

**LEGAL PROTECTION OF WOMEN VICTIMS OF DOMESTIC
VIOLENCE IN TERMS OF HUMAN RIGHTS
(NORMATIVE STUDY OF THE SURAKARTA CASE AREA)**

Muhammad Ridwan Adhitya, Nurika Suci Wulan, Putri Nur Azizah, Aris Prio Agus Santoso

Duta Bangsa University Surakarta

adhityar29@gmail.com

ABSTRACT:

Law No.23 of 2004 explains the Elimination of Domestic Violence where there are sanctions threats for people who commit violence in the household, but the facts on the ground of domestic violence are still found due to the lack of supervision by the city / district government of women victims of domestic violence. The problem in this study is how the legal protection of women victims of domestic violence is viewed from a human rights perspective and what are the factors that influence domestic violence control. The form of this research is descriptive analysis, with secondary data collection, to find out the legal protection of women victims of domestic violence from a human rights perspective. The data obtained were analyzed qualitatively. Based on the results of the study determined that women in the city of Surakarta received legal protection by the city government of Surakarta through organizing, community empowerment through PTPAS, procurement of operational support facilities, provision of education and public outreach as the seriousness of the city government of Surakarta in handling cases of domestic violence against women. But it is still constrained by several factors including: Lack of awareness for victims of violence to report to the authorities, economic rehabilitation that is not effective, law enforcement officials who are less capable of handling cases of female violence, people who tend to be indifferent to incidents of violence in their environment.

Keywords: *Legal Protection, Women, Violence.*

INTRODUCTION

Violence is something that uses force to hurt parts of the body or is biased too hurt the mental part, towards himself or others.

One of the violence against women caused by gender assumptions. Violence caused by gender is called gender violence. Basically, violence against women is caused by unequal power that exists in the community (Fakih, 2012: 16)

Violence refers to the first behavior that must be contrary to the law in the form of pressure or real action and has the impact of physical damage or cause someone's death (Atmasasmita, 2011: 55)

Based on data released from the database which was sourced from the National Commission on Violence Against Women, in 2019 in Indonesia there were 431,471 cases of female violence.

Data that occurred in Central Java in 2017 there were 1,869 cases. In 2018 cases of violence against women increased to 1,883. while in 2019 there will be 1,406 cases..

In the Surakarta area in 2019 there were 62 cases of violence against women. Whereas in Boyolali area during 2019 there were 3 cases of female violence.

As in Law No. 23 of 2004 regulates the elimination of domestic violence where in the regulation there are sanctions that threat to perpetrators of violence, where the facts on the ground there are still people who commit violence against women.

Quoted from SoloPos KDRT. Sunday, (4/21/2013) in the Jagalan area, a wife was beaten by her husband to death. The argument was motivated by plans to attend a family gathering at Klaten.

Quoted from SOLO, iNews.id in the Banjarsari area, a husband could torture his wife by stabbing a knife into the wife's stomach. Because the husband was upset it was suspected that his wife had an affair with another man. The incident began when the victim went to her parents' house on Jalan Sri Gading III, Turisari Village, Mangkubumen Village, Banjarsari, Solo on Wednesday (8/21/2019) afternoon. At the same time, the suspect Andreas came to the house of the victim's parents.

In the city of Surakarta, Women are a very easy part to be a victim, without exception in the family and household environment. This proves that in the family and household environment peace and security will not be guaranteed.

Based on this background the authors are interested in researching the Legal Protection of Women Victims of Domestic Violence in terms of Human Rights Perspective (Normative Case Study of the Surakarta Area).

Problem

1. How is the legal protection of women victims of domestic violence in Surakarta from a human rights perspective?
2. What are the factors that influence domestic violence control?

Research methods

1. Approach

In this study applying the literature method, meaning a legal research carried out on the basis of the main legal materials by examining those sourced from books, legislation and other documents related to this research.

2. Forms of Research

This research is a descriptive analysis that aims to give a picture of legal protection for women victims of domestic violence

3. Data Collection Techniques

The data used in this study is derived from secondary data, meaning obtained from legislation, documents, whether in the form of books, journals, websites and other related matters.

4. Data Analysis

The data analysis technique used in this study uses qualitative analysis, which is a method that better understands understanding that is more focused on a problem. Qualitative analysis aims to answer how the legal protection for women victims of domestic violence.

Discussion

1. Legal Protection for Victims of Domestic

According to (Sukendar & Aris, 2019) the legal protection itself can be divided into 2 which are preventive and repressive legal

- a. Preventive legal protection is a step or way taken to prevent an event that has a legal effect.
- b. Repressive legal protection is a step or way to do if an event that has a legal effect has occurred.

Article 3 paragraph (2) of the Human Rights Law 39 of 1999 which contains every person entitled to recognition, guarantee, protection and fair legal treatment and to obtain legal certainty in the spirit before the law.

