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Submission date: 24-Apr-2023 01:43PM (UTC+0800)

Submission ID: 2073698372

File name: 10984-23399-1-PB.pdf (332.89K)

Word count: 4924

Character count: 26056

Criminology Analysis of Women's as Perpetrators of Domestic Violence Crimes

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Article Info

Keywords:

Criminology; Women; Domestic Violence

25 How to cite (APA Citation Style):

40 Ismail, D. E., Sarson, M.T.Z. (2021). "Criminology Analysis of Women's as Perpetrators of Domestic Violence Crimes". *Jambura Law Review*, 3 Special Issue: 57-76

Abstract

4 This study aims to find out the analysis of women's criminology as perpetrators of domestic violence crimes. This research is a combination of Normative law research with prescriptive analysis techniques. As for approach is the approach of legislation (statute approach) and case approach. The results showed that factors that affect the number of acts of violence against husbands in the household, namely, economic factors, communication factors, factors of low understanding of religion in the household, factors of parents, husbands often consume alcohol, the presence of a third person in the household as well as psychological factors. Efforts made by law enforcement officials to tackle domestic violence crimes committed by women in Gorontalo city, namely, preventive countermeasures, curative countermeasures, and repressive efforts carried out at the crime time. In making this effort, the police must take action in case of domestic violence cases.

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1. Introduction

The home should be a safe place for its members, for husband and wife build the family based on the inner birth bond between the two. According to Article 33 of Law No.1 of 1974 on Marriage as amended by Law No. 16 of 2019 that: "Between husbands and wives have an obligation to love each other, respect each other, and give mental birth assistance to each other. Even husbands and wives have the same position in married life and social life in society and have the right to do legal acts".¹ However, in reality, many households become places of suffering and torture due to violence.

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¹ Article 33 of Law No. 1 of 1974 amended by Law No. 16 of 2019 concerning Marriage

In our daily lives, even in the community, to meet the needs of life, there are often crimes and violations committed by certain people and people who threaten some of the members of society, which in legal science is known as a criminal act. Various kinds of crimes occur in the community, one of which is domestic violence crimes.²

There are stylistic differences between women and men in violence; women are more frequent but not fatal. Men are rarer but can be more fatal, especially if they involve men's great natural energy. However, from an abomination level, women can be viler than men because men still hold back more often and still consider that their opponent is a woman who should be protected. According to Anggia Chrisanti, counselor and therapist at the Westaria Psychological Consulting Bureau, that victims of domestic violence can also be experienced by the husband. Some men who do counseling mention the violence experienced both physically and psychically. Physical wounds are bruises, while psychic wounds are experienced because there is pressure from the wife, often angry and cornering the husband. Many people do not know this. If there is a case of domestic violence committed by the wife, then it is considered a ludicrous and funny thing; even many people do not believe a husband can be a victim of violence committed by the wife.

The occurrence ⁹ of domestic violence committed by the wife against her husband indicates that the domestic violence is not only done by a man but can also be done by women, the form of violence experienced by the husband can be in both physical and psychic form, but the psychological consequences are more dominant. For example, the wife's pressure on the husband is more from the psychic side, and this happens because the need for life is getting higher and the wife's income is greater so that the wife feels superior can do everything, which usually triggers domestic conflict. This domestic conflict is very difficult to disclose to the public because it would be a disgrace to the family, and the husband's party is closed to acts of violence committed by the wife. Domestic violence tends to be a hidden crime because both perpetrators and victims try to keep the act secret from public view. Therefore, domestic violence arises precisely because the victim can no longer hold and keep it secret.

⁴¹
² Mustofa, Muhammad. (2007). "Kriminologi". Jakarta: Fisip UI Press. pg. 4

2. Problem Statement

The existence of Law No. 23 of 2004 on the Elimination of Domestic Violence (The Domestic Violence Law) is caused by developments that show that domestic violence crimes are still rampant and not diminished in people's lives, both in the form of physical, psychic, sexual and domestic violence. The main purpose of this law is to minimize domestic violence crimes and ultimately to realize the same position and equality among fellow family members.

Based on this background, and given the important position of women in the family, as well as the condition of vulnerable women to be perpetrators of crimes, especially domestic violence, the author, is interested and intends to examine legal issues by analyzing from criminology about women as perpetrators of domestic violence crimes, especially domestic violence committed by women (wives) that occur in Gorontalo City.

3. Method

This research is a combination of Normative law research with prescriptive analysis techniques. The approach used is the statute approach and the case approach. By the problems that want to be answered and the objectives to be achieved in this study, the data obtained is analyzed descriptively qualitatively, namely describing data obtained from field research (primary data), tested the truth, and then linked and analyzed qualitatively with data obtained from literature research (secondary).

