

Implementation of Law Number 52 of 2009 In Minimizing Domestic Violence in Jayawijaya Regency

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ABSTRACT

The study aims to analyse the extent of the implementation of policy on Law No. 52 of 2009 in minimizing domestic violence in Jayawijaya Regency by focusing on 5 (five) family functions namely; religious, socio-cultural, educational, economic and equality. The study used research informants consisting of perpetrators of violence, Victims, and companions of victims of domestic violence who were categorized as main informants. There were 17 (seventeen) perpetrators, 17 (seventeen) victims and 2 (two) domestic violent victims' companions. Selection of informants was done by choosing from a number of communities in 40 districts that experienced violence inclusive of physical, psychological, sexual, abortion, household negligence and domestic violence. Data analysis applied in the research refers to Matthew B. Miles and A. Michael Huberman which includes data reduction, data presentation and conclusions (data verification). Result of the research on the implementation of Law No.52 of 2009 using 5 (five) family functions, namely; religion, socio-cultural, education, economy and equality in minimizing acts of violence that occurred in Jayawijaya Regency had a significant impact in reducing number of violence in 2018 since the introduction and socialization of the Act in 2014.

Keywords: Implementation, Policy, Law No.52 of 2009, Violence.

INTRODUCTION

Violence against women in households constitutes violations of their human rights and dignity and is a way of discrimination that must be eliminated. Domestic violence is generally perpetrated against women by their male counterparts. Factors underlying the occurrence of domestic violence are as a result of; lack of communication between husband and wife, lack of harmony in households, economic inability of the husbands, forced marriages and influences of liquor. Government's presence is needed in providing protection and comfort for every community to be free from violence, threats of violence, torture, or treatments that are degrading to human dignity.

Reality shows that in Indonesia, cases of violence against women tend to increase from year to year. In 2017 there were 348,446 cases of violence recorded, an increase of 25% compared to the previous year (2016) of which 259,150 cases were recorded. Most forms of violence against women occurred in 2017 were physical violence (41%) and sexual violence (31%) (Komnas Perempuan,

2018). Meanwhile, cases of violence against mothers and children in Jayawijaya Regency as a whole during 2014 to 2018 also tend to increase as follows; physical violence (361 cases), psychological (41 cases), abortion (9 cases), sexual (94 cases), household violence (681 cases) and household negligence 914 (cases) (P3AKB Service, 2018).

The role of government in this condition is very important in reducing acts of violence that occur in Indonesia through regulations and policies concerning prevention of violence as well as concrete steps that should be taken to minimize them. Government under Law Number 52 of 2009 and Law Number 23 of 2004 have formulated a national family development policy to empower families carry out family functions optimally through 8 (eight) family functions which include; religious, socio-cultural, love, protection, reproduction, socialization, education, economy, and environmental development, as well as efforts to eliminate domestic violence.

The implementation of law's policy is part of a family development effort that aims to increase awareness, comfort and protection in order to create a happy domestic life. Development efforts for families were able to fulfill harmonious family guarantees have been implemented by government officials in Jayawijaya Regency through counseling activities for pre-marital family guidance and dissemination of laws on domestic violence even though the results have not been felt maximally.

One of the difficulties is due to demographic characteristics of the region and the late set of laws that have been followed up in the regions. Another obstacle that arises is the problem of providing special facilities for victims of acts of violence and adequate allocation of funds. A handling system that tends to be late makes victims of acts of violence reluctant to report and lack of financial support from the government.

This research is also a response to the policies implemented by the government in an effort to have a significant impact on society, especially the subject of domestic violence that occurred in the last 5 (five) years in Jayawijaya Regency and the issuance of the law on family development in order to prevent domestic violence .

The objectives of this research are: (1) To analyze the implementation of the Law Number 52 of 2009 concerning Family Development policies covering religious, socio-cultural, educational, economic, and equality functions in minimizing the elimination of violence in households in Jayawijaya Regency. (2) To analyze the inhibiting factors in minimizing acts of domestic violence in Jayawijaya Regency. (3) To analyze concrete efforts made by the government to minimize domestic violence in Jayawijaya Regency.

