

# Preemptive and Preventive Measures in Combating Domestic Violence

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## Abstract

Elimination of domestic violence is a guarantee given by the state to prevent any violent acts within households, to take action against perpetrators of domestic violence, and to protect victims of domestic violence. Violence against women today are increasing significantly. With the increasing number of cases of violence against women as housewives and the alarming effect it, Indonesian government decided to ratify Law of the Republic of Indonesia No. 23 Year 2004 on the Elimination of Domestic Violence (Law of PKDRT) on September 14, 2004. Article 4 of the PKDRT Law emphasizes that the elimination of domestic violence aims to prevent all forms of violent acts within an household. In order to do preventive measures toward domestic violence, the Ministry which duties and responsibilities are in the field empowerment of women needs to carry out preventive actions, including organizing communication and information including education related to prevention of domestic violence. The Law of PKDRT is made as a legal basis for prevention and enforcement toward domestic violence. Preventing violence against women is a shared responsibility between the government and the community, this can be seen in Chapter V, in Article 12 and Article 15 of PKDRT Law. Therefore, it is our responsibility to prevent and eliminate all forms of violence that occur within the household. Efforts to prevent violence against women as housewives can be done or prevented through two forms, through pre-emptive efforts and preventive efforts.

**Keywords:** combating, domestic violence, preemptive and preventive measures.

## I. Introduction

Violence against women is a major problem in our society. Throughout history, there can be witnessed male domination over women, as well as discrimination against women. Lack of opportunities for women to obtain legal information, assistance or protection, and lack of legal efforts by community authorities to implement laws in recent cases, have contributed to the increasing numbers of violence against women. Cultural patterns that place women as men's subordinates also play a role in the occurrence of acts of violence against women.<sup>1</sup> Violence against women today is not only individual matter, but has been widely recognized as national and global problem. In certain cases violence against women can be categorized as transnational problem.

It is categorized as global problem since it can be seen throughout set of existing international laws concerning this phenomenon, as confirmed by Muladi as follows:<sup>2</sup>

1. Vienna Declaration.
2. Convention on the Elimination of All Forms Discrimination Against Women (1979).
3. Declaration on the Elimination of Violence Against Women (1993).
4. Beijing Declaration and Platform for Action (1994).

Violence against women as global matter, has worried every citizen in the world, not limited to developing countries but also developed countries that are said to be very respectful and mindful toward human

<sup>1</sup> Muhammad Thalib. (2005). *30 Kejahatan Lelaki Terhadap Perempuan*. Yogyakarta: Wihdah Press, p. 92

<sup>2</sup> Muladi. (1997). *Hak Asasi Manusia, Politik Dan Sistem Peradilan Pidana*. Semarang: Badan Penerbit Universitas Diponegoro, p. 32

rights, like the United States. Indonesia, as a developing country, has a poor reputation towards the issue of human rights violations, one of which is the violation of women's rights. Furthermore, violations of women's rights can be classified as acts of violence against women.<sup>1</sup>

Violence against women as wives in the household is a serious social problem, but there is a lack of response from the society and law enforcers for several reasons. First: the absence of accurate criminal statistics and data concerning domestic violence, second: acts of violence toward women as wives in households have a very personal scope and its privacy relates to the harmony and sanctity of the home, third: acts of violence against women as wives are considered normal because the norms and rights of husbands as leaders and heads of families, and fourth: acts of violence on wives in the household occur in legal institutions namely marriage.<sup>2</sup>

In this regard, Harkristuti Harkrisnowo revealed, The alarming phenomenon is that acts of violence against women that have been raised as global issues have not received equal attention for a long time in Indonesia. Revealing the power of public ignorance of this problem requires a separate discussion, but it is enough to say that the social structure, people's perceptions toward women and acts of violence against women, and the value of people who always want to be seen as harmonious therefore difficult to recognize and admit the existence of problems within the households regardless of the risks, are the three main things that underline the problems.<sup>3</sup>

The state views all forms of violence that occur within the household as violation of human rights and crimes against human dignity, and classified as form of discrimination against women.<sup>4</sup> This view is the basis of Article 8 of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) along with its amendments. In Article 28 G paragraph (1) of the 1945 Constitution which stipulates that "everyone has the right to personal protection from the threat of fear of doing or not doing something which is a human right". Furthermore, in Article 28 H paragraph (2) of the 1945 Constitution.<sup>5</sup>

