

Study of Psychological Violence in The Household Reviewed from Islamic Law

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Abstract

Violence psychic is one of part from follow violence in family often occurs in the environment public. The purpose of study This is (1) For know How perspective Legislation about violence psychology in law Number 23 of 2004 concerning Removal violence in the Household, (2) For know How Legal analysis of Violence Psychic in Household Laws Number 23 of 2004 concerning Removal Domestic violence reviewed of Islamic Law. Research methods used in study This is Library Research. With read and take notes as technique data collection. Research result This show that Violence psychic No only explained in UUPKDRT only but there are also The Act and other laws that address about violence psychic such as the Criminal Code (KUHP) and law Islam. Not only Constitution but law Islam also gives punishment about behavior violence psychic specifically in House ladder like Jarimah Ta'zir's punishment.

Keywords:

Violence, Psychological, and Domestic

Introduction

It's fast current globalization and increasingly many a industrialization moment This even with exists a trading lots of free make change to condition human, this can also be done caused to the more Lots as well as development something follow criminal, where matter the No only red to public but also touching realm individual somebody. For example like family, which during This made as institution ideal social, which can grow and develop the potential that exists in each individual inside a family, this is what often happens very become place emergence a deviation between

One with others, who can give rise to something suffering or misery done by one person to another, who is also a member his family. About problem that, then can give rise to something action frequent violence happens inside a House stairs, but in 2004 the so-called as year breakthrough, which on September 22 2004 was ratified Constitution Number 23 of 2004 Concerning Removal Domestic violence. Constitution This stand outside the Criminal Code as Constitution Criminal Special.

Form from violence that occurs within a connection House stairs, as in in Article 5 of the Law Number 23 of 2004 Concerning Removal violence in the Household, which states that everyone is prohibited For do a violence towards the people inside scope House the stairs. Therefore that, the violence that occurs inside House ladder divided become four kind, ie violence in a way physical, sexual, psychological, and neglect House ladder. However, in study This only will discuss about violence psychic in House steps in Article 7 of the Law Number 23 of 2004 Concerning Removal Domestic violence.

Sometimes violence is also a possible actions called normal, will but the same action in something different situations, then matter the can called with deviation. However many people think that violence only done by men or husband to his wife, though in the current era this is also a lot done by one person wife to her husband Because factor power and factors economy, because in the current era This Lots a status wife Mother House ladder but also becoming bone back his family, so happen inequality between partner husband and wife Because matter the. In terms of This is the law Islam also responded problem the. Islamic law very No justify on all form violence at home ladder in a wedding, because action the is something a criminal act and can convicted for those who do. Even any religion No someone confirmed it about follow violence within a House ladder. In the Islamic law if happen something violence within House the stairs, then must quick avoided with try For quick fix it, because similar conditions This If Keep going continuously happen so in a family No will felt fun and also calming, even atmosphere harmony will is lost.

Review about problem violence specifically violence psychic naturally No easy, but reason from violence himself basically including a aggressive actions, and can done by everyone. Like threatening, insulting, degrading, or even excommunicate, everyone That is form from violence psychic. Therefore it's inside study this writer will study about violence in a way psychology in law Number 23 of 2004 Concerning Removal Domestic violence with reviewed from law Islam, because violence psychic is one of actions that are also frequent appeared inside family.

Besides that form from violence psychic this is also included into the action emotional, which is type violence that is not visible and difficult detected, but from various form the it has been explained inside Article 7 of the Law Number 23 of 2004 Concerning Removal domestic violence. Based on from problem that, then writer interested For do a research entitled **“Violence Studies Psychic in the Household Viewed from Islamic Law”**.

Method

The researcher use method study study library, which is gathering from theory that would chosen For made as material references, literature, and basics in do a study or work write scientific. Process or steps obtained through knowledge or knowledge scientific too used for describe A method study. Study This is study normative (*Normative Law Research*) It means knowledge the law has type separately. Study This use approach study library, with type study studies literature (*Library research*), ie something gathering from theory that would chosen For made as material references, literature, and basics in do a study or work write scientific. Study This is study law normative Because use studies case normative which is A product law, like study Acts and laws other. Tree the study is conceptualized law as rule or applicable norms in public as well as become reference behavior each person. So on research law normative This focuses on laws, doctrine law, comparison law, level synchronized, and systematic law.