Based on the background above, the researcher identified several issues that would be examined as follows: (1) An increase in cases of violence in Jayawijaya Regency in the past five years. (2) There is a shift in values, norms, and ethics in the family that began to occur because of the current modernization and globalization trend in the society in Jayawijaya Regency. (3) There is no special professional private institution in Jayawijaya Regency as a place to handle cases of violence.

This type of research is referred to as descriptive research. Descriptive research is defined as "Qualitative research, in that the researcher is interested in the process, meaning, and understanding gained through words or pictures" (Creswell, 2015). In this definition the researcher

must be interested in the process, meaning and understanding which are then translated into words and pictures. Researchers choose the type of research descriptive because the writer wants to describe in detail and interpret the data or symptoms obtained during the study. This type of research was also chosen because it was in accordance with the purpose of the study, which according to the researcher is more appropriate to be done with the type of descriptive research, so that the writer would describe in detail the domestic violence that occurred in Jayawijaya district.

THEORY

Research related to previous domestic violence has been done by several researchers both inside and outside Indonesia.

In his research, Almosaed (2004) entitled "Violence Against Women: a Cross-Cultural Perspective" he examined public attitudes towards violence against women in Arab society and its surroundings with a cross-cultural focus in that society. He stated that the perpetrators of violence were also victims of violence and abuse; most respondents agreed to physical punishment as needed; the majority of male respondents conclude that violence is an effective way to deal with wrong behavior towards women, while the majority of women feel that men who harass women are not real men and only exploit their position.

Jayanthi's (2009) research entitled "Factors Causing Domestic Violence in Survivors Treated by Lemaga Sahabat Wanita Magelang" with the focus to find out the factors causing domestic violence in survivors handled by the Magelang Women's Friends Institute recorded the forms of violence experienced by survivors and survivor's reaction to the violence they experienced. The results showed that factors causing the occurrence of domestic violence in survivors were infidelity, economic problems, patriarchal culture, third party interference, playing gambling, and differences in principles. The main factor that causes domestic violence is an affair committed by a husband with another woman. The forms of violence experienced by survivors are physical violence (slapping, grabbing, trampling), psychological violence (verbal abuse, threats), and neglect of the household.

Harnoko's (2010) research entitled "Behind Violence Against Women" which examines behind violence against women in the realm of anything in Indonesia. The results of his research found that main cause of violence against women is the historical imbalance in the pattern of power relations between men and women which results in the domination and discrimination against women by men and obstacles to progress for those who have institutionalized in the spaces of life. Society, through the placement of men's position as authorities in all human relations in both the public and domestic spheres, even manifesting in economic, political and religious spaces indicates men's dominion over women.

Sarkar's (2010) research titled "A Study on Domestic Violence Against Adult and Adolescent" examines domestic violence against adults and adolescent women in rural areas of western Bengal found that many women interviewed were exposed to violence. Sarkar interviewed 141 adult women and teenagers living in a village in West Bengal using questionnaires and statistical tests with simple proportions and significance tests (Chi square test) found that, of the 141 respondents, 33 (23.4%) adult women and adolescents in this village were exposed to domestic violence in the past year.

Demographic characteristics, a statistically significant maximum prevalence was observed among the 30-39 years age group, illiterate and unmarried women. Most of the women who experienced domestic violence were husband perpetrators (72.73%) and committed specific physical assault (72.73%). The majority of respondents reported that educational opportunities (31.9%), economic earning (31.9%) and better family income (23.4%) would help them overcome the situation. This research stresses the need for justified women's empowerment and calls for a multidisciplinary approach to developing public health measures, which will most effectively address the problem of domestic violence.

Semahege and Mengistie's (2015) research entitled "Domestic Violence Against Women and Associated Factors in Ethiopia; The Systematic Review" highlights domestic violence against women and related factors in Ethiopia found that domestic violence against women is significantly related to alcohol consumption, family history of violence, work, religion, educational status, residence and decision making power. Domestic violence against women is relatively high in various parts of Ethiopia. Domestic violence has a direct relationship with the sociodemographic characteristics of victims and perpetrators. Therefore, health promotion information activities are appropriate to address factors related to domestic violence against women or to prevent and control problems to save women from becoming victims.

