

## GENDER EQUALITY FOUNDATION IN A FAMILY TO ANTICIPATE ABUSE

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| ARTICLE INFO                                                                                                                                                                                                                                | ABSTRACT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <p><b>Published:</b> May 25<sup>th</sup>, 2023</p> <p><b>Keywords:</b> gender, violence, family</p> <hr/> <p>This work is licensed under CC BY-SA 4.0 </p> | <p><i>Domestic violence committed by husbands against wives in the perspective of human rights is a form of action that violates the basic principles of international human rights declaration. The desire for gender equality is expected to apply to the level of the smallest group, namely family life, especially the existence of the family has a very large influence on people's lives so as not to create gender bias. In this case, the family is the first unit and the smallest unit in forming a foundation to form individuals who have qualities so as not to commit violence. The research method used is a descriptive method of analysis, which is a method that has a function to describe or provide an overview of the object being studied either through data or through samples that have been collected as they are, then a form of analysis is carried out and makes a conclusion that applies to the public. The material used in this study is literature material.</i></p> |

### INTRODUCTION

Gender equality is part of human rights, given the existing conditions of international concern for human rights is a relatively new symptom. At the legal level, the relationship between the protection of human rights at the national and international levels is very close (Baum & Hai, 2020; McGregor et al., 2019). Hence, all forms of international instruments provide adequate compensation to everyone whose rights are violated (Davidson, 2008). The Preamble to the Universal Declaration of Human Rights states that the protection of human rights must be implemented through legal means, it states "Whereas it is essential,... that human rights should be protected by the rule of law,..." Strictly, in this case, each country must regulate human rights regulated in laws and regulations with legislative measures (Lucchi, 2013; Simons & Macklin, 2014). Thus, through legal means, it is hoped that a form of legal certainty will be achieved for more guaranteed human rights protection.

At the international level, the problem of upholding human rights law cannot be separated from the existence of the United Nations. The existence of the UN has a fairly central role. According to the opinion expressed by Buergenthal (2000), this is historically evident from the efforts that have been made by the United Nations with regard to the development of international human rights law such as in the establishment of the normative foundation.

The issue of gender equality is not new. It still has its own charm to be discussed. The word gender comes from English. Gender means a visible difference between men and women that can be seen in terms of values and behavior (Ambarita & Mulyadi, 2020; Stern et al., 1993). While in other terms, gender is a cultural concept which has an effort to make a difference in terms of roles, behavior, and mentality (Åkestam et al., 2021; Cislighi & Heise, 2020), and emotional

characteristics between men and women who grow and develop in society (Chen et al., 2020; Matud et al., 2019).

Based on the definition above, it can be understood that gender is a form of role between men and women which is a form of socio-cultural construction. There is a role that is based on a habit carried out by women and men. A role placed because of these customs and cultures that eventually forms a pattern of conclusions that puts the positions of women and men out of balance (Causadias, 2020; Sudarso et al., 2019). Seeing the existing conditions, the majority of men become perpetrators in the problem of gender-based violence in the family. While men who choose not to be perpetrators of violence, often become the silent majority because they consider that domestic violence is part of legal problems in the context of the private sphere.

The trigger of the problem of gender equality in the family sphere is also inseparable from the social construction that arises from society. Social construction is important because with the construction that has been built, there is a form of rejection of biological determinism and the idea of men who are in a more dominant condition while women are in a subordinate condition (Diaz-Leon, 2015). Even though the position of the family itself is the first unit and the smallest unit in forming a foundation to form individuals who have qualities.

The gender roles and behaviors of each individual are expected to be able to provide tendencies that are formed in society. Thus, there will be so-called gender stereotypes that cause the relationship between genders to become asymmetrical. This has led to an understanding of a man's masculinity that is built with his own character that is considered suitable for acting in the public sphere. While women are a group of femininity depicted by their private characters.

Domestic violence committed by husbands against wives in the perspective of human rights is a form of action that violates the basic principles in international human rights declarations. This is because, among others, it concerns the principle of basic rights possessed by every human being, especially to women's rights through the elimination of violence against women "Convention on the Elimination of all forms of Discrimination Against Women."

The concept of gender equality is important because men and women are parallel partners who must have equal opportunities to develop and contribute equally in even the smallest sectors, namely in this case the family to achieve justice. The justice referred to here is divided into two, namely general justice and special justice. General justice is a form of justice that has been regulated by law so that it must be carried out in the public interest while special justice is a form of justice based on equality or proportionality. From the background mentioned above, researchers are interested in examining the Foundation of Gender Equality in the Family as an Anticipation of Violence in the Family.

