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Menimbang : Sehubungan dengan kegiatan pelaksanaan penelitian Dosen Tetap pada Prodi Ilmu Hukum Fakultas Hukum Universitas Bhayangkara Jakarta Raya, maka dipandang perlu mengeluarkan Surat Tugas.

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Untuk :
1. Melaksanakan tugas penelitian Dosen pada Program Studi Ilmu Hukum Fakultas Hukum Semester Genap Tahun Akademik 2019-2020 pada Jurnal UIR Law Review Volume 04 Nomor 01, April 2020 dengan judul **"*Problematics Violence In Household Reviewed From Viewpoint Criminology and Victimology*".**
2. Kegiatan penelitian dilaksanakan sejak tanggal dikeluarkannya Surat Tugas ini.
3. Melaporkan hasil kegiatan penelitian kepada Dekan Fakultas Hukum.
4. Melaksanakan tugas ini dengan penuh tanggung jawab.

Selesai.

Ditetapkan di : Bekasi
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PROBLEMATICS VIOLENCE IN HOUSEHOLD REVIEWED FROM VIEWPOINT CRIMINOLOGY AND VICTIMOLOGY

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Abstract

Domestic violence is an increasingly widespread problem, and is often triggered or caused by a variety of things, but the most prominent is economic problems or primary needs. Perpetrators as people who commit violence can be reviewed why to do it, due to several factors in him, such as the environment, heredity, psychiatric disturbed so that in solving household problems is often done with high emotions and full of inappropriate words spoken to the interlocutor. While the victim as the party suffering due to the treatment given by the perpetrator must also be seen, the perception of the victim as a weak party, the victims here based on the type there are victims who really want themselves to be victims, there are victims who are truly themselves victims, exploited by the perpetrators, where violence there are various forms of physical, psychological, sexual violence and neglect of the household, this is seen when viewed from the perception of criminology and victimization. The research method used is normative juridical that is by tracing the literature and legislation relating to the problem under study. The result is that the perpetrators of domestic violence are seen from the aspect of the perpetrators' responsibilities regarding their age to be able to punish and sanction, the victims see their role when the crime is related to the loss suffered, and the settlement of the household according to the law on the elimination of violence in the household namely number 23 of 2004, namely by preventing the occurrence of criminal acts, protecting victims, providing emergency assistance, assisting the process of determining the application for protection.

Keywords: *violence, criminology, victimolog*

A. Introdusction

1. Background

Humans are created as social creatures, which means that life is always dependent on others, cannot live alone, biologically dependent by marriage ties to live in pairs, as contained in article 1 of the Marriage Law of 1974 number 1 that is, marriage is called a bond and is also born between a man and a woman as a unit within the sphere of husband and wife with the aim of forming a family (household) that is very happy and eternal based on the Almighty God.

Even though a harmonious family certainly is never free from problems, the point is how far the family responds to the problem that can occur on a large, small or even very large scale, but if there is wisdom[1] and the role of the family can all be resolved openly, it can be said the problem is a spice in the household, with the onset of problems does not mean the relationship is getting further between father, mother and child or with the problem being resolved with anger and abusive and full of acts of violence that are resulting in victims in that action.

The solution of the problem by being angry and lack of patience eventually results in physical violence due to explosive

[1] Aroma Elmina Martha, *Perempuan Kekerasan Dalam Hukum*, UII Press, Yogyakarta, 2003, page. 21-22

emotions[2] physical violence, can be done by beating, kicking and can possibly result in the mistreatment of women, can be in the form of mild and also severe mistreatment and can be said to be a crime by bringing proof that is visum et repertum evidence in the form of letters according to the provisions of article 184 of the Book Criminal Procedure Law (KUHAP)[3]

Psychological violence by glaring, cursing or issuing inappropriate words to women and embarrassing them in public, while sexual violence forces women to have sexual relations while on the other hand the wife does not give consent for this particular reason called rape in marriage , and household search is also called violence because the husband is traveling for too long and has never heard for 5 years in a row and does not ever provide for the family or provide and meet the needs of children and his wife and family.

Provisions in the provisions of Article 3 paragraph 3 of Law 1999 with Number 39 states that everyone has the right to the protection of human rights and basic human freedoms, without discrimination, meaning that everyone cannot be treated arbitrarily without discrimination, not can be tortured, even violence or abuse cannot be carried out.

Disrespect or disrespect can result in quarrels that lead to violence against women or wives, violence occurs because it is triggered by unstable emotions or unpleasant treatment or words that discredit a man, so that there is a beating, the existence of visum et repertum can show that given by a doctor as an expert witness can show that acts of maltreatment or beatings have been carried out by men or husbands against women and can be given sanctions to perpetrators[4]

Violence usually often occurs due to many factors that deny the perpetrators usually in terms of criminology due to the most dominant economic factors a person commits a crime because the stomach cannot be invited to compromise and try to find work here and there cannot, next environmental factors also greatly affect that the perpetrators and where he lives if many in the neighborhood thugs will automatically become thugs[5].