Implementation and efficacy of this legal framework in addressing incidents of sexual violence.

The legal and regulatory framework applicable to educational institutions, including Islamic boarding schools and universities, generally incorporates the prevention of sexual violence as an essential element within the educational system. These regulations often delineate the rights and responsibilities of both students and educators, outlining the repercussions of sexual violence. In numerous cases, child protection laws and related regulations establish a legal structure that prohibits sexual violence within educational environments. Nevertheless, the practical implementation and efficacy of these legal frameworks can exhibit

variations. Several factors influencing their effectiveness encompass public awareness and comprehension, along with the extent of adherence and enforcement. There are instances where the legal framework may not be consistently applied, and reports of sexual violence might not be treated with the requisite seriousness, ultimately compromising the safeguarding of students. Furthermore, inadequacies in supervision, training, and educational programs for teachers and staff concerning the prevention of sexual violence can impede effective implementation. Thus, enhancing understanding, training, and law enforcement are pivotal for optimizing the effectiveness of the existing legal framework in safeguarding students from sexual violence in educational settings.

The legal framework for preventing sexual violence within Islamic boarding schools and universities plays a pivotal role in establishing a secure and nurturing educational atmosphere for students. In the contemporary context of these institutions, there exist several primary components within the legal framework for sexual violence prevention, notably the Child Protection Law. This law serves as the legal foundation for establishing a structured framework to safeguard students against various forms of violence, including sexual violence. It prescribes the rights and responsibilities that all parties engaged in Islamic boarding schools and higher education must adhere to. Additionally, the Ministry of Religion and the Ministry of Education have introduced various regulations aimed at preventing sexual violence, including the Minister of Religion Regulation (PMA) No. 73/2022 concerning the Prevention and Management of Sexual Violence in Educational Institutions. In the realm of higher education, the Ministry of Research, Technology, and Higher Education has also enacted regulations designed to prevent sexual violence on campuses, such as Minister of Education and Culture Regulation Number 30 of 2021.

Secondly, internal policies are imperative within Islamic boarding schools and universities, mandating the existence of explicit regulations that prohibit sexual violence. These policies should encompass a

comprehensive definition of sexual violence, guidelines for reporting incidents, specified sanctions, and preventive measures that demand adherence from all members constituting the Islamic boarding school and university community.

Furthermore, thirdly, the legal framework should encompass training and awareness initiatives aimed at preventing sexual violence. It is imperative that all personnel, including staff, educators, and administrative members of Islamic boarding schools and universities, undergo thorough training to recognize indicators of sexual violence, comprehend reporting protocols, and acquire the knowledge and skills to provide support to student victims.

Training staff, teachers, and administrators within Islamic boarding schools and universities in the prevention of sexual violence constitutes a significant stride towards fostering a secure and nurturing educational milieu. This training serves to enhance comprehension of the issue of sexual violence, and the ability to identify its manifestations and equips individuals with the knowledge to take preventive measures. The subsequent segments delineate key components that can be integrated into sexual violence prevention training, Firstly, the aptitude to identify warning signs is paramount. Personnel, including teaching and support staff, should receive training to adeptly discern indicators that may manifest in students who have fallen victim to sexual violence includes recognizing behavioural alterations, sleep disturbances, and other psychological symptoms. Secondly, the training encompasses initial treatment and support. It necessitates instructing individuals on the initial steps to be undertaken upon discovering an incident of sexual violence. This includes extending emotional support to victims and directing them to appropriate sources of assistance. Thirdly, prevention strategies are addressed within the training. Educators and staff members are equipped to proactively prevent sexual

violence through methods such as instilling positive sexual education, advancing gender equality, and promoting a culture of support.¹

Fourthly, the inclusion of a secure reporting mechanism is vital. Therefore, the legal framework should establish a confidential and secure reporting procedure for students or individuals who may have suspicions of sexual violence. This provision is of utmost importance to safeguard the victims and to promote a culture of reporting. Safe and confidential reporting protocols for individuals, including students and any concerned parties, who harbour suspicions of sexual violence are indispensable for preserving personal privacy and overall well-being.

