

Legal Protection for Wives Who are Victims of Physical Domestic Violence Committed by Their Husbands

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Abstract. Protection for Victims of Abusive behavior at home Legitimate security for female casualties of Aggressive behavior at home is contained in Regulation Number 23 of 2004, the motivation behind this Regulation is to save survivors of aggressive behavior at home. This sort of exploration is Regulating research. The methodologies utilized are a legal methodology and a reasonable methodology. The data source used is secondary data. Data analysis was carried out descriptively qualitatively. Conclusions were drawn using a deductive method from general to specific. This research resulted in the finding that violence against women is one form of action that goes against the very foundations of humanity. To that end demonstrations of brutality against ladies are a demonstration that disregards basic liberties, so a public lawful component is required for the disposal of viciousness against ladies in Indonesia. Criminal law is a national legal instrument that is a product of human thought that was formed to safeguard victims from all crimes. The establishment of law as an instrument to protect individual and community rights is very relevant and related to programs to protect women from acts of violence. This linkage is profound with the legal protection of human rights.

Keywords: Legal Protection, Wives as Victims, Physical Violence

1 Introduction

The family unites human beings of different genders to form a new household that aims to construct a happy, harmonious, and prosperous family. The presence of a family for a relative act as a protector for all its residents and as a place of refuge for all family members. Thus, the household is the smallest unit in the composition of social groups, the household is also the basic pillar in developing and realizing a country. Indonesia, as a country based on Pancasila which is supported by religious communities, makes it impossible to form a household without marriage. Because marriage is nothing other than the beginning of a household. There are three things because marriage is important. First: marriage is a way for humans to preserve and breed their offspring to continue human life on earth. Second: marriage is a way for humans to channel sexual desires. What is meant here is more about the condition of maintaining morality, so that marriage does not merely channel biological needs arbitrarily, but also maintains the reproductive organs so that they remain healthy and are not channeled to the wrong place. Third:

marriage is a vehicle for recreation and a place where people can express their worries and free themselves from life's difficulties openly with their partner.[1]

Domestic violence victims are generally women and children and the perpetrator is the man (husband). The perpetrator's relationship with domestic violence includes people who are related by blood, marriage, breastfeeding, parenting, guardianship with husbands, and children, and even household servants who live in the house. The domestic violence crime that occurs today is not only women and children, but men can also become victims of domestic violence. Men (husbands) are generally impressed as the actors who commit the most domestic violence, but this does not mean that domestic violence is never perpetrated by women (wives) against other family members, especially against husbands. Society considers that violence perpetrated by wives against their husbands in the domestic sphere is a natural thing where it is part of the normal dynamics of married life, and assumes that husbands will be able to face and overcome it.[2].

Violence after violence experienced by women leaves a solemn traumatic impact. In general, victims feel anxious, stressed, depressed, traumatized, and blame themselves. Meanwhile, the physical consequences include bruising, broken bones, damage to body parts, and even death. Even though women (wives) are victims of violence, they tend to survive. This is because the wife is in a threatened situation, there is no shelter, for the sake of the children, fear of being reviled by society because of the disgrace it will bring to women, as well as reasons for maintaining the marriage even though Indonesia has sanctioned the Show on the End of All Types of Oppression Ladies (CEDAW) and has passed the Law on the Disposal of Aggressive behavior at home (UU PKDRT) no. 23 of 2004, be that as it may, the quantity of aggressive behavior at home cases actually shows an increment from one year to another. As a matter of fact, with this regulation, it is trusted that there will be legitimate insurance for relatives, particularly ladies, from all demonstrations of aggressive behavior at home.

Assurance of Casualties of Abusive behavior at home Legitimate security for ladies survivors of abusive behavior at home is in Regulation Number 23 of 2004, the reason for this Regulation is to save casualties of aggressive behavior at home. This is of course good progress so that victims of domestic violence can carry out prosecutions and they will feel safer because they are protected by the law. The existence of legislation determines the realization of a state of legal order, this is very necessary because legislation is the main source of law. Now we see the reality that occurs in people's daily lives [3]. Even though Law Number 23 of 2004 has been established, there are still many victims who do not dare or even want to report the violence they have received. This is influenced by several factors so they are reluctant to report this to the authorities, the factors that cause them to be reluctant to report it include a feeling of unwillingness because they feel that what happens within the household is a disgrace that must be covered up, then economic dependence, and the performance of law enforcers could also be one of the factors that influence this.

