



Legal Education on The Prevention of Criminal Violence In Household During The Covid-19 Pandemic

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Abstract

Introduction: Violence against wives that occurs in the household is not only experienced and found in the public area, but is also very popular in the domestic area which is categorized as a form of violence contained in the Law on the Elimination of Domestic Violence (UU PKDRT).

Purposes of Devotion: Providing understanding to the community in Kawatu Hamlet, West Seram District (SBB), regarding domestic violence and the efforts made to prevent domestic violence.

Method of Devotion: The method used is legal counseling to the community about efforts to prevent domestic violence in Kawatu Hamlet, West Seram District (SBB).

Results of the Devotion: Implementation of PKM activities in Kawatu Hamlet, West Seram District (SBB) it can be found and it is known that prevention efforts against criminal acts of domestic violence include preventive efforts. This effort is made to build public awareness of domestic violence.

1. Introduction

Domestic violence, especially against wives, is a legal event that we often encounter in social life in Indonesia. Violence against wives that occurs in the household is not only experienced and found in the public area, but is also very popular in the domestic area which is categorized as a form of violence contained in the Law on the Elimination of Domestic Violence (UU PKDRT). The occurrence of various cases of domestic violence, especially against the wife, can be classified in this case as a victim. The relationship between husband and wife should be a role model and role model for their children and the relationship can be based on harmonious and happy nuances.¹

Domestic Violence (KDRT) is a problem that has deep roots and occurs in all countries of the world. In this regard, the international community has created effective legal standards and specifically pays attention to domestic violence. Actions to beat women, for example, have been included in international and regional human rights conventions which have a legally binding nature on countries that have ratified them. These international human rights documents include the Universal Declaration of Human Rights ("UDHR"),

¹ Margie Gladies Sopacua, "Konsep Ideal Pencegahan Kekerasan Dalam Rumah Tangga Terhadap Perempuan," *Jurnal Pembangunan Hukum Indonesia* 4, no. 2 (2022): 213-26, <https://doi.org/10.14710/jphi.v4i2.213-226>.

the International Covenant on Civil and Political Rights (“ICCPR”), and the International Covenant on Economic, Social and Cultural Rights (“ICESCR”) which are the standard general human rights, where victims of domestic violence can sue their respective countries.²

The government's solution in overcoming the crime of domestic violence is one of them by establishing the PKDRT Law. However, the problem of domestic violence cannot be solved only with the formation of the law. There needs to be intervention and awareness from various parties, both parties who commit domestic violence, victims, and parents. The existence of community leaders in solving domestic violence problems is also considered important, because community leaders have a big role to help the community in solving various problems, including cases of domestic violence. Community leaders in overcoming this are the Head of RT/RW, Village Head, and Ulama (Religious Leaders). Intervention from these parties is very much needed to reduce the occurrence of increasing cases of domestic violence.³

The enactment of the Law on the Elimination of Domestic Violence is a must for Indonesia as a country that has ratified several international conventions on women, such as Members of the CEDAW Convention (Convention on the Elimination of All forms of Discrimination against women) or the Convention on the Elimination of All Forms of Discrimination Against Women through Law Number 7 of 1984. The P-KDR Law has strategic value for efforts to eliminate violence against women. First, the enactment of the Domestic Violence Law will shift the domestic violence issue from a private issue to a public issue. Thus, it is hoped that it can break down the psychological barriers of victims to reveal the violence they have suffered without being haunted by feelings of guilt for revealing disgrace. Second, The Domestic Violence Law will provide space for the state to intervene against crimes that occur in the home so that the state can provide more optimal protection for citizens who need special protection (women and children) from acts of violence. Third, the Domestic Violence Law will have an effect on accelerating the realization of the zero-violence tolerance policy against women that was launched by the government several years ago.⁴

2. Method

This PKM Community Service Activity was held in Kawatu Hamlet, West Seram District (SBB). The PKM activities carried out several stages including;

- 1) Observing some of the household data contained in Kawatu Village, West Seram Regency

² Wulandari Fenny, Ferry Anka Sugandar et al., “Konsekuensi Hukum Kekerasan Dalam Rumah Tangga (KDRT) Serta Dampaknya Terhadap Perkembangan Keluarga Dan Anak-Anak,” *BHAKTI HUKUM Jurnal Pengabdian Kepada Masyarakat* 1, no. 1 (2022): 149–57.

³ Tri Agus Gunawan Indira Swasti Gama Bhakti, “Upaya Preventif Aparat Desa Dalam Penanggulangan Kasus Kekerasan Dalam Rumah Tangga,” *Journal of Public Administration and Local Governance* 4, no. 1 (2020): 49–64, <https://doi.org/10.31002/jpalg.v3i2.1980>.