In order to provide protection and treatment from all forms of violence against women and children in Surakarta. Based on the Mayor's Decree Number 462.05 / 84-A / 1/2010. In Surakarta itself there is an agency to protect victims, especially for women and children, in the form of Surakarta Women's and Children's Integrated Services (PTPAS). (Astari & Denaldy, 2013: 318)

Furthermore, in an effort to tackle domestic violence, on September 22, 2004, the Government and the Indonesian Parliament passed Law No. 23 of 2004 concerning the Elimination of Domestic Violence. The law regulates prevention and handling efforts both preventive and repressive.

a. Preventive

- 1) The need for special laws or regulations regarding domestic violence.
- 2) Organizing communication, information and education, conducting socialization and advocacy, organizing education and training on gender sensitivity and issues of domestic violence.
- 3) Providing guarantees to protect witnesses and victims have an important role in processing criminal justice so that with the testimony of witnesses and victims provided free from fear and threats can reveal a criminal act.

b. Repressive

- 1) Providing medical services to restore the victim's health condition, especially for victims of physical violence because they must be immediately carried out post mortem as evidence of violence. Medical services can be carried out in hospitals that have collaborated with PTPAS, including Dr. Moewardi, Brayat Mulya Hospital,

Surakarta City Hospital, Surakarta City DKK, Surakarta City Police Department, and Surakarta City Health Centers..

- 2) Providing a safe house in Surakarta is prepared by the Surakarta City Government for temporary shelter for victims of domestic violence who do not have a safe place to live.
- 3) Providing legal services here is a form of legal protection provided to complete legal rights for victims and those who must be protected, fulfilled, as well as supervision of law enforcement agencies.
- 4) Counseling services are provided for victims who suffer from psychological crimes and cause trauma so recovery is needed in the form of counseling provided by psychologists.
- 5) The rehabilitation services provided by PTPAS for victims of domestic violence include: economic, physical and social rehabilitation services.

From the description above, the researcher concludes that the legal protection of women victims of domestic violence from a human rights perspective that has been met by the Surakarta City Government for victims of domestic violence through legal protection is

- a. Community organizing and empowerment through PTPAS.
- b. Providing operational support facilities, for example the safe house program
- c. Providing education and public outreach regarding women's rights.

From the description above, the writer can see the seriousness of the Surakarta PEMKOT in handling domestic violence cases against women from the policy made by the Surakarta PEMKOT regarding the establishment of a PTPAS institution based on the Mayor's decision No. 462.05 / 84-A / 1/2010.

2. Factors That Influence Domestic Violence Control

In making efforts to protect the law and defend the rights of women as victims of domestic violence, of course there are some obstacles in the effort to implement Law No.23 of 2004 concerning the elimination of domestic violence. These influencing factors include:

- a. Victim Factor
 - 1) The lack of awareness of the wife as a victim of violence to complain to the authorities about the situation they get because they feel ashamed and feel that the wife must be obedient to her husband. From this obstacle, the wife as the victim still considers the form of devotion to the husband also includes obedience even though he is being treated arbitrarily by the husband, this is clearly not true because domestic violence is a form of violation of human rights.
 - 2) Economic rehabilitation provided by PTPAS by providing many facilities such as sewing courses, makeup courses, cooking courses, etc. and has been given capital in the form of tools that support these businesses, but many victims are not serious about applying the knowledge provided so that rehabilitation is not effective so that the wife as a victim cannot support herself and is unemployed after a divorce, even victims often return to husbands who commit violence on the grounds that they cannot support themselves.
- b. Law Enforcement Factors, law enforcers are parties that are used as a reference among the community, who should have a certain ability to hear the voice of the community. Those who directly or indirectly participate in the field of law enforcement, such as in the field of justice, prosecutors, police, lawyers and penal. Law enforcers must be responsive to a

problem that occurs around them with an awareness that the problem has something to do with law enforcement itself (Soerjono, 1983: 35).

- 1) Law enforcers (police, prosecutors, judges) are not uncommon who are gender biased, often using the victim's approach to blame and the victim interferes in responding to violent cases. Victims of violence have doubts. Victims feel reluctant about the legal process, sometimes victims become objects. The awareness and gender responsiveness of law enforcers is still not maximal, so that the provision of gender-based law enforcement training needs to be developed for law enforcement officials. Thus, his hope is to create a justice system that is gender equity.
- 2) In the police, there is still a lack of preparedness to handle domestic violence cases with their Special Service Rooms (RPK). Generally domestic violence cases are handled by female police. But now the number of policewomen is still very limited. On the other hand, investigators themselves often have difficulty in handling domestic violence cases related to the absence of witnesses, so it can be difficult to process the filing and lack of strength of the case if it reaches the court table.

