



The Legal Protection of Big Impact Domestic Violence for Women

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Abstract. Domestic violence is described as the abusive behavior of one household partner toward another by employing force; although it can also happen to males, most victims of domestic violence are women. Domestic abuse can take many different forms, including sexual, emotional, economic, psychological, or threats. It is not always physical. According to study that uses different sources to evaluate violence, there is a considerable amount of criticism among family members regarding the reporting of domestic violence and its effects on spouses at home (Sternberg, Lamb, & Dawud Noursi, 1998). A considerable portion of domestic violence—42%—was committed by physical means, and there were at least 4,281 other occurrences of domestic violence. This article examines instances of domestic abuse against women that call for a strong legal foundation in the fight for women’s independence. In this study, a qualitative research methodology was used to examine a social phenomena that is depicted through a complex and detailed image, but in reality, women have the right to legal protection to cope with preexisting issues.

Keywords: Domestic Violence · Women · The Impact of Violence · Legal Protection

1 Introduction

Violence is on the rise everywhere in this age, but it is particularly pronounced in Indonesia. This is because there are more and more detrimental effects of other civilizations that are eroding local culture. One of the most prevalent types of domestic abuse is violence against women. This indicates that the house’s value as the safest place for its occupants has diminished. Domestic abuse is a widespread issue that has deep roots. It happens everywhere.

According to Hon Galtung, violence is anything that prevents people from reaching their full potential in a natural way. He defines violence as “any preventable hindrance to self-realization.” Especially in light of personal rights, this clearly runs counter to the idea of human rights. International nations have accepted regional and international human rights treaties that prohibit beatings of women and have legal force. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights are some

of the international human rights documents that serve as the general guidelines on human rights under which domestic violence victims may bring legal action against their respective nations. - correspondingly.

That women's rights, as well as their own self-worth, must be safeguarded. The most heinous violation of human rights is violence against women. According to human rights standards, sex discrimination is illegal and is frequently classed as violence against women. The Human Rights Law, UU HAM Pasal 3 ayat (3), which states that "Everyone has the right to the preservation of human rights and basic human freedoms, without discrimination," forbids discrimination. In spite of the Human Rights Law's regulation of violence against women, there are still many instances of this crime in Indonesia, where it affects almost 24 million women, or 11.4% of the country's population. This figure represents the number of domestic cases of violence against women that are included in the data on incidents of regional violence in Indonesia.

Victims of violence demand protection that can result in victims receiving justice. Domestic violence, when women make up the majority of the victims, might be considered a kind of discrimination, especially when it comes to vulnerable women. Based on the aforementioned issues, there are several key formulations of the issues that will be discussed, such as the legal protection to protect victims of domestic violence in Indonesia, particularly women, based on KUHP and Indonesian legislation, and how to compare legal protection in Indonesia with other countries to assess how effective Indonesian law is.

1.1 Problem Formulation

1. What is the legal protection to protect victims of domestic violence in Indonesia especially women, based on KUHP and Indonesia legislation?
2. How is the comparison of legal protection in Indonesia with abroad to measure the effectiveness of the law in Indonesia?

1.2 Purpose of the Paper

1. to be aware of the KUHP and Indonesian law's protections for victims of domestic violence in that country, especially women.
2. Knowing how Indonesian legal protection compares to other countries will help determine how successful Indonesian law is. With that, we can determine whether or not domestic abuse victims in Indonesia have received effective legal protection. so that we can determine which has to be preserved and which needs to be improved.

2 Theory and Discussion

In general, there are two types of legal protection: preventive and repressive. In Indonesia, the means of repressive legal protection are handled by judicial bodies in general court environments, government agencies, which are appeal agencies administration and special agencies. Preventive legal protection facilities are particularly closely related to the freisermessen principle as a form of legal protection in general. In the criminal law

book's article 351, A maximum fine of \$4,500 or a maximum sentence of two years, eight months in prison are the penalties for persecution. In addition, the second verse warns that the offender faces up to five years in prison if the conduct causes serious injury. The third stanza is followed by a warning of a seven-year maximum sentence if it results in death. Implying that if a husband abuses his wife, the woman has the right to denounce it. If it is shown that abusers are responsible, they will be dealt with and sentenced to a maximum of two years, eight months in prison, or a maximum fine of 4,500 rupiah. If the wife is gravely hurt as a result of the violence, the punishment will be lengthened and can go up to five years in prison. The law was created as a preventive measure and to give victims of domestic violence a legal protection net so they may seek redress on their own. Additionally, the PDKRT law was developed particularly because everyone has a right to experience sexual violence-free environments.

