

Punishment Policy on Homicide Violence in Indonesia

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Abstracts: This paper was follow-up research of the author's dissertation entitled, "Homicide by Wife in the Context of Domestic Violence: Case Studies of Convicted 4 Female Perpetrators in Women Prisons in Bandung, Indonesia." The findings from the dissertation showed that, in a normative manner, a wife who committed homicide against her husband was guilty and violated the criminal law regardless of the motive behinds it. Using feminist research and qualitative approach, the author argued that women (wives) who killed their partners in response to domestic violence were also victims. Therefore, imprisonment was not appropriate for them. This article discussed the public's perception on women committing homicide in response to domestic violence by exploring the reasons why women engaged in such acts, rehabilitation measures, lenient treatment, and protection programs for women who committed homicide in reaction to domestic violence. Based on these discussions, the author concluded that a specific policy was necessary in Indonesia to regulate alternative intervention programs for women (wives) who commit homicide to their partners in reaction to domestic violence. The intervention programs shall include social work penalty and rehabilitation measures as well as implementation procedures, success indicator measurement, and evaluation criteria to see the implications of the policy.

Keywords: Domestic Violence, Victimology, Punishment, Homicide, Victimization, Battered Women Who Kill.

1. INTRODUCTION

In her dissertation, the author analyzed the experience of four wives who committed homicide in response to domestic violence using the feminist radical perspective and Bourdieu's symbolic violence theory. The author's standpoint is that women (wives) who commit homicide against their partners in response to domestic violence are victims. In-depth interviews of four informants support this standpoint at women's prison in Bandung and the author's analysis on structure, culture, and process [1]. The feminist radical perspective as the overall theoretical umbrella discusses patriarchal society and sexuality. At the same time, Bourdieu's symbolic violence theory, with the concept of habitus, space, and modal composition, is used to explain different forms of social domination.

Analysis of the experiences of four women shows that they are victims of domestic violence, even though they are perpetrators in the perspective of the criminal law. Radical feminists show that the domestic violence (victimization) they experience is a result of the patriarchal society, where the husband holds higher position of power within the family than his wife. Victimization occurs because of domination. Variations in dominance occur, which is determined based on Bourdieu's Theory [2]. The results are Domination and Capital Typology Matrix, consisting of fully dominated-fully-capital; partially dominated fully-capital; partially-dominated non-capital; Non-Dominated Non-Capital; and Dominated — Capital Irrational. The predominant category observed is the Dominated-Capital Irrational form. This dominance occurs among informants who hold a space not to be dominated due to their ownership of capital. However, in certain situations, they still experience domination (patriarchal society). This power dynamic may lead them to seek out new partners as a possible solution.

There are Four Typology Models of Domination and Capital based on the experiences of women who have experienced victimization. In radical feminist studies and criminology, the punishments given to them are very diverse. For example, not all sentences use the Law on the Elimination of Domestic Violence No. 23 of 2010

2004. However, the Law lacks a women’s perspective; its function has not accommodated all women. Juridically, , women who commit homicide in response to domestic violence are indeed guilty in the court verdict. But their experience shows that they are victims of domestic violence.

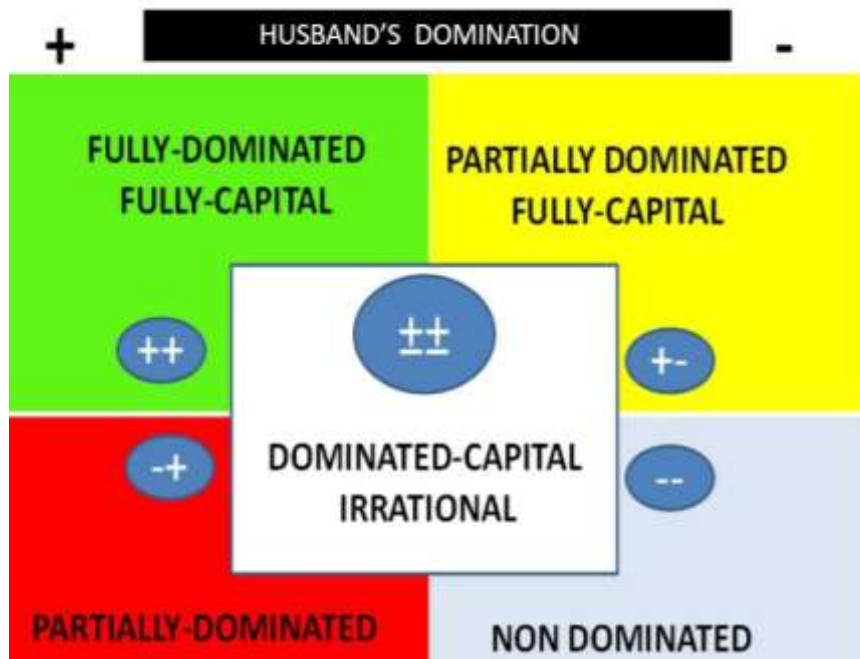


Diagram 1. Typology of Domination and Capital

Meanwhile, when referring to the husband’s role (as the victim of the wife’s murder), it is characterized by starting first with the perpetrator. Therefore, it is safe to state that this type of crime is typical, where the perpetrator is also the victim of the crime. Even though they will still receive punishment for the crime, the author argues that the form of punishment will be different, such as rehabilitation or social work.