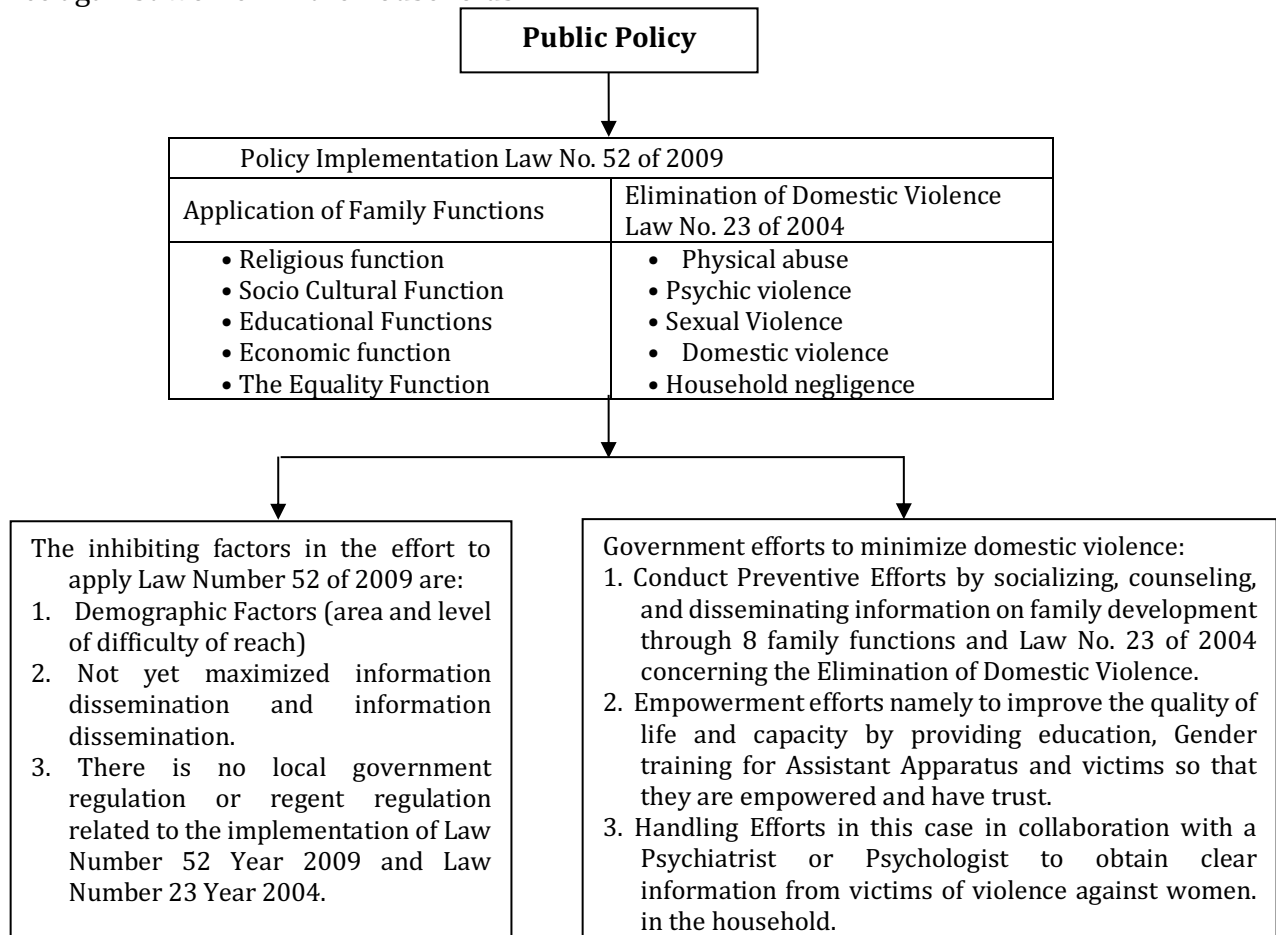
Muhajarah's (2016) research entitled "Violence Against Women in the Household: A Socio-Cultural, Legal and Religious Perspective" examines violence against women in the household using a socio-cultural, legal and religious perspective. Violence against women in the household is common, whereas the legal system in Indonesia does not guarantee protection for victims of domestic violence. Violence does not occur spontaneously, but has certain causes that encourage men to commit violence against women (wives), which in general causes of violence can be identified because of gender and patriarchy, unequal power relations, and role modeling (behavioral results imitating)

