

Creativity and Innovation of Assistance for Victims of Domestic Violence: Between Law and Practices

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Abstract

Violence against women in households in quantitative terms has increased significantly and is accompanied by an increase in intensity and quality. Domestic violence results in physical, psychological, sexual, and neglectful suffering or suffering, including the threat of unlawful deeds, coercion, or deprivation of liberty within the scope of the household. Victims of domestic violence require assistance from the sender to the concerned investigator with a copy to the vertical institution, Human Rights Commission and Child Protection Commission.

KEYWORDS

Victim ▪ Investigation ▪ Assistance

A. Introduction

Domestic violence is a phenomenon that occurs within a social community. Often these violent acts are called hidden crime (a hidden crime). It was so called because both the perpetrator and the victim tried to keep the act secret from public view. The phenomenon of violence against women today has not eased, but quantitatively has increased significantly, along with the increased intensity and quality of violence against women in society. A number of cases of gender-based violence have emerged in a number of electronic and print media that are always emerging.

Cases of violence against women are difficult to quantify as they continue to grow. Domestic violence can be classified as a pattern of behavior or act of imposing the will of a person to their spouse, which includes this group is physical, mental, or sexual violence may also include economic mastery. Violent acts also involve aggressive and violent actions against domestic family members may take the forms of torture, rape and coercion. In general, abuse can be interpreted as an abuse of power to treat others under his control by physically harming, insulting harsh words, injuring or injuring by actions or taking advantage of that power unfairly. According to the Beijing Declaration, the existence of an imbalanced pattern of relationships (unconformity of rights between women and men) constructed in such a way that opens opportunities for male-to-female violence against women emotionally, economically, sexually, intimidation, men, threats and pressure by using children. All of these are the result of unequal patterns of power relations and control between men and women. This unequal relationship then manifests the power demonstrated by a person who has a higher or stronger position against a lower or weaker person. This fact that causes the lack of public response to the complaints of wives who experience domestic violence in marriage. As a result, they harbor the problem by themselves, not knowing how to solve it, and more and more convinced of the mistaken assumption that the husband does control the wife.[1]

Facts of violence against women occur at all levels of economics, education and other social status. Violence that affects women will lead to various psychological problems, legal justice and neglect of human rights. They are covered with fear, prolonged trauma, mute in self-suffering afflictions, while others burst forth with democratic euphoria. Ironically, they also escape the observation, even considered sincere to accept the violence.

Increasing the number of cases of domestic violence is related to the increasing level of legal awareness of the community so that the wife of the victim who experienced Domestic Violence who previously did not dare to report now brave to report the violence that happened. Victims of domestic violence first did not dare to report, because they assume that the issue is a family problem that should be resolved by families that do not need to be known by others. However, after the enactment of Law no. Law No. 23 of 2004 on the Elimination of Domestic Violence, then the act of domestic violence is not only a rusan husband and wife, but has become a public affair. Family and community can participate in preventing and supervising in case of violence against wife and child in the household. Victims of domestic violence are not always wives and children, can also be husbands, housemaids, and other housemaids, but most often befell wives and children. So the victims of domestic violence almost all family members in one's household[10].

Domestic Violence is still seen as a sacred bond, and more filled with various social norms, cultures and religious beliefs. There are several factors that make it difficult for women victims in the household to solve the problem:

- a. The general public still views the problem of domestic violence as a personal matter of the family, should not be interfered with, considered reasonable because the husband is placed as head of the family and educator wife.
- b. People still see the integrity of family institutions in the hands of the wife, so that the wife would be blamed and denounced if the family institution destroyed.
- c. There is a stigma in the society of widowed women
- d. There is a tendency for the wife to be economically and emotionally dependent on her husband, making it difficult for them to decide to separate or report her husband's misconduct. Characteristics of guilt commonly occur in violent

survivors, often even the wife who feels that she is responsible for all of her husband's abusive behavior. Thus, facing women victims of this KDRT will be far more demanding of patience and understanding. Often the wife of the victim's husband's abuse does not even recognize or conceal her true state of affairs to protect her husband. So it is required sensitivity to refer victims to counseling service providers for women victims of violence. Women victims of domestic violence usually have a prolonged and continuous emotional stress (constant) because he has been trapped in a cycle of violence without being able to cut the cycle. Difficulties wife / female victims of domestic violence is caused by factors as follows: 1. Still have hope someday husband / partner will change 2. Still love husband / spouse 3. If must separated with husband, fear predicate widow 4. Economic dependence (and or emotional 5. Pity with the children when the parents parted 6. Fear of public judgment due to marriage destroyed Thus, working against women domestic violence requires extra patience in peeling one by one of the factors above.