The phenomenon faced by Indonesian society today mainly is the problem of Criminal Acts of Domestic Violence due to the increasing number of violence cases occur within households. As for a number of cases of domestic violence, a total of 527 cases were handled by LBH APIK (NGO) Jakarta throughout 2015. According to 2017 Annual Note (CATAHU) of National Commission on Violence Against Women, Domestic Violence cases increased in 2016 with 259,150 cases of violence against women reported and handled, consisting of 245,548 cases originating from data on cases handled by 359 Religious Courts, and 13,602 cases handled by 233 service provider partner institutions in 34 provinces. For domestic/personal violence, violence cases against wives (KTI) ranked first 5,784 cases (56%), 42% physical violence (4,281 cases), 34% sexual violence (3,495 cases), 14% psychological violence (1,451 cases) and economic violence 10% (978 cases).<sup>6</sup>

2018 Annual Note (CATAHU) of National Commission on Violence Against Women finds an increase in domestic violence cases throughout 2017, in comparison to 2015 and 2016. There are 348,446 cases of violence against women reported and handled, consisting of 335,062 cases were handled by the Religious Courts, and 13,384 cases were handled by 237 service partner institutions spread across 34 provinces. Of 13,384 cases that entered the service partner institutions, violence occurred in private/personal domain made up 71% or around 9,609 cases, while the other 3,528 cases (26%) happened in public/community domain and within the state domain is 247 cases (1.8%). In this note, the reports gathered by service partners show substantial increase of violence against women in private/personal domain, constitute of 2,227 cases, while violence against wives

<sup>1</sup> Fathul Jannah. (2002). *Kekerasan Terhadap Istri*. Yogyakarta: LKIS, p. 1

<sup>2</sup> Hasbianto, Elli N. (1996). *Kekerasan Dalam Rumah Tangga: Sebuah Kejahatan yang Tersembunyi*, dalam Syafiq Hasyim (ed.), (1999). *Menakar "Harga" Perempuan: Eksplorasi Lanjut Terhadap Hak-Hak Reproduksi Perempuan dalam Islam*. Bandung: Mizan, p. 31

<sup>3</sup> Harkristuti Harkrisnowo. (2001). "Tindak Kekerasan Terhadap Perempuan Dalam Perspektif Sosio Yuridis" in A. Reni Widayastuti. (2009). Peran Hukum dalam Memberikan Perlindungan Terhadap Perempuan Dari Tindak Kekerasan di Era Globalisasi. *Mimbar Hukum*. 21:2, June, p. 397.

<sup>4</sup> Badriyah Khaleed. *Penyelesaian Hukum KDRT* (Penghapusan Kekerasan Dalam Rumah Tangga dan Upaya Pemulihannya). Jakarta: Pustaka Yustisia, p. 12

<sup>5</sup> *Ibid.*

<sup>6</sup> Catatan Tahunan Komisi Nasional Perempuan tahun 2017. See [https://drive.google.com/file/d/0BwSyakH\\_J8\\_nMDJkaGlpc3NOcWs/viewpdf](https://drive.google.com/file/d/0BwSyakH_J8_nMDJkaGlpc3NOcWs/viewpdf), accessed on September, 30 2018

made up around 5,167 cases. In the private/personal domain, the highest percentage of violence occurred is physical violence with 41% (3,982 cases).<sup>1</sup>

To deal and overcome the problem of domestic violence, the Indonesian government ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 24 July 1984 through Law of the Republic of Indonesia No. 7 Year 1984. In CEDAW, there is a very broad arrangement for the state and the international community to take steps in securing equal rights of women, and ensuring the elimination of all forms of violence against women, both in personal life and public.<sup>2</sup> The increasing number of violence against women as housewives has a detrimental impact for women and society in general. For this reason the Indonesian government ratified Law No. 23 of 2004 concerning the Elimination of Domestic Violence (hereinafter referred to as the PKDRT Law) on September 14, 2004. The PKDRT law was made as a legal basis for prevention and repression of acts of violence in households where most of the victims were women as housewives from various socio-economic layers.

Based on the explanation, the problems that will be discussed in this paper is about the preventive measures against violence against women, particularly domestic violence.

## II. Research Method

The type of research used is the type of normative legal research, using a legal and conceptual approach.<sup>3</sup> Data collection techniques are conducted through library research by studying and reviewing a number of national legal rules and international agreements, textbooks, research papers, legal journals, legal dictionaries, and then analyzed descriptively.

## III. Results and Discussion

### A. Domestic Violence

A meaning to a concept depends heavily on the norms and values that grow, develop and recognized in a society. Similar to the crimes of violence, or violence, which is basically a concept. Regardless of the shape, violence has a very traumatic impact on women, both related or not to the nature of women themselves. Anne Grant defines domestic violence as a pattern of deviant behavior (assaultive) and coercive, including physical, sexual, psychological, and economic coercion committed by adults to their intimate partners. Domestic violence is a form of violence that occurs in a household where usually the male sex (husband) verbally or physically persecutes the female (wife).