This research aims to provide input to the proposed policy on punishment for women who commit homicide in response to domestic violence. The policy should look at rehabilitation measures, lenient treatment, and protection programs. The typology of domination and capital provides the baseline data to develop the appropriate punishment policy for them, which is the novelty of this research.

2. LITERATURE REVIEW

2.1 Feminist Criminology Theory on Women Who Kill

Feminist theory is developed as a new branch of science about women to provide a system of ideas about human life that depicts women as objects and subjects, as actors and the knowledgeable individuals. Feminism refers to ideas generated primarily by women to change their self-awareness and change society. Feminists offer a perspective on social life from the point of view of seeing women as a disadvantaged social group. For example, in the context of women who commit homicide in response to domestic violence, appropriate punishment is yet to be considered.

Feminist criminology is concerned with the treatment of women (and men) in the police, courts, and prison systems.

Contrary to popular stereotypes, the study of women’s experiences in the criminal justice system is unfavorable. Therefore, feminist jurisprudence is looking for the truth behind the power of law formed in a positivistic way [3]. In her work, "Crime and Criminology: A Feminist Critique," Carol Smart criticizes the lack of treatment of female perpetrators in mainstream criminology and ignores the victim’s experience as a victim [4]. Feminist criminology focuses on women as perpetrators of crime, women as victims of crime, and 2011

women as workers in the criminal justice system. Renzetti interprets feminist criminology as a paradigm of study and explanation of perpetrators of crime and victimization, including institutional responses to fundamental gender issues [5]. For this reason, to influence the making of public policy, we need scientific knowledge. Feminist legal theory exposes how the legal system and practices dismiss women's experiences with crime and fail to consider them during the legal proceedings that women endure. For instance, the sentences imposed on women who commit homicide in response to domestic violence may not receive fair treatment from the criminal justice system compared to men who commit similar offenses. The objectives of feminist legal theory involve comprehending women's experiences, investigating whether laws and legal establishments provide equal treatment, and identifying potential reforms. According to this theory, the law sees and treats women the way men see and treat women.

Substantively, the perspective of state policy in formulating experience is the same as the way men formulate experience [6]. The feminist legal theory also seeks to analyze and improve traditional legal theory and practice. It focuses on how laws are structured (sometimes unconsciously) to deny women's experiences and needs. In addition, feminist jurisprudence opposes and reflects the demand for women, regardless of race, class, age, ability, to be recognized as an equal group by a social contract supported by existing laws and legal systems [7].

This article examined the policy of punishing women who commit homicide as a response to domestic violence in Indonesia. However, this does not guarantee that all women in different social conditions are powerless to challenge the law, patriarchy, the legal context in politics in defending their cases.

2.2. Patriarchy and Sexuality in Radical Feminism to Understand Husband's Domination over Wife

For radical feminism, patriarchy and sexuality are the two main concepts in understanding male domination over women. The term patriarchy was initially used by Max Weber to describe a particular socio-political system in which a father, due to his position in the household, can dominate members of his extended family network and control the economical production of the kinship unit. Meanwhile, one of the first radical feminists, Kate Millet, argued that patriarchy was brought by the idea of control and culture by men, not limited to the arena of kinship, but all of human life, such as economics, politics, religion, and sexuality [8]. Meanwhile, in other radical feminist writings, they proposed three universal types: biological maternal care, marriage-based families, and heterosexuals.

Shulamith Firestone's argument, for example, said that patriarchy is based on biological factors where only women can conceive and give birth [9]. While some argue that the universal phenomenon underlying patriarchy is not related to women being biological mothers, but rather a social institution of the family based on certain types of marriage. According to Bouchier, for example, marriage is an "*institutional source of real exploitation*" [10]. Meanwhile, Marilyn French, who researched the history of patriarchy, said that the root of patriarchy is humans living in harmony with nature. They see themselves as a small part of a more extensive system. She stated that early society was a matricentric (mother entered) society the roles that were passed on involved feminine traits, such as bonding, sharing, and harmonizing with nature [11]. In its development, which is characterized by an increase in population, the food supply becomes limited. As a result, humans slowly began to distance themselves from nature. Humans want to control nature, but in turn, it causes them to be alienated from nature. This alienation then encourages the traits of "divorce," "hostility," "fear," and "hatred." These negative feelings encourage men desire to control nature and women, as women are often viewed as a part of nature because of their reproductive function [12].

The use of power by men over women is found in the public-structural and ideological contexts in work, education, the media, and beyond. Besides, patriarchy is also significant at the personal level, , in the private world of intimate relationships between men and women. As Mary Marynard said: "*Politics occurs*

within families and between individuals when one person seeks to control or dominate another, It is in the personal and personal context that women are especially vulnerable to male power” [13].

