

What are the Factors that Cause Domestic Violence? What is the Role and Efforts of the Government in Handling It?

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ABSTRACT

This research uses a qualitative method with a descriptive approach. Data were collected through in-depth interviews, participatory observations, and literature studies. Interviews were conducted with victims of domestic violence, family members, and authorities such as the police and social workers. Observation was carried out to observe the condition of families and the surrounding environment who experienced domestic violence cases. Literature studies include a review of laws, regulations, and scientific literature related to human rights and domestic violence. The collected data is then analyzed thematically to understand the pattern of human rights violations in the domestic context and the role of the government and society in handling domestic violence cases. The results of the study show that human rights violations in the form of domestic violence often occur in various forms, including physical, emotional, and economic. Domestic violence victims generally experience fear and dependence on the perpetrator, which prevents them from reporting the case

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1. Introduction

The family is the smallest social unit in society, and it plays a huge role in and influences each family member's social and personality development. The family needs its organization and the head of the household to be an essential figure who leads the family and several other family members. Family members of the father, mother, and child have a perfect relationship. This good relationship is characterized by harmony in mutual relationships between all members/individuals in the family. A family is called harmonious when all family members feel happy, characterized by the absence of conflict, tension, disappointment, and satisfaction with the situation (physical, mental, emotional, and social) of all family members. The family is disharmonious if the opposite happens (Kusbianto et al., 2019; Yulia & Kristina, 2019).

Tension and conflict between husband and wife and parents and children are natural in a family or household. No household runs without conflict, but conflict within the household is not something scary. Almost every family has experienced it. What is different is how to overcome and solve this problem. Every family has a way to solve their own problems. If the problem is solved properly and healthily, each family member will get a valuable lesson, namely being aware and understanding the feelings, personality and emotional control of each family member so that happiness is realized in the family. Healthy conflict resolution occurs if each family member does not prioritize personal interests, find the root of the problem and make solutions that are mutually beneficial to family members through good and smooth communication. On the other hand, if conflicts are resolved unhealthily, conflicts will occur more often in the family (Farmawati, 2020).

Problem-solving involves excessive emotions, physical shocks as an outlet of anger, shouting and swearing, and creepy facial expressions. Sometimes, behaviors such as attacking, coercing, threatening, or committing physical violence appear. This kind of behavior can be said in acts of domestic violence (KDRT), which is defined as every act against a person, especially a woman, which results in physical, sexual, psychological, and/or domestic misery or neglect, including threats to commit acts, coercion, or unlawful deprivation of independence within the domestic sphere (Mustika, 2018).

Domestic violence is a violation of human rights, a crime against human dignity, and a form of discrimination. Domestic violence (KDRT) is any act against a person, especially a woman, which results in physical, sexual, psychological, and domestic misery or abandonment, including threats to commit acts, coercion, or unlawful deprivation of independence within the domestic sphere (Harefa, 2021; Santoso, 2019).

Everyone's dreams are the integrity and harmony of a happy, safe, peaceful household. Thus, everyone in the household's rights and obligations must be based on religion. This needs to continue growing and developing to build household integrity. Realizing this integrity and harmony is highly dependent on everyone in the scope of the household, especially the level of quality of behavior and self-control of each person.

According to Dharmono and Diatri (2005), the factors that affect the occurrence of Domestic Violence (KDRT) can be grouped into four main categories. Individual factors include the characteristics of the victim and the perpetrator, such as age, low education, occupation, history of childhood violence, and alcohol or drug use. Socio-cultural factors, especially patriarchal culture, place the husband as the absolute decision-maker, causing the wife to be submissive and vulnerable to violence. Socio-economic factors, such as poverty and unemployment, increase the risk of domestic violence due to social pressures and economic dependence. Religious factors also play a role, especially when the wrong interpretation of religious teachings encourages male dominance and arbitrariness of women.

This study aims to identify and analyze the factors that cause the occurrence of Domestic Violence (KDRT) from the individual side of the perpetrator and victim, as well as socio-cultural, socio-economic, and religious factors. In addition, this study also aims to evaluate the role and efforts that have been made by the government in handling and preventing domestic violence, including existing policies, programs, and law enforcement.

2. Materials and Methods

Types and Approaches

This study's type and approach of research is descriptive research with a qualitative approach. Zaenal Arifin stated that descriptive research is research that is used to describe and answer problems related to a phenomenon or event. Furthermore, Lexy J. Moleong emphasized that the data collected in the descriptive research were words and/or images derived from interview scripts, notes, photos, and other official documents.