Arifianti et al (2017) entitled "Identification of Factors Triggering Domestic Violence in the City of Denpasar" identified the factors that triggered domestic violence in the city of Denpasar by using 120 respondents. The results of his study identified 6 (six) factors as triggers for violence in the household (domestic violence) are the quality of social relations of the perpetrators, the characteristics of the perpetrators' work, past experience, supporters of domestic violence, household economy, and time with family.

Ligina et al (2018), entitled "The Role of Parents in Preventing Sexual Violence in Elementary School Children in the City of Bandung", examines the role of parents in the prevention of sexual violence in elementary school children in the city of Bandung. The research applied quantitative descriptive method with 141 respondents in SDN 061 Cijerah from a population of 530 students using accidental sampling technique. It found that out of 141 parents 93.6% had a good parenting role, parents as good educators 88.7%, parents as good drivers/motivators 90.8%, parents as good role models 91.5%, parents as good supervisors 85.1%, parents as good counselors 91.5% and parents as good communicators 72.3%.

THINKING FRAMEWORK

The framework of this study illustrates that if the implementation of the policy no. 52 of 2009 described in the application family function if properly implemented it is expected to minimize violence against women in the households.



RESEARCH METHOD

Data Collection

Data collection techniques are the most strategic step in research, because the main purpose of research is to obtain data. In this study, the authors used data collection techniques as follows: (a) Observation; the fundamental technique in research is done with clear, detailed, complete, and conscious observations about the actual behavior of individuals in certain circumstances. The importance of observation is the ability to determine the initial factors of behavior and the ability to accurately describe the reactions of individuals observed under certain conditions. Observations in qualitative research are conducted on actual situations that are reasonable, without being prepared, altered or not specifically held for research purposes. Observations made on the object of research as a source of data in the original state or as everyday conditions. (b) Literature Study; the first data collection technique used in this research is literature study. In this type of study, researchers collect data and information to support the background of the problem, theories related to the discussion of existing problems, and other supporting data. These data are obtained from books, internet articles, and laws and regulations that are relevant to the problems that arise. (c) Field Study; is conducted through interviews applying interview guidelines to several key

informants. The interview method, includes the method used for the purpose of a particular task, tries to obtain information or an oral stand from an informant by conversing face to face with that person.

Testing Method

Moleong (2009) stated that in qualitative research, researchers themselves or with the help of others are the main data collection tools. This is done because, if using nonhuman tools and preparing themselves in advance as commonly used in classical research, it is impossible to make adjustments to the realities that exist in the field. Apart from that, only humans as tools are related to informants or other objects, and only humans are able to understand the relation of reality on the ground.

Based on the opinion of the experts in this study the instrument is the researcher himself, where the researcher is directly located research to conduct interviews, collect secondary data with interview guidelines.

Data analysis is the process of systematically searching and compiling data obtained from interviews, observations, and documentation, by organizing data into categories, describing into units, synthesizing, organizing into patterns, choosing which ones are important and which ones will be studied, and make conclusions so that they are easily understood by themselves and others (Sugiyono, 2009). Data analysis in qualitative research is carried out before entering the field, during the field and after completion in the field.

Miles and Huberman in Sugiyono (2009) suggested that the analysis of data in qualitative research is done at the time of data collection, and after the completion of data collection within a certain period. At the time of the interview, the researcher conduct an analysis of the answers interviewed. If the answers interviewed after being analyzed were not satisfactory, then the researcher would continue again to a certain stage until data is deemed credible. In addition, the activities in qualitative data analysis are done interactively and take place continuously until they are finished, so that the data is already saturated.

