



Causes of Actors Doing Household Abandonment

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Abstract: The purpose of this research is to know and analyze about what are the factors that cause the perpetrators to commit household abandonment in Gorontalo and how are the efforts of the Gorontalo Regional Police in tackling cases of neglect in households in the province of Gorontalo. Based on the study conducted by researchers, it can be concluded that factors that cause the occurrence of criminal acts of domestic violence in the form of neglect namely: 1) The public's lack of understanding of legal rules. 2) As a result of the husband remarrying to another woman or a third person. The actions taken by the Gorontalo Regional Police in tackling criminal acts of neglect in the household are: 1) through mediation. 2) preventive or prevention. 3) curative namely through directed and integrated actions.

Keywords: *Criminology; Neglect; Household.*

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1. Introduction

Indonesia is the highest agreement of the state's formers, even though it has experienced a constitutional test when the 1945 Constitution was amended into the Constitution of the United Republic of Indonesia in 1949, even so The recognition of the regions under the auspices of the State of Indonesia is still recognized.¹ Because the essence of the constitution is the conception of the state which is the basis and limitation of the constellation of the state administration system.²

In our daily lives, even in society, in order to make ends meet, there are often crimes and violations committed by certain people and people who threaten some members of society, which in law is known as criminal acts.³ At present, not only the crime rate or quantity of crime is increasing but also the type of crime or quality has developed rapidly in Indonesia. Criminal sanctions are seen as an effective solution in tackling this problem. Criminal sanctions are a manifestation of the state's responsibility to maintain security and order as well as efforts to protect the law for its citizens. This is a logical consequence of the concept of forming a state which, according to JJ Rosseau, is based on community agreements. Furthermore, the people agreed to enter into a noble agreement (*modus vivendi*) which was set forth in a basic law in the form of the state constitution.⁴ Legal protection is really needed because of efforts to integrate various needs in associations so that there are no conflicts between needs and can enjoy all the rights granted by law.⁵

The household is the smallest organization in society that is formed due to the marriage bond between husband and wife and forms a family. Meanwhile, there are various terms used to refer to the family, for example as the smallest unit of society or a small group in a society. Furthermore, the household is the smallest group of people and consists of husband and wife, children, in-laws and so on. The realization of this household after the existence of a marriage contract or marriage, according to religious teachings and regulatory provisions.⁶

The definition of a household according to the Indonesian National Encyclopedia (Volume 1 of 1990) is a place where humans live or buildings and its members are all people who live in a house. The difference between household and family is only in

¹Novendri M. Nggilu, "Tinjauan Yuridis Pengaturan Sanksi Pidana Dalam Peraturan Daerah Provinsi Gorontalo," *Lambung Mangkurat Law Journal*. 5, No. 2 (2020): 109-121., 110

²Ahmad dan Novendri M. Nggilu Fakultas, "Denyut Nadi Amandemen Kelima UUD 1945 Melalui Pelibatan Mahkamah Konstitusi Sebagai Prinsip the Guardian of the Constitution of the Constitution Through the the Principle of the Guardian of the Constitution." *Jurnal Konstitusi*. 16, No. 4 (2019): 785-808., 791

³Dian Ekawaty Ismail and Mohamad Taufiq Zulfikar Sarson, "Criminology Analysis of Women's as Perpetrators of Domestic Violence Crimes," *Jambura Law Review* 3, no. 1 (2021): 57-76., 58

⁴Ramdan Kasim, "Dehumanisasi Pada Penerapan Hukum Pidana Secara Berlebihan (Overspanning van Het Straftrecht)," *Jambura Law Review*. 2, No. 1 (2020): 1-29., 3

⁵Jufryanto Puluhulawa, Mellisa Towadi, and Vifi Swarianata, "Perlindungan Hukum Situs Bawah Air Leato / Japanese Cargo Wreck The Legal Protection of The Leato Underwater Site" *Jurnal Reformasi Hukum* 24. No. 2 (2020): 189-208., 197

⁶Sidi Nazar Bakry, *Kunci Keutuhan Rumah Tangga* (Jakarta: Pedomam Ilmu Jaya, 1993).

terms of meaning, that is, the family is limited to the understanding of the smallest unit concerning kinship ties, while the household is a bond in which it is not limited to the group of people who have blood ties, but all those who occupy a house or building. .⁷

The term that often appears is domestic violence, which in essence is not something new but has been happening for a long time but sometimes is not conveyed to the public and becomes their own secret. It has become a culture for some people that everything that happens in the household environment, even if it ends in violence, is a family matter and other people should not know about it or even interfere.

