

# OVERCOMING DOMESTIC VIOLENCE AMID THE COVID-19 PANDEMIC

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## ABSTRACT

*The outbreak Covid-19 pandemic has already shown destructive footprints over the entire world, among others is the potential victims of domestic violence as cases multiply during the confinement required. This study aims to determine the social correlation during the Covid -19 pandemic with the increase in domestic violence cases in Indonesia. The results show a correlation between social application and handling cases in the household. Consequently, this suspected due to the limited space for movement, which can trigger frustration and result in harsh treatment resulting in domestic violence. Strategies to overcome domestic violence must be carried out through inculcating values in the family, psychological consultation, socialization to the community and law enforcement related to domestic violence crimes.*

**Keywords:** Covid-19, Criminology, Domestic Violence, Lock Down

## INTRODUCTION

The Covid-19 pandemic has created an unprecedented impact on our society, which demands robust action to address the global crisis, which is of significance to psychiatry, as mentioned in the Asian Journal of Psychiatry.<sup>1</sup> Violence faced by women has outrageously increased since the COVID-19 outbreak.<sup>2</sup> In Indonesia, the Government officially announced the first COVID-19 case on March 2, 2020.<sup>3</sup> There were two positive Indonesian citizens with a history of making direct contact with Japanese citizens visiting Indonesia (Krishnakumar et al., 2021).

After the first case appeared, the coronavirus outbreak spread in Indonesia. It became the trigger for the birth of a policy to limit community activities to suppress the spread of the virus. The government has designated the COVID-19 situation in Indonesia as a national disaster marked by the issuance of the 2020 Presidential Decree concerning the Determination of Non-Natural Disasters for the Spread of Corona Virus Disease (Anas et al., 2020).

The increasing spread of the coronavirus in Indonesia has made the Government urge people to work from home, a study from home, and worship from home. The increase that began to be unstoppable again prompted the Government to issue a regulation on Large-Scale Social Restrictions or PSBB. The legal basis for PSBB refers to Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19). This rule contains seven articles that essentially regulate the definition, criteria, form, implementation obligations, and the flow of PSBB determination (Aswanto, 2012).

The impact of the issuance of Government Regulation No. 21 of 2020, made community activities limited to certain environments. All residents' activities are attempted to be carried out at home, starting from work, study or school, and also worship from home. On

the positive side, many residents began to fix their respective homes. Some become closer to their families because they have been busy with activities outside the home. However, unexpectedly, some data show that the phenomenon of domestic violence has increased during the Covid-19 pandemic (Alam, 2021).

Data from the National Commission on Violence Against Women during the Covid-19 pandemic showed that domestic violence was the most reported case of violence. The 319 reported cases of violence, two thirds or as many as 213 cases were domestic violence cases. The Legal Aid Institute for the Indonesian Women's Association for Justice (LBH APIK) Jakarta noted that reports of violence cases against women reached 90 cases per month during the Covid-19 pandemic. The data was obtained from the period of March 16, 2020 - June 7, 2020. Where normally, outside of the previous pandemic situation, there were only about 30 cases per month.<sup>4</sup>

Domestic violence in Indonesia is clearly a crime. It became an interesting discussion to find a common thread between the correlation of social restrictions during the Covid-19 pandemic and the increasing number of domestic violence cases in Indonesia as a crime. In addition, it is necessary to examine in depth how the strategy in overcoming domestic violence during the Covid-19 pandemic is needed. Hence, this can be studied from criminology as auxiliary science in criminal law to determine the factors and how to deal with these crimes (Marquism, 2021).

## RESEARCH METHOD

This research uses normative legal research with a statute approach and a conceptual approach. The legal materials used are primary legal materials and secondary legal materials.<sup>5</sup> Primary legal materials consist of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions, and Presidential Decree of 2020 concerning Determination of Non-Natural Disasters for the Spread of Corona Virus Disease. Secondary legal materials consist of journals, books, and literature relevant to the legal issues discussed (Eisner et al., 2020).

