

Criminological Review of Domestic Violence Against Wife (Case Study of Boalemo Police Station)

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ABSTRACT

Domestic violence is a serious problem that needs to be dealt with firmly, because acts of violence committed by husbands against wives result in physical, sexual, psychological, and even death. This study aims to determine the factors that cause domestic violence against wives and police efforts in reducing / overcoming criminal acts of domestic violence against wives. This research uses empirical research methods, by analyzing data obtained from the object of research and conducting interviews. Based on the results of this study, it shows that the factors that cause domestic violence against wives are infidelity factors, economic factors, alcoholic beverage factors and police efforts in reducing / overcoming criminal acts of domestic violence against wives are carried out by preventive efforts, namely socialization related to the Law on the Elimination of Domestic Violence, conducting coaching, and repressive efforts, namely taking action.

Keywords:

Criminological
Review, Crime,
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INTRODUCTION

A family is a group of two or more people each having a kinship relationship consisting of fathers, mothers, brothers, and grandmothers. Or the family is a group of people with ties of marriage, birth and adoption that aim to create, maintain culture and enhance the physical, mental, emotional and social development of each family member. there is also a family is the smallest unit of society consisting of the head of the family and several people who gather and live somewhere under one roof in a state of interdependence. While the family is recorded in statutory law in Indonesia, it is formed due to marital ties. (Ali, 2018)

Families are formed through marriage. Marriage is a new chapter for individuals to start an obligation and share a new role with their partner. Role functions will determine the duties and obligations of individuals in a harmonious family. With this institution, there will be legal rules that protect the existence of these relationships in society. Where then, then the couple becomes a family in which it consists of a father, mother, and child or childless even though living a family life is certainly not as easy and smooth as imagined, there must be many twists and turns of problems that must be faced by the family. Here understanding and a sense of family togetherness are needed so that later everything can be faced and in accordance with the expectations of each family member. (Ramadhan, 2018)

Talking about marriage is something that is not as easy as turning your palm, but that does not mean it cannot be carried out. Having the same goal must be realized that the goal must be achieved together not only by the wife or

husband. (Supramono, 2019)

Family life is certainly not as easy and smooth as imagined, there must be many twists and turns faced by the family. However, some families feel frustrated and lack wisdom in living family life and then lead to acts of domestic violence committed by family members. Violence often occurs in everyday life, violence is any act that harms women physically, sexually or psychologically, including threats of violence or women's independence arising in society or in private life, violence is also a serious problem that must be addressed by the government by specializing in laws that regulate the implementation of protecting the rights of someone who is a victim of violence. (Adrian, 2019)

In general, people assume that the environment outside the home is more dangerous than inside the home. This assumption is formed because many crimes that are revealed and publicized are crimes that occur outside the home environment. While the home is considered a safe place for family members and people who live in it, where family members and people who live in it can interact with the foundation of love, mutual respect, and respect. People do not expect that the home can be the most terrifying place for family members. Violence, regardless of its form and severity, can occur within the home. People who are considered to be a shelter turn out to be the cause of catastrophe. Persecution, rape and even murder often occur among family members themselves. (Missa, 2018)

As a social institution, the household is expected to be a place of warm and intensive interaction between its members, a place to instill social values. As a legal institution, the household is expected to be a safe and comfortable place for all its members, protecting each other, respecting each other, loving each other so that eternal happiness grows. However, on the contrary, the household becomes an arena for violence. Acts committed by one of the parties are classified as criminal acts, which are called criminal acts of domestic violence (TPKDRT). (Soeroso, 2011)

Domestic violence perpetrated especially against women by their partners or close family members is sometimes an issue that is never brought to the fore. Although awareness of the experience of violence against women takes place all the time, the phenomenon of domestic violence against women is identified with the nature of the problem private space. Violence that occurs in the household is not considered a legal event, but rather a marital dynamic, thus people who experience violence by fellow family members are not entitled to protection from the state and society. This systematic lack of legal protection has led to domestic violence being treated as normal. (Aziz, n.d.)