As Sylvia Walby points out, from this point of view, the slogan, "*the personal is political*" Applies. The point is that because male domination exists not only in the public arena but also in the very private arena of life, women struggle to abolish subordination not only outside the house but starting inside the house. For instance, the question of who is responsible for performing household tasks or who has the right to interrupt others during casual conversations is regarded as a component of the system of male dominance. [14].

Feminists have taken over some ideas about sexuality and patriarchy from other schools, but criticisms of the use of these concepts and the fundamentals of radical feminist thought have been raised. First, this view emphasizes the universality of women's conditions regardless of the context of time and place. Thus, various things are not considered, such as the differences among women themselves (based on class, race, ethnicity, age, or religion), which give a different context to the condition of women. Second, the fixation on the context of sexuality (and patriarchy) does not allow people to see other factors that affect women's lives, such as the development of capitalism or the dynamics of political economy, or the influence of all of them on women's work. Third, analytically, they do not explain why men need to dominate women. Generally, the explanations given tend to refer to male biological drives [12].

3. METHODOLOGY

This research on punishment policy for women who commit homicide in response to domestic violence was feminist research. The British sociologist, Liz Stanley, said that feminist research is research done by women and oriented to defending the interests of oppressed women by male domination [15]. The partiality of the author's standpoint was firmly on the fact that women who commit homicide in response to domestic violence are victims, and therefore imprisonment is not appropriate for them. This research used a mixed approach of qualitative and quantitative methods. By adopting a qualitative methodology, the author investigated the experiences of women. This approach permitted an emotional connection, as it did not require the author to adopt a neutral stance, as was typical in positivist thinking to attain the "objective" truth. However, on the contrary, the author's personality (subjective factor) was brought to the surface to attract information. The quantitative approach in this research was used in the early stages by conducting two surveys of respondents, the first to students and lecturers of Criminal Law at a State Universities, and then the second survey was conducted to members of MAHUPIKI (Indonesian Criminal Law and Criminology Society), APVI (Association of Indonesian Victimology Teachers), and ASWGI (Association of Centers for Women/Gender and Children Studies in Indonesia).

As mentioned earlier, this was follow-up research of the author's dissertation, which proved that women who committed homicide in response to domestic violence were victims. Therefore, imprisonment was not appropriate, and a particular policy was needed. In the positive law, women who commit homicide regardless of the reason are considered guilty. However, from a radical feminist perspective, women who commit homicide in response to domestic violence are viewed as victims and require alternative sentencing.

Then, to achieve the research objective, which is to provide input for the proposed legal policy related to the punishment of women who commit homicide in response to domestic violence, the author also collected secondary data using the online desk review method. With this method, the author conducted a literature study on textbooks, journals, or institutional reports that the author considered relevant. The data obtained were punishment policies for a similar topic in various countries and used as a comparison. The following is an illustration of data sources and research methods.

4. FINDINGS

Why women commit homicide in response to domestic violence? — Unstructured interview (n = 5; Legal Experts, Criminal Law Lecturers, Victims, Gender Specialists).

Issue 1: A woman commits homicide in response to domestic violence is not a crime

Informants' opinions on the above issue were grouped into two categories of opinions as follows:

1. A woman who commits homicide against a man in response to domestic violence shall receive no punishment. Why is this case? The majority of the informants who hold this view stated that killing was the most effective means of avoiding victimization within the family. By murdering their husbands or partners, they believe they can escape the violence inflicted upon them.
2. Women who commit homicide in response to domestic violence indicate that they are no longer strong enough to accommodate their suffering from violent treatment obtained from their husbands or partners.

Public's perception of homicide by women in response to domestic violence — Survey UPN Veteran, Faculty of Law Students (n = 93) and Unstructured interview (n = 5; Legal Experts, Criminal Law Lecturers, Victims, Gender Specialists)

Several issues to describe how society perceives homicide by women in response to domestic violence are: 2) A woman who commit homicide against a man who abuses her is seen as a crime; 3) Many people argue that "a woman who commit homicide against a man in response to domestic violence does not deserve punishment"; 4) Women who commit homicide in response to domestic violence should not be solely held responsible for acting in self-defense.

Issue 2: A woman who commits homicide against a man who abuses her is seen as a crime

34.4% of the respondents agreed with the statement. Meanwhile, only 29.3% disagreed, and the rest were hesitant. The following are the results of the author's interview with one of the informants:

The statement implies that murder is a criminal act regardless of who kills and the reasons for killing; therefore, a woman who commits homicide against a man who abuses her is seen as a crime.

(Informant 1)

Issue 3: Many people argue that "a woman who commits homicide against a man in response to domestic violence does not deserve punishment"

There were 39% of respondents agreed with the statement. Meanwhile, 48.8% disagreed, and the rest were hesitant. The following are the results of the author's interview with one of the informants:

The statement implies that women who commit homicide (in response to domestic violence) will be free of all charges, and I cannot fully agree with that. After all, a person's life was taken away, and the act of killing is morally wrong regardless of its reason. However, punishment should be appropriate, taking into account the reasons and context. Therefore, the statement shall be changed to, "a woman who commits homicide against a man in response to domestic violence does not deserve maximum punishment." In other words, the criminal justice system shall consider the socio-psychological aspects when giving sentences to women who commit homicide in response to domestic violence.