Harkristuti Harkrisnowo as quoted by Michael Levi, the word “violence” is a concept, therefore the meaning of “violence” is very dependent on norms and values that grow, develop and recognized in one society. So, the meaning of “violence” is different in every area of society.<sup>4</sup> Therefore a behavior that is seen as (crime) violence in one community of one country may not be considered as such in another country. According to Jerome Skolnick violence is: “... an ambiguous term meaning established through political process ...”. In Harkrisnowo's writings, there are a number of insights about the word “violence”. Weiner, Zahn and Sagi suggest that “violence” has elements: ... the threat, attempt, or use of physical force by one or more persons that results in physical or non-physical harm to one or more persons ...<sup>5</sup>

Harkristuti Harkrisnowo<sup>6</sup> then indicates that violence against women in the household is almost insurmountable because:

- 1) the presence of fear and insecurity in women, which hinders the achievement of equality of development and peace;

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<sup>1</sup> CATAHU 2018 Komnas Perempuan, see [https://drive.google.com/file/d/18zqa1oq8mDB\\_S1Klqcm5th1z9VTzHT\\_n/viewpdf](https://drive.google.com/file/d/18zqa1oq8mDB_S1Klqcm5th1z9VTzHT_n/viewpdf), accessed on September 30, 2018

<sup>2</sup> Harkristuti Harkrisnowo, *Op.Cit.*, p. 711

<sup>3</sup> Peter Mahmud Marzuki, 2005, *Penelitian Hukum*, Prenadamedia Group Jakarta, p. 35

<sup>4</sup> Harkristuti Harkrisnowo, *Op.Cit.*, p. 712

<sup>5</sup> *Ibid.*, p. 713

<sup>6</sup> *Ibid.*, p. 715

- 2) permanent constraints on women's mobility and restricted access to various basic resources and activities;
- 3) there is a compulsion to always be in a subordinated position;
- 4) tolerance of violence itself, so it has never been reported to the authorities and is difficult to detect;
- 5) if violence against women in the household is reported, often there is no protection for the reporter, even the perpetrators of violence are not punished.
- 6) lack of reporting results in a lack of documentation of events, making it difficult to formulate and implement specific intervention strategies.

In the Article 1 of the Declaration on the Elimination of Violence against Women, it is stated that what is meant by violence against women is “every act based on gender differences which results in or may result in women’s physical, sexual or psychological misery or suffering, including threats of certain acts, coercion or robbery of independence arbitrarily, both in public and in private life”.<sup>1</sup>

Violence against women as global problem, has become a concern to every citizen in the world, not only in developing countries but also in developed countries that are said to be very respectful and mindful about human rights, like the United States. Indonesia, as a developing country, has a poor reputation toward the issue of human rights violations, one of which is the violation of women's rights. Violations of women's rights can be classified as acts of violence against women.<sup>2</sup>

Violence consists of the act of imposing physical strength and power on the other party. Usually violent behavior is followed by the purpose of controlling, weakening and even hurting others. It should be highlighted that, even though acts of violence can cause serious implications for physical and mental health, but this phenomenon is not just a media phenomenon.<sup>3</sup> Acts of violence is also not a stand-alone criminal phenomenon, but a phenomenon that crosses the legal, ethical and health spheres and is closely related to moral, cultural, political and personal backgrounds.

Domestic violence is the basic principle of public and private Roman law which is an expression, whether done physically or verbally which reflects the acts of aggression and attacks on one's freedom or dignity which can be done by individuals or groups of people generally related to their authority, namely if translated freely can be interpreted as all form authority without regard to legality. The use or act of arbitrariness can also be included in the formulation of this violence. The root of violence is wealth without work, pleasure without conscience, knowledge without character, trade without morality, knowledge without humanity, worship without sacrifice, political principles.<sup>4</sup>

Domestic violence occurs to any couples who love each other, husbands in normal conditions, strong economic partners, non-alcoholic husband, even successful in their careers, polite husbands, and this also become a problem for both men and women all over the world, carried out consciously, and often carried out by reasons that are allowed by religion.<sup>5</sup> Furthermore Ratna Batara Munti explained that violence against women in the household can occur in various forms as summarized below, namely:

1. Direct physical violence in the form of beatings, scratching up to vaginal damage (sexual violence) and indirect physical violence which usually involves hitting tables, slamming doors, breaking plates, glasses, flower vases, and rudeness.