## **METHOD**

The research method used is a descriptive method of analysis, which is a method that has a function to describe or provide an overview of the object being studied either through data or through samples that have been collected as they are, then a form of analysis is carried out and

makes a conclusion that applies to the public. The material used in this study is a literature material consisting of primary, secondary and tertiary materials.

## **RESULT AND DISCUSSION**

Gender equality issues always carry aspects of humanity and human rights in their journey. Meanwhile, in running a life, everyone has the right to live and has the right to maintain their lives. Recognition of the right to life, to maintain one's life and livelihood will give rise to other rights, such as the right to form a family, continue offspring through legal marriage, the right to work, and the right to prosper.

Issues arising from gender equality are hot topics that are always discussed by the community both globally and nationally. So that the movement and struggle in realizing gender equality is not only focused on equality regarding the status and rights between women and men, but also demands for equality in various aspects of life, one of which is in the smallest scope, namely the family.

The concept of gender equality is very important, where men and women are parallel partners who must have equal opportunities to develop and make a balanced contribution in building a household. So gender equality is needed to be built so that both understand the rights and obligations that should be done.

Gender is an identity differentiator between men and women which is supported by the influence resulting from socio-cultural construction. So that what is interpreted as gender here is not only the difference in male and female nature given by God, but the difference is caused by social influences. So that gender becomes an analysis used in placing the position of men and women to be egalitarian. So that gender can be categorized as a benchmark of social devices that carry out a form of measurement of men and women, especially those related to the division of roles.

Webster's New World Dictionary, gender is defined as a form of visible difference between men and women in terms of values and behavior. Hillary M. Lips defines gender as cultural expectations of men and women. This opinion is in line with the opinions of feminists, such as Lindsey who considers all societal provisions regarding the determination of a person as a man and woman to be included in the field of gender studies (Sulistyowati, 2021).

The desire for gender equality is expected to apply to the level of the smallest group, namely family life, especially the existence of the family has a very large influence on people's lives so as not to create gender bias. However, in fact, the existence of the family is very vulnerable to gender injustice, causing an impact that arises, namely domestic violence. The influence of the emergence of domestic violence is also due to the inability to accommodate the influence of patriarchal culture arising from social structure. Patriarchy is a system of social structures and practices in which men are more likely to dominate, oppress and exploit women. It is said that patriarchal culture has an influence because it is produced first in family relationships, where the family situation does not always run harmoniously so that sometimes other social situations occur such as an increase in domestic violence.

The role of women's position in the family with inequality causes the creation of forms of problems, as well as the first is marginalization, which is a form of restriction on women in this position women become marginalized due to negative assumptions. In the family, women's employment, educational, political, economic opportunities get the rest of the share not even considered important in some of these aspects. Second, subordination which is the division of roles between women and men based on sex. Based on this assessment, there is a stigma that women are weak so they are placed in inferior roles. The third is violence, which causes women to often experience physical violence whether it is beaten, grabbed, pushed and others. The fourth is the stereotype that gives rise to the general labeling of each female gender. A gentle, encouraging attitude towards women should be viewed positively instead of putting women in an increasingly weak position. And the last problem that often occurs is the double workload in the family, especially the social assumption that has applied the position that women are individuals who are suitable for doing domestic work is the trigger for the double workload. Even though housework should not only be a woman's obligation but this responsibility is the responsibility of every family member, when women are able to have a career and become workers in the public sphere, men must also be able to do work in the domestic realm (Azizah, 2021).

The issue of domestic violence became public attention in the mid-1970s and in the early 1980s, the problem was a form of feminist activism element that aimed to achieve equality for women, especially making violence that occurred within the family sphere a public problem rather than a private problem (Nancarrow, 2019). The manifestation of domestic violence can be in the form of verbal, physical, psychological, to sexual violence, whether it is realized or not.

There are various forms of violence among them, first violence carried out verbally by means of insulting attacks or maybe in the form of giving negative comments that are demeaning will have an effect on the psychic. Verbal violence tends to be more painful. Usually, verbal violence is intended so that couples feel afraid and helpless (Mathematics, 2016). Second, physical violence that arises in the family is a form of violence in which the actions committed result in pain, falling ill, or serious injury. This physical violence is a form of physical control carried out by pushing, scratching, grabbing and so on. Third, psychic violence where this psychological violence results in fear, loss of self-confidence, loss of ability to act, a sense of helplessness. And finally sexual violence which can be done by using unwanted or coerced sexual actions, demands, or insults (Kinstlinger-Bruhn, 1997).