The next factor that causes violence is the hereditary factor that a person commits violence due to his lineage whether his father, mother, or grandfather had been fugitives or perpetrators of crime, so that his grandchildren or great-grandchildren descendants became perpetrators of crime as well.

Victims as must also be seen whether the victims are victims who are truly victims or purely victims or victims who invite themselves to be victims, meaning that there is an attitude of being against, being stubborn, and not respecting their husbands so that they tend to be victims or there are psychiatric illnesses they suffer so that make the offender angry, drunk or drinking alcohol and so on where ultimately cannot serve her husband as a legitimate wife.

Further proof must be explored, but still provide sanctions or punishments to the perpetrators, but for cases of domestic violence many resolved by deliberation or mediation in the form of agreements and a lot of the perpetrators and victims close the meeting so as not to be exposed to the public.

2. Formulation Of The Problem

a. What is the problem of domestic violence if viewed from the aspect of criminology and victimization?

b. How to resolve domestic violence according to Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT)?

3. Research Purposes

a. To find out the problem of domestic violence if viewed from the aspect of criminology and victimization

[2] Ibid, page. 30

[3] Romany Sihite, *Perempuan, Kesetaraan dan Keadilan : Suatu Tinjauan Berwawasan Gender,* Raja Grafindo Persada, Jakarta, 2007, page. 9-10

[4] Fakih Mansour, *Analisis Gender dan Transformasi Sosial*, Pustaka Pelajar, Yogyakarta, 2002, page. 31

[5] Ridwan, *Kekerasan Berbasis Gender*, Pusat Studi Gender, Purwokerto, 2006, page. 11-12

b. To find out the resolution of domestic violence according to Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT)?

4. Research Methods

This type of research used in normative juridical research is research in the study of literature which means that it will examine more and study the existing legal rules and applicable. Normative legal research is called a process to find the rule of law, and legal principles and the existence of legal doctrines and in order to answer the existence of legal issues that are or are faced so that arguments can be obtained, also theories or the existence of new concepts as prescriptions[6]

While the data collection technique is carried out by presenting primary materials, namely to collect primary legal materials through the study of legal literature, inventory of relevant legislation regulated by level or hierarchy of laws and regulations, and also secondary legal materials, which means collecting secondary legal materials is carried out by conduct a literature study and search for literature related to the subject of research and the existence of tertiary legal materials, namely by reviewing tertiary legal materials collected through a literature review, both manually and electronically via the internet[7].

The technique of analyzing legal materials is done by studying the literature by tracing legal materials and relating to the problem to be examined as well as their relevance to the subject matter that exists.

B. Discussion

1. Problems of Domestic Violence in Terms of Criminology and Victimology

Basically, humans are created to live in pairs so that one another fills and complements one another, and ties one another into a marriage bond to respect and respect one another. But what often arises is acts of violence in the scope of the household where the ways a person is very diverse in resolving conflicts in the household, especially if the offender has a high temperament, of course, solve it by using physical violence and also by using psychological violence.

Perpetrators in terms of criminology can be seen and assessed from the element of accountability, that is, it must be seen when the perpetrators of their marriages are mature enough or not, if there is no adult, there must be an unpreparedness in fulfilling their needs, including being fully responsible as the head of the household. The next aspect is because of promiscuity, because watching pornographic films, technological advances and the consequence of pregnancy[8] outside of marriage and the perpetrators must be willing to take responsibility for their actions.

Unpreparedness in the perpetrators especially because poverty is a major factor in the occurrence of domestic violence, even because the economic crush can encourage a husband to sell his wife to pimps to be used as sexual servants, and this can already be said to enter the realm of sexual exploitation. Whereas victims as the party who suffers the most often experience physical, psychological and sexual torture, the victim's role in causing crime is as follows:

a) The action of a crime is desired by the victim
b) Losses due to crimes committed made large profits by the victim, can also be called the element of extortion
c) The consequences suffered by victims are losses suffered by victims and perpetrators
d) Losses from a crime is not possible if there is no provocation from the victim.

The existence of a relationship with the target of the perpetrators of his actions, is very influential on the victim, namely:

[6] Peter Mahmud Marzuki, *Penelitian Hukum* Kencana, Jakarta, *2005,* page. 35

[7] Johnny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif*, Malang: Bayumedia Publishing, 2010, Jakarta, page. 300

[8] E.Y. Kanter dan S.R. Sianturi, *Asas-Asas Hukum Pidana Di Indonesia dan Penerapannya,* cet. III, Jakarta: Storia Grafika, 2002, page. 27-30

(i) direct victims, i.e. those who are directly targeted by the perpetrators

(ii) victims who are indirect, although they indirectly have no connection with the perpetrators, but are affected, affected[9].