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<sup>1</sup> Abdul Wahid, 2001, *Perlindungan Terhadap Kekerasan Dalam Rumah Tangga*, PT. Refika Aditama, Bandung, p. 32

<sup>2</sup> Fathul Jannah. (2002). *Kekerasan Terhadap Istri*. Yogyakarta: LKIS, p. 1

<sup>3</sup> Sita Aripurnami, *Memperkuat Posisi “tawar” Penghapusan Kekerasan Terhadap Perempuan di Indonesia Respon Masyarakat*, Makalah dalam Seminar Nasional, Hotel Kartika Chandra, Jakarta, 19 September 2000, p. 1

<sup>4</sup> See <http://id.wikipedia.org/wiki/Kekerasan>, accessed on September 4, 2018

<sup>5</sup> Elli N. Hasbianto. (2006). *Kekerasan Terhadap Perempuan dan Anak dan Tafificking: Upaya Penghapusannya dalam Pendekatan Agama*, Paper presented at Pelatihan Pendampingan Korban Kekerasan Terhadap Perempuan dan Anak, Yogyakarta 6 November, see <http://repository.unand.ac.id/3972/1/Facrina.pdf>, accessed on Oktober 23, 2018.

2. Psychological violence, in the form of rudeness, obscene speech, in which connotes disparaging and insulting, silencing, terrorizing both directly and using certain media, having an affair and leaving behind without clarity for a long time and abandon the responsibility.
3. The combination of various violence as mentioned above, including physical, psychological, and economic.<sup>1</sup>

The definition of violence contained in Article 1 point 1 of the PKDRT Law states that: “Domestic violence is any act against someone, especially women, which results in physical, sexual, psychological misery or suffering, and/or neglect of the household including threats to commit acts coercion, or deprivation of liberty against the law in the household sphere”. The purpose of the definition of violence in article 1 of the PKDRT Law can explain the elements of domestic violence. The intended elements of domestic violence are as follows:

1. any act or threat to commit acts, or coercion or deprivation of liberty against the law;
2. which results in:
  - a. Misery
  - b. Suffering physically, sexually, psychologically, and/or
  - c. Household neglect
3. done in the household sphere.

Any act, threat, or coercion to commit an act, can occur by physical violence or psychological violence (article 5 sub a and b). The use of psychological violence that contains coercion can be done in the form of: the perpetrator express strict orders or anger on daily basis which aims to make the victim do something that is not desired by the victim themselves, but the goal and the will of the perpetrator.

The PKDRT Law Article 2 paragraph (1) does not give a definition of what is meant by the household, or the scope of the household. The definition of household only refers to the physical condition of the house and the people in it. What is referred to in Article 2 paragraph (1) is the scope or content of a household; not an understanding of the household. Furthermore, in the PKDRT Law Article 2 paragraph (1) only provides a context that includes family members who reside or live together in one residence.

The scope of the household was initially regulated in Article 356 of the Criminal Code, namely: mother, legal father, wife or children. Then the scope of the household is also regulated in Article 2 paragraph (1) and (2) of the PKDRT Law, namely:

- 1) The scope of a household as listed in PKDRT Law, includes:
  - a. Husband, wife, and children;
  - b. People who have family relations with the person referred to in point (a) because of blood relations, marriage, breastfeed, caring, and guardianship, who live in the household, and / or
  - c. People who work to help the household and settle in the household.
- 2) The person working as referred to in letter (c) is also seen as a family member within the period of working time in the household

The PKDRT Act in Article 5 states that Every person is prohibited from committing domestic violence against people within their household by:

1. physical violence

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<sup>1</sup> Ratna Batara Munti. (2000). *Advokasi Legislatif Untuk Perempuan: Sosialisasi Masalah dan Draf Rancangan Undang-Undang Kekerasan Dalam Rumah Tangga*. Jakarta: LBH APIK, p.36

2. psychological violence
3. sexual violence; or
4. household neglect

The explanation of the forms of domestic violence mentioned above, namely:

1) Physical violence

The definition of physical violence or abuse regulated in Article 6 of the PKDRT Law explains physical violence as intended in Article 5 letter (a), which is an act that results in pain, illness, or serious injury. The provision of crimes of physical violence in the household is regulated in Article 44 of the PKDRT Law, based on the criminal provisions, Guse Prayudi divides this physical violence into 4 (four) forms :

- a. Ordinary physical violence;
- b. Mild physical violence (complaint offense);
- c. Physical violence that causes illness and/or injury to the victim;
- d. Physical violence that results death.<sup>1</sup>

The meaning is almost the same as the term “persecution” written in Article 351 of the Criminal Code, because jurisprudence explains “persecution” as intentional acts causing unpleasant feelings (suffering), pain (pain) or injury , and in Article 351 paragraph (4) of the Criminal Code including acts that damage people's health.

2) Psychological violence

The definition of psychological violence is contained in Article 7 of the PKDRT Act as an act that results in loss of strength, loss of self-confidence, loss of ability to act, feeling helpless, and / or severe psychological suffering to someone. Provisions for psychological violence in households are regulated in Article 45 of the PKDRT Law.