⁴ Hamidah Abdurrachman, “Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga Dalam Putusan Pengadilan Negeri Sebagai Implementasi Hak-Hak Korban,” *Jurnal Hukum Ius Quia Iustum* 17, no. 3 (2010), <https://doi.org/10.20885/iustum.vol17.iss3.art7>.

- 2) Provide legal counseling on preventing domestic violence against husbands, wives and children as well as people in the household.

Solutions Offered; The solution offered to men, women and children in the Kawatu hamlet, Seram Section, through this Community Service Program (PKM) is how to take steps to prevent violence against each other that is still within the scope of the household.

Methods Offered; Realization of problem solving to support the achievement of the PKM program is carried out by means of counseling. The stages of implementing PKM activities are as follows:

- 1) Preparation Stage: The initial approach stage with the target audience to determine the implementation time and preparation of PKM support.
- 2) Implementation Stage: The stage of counseling for the target audience of PKM
- 3) Evaluation Stage: The stage of measuring the target audience's understanding of the material given in this PKM activity.

3. Results And Discussion

3.1 An Overview of Violence

Criminologists explain violence that causes physical, psychological and mental damage is violence that is against the law. Therefore, violence is a crime⁵. Violence can also be carried out collectively, because in committing criminal acts the perpetrators in this case are in large numbers or more than one person where directly or indirectly, whether planned or unplanned, good cooperation has been established both jointly and independently. - itself, in a series of events that cause or result in physical or non-physical damage. Thus, it can be concluded that violence is an act with the use of physical force or tools illegally and violates the law, whether carried out by individuals or groups that harm others or cause someone to be hurt, injured, unconscious, helpless, or even cause someone's death.



Picture 1.

The process of delivering materials in Kawatu Village, West Seram Regency

Harkristuti Harkrisnowo as quoted by Michael Levi, the word "violence" is a concept, so the meaning or meaning of "violence" is highly dependent on the norms and values that

⁵ Siti Musdar Mulia, *Muslimat Reform, Perempuan Pembaru Keagamaan* (Bandung: Mizan, 2010).

grow, develop and are recognized in a society. So, the meaning of "violence" or violence is different in each sphere of society. Therefore, a behavior that is seen as a violent (crime) in one community in one country, may not be considered so in another country. According to Jerome Skolnick, violence is: "...an ambiguous term whose meaning is established through a political process..." (a term meaning two whose meaning is determined through a political process). Harkrisnowo's writing, there are a number of meanings about the word "violence". Weiner, Zahn and Sagi suggest that "violence" has the following elements: Harkristuti Harkrisnowo⁶ indicates that violence against women in the household is almost insurmountable because;

- 1) the existence of fear and insecurity in women, which hinders the achievement of equality of development and peace;
- 2) there are permanent barriers to women's mobility and limiting access to basic resources and activities;
- 3) there is a compulsion to always be in a subordinated position;
- 4) there is tolerance for violence itself, so it has never been reported to the authorities and is difficult to detect;
- 5) when violence against women in the household is reported, often there is no protection for the whistleblower, even the perpetrators of violence are not punished.
- 6) the lack of reporting resulted in the lack of documentation of events, making it difficult to formulate and implement specific intervention strategies.

Domestic violence, as stated in the PKDRT Law, is any act against a person, especially a woman, 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 domestic sphere. Furthermore, Article 5 of the PKDRT Law stipulates that "everyone is prohibited from committing domestic violence against people within the scope of his household, by:

- 1) Physical abuse;
- 2) Psychological violence;
- 3) sexual violence; or
- 4) Domestic neglect.



Picture 2.

The process of delivering materials in Kawatu Village, West Seram Regency

⁶ Harkristuti Harkrisnowo, "Domestic Violence (Kekerasan Dalam Rumah Tangga) Dalam Perspektif Kriminologi Dan Yuridis," *Jurnal Hukum Internasional* 1, no. 4 (2014): 712-15.

Achie Sudiarti Luhulima, divides forms of domestic violence into several groups⁷ including the following:

- a) Physical, for example hitting, slapping, strangling, kicking, throwing things at the victim's body, stepping on, injuring with bare hands or killing tools/weapons.
- b) Psychological, for example shouting, swearing, threatening, humiliating, controlling, harassing, stalking and spying, other actions that cause fear, including those directed at people close to the victim, such as family, children, husband, close friends.
- c) For example, sexual acts that lead to sexual activities such as touching, touching, kissing and doing other actions that are not desired by the victim. Forcing sex without the victim's consent, with physical violence or acts of coercion to carry out sexual activities that are not liked, demean, torture or injure the victim.
- d) For example, taking the victim's money, withholding or not providing the financial needs of the victim, controlling and supervising the expenditure of money to the smallest extent, all with the aim of controlling the victim.
- e) Spiritual, for example, demeaning the victim's beliefs and beliefs, such as forcing the victim to believe in things they don't believe in, forcing the victim to practice certain rituals or beliefs.

