

Domestic Violence in the Criminology and Victimology Perspectives: Case Study in Kupang, East Nusa Tenggara

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ABSTRACT

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The state controls the interaction of family members within the scope of the household through Law Number 23 of 2004 on the Elimination of Domestic Violence. Domestic violence cases often happen in Kupang City, East Nusa Tenggara, Indonesia. This paper analyzes domestic violence in the criminology and victimology perspectives. This study uses the qualitative method with an empirical juridical approach. Based on the results of the discussion, in the criminological perspective, domestic violence is a crime in the form of an expression of physical or verbal strength that reflects aggressive actions and attacks one's freedom or dignity. In the perspective of victimology, the role of the victim is the basis for the emergence of violence, which impacts the physical, psychological, and social aspects. In Kupang, domestic violence cases are usually triggered by victims, i.e. provocative victims. Thus, both victims and perpetrators are responsible. While in other cases, the position of the victim as the basis for the emergence of domestic violence does not exist at all.

1. INTRODUCTION

The development of criminal law in Indonesia certainly has positive impacts. Domestic violence which was previously part of the private field is now categorized in the public field. Public policies issued by the government determine people's actions. Thomas R. Dye defines public policy as "whatever government chooses to do or not to do".¹ The Indonesian government issued a policy on domestic violence. With this policy, the relationship or the interaction between the husband, the wife, and the family members who live together in a household is now controlled by the state, especially in the case of

¹ Pramudya, "Mencari Akar Penyebab Kekerasan Dalam Rumah Tangga Terhadap Perempuan Tionghoa Di Jawa Tengah," *Jurnal Dinamika Hukum* 14, no. 1 (2014): 151–61.

household violence. It means that the perpetrators of violence in that scope will face the law.²

Domestic violence can universally occur to individuals regardless of age, profession, economic, and education levels. Therefore, the state protects its citizens by relying on protecting human dignity. Legal protection is all efforts to fulfill the rights and to provide assistance to secure witnesses and victims. It can be manifested through restitutions, compensations, medical services, and legal assistance. According to Andi, legal protection is a protection given to legal subjects in the form of repressive and preventive instruments, both oral and written. Legal protection is a separate description of the legal function, with the law providing justice, order, certainty, benefit, and peace.³

The basis of the state's commitment to eliminate violence, including violence against women, is the concept of human rights protection as contained in Article 28A, Article 28B clause (2), Article 28F clause (2), and Article 28I clause (1) of the Republic of Indonesia's 1945 Constitution in the fourth amendment. It is implemented in Law No. 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Law No. 39 of 1999 on Human Rights; the ratification of the "Optional Protocol to CEDAW" in February 2000 at the United Nations General Assembly, New York; and then the enactment of Law No. 23 of 2004 on the Elimination of Domestic Violence, Formation of the National Action Plan for the Elimination of Violence Against Women in 2000.

Factually, violence is experienced by women from all education levels (from elementary school graduates to college and university graduates); from various ages (from young to old); as well as to those who work and those who don't. Gender Program Officer of Timor, Lusia Carningsih Bunga stated that from August 2019 to February 2020 in Kupang City, Kupang, and South Timor Tengah districts, the most rampant case of violence is the case of sexual violence with 76 cases (49%), followed by domestic violence at 39 cases (25%), and violence against children with 14 cases (9%). In the mentoring notes of the Sanggar Suara Perempuan Foundation (Women's Voice Foundation/SSP), in the last five years, from 2015 to 2019, the trend shows that domestic violence occupied the most cases reported. SSP reports that in the last five years, 90% of the sexual violence perpetrators are known by victims and are in the child's immediate environment-such as an uncle, father, neighbor, and girlfriend/boyfriend. Based on

² Elli Nur Hayati et al., "Elastic Band Strategy': Women's Lived Experiences of Coping with Domestic Violence in Rural Indonesia," *Global Health Action* 8, no. 1 (2015), <https://doi.org/10.3402/gha.v6i0.18894>.