After the researcher collected data, the researcher will anticipate before data reduction. In addition, it can also be concluded that the steps of data analysis between one and another are related to one another. The steps cannot be separated or even worked in an orderly manner. In order to produce good data, the researcher in analyzing the data must be in accordance with the existing steps.

The steps taken in data analysis according to Matthew B. Miles and A. Michael Huberman (2009), are as follows: (1) Data Reduction as a process of selecting, focusing, simplifying, abstracting, and transforming rough data that appears from field notes, so that the data gives a clearer picture of the results of observations, interviews, and documentation. (2) Data Display, i.e. a collection of information arranged, give the possibility of drawing conclusions and taking action. In qualitative research data presentation is done in the form of descriptions, charts, tables, graphs, pictograms, and the like. Through the presentation, data is organized so that it will be more easily understood. (3) Conclusion or Verification; researchers make conclusions based on data that has been processed through data reduction and display. The conclusion drawn is temporary and will change if no strong evidence is found to support the next stage of data collection. However, if the conclusions raised at

an early stage are supported by valid and consistent evidence when the researcher returns to the field to collect data, the conclusions presented are credible conclusions.

RESULTS AND DISCUSSION

Based on the research results obtained, data on cases of violence against mothers and children in Jayayawijaya Regency during 2014 to 2018 are as follows:

Table 1. Cases of Violence against Mothers and Children in Jayawijaya Regency

No	Case Description	Year					Total	% (Ranking)
		2014	2015	2016	2017	2018		
1	Negligence	0	19	39	13	75	146	10,96 (3)
2	Domestic violence	1	231	105	324	20	681	51,13 (1)
3	Sexual violence	6	35	21	13	19	94	7,06 (4)
4	Abortion	1	4	1	2	1	9	0,70 (6)
5	Psychological violence	2	5	11	6	17	41	3,80 (5)
6	Physical violence	32	66	73	168	22	361	27,10 (2)
Total Cases		42	360	250	526	154	1.332	

Data Source: Office of Women's Empowerment for Protection of Children and Family Planning in Jayawijaya Regency, 2018

From the data in table 4.1, violence against women and children in Jayawijaya Regency in the last 5 (five) years (2014 - 2018) is quite significant with an increasing trend, and it is predicted to increase even more if there is no preventive effort through the development of guidance. The dominance of violence against women and children indicated in aspects of the case of Negligence in Households as many as 146 cases (10.96%), Domestic Violence 681 (51.13%), Sexual violence 94 (7.06%), Abortion 9 (0.70%), Psychological Violence 41 (3.80%) and Physical 381 (27.10%).

The data in table 4.1 also illustrates that indications of domestic violence, Physical violence and psychological and sexual violence cases are more dominant and highly ranked, in particular (1) Domestic Violence Cases = 681 (51%); (2) Psychological violence = 361 (27.10%); (3) Negligence = 146 (10.96%) are the highest in the country.

From a number of results of research conducted in Jayawijaya Regency regarding factors that inhibit the minimization of violence in the households, researchers also conduct interviews about violence that occurs in households both physically, psychologically, sexually and understanding of law number 52 of 2009 concerning the application of family functions in minimizing domestic violence. The result of excerpts of interviews conducted with research informants included District Administrators, Councilors of each District, Women's Empowerment and Child Protection Officials from the Regency and Religious Leaders / community leaders. Cases of domestic violence were more dominant in households, experienced by mostly housewives and children. Perpetrators of violence are mostly men against their wives and children or targets of victims of sexual violence with various propositions due to social jealousy, finance, wanting to satisfy themselves with mistresses, influence of liquor and drugs, and others. Domestic violence occurs involving all families or people regardless of social status, position, education and religion. This is supported by the results of interviews and recognition of victims of violence with statements in the Office of Women's Empowerment and Child Protection that the person concerned experienced violence from

husbands or parents whose status were Officials, Community Leaders, respected Chieftains, Civil Servants, Religious Administrators, Teachers and others.

