

The Influence of Cultural Barriers on The Intensity of Domestic Violence in Indonesia: Evidence From Central Java

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Abstract. The high number of cases of violence against women is not surprising, considering that Central Java still upholds the concept of patriarchy which is based on the view that in the social system, the presence of men determines the realization of a functionalist structure in the family. This patriarchal concept causes victims of violence to feel afraid to report their cases because Javanese women are easy to accept fate. There is even a view that getting corporal punishment from the head of the family is a natural thing and a form of life education. The purpose of this paper is to examine the influence of family culture on the disclosure of cases of violence against women in Central Java, analyze the role of law in eliminating cultural barriers to violence against women, and the role of civil society groups in strengthening household capacity to build awareness of human rights. To examine the above objectives, a socio-legal method and a hermeneutic approach are used. The concept of patriarchy that is upheld by families in Java affects the high rate of violence against women. Community participation is an important element in protection and law enforcement. An active community can help eliminate the possibility of legal cases being ignored.

Keywords: Violence, Patriarchy, Community Organizations, Complaints.

1 Introduction

Violence against women is a worrying case in developing countries, including Indonesia. How come? If you look at the trend, reports of cases of violence against women tend to increase in the last decade. The National Women's Commission through its Annual Records in detail documents cases of violence reported by victims to various complaints service institutions. In fact, for 17 years National Women's Commission has recorded millions of cases of violence including violence against wives, violence against girls, violence against domestic workers, and violence against other personal relationships[1]. In the last decade, the number of violence has increased as can be seen in table 1 below:

Table 1. Number of Reports of Gender-Based Violence against Women (2010-2019)

Year	Case
2010	101.128
2011	113.878
2012	135.170
2013	180.746
2014	185.458
2015	204.794
2016	163.116
2017	230.881
2018	280.185
2019	302.686

The figures above actually only describe cases that were recorded or reported to service agencies, so they do not describe the actual situation. Because, the real situation is much more and exceeds hundreds of thousands of cases every year. This is also recognized by National Women's Commission, where the cause of the weak data is because many women do not report their cases, or are reported but the frequency of violence is still unknown[2].

Interestingly, in 2020 where the Covid-19 pandemic paralyzed almost all sectors, reports of violence against women actually decreased by around 31.5% from the previous year, which was 226,062 cases. However, in 2021 there will be another significant increase. This fact was proven in 2021, when the Covid-19 pandemic was under control and there was an easing of restrictions, the number of violence against women actually experienced a sharp increase to 338,496 cases or an increase of almost a 50% increase from 2020 (Komnas Perempuan, 2022). If traced, the increase in cases of violence is related to the increasing level of legal awareness of the community so that women who experience violence, who previously did not dare to report now dare to report to the complaint agency. In the past, victims of violence did not dare to report because they thought that the problem was a family problem that should be resolved by the family and did not need to be known by others because it could cause family disgrace. This kind of problem generally occurs in a society that still upholds family culture, especially patriarchal culture. For example, Central Java Province experienced a significant increase in the ratio of women victims of violence. The last four years Central Java Province recorded a ratio of 2,276 (2018), 1,846 (2019), 1,866 (2020), and 1,930 (2021). This ratio is the largest nationally as can be seen in the following table:

Table 2. Five provinces with the highest ratio of women victims of violence

No	Province	2018	2019	2020	2021
1	Jawa Tengah	2276	1846	1866	1930
2	Jawa Timur	1933	1935	1912	1818
3	Sulawesi Selatan	1502	1671	1609	1259
4	Sumatera Utara	1360	889	847	1321
5	Yogyakarta	947	913	1155	1067

Source: Komnas Perempuan 2022

From table 2 above, it can be seen that the ratio of women victims of violence is highest on the island of Java, namely the provinces of Central Java, East Java, and Yogyakarta. This can happen because of the influence of Javanese culture that upholds the patriarchal system on the disclosure of cases of violence. Patriarchy is a social system that places men as the main power holders and dominates in political leadership roles, moral authority, social rights and property control. The condition of society in Java still has a mindset and positions women as parties who do not have the autonomy and ability in the political field in particular. Therefore, legal awareness is needed from the community to counteract the patriarchal mindset in breaking the chain of violence against women.