3) Sexual violence

The definition of sexual violence that is articulated in Article 8 of the PKDRT Law is the same definition of sexual violence as explained in Article 5 letter (c) :

- a) The definition of sexual violence according to Article 8 of the PKDRT Law which regulates forced sexual relations of people who reside within the household.
- b) Forced sexual relations against one person within the household with another person for commercial purposes and / or specific purposes.

The definition of sexual violence as mentioned above implies that every act in the form of forced sexual relations in an unnatural and / or disliked way, as well as forced sexual relations with other people for commercial purposes and / or certain purposes. Provisions on criminal acts of sexual violence in households are regulated in Article 46, 47, 48 of the PKDRT Law.

4) Household neglect

What is meant by household neglect according to Article 9 of the PKDRT Law is :

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<sup>1</sup> Guse Prayudi. (2008). *Kekerasan Dalam Rumah Tangga (Tinjauan Mengenai Pembuat, Perbuatan dan Pidananya)*. Varia Peradilan No. 272, July, p. 48

- a) Everyone is prohibited from abandoning a person within the scope of his household, since according to the law that applies to him or because of an agreement, he is obliged to give life, care or maintenance to other person.
- b) The definition of neglect, as previously mentioned, also applies to everyone who cause economic dependence by limiting and / or prohibiting decent work inside or outside the home so that the victim is under the control of that person. Provisions for criminal neglect in households are regulated in Article 49 of the PKDRT Law.

The description of various forms of domestic violence, either expressed as opinion of experts or listed in various legal regulations that exist, in reality, it does not occur individually but continually, and interconnected with each other. Physical violence generally starts with psychological violence, and is followed by economic violence. In fact, it is common to be followed by sexual violence which is a manifestation of power relations between men to women and children.

## B. Preemptive and Preventive Measures

Elimination of domestic violence is a guarantee given by the state to prevent any form of violence in a household, to take action against perpetrators of domestic violence, and to protect victims of domestic violence. This objectives are emphasized in Article 4 of the PKDRT Law which states that the elimination of domestic violence aims to prevent all forms of violence in a household. Therefore to prevent such violence, the Ministry whose duties and responsibilities is about women's empowerment needs to carry out preventive actions, such as organizing communication, information, and education related to prevention of domestic violence.

Prevention is a process, method, action to prevent a thing from happening. It can be said as the efforts which were made before the violation occurred. Criminal prevention efforts are an initial effort to combat crime. Efforts to tackle crime can be administered in several steps including repression (repressive measures) in addition to preventive measures.<sup>1</sup> Criminal prevention efforts also include preventive measures and at the same time attempt to improve the behavior of someone who has been found guilty of that crime. Preventive measure is done to prevent the occurrence or emergence of the first crime.

One of the efforts to prevent criminal acts is the issuance of a regulation that governs the occurrence of harmony within a society. The law was formed to maintain the harmony of a society.<sup>2</sup> To overcome the widespread and increasing number of crime that violates the values and norms in society, the efforts to overcome and prevent violence against women as wives are also crucial. The preventive efforts according to Barda Nawawi<sup>3</sup> are divided into two types, namely prevention through criminal threats for perpetrators of crime otherwise known as penal, and other prevention efforts done through non-penal scheme.

Non-penal efforts are carried out rationally by the community aimed at tackling crime, by conducting criminal prevention policies. Non-penal policies or mechanism outside criminal law means that efforts are carried out without using criminal law as tools. Thus, it means that non-penal efforts are all non-judicial efforts aimed at overcoming the emergence of crime. The use of non-penal can be interpreted as preventive action before the occurrence of crime, while penal efforts are efforts made as a response after the occurrence of crime.<sup>4</sup>

According to G. Peter Hoefnagels, criminal prevention efforts can be administered through:<sup>5</sup>

- a. Criminal law application;
- b. Prevention without punishment; dan
- c. Influencing views of society on crime and punishment/mass media.

<sup>1</sup> Baharuddin Lopa & Moch Yamin. (2001). *Undang-Undang Pemberantasan Korupsi*. Bandung: Alumni, p.16

<sup>2</sup> *Ibid.*, p. 79

<sup>3</sup> Barda Nawawi Arif. (1996). *Bunga Rampai Kebijakan Hukum Pidana*. Bandung: PT. Citra Aditya Bakti, p. 32

<sup>4</sup> *Ibid.*

<sup>5</sup> See <http://silcabustam.blogspot.com/2011/10/pencegahan-dan-penanggulangan-kejahatan.html>, accessed on September 19, 2018

Purniati<sup>1</sup> formulate several criminal prevention measures in an unconventional manner, including:

- a. Strengthening law enforcement officers and their ranks;
- b. Stabilization of laws and regulations;
- c. Strengthening the justice system;
- d. Coordinative forum between legal practitioners such as legal counsel, public prosecutors, judges with related institutions such as educational institutions, government and community organizations; and
- e. Community empowerment in the form of community security.