According to Law Number 3 of 2004, the parameters for eradicating domestic violence are following these principles: 1. Respect for Human Rights 2. Justice and Gender Equality 3. Non-discrimination 4. Protection of victims. Then in Article 4 of Law Number 3 of 2004, it is explained that one of the aims of eliminating domestic violence is to prevent all forms of violence that occur in the household. In this way, it is hoped that various acts of household violence which occur frequently in our country can be removed from the lives of our society. Temporary Protection from the Police Legal protection for victims of domestic violence who are wives according to this law is (1) temporary protection; (2) the court's determination of a protective order; (3) providing a Special Service Room (RPK) at the police station; (4) providing a safe house or alternative residence; (5) providing legal consultations by advocates to victims

at the level of investigation, prosecution, and examination at court hearings. Considering that most law enforcement officers are men, therefore, according to the mandate of this law, a special institution is provided, namely the RPK in the police agency with special officers, and female police officers (policewomen) so that victims are not afraid to report the violence they experience.[3].

For the Indonesian people, marriage rituals are not only seen as worldly social events but are also seen as sacred events. Because marriage is also a religious command for those who can carry it out immediately. Marriage is a spiritual and physical union between a man and woman, joined in matrimony to create a happy and everlasting family, based on their faith in God Almighty. In Islam, the bond of marriage is often referred to as a strong bond *mitsaqan ghalidhan*. This is something sacred and applies comprehensively to Muslims who are about to enter into a marriage contract. The marriage contract is so sacred that when holding a marriage contract there must be a guardian and two fair witnesses. Therefore, the definition of marriage in Islamic teachings has the value of worship, and can also reduce immorality, both in the form of visions and in the form of adultery. In a marriage, husband and wife should shoulder each other's obligations, so that they can create a *sakinah, mawadah, and warahmah* family, also taking care of each other[4].

Every family has its problems, and if these problems are resolved well and healthily, the family will understand and understand each other's feelings, so they can control their emotions and look after each family member. So that happiness is created in a household or family and does not prioritize personal interests, by looking for the main problem and looking for solutions simultaneously. Domestic violence is a serious problem because it is in the household that every human being's life begins. Domestic violence can be caused by internal or external factors, both individually and collectively, if the violence arises due to technological advances such as social media which damages the comfort of life in the household. Domestic violence for whatever reason will have an impact on the family atmosphere and family harmony. In the General Explanation of Law concerning the Elimination of Domestic Violence (PKDRT Law - Number 23 of 2004), it is explained that the integrity and harmony of a happy, safe, serene, and peaceful household is the dream of every person in a household. However, domestic violence often occurs which includes physical, psychological, and sexual violence[3].

2 Methodology

This research is a Normative research which used statutory and conceptual approach. The data source used is secondary data. Data analysis was carried out descriptively qualitatively [6]. Conclusions are drawn using a deductive method, namely concluding from general to specific, especially those related to the research topic Legal Protection for Wives Who Are Victims of Domestic Physical Violence Perpetrated by Husbands. Qualitative data analysis conducted if the obtained empirical data is in the form of a collection of words and not a series of numbers and cannot be arranged into categories. There are several techniques to gather data, including document instances, recording tapes, and interview observations. Before being used in qualitative research, material is typically processed. This includes triangulation, data reduction, analysis, interpretation, and interview transcript outcomes.[5].

3 Result and Discussion

3.1 Implications of Legal Protection for Wives Who Are Victims of Domestic Physical Violence Perpetrated by Their Husbands

Indonesia has executed Regulation No. 23 of 2004 concerning the Disposal of Aggressive behavior at home, or what is known as the Law on the End of Aggressive behavior at home (approved 22 September 2004) for right around 4 years. This regulation limits aggressive behavior at home activities against people inside the family using physical, mental, or sexual viciousness or wrongdoing in the family. Individuals inside the extent of the family in question are spouse, wife, kids, as well as individuals who are connected by blood, breastfeeding, marriage, care, guardianship, residing in the family who work to help and reside in the family. Domestic violence are actions as beating and torturing a wife or a partner, violence in marriage, or violence in the family.