³ Fence M Wantu and Mohamad Taufiq Zulfikar Sarson, "Legal Protection of Women as Victim of Domestic Violence," *Indonesian Journal of Advocacy and Legal Services* 1, no. 2 (2020): 243-58, <https://doi.org/10.15294/ijals.v1i2.36093>.

educational background, most of the victims have a high school education, followed by those who are at junior high school, elementary school, college levels, and unschooled.⁴

A common trigger for domestic violence is the existence of emotional and mental chaos due to imbalances in the economic aspect. Nurdin's research concludes that the economic factor is the most dominating factor causing domestic violence in Kupang City. Missa stated, "The percentage of domestic violence in Kupang City fluctuates quantitatively. It is not always on a linear line – thus, it is unlike other criminal acts. But qualitatively, domestic violence related to physical and psychological violence is at the top position." Several reasons are causing domestic violence in Kupang, namely: (1) There are economic issues, especially regarding basic physical needs, (2) Hereditary issues and spiritual factors, (3) The existence of a third person in a relationship, and (4) The existence of the dowry/belis culture.⁵

A legal aid institute, Association of Women for Justice Indonesia, has recorded 110 domestic violence cases since implementing the Large-Scale Social Restrictions due to the Covid-19 Pandemic (16 March-20 June 2020) or half of the number of domestic violence cases in 2019. The assistance from the Sanggar Suara Perempuan Foundation stated that in the last five years (from 2015 to 2019), domestic violence occupied most cases reported.⁶

Meanwhile, in the Kupang area of East Nusa Tenggara, based on the completion rate of domestic violence cases, 59% were resolved at the family level, 43% at the police level, 16% at the court level, and 9.2% at the village level. Instead of being resolved in the national court, several more cases were resolved in the customary court with the interference of tribal leaders or elders. Ningsih stated that during the COVID-19 pandemic throughout 2020, there were 255 cases of violence against women and children in East Nusa Tenggara. Missa concludes that physical and psychological violence is the most often occurring case.

According to Law No. 23 of 2004 concerning the Elimination of Domestic Violence, domestic violence is any act against a person, especially a woman, which results in physical, sexual, or psychological torture or suffering, and neglect of the household, including threats to commit certain acts, coercion, or unlawful deprivation of

⁴ Alimatul Qibtiyah et al., "Jadikan Lingkungan Pendidikan Sebagai Ruang Bebas Dari Kekerasan: Urgensi Pencegahan, Penanganan Dan Pemulihan Korban Kekerasan Seksual Di Lingkungan Pendidikan," *komnasperempuan.go.id*, 2020, <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komisi-nasional-anti-kekerasan-terhadap-perempuan-jadikan-lingkungan-pendidikan-sebagai-ruang-bebas-dari-kekerasan-27-oktober-2020>.

⁵ Na'imah, Sukiman, and Indra Fajar Nurdin, "Developing The Model Of Inclusive Religious Education At Indonesia And Thailand Elementary Schools," *IOSR Journal of Research & Method in Education (IOSR-JRME)* 7, no. 5 (2017): 63, <https://doi.org/10.9790/7388-0705066367>.

⁶ Komnas Perempuan, "Perempuan Dalam Himpitan Pandemi : Lonjakan Kekerasan Seksual, Kekerasan Siber, Perkawinan Anak, Dan Keterbatasan Penanganan Ditengah Covid-19," *Journal of Chemical Informatfile* 138, no. 9 (2021): 1689–99.

one's freedom within the household (Article 1 point 1). Domestic violence can take the form of physical violence, psychological or emotional violence, sexual violence, and economic violence. Domestic violence does not only happen to women but also to men. Even so, the majority of domestic violence victims are women and children.⁷ The Law on the Elimination of Domestic Violence Article 5 divides domestic violence into four types, namely: physical violence; psychological violence; sexual violence; and household neglect.

The term violence is used to describe either overt or covert, offensive or defensive behaviour, accompanied by the use of force against others, including bullying. Therefore, there are four types of violence in general: Overt violence, visible violence, such as fights or beating others; Covert violence, violence that is hidden or that are not physically committed, such as threatening; Aggressive violence is carried out not for protection but to obtain something, such as taking money by force; and Defensive violence, namely violence committed for self-protection. Aggressive and defensive violence can either be overt or covert. According to Mulia, domestic violence can take the form of: physical abuse, such as hitting, kicking, or beating; psychological or emotional abuse, such as threats, insults, or ridicule; financial abuse, for example, a husband forcefully allows only a certain amount of money to be used by the family or spending money on other women while neglecting his wife; sexual abuse, such as forced sexual intercourse or sexual insults, with all means.