Criminal prevention measure (before a crime occurs), according to Purniati, is better than law enforcement after a crime occurs. Basic considerations or reasons for this are:

- a. Preventive measure does not require complicated bureaucratic procedures, and more economical and sufficient than existing method;
- b. With prevention, it does not cause harm to both the perpetrators (stigma, exile and prison) and victims; and
- c. The development of a sense of togetherness due to the existence of joint efforts among the community.<sup>2</sup>

Quoting Musni Umar<sup>3</sup> that prevention is very important to be done before the violence occurs. The forms of prevention include:

- a. Wife and husband conduct dialogue. Both must find solutions and solve the problems that cause violence. If the children are mature enough to understand, involve them to the conversation with husband who has committed domestic violence,
- b. Resolve domestic violence problems with a cold head. Find the right time to remind each other that domestic violence is against state law, religious law, culture and the customs of society,
- c. Report to families who are considered influential who can give wisdom and solution to resolve domestic violence problems, and to avoid another occurrences.
- d. If you have severe domestic violence where the victim has been injured, it is necessary to perform visum et repertum
- e. Report to the authorities that domestic violence has occurred. Reporting to the police should be the final action because it can lead to divorce.<sup>4</sup>

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<sup>1</sup> Purniati dan Moh. Kemal Darmawan. (1994). *Mazhab dan Penggabungan Teori Dalam Kriminologi*. Bandung: Citra Aditya Bakti, p. 87

<sup>2</sup> *Ibid.*, p. 88

<sup>3</sup> Musni Umar, *Pencegahan Kekerasan Dalam Rumah Tangga*, See <https://musniumar.wordpress.com/2012/07/09/pencegahan-dan-penanganan-kekerasan-dalam-rumah-tangga-kdrt/>, accessed on September 11, 2018

<sup>4</sup> Musni Umar, *Pencegahan dan Penanganan Kekerasan Dalam Rumah Tangga (KDRT)*, Makalah untuk dipresentasikan dalam program “Pencegahan dan Penanganan Kekerasan dalam Rumah Tangga”, Kantor Pemberdayaan Masyarakat dan Perempuan, Jakarta Utara, on July 4, 2012 in Rawa Badak, Jakarta Utara, p. 3, see <http://www.musniumar.files.wordpress.com>, accessed on March 3, 2014.



Align with the five steps mentioned above, according John Pasalbessy<sup>1</sup> that from various experiences so far, the solution to the prevention of acts of violence against women must include the following:

- a. Increasing women's awareness of their lawful rights and obligations through training and counseling (legal training);
- b. Increasing public awareness of the importance of efforts to overcome violence against women and children, both in individual, social and institutional contexts;
- c. Increasing awareness of law enforcers to act quickly in dealing with violence against women and children;
- d. Providing assistance and counseling for victims of violence against women and children;
- e. Conducting anti-violence against women and children campaigns carried out systematically and supported by a strong network;
- f. Legal reform especially protection of victims of acts of violence experienced by women and children and groups who are vulnerable to human rights violations;
- g. Health service reform in response to violence against women and children;
- h. Providing social and economic protection to children and not limited to legal protection from parents, but all parties including the community and the state;
- i. Forming institutions to support women as victims of non-violence to be given free consultations, medical and psychological care;
- j. Encouraging mass media (print and electronic) to pay close attention to the issue of acts of violence against women in their reporting, including providing public education about women's rights.

Preventing violence against women is a shared responsibility between the government and the community, this can be seen in Chapter V concerning the obligations of the government and society in Article 12 and Article 15 of Law No. 23 of 2004 concerning Elimination on Domestic Violence. Therefore it is our responsibility to prevent and eliminate all forms of violence that occur within the household.

Based on the description above, prevention of violence against women can be done through two measures, namely pre-emptive and preventive. What is meant by Pre-emptive<sup>2</sup> is an initial effort made by various parties to prevent crime. Pre-emptive measure can be done by restoring good values or norms through internalization in an individual to reduce the intention of committing a crime, even though there is an opportunity to do so. Whereas, Preventive<sup>3</sup> is an attempt to avoid crime long before the crime takes place.

Below, author will explain the forms of pre-emptive and preventive efforts in dealing with violence against women.