One of the causes of divorce is violence on one side. This violence may be perpetrated by husbands against wives, or vice versa, or by parents against their children, or against other relatives, who live in a similar house. Aggressive behavior at home activities as expressed in Article 5 of the PKDRT Regulation are Actual brutality; Mental viciousness; Sexual brutality; or then again Homegrown disregard. This type of savagery is a portrayal of the introduction of spouse insurance. The Aggregation of Islamic Regulation (KHI) Article 80 expressed that the type of spouse insurance is that the husband is obliged to safeguard his better half and give every one of the necessities of family life as per his capacity, the husband is obliged to prepare strict schooling to his significant other and provide opportunities to learn knowledge that is useful and useful for the religion, homeland, and nation and provide support and residence for the wife. [6]

Apart from the imbalance in position between husband and wife, domestic violence also often occurs due to the wife's dependence on her husband in terms of the economy, making the wife unable to move and having to obey the husband's every order or, more clearly, what is called the husband's authority. Arbitrary use of power is possible because the situation that forms in the household is dominated by one party over another party so strongly. This domination will continue as long as the level of dependence of the dominant party on the dominant remains high. In this case, if a conflict occurs between the husband and wife, domestic violence will be used as a tool to resolve the conflict. Domestic violence takes many forms, but women (wives) often experience the following: 1. Physical violence is an act that causes pain, falls ill, or is seriously injured. 2. Mental savagery is a demonstration that outcomes in dread, loss of fearlessness, loss of capacity to act, a sensation of defenselessness, or potentially serious mental experiencing in an individual. Mental brutality is firmly connected with sentiments and considerations. 3. Violent abandonment where a person fails to provide life, care, or maintenance to someone in their household, despite being legally or contractually obligated to do so. This neglect also applies to any person who causes economic dependence, caused by restricting or prohibiting proper work inside or outside the home, can also fall under this type of violence, known as economic violence.[7]

The parties responsible for providing legal protection to women victims of domestic violence can be anyone including family, neighbors, community leaders, law enforcement officials, (police, prosecutors, judges), social institutions, and so on. What is clear is that these parties can provide a sense of security to wives who are victims of

their husband's violence. Women who are victims of domestic violence are often unable to do much or are in a confused state, because they don't know where to complain, and their home of origin may not necessarily be accepted. This is caused by a culture where married women are the responsibility of their husbands. So, if violence occurs against women in the household, it is often not revealed to the surface because it is still considered to be an open source of family disgrace. Women who are victims of violence are helping to protect themselves from domestic crimes by making it difficult to report, leading to self-protection.

3.2 The Urgency of Legal Protection for Wives as A Victims of Domestic Physical Violence Perpetrated by Their Husbands

It conflicts with the standards of mankind to commit demonstrations of savagery against ladies. Subsequently, the demonstration disregards common liberties, so a public legitimate instrument is required in regards to the disposal of savagery against ladies in Indonesia. Criminal law is a national legal instrument that is a product of human thought that was deliberately created to protect victims from all forms of crime. The establishment of law as an instrument to protect individual and community rights is very relevant and related to programs to protect women from acts of violence. This connection is very deep with the legal protection of human rights.

Women are individuals who carry out dual missions in social life. Women's first mission is to continue the lineage which cannot be replaced by men. The second mission of women is as a mother, which is one of the basic reasons why women need to receive special attention to have their rights protected and respected. That is why all acts related to crimes against women, including criminal acts of violence, receive attention in criminal law.[8] In reality, women's position is still considered to be unequal to that of men, women are often victims of domestic violence such as physical violence and even fatalities. This view suggests that so far women are still placed in a position of marginalization. Women are not only objects of sexual gratification for men who are familiar with violence but also a group that is seen as weak, apart from having to be controlled by men. Acts of violence against women range from mild to severe and are also known as the *modus operandi*, especially in the household. News about increasing acts of violence against women in recent years has greatly concerned the community.

