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OPTIMIZATION OF INSIDE PENAL MEDIATION ADDRESSING VIOLENCE IN THE HOUSEHOLD

Fransiska Novita Eleanora
Dwi Seno Wijanarko

ABSTRACT

The purpose of this study is to determine alternative dispute resolution through mediation which can provide certainty and justice for the disputing parties in resolving disputes or criminal acts of domestic violence. In its development, the settlement of acts in the form of violence that occurs in a household is often resolved outside the court through penal mediation. by way of deliberation or by agreement between the victim and the perpetrator, besides that penal mediation is chosen by the parties because it is an alternative in the settlement of criminal cases and the settlement of cases is very fast and simple and straightforward and provides certainty for the disputing parties, and disputes between the parties are not open to the public, as well as the mediator including those who are competent in solving cases and do not have and interest the parties, and of course bind between the parties.

Keywords: penal mediation, violence, household

INTRODUCTION

In social life, people cannot always live alone but are always dependent or have dependence on others, therefore humans are called social beings who need each other and need each other in carrying out a marriage or living together to continue their descendants and foster. a household that is eternal and eternal and happy and builds a home and accepts the strengths and weaknesses of each partner and lives in harmony without any conflict with one another[1]. But sometimes what happens is not as imagined, in domestic life there is violence or action that causes suffering or is commonly called a crime, and results in various suffering for the victim, where violence can lead to separation, and results in divorce, mostly the causes This is due to or caused by several factors such as in the economic conditions in the household which seem insufficient, the absence of equality in the principles of life or the absence of mutual respect and respect for the opinions of one another and imposing their respective wills and There are other ideal women besides their respective partners.

The act committed is detrimental to the other party, especially until the victim is in the scope of the household where there is a party who was mistreated and hurt as a result of an act committed by someone, if he is involved in physical violence, in this case the perpetrator, the victim can be taken to the hospital for examination. and the results can be asked that there has been violence that befell him in the form of visum et repertum from a doctor, where the existence of this visum as evidence in the examination can be used as a basis for the police that a scar or wound has occurred on the victim's body which can be included in the provisions of the serious injuries. In addition, other violence, such as in psychological and sexual matters, even in terms of neglect from the household can result in or have an impact on psychologically or psychologically, in the perpetrator there is a sense of insecurity, and feelings of inferiority due to the treatment of the perpetrator, such as scolding him in front of many people and resulting in depression and stress from the treatment, whereas with the so-called abandonment from the household where the husband or head of the family house has gone for years without news and never provides a living to the child and also his wife[2]

If this causes physical violence, in general it can be reported to law enforcement officials so that it can be processed according to the provisions of the applicable law based on the law in that country in order to protect the rights of its citizens because it is also included in persecution that harms someone and this. cannot be tolerated and based on evidence, the perpetrator can be brought to court, in order to get attention to the case, but the disputing parties are more likely to choose the settlement of their dispute outside the court route through penal mediation.[3] Penal mediation was chosen by the parties because of the many considerations among them, namely protecting each other so as not to be recognized by the public that violence had occurred in the domestic sphere, especially regarding the reputation and protection of children, so that there was an agreement to settle the case outside the court line to find a way out or a solution between the parties, as well as other matters that the certainty of the result of the decision is binding on the parties and the appointed mediator, of course, which is neutral and impartial or profit-seeking and also due to an element of interest but is indeed an intermediary among the disputing parties without any element of coercion.

FORMULATION OF THE PROBLEM

[1] Kennedy, R. (2019). Penal Mediation Policy According to Indonesian Criminal Laws to the Protection of Criminal Victims Domestic Violence, International Journal Of Multicultural and Multireligious Understanding, 6 (3), 1079-1092

[2] Hartanto, Sri., Utari, I. S.,, & Arifin R. (2019). Implementation Of Penal Mediation In The Perspective Of Progressive Law (Study At The Semarang City Police Department), IJCLS (Indonesian Journal of Criminal Law Studies), 4 (2), 161-166

[3] Erdianti, R.N., Suprayitno, W., & Al-Fatih, S. (2020). Penal Mediation as an Alternative Dispute Resolution for Indonesian Criminal Code, Wacana Hukum, 26 (1), 39-48

Based on the description above, the formulation of the problem that needs to be studied is how to optimize the settlement of domestic violence disputes through penal mediation?

RESEARCH METHODS

This study uses a juridical and normative approach where this research uses or refers to books or regulations from laws and journals and is used in relation to the problem to be studied.