The qualitative research method is a research method used to research on the condition of objects that develop as they are or naturally, where the researcher is the key instrument that takes data sources purposively, as well as research results in the form of data that is actual or by reality and contains meaning (Sugiyono, 2019). Based on this description, it can be concluded that the type of descriptive research with a qualitative approach is research conducted by researchers on the natural condition of objects by digging up actual information to produce descriptive data in the form of complete and comprehensive words and/or images.

Determination of Research Subject

The research subject is a data source that can provide information related to the research problem being researched. The subject of the study can also be referred to as an informant whom Lexy J. Moleong defines as a person who is used to provide information about situations and conditions. The research subject is determined based on the goals to be achieved in the research. In this case, the research subject needs to be determined in order to obtain comprehensive data by the objectives to be achieved in the research.

3. Result and Discussion

Finding/Field Facts

A survey by the National Commission on Anti-Violence Against Women (*Komnas Perempuan*) shows an increase in domestic violence (KDRT) amid the current spread of the coronavirus.

Komnas Perempuan periodically makes an annual record to see the trend of cases complained about and served in Indonesia's legal institutions and the handling efforts carried out. During the period of regional closures and social distancing restrictions due to the coronavirus pandemic, there was an increase in cases of domestic violence. This was revealed from a survey of 2,285 female and male respondents held from April to May 2020.

The director of LBH Apik Jakarta, Siti Mazuma, said that domestic violence (KDRT) has always been the highest case reported to LBH Apik Jakarta from year to year.

Coupled with the Covid condition due to financial conditions, then also because of economic instability, the perpetrator and the victim are in the same house 24 hours, 7 days a week because they have to WFH (Work from Home) or be laid off so that it causes even greater violence. Also, a culture that places women must meet the domestic needs of RT, food, etc.

In addition to complaining directly about cases of violence to LBH, usually victims of violence complain directly to the National Commission (*Komnas*) on Anti-Violence against Women.

Komnas Perempuan is an independent institution formed after the May 1998 riots. At that time, there was mass rape, and the state did not have a mechanism to respond to it. Komnas Perempuan was established to build conducive conditions to eliminate all forms of violence against women and promote women's rights.

Chairman of Komnas Perempuan, Andy Yentriyani said:

"Komnas Perempuan has three main areas that are prioritized in the private environment, including violence in the household and intimate relationships. The second is the public realm, which has nothing to do with the household, and the third is the state realm, so officials, the public or state apparatus who take an action or do not take an action that is needed in their capacity as public officials and state apparatus".

Komnas Perempuan, as an independent institution, has received around 600 to 800 complaint cases per year in the last five years. This commission has the main authority, namely monitoring and seeking facts, documenting, providing policy recommendations, public education, and cooperating with any party both at the national and international levels, which is considered important to help alleviate violence against women in Indonesia.

Facts about Domestic Violence

One in three wives experienced domestic violence. A survey by the Central Statistics Agency (BPS), for example, said that 1 in 3 women aged 15-64 years had been a victim of violence. The data is the result of the 2016 National Women's Life Experience Survey (SPHPN) involving 9,000 respondents from all over Indonesia (Pratiwi, 2019). Violence also occurs in highly educated families. Women victims of domestic violence have obstacles to leaving their partners. Some wives also attack others outside the home, they are able to control violence against others and choose to do it to their wives. According to Jill Cory and Karen Mc Andless-Davis, authors of *When Love Hurts: A Woman's Guide to Understanding Abuse in Relationships: Every tactic in power and the wheel of control is used to maintain power and control in relationships. No matter what tactics the partner uses, the effect is to control, intimidate or influence the partner to feel that they do not have an equal voice in the relationship.*

Discussion

Causes of Domestic Violence

The economic problems obtained include low family income due to low husband's salary, husband not working or husband unable to work (due to disability or entangled in criminal cases), domestic neglect (marked by the absence of maintenance fulfillment by the husband), there are also households that have to be entangled in debt and receivables (Wardhani, 2021). The Domestic Violence Roundtable revealed that one of the factors that hinder a survivor from reporting the violence he or she received is economic dependence. said that survivors with economic dependency chose not to report the domestic violence they received. This is because survivors have concerns about their survival after reporting. Survivors have the idea that they do not have the skills or capital to work if they have to live a separate life from domestic violence perpetrators.

Infidelity The results of data analysis conducted by the researcher showed that there was no meaningful relationship between the occurrence of infidelity and the reporting of domestic violence

cases to the police. This can happen due to several things, including: Threats Threats that are carried out can be in the form of attempts to kill the victim, attempts to injure the victim or other family members, threats to take the child away, threats to put the victim in a mental hospital, and so on. Fear of divorce The biggest impact after divorce is psychological, which the wife usually feels more strongly about. The psychological effects that are often caused are anxiety, depression, emotional instability, loneliness, and deep sadness.

