in The First Section of The Persecution Article 472 (1) that everyone who commits persecution is sentenced to imprisonment for a maximum of 2 (two) years 6 (six) months or a fine of at most category III. (2) If the act as intended in paragraph (1) results in Severe Injury, punishable by imprisonment for a maximum of 5 (five) years. (3) If the act as intended in paragraph (1) results in the death of a person shall be punished with imprisonment for a maximum of 7 (seven) years. (4) Included in the persecution as intended in paragraph (1) is an act that damages health. (5) Attempt to commit Criminal Acts as intended in paragraph (1) shall not be punished.

Article 473 (1) Any Person who commits persecution with a plan in advance is sentenced to imprisonment for a maximum of 4 (four) years. (2) If the act as intended in paragraph (1) resulting in Severe Injury shall be punished with imprisonment for a maximum of 7 (seven) years. (3) If the act as intended in paragraph (1) results in the death of a person sentenced to imprisonment for a maximum of 9 (nine) years.

Article 474(1) Any Person who seriously injures another person is convicted of gross persecution, with a maximum imprisonment of 8 (eight) years. (2) If the act as intended in paragraph (1) results in death, punishable by imprisonment for a maximum of 10 (ten) years. Article 475(1) Any Person who commits severe persecution with a plan in advance is sentenced to imprisonment for a maximum of 12 (twelve) years. (2) If the Criminal Act as intended in paragraph (1), results in the death of a person sentenced to imprisonment for a maximum of 15 (fifteen) years.

Article 476 Criminal acts as intended in Article 472 to Article 475, the criminal can be increased by 1/3 (one by three) if the Criminal Act is committed:

- a. against the Official when or for performing his lawful duties;
- b. by providing materials that are harmful to life or health; or
- c. to mother or father. Article 477 (1) In addition to the persecution as intended in Article 473 and Article 476, persecution that does not cause disease or impediment to carry out the profession of office or livelihood is punishable by minor persecution with a maximum imprisonment of 6 (six) months or a maximum fine of category II. (2) If the Criminal Act as intended in paragraph (1) is committed against the person who works for him or becomes his subordinate, the criminal can be increased by 1/3 (one by three). (3) Attempted minor persecution, as intended in paragraph (1), shall not be punished.

Article 44 paragraph (1): "Any person who commits acts of physical violence within the scope of the household as intended in Article 5 letter a shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 15,000,000.00 (fifteen million rupiah)."

If you pay attention to the criminal sanctions stipulated in the Draft Criminal Code, it seeks the imposition of criminal sanctions plus 1/3 (one-third) for perpetrators in the family sphere. Similarly, if the perpetrator of the crime comes from an outside party of the family, then the criminal sanction is added to 1/3 (one-third) of the main criminal.

The Criminal Code recognizes the principles of maximum and minimum specifics. This means that each type of criminal offense has an ultimate threat of criminal threat. In comparison, the particular minimum concept is the minimum criminal sanction imposed on certain criminal acts. A specific minimum criminal is set on crimes that disturb society, one of which is violence against women. The particular minimum criminal principle is an exception for specific criminal acts that are considered detrimental, dangerous, or disturbing to the community and criminal acts that are qualified or aggravated by their consequences. In the case examples presented previously, it was seen that the crimes committed against the victims were beyond the limits of humanity. Formulated that the setting of rape sanctions can be carried out in stages by adding criminal weights to acts that result in serious injuries, namely maximum imprisonment of fifteen years, considering that the severe injuries caused endanger the lives of the victims. For maximum imprisonment of life or imprisonment for twenty years for a rape that results in death.

The imposition of criminal threats in cases experienced by women is a crucial issue in renewing Indonesia's criminal law. The renewal of the criminal law is carried out as an effort to review and form criminal law by the socio-cultural and socio-political developments that occur in Indonesian society. Femicide is a criminal offense experienced by women and is a form of violence against women that violates women's human rights.