Victims of domestic violence, especially women, need courage to stop the suffering they get from their spouses, therefore it is necessary to advise to report and when the investigation is done with the condition that the companion should also understand the basic principles of pemappingan yait: 1) Women victims of violence is not blamed for the events that happened to him 2.) The perpetrator of violence is the person responsible for his acts of violence 3.) Society and various institutions in the community are those who are indirectly responsible for the problem of violence against women 4.) The solution to the problem of violence lies in the combination between personal and social action, and supported by an adequate legal system. 5.) The purpose of working to help women victims of violence is to empower them to make their own and independent decisions in their lives.

In Law no. Law No. 23 of 2004 on the Elimination of Domestic Violence ("Domestic Violence Law") is stipulated on the role and function of advocates in assisting victims of domestic violence in the examination in court yaitiu advokat shall: a. provide legal consultations that include information on the rights of victims and the judicial process; assisting victims at the level of

investigation, prosecution and examination in court and assisting the victim to fully expose the domestic violence she experienced; or. coordinate with fellow law enforcers, companion volunteers, and social workers to ensure that the judicial process proceeds accordingly.

B. Method

The design of this research is quantitative research with Non-Experimental approach. This study included survey with Cross Sectional Study approach that is independent variable and dependent variable that happened at research object measured or collected simultaneously or in the same time (Notoatmodjo, 2010). Data analysis using chi square.

C. Results & Discussion

1. The Assistance Provided LBH for Victims of Domestic Violence

Violence in society is no longer a novelty. Violence is often committed in conjunction with criminal acts, as set out in the Criminal Code (KUHP). The most intriguing public interest of such violence occurs within the scope of households that often affects many women. The violence tends to be hidden because both the perpetrator and the victim attempt to keep the act secret from public view. The listing of data on domestic violence cases can be traced from a number of related service providers as stipulated in the Law on Elimination of Domestic Violence and Government Regulation Number 4 of 2006 on the Implementation and Cooperation of Recovery of Victims of Domestic Violence.[3].

According to the United States Department of Justice, between 1998 and 2002: of 3.5 million violent crimes committed against family members, 49% of whom were crimes against spouses, 84% of women victims of abuse were women. Komnas Perempuan's data show that at the beginning of 2004 showed a serious increase in the number of cases of gender-based violence affecting

women. In 2001 there were 3,169 cases reported to the service provider agency. In 2002 that number increased to 5,163 cases and in 2003 there were 5,934 cases. In 2006, notes from the Head of Komnas Anti Violence Against Women showed violence against women throughout 2006, reaching 22,512 cases, and most cases were domestic violence of 16,709 cases or 76% (Komnas Perempuan, 2005)

Domestic violence is a violation of human rights and crimes against human dignity and the form of discrimination that must be removed. Victims of domestic violence, most of whom are women, must be protected by the State and the public from harm, torture or degrading treatment, human dignity. Domestic violence in all forms of behavior that causes physical and psychological suffering to a person so that people who have experienced domestic violence will suffer physical injuries due to physical violence and decreased self-motivation due to psychological kekrasan. Low self-motivation will impact the lack of self-care.

Self-care is one of the basic human capabilities in fulfilling its needs in order to maintain its life, health and prosperity in accordance with its health condition, its negative treatment client if it can not perform self-care. Various causes of the number of self-care include physical changes and decreased consciousness. The impact can be from physical signs and symptoms, psychological and social.