Parents' fear of children's psychology Children who see disharmony in the family will feel a negative and unsafe atmosphere when they are at home. Conflicts that occur in the household cause a decrease in togetherness and affection that they receive in the family so that the child will experience emotional and psychological disorders after the divorce event. The description of the emotional and psychological impact above causes many couples to choose to survive in an unhappy marriage. Irwin Mitchell in his research stated that 1 in 4 married couples feel unhappy in their marriage but choose to stay together for the happiness of their children.

The social influence in the occurrence of domestic violence is quite large but does not affect the victim's decision to report the violence he received to the police. This can be motivated by several stigmas that exist in society. The victim is worried about the rejection and negative image given by the community to the victim and the perpetrator. In addition, people still consider divorce to be a shameful thing because it describes failure in building a household. The existence of negative stereotypes from society makes victims of domestic violence feel less confident, depressed, and tend to blame themselves as the party who deserves to receive violence from the perpetrator.

Culture The concept of male domination culture (patriarchy) in all aspects of life has been in effect since ancient times and is still developing today. As a result, there are still many women who experience subordination, marginalization, harassment, discrimination, exploitation, and others. Violent behavior is often associated as a way for men to solve problems.²² Violence is carried out as a form of intimidating acts against women so that they can do what their partners want. Patriarchal culture also has an impact on women in the form of a mindset to always be resigned, give in, put the interests of others first, maintain their dependence on men, and always prioritize their role as husbands and caregivers for children.

Government Efforts in Domestic Violence Actions

In Indonesia, there are two approaches to tackling crimes (criminal policies) such as domestic violence. First, the penal means approach (criminal law) is more repressive and Second, the non-penal approach (not criminal law) and this approach is more preventive. In Indonesia, victims can take domestic violence countermeasures using criminal law by submitting a report to the Women and Children Service Unit (UPPA) in a number of police agencies under the auspices of the criminal investigation unit (Satreskrim) (Widyadhana, 2023).

As for criminal sanctions in violation of Law No. 23 of 2004 concerning PKDRT are regulated in Chapter VIII starting from articles 44 to 53 of the Criminal Code. Especially for domestic violence in the sexual field, the penalty is a minimum of 5 years in prison and a maximum of 15 years in prison or 20 years in prison or a fine between 12 million to 300 million rupiah or between 25 million to 500

million rupiah (Read: articles 47 and 48 of the PKDRT Law). And it should also be noted, that in general, Law No. 23 of 2004 concerning PKDRT, is not only addressed to a husband, but can also be addressed to a wife who commits violence against her husband, her children, her family or her maid who lives in one household.

The government carries out the approach to countering domestic violence outside the criminal law (Non-Penal Policy) under the coordination of the Ministry of Women's Empowerment and Child Protection. In the era of decentralization, the names of inter-regional institutions are certainly different, but in their operations, the institution emphasizes preventing domestic violence more. So, non-penal can be interpreted as all non-judicial efforts to overcome the occurrence of evil. Moreover, these non-penal businesses have a very strategic position because they focus more on prevention (Sriwidodo, 2021).

The question that arises then is why, even though the approach of penal and non-penal facilities still continues, and even from year to year, it has increased. From the fact of the increase in domestic violence that occurred, of course, the government must evaluate the domestic violence prevention program. In the field, the lack of participation of women, as well as the limited number of non-governmental organizations (NGOs) in overseeing the elimination of domestic violence, are some of the reasons why domestic violence still continues to occur. In this case, the government must realize that the hand of power possessed through these two channels is limited, and it needs the participation of the community to participate.

Obstacles to Solving Domestic Violence Problems in Indonesia

In Indonesia, the obstacles to solving the problem of domestic violence are very complex. Considering that the problem of domestic violence has many root problems such as economic, cultural problems and low education levels. The obstacles to resolving domestic violence are increasingly complicated when the government is less sensitive to the needs of the community in welfare issues (Fanani, 2018).

In this case, the State also plays a role in the behavior of people who are "out of control" due to the desperation of life, which in the end commits acts of violence against those closest to them as a form of venting. In fact, correct legal thinking is the one that departs from the paradigm of "law for humans", thus the test for the success of a legal product is if it is able to prove that the legal product is oriented to humans, by serving, prospering and making humans happy.

In this case, the law is not only in the form of a large number of static legislation, but it holds a dynamic power potential that is full of messages, morals and ideals. Legislation is only a means to convey wishes, legislation is not just a formal text, but loaded with will. Therefore, it is impossible to ignore the role of human beings in the work of law. So that when the law is able to humanize humans, of course various benefits will be achieved.