(Informant 2)

Issue 4: Women who commit homicide in response to domestic violence cannot be solely blamed as they are acting in self-defense.

85.4% of respondents agreed with the statement. Meanwhile, 9.8% disagreed, and the rest were hesitant. The following are the results of the author’s interview with one of the informants:

I tend to agree with the statement that she cannot be solely blamed, there is also a plea mechanism to understand how she became a victim. Domestic violence does not happen once but throughout the marriage. When this violence continued, some women finally fought back, but some women did nothing about it. Therefore, we shall explore the self-defense plea because we understand the social and psychological context. While in some cases, extreme emotions may cause someone to unintentionally cause harm while defending themselves, leading to murder.

(Informant 1)

Rehabilitation measures for women who commit homicide in response to domestic violence — Survey UPN Veteran, Faculty of Law Students (n = 93) and Unstructured interview (n = 5, Legal Experts, Criminal Law Lecturers, Victims, Gender

Specialists)

An issue raised in this topic is whether rehabilitation measures are necessary for women who commit homicide in response to domestic violence. The given statement to the respondents is 5) Rehabilitation measures are a must for women who commit homicide due to domestic violence to recover from past trauma. It turns out that all respondents agreed with the statement.

Table 1. Research Data Sources and Methods

Research Objective	Data Sources	Methods
To provide input for the proposed legal policy related to the punishment of women who commit homicide in response to domestic violence		
Obtaining Initial Data lecturers (n= 93)	Law Faculty Students & Lecturers	Survey of a number of stude
Preliminary Data was used to obtain data on sentencing	Related Associations: MAHUPIKI, APSI, ASWGI (n= 40 people)	Survey: Mahupiki = 27 Mahupiki + APVI= 8 APVI = 3 ASWGI = 1 Mahupiki+APVI + ASWGI=1
Data onpunishmentpolicies for Textbooks, journals and institutional reports that are considered Desk (literature) review of women who commit homicide in response to domestic violence in various countries relevant for comparison		
Data on sentencing were used to determine appropriate policy	Resource persons who have attention or focus on women issues: Legal Experts, Criminal Law Lecturers, Victims, Gender Specialists	Unstructured interview (n = 5)

Issue 5: Rehabilitation measures are a must for women who commit homicide due to domestic violence to rcover from past trauma

As mentioned earlier, all respondents agreed with the statement, and one of the informants said:

Firstly, we have to see that she is a victim, which means protection and rehabilitation measures shall be in place because her act of murder is not premeditated. In this context, the victim usually has a psychological trauma, conflicting over being a victim, yet she committed a murder. Often, domestic violence has a layered psychological impact on the victims.

(Informant 3)

The need for special (lenient) treatment and protection for women who commit homicide in response to domestic violence — Survey UPN Veteran, Faculty of Law Students (n = 93) and Unstructured interview (n = 5; Legal Experts, Criminal Law Lecturers, Victims, Gender Specialists)

Several issues raised in this research were to describe the need for special (lenient) treatment and protection for women who commit homicide in response to domestic violence. These issues are: 6) Judges presiding over cases involving women who commit homicide in response to domestic violence are required to include expert testimony and consider it during the proceedings.

- 1) Judges who decide cases in court against women who kill in response to domestic violence must adhere to the protection principle for domestic violence victims.
- 2) The State shall provide more protection and attention to women victims of domestic violence.
- 3) The positive legal system should prioritize the protection of women victims of domestic violence.
- 4) There is a high tendency to believe that women who commit homicide in response to domestic violence shall be considered victims and do not deserve punishment. Can this be accepted and realized in our criminal justice system?
- 5) The State should pay more attention and protect women victims of domestic violence.
- 6) Judges decide cases in court against women who commit homicide in response to domestic violence.
- 7) Should you agree that women who commit homicide in response to domestic violence must be given special (lenient) legal treatment, what are the underlying reasons?

Issue 6: Judges presiding over cases involving women who commit homicide in response to domestic violence are required to include expert testimony and consider it during the proceedings

Of the respondents, 97.8% agreed with this statement. An interview with one of the informants:

Oh, Yes. Having a witness expert present at a trial is very important, particularly expert witnesses who have experience accompanying women victims of domestic violence.

(Informant 1)

Issue 7: Judges presiding over cases in court against women who commit homicide in response to domestic violence must adhere to the protection principle for domestic violence victims.

Of the respondents, 85.4% agreed, 9.8% disagreed, and the remaining were hesitant. The following is the result of the author's interview with one of the research informants:

Yes. It is important to consider the victim's perspective objectively. Therefore, the victim must receive protection, and the murder case should be intertwined with her status as a victim. This principle involves trusting the victim's statement as a primary factor, and subsequently considering other evidence, expert witness testimonies, and imposing punishment.

(Informant 4)

Issue 8: The State shall provide more protection and attention to women victims of domestic violence.

