

Psychic Shackles Violence in Women and Children in the District Grobogan

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Abstract

All forms of violence against women and children in the household are violations of human rights and crimes against human dignity as well as forms of discrimination that must be abolished. However, the psychological violence that occurs in the community, which as of this writing is in Grobogan Regency, is still difficult to find the exact number and is hampered in the process of proving it. The method used in this research is sociological juridical. This paper aims to determine the regulation of psychological violence itself that has been applied in Indonesia and then to describe the legal culture of the community against the occurrence of psychological violence. Basically, the concept of psychological violence is commonly found in the law on the elimination of domestic violence and the law on child protection. It is society habits if there is a psychic occurrence are still in doubt and consider the problem to be a private family problem, even if it is considered a light and embarrassing thing to be disclosed as a form of violence.

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Segala bentuk dari kekerasan terhadap perempuan dan anak dalam rumah tangga merupakan pelanggaran hak asasi manusia, kejahatan terhadap martabat kemanusiaan serta bentuk



diskriminasi yang seharusnya dihapuskan. Namun kekerasan psikis yang terjadi di masyarakat yang pada tulisan ini di Kabupaten Grobogan, masih sulit ditemukan jumlah pastinya serta terganjal pada proses pembuktiannya. Metode yang digunakan dalam penelitian ini adalah yuridis sosiologis. Maka tulisan ini bertujuan untuk mengetahui pengaturan dari kekerasan psikis itu sendiri yang telah berlaku di Indonesia kemudian mendiskripsikan budaya hukum masyarakat terhadap terjadinya kekerasan psikis. Pada dasarnya konsepsi kekerasan psikis bias ditemukan didalam undang-undang tentang penghapusan kekerasan dalam rumah tangga dan undang-undang perlindungan anak. Kebiasaan masyarakat jika terjadinya psikis masih ragu dan menganggap masalah tersebut masih merupakan masalah privat keluarga bahkan dianggap hal yang ringan dan memalukan untuk diungkap sebagai bentuk kekerasan.

Keywords : Psychic Violence; Women; Child; Grobogan.

Preliminary

The Constitution of the Republic of Indonesia and the philosophy of Pancasila provide the right for every citizen to feel safe and free from all forms of violence. All forms of violence, especially violence against women and children in the household, especially because it is a violation of human rights and crimes against human dignity and forms of discrimination that must be abolished. The dominant victims of violence are women and children who are obliged to get protection from the state and/or society in order to avoid and be free from violence or threats of violence, torture, or treatment that degrades the degree and dignity of humanity (Kurnianingsih 2020; Muhajarah 2016:127).

Efforts to prevent violence by the state are based on Article 28 G paragraph (1) of the 1945 Constitution of the Republic of Indonesia, affirming that; *"Everyone has the right to personal protection, family, honor, dignity, and property under his control, and has the right to a sense of security and protection from the threat of fear to do or not do something which is a human right."*



Furthermore, it is also contained in Article 28 H Paragraph (2) of the 1945 Constitution of the Republic of Indonesia that; *"Everyone has the right to get special facilities and treatment to obtain the same agreement and benefits in order to achieve equality and justice."*

Violence against women and children is not an individual problem, but also a national problem and a global problem. This has been stipulated in international law concerning this phenomenon which has been affirmed in the Vienna Declaration, the discourse on the Convention on the Elimination of All Forms of Discrimination Against Women (1979), the Declaration on The Elimination of Violence Against Women (1993) and the Beijing Declaration and Platform for Action (1994). Such violence as a global problem is also a violation of human rights which have been regulated in the constitution. Violence against children and women can also occur anywhere (in public places, at work, in the family environment (household) and others). And it can be done by anyone (parents, male or female siblings and can happen at any time (morning, afternoon and evening) (Hasanah 2013:160–61).