The purpose of this paper is to examine the influence of family culture on the disclosure of cases of violence against women in Central Java, analyze the role of law in eliminating cultural barriers to violence against women, and examine the role of civil society groups in strengthening household capacity to build awareness of human rights.

2 Method

The method used is a social-legal approach (Hutchinson, 2002), to examine the influence of family culture on the disclosure of cases of violence against women in Central Java and the role of law in eliminating cultural barriers to violence against women. Furthermore, to interpret the report text, a hermeneutic approach is used, namely the text of reports on violence against women from National Women's Commission, the Religious Courts, and complaints service institutions.

3 Result and Discussion

3.1 Violence Against Women Before and During Pandemic

As described in the introduction, violence against women decreased at the beginning of the COVID-19 pandemic, namely 2020. This is reasonable, because, according to a survey on the dynamics of violence against women from National Women's Commission, it concluded that during the 2020 pandemic the decline in the number of cases was due to several factors, among others: (1) the victim was close to the perpetrator during the pandemic due to large-scale activity restrictions; (2) victims tend to complain to their families or remain silent; (3) lack of technological literacy; (4) a complaint service model that is not ready for the pandemic condition (not yet adapted to converting complaints to online). For example, during the pandemic, religious courts limited their services and trial processes which resulted in the divorce rate dropping by 125,075 cases from last year (National Commission on Violence Against Women, 2022). Considering that during the pandemic there are restrictions on interacting directly outside the home, so that victims of violence do not have an aspiration channel to complaint service institutions. In addition, there is also the problem of the complaint service model that is not ready for the pandemic conditions where the public and complaints agencies have not adapted to changing the complaint model from direct to online, as well as the problem of low technological literacy from victims to report cases. As a result, the number of reports and complaints about violence experienced by women has decreased.

In fact, during the pandemic the violence that occurred not only targeted wives but also daughters. The forms of violence that occur are not only physical violence, but also psychological violence, sexual abuse, exploitation, to coercion of girls into early marriage. The

Indonesian National Police regarding cases of violence against women and children, as well as data on children involved in the law in 2018-2021 describe cases of violence that are legally processed as follows:

Table 3. Violence against women for the period 2018 – 2021

Category	Year							
	2018		2019		2020		2021	
	Case	Finish	Case	Finish	Case	Finish	Case	Finish
Discrimination	344	268	181	135	74	37	85	51
Abandonment	247	175	169	133	128	52	152	63
Physical violence	2178	1573	2001	1520	854	324	723	520
Psychological violence	3	0	0	0	34	21	58	32
Fuck	3255	2586	2504	2058	2970	1894	2679	1315
Obscenity	2337	1722	2172	1603	2072	923	1769	890
Exploitation	76	54	87	70	50	27	143	104
Escape	365	273	274	206	124	53	52	37
Kidnapping	0	0	13	4	96	66	237	97
Pornography/action	14	11	11	13	3	1	32	21
Abortion	34	26	22	9	4	1	34	17
Child marriage	0	0	3	3	16	11	16	9
Amount	8932	6758	7482	5791	6525	3463	5980	3156

Source: Binops Bareskrim Polri, May 2022

In fact, in another report published by National Women's Commission, throughout 2021 there were 338,496 complaints of gender-based violence against women. The report consists of reports from National Women's Commission 3,838 cases, reports from service agencies 7,029 cases, and the Religious Courts Agency 327,629 cases. This means that there is a significant increase of 50% in reports of cases of violence against women, namely 338,496 cases in 2021 from 226,062 cases in 2020. A sharp jump occurred in Religion Courts data from 215,694 in 2020 to 327,629 in 2021 (52%) (National Commission on Violence Against Women, 2022).

An increase also occurred in the source of complaint data to National Women's Commission, namely an increase from 2,134 cases in 2020 to 3,838 cases in 2021 (an 80% increase). Meanwhile, data from service institutions decreased (15%), to 1,205 cases. The increase in data at Religion Courts and National Women's Commission is due to the use of information technology which has begun to be recognized by the public, and increased public awareness to complain, as well as the application of e-court in the judiciary.

