

# Protection Strategies For women Victims of Domestic Violence Via Shelter in Central Java

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**Abstract.** Domestic Violence case has the highest occurrences in Indonesia. The violence is not only caused by personal conflicts, social inequality, and poverty also contribute to the violence that occurred. Therefore, a specific policy to handle domestic violence is needed. Many research had concluded that throughout the treatment process, women who suffered from domestic violence often feared to return home to the person who potentially harmful to her. Therefore, the urgency to provide shelters should be enacted. The research aims to seek the role of government in providing shelter and its facilities, such as counseling service and legal aid. The research also found an essential role of the Witness and Victim Protection Agency in its policy. Although the agency is not explicitly intended to handle such type of case, the Agency can contribute a significant improvement to subdued domestic violence

**Keywords:** Domestic Violence, Shelter, Central Java

## 1. Introduction

Domestic Violence is a type of violence with the highest victims of women. Women tend to be prone of becoming the victim of such violence due to its involvement of all parties in the family, including not only women as the housewife, but also children, husband, and housemaid living in the same home. Protection and empowerment of women as the victim of domestic violence is a part of women's rights fulfillment.

In 2017, National Women Commission sent 674 forms to partner institution of the Commission in Indonesia with 34% response rates (233 forms returned); while in 2016, there were 780 forms and 2015 had 664 forms. The 259150 cases of violence against women in 2016 are mostly originated from the cases handled by the Religious Court. These data were collected from 3 sources, including: [1] Religious Court or Religious Jurisdiction in 245.548 cases; [2] Partner Service of National Commission of Women in 13.602 cases; [3] Service and Referral Unit, as the unit formed by National Commission of Women to receive the accusation of the victim which comes directly to the office, and (4) from the monitoring of accusation through conventional letter and e-mail.[1]

Based on the collected data, the most dominant type of violence against women was Domestic Violence in the Personal sphere (DV/Ps) which reached 75% (10205). The second position was Violence against Women in Community sphere reached 22% (3092), and the last was Domestic Violence in Nation sphere, with a percentage of 3% (305). In the range of DV/Ps, the most occurred violence was physical violence in 4281 cases (42%) followed by sexual abuse (3495/34%), psychological violence (1451/14%), and economic violence (978/10%). Violence in the sphere of community reached 3092 cases (22%), where the violence was dominated by sexual abuse (2290/74%), followed by physical violence (490/16%) and other violence in the rate of under 10%; including psychological violence in 83 cases (3%), migrant labor in 90 cases (3%); and trafficking in 139 cases (4%). [1]

As proposed by Saraswati on her finding, she concludes that domestic violence is strongly related to the imbalanced power between genders, its intersection with identities, and economic dependency. In legal discourse, it also encompasses the dilemma between the private and public dichotomy. [2] [3] see also [4] The complexity of the victims of domestic violence is not only that it is a criminal (*penal*) matter toward the perpetrator but also contains individual elements such as feelings of love, dependency, and others.

This research focuses on one particular aspect of the role of the state towards the victims of domestic violence, which includes the empowerment and protection programs as delegated by the Indonesian legal system. The scope of this research is on how the safety house (shelter) functions to fulfill the victims' rights and to cope with their abusive relations in central Java province. The importance of the functioning shelter here is not only that it was an implementation as ordered by the law, but also it has a sociological impact.[5] [6] [6]As shown by Kim & Yang, the existence of such services in a shelter is essential for the victims, to transform their lives after their abusive past.[7]

Through the documentation of the cases, the government should do something to reduce the number of violence against women. The government should also assist the victim before the verdict of the court with the existence of a safe house as the shelter to victims of domestic violence, mainly women victims.

## **2. Methodology**

This research conducted using a socio-legal approach. The focus of this study is finding the model of protection and empowerment for the woman victims of domestic violence in Central Java through the sheltered house. So, the approach method of the research was using an empirical juridical approach based on primary and secondary data (formed as legal law and the field data from the related stakeholders of handling violence against women.

## **3. Findings**

To strengthen the urgency of safety house, there should be a regulation which help to solve the problem of Domestic Violence, including: Law Number 23 Year 2004 regarding the Elimination of Domestic Violence, Law Number 39 Year 1999 regarding Human Rights, Law Number 31 year 2014 regarding the amendment to Law Number 13 Year 2006 regarding the Protection to Witness and Victims, Law Number 7 Year 1984 regarding the Convention Elimination Of All Forms Discrimination Against Women, and 1945 Constitution of Indonesia.

