

HOUSEHOLD VIOLENCE CAUSED BY NARCOTICS ABUSE (Research at Al Kamal Sibolangit Center for Drug Rehabilitation)

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History:

Received : 25 Februari 2023

Revised : 10 Maret 2023

Accepted : 23 April 2023

Published : 25 May 2023

Publisher: Fakultas Hukum Universitas Darma Agung

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Abstract

Violence perpetrated by husbands against wives often occurs, in fact one out of three wives has experienced domestic violence. The problem in this research is how to regulate the law against perpetrators of domestic violence (KDRT) caused by narcotics abuse, how are the efforts of the Al Kamal rehabilitation center in dealing with criminal acts of domestic violence (KDRT) caused by narcotics abuse. The conclusion in this study, it is known that domestic violence is a combination effect and interaction of biological, psychological, economic, and political factors such as a history of violence. Overcoming criminal acts of domestic violence caused by drug abuse is through rehabilitation. It is suggested that the rehabilitation rights of narcotics addicts and victims are protected in carrying out the benefits of rehabilitation efforts in recovery. It is necessary to improve the monitoring system for rehabilitation beneficiaries and to have implementation guidelines that become service standards at the Al Kamal Rehabilitation Center. The form of supervision referred to is consistent monitoring from the social ministry of the Al Kamal Rehabilitation Center.

Keywords: Domestic Violence, Abuse, Narcotics

INTRODUCTION

One of the entitlements bestowed upon individuals is the entitlement to experience security and be free from all forms of brutality, which encompasses domestic brutality. This is regarded as an infringement on human rights, a crime against human dignity, and a form of prejudice that must be eradicated (Chisom, 2021).

In recent times, the family unit, being the smallest unit in society, has been identified as the most susceptible environment for the occurrence of violence against women. There are several reasons for this, including the fact that men and women have different perspectives. Men are inclined towards success at work, competition, and power, while women are inclined towards personal achievements, physical appearance, and family relationships. The self-concept that is developed from this socialization model causes women to lack the courage to confront their husbands, while the husbands feel that they have complete control over their wives.

The completeness and concord of a contented, secure, serene and tranquil domicile is the aspiration of all dwellers. The nation of Indonesia is founded on the faith in the singular and supreme deity, as secured by Section 29 of the 1945 Constitution of Indonesia. Consequently, every individual within the domestic purview, in the exercise of their entitlements and responsibilities, must be guided by their religious convictions. This must be constantly enhanced to foster household unity (Hornberger, 2011).

Women and girls are vulnerable to discriminatory treatment and violence. When talking about domestic violence, women even experience acts of violence in their own homes. It is almost hard to believe that the perpetrators of violence are people they love and trust to look after them like fathers, husbands, relatives and people in their own homes (Teh et al., 2019).

Presently, numerous instances of spousal abuse are prevalent. In reality, abuse inflicted by husbands upon their wives is a common occurrence, with one in three wives experiencing such violence. Spousal abuse pertains to mistreatment and other unlawful acts that deprive wives of their rights. Violence should not be deemed as a norm in family life. Any act of cruelty towards an individual strips them of their personal space. Violence is a criminal offense, and when a husband commits violence against his wife, it is referred to as domestic violence (domestic abuse), which is a type of crime against women that frequently transpires in society.

The mistreatment of a spouse is essentially a display of the unequal power dynamic between genders in society, commonly referred to as gender inequality. This social construct positions men as superior to women, and is reinforced by societal beliefs and biases that lead to discriminatory actions against women in both private and public settings. This persecution can result in physical, mental, and sexual harm to women (Nzarga, 2014).

The vast majority of victims of domestic violence are females, who are entitled to receive protection from both the state and society in order to prevent and eradicate any form of violence, torture, or degradation of their human dignity. Women are highly sensitive emotionally, which makes them more prone to being victimized by domestic abuse. This vulnerability is further exacerbated by the patrilineal kinship system that is prevalent in numerous Indonesian tribes, where women are expected to assume a submissive role to men. As per Article 1 paragraph (1) of the Republic of Indonesia Law Number 23 of 2014 concerning the Elimination of Domestic Violence, domestic violence is any act committed against someone, especially women, resulting in physical, sexual, psychological suffering, and/or neglect within the household, including threats, coercion, or illegal confinement. The problem statement that will be explored in this writing is as follows: How is the legal regulation of perpetrators of domestic violence (KDRT) caused by narcotics abuse; What are the efforts of the Al Kamal rehabilitation center in dealing with crimes of domestic violence (KDRT) caused by narcotics abuse.

