

Salasika

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The Urgency of Protection House for Women Victims of Violence

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ABSTRACT

Protecting women from all forms of discrimination and violence is the obligation of the state as a form of implementation of state philosophy and the obligation to carry out the constitution and laws. Violence is one of the problems of the nation and state that is urgent to be addressed because it is contrary to the philosophy of the nation, the highest law in Indonesia, and adversely affects the lives of victims and the survival of the nation in the future. Based on the above problems, the focus of this research is the need for a safe house for women victims of violence. To answer the problem, research was carried out with a normative juridical approach method using analytical descriptive research. The data used in this study were primary and secondary. The research found that women victims of violence need a safe house to recover and reintegrate socially according to the stages of victim needs. The safe house should be shelters and places of recovery. The government is to provide safe houses for women victims of violence.

KEYWORDS: *protection, safe house, victims of violence, women.*

INTRODUCTION

Violence against women is still common in society. The various forms of violence include rape, sexual harassment, trafficking in persons, domestic violence, sexual exploitation, violence against domestic workers, pornography, bullying, cyberbullying, and cyberporn. Violence requires serious handling because it is related to the quality of human beings and the future of Indonesia (Abbey 1991, 1995). Based on the facts on a sociological basis, there are still many cases of violence experienced by women.

The United Nations defines violence against women as any act of gender-based violence that results in, or is likely to result in, physical,

sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Over a quarter of women aged 15-49 years who have been in a relationship have been subjected to physical and/or sexual violence by their intimate partner at least once in their lifetime (since age 15). The prevalence estimates of lifetime intimate partner violence range from 20% in the Western Pacific, 22% in high-income countries and Europe and 25% in the WHO Regions of the Americas to 33% in the WHO African region, 31% in the WHO Eastern Mediterranean region, and 33% in the WHO South-East Asia region. Globally as many as 38% of all murders of women are

committed by intimate partners. In addition to intimate partner violence, globally 6% of women report having been sexually assaulted by someone other than a partner, although data for non-partner sexual violence are more limited. Intimate partner and sexual violence are mostly perpetrated by men against women.

According to the National Commission on Violence Against Women (Komnas Perempuan) 2020 Annual Record, in 12 years, violence against women increased by 792% (almost 800%). It means that violence against women in Indonesia for 12 years increased almost 8 times. In the 2019 National Commission on Violence Against Women (Komnas Perempuan) Annual Records, there were even 4,907 cases of sexual violence against women listed. This means that every day there are approximately 14 cases of sexual violence.

Based on the data from LRC-KJHAM (legal resources center for gender equity and human rights) there were 154 cases of violence against women in 2020 in Central Java. 81 cases were sexual slavery cases, 26 cases of domestic violence, 23 cases of rape, 16 cases of sexual harassment, 6 cases of dating violence, 1 case of migrant workers, and 1 case of trafficking, with 160 female victims (Abbot, 1995). Of the 154 cases of violence against women, the highest was sexual violence with a total of 120 cases or 78%.

Based on the data, there were 7,767 cases of violence against women in Central Java Province that occurred between 2015 and 2018. Meanwhile, in 2019 there were 2,393 cases. These cases show that there

are still many cases of violence against women. In addition, services to obtain women's constitutional rights have not been well implemented. This leads to difficulties in getting access to medical services, legal services, social services, and economic services. The philosophical basis is that women have constitutional rights guaranteed by the 1945 Constitution, including the rights to obtain legal protection, security, and comfort. Based on these facts, it is necessary to provide special services, which are guaranteed by the state, for women who experience violence. Therefore, to fulfill the constitutional rights of women who have experienced violence, it is necessary to have a policy that regulates the protection of women, especially services for women victims of violence (Abel, 1986; Adams, 1988; Bart, 1981; Barnett & Hamberger, 1992).

The Central Java Government also has Central Java Provincial Regulation No. 3 of 2009 concerning the Implementation of Protection for Victims of Gender-Based Violence and Children that mandates the Central Java Provincial Government to implement protection for victims of gender-based violence and children by preventing all forms of violence in the province including in household and/or community scope, provide protection, provide legal assistance, seek social recovery and reintegration, and increase community participation. During the recovery and social reintegration period, women victims of violence require shelter based on the stages of need.

Based on the problems above, the focus of this research is the need for shelter for women victims of violence.