In general, the problem of domestic violence is closely related to women's lack of access to economic resources (financial capital and immovable objects such as land, and other sources of welfare), age, education, religion and ethnicity. Domestic violence experienced by women is also multi-layered, meaning that the forms of violence experienced by women can be more than one form of physical, psychological, sexual and economic violence. Therefore, domestic violence is any act against a person, especially women, which results in physical, sexual, psychological, and/or domestic neglect, including threats to commit acts, coercion, or unlawful deprivation of independence within the scope of the household.

(Pasalbessy, 2010)

Article 1 of Law Number 1 of 1974 concerning marriage states that marriage is a physical and mental bond between a man and a woman as husband and wife to create a happy and lasting family (household) based on God Almighty

Article 33 of Law Number 1 of 1974 concerning marriage states that husband and wife are obliged to love each other respect, be loyal and provide physical and mental assistance to one another

Talking about marriage is something that is not as easy as turning your palm, but that does not mean it cannot be carried out. Having the same goal must be realized that the goal must be achieved together not only by the wife or husband. (Supramono, 2019)

Most of the victims of domestic violence are women and children, domestic violence is any act against a woman that results in physical, sexual, psychological suffering, and or neglect of the household. There are various reasons for the neglect of the household, namely economic factors, the existence of another woman on the husband's side, laziness, namely no diligence in working. (Waksler, 2002)

There are several forms of violence that occur in the household, one of which is often encountered maltreatment, both mild maltreatment to severe maltreatment and even often results in death. . (Luhulima, 2000)

Article 12 of the Law on the Elimination of Domestic Violence Number 23 of 2004 explains the government's obligation to reduce domestic violence, the first is to formulate policies on the elimination of domestic violence, the second is to organize communication, information, education on domestic violence, the third is to organize advocacy and socialization on domestic violence households, the fourth is to organize *gender sensitive* training education. (Alimuiddin, 2010)

Based on data on the number of cases of domestic violence obtained from Polres Boalemo from 2019 to 2024 there were 45 cases of domestic violence, of the 45 cases of domestic violence, 43 cases were resolved amicably and 2 cases were resolved through the court.

From the data above, the author feels the need to further examine the problem with the title: Criminological Review of Criminal Acts of Domestic Violence Against Wife (Case Study of Boalemo Police Station)

METHOD

The research conducted in this study is empirical in nature, which refers to a method that examines social events within society and relates them to legal phenomena. This process ensures that the findings align with the ideas and concepts being studied. Specifically, empirical legal research aims to examine the law in its real-world context, investigating how it functions in society (Kornelius Benuf, 2020). The object of research in this study focuses on cases of domestic violence against wives, particularly those handled by the Boalemo District Police, providing an opportunity to explore how such cases are managed within the framework of law enforcement.

The research was conducted at the Boalemo Police Station, where domestic violence cases involving wives are processed. The study spanned a period of two

months, allowing for comprehensive data collection and analysis. The data for this study were categorized into primary and secondary data. Primary data was collected directly from the primary sources through interviews, while secondary data was gathered through literature studies, books, and legal articles. The primary data sources included the Boalemo Police, particularly through interviews with key personnel involved in handling domestic violence cases. Secondary data provided additional context and theoretical grounding for the research.

In terms of the population, the study focused on domestic violence cases reported at the Boalemo Police Station. As described by Sinaga (2014), the population refers to the entire object of research, which can include individuals, objects, symptoms, test scores, or events. The sample, on the other hand, was selected to represent the population. Following Somantri's (2014) definition, a sample is a subset of the population chosen through specific procedures. In this study, the sample consisted of the Head of the Women and Children Protection Unit, two members of the unit, and one victim of domestic violence, all of whom provided valuable insights into the research.

The data collection techniques used in this study included observation and interviews. Observation, as described by Margono (2020), involves the researcher actively engaging with the object of study to gather information, helping to understand a phenomenon based on prior knowledge. In this study, observations were made directly at the Boalemo Police Station, focusing on the role of the police in addressing domestic violence and their efforts to combat the crime. Interviews, as explained by Wijaya (2019), are an interactive process where information is exchanged between the interviewer (researcher) and interviewees. The outcome of the interview depends on several factors, including the interviewer, respondents, the topic, and the interview setting. Interviews in this study were conducted with key figures involved in addressing domestic violence at the Boalemo Police Station.