Data from Women and Family Planning Agency in Kebumen area recorded 86 cases of domestic violence, of which 52 cases or 60% were experienced by adult respondents and 34% or 40% were experienced by children. Based on the results of correlation test with Chi Square obtained violence in the household category of physical, psychological, economic, sexual with self-care obtained significant value (p): 1,000 and results obtained from correlation of domestic violence with self-care obtained value (p): 1,000, (p) is greater than the value of α : 5% (0.05), thus H_0 is accepted and H_a is rejected which means there is no significant relationship between domestic violence of each category and of total total domestic violence with self-care level.

If there are complaints about domestic violence, LBH does not have the authority to arrest the suspect. When the case is reported, LBH will accompany

the victim or become a victim lawyer. Especially for cases of domestic violence many face obstacles in the process of assistance by LBH, among others, the form of reaction and attitude of victims in the face of violence. There are two reactions in the face of violence by the victim, the first an emotional reaction, usually indicated by self-igniting or husband, the second is reaction reaction, such as inviting the husband to discuss, ask for help, leave home, report to the police. Many cases of domestic violence, at first the victim complains in a state of injury and in a state of shock asking for his case to be handled, but after the case is processed and the husband of the victim who is also a suspect is detained, the victim comes and pleads for her husband to be released. So that not a few of the complaints and reporting cases of domestic violence revoked by the victim.

The movement of women specially to gain access to law and protection in cases of domestic violence to be limited to environmental response, especially police and courts. Most police officers continue to see that the issue of spousal violence is a private matter of the couple.

In the stage between the complaint and the Official Report of the Inspection to be delegated to the Prosecutor's Office, there is a gap in the practice of buying and selling cases, which are usually perpetrators who have sufficient social and economic status. So, this practice can further reduce the number of cases that can advance to the Attorney and Court, with an average acquisition of only 10% of all complaints. Difficulties in dismantling cases of domestic violence can be identified from several factors, including cases of domestic violence occur in legal and intimate institutions, the scope of the violence is relatively closed and tightly maintained by family members, and the assumption that the husband of the family leader.

Furthermore, as a general procedure for the institution in this case LBH in the effort to provide protection to victims, starting with the institution asking for data or identity of the victim, usually filled in a special form to be filled, then ask about the purpose of the victim to the institution, consultation or mentoring. Furthermore, the agency to find out the problems or problems faced

by victims related to the position of the case, how the relationship with the perpetrators of victims, and people who are around victims and perpetrators.

Institutions in this matter first to know about the psychological condition and social status of the victim. Then the institution provides knowledge and understanding of the basic rights of the victim, in addition the agency also notifies about the options and consequences of each victim's choice to resolve cases of violence experienced. That is, in this case the agency notify the choice or any way that can be taken by the victim, litigation or non-litigation, but the decision remains in the hands of the victim.

Further, the victim determines the choice of case resolution, if the victim chooses a case settlement on a familial basis, then the agency will inquire about the time and place of implementation, who is involved, and what choice is made if the effort is unsuccessful, if the victim chooses the settlement of the case through mediation, will ask who is the mediator or propose the institution as a mediator, and whether the victim needs assistance, and if the victim chooses a legal effort, the institution will propose several agreements regarding the assistance and make the victim's attorney to the family. In addition, the agency will also ask whether the victim needs a safe house or shelter or agency to suggest that victims for their safety, safety and health are placed there, but the decision remains in the hands of the victim.

2. Forms of Legal Assistance Received by Victims of Domestic Violence

Domestic violence is one of the most common and identified forms of violent crime in the international community Domestic violence is a phenomenon that has so far been a cruelty hard to monitor. Why is that? This is because there is still a mistaken view of some people that the problem of Domestic Violence is a family interen and very personal matter so that outsiders do not have the right to mix it. Violencethis often happens to people who are in close contact, husband, wife, husband or wife, family member or housekeeper.

The birth of Law no. Law No. 23 of 2004 on the Elimination of Domestic Violence against the background of recent developments which shows that violence in households in reality often occurs in the life of the community, whether in the form of physical violence, psychological violence, sexual as well as neglect of the household.