DISCUSSION

Domestic Violence

The definition of hard is something that causes hardness or strength while the meaning of violence itself is an unpleasant act and is done by another party so that in this case the person who accepts the action feels pain because of the loss suffered by others and the violence is not it only causes pain to the whole body but can also impact or have an impact on psychology and even psychology due to the violence suffered or the treatment received. There are various forms of domestic violence caused or being cooled, namely, among others

a. physical violence is violence that occurs to the body and experiences wounds or scars and causes pain such as hitting, kicking as well as causing pain to others and sometimes causing scars on the body, and can also be included in the provisions regarding the meaning of serious injuries[4]
b. psychological violence, in addition to physical or bodily violence, can also be characterized by attacks that occur to the victim or the victim or psychologically and psychologically, violence is an act that can result in a sense of fear, and also a sense of self-confidence loss of trust. self or the ability to act, feeling helpless, and can cause psychological weight
c. sexual violence, namely having sex with coercion or doing it with coercion without any desire from one of the existing coercions, even though it is said that there is an attachment in marriage but still it is also an unpleasant act because it must be based on the same willingness and the same like
d. Abandonment in the household also includes a form of violence in the scope of the household where a person who makes a living or a person who works has never provided a living to his family and leaves for years without news, the living here is spiritual and physical.[5]

Forms of domestic violence often and often occur and also this is also a violation of the rights of a woman due to abuse and acts of violence that she experiences.

Causative Factor

Uusually related to the origin and why what triggers it to cause it to happen is what is called violence

1. Economy, sometimes economic factors are often used as an excuse to separate or end their household life due to the unfavorable conditions of the economy, where there is no provision for support from their spouse to fulfill their obligations.
2. Disharmony, fights or quarrels that often occur can also lead to violence, mutual disrespect between one another, also wanting to win alone, is very triggering and a cause of occurrence in the household of this violence
3. Patriarchal culture, which is an assumption in which men dominate power compared to women, meaning that they are superior in dominating the economy, household and so on
4. There is a third party, where there is interference from third parties in the interests and management of the household
5. Infidelity, or it can be said as the presence of a third party in a household[6]

Impact of Domestic Violence

As a result of domestic violence, of course it has an impact on the victim, where the impact is usually what the victim usually experiences is physical pain, namely in her body that hurts due to abuse resulting in pain in the body, and the provisions of Indonesian law based on law Criminal law and is termed serious injury is physical illness, by falling ill or getting an injury that does not give hope of a complete recovery or that causes death, and is continuously unable to carry out a job or job search, and the senses are lost. , also suffered severe disability and suffering from paralyzed pain, as well as impaired thinking power for more than four weeks, and the death or death of a woman's womb. mental stress, decreased self-confidence and self-esteem, experiencing feelings of helplessness, experiencing dependence on husbands who have tortured themselves, experiencing post-traumatic stress, experiencing prolonged depression[7]

[4] Zulfa, E..A. (2020). Implementation of Restorative Justice Principles in Indonesia: A Review, International Journal of Science and Society, 2 (2), 317-327

[5] Erniyati, L., Manuputty, Alma., Sofyan, Sofyan., & Said, N. (2016). Legal Protection Against Women: An Analysis Of Domestic Violence Crime, International Journal of Scientific & Technology Research, 5 (10), 112-115

[6] Mansyur, R. (2010). Mediasi Penal Terhadap Perkara Pidana KDRT (Kekerasan Dalam Rumah Tangga). Jakarta: Yayasan Gema Yustisia Indonesia.

[7] Erawati, E., Triredjeki, H., Sunarmi, S., Isworo, A., & Sarwono, B., (2018). The Domestic Violence Screening Through The Empowerment of Mental Health Cadres, International Journal Of Indonesian Society and Culture, 10 (2), 220-224

Optimization of Penal Mediation

Settlement of disputes between the disputing parties if it causes conflict and results in losses and even suffering for the parties, then prosecution can be carried out, and in carrying out the prosecution the victim usually demands compensation to the perpetrator and to be processed in court, by resolving it in court then It will be clear what the fate and certainty of the victims' rights will be, but many of the parties want to find a solution in resolving the dispute. The advantages of resolving disputes in criminal-related cases are low costs, and fast resolution, which is called cooperative because the parties to a dispute are satisfied, prevents the accumulation of cases in court, eliminates any grudges, among others, maximizes institutional functions by maximizing and strengthening the existence of a friendly relationship in resolving a dispute in addition to the court's decision and adjudicative process.