Mustofa stated that the term violence is used to describe an overt or covert behavior, either offensive or defensive, accompanied by the use of force against others. Violence is against the law; therefore, it is a crime. If associated with crime, violence often complements criminal actions. In fact, it has established its character in the repertoire of criminal studies. The more widespread the frequency of crimes and violence in society, the greater the public's belief in the seriousness of these crimes. Saparinah argued, "Deviant or evil behavior is a real threat to social norms that become the basis of life or social order. It can lead to both individual and social tensions. It also constitutes a real or a potential threat to the continuity of social order."⁸

Lenore Walker identified three stages of domestic violence in the case of beating husbands or wives, namely: the "tension-building" stage; the "repeated beating" stage; and the stage of "loving behavior, gentleness, and deep remorse." Walker notes that

⁷ Maisah Maisah and Yenti SS, "Dampak Psikologis Korban Kekerasan Dalam Rumah Tangga Di Kota Jambi," *ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin* 17, no. 2 (2016): 265, <https://doi.org/10.14421/esensia.v17i2.1292>.

⁸ Didi Sukardi, "Kajian Kekerasan Rumah Tangga Dalam Perspektif Hukum Islam Dan Hukum Positif," *Mahkamah* 9, no. 1 (2015): 41–49.

women who murder those who abuse them usually murder the third stage rather than at the first stage.⁹

Domestic violence has several impacts on society: The cycle of violence will continue for generations to come since children copy the violence from their parents; The persisting wrong assumption that men are better than women, i.e., the persistence of an extremely patriarchal society;. The quality of human life will be reduced as women do not participate in communal activities if they are wounded or killed due to violence; Effects on productivity. Violence reduces people's contribution to society, self-realization abilities, and performance. It also increases the number of sick leaves.¹⁰

Thus, violence a crime that does not only create an endemic nature that limits the opportunities for victims, both women and children, to obtain equal rights in the legal, social, political, and economic fields in the community. But it also fractures familial relationships, which hurt children. It can then become a source of social disorder.

The victimology perspective focuses on the relationship between victims and perpetrators and how the victims' role causes victimization. Space stated that, victimology studies events from before the victimization up to its occurrence; how the community responded to it; victimization events; the consequences of victimization and recovery; and how the community, organization and local culture responded to the victimization. If the community cannot prevent or ignores domestic violence, then the spiral of violence would continue. Thus, this paper examines domestic violence from the perspective of criminology and victimology to find out the limits of violence as a crime and the position of the victims that cause domestic violence.

2. RESEARCH METHOD

This study used empirical juridical methods or methods with sociological or non-doctrinal juridical approaches. This study used the conceptual, statute, and comparison approaches as well as the case and sociological approaches. The statute approach was a research that emphasized legal materials in the form of constitutional regulations as the basic reference material in undergoing research.¹¹ This approach was carried out by analyzing all statutes associated with the studied legal cases or issues. For instance, this approach was carried out by studying the consistency or suitability between the constitution and the laws or between one law and another. A conceptual approach in legal research provides an analytical perspective on resolving issues based on the aspects of legal concepts that serve as a background to them. It can also be perceived from the values

⁹ Lenore E Walker, "Psychology and Violence Against Women," *American Psychologist* 44, no. 4 (1989): 695.

¹⁰ Seema Vyas and Charlotte Watts, "How Does Economic Empowerment Affect Women's Risk of Intimate Partner Violence in Low and Middle Income Countries? A Systematic Review of Published Evidence," *Journal of International Development* 21 (2009): 577–602, <https://doi.org/10.1002/jid>.

¹¹ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2011).

in the norms of a regulation associated with the concepts used. The perspective or doctrine will clarify ideas by providing legal definitions, concepts, and principles relevant to the issues.