The rehabilitation of victims of domestic violence needs cross-sectoral service considering the comprehensive needs of victims in fulfilling their rights. In providing excellent services, a rehabilitation institution becomes the leading site to rehabilitates the victim. The principles of reference are divided into two groups; the first is the principle which underlies the coordination and relation between institutions, including:

### **1) Reference as the responsibility to access justice for the victim**

Victims of violence against women need support to access the service of justice to solve the recurring case. The report of the victim can be an indicator of awareness to get the justice from the violence they have experienced, making the institution of the service provider to give the role in strengthening and empowering women to make the women as the victims able to

create a decision to go out from the violence they have experienced. When the decision has been decided under the consideration of the risk which will happen in the future, the service provider institution is needed to identify the services needed by the victim.

Cooperation and coordination of the institution should be done right away if the service cannot fulfill the victims' needs. The effort done by the institution which has received the report is reconciling the case to other institution. Reference can be said as cooperation in fulfilling victims' rights based on their authority, task, and function in the institution providing the service of reference/rehabilitation. The last goal of the overall process is to give access to justice to the victim for the sake of rehabilitating them.[8]

#### 2) Cooperation and Accountability

Accepting the reference or reference in the form of cooperation as well as fulfilling the principle of accountability, where the victims were accepted to get the required service. Accepting the reference is also the form of readiness and awareness of institutional service in fulfilling victims' rights in implementing their vision to support the fulfillment of the rights of the victim. Before the service provider receives the report of reference, it is an obligation to ensure the accuracy of services from the institution. The accuracy will ease the victims to process their case and the institution to provide the required services.

#### 3) Equal Relation

The same relation is built between the referring institution and the institution of reference receiver through excellent communication and cooperation to support the victims and fulfill their rights. The relation between institutions should be built on an equal relationship without a position gap.

Services given by the receiver of the report or the receiver of the reference is a comprehensive and integrative union. This principle also applies to the relationship between providing institution and victims. The equal relationship between the providing institution and victims will support the service and victims' participation maximally. The victims' activities assign the involvement of victim in decision making based on their needs. Victims are delivered or facilitated to give rehabilitation and help to decide to solve their cases.[8]

### **The Second Principle is the Principle of Service Provider**

The basis of institution/organization to provide service to victims of violence against women can provide services as what is needed by the victim. The principles which should be built to answer the questions are: *First*, the best services to the forms and types of violence experienced by the victim. Every type and form of violence experienced by the victim need different treatments. Understanding and identifying the violence experienced by women will lead people to find the best response and service to fulfill their needs. Thus, to understand entirely on the violence experienced by victims and influential factors among them making the efforts to provide the necessary service to them become more comprehensive to victims' rights fulfillment. [8]

*Second*, participation and involvement of victims in decision making. This principle is fundamental; since, by this principle, people can place victims as the subjects and parties which have the power to be dominant again. The victim should be ensured that the solution to the violence experienced by them is very dependent on their participation in the process of the programs. The service of reference should be encouraged to support victims regaining their confidence.

*Third*, consistent services to all levels and types. The consistent application of the basic principle in all process of assistance will be meaningful for the sake of victims' rehabilitation.

Assistance is very influential in ensuring this principle to validate experiences and judging or blaming occurred to the victims [8].

### **Scope of the Services**

The handling of women as the victims of violence is to rehabilitate their condition after the violence that they have experienced. The varieties of needs for the victim to rehabilitate the victim makes the services diversified into different needs. Every victim needs different services; however, there are some services which are useful in supporting the needs of victims' rehabilitation, including:

Medical service to the damage of violence can be done in the form of medical and psychological service to recover the physical and psychological condition enhanced with legal needs, such as *visum et reported* and DNA test. To women with disability after becoming the victim of violence, there should be a psychological test to decide the calendar age and mental age of the women. Besides, the test will also be able to determine the level of disability got by the victim. This test is usually given to detect the mental and intellectual disability of people. [8]