For data analysis, a qualitative approach was utilized, which involves analyzing descriptive data based on participants' verbal or written expressions and their real-life behaviors (Wijaya, 2019). The analysis aims to understand the research object in its real-world context, ensuring that the findings provide a complete and accurate depiction of the subject being studied.

RESULTS AND DISCUSSION

Factors that Lead to Domestic Violence Against Wives

There are three theories underlying the factors that cause domestic violence. First, the biological theory states that not only animals have an aggressive nature in each of them, but also humans have had it since birth. Sigmund Freud stated that humans have a desire for death that leads them to enjoy the act of hurting and killing others or themselves. Meanwhile, Konrat Lorenz stated that aggression and violence are two very useful things for survival. Second, the frustration theory of aggression states that everyone who is frustrated tends to be aggressive in order to vent their feelings. Third, control theory states that people who have unsatisfactory or unsuitable relationships can easily resort to violence when attempts to establish relationships are frightening for some women. (Abdul Wahid, 2011)

According to Krahe, there are several factors that contribute to the

occurrence of domestic violence, including:

- a. An inequality of power between a persecutor and his victim, subsumed by economic factors, allows the more dominant person to impose his own interests through the use of aggression and he is not sanctioned for his actions.
- b. A normative structure that favors the use of violence as a coping strategy, leading to the transmission of aggressive response styles from one generation to the next.
- c. The presence of external stressors, such as unemployment and slum housing conditions.
- d. Childhood experiences of family violence by adults.
- e. Persecutor traits, such as individual psychopathology or inadequate conflict resolution skills.
- f. The short- and long-term behavioral patterns of the targeted person, such as the behavior of a difficult child or a dependent elderly person. (Krahe, 2005)

Based on the results of the author's interviews with Briptu Poppy Anzeliya Dayo SH, and Briptu Nuriesa SH who are members of the Women and Child Protection Unit (UPPA) explained that the factors that cause domestic violence against wives in Boalemo Regency are as follows:

1. Infidelity Factors

Lack of communication between husband and wife leads to mutual dishonesty, distrust, lack of openness, etc. which results in hurt feelings, so that one party who

feels disrespected seeks release by establishing a relationship with a third person (cheating) which results in quarrels that lead to domestic violence.

Infidelity is a relationship between a married or unmarried man or woman and someone other than their spouse. However, the definition of "having an affair" can differ depending on the country, religion and culture. Nowadays, the term infidelity is also used to denote an unfaithful relationship in dating. There are those who say that infidelity is sexual involvement with another person who is not their legal partner. (Samadani, 2013)

2. Factors

Money often triggers disputes between husband and wife. It is natural, that the economy or finances in the household play a very big role in everyday life. Without money a person will not survive, let alone a family of more than two people. Income that is not enough to meet household needs often causes quarrels between husband and wife, especially if the main breadwinner is the husband. Arguments can also arise when the husband loses his job, for example in layoffs, plus there are demands for high living costs, triggering arguments that often result in acts of violence.

Domestic violence behavior is generally inseparable from economic influences where a low and very weak economy can affect the occurrence of disputes. This factor is the factor that plays the biggest role in allowing problems to arise in the household. Such as the provision of inadequate income for daily needs coupled with one of the parties in the household (husband or wife) being in debt, causing domestic quarrels. (Dikdik, 2007)

3. Alcoholic Beverage Factors

Alcoholic beverages are one of the causes of domestic violence, where the husband is influenced by the environment that consumes alcoholic beverages so that when the husband is reprimanded by the wife not to drink alcoholic beverages, the husband takes offense and commits domestic violence. In the raids conducted by Boalemo Police in Tilamuta sub-district, there are still many areas that sell alcoholic beverages and many people, both children and adults, still consume alcoholic beverages. A person who is under the influence of alcohol will certainly find it very difficult to use their common sense and mind in controlling their desires and actions.