There are various forms of violence as seen on Law Number 23 of 2004 concerning the Elimination of Domestic Violence, there are four forms of violence, namely physical violence, psychological violence, sexual violence and neglect of the household. In addition to the law, apart from psychological violence, three other types of violence have been regulated in the Criminal Code (CC), the Marriage Law, and the Islamic Law Compilation (ILC). Physical violence is regulated in Chapter XX of the Criminal Code on Persecution. Sexual violence is regulated in the Criminal Code Chapter XIV concerning Crimes against Morals. Regarding the rules regarding neglect of the household or the right to a living for the wife, the Compilation of Islamic Law in Article 80 paragraph 2 (Hudaya 2018:54).

Violence against women and children on this paper specifically psychological violence against women and children, which is more common in the family (household) environment. If you look at the problem of domestic violence today, it increasingly shows its complexity that every year it shows an increasing number of cases like an iceberg phenomenon. The government's efforts to ratify Law Number 23 of 2004 concerning the Elimination of Domestic Violence (hereinafter referred to



as the Law on the Elimination of Domestic Violence) in prevention and handling both repressive, curative and rehabilitation of perpetrators and survivors that must be carried out by the government and the community, which is one of the efforts to overcome domestic violence (Nisa 2018:57–58). Miller and Perrin (2007) stated that “Although it is true that most typically the family is a safe place of substance and care, it is equally true that most child maltreatment occurs within families” (although it is true that the family is a safe place to care for, but on the other hand it is also true that acts of mistreatment of children also occur at home). The existence of this problem is that families have the right to privacy so that many families cover up the violence in front of others (Kurniasari 2019:16).

Such is the case in Grobogan Regency regarding violence against women and children. Grobogan Regency itself was recorded in 2017 there were 89 cases reported, in 2018 there were 98 cases, in 2019 there were 58 cases and the last recapitulation in 2020 there were 55 cases. Judging from the data, the most recorded cases are cases of sexual violence and the second is psychological violence. According to the SWANTANTRA of Grobogan Regency, there are still many cases that are not reported due to family privacy if the locus delicti is in the household. However, outside the household, there are also schools and offices. In the case of psychological violence, people still think that it is only a family matter that does not need to be reported.

Judging from these data, it is necessary to understand and study the psychological violence in Grobogan district. Because there are still many people who do not know about what form of psychological violence is and its impact, especially on children who still need guidance for their future. Because many cases of violence against women and children are not reported and processed legally. Some argue that one factor about the ruling itself was considered to emphasize to the perpetrators as well as the length of criminal proceedings and the victim are in a disadvantageous position (Johny 2011:215–16).

The interesting thing about psychological violence against women and children is not only in the family but also outside of it. Then psychological violence is also wider and almost similar to cases of verbal bullying. From



the discussion above, the author wants to discuss further about psychological violence that has been regulated in Indonesian laws and regulations and the form of legal policy and find out the empirical facts why cases of psychological violence in Grobogan Regency are not reported.

Research Methods

The research method used in this research is sociological juridical. In this case, using a legal approach will be interpreted as social behavior which in its interaction cannot be separated from influences outside the field of law or researching sociological law in society. In this research, sociological law is intended as an attempt to approach a problem that is investigated with real law or in accordance with the conditions in society. So, the author wants to describe the sociological legal situation of psychological violence in Grobogan Regency with existing legal policies.

Discussion

Psychological Violence in Indonesia

Psychic Violence is a situation of feeling insecure and comfortable experienced by children. Psychological violence can take the form of lowering self-esteem and the dignity of the victim himself; use of harsh words; abuse of trust, humiliating people in front of others or in public, making threats with words and so on. The forms of psychic violence include: being insulted, verbally abused, ridiculed, forced to do something unwanted, shouted at, scolded, reprimanded, threatened with being forced to work as a scavenger, forced to sing, forced to become a housemaid, and so on. Psychological violence is also related to emotional violence, namely if there is an outrageous disturbance that is seen in mental function or behavior, including moody anxiety, aloofness, aggressive behavior or maldevelopment.

