



Women in the Midst of Violence From a Human Rights Perspective

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Abstract

Introduction: Many people think that women are weak and do not have the power to fight and defend their rights. In accordance with the constitutional mandate, every citizen has the right to feel safe and free from all forms of violence.

Purposes of the Research: This study aims to find out about women in the midst of a vortex of violence from a human rights perspective.

Methods of the Research: The research method used is normative juridical research that uses legal sources of material obtained through literature studies and statutory regulations.

Results of the Research: Violence against women is seen as part of the violation of human rights. The law on human rights in Indonesia is very strict about women's rights. Women have many contributions to the welfare of society so women must be treated by protecting their rights as a woman.

A. PENDAHULUAN

A long history records that women have always been positioned in a lowly position. Women are often the object of violence. Not only that, women are only considered to satisfy men and make women slaves. There are many women who have become victims of discriminatory treatment, limiting women's movement space and also degrading their dignity as women. This patriarchal culture makes women increasingly cornered and considered as lowly people. Women also do not have much opportunity to make their choices. Many people think that women are weak and do not have the power to fight and defend their rights.

In this modern era, where technology is increasingly sophisticated, thinking is increasingly open, it does not make women free from discrimination itself. There are still many women who still feel underestimated. Cases of violence that occur are still often found. Women can become victims of violence, whether in public places or in places that are considered safe, such as their own homes. Violence received by women is not only violence that results in physical injury, but women also always get verbal violence, and sexual violence.

According to Chung, Kholi and Malhotra as quoted by Yvone Rafferty ¹ "Traditional beliefs that men have a right to control women, deep rooted gender-based

¹ Yvonne Rafferty, "International Dimensions of Discrimination and Violence against Girls: A Human Rights Perspective," *Journal of International Women's Studies* 14, no. 1 (2013): h. 7.

structural inequality, and cultural traditions that devalue girls also foster a social and community climate that tolerates exploitative relationships between men and women, and between adults and children and makes girls and women vulnerable to physical, emotional and sexual violence". It can be concluded that traditional beliefs that men have the right to control women, deep-rooted gender-based structural inequalities, and cultural traditions that demean girls also foster social and community climates that tolerate exploitative relationships between men and women and between adults and children and make girls and women vulnerable to physical, emotional and sexual violence.

The Thompson Reuters Foundation noted the Cities with the Highest Sexual Violence Throughout 2017 as stated in the CNN Indonesia article explaining that the city of Delhi (India) was in first place and after that in order of Sao Paulo (Brazil), Cairo (Egypt), Mexico (Mexico), Dhaka (*Bangladesh*), Istanbul (Turkey), Jakarta (Indonesia), Kinshasa (Congo), Karachi (Pakistan), Lima (Peru). These cities are still worth visiting, although one must remain vigilant in light of the number of cases of violence that have occurred there. Meanwhile, the cities of London (England), Tokyo (Japan) and Paris (France) are included in the list of friendly cities for women (results of a survey of 380 experts in 19 countries with population > 10 million people during June-July 2017).²

Violence against women by the international community has been seen as part of the violation of human rights. Therefore, concrete actions must be taken to eliminate it. Based on the description above, the author will discuss about women in the midst of a vortex of violence from the perspective of human rights.

B. METODE PENELITIAN

The research method used is normative juridical research that uses legal material sources obtained through literature studies and statutory regulations.

C. HASIL DAN PEMBAHASAN

Women have a lot of contributions to the welfare of society, women start their contribution in the family, what is the role of women in educating children, building good communication with their partners. This women's contribution is very meaningful, giving birth and taking care of future generations. Actions, words, and learning will determine the quality of the environment and the quality of humanity for future generations.

Every citizen has the right to feel safe and free from all forms of violence in accordance with the philosophy of Pancasila and the 1945 Constitution of the Republic of Indonesia. The obligation to respect human rights is reflected in the Preamble to the 1945 Constitution which animates the entire article in its body, especially with regard to the equality of citizens in law and government, the right to work and a decent living, freedom of association and assembly, the right to express thoughts orally and in writing, freedom to embrace religion and to worship according to one's religion and belief, the right to receive education and teaching.