4. Factors Influencing the Occurrence of Domestic Violence Crimes Committed by Women

Factors that cause domestic violence crimes committed by women there are many causes, including economic problems, infidelity, incompatibility in the household, women feel more powerful or rich, or have more income than husbands; there are also factors parents who often interfere in domestic affairs so that women feel arbitrary

towards their husbands.³ This happened based on a report that went to the Gorontalo City Police.

Types of domestic violence committed by women exist in the Gorontalo police area of the city in various forms described in the following table:

Table 1

Domestic Violence Committed by Women in Gorontalo City Region in 2017-2019

No	Year	Physical violence	Psychic violence	Household Abandonment	Sum
1.	2017	4	4	-	8
2.	2018	3	5	-	8
3.	2019	8	5	3	13
Total		15	14	3	32

Data source : Gorontalo City Police Unit PPA

By Table. 1, the type of violence that occurred in the study results was physical fitness amounted to 15 cases from 2017 to 2019. While the second most violent type is psychic violence from 2017 to 2019 in 14 cases, and then the third most cases of violence from 2017 to 2019 is domestic abandonment of 3 cases. This shows that physical violence occurs more in the household than in other cases of violence, the type of physical violence that often occurs is beatings, slapping, even abuse using objects in the household such as wood, brooms, and others that cause the husband to enter the hospital caused by the wife. While the psychic violence that often occurs is an insult, issue harsh words, make a loud noise so that the husband feels depressed, even some do psychic violence by insulting the physical form of the husband. Then in the case of domestic abandonment that occurs, the wife does not take care of the husband, such as not providing mental support to the husband; the wife is more outside the house and does not care about the husband's situation in the house.⁴

The forms of domestic violence can be divided into the following violence:

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- 1) Physical Violence is an act that results in pain, illness, or severe injury. Physical violence can be exemplified, such as kicking, slapping, hitting, crashing, biting,

³ Interviewed with the Head of PPA Unit of Gorontalo City Police Bripka Dedi Hendriyanto

⁴ Faizah, N. (2021). "Nusyuz: Antara Kekerasan Fisik dan Seksual." *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 6 (2): 113-128.

etc. The act that causes the pain must certainly get medical treatment according to the violence experienced.

- 2) ⁷Psychic violence, which is an act that results in fear, loss of confidence, loss of ability to act, a sense of helplessness, and/or severe psychic suffering in a person. It can be exemplified by threatening behavior, intimidating, reproach/humiliation, bullying, etc. If it occurs in children, this psychic violence will certainly have an impact on the development and psychic of the child, so it tends to experience prolonged trauma. It can also happen to men (a husband) and children in a household.
- 3) ¹⁵Sexual Violence, i.e., any act in the form of coercion of sexual intercourse, coercion of sexual intercourse in an unnatural and/or unfavorable manner, coercion of sexual relations with others for commercial purposes and/or certain purposes.³⁹
- 4) ¹⁰Abandonment of the Household, i.e., the act of abandoning the person in the scope of the household, when according to the law applicable to the concerned or because of consent or agreement he is obliged to provide life, care, and care to the person.

They were then based on the results of the study and tables. 1, cases of violence that occur against domestic husbands every year have increased. The above cases are only a small part that occurs in Gorontalo City because not all cases of violence committed against husbands are reported to the police, all cases on the police side are not all presented to the court because some cases are stopped by the police because there has been peace or have been revoked by the husband.

At least two factors cause domestic violence, namely internal factors due to the weakening of the adaptability of each family member among others so that it tends to act discriminatory and exploitative towards weak family members. The next factor is external factors resulting from environmental interventions outside the family that directly or indirectly affect the attitude of family members, which manifests in exploitative attitudes towards other family members.⁵ The domestic violence is not just

⁵ Ibid. pg. 45

a matter of gender inequality. This often happens due to lack of communication, disharmony, economic reasons, inability to control emotions, inability to find solutions to any household problems, and drunkenness due to alcohol and even drugs.⁶

Based on the findings of the study, factors that affect the number of acts of violence against domestic husbands are:

a) Economic Factors

Economic factors are the most common in the occurrence of domestic violence. This begins with the husband's duty to meet the basic needs, but other needs must be met. Even the husband often bestows the needs of others to the wife. Thus the wife becomes stressed, and eventually, the wife commits acts of violence against the husband, such as insulting the husband and scolding. Lack of responsibility of the husband regarding other household needs, not granting the wife's request, let alone the need for his desire, is too high, triggering violence against the husband.