RESEARCH METHODS

The aim of this study is to investigate the link between drug abuse and domestic violence. The study will be conducted at the Al Kamal Sibolangit Center for Drug Rehabilitation, located at Jalan Letjen Jamin Ginting, Suka Makmur, Sibolangit, Bandar Baru. This research is a descriptive analytical study, which focuses on describing the state of the object or event without drawing any general conclusions. To answer the formulated problems, the researcher will use an empirical legal approach. Given that the research object is positive law, the normative juridical approach will be used. Through this approach, the researcher will analyze the law, both written and decided by judges through the judicial process (also known as doctrinal research). In connection with the type of research

used, namely normative juridical, with the aim of obtaining qualitative results, the approach taken is a statutory approach. (*statute approach*), carried out by means of library research (*library research*) namely by reading, studying and analyzing literature/books, laws and regulations and other sources.

RESEARCH RESULTS AND DISCUSSION

There is no agreement on the definition of violence. The definition of violence differs from one individual to another, from one country to another and from one culture to another. Verbal and emotional violence is not considered violence in some cultures or countries. Likewise, physical violence at a certain level, especially towards certain perpetrator-victim relationships, is also considered not violence in certain cultures and countries. In the Republic of Indonesia Law Number 23 of 2014, Article 1 paragraph (1), it is defined that domestic violence refers to any act committed against someone, particularly women, resulting in physical, sexual, psychological suffering or neglect, and/or threats, coercion, or unlawful deprivation of liberty within the household. As per Hadi Septian and Sugihastuti, domestic violence is a type of physical, emotional, or psychological abuse that is utilized to control partners in household life.

Domestic violence, which is also synonymous with wife abuse, is not just an issue of ordinary violence. It is a manifestation of unequal power dynamics and relationships, with men maintaining authority in controlling and dominating their partners, much like how they do in society. Gender-based violence is often associated with domestic violence. This form of discrimination hinders women from obtaining equal rights and freedoms as men. Domestic violence and honor-based crimes are among the acts of violence that fall under this category. Women are typically dependent on male protectors, such as fathers and husbands, which makes them vulnerable to such violence. Domestic violence is a significant problem that is often characterized by silence and a lack of problem-solving. This is due to cultural values that are inherent in the concept of family and are derived from religious teachings, culture, and myths that exist in society. In Indonesian culture, family honor is highly valued, and family disgrace is considered taboo, which is often why families do not speak out about domestic violence.

Kalyanamitra elucidated that several things below could be classified as components or signs of aggression towards women in the domestic sphere, specifically:

1. Every instance of aggression, whether verbal or physical, whether in the form of deeds or words, or threats to life.
2. This conduct was aimed at the victim solely because of her gender. Here, one can perceive the disregard and belittling attitude towards women, which leads perpetrators to view acts of violence against women as normal.
3. Acts of violence can manifest as humiliation, curtailment of freedom, and others. Such acts of violence can cause physical and psychological harm to women.
4. The act of violence takes place within the family or household setting. Domestic Violence can be committed by anyone, both women and men, it can take place at the age of a child, adult or

elderly. Acts of violence can be carried out consciously, namely thought, planned and directed at a certain purpose consciously and correctly. But it can also be done semi-consciously, for example driven by great impulses, beset by very strong compulsions (compulsions) and by obsessions.

As per Article 5 of the 2014 Law Number 23 on Domestic Violence Eradication, it is forbidden for anyone to inflict domestic violence on household members through: a. Physical abuse Physical abuse refers to any act that causes pain, illness, or severe injury. b. Psychological abuse Psychological abuse refers to any act that causes fear, loss of self-esteem, loss of decision-making ability, feelings of helplessness, and/or severe psychological distress. c. Sexual abuse Sexual abuse includes any form of coercion for sexual intercourse, unnatural or unwanted sexual intercourse, sexual intercourse coerced for commercial or other purposes. d. Such sexual abuse may involve: 1) Coercion of sexual relations with household members. 2) Forcing sexual relations with household members for commercial or other purposes. Also included is domestic abandonment.

It is prohibited for anyone to abandon individuals within their household, regardless of their legal obligations or agreements to provide life, care, or maintenance for them. Abandonment also includes creating economic dependence by restricting proper work, resulting in the victim being under the perpetrator's control. Munti stated that domestic violence against women can take various forms, including direct physical violence such as beatings and sexual violence, as well as indirect physical violence like breaking objects and being verbally abusive. Psychological violence can involve harsh language, insults, and affairs, while economic violence can involve withholding financial support or forcing the victim to work excessively. Some cases involve a combination of physical, psychological, and economic violence.