The impact arising from domestic violence is not only due to physical or psychological violence, the psychological impact can cause women to be traumatized to men, there is fear and anxiety if they have to deal with the adam, the anxiety of events that have happened to recur and it's very difficult for women to forget.

In its development, the science of victimization which is called the study of victims, turns out to be increasingly developed with the existence of 3 (three) phases, namely discussing the problem of victims of crime, crime victims are often forgotten by giving severe sanctions to the perpetrators, it is assumed that the creation of a sense of justice, fulfilled losses suffered by the victim due to the perpetrator's actions, but not only that, there is no guarantee that determines or reveals that justice is the same, victims suffer the most and recovery or rehabilitation[10] measures are taken so that the victim can be normal again, but there are also victims who become depressed, stressed and committed suicide, whereas on the other hand the perpetrator was free or sentenced to be quite mild not comparable to the suffering of the victim.

Phase 2 covers victims of accidents so not only discusses victims in crime, but accidents and compensation that must be received by victims, compensation here includes the provision of medicines, hospitals and healing wounds or repairing items damaged according to an agreement between the victim and the perpetrator. And finally, the third phase concerns the victim as an abuse of power and human rights in accordance with Law number 39 of 1999 concerning human rights, where the abuse of power also speaks of the right to abuse the power of arbitrary acts and requires parties innocent people suffer the consequences.

The articles in the provisions of the criminal law (KUHP) that can ensnare perpetrators of domestic violence are Article 351-358 of the Criminal Code for physical abuse, while in Law Number 13 of 2006 concerning Protection of Witnesses and Victims explains the provision of the right to a sense of security and assistance to victims who feel sick as a result of domestic violence they experience. In addition, women who experience violence in the scope of their household have the right to get protection for their rights from the National Commission on Violence Against Women for the rights[11] to obtain defense or assistance to the rights of victims

The victims' rights, which are primarily a sense of security and comfort, in providing assistance and protection, the National Commission on Violence Against Women, states that the purpose of providing protection to women as victims of violence in their households is:

a) in order to encourage victims of violence to always be able to participate in the investigation process by making a series of procedures that are very possible so as to create a sense of security that is conducive to victims.

b) there is a sense of security for witnesses and victims in providing information and there is no intimidation or even threats that are considered dangerous to the victim in a process and system of a criminal justice

c) protect witnesses and also victims from being disturbed on threatened by their economy due to threats from the perpetrators

d) reduce the trauma suffered by the victim.

Forms of domestic violence that often occur, physical violence is the occurrence of violence is considered as a trigger for injuries throughout the

[9] Fatahillah Syukur, *Mediasi Perkara KDRT (Kekerasan Dalam Rumah Tangga) Teori dan Praktek di Pengadilan Indonesia*, Mandar Maju, Bandung, 2011, page. 32

[10] Soerjono Soekanto, *Kiminologi Suatu Pengantar*, Ghalia Indonesia, Jakarta, 1985, page. 25

[11] Wirjono Prodjodikoro*, Asas-Asas Hukum Pidana Di Indonesia*, Refika Aditama, Bandung, 2003, page. 22

body, beatings are not only done with the body, but can also use blunt objects, hard which causes the injured victim can even cause the victim died, in order to ensnare the perpetrator it is necessary to ask for evidence of the letter as a visum et repertum to see and know what causes the death of the victim. Psychological violence, researchers see that this violence not only says inappropriate words, but the impact of the victim will be traumatized, glaring if the victim wants to speak, and forbidding the victim to speak in public also includes psychological violence, because everyone has the right to speak and be respected in public and no one may forbid that freedom[12].

Violence in the form of sexual experience is experienced by the wife where there is coercion to have sexual relations without seeing how the condition of their partners, if tired or lazy cannot be forced, or excessive sexual relations do not see the condition or condition of their partners. Even though there are marital ties, sexual violence and coercion are not permitted, this can be called rape in marriage, but in doing so there must be permission from the wife, that is, there is a basis for liking and no coercion[13]. Neglect of the household if the man as the head of the household goes away for years without news and has never provided a living either biologically or economically, leaving and wasting his wife and children without this news is called household neglect.

According to researchers the condition of the perpetrators viewed from the aspect of criminology that is due to age of maturity, economy, environment and also related to offspring causes someone to commit a violent crime, whereas for victims of victimization aspects viewed from direct and indirect victims where indirect victims exist inviting herself as a victim that is from her unkind attitude and disrespect for her husband who does not serve her husband and there are also victims who are innocent but due to the emotional and[14] selfishness of her husband venting to him, everything is resolved by means of violence, loud voices and also with snapping and pointing at his wife.