3. RESULTS AND DISCUSSION

3.1. Domestic Violence in Criminology and Victimology Perspectives

What is the form or criteria for the violence so that it can be said to be a crime? Romli suggests that there must be clarification on the following questions: (1) Is violence itself a crime? and (2) What is meant by the crime of violence? Many experts argue that not all violence is criminal actions, as it depends on the purpose of the violence as well as the perception of certain community groups, whether the groups are based on race, religion, or ideology. If violence is associated with crime, the former often complements the latter. In fact, it has established its character in the repertoire of criminal studies. The more widespread the frequency of crimes and violence in society, the greater the public's belief in the seriousness of these crimes.¹²

According to Harkristuti Harkrisnowo, domestic violence is a type of violence carried out by a family member, for instance by a husband, son, parent, or other family members. Major domestic violence cases happened against women, such as discrimination; persecution; and physical, sexual, or mental abuse.¹³ Saraswati stated that domestic violence is a form of action taken against other family members, whether done by one or more individuals, which can cause suffering to victims. Physical violence can result in death. Psychological violence does not affect the victim's physical aspect but causes the victim to suffer from prolonged trauma.

According to Sanford, "All types of illegal behavior, either threatened or actual that results in the damage or destruction of property or the injury or death of an individual." Sanford divides violence into three forms: 1. Emotional and instrumental violence, which concerns emotional violence and the tools used to commit violence; 2. Random or individual violence, namely violence that is carried out randomly or individual violence and 3. Collective violence, namely violence that is carried out collectively/together, for example, gang fights that result in property damage, serious injury or even death.¹⁴

Saparinah stated that "violence" has become a separate threat to personal and social relations, thus threatening social order. Therefore, violence including domestic

¹² Harkristuti Harkrisnowo, "Domestic Violence (Kekerasan Dalam Rumah Tangga) Dalam Perspektif Kriminologi Dan Yuridis," *Indonesian Journal of International Law* 1, no. 4 (2021), <https://doi.org/10.17304/ijil.vol1.4.563>.

¹³ Rresti Arini, "Kekerasan Psikis Dalam Rumah Tangga Sebagai Suatu Tindak Pidana," *Lex Crimen* II, no. 5 (2013): 32–42.

¹⁴ Dr. Jai Shanker Prasad Pandey, "Causes of Domestic Violence Against Women -Case Studies," *RJPSS* 42, no. 2 (2017): 207–13.

violence has the potential to cause widespread disorder not only to a household but also to the surrounding community.

According to Atmasasmita in the perspective of criminology, anything that is used to cause physical and psychological damage is violence and it is contrary to the law. It may be carried out through certain behaviors that cause harm as well as actions that cause physical or property damage – or even resulting in the death of a person. This definition is very broad because it involves threatening actions in addition to physical actions.¹⁵

According to Article 89 in conjunction with Article 90 of the Criminal Code, violence only refers to physical actions, meanwhile, threats of violence are actions that create fear, anxiety, or worry. The article above states that doing violence means invalidly using great physical energy or power, for example hitting with the hands or all kinds of weapons or tools, kicking, pulling hair, pushing people until they fall, and so on resulting in the victim to faint or to become helpless.

Lau and Kosberg through their study confirmed that there are four types of violence, namely physical abuse, psychological abuse, material abuse (or theft of money or personal property), and violation of rights. Their research shows that children who are victims of domestic violence tend to be physically disadvantaged. They tend to have shorter and smaller bodies, weaker strength or appearances and are inferiors or powerless against aggressive actions.¹⁶ Thus, it can be said that domestic violence is a crime in the form of an expression of physical or verbal strength that reflects aggressive actions and attacks on one's freedom or dignity, thus threatening personal and social relations.

Law No. 23 of 2004 concerning Domestic Violence in Article 1 point 1 states that domestic violence is any act against a person, especially a woman, which results in physical, sexual, psychological torture or suffering, and neglect of the household, including threats to commit certain acts, coercion, or unlawful deprivation of one's freedom within the household.

Likewise, Article 2 paragraph 1 states that the scope of the household in this law includes (a) Husband, wife, and children (including adopted children and stepchildren); (b) People who have familial relationships with people as referred to in letter a because of blood relations, marriage, breastfeeding, care, and guardianship, who live in the household (in-law, son-in-law, brother-in-law); and/or (c) People who work to help the household and stay in the household (domestic workers). These are individuals or groups who directly suffer from the consequences of the actions of those closest to them in the scope of the household.

