

## Causal Factors and Responses to Crime of Maltreatment against Women in Maubeli Sub-District, Timor Tengah Utara District



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**ABSTRACT:** Persecution of women is one of the biggest problems in Indonesia. This is evidenced by the high number of cases. Women dominate victims who are often/vulnerable to violence. Therefore, legal protection is every citizen's right; on the other hand, the state must provide legal protection to its citizens. The problems and objectives in this thesis are to find out what factors encourage cases of abuse against women and also how to deal with cases of mistreatment of women. The research method used is empirical juridical research, which examines the implementation of the law (in practice, the effectiveness of the law, and or the application of law in society). The study results are interviews that the factors causing the occurrence of non-criminal mistreatment of women in Maubeli Village are internal and external. The study concludes that the crime that occurred in Marbella Village was due to emotional or spontaneous factors, lack of knowledge about criminal acts against women, and also social factors. Based on this research, the researcher suggests that the government of Maubeli Village, North Central Timor Regency, provide education and socialization about the mistreatment of women as a form of prevention from the government to the community and the researcher also suggests the people of Maubeli Village in solving problems, they must be cool-headed so that the emotions of the community can be controlled properly and must also pay attention to the nature of deliberation and consensus to achieve the goals and objectives in solving the problem.

**KEYWORDS:** Causing Factors, Efforts to Combat the Crime of Persecution against Women

### I. INTRODUCTION

The crime of maltreatment is often committed before one of the crimes is committed. One of them is regulated in the Criminal Code (KUHP), such as theft with violence (Article 365 of the KUHP), maltreatment (Article 351 of the KUHP), and also rape (Article 285 of the KUHP). This concern arises because violence is a criminal offense that is more vulnerable to being committed against women. It does not rule out the possibility that persecution also often occurs to parties who have a close relationship, namely within the scope of the household, and the victims are women and children. Maltreatment is a very difficult act to measure precisely in terms of its extent against women because it means entering into sensitive areas of women's lives, which women themselves are reluctant to talk about.<sup>1</sup> There are various reasons behind the persecution of women, one of which is that there is still discrimination or thinking in society that men dominate women in terms of physical strength, or it can be said that women are still considered weak beings in society.<sup>2</sup>

Maltreatment can occur spontaneously or certain reasons encourage men to commit acts of maltreatment against women, which in general can be identified due to gender and patriarchal factors, unequal power relations, and role modeling (copying behavior). Gender and patriarchy will lead to unequal power relations because men are considered more important than women.<sup>3</sup> One concrete example of the problem of maltreatment that occurred was in one of the villages in East Nusa Tenggara, namely Maubeli Village, Kefamenanu City District, North Central Timor Regency in 2020. The persecution that occurred was the persecution of a 52-year-old woman named Maria Sonbay by a 51-year-old man named Lorens Ratuluhain alias Oleng.

<sup>1</sup> Moerti Hadiati Soeroso, 2010, *Kekerasan dalam Rumah Tangga (Dalam Perspektif Yuridis – Viktimologis)*. Jakarta: Sinar Grasika. Hlm1

<sup>2</sup> Adriana Venny, 2002. *Memahami Kekerasan Terhadap Perempuan*. Jakarta: Yayasan Jurnal Indonesia. Hlm. 6

<sup>3</sup> H. U. Adil Samadani, 2005. *Kompetensi Pengadilan Agama Terhadap Tindak Kekerasan Dalam Rumah Tangga*. Yogyakarta: Graha Ilmu. Hlm 9.

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The maltreatment was committed by the perpetrator (Oleng) by striking the victim (MS) with his right hand which was clenched on the left side of his forehead. The assault occurred because of a misunderstanding that arose between the perpetrator and the victim regarding several matters that had been agreed upon at the beginning. It was recorded in the Minutes of the Case conducted by Mr. Maximellian Ottu as the investigator in this matter that as a result of the assault the victim received physical injuries in the form of scratches to his right temple.