Psychological violence in Indonesian criminal law basically refers to material offenses, which are offenses that focus on consequences. So, regarding the proof of psychological violence in criminal law according to Hiarij (*de leer van de causaliteit*), namely the theory of a causal



relationship which is very important for offenses that are formulated materially because the consequences caused are elements of offenses. According to Moeljatno, the teaching of causality lies in the outer field, namely the relationship that can be felt by the five senses and is in the area of error; while the teaching of causality as a causal factor determines its size using reason or logic; A behavior can be determined as a cause from an effect if with the previous behavior and considering the complex situation after the effect (post factum) it turns out that according to logic and reason it can be ascertained that the situation then changes towards the emergence of an effect (Ohoiwutun and Surjanti 2018:331).

The legal policy of psychological violence is contained in Law Number 23 of 2004 concerning Elimination of Domestic Violence. Psychological violence, according to Article 7 of the Law on the Elimination of Domestic Violence, states that acts that result in fear, loss of self-confidence, loss of ability to act, feelings of helplessness, and/or severe psychological suffering on a person. Regarding the punishment of perpetrators who commit psychological violence in the law on the elimination of domestic violence, Article 45 states that; *“(1) Anyone who commits acts of psychological violence within the household as referred to in Article 5 letter b shall be punished with imprisonment for a maximum of 3 (three) years or a fine of a maximum of Rp 9.000.000,- (nine million rupiah); (2) In the event that the act as referred to in paragraph (1) is committed by a husband against his wife or vice versa which causes illness or an obstacle to carrying out his official job or livelihood or daily activities, he shall be sentenced to a maximum imprisonment of 4 (four) months or a maximum fine of Rp 3.000.000,- (three million rupiah).”*

From this definition, psychological violence is seen in terms of the consequences for the victims suffered, namely psychological disturbances. So, in conducting evidence to find out the existence of psychological violence that has an impact on the victim as described in Article 7 of the Law on the Elimination of Domestic Violence, it is necessary to have a psychologist to explain the condition of the victim. There is also a need for understanding within the family about the existence of psychological violence because its form or impact is difficult to see. Indeed, basically proving psychological violence is not as easy as physical violence, because it proves the existence of physical violence that is visible to the naked eye



which can be proven by witness statements and *visum et repertum*. Whereas psychological violence is the soul, spiritual and mental as well as physical which can only be felt by the victim because the injured or sick is not the body or the body but the mind, soul or spirit.

If the violence against children, there is a separate legal policy in the child protection law, namely Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (referred to as the child protection law). In the law, psychological violence is a category of broad forms of violence. Article 1 poin 15a states that violence is any act against a child that results in physical, psychological, sexual misery or suffering, and/or neglect, including threats to commit acts, coercion, or deprivation of liberty against the law. From this understanding, there are consequences that arise from violence such as in the law on the elimination of domestic violence which focuses on the consequences suffered by the victim. So, it can be seen that the definition of psychological violence is clearly still contained in the law on the elimination of domestic violence. According to the law on child protection, regarding the punishment of the perpetrator if the victim is a child.

First in article 76A of the child protection law which states that; *"Everyone is prohibited from: a. Treating children in a discriminatory manner which causes the child to suffer losses, both materially and morally, thus hampering his/her social function; or b. Treat children with disabilities in a discriminatory manner."*

Then in article 76C of the child protection law it states that; *"Everyone is prohibited from placing, allowing, carrying out, ordering to do, or taking and committing violence against children."*

Regarding the punishment for acts prohibited by Article 76A, it is regulated in Article 77 of the Child Protection Law which states that: *"Everyone who violates the provisions as referred to in Article 76A shall be sentenced to a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp. 100.000.000,- (a hundred million rupiah)"*

Regarding the punishment for acts prohibited by Article 76C, it is contained in Article 80, namely; *"(1) Any person who violates the provisions as referred to in Article 76C, shall be sentenced to a maximum*



imprisonment of 3 (three) years and 6 (six) months and/or a maximum fine of Rp 72.000.000,- (seventy two million rupiah); (2) In the event that the Child as referred to in paragraph (1) is seriously injured, the perpetrator shall be sentenced to a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp 100.000.000,- (one hundred million rupiah); (3) In the event that the Child as referred to in paragraph (2) dies, the perpetrator shall be sentenced to a maximum imprisonment of 15 (fifteen) years and/or a maximum fine of Rp 3.000.000.000,- (three billion rupiah); (4) The punishment shall be increased by one third of the provisions as referred to in paragraph (1), paragraph (2), and paragraph (3) if it is the parents who commit the abuse.”