Penal mediation can also apply the values of justice that are restorative in nature and prioritize finding an agreement through a win-win solution with a middle way by prioritizing deliberation to find a mutual agreement by involving a neutral mediator, and attended by victims and perpetrators and their parents as well as from representatives of the community, which aims for victims as recovery for victims and perpetrators as well as the environment of the community. Settlements based on justice in responding to violence within the scope of household are preferred by the parties, apart from the benefits obtained from the existing solutions, the privacy of both parties is maintained and it is not known by the public or the general public, and the settlement here does involve a third party who is neutral and authorized in making decisions and does not have the interests and advantages of various disputes among them[8]

Optimization here in the settlement of criminal acts in domestic violence where looking for a process or result that is ideal and efficient. or causing injury to the body can provide costs for treatment and hospital, make reimbursement for the costs resulting from the suffering experienced by the victim, meaning by sitting together in deliberation and finding a way out in solving it, and by resolving it through court channels, the parties between the perpetrator and The victim has agreed that there is an agreement that has been made, including regarding the rehabilitation given to the victim, if there is violence that psychologically causes the victim's mental distress due to the treatment carried out by the perpetrator. The application of penal mediation that is carried out sitting together in seeking a unanimous decision is a middle way and carried out in deliberation based on justice for parties in dispute resolution in the criminal field, with settlement outside the court besides providing a sense of justice[9] among the parties, can also provide satisfaction and certainty of their respective rights and obligations in finding a middle way or solution in resolving existing problems or disputes.

Many parties choose penal mediation because the settlement in court takes a long time so that, while in the settlement of the dispute, it is faster and does not take a long time, is not complicated and gives satisfaction to the parties, meaning that it does not seek profit from either party but seek a middle ground and reconcile by finding a way out. In Indonesian regulations, namely the law regarding the elimination of acts of domestic violence, namely Law no. 23 of 2004 has not been effective enough in providing protection to victims of domestic violence so that it becomes an option to solve it, besides that the main objective of penal mediation is to protect and also empower victims to be able to convey their desires and get the desired sense of justice and to restore their will. Domestic life that respects the rights and obligations of each partner, is focused on the Indonesian state because the level of domestic violence has increased the concept of penal mediation which can produce restorative justice where as an alternative in solving cases of violence in the home sphere stairs and deemed appropriate because the nature of the nature can give the full power to the parties and determine the process and outcome of the desired agreement. And the decision taken is not a decision of a third party, but the will and full power of the disputing parties, and is a written agreement[10]

CONCLUSION

Settlement of domestic violence disputes through penal mediation is chosen by the parties because it provides certainty in the dispute, and there is an agreement between the victim and the perpetrator in finding a solution or a way out, where the mediator is a neutral third party and the agreement is stated in a written agreement.

REFERENCES

Zulfa, E..A. (2020). Implementation of Restorative Justice Principles in Indonesia: A Review, International Journal of Science and Society, 2 (2), 317-327

Sudira, I. K. (2014). The Construction Of Penal Mediation Model In Handling Family Neglect Cases In The Future, International Journal of Education and Research, 2 (8). 429-438

8 Sudira, I. K. (2014). The Construction Of Penal Mediation Model In Handling Family Neglect Cases In The Future, International Journal of Education and Research, 2 (8). 429-438

9 Rusdiana, E. (2018). Mediation Existence Criminal Penal Settlement, UNTAG Law Review (ULREV), 2 (1), 31-43

10 Baroroh, H. B., (2012). Mediasi Penal Sebagai Alternatif Penyelesaian Kekerasan Dalam Rumah Tangga, IN RIGHT Jurnal Agama dan Hak Azasi Manusia, 2 (1), 183-205

Erniyati, L., Manuputty, Alma., Sofyan, Sofyan., & Said, N. (2016). Legal Protection Against Women: An Analysis Of Domestic Violence Crime, International Journal of Scientific & Technology Research, 5 (10), 112-115

Erdianti, R.N., Suprayitno, W., & Al-Fatih, S. (2020). Penal Mediation as an Alternative Dispute Resolution for Indonesian Criminal Code, Wacana Hukum, 26 (1), 39-48

Mansyur, R. (2010). Mediasi Penal Terhadap Perkara Pidana KDRT (Kekerasan Dalam Rumah Tangga). Jakarta: Yayasan Gema Yustisia Indonesia.

Kennedy, R. (2019). Penal Mediation Policy According to Indonesian Criminal Laws to the Protection of Criminal Victims Domestic Violence, International Journal Of Multicultural and Multireligious Understanding, 6 (3), 1079-1092

Hartanto, Sri., Utari, I. S.,, & Arifin R. (2019). Implementation Of Penal Mediation In The Perspective Of Progressive Law (Study At The Semarang City Police Department), IJCLS (Indonesian Journal of Criminal Law Studies), 4 (2), 161-166

Baroroh, H. B., (2012). Mediasi Penal Sebagai Alternatif Penyelesaian Kekerasan Dalam Rumah Tangga, IN RIGHT Jurnal Agama dan Hak Azasi Manusia, 2 (1), 183-205

Erawati, E., Triredjeki, H., Sunarmi, S., Isworo, A., & Sarwono, B., (2018). The Domestic Violence Screening Through The Empowerment of Mental Health Cadres, International Journal Of Indonesian Society and Culture, 10 (2), 220-224

Rusdiana, E. (2018). Mediation Existence Criminal Penal Settlement, UNTAG Law Review (ULREV), 2 (1), 31-43

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