

## **ANALYSIS OF PROTECTION AND RECOVERY EFFORTS AGAINST VICTIMS OF DOMESTIC VIOLENCE ESPECIALLY CHILDREN AND WOMEN**

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### **ABSTRACT**

Domestic violence is a distressing criminal offense that can result in severe legal repercussions, including imprisonment, as well as profound and lasting effects on its victims. This pervasive issue often involves one family member inflicting harm on another within the confines of their own home. Discussing domestic violence is no longer a societal taboo, as awareness has grown about the importance of addressing and preventing such cases. The motives behind domestic violence are complex, stemming from issues like relationship disharmony, financial strain, poor communication, and more. These underlying factors can trigger a range of abusive behaviors, leading to physical, emotional, and psychological harm for the victims. These abuses can manifest directly or indirectly, through threats, manipulation, or physical violence. The consequences of domestic violence are not limited to the short term; they can have enduring effects on the victims' lives. Physically, victims can sustain injuries that may require medical attention, while the emotional and psychological scars can linger, affecting self-esteem, mental health, and overall well-being. It is crucial to address this issue through legal means, support, and education to break the cycle of domestic violence and protect its victims.

**Keywords:** *domestic violence, elimination, protection, impact, efforts*

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### **INTRODUCTION**

Talking about violence in Indonesia, especially violence against children and women, is no secret. Violence is one of the high-rate cases in Indonesia that needs special attention from the government. Violence is an act of hurting someone that can endanger that person and even threaten their life. Violence often occurs against children and women. Children are the future generation of the nation as well as the successors of the ideals of the nation's struggle who need education, guidance, protection, maintenance, and good direction to be able to grow and develop in the life of society, nation, and state.

In this case, full support is needed from both outside and inside. Especially from within or internal factors. Internal factors are usually related to family conditions, especially the attention given by parents. Attention from parents can be in the form of prevention or freedom of children in carrying out activities to develop children's motor skills during growth. In this case, parents play an active role in supporting and supervising the growth of the child. External factors are influenced by the environment both from the surrounding environment, the educational environment, and the child's play environment.

Children must be protected, loved, and given special attention so as not to commit criminal behavior or acts of violence by individuals, groups, parents, or playmates either directly or indirectly. In essence, children are unable or unable to protect themselves from various forms of actions that can cause physical, mental, mindset, and child development losses. Therefore, special and intense protection efforts are needed for children. So children need help from others

to protect themselves from various situations and conditions that might endanger or even threaten their lives (Devaney, 2015). However, not all children get full affection from their parents. There are often cases of children being abused by their parents. Usually, this violence occurs due to broken home family conditions, insufficient economic conditions, disharmony that occurs in the family, and so on. These conditions will certainly affect and hinder the growth of the child who should receive treatment like other children in general.

Violence is very close to the life and development of children. How could it not be, several cases found that children at an early age have been introduced to acts of violence. The forms of violence they experience include verbal, physical, and sexual violence. Children's experiences related to acts of violence can be known through the forms of violence they feel, the perpetrators who commit acts of violence, the place where violence occurs, and the causes of violence. The perpetrators of violence that occur in the family are usually the closest people who should have the obligation to protect these children, such as grandparents, fathers, mothers, siblings, and their immediate environment (Makarao, 2013).

Not only do cases of violence occur to children but there are also many cases of violence against women. Cases of violence against women usually occur within the family. However, many women receive acts of violence such as harassment, rape, and murder, and even women who are traded by certain individuals. In this case, the author will discuss cases of violence against women that occur within the family. Domestic violence against women is usually committed by the husband to his wife. Problems that arise in the family trigger conflicts that lead to violence.

A family is a unit consisting of the head of the family, the wife, and the children. Each family member has their role both in rights and obligations that must be carried out. Each family member is obliged to respect each other, give what is the right of each family member, and provide full affection both in the form of attention and protection. The provision of these rights and obligations can be in the form of alimony by the husband to his wife and children, carrying out the full obligations carried out by the wife to her husband and children, the obedient and submissive attitude of children to their parents, and taking care of each other's family members.

Family is the most intense scope for a person to adapt. Various ways are done to improve communication and harmony in the household to become a perfect family and prevent conflicts or problems that occur in the family. However, the fact is that no family does not have problems, either caused by internal factors or external factors. Internal factors usually arise from the family itself, such as lack of harmony in the household, lack of attention, lack of communication, high egoism, neglect of family members, economic problems, and so on. Meanwhile, external factors usually arise from third parties. Third parties here are not always related to the existence of a third person who is considered to damage the family relationship, but can also be due to the influence of environmental factors themselves. Internal and external factors that arise in the family can encourage division and even violence as a result of problems that occur in the family. Violence that occurs can cause psychological and physical impacts for victims of violence. Not only does it have an impact on victims, but perpetrators who commit acts of violence can be charged with articles that will be subject to sanctions and penalties.