From setting restrictions imposed by child protection law over into violence in physical form because there is a use of the word "persecution" in Article 80 paragraph 4 when the parents done it. The difference characteristics in terms of forms of violence that are more emphasized on physical violence because psychologically it is only contained in the law on the elimination of domestic violence. Then from article 76A there are consequences of acts of discrimination against children that cause "moral" losses which emphasize the consequences (The National Commission for Women states 2020).

Seen from the legal protection from for victims of psychological violence. First, according to the law on the elimination of domestic violence. Article 16 of the Law on the Elimination of Domestic Violence states that there is a 1 x 24 hours report having received or knowing of domestic violence, the police must immediately provide temporary protection for 7 days from the date of receipt or handling with a court order. Then, in Article 17 of the Law on the Elimination of Domestic Violence, the police also cooperate with health workers, social workers, shelter volunteers and/or spiritual mentors to assist victims. Victims are also given an explanation of the rights that will be obtained while receiving services and assistance as stated in Article 18.

The existence of social workers according to article 22 is required to conduct counseling to strengthen and provide a sense of security for the victim; provide information on the victim's right to receive protection as regulated in Article 16 earlier; deliver the victim to a safe place or house;



carry out integrated coordination in providing services to victims with the police, social services, social institutions needed by victims. Then a companion volunteer according to article 23 in charge of informing victims of their rights; assisting victims from the investigation process to court examinations as well as guiding them in an objective and complete way in explaining violence in the household; listen empathetically to the victim's narrative so that they feel safe and finally actively provide psychological and physical reinforcement to the victim. Regarding the recovery of the victim, the existence of a health worker is obliged to check according to standard professional procedures if necessary treatment is required to restore and rehabilitate the health of the victim. During the victim's recovery period, according to the law on the elimination of domestic violence, the parties who help, such as in the protection effort, are obliged to provide counseling to strengthen and/or provide a sense of security for the victim and to cooperate.

Legal protection from victims of psychological violence according to the child protection law. In special protection there is psychological violence according to article 59A, namely protection efforts are carried out through;

- a. Prompt treatment, including treatment and/or rehabilitation physically, psychologically, and socially, as well as prevention of disease and other health problems;
- b. psychosocial assistance from treatment to recovery;
- c. providing social assistance for Children who come from underprivileged families; and
- d. providing protection and assistance in every judicial process.

Furthermore, the form of protection for psychological violence is also contained in Article 69 which states that; *“Special Protection for Child Victims of Physical and/or Psychological Violence as referred to in Article 59 paragraph (2) letter i is carried out through efforts: a. dissemination and socialization of the provisions of laws and regulations that protect child victims of violence; and b. monitoring, reporting, and imposing sanctions”*



Implementation of the Legal Culture of the Grobogan Regency

Violence rate in Grobogan Regency is the highest, seeing from year to year the total data on violence is unstable. There should have been a research on the community whether just to see the law or considering the law as it is complicated. Indeed, the most common psychic violence is basically in the household but to find out the violence is difficult. Seeing many of the phenomenon of iceberg which the community rather solve personally than through the legal system.