b) Communication Factors

Poor communication between husband and wife in solving problems in the household, so often there is a dispute between husband and wife is usually caused by misunderstandings between the two parties.

c) Low Understanding of Religion

Low understanding of religion in the household is one of the factors that cause many acts of violence against husbands. The wife does not understand the religious teachings about the position of women as a party that must be a good companion husband, must serve well, and not do things prohibited by religion. The wife must serve the husband under the teachings of religion, prioritize husbands. Many wives often fight against the husband, often argue, complain if

⁶ Ibid. pg. 45-46

the lack of money, even disrespect the husband until the wife commits a violent act so that the husband can obey all the wife's wishes.

d) Parental Factors

Parents become one of the factors that cause violence; parents are too involved in their children's household affairs. In the household, there are many fights caused by parent's too much interference in various things in the household. The household becomes disharmonious. The husband or wife cannot be independent in building their home.

e) ⁹ The presence of a third person in the household

The appearance of a third person in a married relationship is a major problem faced by all couples that makes the domestic situation disharmonious, where jealousy on the part of the wife can trigger domestic violence. Factors of misappropriation or the appearance of a third person can be a contributing factor for the wife to do domestic violence against her husband. Both husband and wife allow constant misunderstanding, sure, and believe the problem will inevitably lead to domestic violence. Factors that influence the violence committed by the wife against the husband because the cause is the influence of a third party (husband who cheated). As a wife, she feels objections to her husband's behaviors and finally commits violence by slapping.

f) Psychological Factors

Psychological problems are one of the causes of domestic violence because the psychological condition of a different wife can also determine the magnitude of the actions performed. According to Yeni Huriyani in the journal Indonesian Legislation, ¹¹ psychological violence is every act and speech that results in fear, loss of confidence, loss of ability to act, and a sense of helplessness.⁷ If a wife's psychological condition is unstable, the violence will likely be great. For example, because the economic pressures produced by the husband are not by

³⁸
⁷ Huriyani, Yeni. (2008). "Kekerasan Dalam Rumah Tangga (KDRT): Persoalan Privat yang Jadi Persoalan Publik". *Jurnal Legislasi Indonesia*, 5 (3): 75-86

the wife's wishes, it will cause her psychological condition to become weak. Then the psychological condition is also the result of acts of violence committed by parents as children so that it is transmitted to the wife. She eventually becomes the perpetrator of violence to the husband. If the wife's psychic condition is not in a bad state, it is possible to commit violence against the husband.

There is a presumption that domestic violence is an internal affair of husband and wife whose legal relationship is bound in marriage, which is the scope of civil law. Husbands who experience low-educated violence are also blind to knowledge in the field of law. When there is a violation in the relationship between the individuals, the law enforcement is resolved by filing a lawsuit to the court by the husband who feels harmed. In this case, the judge usually resolves by referring to Law No. 1 of 1974 on marriage. ¹² The marriage law does not regulate sanctions that can be imposed on domestic violence actors and public law (criminal law). Because the sanctions do not exist, there is no deterrent effect for the wife as the perpetrator of violence, so the violence still occurs for the next.

Based on the Domestic Violence Law contained in Article 16, namely temporary protection that states that⁸ :

- 1) ¹³ Within 1 x 24 (one time twenty-four) hours from ¹⁷ the date of learning or receiving reports of domestic violence, the police must immediately provide temporary protection to the victim.
- 2) Temporary protection ²³ as referred to in paragraph (1) shall be given no later than 7 (seven) days since the victim is received or handled.
- 3) ¹³ Within 1 x 24 (one time twenty-four) hours from ³⁰ the granting of protection as referred to in paragraph (1), the police shall request a warrant for protection from the court.

Temporary protection is protection directly provided by the police by cooperating with health workers, one of them from health workers checking the victim's condition. Then

⁸ Article 16 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence

from the police investigated learning and receiving reports that there had been domestic violence. Furthermore, the protection provided by the police is also in the form of notification about the development of cases that are being handled by the police to the victim or the victim's family.

5. Efforts Made by Law Enforcement Officials to Overcome Domestic Violence Crimes Committed by Women

Domestic violence committed by wives against husbands has been so violent in recent years that it has become a social issue that demands serious attention from various parties. Domestic violence is a problem that has deeply entrenched and occurs in all countries of the world.⁹

After seeing the increasingly widespread domestic violence cases in Indonesia, especially in Gorontalo City, it requires special attention from all circles, especially from or to the government, because the impact of domestic violence can be fatal to the harmony of one's household and can even have implications on people's social life if domestic violence is considered to be commonplace in every domestic relationship.