METHODS

This analytical descriptive study used a qualitative method with a normative juridical approach. This research described or disclosed the applicable laws and regulations regarding the implementation of women's protection and would then be linked to the applicable legal theories and the practice of implementing positive law concerning the issues being studied. The data included primary and secondary data collected through library research. The method was used to discuss the topic of the problem in a more detailed and scientifically accountable way, in this case, regarding the shelter for women victims of violence.

RESULT AND DISCUSSION

Safe House as Social Recovery and Reintegration Effort

The core of protection for women victims of violence in the Universal Declaration of Human Rights respects the humanity of every person because he/she is born as a human. The commitment to uphold and protect everyone's rights is clearly stated in article 1 stating that "Everyone is born free and has the same dignity and rights. They are gifted with reason and conscience and should associate with one another in a spirit of brotherhood".

This declaration still regulates the protection for victims of violence in

general terms. However, this declaration has shown that human rights violations must be stopped.

Protecting its people from all forms of discrimination and violence is the state's obligation as a manifestation of the implementation of state philosophy and the obligation to carry out the constitution and laws. Meanwhile, violence is one of the nation's and state's problems that is urgently needed to be addressed because violence is against the nation's philosophy, the highest law in Indonesia, besides, it hurts the lives of victims, and threatens the survival of the nation in the future.

According to Article 1 of Law of the Republic of Indonesia No. 31 of 2014 concerning Amendments to Law No. 13 of 2006 on Protection of Witnesses and Victims, what is meant by protection is all efforts to fulfill rights and provide assistance to provide a sense of security to witnesses and/or victims that must be carried out by LPSK/Lembaga Perlindungan Saksi dan Korban (Witness and Victim Protection Agency) or other institutions by the provisions of the law.

The definition of victim protection can be seen from two meanings, namely:

- 1) as legal protection from being a victim of crime (the protection of human rights or one's legal interests)
- 2) as protection to obtain legal guarantee/compensation for the suffering/loss of the

victim (identical to victim compensation).¹

Based on the above understanding, it can be concluded that victim protection is defined as protection given to prevent someone from becoming a victim and protection to obtain legal guarantees for the victim's suffering in the form of restoration of good name and restoration of inner balance.

This form of compensation can be in the form of restoration of good name/rehabilitation, restoration of inner balance, among others, by forgiveness, providing compensation such as restitution, compensation, social welfare benefits/benefits, etc.

Victims' rights to the shelter include:

- a) obtain information related to victims' rights, service procedures, regulations while in a safe house, and security protection mechanisms;
- b) obtain security protection;
- c) obtain protection for the confidentiality of identity;
- d) obtain psychological counseling and recovery services;
- e) obtain medical services as needed;
- f) obtain sexual and reproductive health services and health services for the victims with HIV/AIDS;
- g) obtain spiritual guidance services;

h) get a linguist/translator assistant,

i) obtain the basic needs of proper and nutritious clothing, food, and drink that are culturally appropriate;

j) obtain free time for rest and entertainment;

k) obtain guaranteed continuity of education;

l) obtain assistance from family or other companions if the victim is a child with a mental disability who is still dependent on an adult (Bassuk, 1988; Bastian, 1995; Beebe, 1991; Belnap, 1989); and

m) obtain freedom from violence, repeated violence, stigma, stereotypes, and other forms of prohibited discrimination.

Victims' right to protection is to get a sense of security and security for themselves, their families, and their property during and after the criminal justice process for sexual violence is carried out. The right to recovery helps restore, strengthen, and empower victims and their families in making decisions about their lives during and after the judicial process so that they are more just, dignified, and prosperous.

Victims' rights to have a place of recovery include:

a) obtain information related to victims' rights, service procedures, regulations while in the shelter and recovery mechanisms;

b) obtain psychological counseling and recovery;

¹ Arief, B. N. (2001). *Masalah Penegakan Hukum dan Kebijakan Penanggulangan Kejahatan*, p. 5. Bandung: Citra Aditya Bakti.

- c) obtain medical services related to the impact of violence;
- d) obtain sexual and reproductive health services and health services for the victims with HIV/AIDS;
- e) obtain physiotherapy services for victims with disabilities;
- f) obtain spiritual guidance services;
- g) obtain resident document/identity services;
- h) obtain a linguist/translator assistant;
- i) obtain the basic needs of proper and nutritious clothing, food, and drink that are culturally appropriate;
- j) obtain life skills strengthening services;
- k) get the opportunity to be involved or handle the case they are experiencing;
- l) get the opportunity to carry out education and work;
- m) have the opportunity to communicate with family, friends, companions, legal advisors, and/or the community;
- n) obtain services for recreational needs and entertainment facilities;
- o) obtain assistance from family or other companions if the victim is a child with mental disability who is still dependent on an adult (Bassuk, 1988; Bastian, 1995; Beebe, 1991; Belnap, 1989); and

- p) obtain freedom from violence, repeated violence, stigma, stereotypes, and other prohibited forms of discrimination.