Domestic violence has been regulated in Law no. 23 of 2004 concerning the Elimination of Domestic Violence (UU PKDRT). The definition of domestic violence is explained in Article 1 paragraph (1) that "Domestic Violence is any act against a person, especially women, which results in physical, sexual, psychological misery or suffering, and/or neglect of the household including threats to commit acts, coercion , or unlawful deprivation of liberty within the household sphere."

Data on domestic violence cases can basically be traced from institutions whose services are related to this matter, namely in this case the Law on the Elimination of Domestic Violence and Government Regulation No. 4 of 2006 concerning Implementation and Cooperation in the Recovery of Victims of Domestic Violence. The National Commission on Violence Against Women, also known as Komnas Perempuan, recorded 22,512 cases of violence against women in 2006 and served by 258 institutions in 32 provinces in Indonesia. Of this figure, 74% of cases of domestic violence were served in Jakarta, namely 7,020 cases, Central Java with 4,878 cases.

In 2007 WCC Women's Partners noted that 87% of women victims of violence accessed their services and experienced domestic violence, where the perpetrators of violence were husbands and ex-husbands as much as 82.75%. This fact also shows that 9 out of 10 women victims of violence assisted by the WCC experienced mental health problems, then 12 people attempted suicide and 13.12% suffered from reproductive health problems.

Furthermore, neglect of households includes actions that are not good and disgraceful, in the view of the general public people who neglect households are considered to have committed dishonorable actions and socially will receive sanctions in the form of a disgraceful label on the perpetrators of neglect. In positive law, neglect in the household can be classified as an act of domestic violence (domestic violence) and is a strafbaar feit with the meaning of an act prohibited by criminal law regulations and of course subject to sanctions. Neglect in the household is usually carried out by a

⁷Farucha Nadiyya, "Tinjauan Hukum Islam Terhadap Konsep Keluarga Sakina Dalam Perspektif Jogja Family Center Yogyakarta" (Universitas Islam Negeri Sunan Kalijaga Yogyakarta, 2017).

husband who leaves his children and wife without providing a living for the entire family that is his responsibility.⁸

If this is the case, then this violence can also be categorized as a crime which from a legal point of view is every person's behavior that violates the rules of criminal law. As according to R. Soesilo that crime can be viewed from 2 perspectives namely; Juridical point of view; that crime is an act whose behavior is contrary to the principles of the law, and from the sociological point of view that crime is an act or behavior which, in addition to causing harm to sufferers, also harms society, in the form of a loss of balance, peace and order.⁹

Fitriani¹⁰ confirms that acts categorized within the scope of the household by way of neglect of the household include; does not provide life, does not provide care or maintenance to the family, and neglect which results in economic dependence by limiting and/or prohibiting work.

From the description above it can be seen that acts of violence are not only physical but also non-physical (psychological) actions. The consequences of this physical action can immediately be felt by the victim and anyone else. While non-physical or psychological, it is only directly felt by the victim, perhaps the action offends someone's heart, conscience, and even feelings. The crime of domestic neglect is classified as psychological violence which can result in a mental burden for the victim. Psychological violence perpetrated by perpetrators against victims does not cause scars like physical violence, but psychological violence can lower self-esteem and even trigger revenge for victims against perpetrators.¹¹

The purpose of law cannot be separated from the ultimate goal of state and community life which cannot be separated from the values and philosophy of life of the community itself, namely justice (*rechtsvaardigheid* or justice). Thus the existence of the law is a means to realize the happiness and well-being of life physically and spiritually in life together. Equitable law enforcement will be realized if the political activities that give birth to legal products are in favor of the values of justice itself.¹²

The above phenomenon of domestic violence is also found in Gorontalo. However, the author focuses on non-physical (psychological) domestic violence, namely neglect by a husband on his family, especially his wife and children. As the results of

⁸Astuti Nur Fadillah M, "Perlindungan Hukum Terhadap Penelantaran Anggota Keluarga," *Bacarita Law Journal* 2, no. 1 (2021): 25-31.