- 1) The service of legal aids providing information related to the legal process of assistance in the court process. Women as the victim of violence which are placed as the offender/doer, the assistance will be needed for the criminalization of them. After the implementation of Law Number 16 of 2011 regarding Legal Aid, the government of the country provides help to the victim, which needs legal aid through verified legal aid organization with some requirements. Nowadays, victims with a disability can do legal service, which is also limited due to the minimum resources. Nevertheless, for adequate help, this situation becomes the challenge in building a breakthrough towards the steps of the previous legal aid.[8]
- 2) Service of law enforcement is if the victim reports their cases to be processed under the criminal justice system. This task is the authority of law enforcement institutions, among others, Policemen, Attorney General Office, and Supreme Court. For women with disabilities, they also need an expert witness and the translator of sign language. This service should be provided by the country quickly. The country can provide it in tiered to an institution with expertise in these fields. Meanwhile, the assistant to victims with disability (especially to the mute-deaf and mentally disabled) should be from their family or close relatives who understand their daily life and their way of communicating. For the victims with a disability and low education, they usually do not know sign language; however, they can use the mother tongue or daily language, which does not require an interpreter. Another obstacle is if the offender is the close relative/father/siblings, there is a strong possibility that the case will be closed and the legal process will be incomplete. This situation will impact the victim to have difficult access to law and making them become the victim again.
- 3) Resocialization provides services on how the victim can enjoy their life again in society and be accepted by society.
- 4) The shelter gives the services by providing places for the victim to stay temporarily to remove themselves from the reach of the offender and giving enough space to make the decision related to the violence they have experienced. The shelter also functions as the transit place for the victims to be ready to be placed again to their house in the future or to a safer place. Thus, the shelter also has functioned as the empowering room for the victims. For women with a disability, there is an accessible facility for them. This facility does serve not only the physically healthy victims but also those with disabilities.[8]

- 5) Safety place service is the service to protect victims, including making the perpetrators unable to track their whereabouts. This protection requires location which is invisible to parties who do not have a contribution to support the process of victims' rehabilitation. Practically, the victim has limited access to protect their condition.
- 6) Counseling is aimed to regain the consciousness of the victims, making them able to calculate the risks and identify their rights on deciding a part of their education, including releasing victims from the dependence to other people.[8]

The draft bill reaches the effort of the government in eliminating and helping the solution of Domestic Violence in the court level regarding Supreme Court noted as an initial draft bill of Indonesian House of Representative, which becomes the priority in discussing National Legislation Program in 2014. This draft is then noted again as the National Legislation Program in 2015-2019 as the initial draft bill of Indonesian House of Representative.

The draft bill formulated by the Indonesian House of Representative is the amendment to Law Number 3 of 2009, which is previously the amendment of Law Number 14 of 1985 regarding Supreme Court. The changes of Supreme Court Law is hoped to become the legal basis which can protect the constitutional rights of the citizens, especially for women who become the victims of violence and the victims of discriminative policy. Through the amendment of Supreme Court draft bill, there is a progressive step on actualizing the justice and legal protection to citizens as guaranteed in 1945 Constitution of Indonesia. [9][9]

#### **4. Conclusion**

1. The regulation related to the protection of women as the victim of violence started from the 1945 Constitution of Indonesia, Law Number 7 of 1984 on CEDAW ratification, Law Number 39 of 1999 on Human Rights, specifically to Law Number 23 of 2004 on the Eradication of Domestic Violence, and Protection of Witness and Victim Act. In Central Java, shelter policy is regulated by Decree of Regent or Mayor and SOP regarding the services to the victim of violence against women. However, the covered areas are limited, from 35 regencies and cities in Central Java, there are only seven sheltered houses in Grobogan, Kendal, Pekalongan, Solo, Sragen, Kota Semarang, and Wonosobo.
2. The form of the sheltered house is an integrated homestay with "one-roof" services, where it integrates the protection, services, and handling for women as the victim of violence domestically or publicly. Thus, it also integrates the function of Police, Hospital, Psychologist, NGO, Religious figure, and Public figure, so the women as the victim of violence can feel safe and guaranteed that the cases they face will be over.
3. Other than shelters, the victims also have different needs and services, such as Medical Service, Legal Aids Service, Law Enforcement Service, Resocialization Service, Safety Service, and Counseling Service.
4. Although it is not presented, this research admits the importance of economic empowerment. This research strongly recommends for the shelters and local governments to enhance their economic assistance to provide such training and necessary related skills, with, of course considering the state's budgets.

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