The hope of the perpetrator and some local government officials was to be able to resolve the problem between the perpetrator and the victim in a family manner, namely through deliberations held at the house of the Head of RT 011, but due to an inadequate situation, the persecution committed by the perpetrator against the victim occurred. Based on cases of maltreatment that occurred against women in Maubeli Village, Kefamenanu City Sub-District, North Central Timor District, the researcher is interested in conducting research by examining the criminology of the crime of maltreatment against women.

### **II. PROBLEM FORMULATION**

1. What factors contribute to the occurrence of cases of mistreatment of women in Maubeli Sub-Village, North Central Timor District?
2. How what are the responses to cases of mistreatment of women in Maubeli subdistrict, district north Central Timor?

### **III. RESEARCH METHODS**

The type of research used in this research is empirical juridical research, namely examining, interviewing directly with related parties, and analyzing data obtained from the research location. The type of approach taken in this research is a case approach. This approach is carried out by conducting cases related to the law under study.

### **IV. RESEARCH RESULTS AND DISCUSSION**

A. Factors contributing to the occurrence of the crime of mistreatment of a woman in Maubeli Sub-Village, Kefamenanu City Sub-District, North Central Timor District.

Based on the results of the research conducted, the researcher used the direct interview method with the perpetrator, victim, and investigator at the North Central Timor Police Station, it is known that the factors causing the crime of mistreatment of women in Maubeli Village are due to internal and external factors.

#### **1. Internal Factors**

Internal factors are causal factors that come from within the person. The following are some of the internal causal factors of the perpetrator LR alias Oleng which caused the crime of mistreatment of women in Maubeli Village:

##### **a. Emotional or spontaneous factors**

As we know emotions according to Daniel Goleman (2002) emotions refer to a distinctive feeling and thought, a biological and psychological state, and a series of tendencies to act. Usually, emotions are reactions to stimuli from outside and inside the individual. Based on the results of research conducted by interviewing the perpetrator LR alias Oleng along with an analysis of the Minutes of Opinion on the criminal case of mistreatment of women, one of the internal factors causing the perpetrator LR alias Oleng to commit criminal acts of mistreatment is due to Spontaneous Emotion. In criminal law, the meaning of the word "carried away by emotion" is involuntary with certainty. According to Wirjono in the principles of Criminal Law in Indonesia, this kind of unintentionality exists when the perpetrator with his actions does not aim to achieve the result which is the basis of the delict, but he knows very well that the result will follow the action. The perpetrator LR alias Oleng realized that the persecution committed against the victim could cause pain, cause injury, or at least harm the health of others. The following is what the perpetrator LR alias Oleng said in an interview conducted by researchers "I hit the victim MS because I was carried away by emotion because the victim MS accused me of eating she had Rp.100,000 (One hundred thousand)".

The perpetrator hit the victim MS using his right hand which was clenched into a fist towards the face of the victim MS and hit the left temple of the victim MS. The perpetrator's statement was reinforced by a minor injury to the left temple of the victim MS with the results of the Visum Et Repretum of the Kefamenanu Regional General Hospital Number 091/Visum/U/III/2020. The Minutes of the Opinion in taking testimony by the Investigator against the perpetrator LR alias Oleng are also explained in the testimony of the perpetrator LR alias Oleng that the perpetrator LR alias Oleng hit the victim MS because he was carried away by emotion or reflexively hit the victim at that time because the perpetrator LR alias Oleng did not accept being accused of being a fraudster by the victim MS which according to the victim MS that the perpetrator LR alias Oleng ate the victim MS's money as much as Rp.100,000 (One hundred thousand).