The initial measures for establishing secure and confidential reporting procedures include, first, Ensuring Confidentiality. It is imperative that the reporting processes guarantee the confidentiality of the information provided by the reporting individual. Students or concerned parties who suspect sexual violence should have confidence that their reports will remain confidential and that they will not face adverse consequences or retaliation from the alleged perpetrator. Second, Providing a Secure Reporting Point of Contact, implement a secure reporting channel, such as a dedicated phone line, email address, or an online portal, accessible only to designated personnel responsible for handling sexual violence cases. Ensure that this contact method is inaccessible to unauthorized parties.

Third, an alternative point of contact must be made available. In addition to official institutional contacts, educational institutions should offer reporters the opportunity to reach out to external, independent entities, such as non-governmental organizations (NGOs) or government agencies with expertise in sexual violence issues. This serves as an additional layer of assurance for maintaining confidentiality.

¹ Vanessa Ingka Putri Nelly Dahlia, Yurike Siti Mariyam, "Tinjauan Hukum Pidana Islam Terhadap Pelaku Kekerasan Seksual Di Satuan Pendidikan Kementerian Agama," *Al-Mizan* 6 (2022): 1–14.

Fourth, there should be clear, sequential instructions on the process of reporting sexual violence. These guidelines need to encompass details on where, when, and how to file a report, along with an explanation of the rights and protections afforded to those who report such incidents.

Fifth, there should be a focus on safeguarding the identity of the reporter, ensuring that the reporter's identity remains confidential. This involves maintaining the confidentiality of whistleblower information and allowing access only to authorized individuals. Sixth, counselling and support services should be made available, providing psychological support or counselling to the reporter if desired by the victim. This can assist the reporter in coping with the emotional aftermath of sexual violence. Seventh, educational and training initiatives should be implemented for both students and staff concerning reporting procedures and stressing the significance of upholding confidentiality. All individuals participating in the process should grasp the significance of upholding the confidentiality of the reporter.

Eighth, independent investigations should be conducted for every inquiry into reports of sexual violence to ensure that the investigative procedure remains free from prejudice or interference by involved parties. Ninth, provisions should be in place to protect the reporter from any form of retaliation or adverse consequences as a result of their report on sexual violence against them.

In addition to these eight measures, two actions are imperative: first, the imposition of stringent sanctions against sexual violence offenders. These sanctions should convey the gravity of the offence and serve as a strong deterrent. Second, there should be cooperation and coordination with legal institutions. Islamic boarding schools and universities should collaborate with legal authorities and law enforcement agencies when addressing sexual violence cases involving students. This cooperation is essential to ensure that perpetrators undergo proper legal procedures.

The legal framework aimed at preventing sexual violence in Islamic boarding schools and universities should establish a robust legal foundation

for safeguarding students and enhancing the safety of the educational environment. Furthermore, this legal framework must be consistently applied and subject to vigilant oversight to ascertain its efficacy in ensuring student protection.

The enhancement and refinement of legislation to bolster the prevention of sexual violence within educational institutions

Regulations about the prevention of sexual violence can still be further modernized in several respects, including within the scope of the Constitution. More precisely, certain articles within the 1945 Constitution of the Republic of Indonesia encompass provisions concerning the fundamental rights of citizens, encompassing aspects related to safeguarding against violence and discrimination.

Article 28 B, paragraph (2) of the 1945 Constitution of the Republic of Indonesia underscores the entitlement of every child to a secure existence, an environment conducive to growth and development, and the prerogative to be shielded from violence and any form of prejudicial treatment. Furthermore, Article 28 G underscores the prerogative of every individual to safeguard their own well-being, preserve personal integrity and dignity, and experience a sense of security and protection from threats and apprehensions that could hinder their freedom to act or abstain from action. Additionally, Article 28 I of the 1945 Constitution of the Republic of Indonesia underscores the entitlement of every individual to be shielded against torture and to be exempt from any form of biased treatment.