Seeing the data of the violence case that occurred in Grobogan Regency from 2017 to present reflected in the following table;

Table 01. Report of violence cases in Grobogan Regency Year 2017 (Swantantra 2017)

NO	Type of Cases	Number of Cases		Category	
		Male	Female	Children	Adult
1.	Physical Violence	2	2	3	1
2.	Psychic Violence	7	11	10	8
3.	Sexual Violence	1	29	27	3
4.	Trafficking	0	0	0	0
5.	Neglect	0	8	4	4
6.	Exploitation	0	0	0	0
7.	Domestic Violence	1	23	2	22
8.	Other	5	0	5	0
	Total	16	73	51	38

As seen from the data above the occurrence of psychic violence in Grobogan Regency placed number 2 (two) after sexual violence. This shows that there is a psychic violence that has occurred in the following



regency that is not only in physical or sexual form. Then if it sees from data year 2018 below;

Table 02. Report of violence cases in Grobogan Regency Year 2018
(Swantantra 2018)

No	Type of Cases	Number of Cases		Category	
		Male	Female	Children	Adult
1.	Physical Violence	3	11	11	3
2.	Psychic Violence	3	14	11	6
3.	Sexual Violence	0	24	19	5
4.	Trafficking	0	0	0	0
5.	Neglect	1	5	3	3
6.	Exploitation	0	0	0	0
7.	Domestic Violence	6	31	15	22
8.	Other	0	0	0	0
	Total	13	85	59	39

From the data above, it can be seen that there has been an increase in cases of violence in Grobogan Regency, which now the most cases are domestic violence. Basically, according to the writer, there is a possibility of psychological violence in the household. Then psychological violence in 2018 decreased as well as in sexual violence. Furthermore, in the data on cases of violence in 2019 as shown in the table below;

Table 3. Report of Violence Cases in Grobogan Regency in 2019
(Swantantra 2019)

No	Type of Cases	Number of Cases		Category	
		Male	Female	Children	Adult



1.	Physical Violence	6	5	8	3
2.	Psychic Violence	1	0	1	0
3.	Sexual Violence	0	22	17	5
4.	Trafficking	0	0	0	0
5.	Neglect	0	4	1	3
6.	Exploitation	0	0	0	0
7.	Domestic Violence	1	19	2	18
8.	Other	0	0	0	0
	Total	8	50	29	29

As seen from year 2019 data, violence in general and on psychological violence there is a decrease as well as domestic violence. From the 2017, 2018, and 2019 data, 37 (thirty seven) victims of psychological violence have been reported in the autonomous agency section. However, if it seen from the law on the elimination of domestic violence or regarding domestic violence in Grobogan Regency for the last 3 years, there have been 91 victims.

The existence of psychological violence or other violence above seen from the legal conception also needs legal awareness from the community itself. Such as the teachings on *rechtsgefuhl* or *rechtsbewustzijn* which states that there is no law that binds its citizens or society except on the basis of legal awareness. From this teaching, which is one aspect of legal awareness, there are other aspects regarding legal awareness which are often associated with law compliance, law formation and the effectiveness of the law itself. Regarding legal awareness itself, including patterns in the scope of legal issues and social values, when viewed from the binding nature of the law, a problem will arise such as regarding the gap between assumptions about the written legal basis and reality rather than compliance with the law. In this case, there is an opinion which says that



the binding of the law mainly depends on one's belief. This opinion is the essence of the teaching or theory of *rechtsbewustzijn* (Usman 2015:34).

From these teachings, basically, legal awareness is not far from the law as a system. According to Lawrence M. Friedman in his book entitled *The Legal System: A Social Science Perspective*, law as a system includes 3 things, namely legal substance, legal structure, and legal culture. Regarding this legal culture, it concerns law enforcement officers, the substance of the law includes legislation and legal culture is the living law of the community (Yuliana 2017:48). Then regarding the indicators of legal awareness according to Kutschinky, it can be seen from several things, among others, Knowledge of legal regulations (law awareness); Knowledge of the contents of legal regulations (law acquaintance); Attitude towards legal regulations (Legal attitude) and patterns of legal behavior (legal behavior)(H.S., Kurnia, and Adhari 2019:312).