⁹Mochtar Kusumaatmadja dan B. Arief Sidharta, *Pengantar Ilmu Hukum : Suatu Pengenalan Pertama Ruang Lingkup Berlakunya Ilmu Hukum* (Jakarta: Alumni, 2000).

¹⁰Fitriani, "Tindak Pidana Penelantaran Rumah Tangga Menurut Undang-Undang Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga (Studi Putusan Mahkamah Agung Nomor 467K/Pid.Sus/2013)," *USU Law Journal* 3, no. 3 (2015): 28-39.

¹¹Rochmani Mega Rachmasari Ristian Yunantika, "Penelantaran Istri Oleh Suami Merupakan Tindak Pidana," *Dinamika Hukum* 22, no. 1 (2021): 40-51.

¹²Musa Darwin Pane. Widya Oktaviani H, "Tinjauan Yuridis Tindak Pidana Penelantaran Rumah Tangga," *Res Nullius Law Journal* 3, no. 1 (2021): 1-10.

preliminary observations by prospective researchers at the Gorontalo Regional Police (Polda), especially in the field of Protection of Women and Children (PPA), in the last four (4) years there have been a total of 13 cases of family neglect committed by husbands as listed in the table below. below:

DATA ON CASES OF Abandonment By Husbands in Gorontalo

No	Year	Number of Cases
1	2019	3
2	2020	2
3	2021	7
4	2022	1
TOTAL		13

Data Source: Gorontalo Police

Regarding the data above, it illustrates that cases of family neglect by husbands, especially those handled by the Gorontalo Regional Police, are rife. Even according to Bripka Agus Palantu¹³ However, in fact there are many cases like this in society that are not disclosed in the police and only people who are brave and feel so disadvantaged come to the police to complain.

According to Agus, one of these cases of neglect is a wife, where a husband does not provide a living both physically and mentally, and even leaves her without the slightest sense of care. The husband as the head of the household can basically look after and protect his wife, but the reality is that in these cases the head of the household commits violence which is categorized as psychological violence and causes a mental burden on the victim. Psychological violence perpetrated by a husband does not leave marks like physical violence, but it damages the wife's psychology and mentality and can even lower self-esteem which then triggers revenge on the victim.

Based on the description and data above, the prospective researcher focuses on studying what causes cases and criminal acts of neglect entitled "Criminological Review of Domestic Neglect by Husbands in Gorontalo"

2. method

This type of research is This empirical research is a legal research that functions to see the law in a real sense and examines how the law works in society. Because this research examines people in law living in society, empirical legal research can be said to be sociological legal research. It can be said that legal research is taken from facts that exist in a society, legal entity or government agency. Data Types, Prime Data and

¹³Wawancara Bripka Agus Palantu, Anggota Kepolisian Daerah Gorontalo

secondary data. Data analysis used is a qualitative approach to primary data and secondary data. The descriptive includes the content and structure of positive law,¹⁴.

3. Analysis And Discussion

Factors causing perpetrators to abandon households in Gorontalo

Current developments show that psychological, physical, sexual acts and household neglect often occur in several regions in Indonesia. There are many cases of domestic violence in the form of physical, psychological and sexual violence, despite neglect of the household. The types of violence varied, for example physical violence in the form of beating or slapping, pulling hair, and even kicking women. Psychological violence in the form of talking loudly or shouting while threatening, scaring, criticizing and insulting and even locking the victim in a room. Types of sexual violence can be in the form of forcing sex, forcing sex according to one's own taste, having sex with domestic helpers, and even having sex with biological children.

The factors that cause domestic violence are caused by: People whose lives are not sufficient (economic factors), namely demands for fulfilling the necessities of life result in frequent occurrence of violence. The necessities of life can be in the form of food, clothing or financial difficulties for children's education, this does not rule out arbitrary acts in the household. Usually the wife demands too much to fulfill the necessities of life while the husband cannot fulfill these needs because of insufficient income, excessive jealousy on the part of the wife and husband so that this can cause commotion in the household. Worries that a wife or husband will have an affair between them will be the cause of a fight between them, thus violence often occurs in their household. Excessive emotion or the violent nature of the husband causes the husband to beat his wife frequently, causing bruises on the wife's body. It is difficult to change people's behavior, here it means that society cannot be separated from old assumptions, including the view that men have a higher degree than women. This also triggers cases of violence against women both within the household and outside the household. Likewise violence against children, parents often impose their will even though children also have rights. Here parents seem to have more rights to make choices.