Of the respondents, 85.4% agreed, 9.8% disagreed, and the remaining were hesitant. One of the informants said:

Yes, I think this issue has persisted for a considerable period of time. I understand that Indonesia has a Law on the Elimination of Domestic Violence in place. However, how does the implementation or practice of the law in reality? Although in each region, we have an Integrated Service Center for Women and Children Empowerment or Center for the Protection of Women and Children, it remains unclear whether the public facilities and services are sufficient. When implementing the protection program, we can all agree that victims will need paralegal assistance, a psychologist, maybe even a doctor if they experience physical abuse. Now, the question is, what is the perspective of law enforcement officers on the many domestic violence issues when the police and judges see women as victims. Although in this context, the state is obligated to make an effort to achieve these goals, it is clear that many things need improvement.

(Informant 2)

Issue 9: The positive legal system must prioritize the protection of women victims of domestic violence

Of the respondents, 85.4% agreed, 9.8% disagreed, and the remaining were hesitant. The following is the result of the author's interview with one of the research informants:

Hm...Yes, it is still important because this positive law should have an orientation towards protection. In my opinion, the law is actually a reflection of social reality. Therefore, all aspects shall be considered, including the reason behinds the crime. But, unfortunately, I do not know how to change the way of this positive legal system. In the faculty, there is a sociolegal approach; maybe that is how the legal system includes it. Yes, it means that there must be such kind of training.

(Informant 1)

Issue 10: There is a high tendency to believe that women who commit homicide in response to domestic violence shall be considered as victims and do not deserve punishment. Can this be accepted and realized in our criminal justice system?

Of the respondents, 85.4% agreed, 9.8% disagreed, and the remaining were hesitant. One of the informants said:

It would be difficult in our judicial system. It may prove challenging within our current legal framework to account for cases where murder is committed in response to domestic abuse. As the Criminal Code has yet to be amended, the ongoing discourse prioritizes the abolition of capital punishment. Even after this is achieved, addressing this issue remains a difficult task. I do not think they will not be completely free.

(Informant 5)

Issue 11: The State should pay more attention and protection on women victims of domestic violence.

Of the respondents, 85.4% agreed, 9.8% disagreed, and the remaining were hesitant. One of the informants said:

Yes, but here is the relation with women who become victims, so what is clear is that first legal assistance is needed. Then, psychological assistance is also part of protection. Moreover, perhaps shelter should also be provided, for example, protection from the security side. It could also be from the husband's family, which is also from a security perspective. That is what the state must do, including protection from the media.

(Informant 4)

Issue 12: Judges decide cases in court against women who commit homicide in response to domestic violence

Of the respondents, 85.4% agreed, 9.8% disagreed, and the remaining were hesitant. In addition, many informants claimed that they had never seen an expert witness present at the trial. Issue 13: Should you agree that women who commit homicide in response to domestic violence must be given special (lenient) legal treatment, what are the underlying reasons?

1. Some of the reasons for some of the informants are as follows:

The position of women's status is indeed also subordinate in our society (patriarchal society), so that women always experience discrimination and marginalization.

2. Sociological reasons are also important because understanding the context of why doing so needs to be considered.

Premarital induction as prevention of domestic violence — Survey UPN Veteran, Faculty of Law Students (n =

93) and Unstructured interview (n = 5; Legal Experts, Criminal Law Lecturers, Victims, Gender Specialists)

Premarital induction as one of prevention measures to prevent domestic violence.

Issue 14: The government should require all State Marriage Institutions (e.g., Office of Religious Affairs/KUA) to provide mandatory premarital counseling sessions to the prospective bride and groom. The sessions should explain the potential risks of domestic violence, its impact, and the procedures for reporting complaints.

Of the respondents, 97.6% agreed that the KUA conducts premarital induction and explains the possibility of domestic violence. The following is the result of the author's interview with one of the research informants:

Yes, I think this is important. Prospective marriage couples must have counselling session about domestic violence. In fact, according to the Law, domestic violence can be criminalized, right? If we think about the most appropriate service provider to place complaints, perhaps KUA would be best; hence this issue is important, mainly because the Law on eliminating domestic violence already exists.

(Informant 1)

Punishment policies for women who commit homicide in response to domestic violence in various countries.

In many countries, cases of homicide committed by women against their partners in response to domestic violence are mainly associated with Battered Women Syndrome (BWS), also known as the syndrome of women victims of violence or domestic violence syndrome. Initially, BWS was a psychological term to describe a subcategory of post-traumatic stress disorder where victims of domestic violence experienced significant trauma and believed themselves to be in danger even when they were safe. Over the years, the definition has evolved and entered the legal realm, where BWS is usually seen as an extension of self-defense for homicide, as the perpetrator's death usually occurs when there is no imminent danger, such as when the perpetrator is asleep. In this scenario, the victim chooses the only way to be sure of her safety from the tormentor, which is to murder him [16].