The five types of criminal acts made as special rules in the Draft Criminal Code include severe crimes against human rights, terrorism, corruption, money laundering, and narcotics. The laying of the rules on criminal acts against Human Rights as a particular criminal offense in the Draft Criminal Code affirms that everyone has the right to be protected by their human rights. The State must be able to ensure that women victims of criminal acts are obliged to be given legal protection. Prioritizing gender equality means saving the lives of many Indonesian women and children. Law enforcement officials are also responsible for ensuring that the handling of cases of violence against women must pay attention to the interests of victims. Herman said, crimes against women are intended to defame the victim, assuming that the victim will be ridiculed or given a specific label if the offense is known to the public.<sup>17</sup>

The concept of retributive punishment introduced by Immanuel Kant mentioned that the criminal received by a person is an integral part of the crime he committed. This means that retributive treatment is expected to satisfy the victim's feelings of revenge, his friends, and his family. Criminals and members of the public are reminded that any threat that harms others or benefits from others will unnaturally receive retaliation. The retributive assessment shows the proportionality between the degree of seriousness of the act and the criminal imposed. Therefore, related to femicide cases, the main criminal prosecution with the imposition of a third criminal sanction can

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<sup>17</sup> Judith Lewis Herman, 'Justice from the Victim's Perspective', *Violence Against Women*, 11.5 (2005), 571–602 <<https://doi.org/10.1177/1077801205274450>>.

provide justice for women. The aggravating circumstances in the court's decision should be the judge's consideration of the seriousness of the actions committed by the defendant. Judges must pay attention to factors such as the condition of the direct victim, the community, the perpetrator's relationship with the victim directly, repetition of actions, and technicalities in performing the act. The victim's physical condition must also be used as an excuse and consideration for the imposition of criminal sanctions with the blessing.

## **2. Violence against women in the perspective of human security**

The concept of security is not only aimed at security within the State but also addresses the security of each individual who has an essential portion as a citizen. The main issue of the concept of security for each individual is security for women when in the private and public spheres. Fundamental principles of the idea of human security developed by United Nations Development Programme (UNDP) are Freedom from fear, Freedom from want, and Freedom to live in dignity. This can be interpreted that every woman as an individual and a citizen must be free from fear, free from lack, and can live with dignity.

The definition of human safety is affirmed by UNDP first, safety from chronic threats such as hunger, disease, and repression. And second, it means protection from sudden and hurtful disruptions in the patterns of daily life, whether in homes, jobs, or communities. Such threats can exist at all levels of national income and development.<sup>18</sup>

Bellany<sup>19</sup> Mentioned that the concept of security is interpreted as security is relative freedom from war, coupled with a relatively high expectation that defeat will not be a consequence of any war that should occur. The UNDP's statement also reinforces this that the idea of human security is an effort to strengthen democratic values and human rights that are developed comprehensively related to non-military issues.

In the Opening of the Declaration of Nations on the Elimination of Violence Against Women, it was stated that violence against women is the product of the unequal power relationships that characterize gender relations in all parts of the world. The Declaration recognizes that in addition to acts of individual violence, the history of unequal relationships is at the core of the widespread nature of violence against women. Violence against women is a universal reality but, at the same time, invisible. Even such violence is not reported if it is not normalized as an act. Parveen Kaur Parmar, in her research, said that the steps taken related to human security are essential to be sensitive to the issue of gender. It stated that gender inequality and violence against women, including intimate partner and domestic violence, were in conditions of higher levels of conflict.<sup>20</sup>

Fear and effort to live a dignified life often cannot be obtained by women because they have to deal with inferiority and vulnerability. In the context of relationship power,

<sup>18</sup> UNDP, *Human Development Report 1994* (New York, 1994).

<sup>19</sup> Ian Bellany, 'Towards a Theory of International Security', *Political Studies*, 29.1 (1981), 102 <<https://journals.sagepub.com/doi/pdf/10.1111/j.1467-9248.1981.tb01276.x>>.

<sup>20</sup> Parveen Kaur Parmar and others, 'Need for a Gender-Sensitive Human Security Framework: Results of a Quantitative Study of Human Security and Sexual Violence in Djohong District, Cameroon', *Conflict and Health*, 8.1 (2014), 1–12 <<https://doi.org/10.1186/1752-1505-8-6>>.

men control women on religious and cultural grounds. This results in women not being appreciated both in the private and public environment. Society distinguishes women into the realm of domestic activity, immune from supervision and activism, while men control and determine public power and community priorities as a whole part.