Based on the information regarding the different types of domestic violence, it is evident that violence is an uncontrolled act that can become a harmful habit and cause damage to a partner. In accordance with the principles of Pancasila and the 1945 Constitution of the Republic of Indonesia, every individual has the right to feel secure and protected from all forms of violence, and domestic violence is considered a violation of human rights, a crime against human dignity, and a form of discrimination that must be eradicated. The state and society have a responsibility to prevent, protect victims, and take action against perpetrators of domestic violence, in line with the Pancasila philosophy and the 1945 Constitution of the Republic of Indonesia. The state firmly believes that all forms of violence, especially within households, are a violation of human rights, a crime against human dignity, and a form of discrimination. This belief is based on Article 28 of the 1945 Constitution of the Republic of Indonesia and its amendments. Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia guarantees the right of every person to protection of their self, family, honor, dignity, and property under their control, and the right to feel safe and protected from any threats of fear to act or not act, which is a fundamental human right. Article 28H paragraph (2) of the 1945 Constitution of the Republic of Indonesia states that every person has the right to receive special facilities and treatment to achieve equal opportunities and benefits and attain equality and justice.

The process of determining that someone's actions can be punished is because the act is unwanted or disliked by society. One measure is that the act can harm or bring victims. Therefore, in criminal law there is a fundamental principle related to punishment, namely "no crime without fault" or in other words, an error legitimizes the application of a sentence.

The connection with physical violence against wives in the household is that physical violence perpetrated by husbands is included in actions that are unwanted and disliked by society, moreover these actions can harm his wife and children who are victims of his actions. The problem is that as is well known, physical violence occurs more due to emotional factors that are no longer under control after being preceded by an argument between husband and wife, so it is somewhat doubtful whether the husband intentionally commits physical violence or unintentionally (negligently).

Article 354 of the Criminal Code deals with maltreatment and specifies that a person who intentionally causes serious harm to another may face a maximum prison sentence of eight years. On the other hand, Article 360 of the Criminal Code pertains to cases of negligence resulting in serious injury to another person. Negligent conduct may result in imprisonment for a maximum of five years or one year, depending on the severity of the injury caused. It is important to note that negligence may not necessarily be considered a criminal offense unless it occurs in the act of participation in a crime. According to Article 56 of the Criminal Code, those who intentionally assist in the commission of a crime or provide opportunities, means, or information to commit a crime may be convicted as accessories to the crime. Physical violence against a wife committed by a husband even though it is done with negligence can still be criminalized. In addition, this physical violence against the wife is not a joint offense in which the husband acts as a helper or accompaniment to acts committed by negligence.

Sections 351 through 355 of the Criminal Code stipulate that mistreatment is punishable by a maximum sentence of two years and eight months or a maximum fine of four thousand five hundred rupiahs. If the act results in grave injury, the offender may be sentenced to a maximum of seven years in prison. Section 356 specifies that the penalty set forth in Sections 351, 353, 354, and 355 of the Criminal Code may be increased by one-third for those who commit the crime against their mother, legal father, wife, or children. Nevertheless, many individuals believe that domestic issues are shameful to disclose to others. This makes it difficult to enforce the provisions that capture acts of domestic violence. Upon closer examination of the aforementioned sections, it is evident that the state only regulates persecution as a general crime. The state has not yet addressed the violence experienced by wives within the family. Therefore, it can be argued that the Criminal Code does not acknowledge the concept of gender-based violence, where crimes are committed precisely because of gender. As a result, further legislative efforts are necessary to address violence against women in the household.

As legal authorities, judges have been granted the power to make decisions regarding individuals who have not committed drug-related offenses, but still require treatment and rehabilitation due to their abuse. According to Law No. 35 of 2019, it is mandatory for all individuals to report any instances of drug-related crimes. Failure to do so may result in a

maximum penalty of one year imprisonment. This requirement is further elaborated in Government Regulation of the Republic of Indonesia No. 25 of 2011, which outlines the implementation of compulsory reporting for drug addicts. The regulation includes Article 55 paragraph (3), which mandates reporting, and Chapter I, which specifies that addicts who are of legal age or their families/guardians of minors must report to receive medical and social rehabilitation. The ultimate goal of rehabilitation is to help addicts overcome their dependence on drugs.