Research conducted by Penal Reform International (PRI) in 2016 [17] showed a global awareness of the issue of BWS and a slow reaction to it. However, legislative and judicial attitudes towards women who retaliate or commit "criminal acts" against their abusers in response to violence, have varying degrees of leniency. In the countries that were the focus of PRI research, there was no specific legislative basis for a history of harassment/violence against

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women, which was considered a mitigating factor. Therefore, requests for lenient treatment were then brought into the existing criminal law framework. Usually, violators try to cover up their plea to get lenient treatment in the existing defense Attempts by victims of abuse to rely on self-defense, temporary insanity, and provocation (when available) have had different results in various countries. However, the PRI report also revealed that the existing defenses have proven to be unable to adapt to women with BWS conditions in many countries, and its reaction is prolonged. In a few countries studied, notably in several Australian states, the PRI found legislative amendments to the criminal code to facilitate more lenient treatment of female offenders due to the violence they experienced. These amendments take a variety of forms, from the introduction of new defenses specifically available to victims of domestic violence (for example, in Queensland, Australia), to amendments to existing defenses so that they are better adapted to address victims of domestic violence (for example, in Victoria, Australia). While some legal systems have been willing to adapt existing laws or even create new laws to deal with victims of domestic violence, other systems seem reluctant to expand beyond traditionally defined parameters. Their adapted legal system sympathizes with the view that the killing reaction may result from longstanding and accumulated domestic violence.

The PRI report reveals that in certain countries, a record of domestic violence might diminish culpability or reduce penalties. Hong Kong, India, Japan, and Spain lack explicit sentencing rules or protocols, in contrast to Australia, Brazil, Mexico, Poland, and the United States (at both federal and state levels). According to the PRI, these countries have significant latitude in imposing sentences, even if formal sentencing guidelines do not exist.

- In Poland, courts have used their discretion to consider "general" factors in sentencing, such as the history of domestic violence. It led to the application of a reduced sentence or a reprieve.
- In Mexico, courts may consider various factors when determining guilt (in favor of the accused), including the family relationship with the offense victim and other relevant circumstances.
- In the United States, judges have broad discretion under the Federal Sentencing Guidelines and State Act, allowing various mitigating factors to be considered. In practice, it allows a history of past domestic violence to be used as a mitigating factor in some cases.
- In Brazil, the rules on punishment can be applied broadly, allowing factors such as a history of domestic violence to be considered.
- In Australia, sentencing guidelines and policies do not expressly allow the history of domestic violence to be considered. However, courts in all states usually rely on the court's power to consider all relevant factors in awarding sentences, taking into account the relevant case law.
- In Spain, If there are mitigating circumstances, the court will impose a sentence that corresponds to the lower end of the penalty scale appropriate for the crime (unless one or two aggravating factors are also present
- In Japan, a wide range of legal penalties are available for each crime, allowing judges and jurors considerable flexibility in determining the sentence to be imposed in each case. Therefore, this will allow a history of past domestic violence to be considered in sentencing.
- In India, courts have recognized "continuous" provocation as a defense for murder. The acknowledgment has allowed a reduced sentence to be applied in the context of a history of domestic violence.

In some cases, specific statutory reduced sentences may be applied if past history of domestic violence is considered a mitigating factor under one of the broader sentencing principles available under jurisdictional law.

- In Brazil, if a crime is committed because of "social or moral values or excessive emotion," sentencing guidelines allow the sentence to be reduced by between one-sixth and one-third. As mentioned above, the history of domestic violence has been taken into account to determine that women's violations were indeed committed because of relevant "social or moral values."
- In Australia, there are no laws or guidelines that expressly define the weight that should be given to a history of past abuse. However, particular examples have been identified to demonstrate the weight given to a history of domestic violence in sentencing.

4.1. Current Policy in Indonesia

Based on the research findings, women who commit homicide in response to domestic violence are sentenced using the Criminal Code (KUHP) or the Law on the Elimination of Domestic Violence No. 23 of 2004. Judges tend to use the KUHP, which is gender neutral. Moreover, victims undergoing police examinations sometimes experience multiple victimization in cases of domestic violence. This occurs due to inquiries being made about sensitive subjects and exerting pressure on the victim, who may be emotionally unstable.¹

5. SUGGESTED POLICY AND INTERVENTION PROGRAMS

According to Babcock and Steiner, several studies have shown that detention alone will not help rehabilitate offenders from sacrificing their partners [18]. Meanwhile, Bennett et al. stated that programming in prisons that extends to the community after a period of detention is vital for the success of the rehabilitation of perpetrators [19].

Covington and Bloom [20] suggested that intervention programs for cases of domestic violence should be gender-specific since women who commit domestic violence and then commit homicide have different motivations than men. Identifying and addressing the particular risks and needs of both genders is crucial to effective intervention. They also suggested that intervention programs for domestic violence cases for women could include therapy related to why she committed the crime. Another program could also include an education program related to victim trauma because many women are victims of domestic violence. Many women who were previously victims of domestic violence also had experienced sexual harassment from their partners. When she is sexually abused by her partner, trauma informed therapy specific to sexual abuse is needed. Studies show that women are usually victims of domestic violence, but women can also be perpetrators of domestic violence.