According to Morris, (1990); Phillips & Vandenbroek, (2014) domestic violence is a crime committed in the context of an intimate relationship. The relationship is characterized by

violence accompanied by power and coercion directed at a person and aimed at controlling that person. The number of cases of violence increases every year. In 2008, 1,736 cases of child abuse were reported to the National Commission on Child Protection. This number increased in 2009 to 1,998 cases of violence against children. Approximately 62.7 percent of the 1,998 cases involved sexual violence. In 2010 there were 453 cases of fission violence, of which 646 were sexual violence 550 were psychological violence, 69 cases of kidnapping, and 30 cases of pornography.

Based on the 2017 Annual Compass Notes of Komnas Perempuan, cases of violence that occurred in Indonesia in 2016 from 358 Religious Courts recorded 245,548 cases of violence, and data from 233 cases of violence in 34 provinces recorded 13,602 cases handled by Service Provision Partners. From the total data, the result was 259,150 cases of violence against women that occurred in Indonesia.

According to Yohana Yembise, Minister of Women's Empowerment and Child Protection, in March 2018 there were around 1,900 reports of violence against children in Indonesia. The number of cases of violence that occur so that there is a need for public awareness to report criminals. The complex problems of violence in the household both affect children and women, so Law No. 23/2004 on the Elimination of Domestic Violence was formed and passed. However, the implementation of the Law has not been as it should be. As a result, the rights of victims have not been fulfilled because not all law enforcement officers applying this law consider the relationship between husband and wife and parents and children (Saraswati, 2015).

According to (Permata Hartanto & Grahani Firdausy, 2014) violence that takes place and occurs repeatedly is a situation that hurts and pressures someone who experiences it. Every act that causes pressure, threats, or criminal acts is included in social problems. Conditions like this are very painful and tend to cause pressures that result in the disruption of a person's psychological problems as a result of the violence that occurs.

An example of a bad portrait of violence is the murder committed by a mother to her three children that occurred in Gianyar, Denpasar, Bali. Ni Luh Putu Septyan Permadi is a 33-year-old teacher, the perpetrator of the murder victim as well and the mother of her three children who were killed by her on February 21, 2018. The motive for this murder was because she could no longer bear the burden of her complicated household problems. The perpetrator of the murder of his own three biological children has been declared a suspect.

According to the confession, the suspect murdered by smothering the nose and mouth of his children one by one until they were lifeless. Not only that, after ensuring that his three children were lifeless, the suspect then intended to commit suicide by drinking the insect poison he had prepared and slashing his arms and neck. However, the action was discovered by the family, and were immediately rushed to the hospital in a critical condition and were successfully saved (Wibowo & Srijadi, 2023).

From these cases, special protection is needed, namely Law Number 23 of 2002 concerning Child Protection which is realized through the relationship between institutions and laws and regulations (Erdianti, 2020). Victims of criminal acts who suffer from domestic violence experience short-term and long-term suffering that requires protection from the government related to the human rights of victims and recovery efforts. This recovery aims to improve the victim's condition due to acts of violence and immediately carry out activities as usual. Recovery must be carried out intensely with proper handling so that victims will feel

comfortable during the recovery process both by medical and non-medical services (Wibowo & Srijadi, 2023).

## **METHOD**

The writing of this article uses a sociological juridical legal research method, where the author compares various cases that occur related to domestic violence with the laws and regulations in force in Indonesia. The cases that the author analyzes come from various media both print and online. In this research, the author does not go directly to the field to see the facts but collects them from various sources of cases. Expert opinions that the author obtained to support various arguments in this research were obtained from previous studies and books related to the issues raised by the author.

## **RESULTS AND DISCUSSION**

### **Domestic Violence**

Domestic violence can be referred to as spousal abuse which includes verbal, physical emotional, and sexual abuse of a person. The victim of this violence is considered to be the victim of domestic violence. However, domestic violence can happen to any gender, race, age, and sexual orientation. Domestic violence causes several negative impacts such as long-term physical and mental health problems to the victims who are generally children and women.

Physical injuries that may occur are cuts, bruises, concussions, fractures, internal injuries, organ damage, loss of hearing and vision, arthritis, permanent disability, and other injuries from sharp objects (Alejo, 2014). Domestic violence is considered a global problem with serious health concerns. The UN defines domestic violence, especially against women, as any act or omission of gender-based violence that results, or is likely to result, in physical, psychological, mental, or other harm to women, including threats such as coercion, and arbitrary deprivation of rights.