In the problem of domestic violence, the root causes of problems such as low education and welfare must be able to be suppressed as little as possible by policy holders in this country. This means that in addition to being able to issue a policy on the UUPKDRT, the government must play an active role in maintaining household harmony with various community welfare programs. So that the

law is not only to be constructed by the ruler, but also the law as behavior. So that the role of the government in resolving domestic violence is more progressive.

Examining social concepts, policies, and even laws cannot be separated from the social order that underlies them. A concept, policy, and even law can be irrelevant because it is in a changed social order. Therefore, to understand the position and capacity of the law in the structure of society, the first thing that must be understood is the socio-cultural life of the community as a whole and comprehensive.

In addition to the obstacles mentioned above, it is not uncommon in the settlement of domestic violence, the contradictory actions of local governments in Indonesia are the cause of why the Law on Domestic Violence does not run optimally. Several examples released by Komnas Perempuan through its Annual Record in 2014 stated that there are several regions that are less responsive to domestic violence.

Some of them are cases of criminalization of domestic violence victims at the Watampone district court, victim E (17) was even charged with domestic neglect because he was considered to have left home for school. Even in 2014, East Lombok Regent Regulation number 26 concerning the implementation of regional regulation number 3 of 2013 concerning other legitimate regional original income (about polygamy permits) (Komnas Perempuan, 2013).

In addition, there is a *qonun* on the law of *jinayat* and *qonun* on the main points of Islamic sharia in Aceh which regulates the issue of adultery, rape, and the application of the law of whipping as a way of punishment, even strengthening immunity for perpetrators, as well as new discriminatory policies (out of a total of 365 discriminatory policies) spread throughout Indonesia (Saufiah, 2022).

1. Preventive Handling Efforts are efforts that are carried out early through educational activities to have driving factors and opportunity factors for domestic violence crimes so that awareness is created, deterrence vigilance, and the development and creation of behavioral conditions or living norms against violence against women, namely with a firm attitude to reject domestic violence crimes (Ritonga et al., 2023).
2. Curative Handling Efforts are actions taken to handle victims in an integrated manner. Where the government and the wider community can carry out integrated handling of victims of domestic violence, starting from NGOs, women's organizations, religious organizations, and others; even the police participate in dealing with this problem of domestic violence work together and invite women activists, women's organizations, NGOs, and students in the district.
3. Medical Treatment Efforts can be provided with a service for health workers to undergo medical recovery therapy so that the victim can resume activities in carrying out his daily activities as regulated in Law of the Republic of Indonesia No. 23 of 2004. In this case, it seems to be justified from Harkrisnowo's opinion (Nasrudiansyah & Alijaya, 2023) that efforts can be made in dealing with victims of violence by reregulating acts of violence against women in the provisions of the law so that it can better cover many behaviors that until now have not been covered in the legislation, the enactment of legal provisions that provide special protection for victims of violence, namely obtaining the protection of the authorized apparatus for the behavior that the perpetrator may commit reported by the victims, receive medical,

psychological, legal and social assistance, especially to restore trust in themselves and treat and heal the injuries they have experienced and the implementation of special procedures in law enforcement agencies, the police, in handling cases related to violence against women and empowering organizations, both government and society, to pay more attention to the problem of violence against women.

4. Conclusion

Weak knowledge and education, particularly in legal matters, often contribute to domestic violence as both parties may lack the understanding needed to manage and resolve incompatible traits. For instance, a husband might be arrogant and domineering due to his lack of knowledge, leading to conflicts that escalate into violence. Economic factors alone are insufficient to prevent such violence, as financial stress can exacerbate tensions, especially when a wife demands more to meet household needs. Cultural norms also play a significant role, with traditional views positioning the husband as the ultimate authority, leading to the justification of violence against wives and children. Infidelity is another major factor, where affairs by either spouse can trigger domestic violence. Legal sanctions for such acts are outlined in Law No. 23 of 2004 on PKDRT, with severe penalties, particularly for sexual violence, ranging from 5 to 20 years in prison and substantial fines. It is recommended that the government and related institutions improve education programs and public awareness campaigns about the dangers and negative impacts of Domestic Violence (KDRT), covering individual, socio-cultural, socio-economic, and religious aspects that trigger violence. Strengthening policies and more effective law enforcement are also needed to protect victims and prevent domestic violence, including regulatory evaluations so that the law can be enforced fairly. In addition, it is necessary to improve access and quality of assistance services for victims of domestic violence, especially in remote areas, as well as strengthen economic empowerment programs for families, especially women. Efforts to promote social and cultural change that support gender equality and remove patriarchal norms are also essential to create a fair environment and respect the human rights of every individual in the household.

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