When juxtaposed with data from the Police, it can be seen that a 1:100 ratio of complaint reports is legally processed. What about the rest? It could be resolved through mediation (restorative justice) either by the family, head of RT/RW, village head, community and religious leaders, as well as settlement through traditional channels.

3.2 The Influence of Family Culture on Disclosure of Violence Againsts Women in Central Java Province

As described in table 2 above, Central Java Province has the highest ratio of women victims of violence nationally. This figure is not surprising considering that Central Java still upholds the concept of patriarchy which is based on the view that in the social system, the presence of men is crucial to the realization of the functionalism structure in the family. The concept of patriarchy according to William Goode has become an affirmation of the significance that men are symbols of a leadership system based on the relationship between mothers and their children in forming a dynamic social life as a whole (Goode, 2009). In another sense, the concept of patriarchy in Java will always place men as the central figure in family and social organizations. The position of men has a higher degree than women in all aspects of life, whether political, social, cultural, and economic[3].

Bhasin [4] defines the word patriarchy as the power of the father. At first, patriarchy was used to refer to a type of "male-controlled family", namely a large patriarchal household controlled by men. In detail, patriarchy refers to a form of household organization in which men dominate other family members and control household economic production. Patriarchy is seen as the ideology of how men dominate.

The same opinion was expressed by Israpil, that the concept of patriarchy among Javanese people who adhere to a social system always makes men play an important role in elevating the dignity of women[5]. Even according to Spradley, the essence of patriarchy implies that women are destined to accompany men in maintaining existence, character, respect, authority, carrying out their duties, and expressing affection in order to create a more harmonious and balanced social order[6]. This is conceptually aimed at creating balance in the family. In Hildred Geertz's view, universally the family is a bridge between the individual and his culture, certain general social values that are spread provide justification and meaning for familial institutions and also serve as normative guidelines for tolerance among family members every day as well as in the environment. social environment[7].

However, this patriarchal culture tends to trigger acts of violence against women. Women, especially in a family environment that adheres to a patriarchal culture, often become an outlet for men to express their frustration. Especially with the lustful nature of men who are greater than women, triggering them to commit violence both against their wives, children, and families. Worse yet, victims of this violence will be afraid to report their cases because Javanese women easily accept fate. There is even a view that getting corporal punishment from the head of the family is a natural thing and a form of life education.

If traced in several ancient literatures, in Javanese culture the term back friend is known to refer to the wife as a friend in managing household affairs, especially children and cooking. In addition, the term *suwarga nutut hell katut* is also known for wives, namely the husband who determines his wife to go to heaven, and when the husband goes to hell the wife must also go to hell[8].

Worse, there is also a term that further discredits the role of women in Javanese culture, namely a wife must be able to *manak, macak*, cook which means the wife must be able to produce offspring, preen for her husband, and cook. Other terms, namely *kitchen, well and mattress*, are often used by Javanese parents to give advice so that wives should give *khidmah* (service) to their husbands as a form of devotion, respect and love for their husbands.

Apart from cultural factors, the low disclosure of cases of violence against women in Central Java Province is also due to the following factors:

1. Inequality of access and control of resources causes women to be easily exploited economically. Although women have access to capital resources that can help the family economy, the control over these resources is owned by men, thus placing women in a disadvantaged position. The exploitation in question is not only an economic problem but also sexual exploitation.
2. The low level of the family's economy which leads to limited financial resources. This factor plays a role in the occurrence of cases of polygamy, neglect and economic exploitation, sexual violence, and their low awareness of acts of violence that occur around them.
3. Passive attitude towards acts of violence is the cause of the perpetuation of violence against women. Usually, wives tend to allow acts of violence committed by their husbands against them or their children.

3.3 Role of Law in Eliminating Cultural Barriers and Buliding Public Awarness So as Not to Experience Violence Againts Women

Law is often associated as a statutory regulation that normatively regulates the behavior of citizens in community life. But it is often forgotten that the law is part of their community. Roscoe Pound, a sociological jurisprudence legal expert, once stated that law as a tool of social engineering and social control with the main goal of creating harmony and harmony in order to optimally meet human needs and interests in society[9].

