

## **GENDER-BASED VIOLENCE**

**Dr. Argyo Demartoto, M.Si**

Talking about Gender-based Violence, this term refers to the violence involving man and woman, the victim of which is usually woman as the result of unbalanced distribution of power between the man and the woman. It is called gender-based violence because it points toward the effect of subordinated woman's gender status within the society.

In Indonesia many violent cases occur against women. But most culture, traditional belief, social norm and institution in Indonesia legitimize and give green light to the violence against the woman. The use of this term itself gives a new context to examine and to understand the violent phenomenon that has existing for a long time. This term shift the focus from the woman as the victim to the gap of gender and unbalanced power relationship between the man and the woman built and maintained by the gender stereotype as the basic logic of violence cause against the woman.

A number of information and studies available have been adequate to show the fact that the woman becomes the victim of violence because of unbalanced man-woman relationship. It occurs in the relationship of marriage couple, family and intimate couple. Non-Governmental Organizations (NGO) and women organization, particularly Women's Crisis Centre involved in receiving complaints and helping violent case victim in household, is the primary source that can disclose those facts. The women partner, Women's Crisis Centre in Jakarta during 1997-2002 has received 879 violent case against the women in household<sup>1</sup> occurring in Jakarta, Bogor, Tangerang, Bekasi and surrounding. The fact reveals that majority perpetrators of violence are the victims' husbands (69.26-74%). Meanwhile, Rifka Annisa Women's Crisis Centre in Yogyakarta, during 1994-2000 receives complaints containing 994 violent cases against the wife occurring in Yogyakarta and Central Java. The Women's Crisis Center generally provides social service freely in the form of hotline, counseling, shelter and other aids like law aid, medical aid for women and children. The Indonesian

State Minister for Women Empowerment states that 11.4% of 217,000,000 Indonesian people or approximately 24,000,000 women, particularly in the rural area, admit having ever experienced violence and the most frequently occurring is domestic violence.

The case above is a fact from a variety of events in the women experience in Indonesia in their household life. According to Women's Partner notes, only 15.2% of women experiencing domestic violence take legal attempts such as reporting to the Police Officer or proposing divorce to the court. Meanwhile, majority of them (45.2%) decide to move from their home and 10.9% of them keep silent like the example above.

WCC also records the effect of this domestic violence on the health condition of the women experiencing it. The consequence of this violence can be associated directly to the cause of or the form of violence attacking the victim, for example: the physical torture leading to physical injury, bruise, scratch, bone fracture, and etc. The Women Partner's data in its study on 165 domestic violence cases (2002) reveals that the highest number of cases (73.94%) affect the mental disorders including anxiety, self-inferiority, phobia, depression, and non-reproductive physical disorders (50.30%) including injury, functional disorder, physical complaint, and permanent disability; reproductive health disorders (4.85%) including undesired pregnancy, sexual infectious disease, as well as abortion (miscarriage).

## **Conclusion**

The issue of violence against women including domestic violence is the one of basic human right violation and humanity crime. The problem is that Indonesian positive law has not governed specially the form of protection for the domestic violence prevention and coping. Although the violent acts such as striking, torturing, inter-human (woman and man) exploitation are considered as crime, in fact the law enforcer refuses to take intervention to enforce the law against this domestic crime. On the contrary, the law often reduces the law enforcement, because the kinship between the perpetrator and the victim is

considered as a personal relation becoming personal business, not public business and not requiring the protection of basic human right within it.

It should presumably be published a new law (act) that prohibits and impose legal penalty against the crime categorized as violence against the women and the subordinated parties in household scope. This act contains the law procedure of giving protection for the victim of domestic violence, complaining mechanism, protection of victim's right and reporting. It recently includes the procedure of registering complaints to the police officer or its filing to the court for the victim, witness, family, private/government health service and women's crisis center.

It should be developed the new integrated service models that are accessible to the victim to help its recovery process such as counseling, medical aid, legal aid provided by both Non-Governmental Organization (Woman's Crisis Centre) and government and private agencies (Police Officer, Hospital, and Local Governments).

### **References:**

1. Kolibonso, Rita Serena Kolibonso et all, *Mitra Perempuan* (Women Partner) 2000 (Jakarta: Women Partner, 2000), page 32, and *factsheet* "Domestic Violence Records and the Effect on Women Health in 2002", *Women Partner and World Population Foundation*, 2002.
2. Mohammad Hakimi et all, *Keeping Quiet for the sake of Harmony: Violence against Wife and the Women's Health in Central Java, Indonesia* (Jogyakarta: LPKGM-FK-UGM, Rifka Annisa, Umea's University, Women's Health Exchange, 2001), page 28.
3. Khofifah Indar Parawangsa, "The Governmental Policy in the Attempt of Eliminating Violence against Women", Jakarta, September 2000, page 2.