Lack of knowledge of the law, this can also be a cause of domestic violence. The legal factor is closely related to the low level of education because if you do not understand the conditions and the law then what you will do without thinking about the consequences will lead to an act that is prohibited by law. Actions that violate the provisions of the law will be punished in accordance with the provisions of the law, especially the law on domestic violence.¹⁵

¹⁴Hamdan Tuna, "Peran Penyidik Dalam Mengungkap Peristiwa Tindak Pidana Pencemaran Nama Baik Ditinjau Dari Penegakan Hukum Pidana" (Universitas Negeri Gorontalo, 2015).

¹⁵Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: Universitas Indonesia (UI-Press), 1989).

Harmony in household relationships, be it between husband and wife, parents and children, is very necessary to respect each other and provide an opportunity to grow and develop accordingly. This good relationship is characterized by harmony in the reciprocal relationship between all members/ individuals in the family.

In married life, there will always be problems. In dealing with and solving a problem, one household to another has a different way. When problems faced by a family are faced and resolved in a good way, then this will also be a lesson for all family members in living life. These methods will exist and live within all family members. Conversely, if a family faces and resolves a problem in a way that is not good, then these ways will exist and live in all family members throughout their lives in facing the way of life.

When a family cannot apply existing norms and values, then this will be a cause of cracks and even destruction in a family. This can happen whether it's the relationship between husband and wife or the relationship between parents and children. Therefore, a family must be able to create a harmonious relationship in living life.

In the past few years, we have seen and heard about domestic violence, especially violence perpetrated by husbands against wives. This is certainly a social problem and problem that really needs special attention and handling. The government is required to have and play a very big role in tackling this crime. But keep in mind, that this must also be supported by all parties including the community.

Acts of physical violence in the household are not rare cases and these acts of violence do not only happen around us, but also outside of us. Physical violence is an act that can result in pain or an act that causes the victim to feel a physical act that he should not get. Crimes of violence that occur in a household by neglecting a wife or even including children often occur in big cities, including the City of Gorontalo where neglect in the household is based on data that the author researched at the Gorontalo Regional Police which the author researched, namely in 2019 there were 3 case complaints in 2020 there were 2 case complaints in 2021 there were 7 case complaints,

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The factor in the occurrence of acts of domestic violence that neglected children and wives in the jurisdiction of the Gorontalo Regional Police, was from the results of interviews between the author and the respondent, namely the Head of the Women's and Children's Service Unit, AKP. Yunike Bakrie explained that:

"If viewed from a general perspective, that which is the cause of the act of neglect of the wife by the husband which is included in the crime of domestic violence is the lack of education or knowledge, including legal knowledge. This can happen because there is no ability to understand each of the characteristics possessed by the couple so that problems arise and occur in the household, which cannot be faced and resolved in a good way.." ¹⁷

¹⁶ Data Kepolisian Daerah Gorontalo, tanggal 18 Oktober 2022

¹⁷Wawancara dengan Kanit Unit Pelayanan Perempuan dan anak Kepolisian Daerah Gorontalo AKP. Yunike Bakrie tanggal 28 Maret 2023

AKP. Yunike Bakrie added that the factors that caused the criminal act of neglect of a wife by a husband were the culture and social culture that existed in society.

*"We also cannot ignore it, because our culture and social culture have a big enough contribution in the occurrence of acts of domestic violence. In our social culture there is also one view and assumption that is still firmly attached, namely the patriarchal system where the husband is the king which must be obeyed and respected.."*¹⁸

Besides the author conducting interviews with the Head of the Women and Children Protection Unit for the Gorontalo City Police, the author also conducted interviews with members of the Women and Children Service Unit for the Gorontalo Regional Police, BRIPDA. Rahman Batiti who gave an explanation, namely the factors that led to this action, namely infidelity that occurred by one of the parties, either from the husband or wife or from both parties (husband and wife), can trigger acts of domestic violence either in the form of physical acts, psychological or acts of neglect in the household.