Meanwhile [10] argues that if you want to use the law as a tool to change society, the legislators must first neutralize the inhibiting factors that may arise, including:

1. most people do not understand the use of new elements in change;
2. the change itself is contrary to the rules and values that animate the majority of the community members;
3. community members whose interests are firmly entrenched, powerful enough to resist a reform process;
4. the risks faced as a result of the change turned out to be more severe than maintaining the social order that existed before the change occurred; and
5. society does not recognize the authority and authority of the pioneers of change.
- 6.

According to Selo Soemardjan (1981), the success of the use of law as a means to change behavior is highly dependent on the institutionalization process and which areas are to be changed, namely neutral or personal. In the context of overcoming violence against women, legislators have actually made a social control tool, namely through the Criminal Code (KUHP), however the Criminal Code only regulates sexual violence in the context of rape whose formulation has not been able to provide protection for women victims of violence (Tridewiyanti, et al. 2014). Furthermore, there is Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Law Number 23 of 2002 which was later amended by Law Number 35 of 2014 concerning Child Protection, and Law Number 21 of 2007 concerning Eradication of Crime Trafficking in Persons, which recognizes other forms of sexual violence, but the three laws also can only be used for sexual violence that occurs in a limited scope.

Furthermore, a more comprehensive regulation is contained in Law No. 12 of 2022 concerning the Crime of Sexual Violence. This Law regulates the prevention of all forms of sexual violence, starting from the handling, protection and restoration of victims' rights, coordination between

the central government and regional governments, and international cooperation so that the prevention and treatment of victims of sexual violence can be carried out effectively. In addition, community involvement is also regulated in the prevention and recovery of victims in order to create environmental conditions that are free from sexual violence. However, in order for the law to be valid, it must be accepted by the community. Likewise, in order to apply to the community, a rule of law must be a valid law. From these valid legal rules, the concepts of "command, prohibition, authority, force, rights, and obligations[11].

In addition, legal awareness needs to be understood and instilled in the community starting from the family environment, namely each family member must understand what forms and limits of behavior can be categorized as forms of violence against women including what they should do if they experience or encounter acts of violence. . The authority of the head of the family, especially in areas that follow a patriarchal system, they must know their rights and responsibilities towards the family, respect the rights of other family members, and carry out their obligations before claiming their rights. If this can be done, then he will also get used to applying the awareness he already has in a wider environment, namely the community and even the state. According to Soerjono Soekanto and Mustafa Abdullah [12], there are several factors that can be used to see legal awareness as follows:

1. Legal knowledge.
2. Legal understanding;
3. Legal attitude; and
4. Legal behavior.

Furthermore, to achieve this legal awareness, it is also necessary to take real action from legal instruments where the law must be socialized so that it is quickly known by the public. People who violate do not necessarily violate the law. This is because it could be due to a lack of understanding and knowledge of the community about the awareness of the laws and regulations that apply in the law itself. The apparatus in question must start from the smallest community unit, namely the village apparatus, starting from the RT, RW, village government, sub-district, to the highest unit in the Ministry of Women's Empowerment. In addition, community organizations must also pick up the ball to aggressively disseminate regulations to remote communities. In this context, the public must be given education related to awareness regarding acts of sexual violence and how to prevent and handle it.

Education needs to be given through education that parents teach their children related to sexuality and morality. Through education in the future will grow the understanding of family members to prevent sexual violence. In the end, the role of the family institution becomes stronger to become social control for its members. Another problem that often arises is the unavailability of good protection for victims and witnesses. In many cases, victims do not report their cases because they are afraid of retaliation from the perpetrators. In addition, victims also did not report because they did not understand the procedure.

3.4 The Role of Civil Society groups In Strengthening Household Capacity Building Legal Awareness

According to George Theodorson, community participation is the process of individual or community participation in a planning, implementation, monitoring, to evaluation process of certain activities or programs with the aim of overcoming problems that arise from a change

that occurs (Theodorson, 1969). This means that community participation has a role as problem solving in the social environment. This role can be applied in various ways in everyday social life. Community participation is an important element in protection and law enforcement. An active community can help eliminate the possibility of legal cases being ignored.