#### B.1. Preemptive measures

In pre-emptive effort, there are several actions that can be made by the central government, local government and community organizations:

1. Transforming rules/legislation on new domestic violence, to prevent violence against wives from various forms of violence;

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<sup>1</sup> John Dirk Pasalbessy. (2013). *Fenomena Kekerasan Perempuan dan Anak*. Kompilasi Pemikiran Tentang Dinamika Hukum dalam Masyarakat (in commemoration of 50<sup>th</sup> Dies Natalies Universitas Pattimura).

<sup>2</sup> A.S Alam. (2010). *Pengantar Kriminologi*. Makassar: Pustaka Refleksi, p. 79-80

<sup>3</sup> Dirjosisworo Soedjono. (1983). *Penanggulangan Kejahatan*. Jakarta: Alumni, p. 63

2. Providing special officers/institutions that oversee the implementation of these rules;
3. Socializing rules/legislation intensively through various media to the entire community;
4. Organizing communication, information, and education about prevention of domestic violence, such as seminars, counseling, etc.
5. Providing education to the public and officials that all acts of domestic violence constitute crimes against human dignity;
6. Providing information to the community, educating the community about acts of violence against women, including their rights, and also about actions that need to be taken to prevent such violence;
7. Conducting collaborative cooperation and coordination, including with NGOs/community organizations (CSOs) with the government institutions that deal with issues of domestic violence, so that prevention effort and responses can be more comprehensive;
8. The government provides education and training for wives to improve competence and knowledge about domestic violence;
9. The government provides safe houses. Safe houses in this case are temporary dwellings that are used to provide protection to prevent violence against women as wives in accordance with established standards. For example the trauma center at the Ministry of Social Affairs.
10. The government provides alternative housing. Alternative housing is a place for women as wives who are forced to be placed apart and/or kept away from perpetrators.
11. Providing counseling and education to those who are going to get married, to help foster the awareness and live up to the meaning of the marriage itself and help creating a peaceful marriage.

## B.2. Preventive measures

The concrete actions in regards to preventive measures, are as follow:

1. Build public awareness that violence against women as wives is a violation of human rights;
2. Build awareness and sensitivity for responsiveness and help prevent violence against women as wives, from the smallest community units, and organizations such as Family Development Welfare (PKK), etc.;
3. The community cooperates with P2TP2A and the Department of Protection of Women and Children in each Province (hereinafter written with the Integrated Protection Center for Women and Children Empowerment) in conducting seminars or outreach related to prevention of domestic violence especially towards wives;
4. Give/spread brochures or banners about anti violence against women as wives;

Besides that, to avoid the occurrence of domestic violence, the methods for handling it are needed, including:

1. The need for strong faith to avoid committing domestic violence and things can be handled well and patiently.
2. Harmony and peace must be created within a family, that is derived from religious teachings about affection for mother, father, brother and others. So that family members can appreciate each other's opinions.

3. There must be good communication between husband and wife, in order to create a harmonious household. If in a household there is no harmony and harmony between the two parties, it can also be a trigger for domestic violence.
4. Need mutual trust, understanding and respect among family members, so that households are based on mutual trust. If there is no sense of trust, jealousy and suspicion can be excessive.
5. A wife must be able to coordinate any kind of financial situation in the family, so a wife can handle and overcome any challenges as minimal income and economic shortages in the family.

#### IV. Conclusion

Domestic violence can be done in various forms, one of which is physical violence. For this reason, it is crucial to consider initial efforts in preventing violence against women as housewives. Efforts to prevent violence against women as housewives (wives) for women can be administered through two forms, namely through pre-emptive efforts and preventive efforts. Pre-emptive efforts, for example, providing information to the community specifically and educating community about acts of violence against women, including their rights and actions that need to be taken to prevent acts of violence against women. For preventive efforts, it's essential to consider building public awareness that violence against women as wives is a violation of human rights. Thus it is expected that all parties involved, both the police, legal aid institutions, to the government and the community to continue enhancing cooperation in an integrated manner in preventing and overcoming the occurrence of domestic violence.