Physical violence and sexual assault are usually not limited to a single episode; repeated incidents, whose frequency and intensity increase over time, are the most common pattern. Once the first physical or sexual incident occurs, there tends to be a follow-up episode, however minor it may cause, so that there will be anticipation and fear of further violence, resulting in growing feelings of anxiety and uncertainty (Abrahams, 2007).

Acts of domestic violence occur once every eighteen seconds in the United States, where the problem can happen to anyone in the family (Kinstlinger-Bruhn, 1997). Meanwhile, records that occurred in Indonesia alone in 2022 recorded 3338,496 cases of total gender-based violence, including victims of domestic violence. Basically, domestic violence is a form of control needs for

perpetrators in controlling themselves in order to be able to withstand not getting out of control so as not to hurt other family members. Eliminating the problem of domestic violence is a complex form of problem. This is due to the occurrence of violence because many things have an influence, both from internal influences arising from the individual himself or external influences that encourage domestic violence.

The elimination of the cycle of violence is a necessary thing to do. By starting to care and understand the forms of violence that occur, it indirectly builds an awareness that domestic violence is not a problem that is underestimated. By eliminating the problem of domestic violence, it is a form of respect for human rights and upholding justice and gender equality by not discriminating against the victims themselves (Badruzaman, 2020).

Protection against domestic violence is an effort to provide a sense of security to legal subjects. This protection can be done by providing preventive and repressive measures. Protection created to respect and protect each other in the family is a form of foundation that can be done. This is because any kind of violent action that occurs will result in a person's basic rights being persecuted.

There is a need for gender equality in ensuring family relationships so that there is no more labeling of women's images that are built unbalanced. If this imbalance occurs, the relationship pattern is created into a vertical relationship pattern, in which a woman must obey all kinds of wills desired by men.

Violence committed by men against women is an act that violates the basic principles in the declaration of human rights. The principle that is violated is about the basic rights possessed by every human being, especially women's rights as one of its own arrangements is contained in the Convention on the Elimination of all forms of Discrimination Against Women.

All kinds of violence that occur do not pay attention to the basic rights of human beings which include the right to life, the right to equality, the right to protection and honor, the right to security, the right to the sanctity of private life, the right to legal protection, the right to get the best physical and mental health services, the right to freedom of expression and freedom of conscience and belief, decent work and good working conditions, the right to further education, the right not to be subjected to persecution or other forms of cruelty, as well as arbitrary inhuman treatment or torture.

In monitoring the problem of domestic violence that occurs against women, now it has begun to be a concern of the UN conference on the elimination of violence against women is marital rape. So in this case it is very clear that all kinds of violence that occur, including domestic violence, cannot be justified. Often women become objects of violence committed by men by placing the position of women below men in a review of their rights and obligations, women and men must be equal and complement each other.

The discussion about the rights and obligations between men and women in the family context is inseparable from the discussion about how to be able to provide roles stably without feeling that one party is disadvantaged and not given justice.

Family participation has the most important role to avoid domestic violence. The family has a role in preventing the birth of individuals as perpetrators or victims of acts of violence. This is because the role of the family itself is a first and main institution in determining the pattern of life of each individual.

The role of the family in minimizing violence can also be seen from the theory presented by Durkheim, namely about functional structural theory which concerns the understanding of structures in the form of rules and social patterns and also their functions in society and in life. In this theory, a balanced, harmonious, and sustainable social system is shown. This structural functional uses a concept consisting of parts of a system whose workings are organized. In this case, the role of the family has an important influence in minimizing violence.

## **CONCLUSION**

Gender is a form of role between men and women which is a form of socio-cultural construction. The movement and struggle in realizing gender equality is not only centered on equality regarding the status and rights between women and men, but also demands for equality in various aspects of life, one of which is in the smallest scope, namely the family. . Protection created to respect and protect each other in the family is a form of foundation that can be done. This is because any kind of violent action that occurs will result in a person's basic rights being persecuted. Violence committed by men against women is an act that violates the basic principles in the declaration of human rights. The principle that is violated is about the basic rights possessed by every human being, especially women's rights as one of its own arrangements is contained in the Convention on the Elimination of all forms of Discrimination Against Women.

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