### Factors Affecting Domestic Violence amid the Covid-19 Pandemic

Criminology is the study of crime and deviant behaviour that studies the causes of people committing crimes, the forms of crime, the consequences and how to overcome them. In this circumstance, the challenge for criminology is to 'understand which behaviours become the focus of law and why'.<sup>6</sup> It is, as a result, absolutely vital that when we talk of a crisis, we understand how domestic violence amid the Covid-19 pandemic affects communities (Joseph et al., 2020).

Based on the description of the data on the background, the phenomenon of an increase in domestic violence cases occurred during the Large-Scale Social Restrictions (PSBB). It can be concluded that PSBB limits the community's space for movement, limited to certain things that prevent crowds from forming to break the chain of the spread of the Covid-19 virus. The restrictions referred to in the form of learning are carried out at home because schools are closed, work is done at home because activities in the office are limited, and worship activities are also carried out from home. Even the general facilities were closed or limited in the number of people.

Restrictions that occur result in narrow space for movement. The majority of all activities are carried out from home. Due to the impact of the PSBB, public facilities such as malls, shopping centres, and entertainment venues were closed. As a result, more space for movement is done at home, a place where families gather. In addition to being isolated, the economic conditions in the family during this pandemic are also the cause of the increase in domestic violence. The existence of the COVID-19 pandemic has made several employees in

Indonesia threatened with termination of work rights (PHK) due to the large number of jobs that are not possible to do while at home, such as production activities.<sup>7</sup> Limited space for movement and the weakening factor in the economy resulting from the PSBB can trigger crime (O'Brien, 2008).

Wiranata,<sup>8</sup> a psychologist, said that there is a correlation between limitation of space and domestic violence. First, family members spend more time in confined areas. Most likely this could lead to conflict, which in turn led to the occurrence of domestic violence. Second, self-quarantine restrictions can be used by perpetrators to control and control victims. Offenders can control with misinformation about the disease and stigmatization of partners. Third, the burden of obligations at home is increasing, causing stress. This view is also corroborated by the results of research presented by Eisner and Nivette.<sup>9</sup> The results indicated that they explained several details about the possible consequences of restrictions and other policy responses to the pandemic, noting the potential for increased pressure on family relationships due to financial tensions, increased time together, and so on that led to domestic violence. Krishnakumar and Verma<sup>10</sup> presented the results of their research also used the perspective of criminology studies. The results found that domestic violence, which is also a common problem in India, experienced an increase during social restrictions imposed to contain the spread of Covid-19. The causal factors or sources of motivation in domestic violence committed by perpetrators during social restrictions are alcohol and unemployment. However, as it turns out into practice, the research results above show a correlation between the application of social restrictions and the increase in domestic violence cases. In general, if it is concluded that the factors causing the increase in cases of domestic violence during the Covid-19 pandemic are triggered by limited space for movement, which can trigger frustration which results in harsh treatment or the occurrence of domestic violence (Sukur et al., 2020).

The limitations of movement during the large-scale social restrictions have made many people unable to meet their daily needs. This creates frustration. This frustration can trigger a person to commit acts of violence and crime, also supported by a classic theory, namely the frustration theory of aggression. In addition, the impact of the PSBB, which caused a general economic slowdown and an increase in the number of unemployed, was also a triggering factor for the increase in domestic violence cases during the Covid-19 pandemic (Marzuki, 2005).

### **Strategies for Overcoming Domestic Violence during the Covid-19 Pandemic**

Theoretically, countermeasures from a criminological perspective are in the non-penal and penal aspects. The non-penal aspects are pre-emptive and preventive efforts. Pre-emptive efforts are initial efforts made by the police to prevent the occurrence of criminal acts. Efforts are made in preventing crime pre-emptively by instilling good values or norms so that these norms are internalized in a person. Even if there is an opportunity to commit a crime or violation, but there is no intention to do so, there will be no crime.<sup>11</sup>

In addition to non-penal means, crime prevention is also carried out through penal means.<sup>12</sup> Law enforcement efforts in overcoming crime through penal facilities are more focused on repressive nature, which is carried out after a crime occurs whose actions are in the form of law enforcement by imposing penalties.<sup>13</sup> In this regard, Aswanto,<sup>14</sup> legal certainty (rechtszekerhied) is an important principle in legal action (rechtshandeling) and law enforcement (rechtshnhaving).