Initially, the Al Kamal Rehabilitation Center served as a forum for society in general and for the sons and daughters of the Indonesian nation in particular to develop awareness/war against illicit narcotics traffic (P4GN). An institution that has brilliant ideas and ideas that are intended not only for itself, but has gone far ahead in order to prevent drug trafficking, establish rehabilitation homes for narcotics victims, empower human resources and create cadres. This is proof that the Al Kamal Rehabilitation Center loves the nation's children.

The establishment of Al Kamal Rehabilitation Center aims to provide support for the rehabilitation program of individuals affected by drug abuse. The center pays close attention to the following regulations: 1. Law Number 35 of 2019 on Narcotics 2. Presidential Instruction No. 12 of 2011 on the Implementation of the National Policy and Strategy for Narcotics Prevention and Eradication (P4GN) 3. Government Regulation No. 25 of 2011 on Mandatory Reporting of Narcotics Addicts 4. Minister of Health Regulation No. 46 of 2012 on Technical Instructions for the Implementation of Medical Rehabilitation for Addicts, Abusers, and Victims of Narcotics Abuse Who are in Process or Have Been Decided by a Court. The Al Kamal Rehabilitation Center is responsible for providing social services and rehabilitation for drug abuse victims, which includes guidance on mental, social, and physical health, as well as practical skills training that will enable them to participate actively in community life. The center also conducts regional referrals, assessments, and sets service standards while providing information and coordinating with relevant agencies in compliance with existing laws and regulations.

Narcotics abuse can result in a person experiencing addiction because drugs have a very strong addict effect. The condition of the drug addict's body is very weak and loses the ability to ward off disease. The diseases it causes are damage to cells, hepatitis, syphilis, and AIDS. By looking at the condition of drug addicts, it is deemed necessary to carry out rehabilitation.

CONCLUSION

Legal arrangements for perpetrators of Domestic Violence (KDRT) resulting from narcotics abuse are crimes with the threat of criminal penalties. Domestic violence is a combination effect and interaction of biological, psychological, economic, and political factors such as a history of violence. Domestic violence can occur in various layers of society, both among the economically weak or due to low education, as well as in established families and the most common form of domestic violence is conflict between husband and wife compared to cases of parents and children, employers and helpers, and other types of cases. other domestic violence.

The efforts of the Al Kamal rehabilitation center in dealing with crimes of domestic violence (domestic violence) resulting from narcotics abuse are by rehabilitating drug addicts and users, holding outreach to schools and districts and sub-districts and cooperating with institutions to expedite the rehabilitation process. and provide advice and socialization to the community so that addicts are willing to be rehabilitated.

BIBLIOGRAPHY

- Achie Sudiarti Luhulima. *Understanding the Forms of Violence Against Women and Alternative Solutions*, UI Women and Gender Studies Center, Jakarta, 2010.
- Andi Hamzah and R.M. Surachman, *Narcotics and Psychotropic Crimes*, Sinar Graphics, Jakarta, 2019.
- Bambang Sunggono, *Legal Research Methodology*, Raja Grafindo Persada, Jakarta, 2017.
- Chisom, O. B. (2021). Democracy and Right to Freedom of Expression: A Case Study on the Nigerian Youth Protest on Police Brutality. *Open Journal of Political Science*, 11(01), 34.
- F Asia, *Narcotics and Psychotropics*, Asa Mandiri, Jakarta 2019
- Fahyumi Badriyah, *Violence Against Women*, Refika Aditama, Jakarta, 2019.
- Goddess Hayu Shinta and Oetari Cintya Bramanti, *Domestic Violence in the Draft Criminal Code*. Jakarta: LBH APIK and National Alliance for Criminal Code Reform, Jakarta, 2017.
- Hadi Septiawan and Sugihastuti, *Gender & Women's Inferiority*, Student Library, Yogyakarta, 2017.
- Hornberger, J. (2011). *Policing and human rights: the meaning of violence and justice in the everyday policing of Johannesburg*. Routledge.
- Kalyanamitra, *Dealing with Domestic Violence*, Ghalia Indonesia, Jakarta, 2019
- Nawal El Saadawi, *Women in Patriarchal Culture*, Student Library, Yogyakarta, 2011
- Nzarga, F. D. (2014). An analysis of human rights violation by the Nigerian security services. *JL Pol'y & Globalization*, 30, 1.
- Teh, L. C. L., Caddell, R., Allison, E. H., Finkbeiner, E. M., Kittinger, J. N., Nakamura, K., & Ota, Y. (2019). The role of human rights in implementing socially responsible seafood. *PloS One*, 14(1), e0210241.