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Legal Protection for Victims of Domestic Violence in Indonesia

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Abstract – Acts that cause suffering within the household are commonly referred to as domestic violence. The consequences are physical and psychological suffering, sexual and economic neglect. Problems in domestic violence give suffering to victims and not only cause injuries due to physical suffering but also cause mental and psychological suffering and psychology of the victim, so that victims need to be given legal protection related to their rights.

Keywords – Household, Protection, Victim.

I. INTRODUCTION

The term violence has a sense of behavior that is described, from open (overt), and also or closed (covert), due to an offensive nature or also called defensiveness, and to others accompanied by the presence of the power used. Regarding Domestic Violence, it is stated in its meaning or definition that violence 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, or deprivation. independence against the law within the household and contained in the 2004 Law Number 23[1]

Referring to the article in Law Number 23 of 2004 concerning the Elimination of Domestic Violence, indeed there is no single and clear definition related to domestic violence, however, the house is usually domestic violence on a basic basis, including:

a. physical violence, namely any act or acts that can cause suffering or even death

b. psychological violence, namely any actions or actions and words that in this case can result in fear, also loss of self-confidence, and the ability to lose the ability to act and also a sense of women who are powerless.

c. Sexual violence, namely acts and acts that include sexual harassment to the point of forcing a person to have sexual relations without the consent of the victim himself or at a time when the victim does not want it and/or has a sexual relationship with the victim. it is not natural for his ways or the victim does not like him and or also distances him (isolates) from his sexual needs

d. Economic violence, namely any act in which in this case people are restricted (women) to be able to work inside or outside the home which can result in money and/or goods or the victim is allowed to work so that he can be exploited or where a member of his family has been neglected[2]

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II. Research Method

In this research, the research method used is a normative juridical nature. Normative juridical research is where research is based on library research, namely the type of research based on literature studies such as written legislation and other legal materials

III. Result And Discussion

3.1 Meaning Of Domestic Violence

The values of society and culture that are indeed shaped by the existence of patriarchy and power which can cause women to almost always become victims of violence social relations; a symbol of the existence of the principal male; a dominant power of the father; a form of male pressure over female sexuality and fertility; and a picture of male domination in the structure of institutions and institutions. In cultural anthropology, patriarchal originally referred to a social structure in which the father (pater) or the eldest man (patriarch) had absolute power in the family so that the women in the family became his property and rights.

Men have formed into the owner of the power that determines the direction of the discourse of knowledge of society. Violence against women in general (in general) occurs through the concept of having control over women, whether they are personal, institutional, symbolic and material. Thus, when the relationship between the sexes is constructed through a domination-subordination relationship, women are in the position of being regulated by men. This relationship building works through the entire social system which then gives birth to gender identity that distinguishes men and women. Based on socio-cultural, male-female relations (gender relations) in Indonesia are complexly built for several reasons, including:[3]

1. Men are physically stronger than women and there is a high level of aggressiveness that is likely to have a biological basis as well. In a society where men can also be accustomed to training in the use of their physical will as well as fighting, using weapons and using force intimidation from childhood.
2. In society there is a long tradition of male domination over women, and tolerance for the use of force by men. This tradition is displayed through films, pornography, rock music, and the media in general.
3. From the person on whom she depends and because of the economy and the reality will force the woman to accept the persecution
4. At the individual level, psychological factors and factors also interact with the things mentioned above, to explain that some men commit violence and some women become victims of violence; while some other men did not commit the violence and some women did not become the target of violence either.
5. Where at the end it can be concluded that there are differences in strength and power between men and also in this case women in terms of differences that are perceived as rights and abilities to exercise control over each other

Law Number 23 of 2004 concerning the Elimination of Domestic Violence in order to respond to the widespread phenomenon of Domestic Violence that occurs in the community. The government considers that every citizen without exception has the right to a sense of security and freedom from all forms of violence. Every citizen, including women, must receive protection from the state and/or the community so that they can always be avoided and also free from violence or threats of violence, as well as torture, or also actions in the form of treatment that can degrade the degree and as well as the dignity of humanity.[4]

3.2 Factors That Cause Domestic Violence

a. Women's individual factors, when viewed from the form of legalization of marriages, such as through unregistered marriages, religiously, customary, contractual, or otherwise, women who marry in a serial, contractual, and other way have greater potential to experience physical and/or sexual violence than women who marriage is officially recognized by the state through the civil registry or religious affairs office

b. Spousal factor, women whose husbands have other partners are at greater risk of experiencing physical and/or sexual violence than women whose husbands do not have other wives/partners.

c. Economic factors, women who come from households with lower welfare levels tend to have a higher risk of experiencing physical and/or sexual violence by their partners.

d. Socio-cultural factors, such as the emergence of a sense of worry about the dangers of crime that threatens. Women who are always overshadowed by this worry have a greater risk of experiencing physical and/or sexual violence by a partner, than those who do not feel worried.