The background of the establishment of Law no. 23 of 2004 on the Elimination of Domestic Violence departs from the principle that 'every citizen is entitled to secure and free from all forms of violence' in accordance with the philosophy of Pancasila and the 1945 Constitution. The view is based on Article 28 of the 1945 Constitution and its amendments.

Article 28 G Paragraph (1) of the 1945 Constitution provides that "Every person shall have the right to personal protection, family, honor, dignity and property under his control, and shall be entitled to a sense of security and protection from the threat of fear to do or not to do something is a human right".

Article 28 H paragraph (2) of the 1945 Constitution provides that "Everyone shall have the right to special convenience and treatment to have equal opportunities and benefits in order to achieve equality and justice".

Often with the development of science and progress of science and technology, the more advanced civilization that also affects the advancement of human thinking patterns including women. Women advance their thinking patterns because they have the right to be able to taste education as well as men and equality before the law and other rights that are his human rights. Women in his position as a wife in a household begin to realize that he is entitled to the same before the law and deserved legal protection from all that threatens its existence as a woman. Therefore, in the next development, the treatment he receives in married life begins to open in public and no longer assumes that it is a family disgrace that should not be known publicly.

Empirically, Domestic Violence has long been taking place in the community, only in quantity is not known in number, such as husbands' violence against their spouses or husbands against female housekeepers or parents to children. The forms of violence vary from persecution, rape or sexual

harassment and so on. From the mass media, we can read and see the incidents where the use of violence by a family member against members of that family.

To be able to respond effectively to domestic violence, it is necessary that every family member has the ability and skills to overcome domestic violence, so as not to cause fatal sacrifice. Of course, this can only be done for family members who already have a certain age of maturity and have the courage to behave and act. Conversely, if family members lack the power and ability to deal with domestic violence, proactively the community, experts and government should take the initiative to participate in the handling of victims of domestic violence, so that it can immediately save and avoid family members from undesirable events.

The Law on Domestic Violence also differentiates protection and service functions. That is, only certain institutions and institutions, in this case law enforcers, who can provide protection, especially through legal action as a sanction to the perpetrators of violence. Non-law enforcement agencies or institutions may provide more actual protection in the provision of services such as consultation, mediation, mentoring and rehabilitation services. Such as protection from police agencies authorized to conduct investigations, arrests, and arrests with or without a warrant.

In addition, advocates can provide protection in the form of legal consultations, mediation, and negotiations between parties including the families of both parties. Advocates in this case also play a role in assisting victims at the level of investigation, prosecution, and examination in court (litigation), coordinating with fellow law enforcers, social workers, and other companion volunteers. But the problem is that the form of protection and service is still normative. This is related to the existence of various implementative and operational deficiencies, such as the absence of special standards regarding the service of victims of domestic violence, lack of coordination between ministries related to their duties and functions, law enforcement officers who have not run effectively, access to justice and legal aid to poor women is still relatively small, and in the law it is unclear which institutions are appointed to carry out the recovery function for the victims.

D. Conclusion

The handling of victim case still seems less favorable to the victim especially in relation to the accompaniment of woman victim who experienced violence in the household. The majority of violation cases and violence affecting women as victims of violence end in peace and rarely continue to court. Factors inhibiting cases of violence reporting in the household also vary. Starting from Families who do not want to extend the case until the reporting process in the police yag less attention to the psychological condition of the victim. The state is involved with not constructing good rules for the victims' interests and facilitating the ongoing legal process for victims of violence in the staircase.

In the end it can be concluded that every element in the judicial system and society and government should play a maximum role in handling the victims of domestic violence. It is insecure with the heavy work of legal aid agencies in resolving cases of domestic violence with many. The interests of the victim and all matters relating to the victim both in the legal process and in the process of his / her credibility must be highly regarded by every element involved in the settlement of cases of domestic violence. Thus, cases of domestic violence will be well restored and serve as a lesson for the community in the settlement of friendly cases for victims of domestic violence.

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None.

F. Declaration of Conflicting Interests

The authors declare that there is no conflict of interest in this research or the publication of this research.

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