Apart from the government through Komnas Perempuan and the Ministry of Women's Empowerment and Child Protection, other institutions that can be invited to jointly build awareness and strengthen household capacity are community organizations. In fact, the role of community organizations in preventing and handling cases of criminal acts of violence against women is very important, starting from education, advocacy, mentoring, to rehabilitation. Community social institutions can conduct socialization and counseling on gender sensitive policies issued by the government to the community targeting people at the grassroots level, such as Youth Organizations, and Family Empowerment and Welfare. Activities can be carried out in meetings by providing understanding to its members regarding forms of violence, how to anticipate them, and efforts to protect children from threatening dangers. In addition to matters relating to anticipating the dangers of violence against children, mothers are given empowerment to encourage economic independence, so they do not exploit their children for the benefit of earning a living[13].

The National Women's Commission in its 2021 report sees the importance of the initiatives of civil society organizations in various provinces in Indonesia in opening up complaints, handling and recovery services for victims of violence against women, including the establishment of the Women Crisis Center (WCC) to service complaints from victims (Komnas Perempuan, 2022). The presence and participation of community organizations is very helpful in finding reports of victims and the forms of violence they experience. However, the existence of civil society organizations needs to be supported by the government, especially in the form of funding, because only they can reach victims directly and have more comprehensive methods ranging from assistance, handling to recovery of victims. The role of community institutions in preventing sexual violence is realized through the following actions:

1. cultivating literacy about sexual violence to all ages of society to prevent violence;
2. socialization of the laws and regulations governing violence against women; and
3. creating environmental conditions that can prevent the occurrence of sexual violence through village programs and so on.

The participation of community institutions in the recovery of victims can be realized through the following actions:

1. provide information on the existence of violence to law enforcement officers;
2. to monitor and evaluate the implementation of prevention and recovery of victims of violence;
3. provide support for victims' recovery;
4. provide emergency assistance to victims;
5. assist the process of submitting the application for protection determination; and
6. play an active role in the victim's mental recovery process.

Family participation in preventing acts of violence includes:

- 1) Strengthening education in the family in terms of moral, ethical, religious, and cultural aspects;
- 2) build quality communication among family members;
- 3) build emotional bonds between family members;
- 4) strengthen the role of fathers, mothers and all family members so that a protective character is built;
- 5) protect and prevent family members from being influenced by pornography and access to information containing pornographic elements; and
- 6) keep family members from environmental influences and promiscuity.

4 Conclusion

The number of violence against women during the COVID-19 pandemic in 2020 decreased by 31.5% from the previous year due to several factors, including: (1) the victim was close to the perpetrator during the pandemic (PSBB); (2) victims tend to complain to their families or remain silent; (3) technological literacy issues; and (4) a complaint service model that is not ready for the pandemic condition (not yet adapted to changing the complaint to online). But in 2021 there will be another increase. Therefore, legal awareness needs to be understood and instilled in the community starting from the family environment, namely each family member must understand what forms and limits of behavior can be categorized as forms of violence against women including what they should do if they experience or encounter acts of violence. The authority of the head of the family, especially in areas that follow a patriarchal system, they must know their rights and responsibilities towards the family, respect the rights of other family members, and carry out their obligations before claiming their rights. If this can be done, then he will get used to applying the awareness he already has in a wider environment, namely the community. Prevention and overcoming of violence against women is not only carried out by the government through the National Commission for Women and the Ministry of Women's Empowerment and Child Protection. This is because other social institutions can be invited to jointly build awareness and strengthen the capacity of households to prevent violence. The role of community organizations in preventing and handling acts of violence against women is very important, starting from education, advocacy, mentoring, to rehabilitation. Community social institutions can conduct socialization and counseling about gender sensitive policies issued by the government to lower-class communities that are difficult to reach by the government. For example, socialization and counseling to community groups at lower levels such as Youth Organizations, and Family Empowerment and Welfare.

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