#### References

- A.S Alam. (2010). *Pengantar Kriminologi*. Makassar: Pustaka Refleks.
- Abdul Wahid, 2001, *Perlindungan Terhadap Kekerasan Dalam Rumah Tangga*, PT. Refika Aditama, Bandung.
- Badriyah Khaleed. *Penyelesaian Hukum KDRT* (Penghapusan Kekerasan Dalam Rumah Tangga dan Upaya Pemulihannya). Jakarta: Pustaka Yustisia.
- Baharuddin Lopa & Moch Yamin. (2001). *Undang-Undang Pemberantasan Korupsi*. Bandung: Alumni.
- Barda Nawawi Arif. (1996). *Bunga Rampai Kebijakan Hukum Pidana*. Bandung: PT. Citra Aditya Bakti.
- CATAHU 2018 Komnas Perempuan, see  
[https://drive.google.com/file/d/18zqa1oq8mDB\\_S1Klqcm5th1z9VTzHT\\_n/viewpdf](https://drive.google.com/file/d/18zqa1oq8mDB_S1Klqcm5th1z9VTzHT_n/viewpdf), accessed on September 30, 2018
- Catatan Tahunan Komisi Nasional Perempuan tahun 2017. See  
[https://drive.google.com/file/d/0BwSyakH\\_J8\\_nMDJkaGlpc3NOcWs/viewpdf](https://drive.google.com/file/d/0BwSyakH_J8_nMDJkaGlpc3NOcWs/viewpdf), accessed on September, 30 2018
- Dirjosisworo Soedjono. (1983). *Penanggulangan Kejahatan*. Jakarta: Alumni.
- Elli N. Hasbianto. (2006). *Kekerasan Terhadap Perempuan dan Anak dan Tafificking: Upaya Penghapusannya dalam Pendekatan Agama*, Paper presented at Pelatihan Pendampingan Korban Kekerasan Terhadap Perempuan dan Anak, Yogyakarta 6 November, see <http://repository.unand.ac.id/3972/1/Facrina.pdf>, accessed on Oktober 23, 2018.
- Fathul Jannah. (2002). *Kekerasan Terhadap Istri*. Yogyakarta: LKIS.
- Guse Prayudi. (2008). *Kekerasan Dalam Rumah Tangga (Tinjauan Mengenai Pembuat, Perbuatan dan Pidananya)*. Varia Peradilan No. 272, July.
- Harkristuti Harkrisnowo. (2001). "Tindak Kekerasan Terhadap Perempuan Dalam Perspektif Sosio Yuridis" in A. Reni Widyastuti. (2009). Peran Hukum dalam Memberikan Perlindungan Terhadap Perempuan Dari Tindak Kekerasan di Era Globalisasi. *Mimbar Hukum*. 21:2, June.

Hasbianto, Elli N. (1996). *Kekerasan Dalam Rumah Tangga: Sebuah Kejahatan yang Tersembunyi*, dalam Syafiq Hasyim (ed.), (1999). *Menakar "Harga" Perempuan: Eksplorasi Lanjut Terhadap Hak-Hak Reproduksi Perempuan dalam Islam*. Bandung: Mizan.

<http://id.wikipedia.org/wiki/Kekerasan>, accessed on September 4, 2018

<http://silcabustam.blogspot.com/2011/10/pencegahan-dan-penanggulangan-kejahatan.html>, accessed on September 19, 2018

John Dirk Pasalbessy. (2013). *Fenomena Kekerasan Perempuan dan Anak*. Kompilasi Pemikiran Tentang Dinamika Hukum dalam Masyarakat (in commemoration of 50<sup>th</sup> Dies Natalies Universitas Pattimura).

Muhammad Thalib. (2005). *30 Kejahatan Lelaki Terhadap Perempuan*. Yogyakarta: Wihdah Press.

Muladi. (1997). *Hak Asasi Manusia, Politik Dan Sistem Peradilan Pidana*. Semarang: Badan Penerbit Universitas Diponegoro.

Musni Umar, *Pencegahan Kekerasan Dalam Rumah Tangga*, See <https://musniumar.wordpress.com/2012/07/09/pencegahan-dan-penanganan-kekerasan-dalam-rumah-tangga-kdrt/>, accessed on September 11, 2018

Musni Umar, *Pencegahan dan Penanganan Kekerasan Dalam Rumah Tangga (KDRT)*, Makalah untuk dipresentasikan dalam program "Pencegahan dan Penanganan Kekerasan dalam Rumah Tangga", Kantor Pemberdayaan Masyarakat dan Perempuan, Jakarta Utara, on July 4, 2012 in Rawa Badak, Jakarta Utara, p. 3, see <http://www.musniumar.files.wordpress.com>, accessed on March 3, 2014.

Peter Mahmud Marzuki. (2005). *Penelitian Hukum*, Prenadamedia Group Jakarta.

Purniati dan Moh. Kemal Darmawan. (1994). *Mazhab dan Penggabungan Teori Dalam Kriminologi*. Bandung: Citra Aditya Bakti.

Ratna Batara Munti. (2000). *Advokasi Legislatif Untuk Perempuan: Sosialisasi Masalah dan Draft Rancangan Undang-Undang Kekerasan Dalam Rumah Tangga*. Jakarta: LBH APIK.

Sita Aripurnami, *Memperkuat Posisi "tawar" Penghapusan Kekerasan Terhadap Perempuan di Indonesia Respon Masyarakat*, Makalah dalam Seminar Nasional, Hotel Kartika Chandra, Jakarta, 19 September 2000.