2. Settlement of Domestic Violence According to Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT)

Article 26 paragraph (1) of Law Number 23 Year 2004 states that those who can report to the police are victims themselves, while the family is not allowed except because of the consent of the victim himself in accordance with paragraph 2 of the Act this. Nevertheless, the family can still take action to prevent or resolve domestic violence. The community is obliged to participate and take part in efforts to prevent domestic violence.

This is regulated in Article 15 of the Domestic Violence Act which reads as follows: "Everyone who hears, sees, or knows about the occurrence of domestic violence, must make efforts in accordance with the limits of its ability to:

a. Prevent criminal proceedings criminal acts as crimes and violations that have the greatest adverse effect on the public interest and the interests of the community and also the State, which is said to be a criminal offense if the elements of an offense have been fulfilled that a person has committed a crime and entered into the realm of law, the criminal act must be reviewed regarding the elements the elements, namely the existence of an actor, a clear act against the law, an error, the act has already been regulated in the law, there are provisions governing the act, and the time[15], place and condition, when and where events occur and the culprit can be justified or not

[12] Moerti Hadiati Soeroso, *Kekerasan Dalam Rumah Tangga Dalam Perspektif Yuridis-Viktimologis,* Sinar Grafika, Jakarta, 2010, page. 36-37

[13] I Dewa Ayu Dwika Puspita Dewi, Nurul Hartini, *Dinamika Forgiveness Pada Istri Yang Mengalami Kekerasan Dalam Rumah Tangga (KDRT)*, Jurnal Psikologi dan Kesehatan Mental, vol. 2 (1), 2017, page. 52-53

[14] Rena Yulia, *Viktimologi Perlindungan Hukum Terhadap Korban Kejahatan,* Graha Ilmu, Yogyakarta. 2010, page. 31-32

[15] Soerjono Soekanto, *Sosiologi Keluarga Ikhwal Keluarga, Remaja dan Anak,* Rineka Cipta, Jakarta, 2009, page 34-35

, if the fulfillment of the elements of a criminal offense may then be subject to punishment to the offender in accordance with applicable legal provisions.

b. **provide protection to victims enforcement of victims** rights needs to be addressed by providing assistance so that victims can report to the authorities, witness and victim protection institutions or also the National Commission for Women where assistance for protecting the rights[16] of victims needs to be addressed so that cases of violence do not recur.

c. **provide emergency help, protection** provided if he knows of a criminal act by immediately taking him to the hospital so that his wounds are treated immediately so that they do not cause infection, and with the consent of the victim can report to the authorities, or advise the victim to report after the wounds have healed and can be motivated again.

d. **assist the process of submitting application for protection** determination. Participation and activeness in assisting and guiding victims in applying for protection of their rights.

Whereas if you see the victim from a very large dimension of victimization, then the response to the problem is through the legal channels (criminal law), it can also be done and can be done through non-legal channels which include:

a. Increased awareness of women of their rights and obligations in law.

b. The need for law enforcement to act quickly in overcoming violence against women.

c. Increasing the role of mass media in assisting advocacy protection of women[17].

d. Increased awareness from the public that women are the pillars of the state, if women are damaged the state will collapse

In addition to the above penal efforts, it can also be added that, it is necessary to establish good communication between husband, wife and children, intense communication in family relationships and harmony in the family continuously and continuously, and address problems that occur with the gentleness of each The household is never free from problems as the saying goes, the problem is the spice of the household, but not all problems or problems are solved by cold war or emotions and heat, but with deliberation and kinship[18], because the occurrence of violence in the household will have an impact on children, traumatized children see the family break and it will also affect the psychological, mental and psychological.

CONCLUSION

1. The problem of household violence in criminology and victimization aspects by looking at and examining the factors causing the perpetrators to commit such crimes such as the economy, environment and heredity and aspects of the victim in terms of the victims directly and indirectly by looking at the typology of the victim
2. Efforts to resolve domestic violence can be carried out by means of sanctions (application of punishment) to the perpetrators or also through a mediating penal approach

SUGGESTION

1. Domestic violence can at least be resolved by mediation so that no bad stamp or stigma occurs and will result in a tarnished reputation and negative impact on the family and also especially on children.
2. Socialization and community awareness need to be improved in the face of domestic violence in the neighborhood where they live, coordinating with law enforcement officials and related parti

[16] Romli Atmasasmita, *Teori dan Kapita Selekta Kriminologi*, Refika Aditama, Bandung, 2005, page. 27-31

[17] Wirjono Prodjodikoro*, Asas-Asas Hukum Pidana Di Indonesia*, Refika Aditama, Bandung, 2003, page. 17

[18] Soerjono Soekanto, *Kiminologi Suatu Pengantar*, Ghalia Indonesia, Jakarta, 1985, page, 25

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