The existence of these acts of violence is motivated by several risk factors for perpetrators of violence against women, First, there is a temperamental attitude as a result of prolonged and deep thinking about a problem that can trigger anger. Anger accompanied by physical action increases and raises the risk of violence. Second, substance or drug abuse. There is a link between violent acts and drug use where the perpetrators of these violent acts usually consume illegal substances that can cause loss of consciousness. Third, witnessing family violence. Usually, violent behavior by the perpetrator is due to past experiences of seeing or even experiencing acts of violence. Fourth, gender ideology. This relates to the point of view that men are heads of families who have the strength and power to maintain dominance (Aziz et al., 2018).

Children are a mandate and a gift from God in they have inherent dignity from birth as whole human beings. Children have the right to be protected and cherished. Every child who is born must get what is their right without the child asking for it. Through Presidential Decree No. 36 of 1990 on the general principles of child protection, namely nondiscrimination, the best interests of the child, survival and growth and development, and respect for child participation. These principles are contained in the provisions of Law No. 35/2014 on the Amendment to Law No. 23/2002 on Child Protection.

The government issued regulations on human rights in Law No. 39/1999 on Human Rights, which contains regulations on children's rights through several articles. Children's rights are an integral part of human rights that contain elements containing the formulation of universal principles and provisions of legal norms governing children's rights (Saraswati, 2015).

Children's experiences of violence that occurs in the family are usually through the five senses, namely "witnessing". However, in this case, children who see violence through the five senses fail to capture patterns of behavior that should not be done in front of them, which in this case will create deep memories. Children may not always understand and observe domestic violence related to sexual abuse but they are still aware that abuse occurs (Devaney, 2015).

Child sexual abuse in the family sphere is characterized as a contact of symptoms and actions between a child and an adult or older person where the child is under the control or power of being used as a means of gratification. This crime falls under both criminal and civil crimes in which adults directly engage in sexual activity that exploits minors for immediate gratification of desire (Junaidi, 2021).

### **Elimination of Domestic Violence**

Domestic violence is one of the crimes that occur within the scope of the family, which acts through personal relationships between husband and wife, parents and children, children and other children, or people within the scope of the family. Violence between husband and wife is also regulated in the Civil Code or Law Number 1 Year 1974 concerning Marriage. The settlement of such violence is directed into private law because it is considered or deemed that the settlement can be resolved internally within the family relationship (Abdurrahman, 2010).

The law on domestic violence is regulated in Law Number 23 of 2004 which was made with several considerations including: first, that every citizen is entitled to a sense of security and freedom from all forms of violence by the philosophy of Pancasila and the 1945 Constitution of the Unitary State of the Republic of Indonesia. Second, all forms of violence, especially domestic violence, are violations of human rights and crimes against human dignity as well as forms of discrimination that must be eliminated. Third, victims of domestic violence, most of whom are women, must receive protection from the state and society to avoid and be free from violence or threats of violence, torture, or treatment that degrades human dignity. Fourth, in reality, there are many cases of domestic violence while the legal system in Indonesia has not yet guaranteed protection for victims of domestic violence (Makara, 2013)

The elimination of domestic violence is a guarantee provided by the government or state to prevent and overcome violence that occurs in the household. Not only prevention efforts, the government also takes action and strict sanctions against perpetrators of domestic violence. Protection of victims due to violence is also necessary both with law enforcement and recovery efforts for victims (Usmita, 2017).

Many cases of violence occur against women and children. Not only discrimination against the victims themselves, but there are also many cases of violence such as cases of physical or sexual abuse and cases of domestic violence. Society's view of women is still low because women are considered soft, feeling, patient, and weak creatures. So in this case the position of women is less favorable (Mitchell, 2011).

Judicial decisions related to criminal offenses against perpetrators of domestic violence cases can be listed as regulated in the Criminal Code (KUHP). Domestic violence generally

occurs against women and children. The number of cases of violence against women and children is no longer a public secret. Therefore, Law No. 23/2004 on the Elimination of Domestic Violence was made and passed. Not only is there a guarantee of protection against violence for victims, but there is also a need to guarantee protection in the eyes of the law for defendants, witnesses, and or their lawyers. The guarantee of protection against violence against children lies more in the adjudication process. This is because the defendant or his/her lawyer during the court session has the same rights in the eyes of the law to be able to stand upright as a party equal to the prosecutor (Harahap, 2022). According to Iksan (2007), both material and formal criminal law policymaking must be carried out comprehensively through a value approach and a policy approach so that it is more effective in preventing and protecting society from acts of violence.