In the realm of sexual violence prevention, these articles establish a vital constitutional foundation for upholding human rights, particularly about safeguarding against sexual violence. Nevertheless, there remains a necessity for collaborative efforts to formulate and reinforce more

comprehensive regulations that intricately and unequivocally address the issue of sexual violence and its prevention.²

Secondly, the Criminal Code (KUHP) lacks explicit provisions concerning the prevention of sexual violence. The current regulations within the Criminal Code primarily pertain to the prohibition and punishment of individuals who commit sexual offences against women, yet these regulations remain of a general nature in addressing such crimes.

Thirdly, within Law Number 35 of 2014 concerning Child Protection, there exists an absence of comprehensive provisions that explicitly govern the prevention of criminal acts related to sexual violence. This gap is particularly evident in specific settings like Islamic boarding schools, universities, schools, and similar educational institutions. Despite the Child Protection Law assigning the responsibility of child protection efforts to the state, government, regional authorities, and society as a collective in Indonesia.³

Fourthly, within Law Number 39 of 1999 concerning Human Rights, there is an absence of explicit provisions that govern preventive strategies for criminal acts related to sexual violence. These strategies are designed to safeguard the honour and dignity of victims, thereby preventing them from becoming victims again. This law primarily addresses the protection of human rights by the state but lacks specific details regarding tangible measures to prevent criminal acts of sexual violence.

Some of the deficiencies in the aforementioned regulations have prompted legislative revisions. Notably, the enactment of Law (UU) Number 12 of 2022, titled "Criminal Acts of Sexual Violence," addresses various aspects, including the prevention of sexual violence, the handling of cases, the protection of victims' rights, coordination between central and regional governments, and international cooperation. This comprehensive legislation

² Luh Made Khristianti Weda Tantri, "Perlindungan Hak Asasi Manusia Bagi Korban Kekerasan Seksual Di Indonesia," *Media Iuris* 4 (2021): 145–72.

³ Darmi, "Peran Pemerintah Dalam Pencegahan Kekerasan Seksual Terhadap Anak," *Qawwam: Journal For Gender Mainstreaming* 15 (2021): 45–68.

aims to facilitate effective prevention and victim support. Moreover, it mandates community engagement in preventing sexual violence and supporting victims to establish a safe environment free from such incidents.

The Sexual violence crime law holds significant relevance in enhancing the effectiveness of societal protection, both in the realms of preventing and addressing sexual violence crimes. This legislation addresses previous regulatory gaps that were deemed inadequate in dealing with sexual violence issues in Indonesia. The Sexual violence crime law plays a crucial role in ensuring that society receives comprehensive and maximum protection to confront the challenge of sexual violence.⁴

The presence of legal regulations not only ensures the constitutional rights of sexual harassment victims but also underscores the crucial need for meticulous implementation and enforcement of these laws. Law enforcement about these regulations should consistently prioritize the principle of safeguarding the rights of sexual harassment victims, who are frequently the primary targets of such offences. Above all, these regulations must exhibit gender sensitivity and remain free from discrimination.⁵

The process of developing, amending, or enhancing current laws and regulations holds significant potential in fortifying the prevention of sexual violence within educational institutions and establishing safer and more supportive environments for students. Various avenues through which legal modifications can yield a positive impact encompass, first and foremost, the formulation and reinforcement of prevention provisions. By revising existing laws and regulations, we can articulate more precise and robust provisions about sexual violence prevention, encompassing comprehensive definitions, preventive measures, and more efficient reporting procedures.

In the Sexual violence crime law, the revisions to previous regulations have introduced the possibility of imposing more stringent penalties, which

⁴ Et.al Reno Efendi, "Urgensi Percepatan Pengasahan Rancangan Undang-Undang Penghapusan Kekerasan Seksual," *Jurnal Suara Hukum* 3 (2021): 26–52.

⁵ Dede Kania, "Hak Asasi Perempuan Dalam Peraturan Perundang-Undangan Di Indonesia The Rights of Women in Indonesian Laws and Regulations," *Jurnal Konstitusi* 12 (2015): 717–34.

may involve escalating sanctions against sexual violence offenders. This enhancement serves as a more potent deterrent for individuals contemplating such actions.