In the indictment of domestic violence cases, often the Public Prosecutor does not make a single indictment, but an alternative form which is alternated with the Criminal Code. This means, there are still concerns that the public prosecutor's indictment has not been proven if only using a single indictment (Pratiwi, 2014: 12).

- c. Community Factors, The mindset of the people who still think that acts of violence that their wives get from their husbands are common so that when they find out that there is domestic violence occurring in their environment, people tend to be indifferent and indifferent. The community environment will greatly influence the prevention of acts of domestic violence in their environment.

Based on the description of legal protection efforts for victims of domestic violence against women who have been regulated by Law No.23 of 2004 concerning the elimination of cases of domestic violence. From this explanation the authors see that the obstacles that occur in overcoming domestic violence are still lacking in handling cases of domestic violence against women as evidenced by the large number of cases of domestic violence as many as 62 victims in Surakarta more than in Boyolali which was only 3 victims.

Conclusion

After examining the legal protection of women victims of domestic violence from a human rights perspective, it can be concluded as follows:

1. Legal protection carried out by the Surakarta City Government is by organizing, community empowerment through PTPAS, providing operational support facilities for example the safe house program, Providing education and public outreach about women's rights which is a form of facilities provided by the Surakarta City Government provided to victims Domestic violence as the seriousness of the Surakarta city government in handling cases of domestic violence against women.
2. Factors that influence domestic violence control originate from victim factors including: lack of awareness for victims of violence to report to the authorities, economic rehabilitation that is not effective. Factors in law enforcement are the presence of law enforcement officers who are less capable of handling cases of female violence. Factors in society tend to be ignorant of incidents of violence in their environment.

References

- Anggun Lestari Suryamizon, (2017). *Perlindungan Hukum Preventif Terhadap Kekerasan Perempuan Dan Anak Dalam Perspektif Hukum Hak Asasi Manusia*. Riau : UIN Suska.
- Astari Ummy Farieda & Denaldy Oktavian Noor Rizki. 2013. *Perlindungan Hukum Istri Sebagai Korban Kekerasan Dalam Rumah Tangga Di Pelayanan Terpadu Perempuan dan Anak Surakarta (PTPAS)*. Jurnal Recidive Vol 2 No. 3 . 2013.
- Atmasasmita. 2011. *Teori Kapita Selekta Kriminologi*. Bandung: Resco.
- Fakih. 2012. *Analisis Gender dan Transformasi Sosial*. Yogyakarta: Pustaka Pelajar.
- Hadya, 2020. *Berapa Jumlah Kekerasan Terhadap Perempuan*, Diakses dari :<https://databoks.katadata.co.id/datapublish/2020/03/09/berapa-jumlah-kekerasan-terhadap-perempuan>
- Maidin, Gultom. 2014. *Perlindungan Hukum Terhadap Anak dan Perempuan*. Bandung : Reflika Aditama.
- Muchsin. 2006. *Peranan Putusan Hakim pada Kekerasan Dalam Rumah Tangga*. Jakarta : Majalah Hukum Varia Peradilan.
- Peraturan Pemerintah, No. 12 Tahun, 2018, *Tentang Perlindungan Perempuan*, Republik Indonesia.
- Pratiwi Kridaningtyas. 2014. *Perlindungan Hukum Terhadap Perempuan Sebagai Korban KDRT. Surakarta* : Universitas Muhammadiyah Surakarta.
- Rahmat. 2013. *Perlindungan Hukum Terhadap Perempuan Sebagai Korban Kekerasan Dalam Rumah Tangga*. Makasar : Universitas Hasanudin .
- Riduan Syahrani, 2011. *Rangkuman Intisari Ilmu Hukum*. Bandung : PT. Citra Aditya Bakti.
- Rudi Hartono. 2013. *Suami Menghajar Istrinya Hingga Tewas*. Diakses dari : <https://www.google.com/amp/s/www.solopos.com/kasus-kdrt-di-solo-suami-hajar-istri-hingga-tewas-398905/amp>
- Septyantoro, 2019 *Suami bunuh pria yang selingkuhi istrinya*. Diakses dari : <https://jateng.inews.id/berita/main-serong-dengan-istrinya-suami-di-solo-nekat-bunuh-pria-selingkuhan>.
- Soerjono. 1983. *Faktor-faktor yang mempengaruhi penegakan hukum*. Jakarta : UI Press.
- Sukendr & Aris. 2019. *Tindak Pidana Dalam Praktik Keperawatan Mandiri (Perlindungan Hukum Bagi Perawat Dan Pasien)*. Yogyakarta : Nuha Media.
- Undang-Undang No. 23 Tahun 2004, *Tentang Penghapusan Kekerasan KDRT*, Republik Indonesia, 2004.
- Undang-Undang No. 39, Pasal 3 Ayat (2) Tahun 1999 *Tentang HAM*, Republik Indonesia.