### **Protection of Victims of Domestic Violence**

Legal protection for victims of crime is part of community protection that can be realized through various efforts such as providing restitution and compensation and legal protection for victims of violence (Izziyana, 2019).

The difference between compensation and restitution is that compensation is requested by the victim and paid by the community in the form of responsibility of the community and the state for victims of acts of violence. Meanwhile, restitution is a form of responsibility that is more likely to lead to a crime that is accounted for by the defendant as a convict. Victim protection can be direct (concrete) and indirect (abstract) and the provision of responsibility can be in the form of material or non-material. Protecting the human rights of witnesses and victims is regulated in Article 11 of Law Number 13 of 2006 concerning Witness and Victim Protection.

The Law states in paragraph (1) that LPSK is an independent institution, in paragraph (2) LPSK is domiciled in the capital city of the Republic of Indonesia, and in paragraph (3) LPSK has representatives in the regions as needed. Article 28 of Law Number 13 of 2006 regulates agreements with the Witness and Victim Protection Agency (LPSK) for witnesses or victims of criminal acts (Maryani, 2017).

### **The impact of domestic violence cases on children and women**

The first form of domestic violence is physical violence which can cause victims of violence to experience pain both internal and external injuries. Second, psychological violence for victims is a result of behavior or actions that cause victims to be helpless, excessive fear, loss of self-confidence, and mental burden due to anxiety and problems that always arise both in their hearts and minds. Third, sexual violence is an act of violence that causes the victim to experience depression, and fear because of actions that the victim does not like, accompanied by coercion or persecution. Fourth, domestic neglect can cause victims to feel unprotected, not getting attention, and even not getting their rights as they should (Usmita, 2017).

The violence that occurs against women and children in the household not only affects physical conditions but also psychological conditions. Children who receive domestic violence tend to have a closed attitude filled with fear. Violence that takes place and occurs repeatedly is a situation that hurts and pressures someone who experiences it. Any action that causes pressure, threats, or criminal acts is included in social problems. Such conditions are very

painful and tend to cause pressures that result in psychological disruption. A wife who experiences physical and sexual violence has an impact on a psychological crisis that makes her even more depressed and unable to trust herself. Not only that, sexual violence causes suffering for a wife where she will lose sexual dysfunction and disease in the female area (Mitchell, 2011).

### **Recovery Efforts for Victims of Domestic Violence**

Once it is known that the victim has suffered an act of violence, the victim has the right to receive recovery efforts. In this case, the family and community are expected not to look badly at victims of violence, which will affect the victim's psychological condition because they receive bad assumptions from the surrounding environment. The government and health or medical institutions play an active role in supporting the course of recovery efforts. The implementation of these efforts must be carried out in a coordinated and integrated manner from the central, provincial, and district level sectors.

Not only for the recovery of victims but for the smooth implementation of the recovery process for victims of violence, there needs to be cooperation between government agencies and community involvement. The implementation of recovery is an action taken for victims of violence through service and assistance to victims. These services and assistance include health worker services, victim assistance, counseling, spiritual guidance, and resocialization.

The forms of service are described as follows: First, through health services. Victims of violence are entitled to recovery services and receive medical treatment, especially from health workers. Second, victim assistance. Victim assistance in this case is by counseling victims of violence. Third, providing counseling. The provision of counseling is carried out by experts related to the ability to understand the psychological self to help solve the problems faced by victims of violence. Fourth, through spiritual guidance. Spiritual guidance aims to provide explanations and directions related to the rights and obligations to God that must be carried out by victims of violence as a strengthening of faith and piety by their respective beliefs. Fifth, resocialization services. Resocialization is a service carried out by social agencies by providing direction to victims of violence so that victims can return to carrying out their social functions in community life (Ramadhon et al., 2020).

### **CONCLUSION**

Violence is an act of hurting another person either directly or indirectly that causes suffering to the victim. Domestic violence is included in crimes that can hurt victims. The negative impacts felt by victims of violence are physical, mental, and psychological. Generally, victims who experience violence will feel psychological disturbances due to the violence they have experienced. The violence is not only seen physically but causes deep mental suffering for the long term.

The motives for these crimes are usually due to disharmony in family relationships, lack of communication, economic problems, infidelity, drug use, lack of closeness to the Creator, and so on. The rise of these crimes and the high rate of violence that occurs in Indonesia is one of the cases that needs to be addressed by the government. Various efforts have been made by the government such as making laws and regulations related to the elimination of domestic

violence, medical and intense health services, assistance for victims, counseling guidance, spiritual guidance, and the holding of resocialization of victims due to domestic violence.

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