The forms of domestic violence (domestic violence) of 4 (four) types which include⁸:

- 1) Economic violence, which is an act that limits the wife to work inside or outside the home that produces money or goods and allows the wife to work to be exploited or neglect her family members, in the sense of not fulfilling the family economy, using money that is the wife's right, using money for gambling and confiscate the wife's inheritance.
- 2) Physical violence is any act that causes pain, injury, injury or disability to a person's body or causes death. The forms are hitting, slapping, grabbing, kicking, cornering cigarettes, and others. Cahyadi Takariawan explained that examples of physical violence are beatings, abuse, destruction of body parts, either by hand or with the help of tools such as knives, razors, hot water, irons, chemicals, or other objects.
- 3) Psychological or psychological violence, namely any actions and words that cause loss of self-confidence, loss of ability to act, feelings of helplessness, and fear of the wife. The form is in the form of reproach against the wife, harassment, cursing at the wife, isolating, intimidating, or other actions that hurt feelings and feelings.
- 4) Sexual violence⁹, namely any act that includes sexual harassment, forcing his wife to have sexual relations without her consent and when the wife does not want to have sexual relations in ways that are not reasonable or disliked by the wife, or distance or do not fulfill the wife's sexual needs.

The Law on the Elimination of Domestic Violence is a progressive breakthrough in the criminal law system, but in its implementation it still focuses on punishing perpetrators. If this happens to the husband, the victim (wife) will think long about continuing the claim

⁷ Achie S. Luhulima, *Pemahaman Bentuk-Bentuk Tindak Kekerasan Terhadap Perempuan Dan Alternatif Pemecahannya, Kelompok Kerja "Convention Watch" Pusat Kajian Wanita Dan Jende* (Bandung: PT Alumni, 2000).

⁸ Cahya Takariawan, *Pernik-Pernik Rumah Tangga Islami, Tatahan Dan Peranannya Dalam Kehidupan Masyarakat* (Solo: Era Intermedia, 2000).

⁹ Farha Ciciek, *Ikhtiar Mengatasi Kekerasan Dalam Rumah Tangga* (Jakarta: The Asian Fundation, 1999).

because of the husband and wife relationship that exists between them. In addition, law enforcement officers still view domestic violence as a complaint offense so that it is always directed to be resolved amicably. The non-reporting attitude of victims, especially women, is very closely related to the position of victims as subordinates in the household, who do not immediately make decisions even though it is to help themselves. In practice, the judge's interpretation of the form of violence is largely determined by what is seen, so that psychological violence is also measured by the daily physical condition of the victim. Several obstacles in the handling of victims of domestic violence, including;¹⁰

- 1) Cases of domestic violence reported by victims are often not followed up because the victim hesitates or does not understand that what is reported is a criminal act. Likewise, cases that have been processed by the Police are often withdrawn for various reasons, for example because the victim feels she has forgiven the perpetrator, economic dependence on the perpetrator, domestic violence is still considered a family disgrace;
- 2) Different understanding between law enforcement on the form of domestic violence; regarding the mechanism for providing protection and not all parties support efforts to protect victims of domestic violence;
- 3) The length of time between the incident and the post-mortem, so that the results of the post-mortem are less supportive of the legal process;
- 4) The problem of budgeting for socialization to areas that are difficult to reach, so that the frequency is not adequate, and funding for shelters for both buildings and operations;
- 5) The handling of domestic violence cases has not been considered a priority, so the formation of PPT is still stalled; and
- 6) The substance of punishment as referred to in the provisions of Article 44 and Article 49 of the PKDRT Law does not contain a deterrent effect. In some cases (especially psychological domestic violence) the judges handed down a fairly light sentence because they only saw the external condition of the victim without trying to explore the suffering of the victim (inside).

3.2 Domestic Violence Prevention

At the normative level, Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT) provides special protection for victims of violence that occurs within the household, and is implemented based on the principles of respect for human rights, justice and gender equality, non-discrimination, and protection of victims, and has the aim of preventing all forms of domestic violence, protecting victims and taking action against perpetrators of domestic violence and maintaining a harmonious and prosperous household. The existence of this law is expected to provide legal protection for members in the household, especially women who are the most victims of domestic violence ¹¹.

¹⁰ Mudjiati, "Mplementasi Undang-Undang Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga Suatu Tantangan Menuju Sistem Hukum Yang Responsif Gender," *Jurnal Legislasi Indonesia* 5, no. 3 (2008): 65.