Marriage is an inner birth bond between a man and a woman who generally come from a different environment, especially from his home family environment, then bind themselves to achieve the eternal and happy purpose of the family. Domestic violence efforts are very important when domestic violence occurs, involving various parties, namely law enforcement, in seeking to combat domestic violence. This case can be pursued as follows:

1) Preventive Countermeasures

What is meant by preventive countermeasures is an effort made early through educational activities with the target as the driving factors and opportunity factors of domestic violence crimes, to create awareness, awareness of resistance, and fostered and the creation of behavioral conditions or norms of anti-violence life against

⁹ Ramadani, Mery dan Yuliani, Fitri. (2015). "Kekerasan Dalam Rumah Tangga (KDRT) Sebagai Salah Satu Isu Kesehatan Masyarakat Secara". *Global Jurnal Kesehatan Masyarakat Andalas*, 9 (2): 80-87

husbands. Domestic violence reflects the husband's worthlessness in his wife's eyes and is an insult to the dignity and dignity of the husband that must be guaranteed his rights.¹⁰ So, in this case, law enforcement conducts socialization about domestic violence. With the granting of socialization, the public can know the extent of domestic violence and how legal sanctions are given against domestic violence perpetrators under the article that regulates domestic violence. Other preventive efforts include:

- (1) Provide educational sanctions to the perpetrators of the domestic violence following the type and level of severity or lightness of violations committed so that it is not only meaningful for the perpetrators of the domestic violence but also victims and other members of the community.
- (2) Provide incentives for everyone who contributes in reducing, diluting, and eliminating one form of the domestic violence meaningfully so that there is a calm and happy life process.
- (3) Resolve cases of domestic violence based on the victim's compassion and safety for the future so as not to cause resentment to the perpetrator.
- (4) The government needs to continue to act quickly and decisively against domestic violence practices by referring to the law on the Elimination of Domestic Violence not to affect people's lives.

Preventive measures to prevent violence, such as socialization through community groups, NGOs, media, or individually make efforts to prevent anyone from committing violence and not being victims of violence. Overall preventive efforts can be seen as one of the first steps to prevent the domestic violence, not only by men but also for actions taken by women.

¹⁰ Interviewed with members of the Criminal Resort Unit of Gorontalo City Resort Police Rizky Rahman Pradipta

2) Curative Countermeasures

Curative action, for example, if there is a case of institutions or individuals assisting in facilitating victims to get protection, provide mental reinforcement, and provide the information needed to obtain assistance services by the relevant parties,¹¹ which is meant to be an effort to combat domestic violence in the form of curative actions taken to deal with victims in an integrated manner. There are many ways that both parties in domestic violence can do in order to avoid violence, among others:¹²

- (1) The need for strong faith and a good attitude, and sticking to his religion
- (2) Knowing that domestic violence has an adverse impact later in the home
- (3) There must be good communication between husband and wife to create a harmonious and harmonious home.
- (4) It takes mutual trust, understanding, mutual respect, and so on between family members.
- (5) The wife will be expected to do good to the husband, For the husband at least be gentle towards the wife.

3) Repressive efforts (Crackdown) are carried out at the time of the crime

In this case, the most entitled and authorized party to make this effort is the authorities, especially the police. In making this effort, the police must take action in case of a domestic violence case. However, before taking action against the perpetrator, the police must consider the lightweight of the perpetrator's domestic violence. Repressive efforts are made when a crime/crime acts as law enforcement by imposing a penalty on the perpetrator. Criminal Sanctions in eliminating domestic violence Law there is a Basic Criminal, namely Prison or Fine, and there is Additional Criminal.¹³

¹¹ Ibid

¹² Interviewed with members of the Criminal Resort Unit of Gorontalo City Resort Police Rizky Rahman Pradipta

¹³ ²⁴stina M. Aryasha Y.P. (2018). Dissertation "Penerapan Sanksi Pidana Terhadap Pelaku Tindak Pidana Kekerasan Dalam Rumah Tangga Ditinjau Dari Undang-Undang Nomor 23 Tahun 2004

The choice of appropriate preventive and curative measures depends largely on the real conditions of domestic violence, the ability and ability of family members to get out of the practice of domestic violence, the concern of the surrounding community, as well as the assertiveness of the government to crack down on domestic violence practices that occur amid society. However, as a repressive step must also be implemented considering domestic violence is a crime, domestic violence can be punished as the criminal threat stipulated in Law No. 23 of 2004. Women's domestic violence can be committed by women, whether physical violence, psychic violence, sexual violence, and abandonment. Women in the criminal justice system remain protected by the separation of detention rooms and examined by the women's unit.