When providing a program for women who commit homicide in response to domestic violence, it is crucial to address the underlying issues related to why she made efforts to solve her problem of victimization by committing domestic homicide as an option. The Duluth model [21] suggests that programming for men should be different from programming for women because it must identify some gender-specific differences. For example, male domestic violence programs may include education about power and control, parenting classes, and dealing with substance or drug abuse. The role of men in domestic violence has been described as one rooted in the manipulation and power, and control of others. Therefore, programming for men should address their inherent desires for power and control by providing specialized work opportunities. Meanwhile, for women who murder to avoid victimization in the household, the next step is to focus more on problem-solving options such as filing a complaint with the police, seeking protection from neighbors and other parties.

Several policies and procedural implications can help protect victims of domestic violence and provide the necessary programs for perpetrators in prison (Penitentiary), among others, a consistent and cohesive program of legal guidance and awareness-raising interventions in prisons (Penitentiary Institutions) and the community. Alternatively, an intervention program for guidance and legal awareness to perpetrators in the community can help them mentally. Through these intervention programs, they can opt not to choose violence to avoid the possibility of further victimization within their family.

Bennett, Stoops, Call, and Flett [19] have examined the effect of completing an intervention program of guidance and legal awareness on perpetrators of domestic violence and the rate of re-arrest. They determined that the average length of time between initial participation in the intervention program and recidivism was 2.4 years. Regarding re-arrests, 14.3 percent of program completers and 34.7 percent of non-completers were re-arrested for acts of violence to avoid victimization of domestic violence. Completing the intervention program reduces recidivism rates related to the selection of violence (including homicide) in order to avoid further domestic violence victimization.

The findings from the research above show that behavior can be learned. For example, suppose violent behavior (and homicide) carried out by women to avoid domestic violence victimization has previously been believed to be a robust effort through previous social learning. In that case, it teaches them how to think about other options to prevent violence victimization through intervention programs and rehabilitation. Although this necessary procedure may encounter obstacles, it should be approached with optimism. Perpetrators need to be motivated to change, not forced to change. Motivation is the key for prisoners to complete the program successfully, and lack of motivation is often cited as a reason for failure to comply and re-offending. The suggestion for this is to allow inmates to decide if they want to get involved in the programs. Prisoners' motivation originates from the belief that they can effect positive change and that their future behavior hinges on their own actions and successful completion of the current program. [22].

When providing programs for men and women in prison settings, it is crucial to provide gender-specific programs to address their unique risks and needs. For instance, as mentioned earlier, a larger percentage of men have a record of domestic violence-related offenses compared to women. It is explained by the theoretical paradigm, which states that a man is dominant and aggressive in innate behavior.

The Duluth Model, a popular domestic violence program, explicitly provides programming for men while purposely addressing the patterns men used to control and dominate their intimate partners. The Model also addresses the significant issue of societal acceptance of men using power and control to gain obedience from women. To address the specific needs of female offenders, in the context of avoiding victimization, Covington and Bloom [20] stated that the three most critical problems in women's lives are substance abuse, trauma, and mental health. Therefore, women's programming should include rehabilitation for substance abuse, opportunities to improve their current mental health, improve relationships with children and families, and cope with significant trauma.

When female murderers in the context of family violence are released from prison (Penitentiary), it is very important that there are parties in the community who help protect them from being perpetrators in responding to domestic violence if they are to rebuild their family life. Perpetrators must also be protected from feelings of revenge from the family of the husband or partner she murdered. Often, the family of the victim may seek revenge against the female perpetrator by attempting to contact them after their release, and possibly using violence. The Ohio Center for the Prevention of Family Violence²³ states that it is vital to have a security plan for female offenders whether or not they decide to remain in the relationship with the victim's family. In addition, the information and resources provided in the safety plan can be helpful in the future when the female offender finally decides to leave her victim's family.

The Center also recommends three strategies when dealing with female offenders: providing protection if they stay, offering support if they choose to leave, or ensuring their safety if needed. First, protection strategies seek to prevent or respond to physical violence experienced by female offenders. These strategies may include leaving the victim's family, intervening in a third party, defending oneself, or temporarily leaving the relationship. Second, defensive strategies address the problems and risks that the female offender experiences as long as she remains in the relationship. The strategy includes:

- Joining a support group for victims of domestic violence,

- Maintaining a victim support system by staying close to family and friends, and;
- Always trying to reconcile with the families of victims of domestic violence to avoid more severe treatment of violence.

The final strategy is the leaving strategy, which addresses to the risks that female murderers may face when deciding to leave the relationship.

Another way to help female perpetrators of murder is through thorough safety planning with the families of highrisk victims. There is a safety plan in place when they are released into the community. Before the female murderer is released from prison, the victim's community must develop a plan to implement specific safety measures to protect themselves. With a security plan in place, victims of domestic violence can have a plan for the worst-case scenario [23].

Resources are limited, particularly for women who commit murder. To ensure their success upon release, it is important to focus on planning for their safety and release. Therefore, prison personnel and members of the public who are willing to participate need to unite. It will be challenging when there is a lack of community or staff resources and advocacy programs for women who commit murder.