Thirdly, the Sexual violence crime law also encompasses provisions for empowering victims, thereby offering enhanced legal safeguards and assistance to survivors of sexual violence. This includes facilitating their access to the justice system and support services.

Fourthly, it can lead to enhanced monitoring and enforcement of the law, which may involve the establishment of independent bodies responsible for overseeing educational institutions and addressing reports of sexual violence.

The consequence of these changes is the establishment of a more secure and nurturing educational atmosphere for students. This can heighten consciousness regarding sexual violence, promote increased reporting, and decrease the likelihood of sexual violence occurrences. It can further transform the norms and culture within educational institutions, constituting a significant measure to ensure that sexual violence is neither disregarded nor tolerated. Therefore, alterations in laws and regulations serve as crucial instruments in the endeavour to prevent sexual violence in educational settings.

Concerning the prevention of sexual offences within Islamic boarding schools and higher education institutions, a range of preventive models can be incorporated into policies and regulations. This involves enhancing the involvement of the state, government, and society. The significance of amplifying the roles of the state, government, and society in the prevention of sexual offences within Islamic boarding schools and universities cannot be overstated. This encompasses efforts related to the monitoring and evaluation of Islamic boarding schools and universities across Indonesia. The issuance of operational licenses for Islamic boarding schools and higher education institutions by the government, administered through the Ministry of Religion, should adopt more stringent criteria that align with

policies to combat sexual offences, particularly in safeguarding victims of sexual harassment.

Secondly, the establishment of dedicated sexual offence reporting centres within each Islamic boarding school and higher education institution is proposed. These centres are designed to serve as platforms where students, including female students, can report incidents of sexual misconduct. It is recommended that these complaint centres be equipped with psychologists and healthcare professionals, and they should maintain close integration with both regional and central government authorities.

Thirdly, the regulation stipulates the inclusion of sexual education as a mandatory subject within the curricula of Islamic boarding schools and universities. This inclusion is intended to equip students with comprehensive knowledge about various aspects of sexuality. Furthermore, the curriculum also integrates education on the perils of sexual crimes among Islamic boarding school students and university students. This educational approach is further supplemented with assertiveness training, which aids students in effectively communicating and confidently reporting any instances of unwarranted treatment.

Fourthly, the Department of Religion has established Standard Operating Procedures (SOP) by the regulatory requirements for Islamic boarding schools and universities. These SOPs serve as essential guidelines for addressing sexual crimes within Islamic boarding schools and higher education institutions. They play a crucial role in providing clear instructions to students, particularly female students, on the necessary steps to take in the event of experiencing sexual crimes.

Fifthly, under the latest government legislation, Islamic boarding schools and universities are placing greater emphasis on addressing issues related to sexual crimes. The government is taking proactive measures to support the implementation of policies and regulations aimed at preventing sexual crimes within these institutions. Higher Education Institutions are now required to establish a dedicated team of officers to address cases of

sexual violence, and compliance with this requirement is mandatory. Failure to do so may result in a reduction of accreditation.

Incorporating these models into the regulations and policies of Islamic boarding schools and higher education institutions represents a crucial stride in establishing a secure and nurturing educational environment, as well as delivering efficient safeguards against sexual crimes. The execution of these pivotal models must be undertaken meticulously and with efficacy to realize these objectives.

Conclusion

The research concludes that the prevailing legal framework in educational institutions, including Islamic boarding schools and universities, comprehensively addresses all facets of addressing sexual violence. This encompasses precise definitions, secure reporting procedures, and suitable penalties for individuals engaged in sexual violence. Educational initiatives and training programs regarding sexual violence prevention have been seamlessly incorporated into the educational curriculum, facilitating the recognition, prevention, and reporting of such acts by students and staff. Additionally, the existence of formal complaint mechanisms, manifesting as institutional task forces, offers protection for whistleblowers and facilitates access to health and psychological support. Furthermore, regulations have been put in place to ensure active and effective law enforcement against sexual violence perpetrators, encompassing investigative processes, equitable trials, and the application of pertinent penalties.

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