Of the many triggering factors, it is necessary to understand that the importance of the concept of equality in the family is the key in stopping domestic violence. In the family there are divided roles which can be carried out by men and also towards women where these roles determine various decision-making, as well as noble values including the values of gender equality and justice that are instilled[5]

3.3 Tracking Emergence of Domestic Violence

Biologically, the sexes of men and women are very different. Women also have a uterus, menstruate, get pregnant, give birth, and so on. The nature of this woman has a reciprocal relationship with nature, because it is productive and creative. Women are the producers of a new system of life. Meanwhile, men are identical with those who exploit nature. His power is directed to dominate and conquer nature according to his wishes and interests. This causes power relations and exploitation between men and women which results in the subordination of women. Society and culture construct the different relationships between men and women to differentiate their roles and duties. Based on their biological structure, men benefit and dominate women[6]

The difference in roles between women and men is caused by biological or gender differences, the weakness of the biological structure of women places her in a marginal position in society. Women are considered to have no physical strength, weak, emotional, so they only have the right to do delicate work, such as housework, child care, and others. Social relations are carried out on the basis of male size. Women have no right to have this relationship. With this kind of difference, women are always left behind in their roles and contributions in family life, as well as in society, as well as in the nation and state. Social construction will place women and men in different social values.

The construction of gender in society has been built for centuries to form a culture that is passed down from generation to generation from generation to generation. Social learning theory explains that we learn a lot about our behavior in the context of interactions with other people. This theory assumes that sexual behavior, for example, can be learned without researching when the learning process takes place, but through observation of other people and other events. For example, if we see someone being punished for having premarital sex, we should lose our personal preference for that kind of relationship. For the problem of sexual assault more broadly, this theory underscores the really important factors of past experiences, such as parenting influences, social norms, biological events, and how recent sexual experiences shape sexual thinking and acting[7].

3.4 Iceberg Phenomenon

Because Domestic Violence occurs in a personal sphere full of emotional relations, the resolution is not as easy as criminal cases in a public context. The voices of women or victims of domestic violence tend to be silent. There are several reasons that lead to acts of Domestic Violence such as the iceberg phenomenon, more cases are hidden than seen[8].

There are several reasons why victims are reluctant to take legal action when violence occurs, including:

1. That the acts of violence experienced are something that is commonplace, even considered as an educational process carried out by husbands to their wives, or parents to children.
2. Hope that violence will stop. Violence has a deceptive "cycle of violence". It is wrapped up as a feeling of love and commitment to the partner, but it keeps repeating itself.
3. Economic dependence. If women have economic independence and have rights/authority and power outside the family, the level of violence by their partners will be lower.
4. For the sake of the children. Common knowledge that sees children will become victims of parental conflict, often causes women to succumb. The ideal figure of a woman is incarnated in a mother who sacrifices and devotes herself to her children and husband, so that her needs and identity are lost in the household routines she lives.
5. Feelings of weakness and insecurity and low support from family and friends. The public's view of widowed women makes women victims of violence to maintain their marriages, and families find it difficult to provide support as a result of this stigma.

6. Environmental pressure to stay in the relationship and the notion that the violence was his fault.[9]

Theoretically, women's study experts call the reasons above the term Hostage Syndrome, which is a picture for women who are physically and psychologically entangled by cultural and societal norms. This entanglement can occur in the family, such as women having to take care of their children and husbands, and consider the harsh treatment of their husbands normal. In society, women do not have the right to determine a mate, so that the psychological condition of women experiences a dependency syndrome with the male value system [10].

With such a social situation, women victims then turn to their own personal resources. In order to survive, she rationalizes her abuse as a natural response her partner displays in the face of stress. Thus, female victims then adopt cultural norms that legitimize partner violence (male), even female, ultimately internalizing the view that women are responsible for ensuring the success of marriages.

3.5 Legal Protection For Victims

The victim as the party who suffers the most as a result of the treatment of the actions of the perpetrator, the consequences of which can cause suffering both physically and psychologically and sometimes very difficult to heal or recover because it takes a long time, and the victim in this case needs to be given legal protection, and also because domestic violence (domestic violence) is a complicated problem to solve for several reasons:

a. the actions taken by the perpetrators of domestic violence do not realize it

b. the perpetrator realizes that the action he has committed is domestic violence, but the perpetrator takes refuge under established norms in society

c. victims feel ashamed if they report their problems or disgrace to their families in the community because of shame in the community[11]

So that the legal protection that can be given to victims of criminal acts of domestic violence, because it includes physical violence, as well as psychological, sexual and neglect from the household, namely :

a. Services for Women and Children

The existence of service coverage in the regions by establishing a service unit for women and children (PPA) both at the provincial level, as well as city or district which is managed by female police officers and provides services to children and women victims of crime, so that maximum protection can be obtained.

b. Legal assistance

In addition to legal assistance provided by the government and the community, it is also encouraged to have an increasing number of legal entities and their activeness to always provide legal assistance to victims. As well as being active in providing socialization and also advocating for law enforcers so that they can prosecute and impose severe penalties on perpetrators of domestic violence [12]

IV. Conclusion

Legal protection for victims of domestic violence in Indonesia in addition to providing punishment to the perpetrators in accordance with existing regulations, namely the Law on the Elimination of Domestic Violence, namely Law Number 23 of 2004, also provides rehabilitation services to victims in the form of medical and social rehabilitation, which involves recovery for victims is also related to the fulfillment of their rights

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