Kaiser,<sup>15</sup> argues that preventing crime can be divided into three groups: Primary prevention as a strategy through social, economic, and other public policies. The secondary prevention, namely measures related to legal or criminal justice policies. Then the third is prevention, in the form of concrete steps taken by the police to prevent crime, including those committed by recidivists. This opinion was corroborated by Baharuddin Lopa, who stated

that primary prevention was the most effective of the three crime prevention groups. According to Lopa, it is undeniable that if you want to prevent crime, the root cause must be eliminated first. Hence, referring to this concept, pre-emptive steps must first be put forward in overcoming criminal acts of domestic violence.

According to Shaini Suraj et al,<sup>16</sup> 'Home' is a place where you get comfort, warmth and safety, and an escape from the busy working schedule of the day and other environmental stressors, but this is not true for all. Some do not get the stability, love, respect, support and happiness which is expected from a place called 'home'. A moment of peace is what any human being would want at home. But for victims of domestic violence, it is not so. Especially with Covid-19 crisis and subsequent lockdown, there has been a huge surge in cases of domestic violence in India as well as in other countries.

Finally, the key factor is the cultivation of values from the smallest scope, namely the household or family. The values instilled are the values of compassion for the family with a religious, spiritual approach, including getting closer to God by worshipping. The strong foundation for a family to exist is the love of a couple who are committed to being together. So whatever the storm is faced together with the power of love. Another key factor besides the cultivation of values is communication within the family<sup>17</sup>. Do not keep your complaints and tell whatever the problem is with a cool head. It will be more solution. Intense communication between partners will make the relationship more harmonious and mutually supportive.

Another thing that can be done is to do something together with the family where doing activities together will make the relationship or relationship closer. Shared activities include watching television/movies together at home, then exercising together, and so on. After inculcating values through pre-emptive efforts, we enter into preventive efforts or prevent crime.<sup>18</sup> This effort can be reached by counseling a psychologist. In addition, the government can also make preventive efforts to prevent domestic violence cases during the Covid-19 pandemic.<sup>19</sup>

One form of preventive effort from the Government is reflected through the Ministry of Women's Empowerment and Child Protection with the United Nations Fund for Population Activities (UNFPA) by making a protocol for handling violence against women that can be used in handling violence against women. As a result, victims are still served, and service provider institutions can still provide case handling by referring to existing protocols. In addition, the government can also actively carry out socialization and guidance to vulnerable families. Can collaborate with relevant stakeholders or carry out socialization efforts through social media and online webinars to the wider community.

After non-penal efforts are carried out in pre-emptive and preventive efforts, the milestone in law enforcement is found in repressive efforts. Law enforcement that is objective, fast, and not selective is the key to eradicating domestic violence. In addition, assistance to victims also needs attention because it is not uncommon for victims of domestic violence to experience trauma, so that it is difficult to express. As the last part, collaborative efforts of all parties are needed in the response.<sup>20</sup> Evil can not only happen because there is an intention but also because there is an opportunity. So closing the gap of opportunity by being actively involved in educating the closest circle or reporting indications of domestic violence will be very helpful in dealing with it.

## CONCLUSION

The outbreak Covid-19 pandemic has already shown destructive footprints over the entire world, among others is the potential victims of domestic violence as cases multiply during the confinement required. As a result, there is a correlation between the implementation of social restrictions and the increase in cases of domestic violence. This is suspected due to the limited space for movement, which can trigger frustration and result in

harsh treatment resulting in domestic violence. Also, the PSBB resulted in a general weakening of the economy and an increasing unemployed, which was also a triggering factor for domestic violence. The strategy to overcome domestic violence must be carried out to instill values in the family, psychological consultation, socialization to the community and guarantees for law enforcement related to domestic violence crimes.

## ENDNOTES

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