BRIPDA. Rahman Batiti Member of the Women's and Children's Services unit also added that the factors that cause neglect of wives by husbands are:

"By marrying another woman and not providing a living to the wife so that the child and wife are neglected by not providing a living while the status of the husband and wife relationship is still legal, there has not been a divorce."¹⁹

He added other factors that:

"the act of neglect of the wife by the husband that occurs is by leaving the house with the excuse of looking for a job, but in reality, with the reason for looking for work, the husband does not provide a living for his children and wife."²⁰

In completing this research data, the authors conducted interviews with several victims of household neglect by the husband.

Victim 1 with the initials EV said that her husband suddenly disappeared without a word, and after a few months, news was heard from neighbors that her husband had married another woman in the opposite village. EV admitted that he did not know that his husband had another woman. EV tried to fulfill her and her children's needs when her husband left her by working odd jobs as a household assistant (ART).²¹

Victim 2 with the initials FM had a slightly different experience, he explained that after a fight occurred in the household which was allegedly triggered by a debate about the family's economy, the husband left the house for months and never provided a living for himself and their children again. the reason the husband also wants to live without

¹⁸ Wawancara dengan Kanit Unit Pelayanan Perempuan dan anak Kepolisian Daerah Gorontalo AKP. Yunike Bakrie tanggal 28 Maret 2023

¹⁹ Wawancara dengan anggota Unit Pelayanan Perempuan dan anak Kepolisian Daerah Gorontalo BRIPDA. Rahman Batiti tanggal 28 Maret 2023

²⁰ Wawancara dengan anggota Unit Pelayanan Perempuan dan anak Kepolisian Daerah Gorontalo BRIPDA. Rahman Batiti tanggal 28 Maret 2023

²¹ Wawancara korban penelantaran oleh suami tanggal 15 April 2023

having to have the burden of supporting the family, even though the two of them are still legally husband and wife. FM admitted that he had to work hard to provide for himself and his children. He also said that this incident had an impact on the mental health of his two children.²²

Victim 3 with the initials S, H admitted that she was suddenly abandoned and left without a word from her husband because she had not been able to give birth to children. It is also suspected that her husband already had another woman who provided for him while he was still a husband and wife with S,H.²³

Judging from the results of interviews with victims, this crime often occurs in society because there are still many husbands who are seduced by other women and enter into marriages so that family neglect occurs, and also there is no good ethics from a man when he wants to get married a woman, like a wife who has never been appreciated, is always wrong in front of her husband's eyes so that the husband is arbitrary to his wife.

A harmonious and intact family can be realized with the quality of all family members. Family members are required to have behaviors and attitudes that can control themselves and their emotions. When behavior and attitudes in self-control cannot be controlled, then this will have an impact on the integrity and harmony of the household which will be disrupted. As a result of not being able to control these attitudes and behaviors, it can lead to anger and fights which eventually result in an act of domestic violence. Even though efforts and efforts have been made both in preventing and overcoming criminal acts of violence that occur in the household, especially in the form of neglect of children and wives,

The efforts and efforts that have been made, namely those carried out by the government in this case law enforcers and society in general, have not produced the desired results. This crime in people's lives is a form of deviant behavior, which is a real threat to the norms and values that apply in people's lives.

This crime will not only cause tension within the individual, but also create tension within the community and is a real potential threat to social order. Countermeasures are an effort made with the intent and purpose of carrying out crime prevention. Prevention efforts are carried out as based on the previous discussion, namely using two ways, namely carrying out crime prevention before and after the crime has occurred. Countermeasures before the crime occurs are called preventive efforts and countermeasures after the crime has occurred are called repressive efforts.

Crime prevention actions before the occurrence of a crime or preventive, namely by preventing someone from committing a crime, which is better than educating criminals to become better people. This is in accordance with the motto of criminology, namely efforts to improve criminals must pay attention and be directed so that criminals do not commit crimes again

²² Wawancara korban penelantaran oleh suami tanggal 15 April 2023

²³ Wawancara korban penelantaran oleh suami tanggal 15 April 2023

4. Conclusion

Based on the results of the analysis and discussion that have been described above, it can be concluded that the factor that causes the occurrence of a crime of domestic violence with neglect in the household by husbands in Gorontalo is the lack of public understanding of the legal rules that have been stipulated, such as laws - Law Number 23 of 2004 concerning the elimination of domestic violence, so that there are still husbands who commit domestic violence by abandoning their children and wife, other factors are the result of husbands remarrying to other women causing domestic violence by neglecting children and wives.

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