In the crime management system, character education is required, especially for prospective parents to understand the concept of homemaking, being a wife, husband, son-in-law, parents, and members of a community.¹⁴

Here are the threats of punishment for perpetrators of Domestic Violence:¹⁵

1) Perpetrators of Physical Violence

- a. Ordinary violence is punishable by a maximum imprisonment of 5 (five) years or a maximum fine of Rp 15,000,000.00 (fifteen million rupiahs).
- b. violence resulting in severe injury is punishable by a maximum imprisonment of 10 (ten) years or a maximum fine of Rp 30,000,000.00 (thirty million rupiahs).
- c. violence resulting in death is punishable by a maximum imprisonment of 15 (fifteen) years or a maximum fine of Rp 45,000,000.00 (forty-five million rupiahs).

Tentang Penghapusan Kekerasan Dalam Rumah Tangga (Studi Terhadap Putusan Nomor: 102/Pid. B/2017/PN. D 36. Mataram: Repositori Universitas Mataram. pg. 3

¹⁴ Bunga, Dewi. (2016). "Perempuan Sebagai Pelaku Kekerasan Dalam Rumah Tangga". *Jurnal Penelitian Agama*. 2 (2): 69-84

¹⁵ Sam. (2019). "Kasi Pidum Kejari Balangan : Ancaman Hukuman KDRT Tidak Main-Main". Dikutip dari Kejaksaan Negeri Balangan. Retrieved from <https://kejari-balangan.go.id/2019/06/20/kasi-pidum-kejari-balangan-ancaman-hukuman-kdrt-tidak-main-main/>. Accessed on February 2, 2020

2) Perpetrators of Psychic Violence

Maximum imprisonment of 3 (three) years or a maximum fine of Rp 9,000,000.00 (nine million rupiahs).

3) Perpetrators of Sexual Violence

Sexual violence that results in the victim getting wounds that do not give hope of recovery at all, experiencing mental or psychiatric disorders for at least 4 (four) weeks continuously or 1 (one) year not consecutively, the death or death of the fetus in the womb, or resulting in the malfunction of reproductive devices, shall be punishable by a maximum prison sentence of 5 (five) years and maximum imprisonment of 20 (twenty) years or a fine of at least Rp 25,000,000.00 (twenty-five million rupiahs) and a maximum fine of Rp 500,000,000.00 (five hundred million rupiahs).

4) Perpetrators of Economic Violence

Maximum imprisonment of 3 (three) years or a maximum fine of Rp 15,000,000.00 (fifteen million rupiahs).

According to the provisions of the Domestic Violence Law that domestic violence crimes are in the form of sanctions in the form of imprisonment or minimum and maximum fines. As contained in Article 44 (physical violence), Article 45 (psychic violence), and Article 49 (abandonment) is not determined, the minimum criminal limit mentions the maximum limit only. As for Article 46 and Article 47 on sexual violence mentioned in Article 48 is determined the minimum limit and the maximum limit of imprisonment and criminal fines are.¹⁶

The efforts made by the government to provide services to victims of Domestic Violence are as follows:

- (1) Provide apparatus, health workers, social workers, and spiritual advisers.
- (2) The creation and development of systems and mechanisms of cooperation of service programs involving parties that are easily accessible by victims.

¹⁶ Walangitan, Josua O. S. (2020). "Sanksi Pidana Dalam Pemberantasan Tindak Pidana Kekerasan Rumah Tangga yang Dilakukan Suami pada Istri". *Jurnal Lex Privatum*, 8 (1): 78-85

(3) Protect witnesses, family, and friends of victims

6. Conclusion

Factors that influence the occurrence of Domestic Violence Crimes committed by women in Gorontalo, namely, economic factors, communication factors, low understanding of religion, parental factors, husbands often consuming alcohol, a third person in the household, and psychological factors. The efforts made by law enforcement officials to tackle domestic violence crimes committed by women in Gorontalo city, namely, preventive countermeasures, curative countermeasures, and repressive efforts (crackdown), are carried out at the time of the crime.

Acknowledgement

Our thanks to LPPM Gorontalo State University for allowing us to do this research. This research is part of the next stage of research, which will be a reference effort to prevent domestic violence that involves men as perpetrators and domestic violence involving women (wives) as the perpetrators.

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Law No. 23 of 2004 on the Elimination of Domestic Violence

Law No. 1 of 1974 was amended by Law No. 16 of 2019 on Marriage.

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