Based on excerpts from research results through interviews with informants and documentary studies conducted, it explains the extent of implementation of Law No.52 of 2009 in minimizing violence in households. Efforts to minimize violence implemented by the government through the Office of Women's Empowerment for Child Protection and Jayawijaya Regency Family Planning are as follows:

Implementation of the policy of Law Number 52 Year 2009 in minimizing domestic violence: ***Religious Function***

According to religious leaders, the interpretation of religious understanding is separated from domestic matters. They consider that religion and family are 2 (two) separate things, not related to each other. Religion is still used as a symbol attached to self-identity and the average meaning of the importance of religion in the household is still limited to obligation. Things that result in married life do not rely entirely on adopted religious norms, so domestic violence is not considered excessive and violates religious norms.

Socio Cultural Function

According to the District Administrator, the cultural customs are still a guideline in family rules so the husband as head of the household always feels himself in charge of his wife and can do anything because of that power. Therefore, according to the District Administrator, an understanding of the values of family functions must be continuously given to minimize domestic violence due to differences.

Educational Function

According to Heri Bertus Mabel, low level education and knowledge in some communities is also one of the causes of violence that led to frequent consumption of alcoholic drinks. They see that by consuming alcoholic drinks they consider themselves able to solve problems and increase self-confidence without regard to the dangers and side effects of its consumption. Therefore, with the application of social function of education in the family, it is expected that each family member can be responsible, especially knowing and carrying out their family duty.

Economic function

According to Andreas Wetipo, domestic violence can also occur due to low income sources to meet family needs while family needs sometimes require additional costs to be met. Therefore, the application of economic function values in the family is expected to be a solution in managing and using family income to meet family needs.

Equality function

According to Margareta Wetipo, domestic violence can occur because of the power factor held by husband against his wife; wife often do all the work that husband should be able to do as well. For instance, caring for children should be done together but often fully done by the wife because it is considered a wife's duty. The wife does not have the same rights as her husband in giving opinions.

Inhibiting and Supporting Factors for the Implementation of Law Number 52 of 2009

Obstacle factor

The inhibiting factors in the effort to apply Law Number 52 of 2009 are: Demographic factors, minimal dissemination of information, there were no local government regulations or Regents regulations related to the application of Law Number 52 of 2009 and Law Number 23 of 2004.

Supporting factors

The supporting factors in the effort to implement Law Number 52 of 2009 are: The existence of BKKBN Representative Institution in Papua Province Level and the Office of Women's Empowerment for Child Protection and Family Planning at the Regency level, the availability of human resources, availability of supporting facilities and infrastructure.

Government efforts to minimize domestic violence

Efforts made by the government through the Office of Women's Empowerment for Protection of Children and Family Planning in Jayawijaya Regency in minimizing domestic violence include:

- a. Conduct Preventive efforts by disseminating information, counseling and disseminating information through print media (newspapers, magazines, tabloids, leaflets, brochures, banners), broadcast media (radio and television)
- b. Empowerment efforts to improve the quality of life and capacity by providing education, gender training for assisting officers and victims so that they are empowered and have confidence.
- c. Sending Jayawijaya Regency Supporting Officials to attend seminars and counseling on domestic violence.
- d. Improve the professionalism of the work of victim's companion's skills and abilities of the victim's companion in solving each case.
- e. Handling Efforts, in this case in collaboration with a Psychiatrist or Psychologist to obtain clear information from victims of violence against women in households, solve cases of violence that occur both against women and children or other members in the households.

CONCLUSION

The implementation of Law Number 52 of 2009 in minimizing domestic violence had a significant impact in 2018. Previously it was not maximized because of lack of readiness of competent personnel, insufficient budget and inadequate work skills, an objective condition of the socio-cultural environment of the community.

Specific inhibiting factors are heavily influenced by regional demographic factors and inadequate dissemination of information related to the importance of family's function in building a harmonious family and support factor of the regional government with special regional regulations related to violence.

The local government through Jayawijaya Regency Women's Empowerment and Child Planning Office has made efforts to tackle violence cases that include cooperation with psychiatrists or psychologists and provide gender education for family welfare officers.

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