In UU No.23 Tahun 2004, PDKRT was mandated with the task of preventing all types of domestic violence against victims, taking action against offenders, and requiring the government and society to actively participate in the prevention, protection, and punishment of offenders. In this context, the Indonesian people have demonstrated their devotion to the idea that all forms of violence, including domestic abuse, constitute crimes against human dignity, violations of human rights, and instances of discrimination.

Article 5 of the UU PDKRT states that:

- a. Abuse of the body
- b. Psychic aggression
- c. Domestic Abandonment;
- d. Sexual Violence

According to Article 10 of the PKDRT Law on Victims' Rights, victims of domestic abuse will receive protection for their rights when dealing with activities that are subject to legal protection. Obtaining, either temporarily or in accordance with a court order of protection, protection from the family, police, attorney, court, advocates, institutions, or other parties:

Health services that are provided in accordance with medical requirements; handling specifically connected to victim confidentiality; help from social workers and legal counsel at every stage of the process assessment; and d. spiritual counseling services.

Additionally, Article 44 of UURI No. 23 of 2004 about the Elimination of Domestic Violence governs the criminal penalties for domestic violence offenders.

Clause 44:

1. Anyone who engages in physical violence within the confines of the household described in Article 5 letter a will receive a maximum penalty of 5 (five) years in jail or a maximum fine of Rp. 15,000,000. (fifteen million rupiah).
2. If the act mentioned in paragraph (1) results in the victim being ill or suffering significant injuries, the offender will be punished with a maximum of 10 (ten) years in jail or a fine of Rp. 30,000,000.00. (thirty million rupiahs).

3. If the act mentioned in paragraph (2) results in the victim's death, the offender faces a maximum sentence of 15 (fifteen) years in jail or a maximum fine of Rp. 45,000,000.00. (forty five million rupiah).
4. If the act described in paragraph (1) is committed by the husband against the wife or vice versa and does not result in disease or present obstacles to performing the duties of the position or earning a living or engaging in daily activities, the person will be punished with a maximum term of 4 (four) months in jail or a maximum fine of IDR 5,000,000.00. (five million rupiah).

The Human Rights Law, UU Number 39 of 1999 concerning Human Rights, also regulates women's legal protection. In Article 4, it is stated that women have the following rights: "the right to life, the right not to be tortured, the right" freedom of personality, thought, and conscience; religious rights; the right not to be enslaved; the right to be recognized as a person and equal before the law; the right not to be prosecuted for retroactive legality.

It is hoped that the prevalence of domestic violence will decline and give victims a sense of justice with the UU KDRT's existence, which fundamentally safeguards human rights from acts of domestic abuse in any form. However, this is not the case. Due to the fact that domestic violence appears to be rising even with the current legislative restrictions, it is essential to provide law enforcement personnel with information as the law's enforcers, as well as to government representatives, the public, and the parties concerned. so that students develop heightened awareness of domestic abuse, a thorough understanding of the circumstances behind its occurrence, and deep compassion for its victims.

Between 35 and 70% of women globally have experienced domestic or sexual violence at some point in their life, according to research. The majority of domestic violence legislation issued today are meant to deter and punish these crimes, yet despite the U.S. having some of the strictest domestic abuse laws in the world, 20 individuals still fall victim to it every minute. In terms of legal safeguards for women, we discover that America is either at the top of the pack or quite close to it. Even while many people still fall victim, they do have some legal options.

Violence between siblings or violence committed by a child against a parent are all common in America. Governmental and non-governmental organizations have identified it as a significant social issue, and the US Congress has passed a number of Violence Against Women Acts in an effort to reverse the trend. The New York Times and prime-time television news coverage, among other outlets, gave the study's findings a lot of press. Congress enacted the Violence Against Women Act in 1994. ("VAWA"). This Act and its subsequent amendments from 1996, 2000, and 2005 acknowledge that domestic abuse is a federal offense and that federal laws can aid an overwhelmed state and local criminal justice system. Congress also amended the Gun Control Act in 1994, 1996, and 2005, making it a federal criminal for domestic abusers to own firearms in certain circumstances. Your state and local law enforcement will still handle the majority of domestic violence cases. However, in some circumstances, adhering to federal regulations and benefiting from doing so may be the best course of action. Published statistics on domestic abuse incidences in the late 1970s helped improve advocacy and public awareness of the issue. According to a 1976 Police Foundation survey, 85% of spouse

killings had police involvement at least once in the previous two years. Feminists and organizations that supported battered women urged police to treat domestic violence seriously and alter their intervention tactics in the late 1970s and early 1980s. To force police agencies, like those in Los Angeles, Oakland, California, and New York City, to make arrests in domestic abuse cases, these groups have on occasion filed lawsuits against them. They alleged that domestic disturbance reports received low attention from the police.