From the view by Kutschinky regarding the legal awareness of the Grobogan Regency community, they still do not understand about the existence of psychological violence that occurs at home or elsewhere. And the community itself also does not understand the substance of psychological violence that has been regulated in the law on the elimination of domestic violence and the law on child protection. Regarding the attitude towards the law itself, the community is still less active regarding violence, especially psychological violence because they consider it is only a family problem and if they follow up, residents feel ashamed of their neighbors. The legal behavior itself is more focused on handling amicably than getting the law because residents think that if psychological violence is followed up on the law it will take a long time and consider self-harm. Also, the pattern of the community when reporting does not say because of psychological violence but there is an interest from the victim such as child victims who get into trouble because letters or documents are detained by their fathers with various chatter and inditimacy.

Furthermore, the psychological reporting was only known to the public when the victim experienced a change in behavior such as the occurrence of bullying which made the victim does not want to go to school because of fear, in this case the reporter from the case was the media who



knew about the incident and also the victim's neighbors knew about it. From the state of society, it is necessary to know the occurrence of psychological violence, because the violence focuses on the consequences suffered by the victim, namely the mind and soul of the victim.

Preventive Efforts carried out by the Grobogan Regency government by providing counseling about acts of violence but did not explain only one type of violence but as a whole. He has also conducted counseling in collaboration with psychologists to explain the psychological effects of violence. The Repressive Efforts suffered by victims of the service will provide counseling to victims so that they are willing to talk because most victims who are affected by psychological violence did not want to talk and being introvert. However, if the victim is really difficult to talk to with a severe condition, the service will ask for help from a mental hospital or psychologist directly to help with recovery and treatment. It is true that the efforts that must be made in increasing the legal awareness of the community regarding psychological violence require experts in the field of psychologists to determine whether such violence has occurred.

Conclusion

Recovery and assistance to the victim and if the victim experiences an impact based on the description above regarding psychological violence basically focuses on the consequences or impacts on the victim who has a mental disorder or psychological disorder. If you look at the law on the elimination of domestic violence, psychological violence is an act that results in fear, loss of self-confidence, loss of ability to act, feeling helpless, and/or severe psychological suffering on a person. From this definition, there is the word "action that causes" it is necessary to prove the condition of the victim who experienced the violence. Therefore, the psychological violence can be wider, not just the presence of words or actions that are not physically related, but can be wider, such as bullying cases as well. Thus, there needs to be a more extra understanding in the community to find out the existence of this psychological violence because in the evidence it is also necessary to have assistance from psychologists who explain the condition of the victim in order to fulfill the elements described in the law on the elimination of domestic violence. Then if you look at the child protection law, psychological violence is not explained but gives the same



assumption as the understanding that has been explained in the law on the elimination of domestic violence. And the forms of legal protection from the two laws have provided preventive and repressive actions.

There is still a lot of psychological violence that occurs in Grobogan Regency, not only psychological violence but other violence such as sexual violence and domestic violence. In Grobogan district itself, if there is a case of violence, the first report can be directly through the Office of Women's Empowerment, Child Protection and Family Planning and the data that has been reported will be recorded in the SWANTANTRA institution of Grobogan Regency. Based on the information that has been obtained by the community in reporting psychological violence, it is not stated that such violence has occurred. However, there is a matter of interest to take care of victims who are hindered by the perpetrators and the whistleblowers are mostly not from the family but from other parties. Because people still do not understand about the existence of psychological violence. The party from the service also in determining the existence of psychological violence is more concerned with the condition of the occurrence of violence if there is no physical or sexual injury then it is determined that it is psychological violence. The government itself has also carried out outreach efforts to educate people in Grobogan district to understand the existence of violence so that people do not feel ashamed or worried if they want to report incidents of violence. However, counseling more often on violence broadly does not focus on only one form but has conducted counseling in collaboration with psychologists to explain the psychology of the violence. In terms of handling psychological violence, the government seeks to do something serious, so it immediately asks for help from psychologists and the hospital. [w]

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