##### **b. Education Factors**

Violence against women is defined as an act of gender-based violence that results in or may result in, physical, sexual, or mental harm or suffering to women, including threats of coercion. Based on the results of research obtained from the location studied, many people in Maubeli Village still lack knowledge about violence against women. The community lacks education

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from the local government so it is underestimated, this statement was expressed by Mr. GK the Head of the Maubeli Village RT. As for the further statement from Mr. GK as the Maubeli Village RT, he said that "the perpetrator LR alias long committed acts of violence against women because his knowledge of violence was minimal, and considered that this was a trivial matter and if he committed the violence the sanctions received were only limited to a reprimand and did not reach the police station, but it turned out that on the contrary, this case continued to the authorities.

Based on the results studied, we can know that the knowledge factor regarding violence against women is very lacking and is still underestimated by the people of Maubeli Village, one of whom is also the perpetrator LR alias Oleng. People should be more careful and control their emotions so that what they do does not harm themselves and the people around them so that a harmonious and peaceful life can be created.

### **2. External Factors**

External factors are causal factors that come from outside. The following is one of the external causal factors from the perpetrator LR alias Oleng that caused the crime of mistreatment of women in Maubeli Village: Social factors that occur in the Maubeli Village community. Social factors are factors that include family relationships, workers' views, political freedom and community relations. The following is the result of an interview with the witness NS as the child of the victim, in the interview conducted, the witness said that "incidents like this have often occurred and this is not the first incident, however, this has happened repeatedly, the Maubeli Village community sees this as nothing new because a lot of violence has occurred but it was resolved within the family and ended peacefully between the victim and the perpetrator. Only this incident reached the court. The statement of the witness NS certainly illustrates that maltreatment cases are something that is commonly done as well as experienced by the people of Maubeli Village, with this habit certainly having an impact on every community in Maubeli Village not to feel reluctant to commit an act of maltreatment, because they consider that it is a common thing or common occurrence.

### **B. Efforts to Mitigate the Crime of Maltreatment Committed by the Perpetrator LR alias Oleng against the Victim MS in Maubeli Village, North Central Timor District.**

The following are the countermeasures taken to overcome the crime of maltreatment committed by the perpetrator LR alias Oleng against the victim MS.

#### **1. Preventive**

Preventive crime prevention efforts are carried out to prevent the occurrence or emergence of crime for the first time. This preventive effort is a follow-up to permit efforts which are still in the prevention stage before the crime occurs. Preventive efforts that are emphasized are eliminating opportunities to commit crimes. Preventing crime is better than educating criminals to be better again, as the motto in criminology is that efforts to improve criminals need to be considered and directed so that they can become better off. Efforts to correct criminals need to be considered and directed so that no more crimes occur. The police in this effort conduct legal counseling related to the crime of persecution and provide lessons on legal arrangements associated with the crime of persecution. So that it can minimize the perpetrators committing the crime of persecution. In addition, the police provide counseling to the community about actions that can lead to criminal acts of persecution, for example, the community must better maintain their speech and behavior in solving a problem so that there are no statements or words that can cause hurt so that it can lead to violence, both mild and severe.

In the case of persecution committed by the perpetrator LR alias Oleng to the victim MS, it proves that preventive countermeasures are needed, where the police or law enforcement can provide socialization related to legal arrangements regarding criminal acts of persecution and the impact or danger of committing a criminal act of persecution as well as legal sanctions that apply to perpetrators of criminal acts of persecution. Thus, when the community understands the law and sanctions against criminal acts of persecution, it can make the community understand that solving problems does not have to be with violence and persecution but can solve these problems in various ways, one of which is through legal channels, so that the persecution that has occurred should not have happened, if the perpetrator understands very well that committing persecution that causes legal consequences can be brought to court and through the applicable legal process and the perpetrator will get sanctions by the crime or offense committed.