Women in the concept of human security are citizens who should be able to determine their fate and life with dignity, are given legal protection by the surrounding environment, and be able to prosper their lives. Sharbanaou Tadjbakhsh and Anuradha M. Chenoy asserted that the definition of human security is the protection given to each individual from various risks that threaten physical and psychological security, dignity, and well-being.<sup>21</sup> The concept of security presented by Tadjbakhsh is not only how a person can survive but also thinking about his dignity and dignity as a human being and the welfare that his environment can provide. The concept of human security must undoubtedly be accompanied by a human security policy that can ensure no direct or indirect acts of violence, both physical and psychic, carried out by individuals, groups, and even by the State.

Based on human security, cases of violence against women reported through online news should get exceptional crime handling. The State must ensure that the sanctions or models imposed on the accused do not result in the victimization of women who are victims of crime.

Victim-blaming behavior occurs when the victim of a crime is blamed and responsible. Be responsible for the crimes they acquire and often apply in the context of sexual violence.<sup>22</sup>

In cases of violence against women, criminal sanctions should be imposed to the maximum against perpetrators of violence against women to provide justice for the victim. In the concept of human security, circumstances can quickly turn into social severe conflicts. Therefore, handling the crime of violence against women requires special knowledge and skills for law enforcement. It should be noted about the principles of general criminal law, there is a non-national element, where the perpetrator can be very cruel to the victim and cause deep trauma for the victim and his family. In the criminal justice process, female victims need to be assisted by psychologists and escorts. To avoid revictimization during the criminal justice process, women victims of violence need various stages of recovery, and legal protection during this cannot be provided in general criminal justice procedure law.

Gender-based approaches and analyses in criminal law must be used to achieve justice based on actual conditions based on equity rather than equality. The achievement of justice for women victims of violence must be proportionate to context and circumstances.

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<sup>21</sup> Shahrbanou Tadjbakhsh and Anuradha M. Chenoy, 'Human Security: Concepts and Implications', *Human Security: Concepts and Implications*, 2006, 1–272 <<https://doi.org/10.4324/9780203965955>>.

<sup>22</sup> Erika Putri Wulandari, Hetty Krisnani, 'KECENDERUNGAN MENYALAHKAN KORBAN (VICTIM-BLAMING) DALAM KEKERASAN SEKSUAL TERHADAP PEREMPUAN SEBAGAI DAMPAK KEKELIRUAN ATRIBUSI', *Sosial Work Jurnal*, 10.2 (2020), 187–97 <<https://journal.unpad.ac.id/share/article/download/31408/15061>>.

Amid the contestation of thoughts and signs of news delivery, journalists must remember the standards and ethics in conveying information about femicide cases. Online media today has a vital role in society. Therefore, every news narrative expressed needs careful identification to avoid imbalance and gender gap. Recognizing that depictions of women and men must be conveyed in non-stereotypical situations.

Journalists have the responsibility of delivering news on the concept of human security. The idea of human security is subject to various interpretations, including emphasizing the safety of people (e.g., freedom from threats to life such as those caused by armed conflict), people's living conditions (e.g., elimination of poverty and underdevelopment), or one's dignity such as human values and rights.<sup>23</sup> Therefore, paying attention to victims and their families' human values and rights should be a consideration for online media in writing titles and narratives conveyed to the broader community.

In practice, the concept of human security must ensure that it can provide justice and legal certainty. Although it is not easy to realize justice and legal confidence in the practice of law, it is under the principles of criminal law that respect, fulfillment, and promotion of human rights, including women's rights, must be the basis and ideals to realize gender-perspective justice.

#### 4. Conclusion

Femicide reporting in online media has the potential to spread and perpetuate gender injustice. Therefore, presenting a criminal law that is to the needs of the community and at the same time realizes respect, fulfillment, and promotion of human rights, including women's human rights. Online media is responsible for conveying news about femicides while still paying attention to the journalistic code of ethics by paying attention to the condition of the victim and his family. Regarding femicide cases, the State shall be held responsible for appropriate criminal sanctions. In the concept of human security, policies and updates to the criminal law must ensure that there are no direct or indirect acts of violence, both physical and psychological, carried out by individuals or media groups through various news that harm the victim his family. The renewal of the criminal law through the Draft Criminal Code is needed in the handling of femicide cases. The enforcement of criminal sanctions stipulated in the Draft Criminal Code has carried out the imposition of criminal sanctions plus 1/3 (one-third) for perpetrators in the family's scope. Similarly, if the perpetrator of the crime comes from an outside party of the family, then the criminal sanction is added to 1/3 (one-third) of the leading criminal. This criminal punishment is expected to cause a deterrent effect for perpetrators of violence against women.

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