¹¹ Nuswantari, "Implementasi Perlindungan Hukum Terhadap Perempuan Korban Kekerasan Dalam Rumah Tangga Di Kota Madiun," *Citizenship Jurnal Pancasila Dan Kewarganegaraan* 5, no. 2 (2017): 97-107, <https://doi.org/10.25273>.

As part of the reformulation of the new and aspired law (*Ius Constitutum*), there is a desire to be able to overcome and find solutions to the problems of the domestic violence legal vacuum and this is what is urgent, motivating to define, analyze, explain, and complete the laws and regulations. -the invitation. Prevention of the occurrence of domestic violence is a situational action that aims to eliminate the opportunity for domestic violence to occur more specifically, physical and psychological violence. Prevention in this case is mandatory to protect against the occurrence of domestic violence against the wife. Prevention is meant, for example, the act of stopping consciously and spontaneously by someone when they see that there will be differences in thoughts or differences in will between men (husbands), and other examples are acts of preventing physical harm to women (wives). To avoid the occurrence of violence in certain situations, those who saw it directly or directly asked for assistance to prevent the occurrence of domestic violence, were given the obligation to protect women who would become victims of domestic violence.¹²



Picture 3.

The process of delivering materials in Kawatu Village, West Seram Regency

Women or children who are victims of domestic violence prefer to remain silent, not reporting because of shame and fear of negative consequences for their reporting actions. Economic dependence also causes victims to choose to immerse themselves in the events they have experienced. In addition, many people, especially victims of domestic violence, do not understand and do not have the heart to punish the perpetrators who are mostly their closest people. Some people tend to be passive in reporting acts of domestic violence. In fact, domestic violence is not only an individual issue but also a public issue. One of the reasons for this condition is the lack of socialization about domestic violence, so that the number of domestic violence tends to increase.¹³

Prevention is the process, method, action of preventing or holding back so that something does not happen. It can be said that an attempt was made before the violation occurred. Crime prevention efforts are the initial effort in tackling crime. Efforts in tackling

¹² Sopacua, "Konsep Ideal Pencegahan Kekerasan Dalam Rumah Tangga Terhadap Perempuan."

¹³ Dakwatul Chairah, "Perlindungan Hukum Terhadap Perempuan Dan Anak Korban Kekerasan Dalam Rumah Tangga Di Kabupaten Sidoarjo," *Jurnal Hukum Pidana Islam* 5, no. 1 (2019): 153-75.

crime can be taken several steps including action (repressive) in addition to preventive measures (preventive) ¹⁴.

Prevention is an attempt to take action to prevent the occurrence of a criminal event. The purpose of prevention is so that the risk of cruelty, inhumanity and degrading of human dignity does not occur or can be reduced. Even this opinion of Parest has not revealed a direct 'mechanism' which becomes a 'causal norm' to prevent acts of violence against women.

The concept of prevention as the main pillar of responsibility for preventing acts of torture is:

- 1) Prevention is the main form of responsibility that is 'not to commit acts of torture', or the main form of 'eliminating acts of torture';
- 2) The purpose of not committing acts of torture is to prevent a person or group of people from being cruel, dehumanizing and degrading human dignity.
- 3) The responsibility lies in the hands of people (one or several people);
- 4) There are provisions for the government;
- 5) The existence of provisions regarding certain actions which are marked as torture events,
- 6) There are provisions on what actions a person or group of people or the government does, which must be done so that someone else will not or cannot commit violence.
- 7) The existence of acts of violence, not only physical violence but also psychological violence.

Prevention efforts against criminal acts of domestic violence include preventive efforts and also seek to improve the behavior of someone who has been found guilty. Prevention of domestic violence that is carried out preventively is to prevent the occurrence or emergence of domestic violence which will have a negative impact on children's development as well as legal implications for those who commit such violence.

One of the efforts to prevent criminal acts is the issuance of a regulation that regulates the occurrence of harmony in a society. To maintain the harmony of a society, a statutory regulation is formed. Preventing crime is better than trying to educate criminals to be better again, as the motto in criminology is that efforts to improve criminals need to be considered and directed so that crime does not occur again. It is reasonable if preventive efforts are prioritized because preventive efforts can be carried out by anyone without special and economical skills ¹⁵.

4. Conclusion

In service activities at Kawatu Hamlet, West Seram District (SBB), found efforts to prevent domestic violence against people within the scope of the household. These prevention efforts include: Besides that, preventive efforts also need to be carried out regularly socializing the PKDRT Law in the hope that it can shape the mindset of the community and further increase public awareness about efforts to prevent domestic violence.

¹⁴ Baharuddin Lopa & Moch. Yamin, *Undang-Undang Pemberantasan Korupsi* (Bandung: Alumni, 2001).

¹⁵ Romli Atmasasmita, *Teori Dan Kapita Selekt Kriminologi*, Revisi (Bandung: Refika Aditama, 2013).

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