The state is fully responsible for the fulfillment of these rights, which can be done in several ways, including:

- a) establish policies at the national and regional levels for the handling, protection, and recovery of victims and their families;
- b) allocate costs for the fulfillment of victims' rights to treatment, protection, and recovery into APBN (national budget) and APBD (local government budget); and/or
- c) strengthen the roles and responsibilities of families, communities, and corporations in the effort to fulfill victims' rights.

The recovery for victims of violence is carried out through the implementation of an integrated service system based on a coordination system between service institutions and relevant government agencies, the idea to fulfill the rights of victims, and the involvement of families and/or communities. Therefore, coordination between service-providing institutions is important and must be carried out to offer protection and recovery for victims of violence. This coordination can be realized in a collective agreement to strengthen or provide assistance to victims, their families, and the community.

Several laws and regulations currently in force including Article 7 to Article 16 of Law Number 7 of 1984 concerning the Ratification of the Convention on the Elimination of all Forms of Discrimination against Women regulate the government's obligations in the efforts to protect women eliminate discrimination against women in the fields of political life, law, education, health, employment, economics, socio-culture, women in rural areas, and marital relations. Furthermore, in Article 71 of Law Number 39 of 1999 concerning Human Rights, the government is obliged and responsible for respecting, protecting, upholding, and promoting human rights (Berenson, 1991; Berk, 1992 & 1986; Berkowitz, 1992).

Safe House for Victim of Violence

A women's shelter, also known as a women's refuge and battered women's shelter, is a place of temporary protection and support for women escaping domestic violence and intimate partner violence of all forms. The term is also frequently used to describe a location for the same purpose that is open to people of both genders at risk. Representative data samples done by the Centers for Disease Control and Prevention show that one in three women will experience physical violence during their lifetime. In addition, one in ten will experience sexual violence. Women's shelters help individuals escape these instances of domestic violence and intimate partner violence and act as a place for protection as they choose to move forward. Additionally, many shelters

offer a variety of other services to help women and their children including counseling and legal guidance.

The ability to escape is valuable for women subjected to domestic violence or intimate partner violence. Additionally, such situations frequently involve an imbalance of power that limits the victim's financial options when they want to leave. Shelters help women gain tangible resources to help them and their families create a new life. Lastly, shelters are valuable to battered women because they can help them find a sense of empowerment. Women's shelters are available in more than forty-five countries. They are supported with government resources as well as non-profit funds. Additionally, many philanthropists also help and support these institutions.

Women's shelters offer temporary refuge for women escaping acts of domestic violence or intimate partner violence. Many women become homeless in this situation because they are financially dependent on their abusers and these resources help to incentivize and support escape. The average length of stay for women is between thirty and sixty days in the United States. However, this varies in different countries and Europe, for example, four countries limit stays to a few weeks. Transitional housing, another form of women's shelter, offers stays of up to a year while certain communities offer public and private housing for even longer periods. However, utilization by women is not consistent across the population of intimate partner violence victims. Women with children as well as those that are

injured physically tend to use shelters more often. Additionally, rural women have more trouble accessing services due to isolation and a lack of resources.

Shelters are usually offered as part of a comprehensive domestic violence program that can also include a crisis hotline, services for non-sheltered children, an education program, a community speaker list, and an offender treatment program. Shelters themselves also offer a variety of services. They provide counseling, support groups, and skills workshops to help women move on independently. These act as tools of empowerment for women in conjunction with goal-setting programs. Lastly, they offer legal and medical advocacy support for children as well.

Most residents of women's shelters are the children of women who are victims of violence. This is, according to a survey of 215 shelters in the United States, one reason why more than half of the shelters offer services to this portion of the population. Services for children often include counseling and group therapy options that are meant to strengthen parent-child relationships and help with mental well-being. Recently, shelters also respond to increasing numbers of male victims by offering help mostly in the form of hotel vouchers.

Certain groups are critical of the smaller amount of resources available to men in the United States and across the world. However, other sources dispute the view that male-only refuges are wanted or needed by most male victims, arguing that the issue has been misrepresented out of misogyny

rather than genuine concern for male victims. The Istanbul Convention, for example, states that the creation of women's shelters is not discriminatory.