#### **2. Repressive**

An effort in crime prevention is conceptually taken after the occurrence of a criminal act of persecution. Repressive countermeasures are intended to take action against the perpetrators of the crime of maltreatment following the applicable laws. If it is related to the problem of this research, then the task of the prosecutor as a public prosecutor is to carry out prosecution actions, such as starting from arrest, submission, then trial until the reading of the decision. Where in the case of the criminal offense of persecution committed by the perpetrator LR alias Oleng, the investigator in the criminal case in the Arrest Warrant Number: SP.Kap/17/III/Reskrim. The perpetrator from March 8, 2020, until March 9, 2020, because the perpetrator LR alias Oleng committed the crime of maltreatment against the victim MS After listening to the testimony of the perpetrator LR alias Oleng, the victim MS and several witnesses, the charges submitted by the public prosecutor to the trial were as follows:

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That the defendant LORENS RATULUHAIN ALIAS OLENG on Saturday 7 March 2020 at approximately 18.30 WITA or at any other time in March 2020 at the home of Gaspar Kabiti as the head of RT 01, North Central Timor District, East Nusa Tenggara Province or at least at a place within the jurisdiction of the Kefamenanu District Court, committed maltreatment, the defendant committed the act in the following manner:

Initially there was a debt problem between the witness Maria Sonbay and the defendant which was to be resolved through deliberation at the home of the Head of the Neighborhood Association named the witness Gaspar Kabiti and the witness Maria Sonbay told about the debt problem between her and the defendant, then the defendant told the witness Maria Sonbay "I bought 20 (twenty) piles, if you talk like that we two make a custom, you use you have a custom, I use I have a custom" then the witness Maria Sonbay said "yes if I turn around I am ready for that", Then the defendant said "if that's the case you will eat dirt", then the defendant stood up and grabbed the hand of the witness Maria Sonbay and said "let's go outside so you can eat ashes outside" and because he was angry with the witness Maria Sonbay then the defendant used his right hand to punch the witness Maria Sonbay once in the face and struck her on the left forehead causing bleeding and the witness Maria Sonbay felt pain from the defendant's punch. As a result of the defendant's actions, the witness Maria Sonbay suffered pain and injury as described in the Visum Et Repertum of the Kefamenanu Regional General Hospital. Number 091/Visum/U/III/2020 dated March 7, 2020, signed by Dr. Ester Intan Sinaga on behalf of Maria Sonbay, concluded that a fifty-two-year-old woman was examined, and her appearance matched her age. The results of the examination revealed an open wound of centimeters, uneven wound edges, and skin wound base when pressed together a straight line two centimeters long.

Taking into account Article 351 Paragraph (1) of the Criminal Code and Law Number 8 of 1981 concerning Criminal Procedure as well as other relevant laws and regulations, the Panel of Judges of the Kefamenanu City Class II District Court in the charity decision Number: 33/Pid.B/2020/PN Kfm tried the defendant LR alias Oleg as follows:

- Stating that the defendant LORENS RATULUHAIN Alias OLENG mentioned above was legally and convincingly proven guilty of committing the crime of "maltreatment" as charged in the single indictment;
- Therefore, the defendant was sentenced to 9 (nine) months imprisonment;
- Stipulating that the period of arrest and detention served by the defendant shall be deducted in full from the sentence imposed;
- Stipulate that the Defendant remain in detention;
- Determine the evidence in the form of:
  - a. 1 (one) piece of light brown women's lace shirt with blood stains on the front of the shirt; Returned to the witness Maria Sonbay;
  - b. 1 (one) white and green men's slash neck t-shirt with the words 'P&G Chemicals' written on the left chest; Returned to the defendant;

## V. CONCLUSIONS

Based on the results of the research and discussion described above, it can be concluded that:

1. Factors contributing to the occurrence of crimes against women in Maubeli Sub-Village, Kefamenanu City Sub-District, North Timor District
  - a. Internal factors:
    - Emotional or spontaneous factors.
    - Educational factors or lack of knowledge about crimes against women.
  - b. External factors
    - Social factors.
2. Efforts to overcome criminal acts committed by perpetrators and victims. Countermeasures against criminal acts of persecution in the Kefemenanu District Attorney's Office are currently carried out through preventive and repressive efforts..

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