Lawrence W. Sherman oversaw the 1981–1982 Minneapolis Domestic Violence Experiment, a study that examined the efficacy of various police responses to domestic violence calls in Minneapolis, Minnesota, including relocating the abuser for eight hours, offering guidance and mediating disputes, and making an arrest. The best course of action for the police was determined to be an arrest. According to the study, getting arrested cuts the likelihood of reoffending against the same victim during the next six months in half.

The goal of the National Coalition Against Domestic Abuse, or NCADV, a nonprofit group, is to foster a society in which domestic violence is not accepted. The NCADV promotes a culture that empowers domestic violence victims and survivors and holds their abusers accountable in order to achieve this objective. By influencing public legislation, raising awareness of the effects of domestic abuse, and offering education and programs for victims, they aim to change society such that there is no tolerance for it.

The second nation after Kyrgyzstan has a new law called Safeguarding and Protection Against Domestic Violence that makes it simple for victims and witnesses to report DV incidences and improves police follow-up. Additionally, it offers increased attempts at rehabilitating domestic violence offenders.

In order to stop the flood of violence against women, Tunisia implemented comprehensive laws in 2017. This legislation included the deletion of a statute that stated a rapist might receive a pardon if he married his victim. Jordan and Lebanon repealed their own “rape marriage” legislation, imitating Tunisia.

Over the past few years, Liberia has established a number of laws that have increased protections for DV victims. Indonesia, which has enacted Law Number 23 of 2004 Concerning the Elimination of Domestic Violence, and Malaysia, which has enacted the Domestic Violence Deed of 1994 and the Malaysian Criminal Code (Deed 574) (Deed 521). They share ideas about physical violence, how victims are classified, how criminal penalties are created, and patterns of incarceration, among other things. The number of regulatory articles, the classification of major injuries, the categories of crimes, the criminal formulation systems, the quantity of criminal threats, and the sorts of offenses are among the areas where there are disparities. The classification of significant injuries, the criminal formulation system, and the length of imprisonment are all areas where the PKDRT Law is thought to need reforming.

Each nation undoubtedly has particular legal safeguards in place to ensure the legal certainty and just treatment of domestic violence victims. There are numerous alliances in place to end domestic abuse. In Indonesia, there is also a commission to safeguard women and children from anyone who would try to harm them or breach their rights. The state has made attempts, therefore it now depends on how well they work to establish an

effective, nondiscriminatory justice system. Because no matter how effective the legal protection is, it will be ineffective if the human resources running it are not at their best.

3 Conclusion

Everyone can experience domestic violence. However, women are the most common victims. 10,669 private cases and 36,367 domestic violence incidents were reported. In all instances of domestic violence, violence against wives invariably takes the top spot/RP and is always greater than 70%. Domestic violence against women is defined under this Law and includes behaviors that are typical of domestic abuse in Indonesian society. In addition, victims may develop disabilities, suicidal thoughts, endure protracted trauma, and lose their confidence. He went on to say that victims require full recovery in accordance with the provisions of Law on the Elimination of Domestic Violence No. 23 of 2004. A structure for law enforcement or civil society especially created to handle domestic abuse cases, such as UUPA, P2TP2A, the Women Crisis Center (WCC), or victim assistance organizations controlled by the community, has been made possible by the Law on the Elimination of Domestic Violence.

4 Suggestion

With the prevalence of various forms of domestic violence, especially violence against wives, in the Pasda, it is necessary to educate the public on these issues as well as law enforcement officials about how to responsibly uphold women's rights, particularly in domestic violence situations. This goes beyond simply establishing regulations to protect the rights of victims. With the UU PKDRT, it is intended that all parties will be aware of the existence of this law, particularly law enforcement officials, who will then be able to properly apply it to domestic violence situations in order to protect women and other victims who are also victims of abuse.

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