Women often suffer lasting mental conditions including anxiety disorders, depression, and posttraumatic stress disorders (PTSD) from their abuse. Since women in shelters have more likely experienced severe physical and mental abuse than those who do not utilize these services, they are also more likely to experience PTSD. In fact, a national organizational survey compiled four separate studies of a female support group or shelter users and reported PTSD rates between 45% and 84% (Astin, Lawrence, Pincus, & Foy, 1990; Houskamp & Foy, 1991; Roberts, 1996a; Saunders, 1994). These emotional and mental consequences have an effect on women's career opportunities and ability to function in normal life. Women's shelters try to counteract these effects as well as prevent future instances of abuse. However, PTSD can prohibit women from utilizing shelter resources effectively.

Shelter utilization may lead to the better functioning of survivors and fewer reports of abuse in the short term. Research that studied 3,410 residents of 215 domestic violence across the United States linked longer shelter stays with increased well-being and better help-seeking behaviors. The latter is a result of increased knowledge about services and options available to women in vulnerable positions as well as increased empowerment. This may indicate that transition services and longer residential offerings are more valuable.

Violence Against Women as Part of Human Rights Violations

Based on the general recommendation of CEDAW No. 19 regarding violence against women, violence against women is defined as any act based on gender differences, which results in or is likely to result in physical, sexual, or psychological harm or suffering, including threats of certain acts, coercion, or arbitrary deprivation of liberty experienced by women in the public sphere or private life. Violence against women occurs because of gender inequality or injustice. Gender inequality is the difference in the roles and rights of women and men in a society that places women in a lower status than men.

The data recorded by the Ministry of Women's Empowerment and Child Protection together with the National Commission for Women noted that the total number of cases of violence against women during the pandemic was 14,719. These cases occurred in 3 categories, 75.4% or 11,105 cases in the personal domain, 24.4% or 3,602 cases in the community domain, and 0.08% or 12 cases in the state domain. Of that total number, the most common type of violence against women was physical violence, which was amounted to 5,548 cases. Besides, there were 2,123 cases of psychological violence, and 4,898 cases of sexual violence. Meanwhile, economic violence reached 1,528 cases and specific violence against migrant workers and trafficking reached 610 cases. Not only women, but cases of violence against children

have also increased rapidly during Covid-19².

During the pandemic, many regulations for handling Covid-19, both directly and indirectly, have limited protection efforts and opened up the potential for higher risks of violence against women. Therefore, the government is recommended to immediately support the policy of shelters for women victims of violence to prevent the potential of greater violence in the future.

CONCLUSION

Based on the discussion on shelters for women victims of violence, it can be concluded that:

1. Women victims of violence need a safe house to recover and socially reintegrate according to the stages of the victim's needs.
2. The shelter has special services. The special services offered are places of protection and places of recovery.
3. The government must provide shelter for women victims of violence.

Based on the results of the discussion regarding the shelter for women victims of violence, the following suggestions can be given:

- a. For the Judiciary

Women victims of violence are subjects who have the

² Eva Safitri. (2020). "Kasus Kekerasan Perempuan Naik Selama Pandemi Corona". Retrieved from <https://news.detik.com/berita/d-5088344/kasus-kekerasan-perempuan-naik-75-selama-pandemi-corona>.

right to have their statements heard, obtain information on ongoing legal remedies, consider the sense of justice they wish to obtain, and restore their situation to the deprivation of their rights and the violence they have experienced. This is because all legal processes are aimed at the best interests of the victims.

b. For Society

Community participation is required in the procurement, provision, and management of facilities and infrastructure as well as shelter and recovery facilities for women victims of community-based violence. The community can also provide emergency assistance to victims as a form of protection for the recovery process for women victims of violence.

c. For Government

There is a need for policies that specifically regulate shelters for women victims of violence. Of course, the cooperation of various elements in society, academia, and the government is needed to achieve effective implementation of shelters and places of recovery for women victims of violence.

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ABOUT

SALASIKA etymologically derived from Javanese language meaning 'brave woman'. SALASIKA JOURNAL (SJ) is founded in July 2019 as an international open access, scholarly, peer-reviewed, interdisciplinary journal publishing theoretically innovative and methodologically diverse research in the fields of gender studies, sexualities and feminism. Our conception of both theory and method is broad and encompassing, and we welcome contributions from scholars around the world.

SJ is inspired by the need to put into visibility the Indonesian and South East Asian women to ensure a dissemination of knowledge to a wider general audience.

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