In the general explanation of Law No. 23 of 2004 concerning the Elimination of Domestic Violence, it is explained that the integrity and harmony of a happy, safe, peaceful, and peaceful household is the dream of every person in the household. The household integrity and harmony can be disrupted by uncontrolled quality and self-control. As consequence, it can result in domestic violence resulting in insecurity or injustice towards people within the household. Domestic violence (abbreviated as KDRT) is a complicated problem to solve. There are many reasons, the possible causes are: The perpetrator of domestic violence is completely unaware that what he has done is an act of domestic violence. Or, it could also be that the perpetrator realized that what he was doing was an act of domestic violence. It's just that the perpetrator ignores it because he hides himself under certain norms that have been established in society.[9]

The presence of a regulation on aggressive behavior at home is a need or commitment for Indonesia, country endorsed a few worldwide shows on ladies, for example, the disposal of brutality and all types of oppression ladies through Regulation Number 7 of 1984. With this law, victims should feel protected by the state, but there are

still victims' rights that have not been fulfilled, such as the position of victims that has not been considered. Protection of victims from violence that occurs in the household is important considering the physical and psychological suffering experienced by victims because of the perpetrator's actions. The implementation of legal protection needs to involve the government, society, social institutions, and legal aid institutions, it is necessary to provide a sense of security for victims. "Protection of victims is usually linked to one of the objectives of punishment, namely by resolving conflicts through legal channels that arise because the presence of elements of criminal acts will bring a sense of peace in society and restore balance." The crime of domestic violence can cause victims due to psychological, physical, and sexual violence or neglect, so efforts to protect victims are needed, including restoring physical and psychological health. Resolving domestic violence cases needs to be addressed through the role of the government and regional governments in collaboration with the community so that the implementation of the elimination of violence that occurs in the household.[4]

Articles related to statutory provisions on domestic violence have made it possible as a means or effort for law enforcement officials to serve as a reference for action by law enforcement officials for perpetrators of domestic violence. Apart from that, the legal assistance provided by the government and the community is also encouraged to provide legal assistance through legal entities which are growing in number and active in providing legal assistance to victims. Enforcement of criminal sanctions is part of law enforcement which needs to be implemented firmly. Thus, domestic violence cases can be reduced and even obliterate as is the purpose of the implementation of Law No. 23 of 2004 concerning the Elimination of Domestic Violence. become an obstacle so that domestic violence cases can be resolved and provide justice for victims who have suffered and been harmed by the actions of the perpetrators of the violence. Based on "the provisions of Article 44 paragraph (1), a perpetrator of physical domestic violence) can be punished with imprisonment for a maximum of 5 (five) years or a fine of a maximum of Rp. 15,000,000, if this physical violence results in the victim falling ill or being seriously injured. Moreover, according to Article 44 paragraph (2) stipulates that the perpetrator can be punished with imprisonment for a maximum of 10 (ten) years or a fine of up to a lot of Rp. 30,000,000,- (thirty million rupiah)[10].

4 Conclusion

1. While women, children, and are generally Victims of domestic violence, a man (husband) is commonly the perpetrator. The perpetrator's relationship with domestic violence is between other people who are related by blood, marriage, marriage, parenting, guardianship with the husband, and children, and even the housekeeper who lives in the house.
2. Articles related to the provisions of laws and regulations against domestic violence have made it possible as a means or effort for law enforcement officials to serve as a reference for action by law enforcement officials for perpetrators of domestic violence. Apart from the legal aid provided by the government, the public is also

encouraged to provide legal aid through legal entities, which are increasing in number and active in providing legal aid to victims.

3. Apart from the imbalance of position between husband and wife, domestic violence also often occurs due to the wife's dependence on her husband in terms of the economy, making the wife unable to move and having to obey the husband's every order or more clearly referred to as the husband's authority. The arbitrary use of power is possible because the situation that forms in the household is under the strong domination of one party over another.

5 Suggestion

1. It is hoped that each family will have its problems, and if these problems are resolved well and healthily, then the family will understand and understand each other's feelings so that they can control their emotions and look after each family member. So that happiness can be created in a household or family and not prioritizing personal interests, by looking for the main problem and finding a solution simultaneously.
2. It is hoped that for the Indonesian people, marriage rituals are not only seen as worldly social events but are also seen as sacred events. 'Marriage is not only a social institution, but also a religious obligation for those who are capable of fulfilling it. It is a sacred union between a man and a woman, who become husband and wife, to create a joyful and everlasting family, based on their faith in God. In Islam, the bond of marriage is often referred to as a strong bond mitsaqan ghalidhan. It is something sacred and applies comprehensively to Muslims who are about to enter into a marriage contract. The marriage contract is so sacred that when the marriage contract is to be held there must be a guardian and two fair witnesses.
3. It is hoped that there will be a balanced factor between husband and wife. Domestic violence also often occurs due to the wife's dependence on her husband in terms of the economy, making the wife unable to move and having to obey the husband's every order referred to as the husband's power.

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