In addition to providing resources for women who commit murder in the context of domestic violence, resources should be offered to prisoners upon their return to society. Some suggestions include community programs to continue to address core issues of domestic violence, therapy and programs to help teach better-coping skills, and resources to help inmates find housing, education, and jobs. Although these resources are necessary for successful reintegration into society, many prisoners are not linked with the right resources, or there are not enough resources available to prisoners on release.

Training should be provided to professionals in healthcare and the criminal justice system to fully comprehend the extent of domestic violence. Services and safety planning can then be provided to the female murderer so that she has the resources she needs if she decides to leave her abusive partner's family. According to Kalra, Tanna, and Garcia-Moreno [24], healthcare providers are the first point of contact for many victims of intimate partner violence. Healthcare providers may be the only people the female murderers feel comfortable talking to about the abuse they experience at home. By identifying and providing care for women victims of domestic violence, healthcare providers can assist in reducing the violence experienced by them. Healthcare providers can also play an important role in gathering evidence for legal action against perpetrators.

The human resource and its implication provide inputs for making better policies [25]. Implementation of performance accountability system for government institution provides inputs for making better regulation on implementation of performance accountability system for public officials and practitioners [26]. The Performance Accountability System For Government Agency provides inputs for making better regulation on performance accountability system for government institution policy [27]. Transformational Leadership, Technology Adoption, Public Service have a significant positive effect on Job Competency [28]. The leadership and service are useful for improving policy and practice and providing information to stakeholders [29]. The user satisfaction has a positive and significant effect on organizational performance [30]. Public Private Partnership policy and practice provide information to stakeholders related [31]. The role of Workplace Spirituality mediates effects of Information Technology on Innovative Work Behavior and mediates effects of Transformational Leadership on Innovative Work Behavior [32]. The collaboration must involve related institutions and should aim to improve regulations on disaster management [33].

Managing conflict strategy and its implementation are needed for providing information to stakeholders to provides inputs for making better regulation and policy [34]. Improving policy are needed for providing information and producing a clear input for public officials in making better regulations [35]. The community empowerment

positively affects production capacity and social capital [36]. The Collaborative Governance in Digital Infrastructure Development and its implementation are needed for providing information to stakeholders [37]. It is necessary to formulate and implement a policy as inputs for making a better regulation in managing the implementation of the policy [38]. The Content of Policy and Context of Implementation are positively affected by the Program. The Collaborative Governance positively affects the Program [39]. The social leadership and social capital positively affect community empowerment and social capital fully mediates the relationship between social leadership on the community empowerment [40]. It is essential to implement community empowerment to provide stakeholders with information and inputs for making better regulations and policies [41]–[44].

CONCLUSION AND SUGGESTIONS FOR FUTURE RESEARCH

In Indonesia, based on the research findings, two policies are used for sentencing, the penal code and the Law on the Elimination of Domestic Violence No. 23 of 2004. However, most judges tend to use the penal code, which is gender neutral. In addition, victims undergoing police examinations sometimes experience multiple victimization in cases of domestic violence. This occurs due to inquiries being made about sensitive subjects and exerting pressure on the victim, who may be emotionally unstable.

Against the backdrop, the author concludes that a specific policy is needed in Indonesia to regulate alternative intervention programs for women (wives) who murder their partners in response to domestic violence. The intervention programs shall include social work penalty and rehabilitation measures as well as implementation procedures, success indicator measurement, and evaluation criteria to see the implications of the policy.

On the rehabilitation measures, the policy can adopt the Duluth model, where women who commit homicide in response to domestic violence can receive treatment for substance abuse, trauma, and mental health which ultimately increase opportunities to improve their current mental health, improve relationships with children and families, and cope with significant trauma.

Having a specific policy will help protect victims of domestic violence and provide the necessary programs for perpetrators in prison (Penitentiary), among others, a consistent and cohesive program of legal guidance and awareness raising interventions in prisons (Penitentiary Institutions) and the community. Alternatively, an intervention program for guidance and legal awareness to perpetrators in the community can help them mentally. Through these intervention programs, they can opt not to choose violence to avoid the possibility of further victimization within their family.

This research suggests that further research is needed to better understand the criminal history of domestic violence among prisoners, including women who commit homicide in response to domestic violence. In addition, since this research only analyzed a selected sample of individuals encountered in several correctional institutions, future research shall include a larger population sample.

Future research should also include additional demographic and social factors to examine the prevalence of domestic violence by race, age, socioeconomic status, and sexual orientation. These demographics will make it possible to specifically focus on each population's specific risks and needs through specialized programming. In addition, future research should analyze the prevalence of domestic violence by sex to see if there are significant differences between men and women, but further research could complement a comprehensive examination of gender differences and look at the relationship between prisoners and their victims, which will provide insight into who is the victim of a crime related to domestic violence.

These further assessments are critical because someone who abuses their intimate partner will require a different program from someone who abuses their young child. Also, future research can specifically look at the population of women who had domestic violence-related offenses and analyze the situation as to why these women were indicted and or punished for domestic violence. For Complaint analysis could offer insight into whether the

woman engaged in self-defense during a domestic violence incident or if she was the victim of the violence. Research can improve our understanding of why women commit domestic violence and whether they use violence in self-defense against male perpetrators or as a coping mechanism.

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