Violence against women from a legal perspective is no different from other

² Andry Novellino et al., "Hari Perempuan Internasional: Sejarah Dan Ragam Tuntutan," CNN Indonesia, 2020.

deviant behavior.³ Violence, according to an expert, is referred to in such a way as an action that causes physical or psychological damage, is violence that is contrary to the law, therefore violence is a form of crime.⁴ Romli Atmasasmita said that violence that can result in physical or psychological damage is violence that is against the law. Clinard and Quenney distinguish the types of criminal violence namely murder, rape, severe maltreatment, armed robbery and kidnapping. This crime is classified as an individual crime (individual).⁵

There are many types of crimes against women which can cause physical and psychological trauma. In 1993 Article 1 the Declaration on the Elimination of Violence Against Women defines violence against women as any act based on gender (gender based violence) that results in physical, sexual or psychological harm or suffering to women, including threats of action. Certain circumstances, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Furthermore, Article 2 states that violence against women must be understood to include, but not only be limited to acts of physical, sexual and psychological violence that occur in the family and in the community including beatings, sexual abuse of women and children, violence related to dowry, marital rape, female genital mutilation and other traditional atrocities against women, violence outside of conjugal relations and violence related to the exploitation of women, rape, sexual abuse, sexual harassment and threats in the workplace, and institutions -educational institutions and so on., trafficking in women and forced prostitution as well as violence perpetrated and justified by the state wherever it occurs.⁶

The World Health Organization (WHO) released data that 1 in 3 women had experienced violence. This data was released through a virtual press conference. WHO Director-General Tedros Adhanom Ghebreyesus said that violence against women is endemic in every country and culture, causing harm to millions of women and their families, and is exacerbated by the Covid-19 pandemic. Still in its press release, WHO said that there were about 736 million women recorded to have experienced physical or sexual violence by a partner or non-partner sexual violence (data compiled from 2000-2018).⁷ This research shows that the number of violence against women is still very high.

Women who are always considered weak should receive protection, not all forms of violence. This violation of women's rights does not have to happen if everyone knows about our basic rights as human beings. Everyone has the right to feel safe wherever they are, including women. Human rights are basic rights that are inherently inherent in humans, universal and lasting, therefore they must be protected, respected, maintained, and should not be ignored, reduced, or taken away by anyone.

³ M Munanrdar Sulaeman and Siti Homzah, eds., *Kekerasan Terhadap Perempuan Tinjauan Dalam Berbagai Disiplin Ilmu Dan Kasus Kekerasan*, Pertama (Bandung: Refika Aditama, n.d.), h. 77.

⁴ Yesmil Anwar and Adang, *Kriminologi* (Bandung: PT. Refika Aditama, 2010), h. 410.

⁵ Anwar and Adang, *Kriminologi*.

⁶ Sulaeman and Homzah, *Kekerasan Terhadap Perempuan Tinjauan Dalam Berbagai Disiplin Ilmu Dan Kasus Kekerasan*.

⁷ Dewi Arianti Saptoyo, "WHO 1 Dari 3 Perempuan Di Dunia Pernah Mengalami Kekerasan," *kompas.com*, 2021.

In fact, the Universal Declaration of Human Rights affirms the principle of not accepting discrimination and states that all human beings are born free and equal in dignity and rights and that everyone has all the rights and freedoms set forth therein, without any kind of distinction, including differences based on gender. Discrimination against women violates the principles of equal rights and respect for human dignity, is an obstacle to women's participation, on an equal basis with men, in the political, social, economic and cultural life of their country, hinders the growth of the welfare of society and the family and makes it difficult to fully develop women's potential. in his service to the country and humanity.⁸

Article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) explains that States Parties condemn discrimination against women in all its forms, and agree by all appropriate means and without delay. -postpone, to implement a policy that eliminates discrimination against women, and to this end strive to:

- a) Incorporate the principle of equality between men and women in their constitution or other appropriate legislation if it has not been included, and to ensure the practical realization of the implementation of this principle, through law and other appropriate means;
- b) Establish appropriate legislation and other measures, and where necessary including sanctions, prohibiting all discrimination against women;
- c) Establish legal protection of women's rights on an equal basis with men, and to ensure protection for active women against any discriminatory behavior, through competent national courts and other government bodies;
- d) Refrain from committing any act or practice of discrimination against women, and ensure that public officials and institutions will act in accordance with this obligation;
- e) Take all appropriate steps to eliminate discriminatory treatment against women by any person, organization or institution;
- f) Take appropriate steps, including legislative measures, to amend and abolish existing laws, regulations, policies and practices that constitute discrimination against women;
- g) Repeal all national criminal provisions which constitute discrimination against women.

As one of the countries that have ratified the Convention on Elimination of All Forms of Discrimination Against Women, as a form of our country's care for women. The Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights (hereinafter referred to as the Law on Human Rights) defines Human Rights as a set of rights that are inherent in the nature and existence of humans as creatures of God Almighty and are His obligatory gifts. Respected, upheld and protected by the state, law, government, and everyone for the sake of honor and protection of human dignity. Violation of human rights is every act of a person or group of people including state apparatus, whether intentional or unintentional or negligence, limiting, and or revoking the human rights of a person or group of people guaranteed by this law, and

⁸ "Konvensi Mengenai Penghapusan Segala Bentuk Diskriminasi Terhadap Perempuan," 1981.

not getting, or fearing that they will not obtain a fair and correct legal settlement, based on the applicable legal mechanism. Article 2 states that the Republic of Indonesia recognizes and upholds human rights and basic human freedoms as rights that are inherently inherent in and inseparable from humans, which must be protected, respected, and enforced for the sake of increasing human dignity, welfare, happiness, and intelligence as well as Justice

The law on human rights in Indonesia is very strict about women's rights. Not only that, there are laws and regulations that have been regulated to provide guarantees to women, especially women who have been bound by marriage, including Law Number 23 of 2004 concerning the Elimination of Domestic Violence. Considering that domestic violence in Indonesia is a problem that still haunts some women in Indonesia. There is a patriarchal culture which assumes that men have control over women.

Solutions for overcoming acts of violence against women must include the following:⁹

- 1) Increase women's awareness of their rights and obligations under the law through training and counseling (*legal training*);
- 2) Increase public awareness of the importance of efforts to overcome the occurrence of violence against women and children, both in individual, social and institutional contexts;
- 3) Raise awareness of law enforcement to act quickly in overcoming violence against women and children;
- 4) Assistance and counseling for victims of violence against women and children;
- 5) Carry out anti-violence campaigns against women and children that are carried out systematically and supported by a solid network;
- 6) Legal reforms, especially the protection of victims of acts of violence experienced by women and children as well as groups that are vulnerable to human rights violations;
- 7) Renewal of a conducive health service system to tackle violence against women and children;
- 8) For children, social, economic and legal protection is needed not only from their parents, but also from all parties, including the community and the state;
- 9) Establishing an institution that supports victims of violence with specific targets for women and children to be provided free of charge in the form of consultations, medical and psychological care;
- 10) Requesting the mass media (print and electronic) to pay more attention to the issue of violence against women and children in their reporting, including educating the public about the human rights of women and children/

⁹ John Dirk Pasalbessy, "Dampak Tindak Kekerasan Terhadap Perempuan Dan Anak Serta Solusinya," *Sasi* 16, no. 3 (2010): h. 12.

D. PENUTUP

Violence against women is seen as part of the violation of human rights. In accordance with the constitutional mandate, every citizen has the right to feel safe and free from all forms of violence. The law on human rights in Indonesia is very strict about women's rights. Women have many contributions to the welfare of society so that women must be treated by protecting their rights as a woman, as women do not get discrimination wherever they are, are able to make their choices and have the right to feel safe.

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