¹⁵ Mufti Makarim, "Memaknai Kekerasan," 2012.

¹⁶ Syarifah Raini Pasaribu, Sumarno, and Ismaidar, "Kajian Hukum Terhadap Sanksi Pelaku Tindak Pidana Kekerasan Dalam Rumah Tangga," *Kumpulan Karya Ilmiah Mahasiswa Fakultas Sosial Sains* 2, no. 2 (2021).

Thus, it can be said that domestic violence is part of the discussion on victimology. Victimology is an English term that comes from the Latin “victims”, meaning victim and “logos” meaning the study of. There are three stages of development in the definition of victimology. At first, victimology only studied victims of crime. This phase is called penal or special victimology. In the second phase, victimology was expanded and it does not only examine the issue of crime victims but also includes accidental victims. In this phase, it is called general victimology. The third phase, victimology has developed more broadly, as it examines the issues of power abuse and human rights victims – and this phase is called new victimology. Angkasa defines victimology as the study of victims, concerning the various aspects of the victims’ issues, the causes of victimization, or the sacrifice and the efforts to create a system to reduce the suffering of victims. Victimology studies all about victims in the scientific field.

According to Yulia, the sources of victimization and criminology’s object of study are the same. The difference is the starting point of the observations in understanding criminal victimization, namely the victimization from the victim’s point of view, while criminology is from the perpetrator’s point of view. The reason is that no criminalities exist without victims and perpetrators. Each component creates an absolute interaction that results in criminal victimization or crime. Gosita stated, “Victimology is a field of science or study that examines (criminal) victimization as a human problem which is a social reality, covering all aspects related to victims in various fields of life and livelihood.” It can be said that victimology is a science that studies the victim, the role of the victim in the emergence of violence/crime, the impacts physically and psychologically experienced by the victim, and the social life where the victim interacts.

The Victim’s Position as the Basis for Domestic Violence in Kupang City. Referring to the Declaration of Fundamental Principles of Justice for Victims of Crime and Abuse of Power, van Boven defines victims as, “People who suffered harm either individually or as a group, including physical or mental injury, emotional suffering, economic loss, sexual assault or actual deprivation against their basic rights, either due to the actions of others (by act) or due to negligence (by omission).” Gosita stated that victims are, “Those who suffer physically, mentally, and spiritually as a result of the actions of those who seek fulfillment for themselves or those who contradict the interests and the rights of those who suffer.

Juridically, the definition of victim is stipulated in Law No. 13 of 2006 concerning the Protection of Witnesses and Victims. It states that a victim is “A person who experiences physical, mental, and economic loss due to a criminal act.” Looking at the formulation, the victims are: Anyone; Experiencing physical or mental suffering; Economic loss; As a result of a crime. Then, the Governmental Decree No, 3 of 2002 concerning the Compensation and the Rehabilitation of Serious Human Rights Violation Victims, Article 1 point (3) and Article 1 point (5) defined victims as, “Individuals or

groups of people who experience suffering, either physical, mental, or emotional damage, economic loss, or those who experience neglect, confinement, or deprivation of their basic rights, as a result of serious human right violations, including victims and their descendants. A victim of crime is defined as a person who has suffered from a loss as a result of a crime and or the disturbance of his/her sense of justice due to his/her experience as a target of crime.

Mendelsohn divides victims into five based on the degree of guilt: Those who are completely innocent; Those who become victims due to their negligence; Those who are wrong like the perpetrator; d. Those who are more guilty than the perpetrator; The victim is the only guilty (in this case, the perpetrator is acquitted).