In this case, the position of alcohol in relation to crimes committed by a person is an accessory, which means that a person who has no intention or desire to commit a crime, but because of the influence of Aethanol through the liquor he drinks, it causes the person to commit a crime. (Karsono, 2004)

Besides that, according to Briptu Nuriesa SH, besides the three factors above, there are other additional factors but not the main factors such as internal factors (excessive jealousy, poor communication) and external factors (patriarchal culture, interference by third parties in this case both the man's family and the woman's family). In addition, the author also interviewed the victim of domestic violence, namely the wife (HD), who said that the perpetrator (SH), who is the husband of (HD), was caught having an affair so that there was a dispute between me (HD) and the perpetrator (SH) which made (SH) hit me by slapping. A few months later SH again started his bad habits by consuming alcoholic beverages, so SH returned home drunk, seeing SH's arrival, I then told him to immediately enter the room, but my words made him offended and immediately hit me, it happened because SH was under the influence of excessive alcohol.

Police efforts in reducing / overcoming criminal acts of domestic violence against

Based on the results of the author's interview with the Kanit Unit for the Protection of Women and Children (UPPA) Sit Owen Sumendang regarding the efforts of the police in tackling the crime of domestic violence against wives, he said that the efforts of the police in tackling the crime of domestic violence against wives, namely:

Measures

Preventive efforts are efforts made by the police to prevent and overcome acts of domestic violence by providing socialization related to the Law on the Elimination of Domestic Violence (PKDRT) so that people understand that violence committed in the household is prohibited both physical and psychological violence and for victims can get legal protection. And also preventive efforts can be carried out early through educational activities with the target of having the driving factors and opportunity factors of domestic violence crimes, so as to create an awareness, alertness of deterrence, and foster and create conditions of behavior or norms of life against violence against women. Preventive can be said to be a preventive measure against possible violations of social norms.

According to Sit Owen Sumendang This socialization is the initial stage carried out by the police in collaboration with Non-Governmental Organizations (NGOs) conducting socialization five (5) times a month targeting villages in

Boalemo District. In addition to the socialization of the PKDRT Law, the police through Babinkamtibmas opened a complaint post in each village, where guidance is provided for those who have domestic problems and come to report.

Repressive Measures

Legal protection of wives as victims of domestic violence in Repressive Efforts is legal protection that serves to solve problems experienced by victims. According to Sit Owen, this legal protection is the last legal protection, in the form of fines, imprisonment, additional punishment, and so on, which can only be given if a violation has occurred. Repressive protection in the Law on the Elimination of Domestic Violence is reflected in the criminal sanctions imposed on perpetrators who violate the provisions in the Law on the Elimination of Domestic Violence. In the Law on the Elimination of Domestic Violence, there are two forms of protection, namely temporary protection and protection based on a court order. Article 16 of the Law on the Elimination of Domestic Violence states that temporary protection is directly provided by the police and/or social institutions or other parties, prior to the issuance of a protection order from the court. Meanwhile, protection based on a court order is given by the court with a determination letter containing a protection order for the victim and other family members. (Tirtakoesoemah, A. J., & Arafat, 2020)

Apart from that, repressive efforts are also efforts made by the police in enforcing the law against violators by taking action against the perpetrators of domestic violence by being detained overnight in a cell or giving punishment by processing the case through legal channels where in law enforcement there is a process that must be passed. In the Police itself begins with an investigation where previously there has been a report from the victim then rises to the level of investigation. this is the stage of the process of law enforcement at the police level. Unfortunately, many domestic violence cases are resolved amicably, because the perpetrator is the backbone of the family. And especially the victim does not have a job so she depends on her husband. (Purnama, 2018)

CONCLUSION

Factors that cause domestic violence against wives in Boalemo district are infidelity, economic factors, and alcoholic beverages. In addition to these three factors, there are additional factors, namely internal factors (excessive jealousy, poor communication) and external factors (patriarchal culture, third party interference in terms of the man's family and the woman's family). The police efforts in overcoming the occurrence of criminal acts of domestic violence (KDRT) in Boalemo Regency, namely: preventive efforts by conducting socialization related to the PKDRT Law and coaching and repressive efforts in the form of law enforcement for perpetrators of domestic violence.

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