In the study of victimology, there is a perspective where the victim is not only responsible for the crime, but they are also involved in the crime. The author sees the existence of the role of victims in the events of domestic violence. According to Schafer, there are seven forms of the victim's responsibility in criminal cases:

- a. Unrelated victims are those who are unrelated to the perpetrator and became victims due to their potential. For this reason, the crime is entirely the responsibility of the perpetrator;
- b. Provocative victims became victims as they triggered a crime, for example, they insulted the perpetrator. Therefore, the victims and the perpetrators are both responsible;
- c. Participating victims. Essentially, victims carry out some actions that encourage the perpetrators to commit crimes without their awareness. For example, taking large amounts of money from a bank without an escort, then wrapping it in a plastic bag, thus encouraging people to confiscate it. In this case, the perpetrators are fully responsible.
- d. Biologically weak victims are criminal actions that happen due to the physical condition of the victims such as women, children, and elderly people, making them potential victims of crime. Responsibility does not only lie on the perpetrator, but also to the community or the local government as they cannot protect the helpless victims;
- e. Socially weak victims are victims who are unnoticed by the surrounding community, such as the homeless or very poor people with weak social positions. For that, the criminals or the community are fully responsible;
- f. Self-victimizing victims are victims of crimes committed by themselves (false victims). The victims orchestrated themselves to be victims of the crime and are not actually true victims. The victim is fully responsible as he/she is also the perpetrator of the crime;

- g. Political victims are victims of their political opponents or their political movements. Sociologically, this victim cannot be accounted for unless the political constellation is changed.

Meanwhile, Fattah mentions several forms of the victim's involvement in the crime: Non-participating victims are those who do not deny/reject the crime and the criminals but do not participate in crime prevention; Latent or predisposed victims are those with certain characteristics that tend to make them become victims of certain violations; Provocative victims are those who cause or trigger crime; Participating victims are those who are unaware of some of their behaviors that cause them to become victims; False victims are those who become victims because of themselves. They orchestrated some crimes and pretended to be victims.

The explanation above shows that victims may be involved in or responsible for criminal actions. So, the victims can have a functional role in the occurrence of a crime, either consciously or unconsciously, directly or indirectly. Waluyo assumes that the roles of the victims that cause crime are:

- a. The victim indeed desired the crime to occur for some reason;
- b. The victims may use financial or non-financial losses due to crime to obtain greater profits;
- c. The adverse effect on the victim may be due to a collaboration between the perpetrator and the victim (to obtain some profits);
- d. Losses due to crime will not occur without provocation from the victim.

In this paper, the author explores domestic violence in the field by randomly interviewing families in some districts in Kupang City. The first interview was conducted with a housewife named LR. She said:

"I often have different opinions with the father of the children. Sometimes about finances, or sometimes about the children's problems. Once he hit me during a fight. Even though my heart hurt and I was angry, I have never mentioned it to other people as I am ashamed if neighbors or extended family members know of it. We must be patient for the children's sake and continue to pray to Lord Jesus so that our lives will be physically and mentally peaceful."

Based on the interview above, the writer concludes that Mrs. LR realized that her mistake caused her to be physically attacked by her husband. She participated in the fight, so her husband's anger was vented by slapping her. She did not think much about it due to shame and for her children's sake. This attitude is considered normal by some people, including Mrs. LR, where the husband reacts physically, and the wife responds by being quiet, making him reluctant to leave the house to avoid questions from neighbors and relatives. Moreover, the cultural construct requires women to be submissive and obedient to save the family from disgrace. In the context of the domestic violence victim, Mrs. LR is a victim who is as wrong as the perpetrator (her husband) as her acts triggered crime. If viewed from the perspective of victim involvement, Mrs. LR can be categorized as a

provocative victim, as her role trigger crime. According to Schafer in this case, the basis for the occurrence of crime can be categorized as provocative victims. Therefore, from the aspect of responsibility, both the victim and the perpetrator are mutually responsible. Thus, the victim should be reported to the authority if she experienced any domestic violence.

Furthermore, Mrs. LR's reaction to the physical attack she experienced showed an attempt to accept and forgive her husband. Kartono calls this self-adjustment a human effort to achieve harmony in themselves and the environment. Straussner and Phillips also asserted that everyone has a different degree of patience in dealing with problems or events. Everyone can develop the fortitude to endure and overcome life's rigors. Thus, the level of a person's ability to accept every event he experienced depends on his ability to interpret the event. The level of trauma is different for each person even though the events they experience are the same. The second respondent the author interviewed in the field was Mrs. ID who said:

"I am a housewife with three children who have grown to be teenagers. The eldest is in college. So far, our marriage has been fine but a challenge came in the 20th year because my husband cheated and I often received harsh treatment every time I asked about the truth of the affair. Every day I cried because my heart hurt. I felt sad and hopeless, and I often get sick. I tried to recover and to stay strong and tough because I have children to take care of, therefore I filled my time to earn extra income by selling cakes based on orders from friends and relatives. Finally, I couldn't stand it anymore and so I filed for divorce to the Religious District Court of Kupang in 2006 and was reconciled. Since then, there had been no changes. Thus, in 2011 I proposed again but was reconciled again so that the household went on until 2021. But because there was no change in attitude and behavior, then I returned to my parents in my area of origin and filed for divorce again through the Religious District Court of Bima, West Nusa Tenggara in March. The verstek was decided in April 2021. I feel relieved as I no longer have to worry about the condition of my household which could explode at any time."

Domestic violence does not only cause physical impacts, but also psychological ones as in the case of Mrs. ID. According to Mandetu, "The performance of the nervous system (including the brain) which controls the body is disturbed." This impacts the following aspects: a. Intellectually, it will 50-90% decrease of the brain capacity. Therefore, people cannot make the right decisions in a traumatic situation. b. Emotionally, one cannot feel emotions normally. Strong emotional feelings suddenly turn into numbness. c. Spiritually, a person will regard everything as meaningless. d. Physically, a person will experience disturbances such as headaches, migraines, non-stop shaking, lack of energy, and other physical symptoms. Therefore, trauma must be handled quickly and appropriately to prevent things from becoming fatal. The traumatized victims must seek treatment from psychologists, therapists, psychiatrists.

Based on the division of victims according to Gosita, it can be said that Mrs. ID is a completely innocent victim, as she only questioned the truth of the infidelity committed by her husband. But she received anger and rudeness as responses from her

husband, hurting her psychologically. She was mentally tormented, bringing her to the verge of her patience. The Religious Court Kupang panel of judges in 2006 reconciled the two. The victim still tried to keep the marriage, but in 2011 she filed for divorce again and the couple was reconciled. Finally, she decided to leave her husband and return to her parents in 2021. In March 2021, she filed again for divorce District Court at her area of origin, and in April 2021, she obtained a *verstek* decision.

Based on the involvement as the basis for domestic violence, Mrs ID is a completely innocent victim, though it is due to her position as a biologically weak victim. In this context, as a victim, the wife has an unattractive physique, causing her husband to have an affair. This causes psychological violence due to heartache and mental torment during the marriage. The husband abusing her biologically weak condition and caused domestic violence. Furthermore, Mrs. ID is a Socially weak victim.

Concerning the victim's responsibility according to Gosita, this is the responsibility of the community or the local government as they fail to protect helpless victims. Meanwhile, in the case of social victims, the full responsibility lies with the criminals or the community. The community must report if they hear and witness domestic violence in their community area, and provide empathy and sympathy for the victim who chooses divorce rather than maintaining a marriage that risks her body and soul. Therefore, the negative view that is still popular in Indonesia towards divorced women should be eliminated.

Divorced women should not be negatively labelled as women who were disobedient to their husbands. The patriarchal society constructs the idea that women are second-class citizens, thus the society still believes that women must hide their husband's abusive behavior, including violence. These patriarchal community views are the source of domestic violence that happens to weak wives, resulting in mental health issues that can change their behavior from good to bad, making them more prone to become victims.

4. CONCLUSION

From the criminological perspective, domestic violence is a crime in the form of an expression of physical or verbal strength that reflects aggressive actions and attacks on a person's freedom or dignity, threatening personal and social relations. Meanwhile, in the victimization perspective, the role of the victim becomes the basis for the emergence of violence, which impacts the physical and psychological aspects. It can cause stress or even depression, resulting in mental health issues that can change the behavior from good to bad. It even impacts the social life of the victims. In Kupang City, domestic violence is mostly caused by provocative victims, namely victims who trigger the emergence of domestic violence. Thus, both the victim and the perpetrator must be responsible. Domestic violence has the potential to be in the form of psychological or physical violence from a family member. Socially victims have weak social positions and

risk not defending themselves. The writer suggests that every element of society must have a common perspective that domestic violence victims are the responsibility of the government and the local governments. They must provide protection and care in the form of sympathy and empathy.

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