

RESTORATIVE JUSTICE AS AN ALTERNATIVE COMPLETION OF DOMESTIC VIOLENCE CASES

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ABSTRACT

The concept of retributive justice and fairness-based restitutive punishment, retaliation against the perpetrators, exile, and destruction must be replaced by a restorative justice-based reconciliation, victim recovery, integration in society, forgiveness, and forgiveness. So according to the purpose of the settlement of restorative justice is more emphasis on the repair or restoration of the suffering of the victims as a form of accountability of perpetrators without compromising the interests of offender rehabilitation and interests to maintain public order. From the perspective of justice women, the picture that can be observed from the law we are: women's experiences are often not taken into account in the formulation of law and policy, resulting in a law that is far from the sense of justice of the community (women/the marginal parties) and often unrealistic because it does not listen to the voice women. In addition to the implementation of laws in the field is often characterized by a lack of understanding of the practice of female perspective (often the victim) among law enforcement officials, increasingly distanced women from access to justice. Thus the necessary effort to reform the law from the perspective of justice for women. Restorative justice is often found in people's everyday lives. Although no formal, the effectiveness of this mechanism is based on local knowledge remains high and become priorities for the community before continuing to the formal dispute resolution in the courts. Restorative Justice is beneficial not only for the victim and the perpetrator, but also to the court and the public at large. It is only fitting if restorative justice used to resolve domestic violence cases. Restorative justice is very suitable to be applied for in accordance with Indonesian culture, especially to resolve family disputes which still maintains harmony and maintain privacy.

Key words: Restorative Justice, Domestic Violence Case.

Introduction

Regulations in Indonesian law relating to domestic violence (domestic violence) is still visible imbued with the spirit of retributive. Where the victim is not considered a good aspect in determining the sanction to be imposed or in the process of finalizing its case. While the resolution process domestic violence cases are based on the idea of restorative justice is a settlement of a case involving the victim. But the resolution of cases of domestic violence based on the idea of restorative justice should not be done for all cases, but only for cases of domestic violence causing physical or psychological suffering, which are lightweight, sexual violence between husband and wife, and the neglect of household.

Such thinking has the following reasons:

1. individual interests (family) to maintain the household is considered smaller than the state's interest in protecting or maintaining public interest and keep the feeling of community justice in sentencing for domestic violence are severe consequences or death of the victim.
2. individual interests (family) to resolve issues arising between them out of court, for domestic violence that causes bodily or mental, which are lightweight, sexual violence between husband and wife, and the neglect of household, is considered greater than the interests of the state or the public interest demanded that his case. This is implied by the formulation of domestic violence under Article 51, 52 and 53 of the Law on the Elimination of domestic violence as a crime on complaint.
3. The threat of imprisonment for domestic violence causing physical or psychological suffering that is included in the category of minor criminal short body (Article 44 paragraph (4) and Article 45 paragraph (2) of the Act is to formulate threat PKDRT imprisonment of 4 months).
4. Criminal penalties are imposed for directly also become a financial burden the victim or the victim's family. Because domestic violence generally occurs among people who are bound kinship, the criminal penalties imposed for offenders also will be a burden for victims. In accordance with the basic idea of restorative justice is to restore victims' suffering, it is not appropriate criminal penalties for domestic violence cases.

Benefits of Restorative Justice in Domestic Violence Case Settlement

In practice, restorative justice guided by several principles as follows:

1. Establish joint participation between the offender, victim, and community groups in resolving an incident or crime. They work together to find a solution that is perceived to be fair to all parties (win-win).
2. Encourage players to be responsible for the victim and establish responsibility not to repeat his actions.
3. Directing actors in accountability to the victim, not the responsibility of the state or legal liability.

4. Encourage completing his actions in a way that is more informal than formal court proceedings.¹

Although the idea of restorative justice have not been able to guarantee the abolishment of domestic violence, but the idea is worth considering the following reasons:

1. The existence of correspondence between restorative justice with Pancasila. This is evident from the principle of the family who became the core of Pancasila which is also contained in restorative justice, as shown in restorative justice principles: (a) conflict resolution is done by involving all stakeholders, namely the perpetrators, victims, and society; (b) the purpose to be achieved is to perform reconciliation between the parties while repairing damages arising; (c) There is personal involvement between the parties; (d) the perpetrator invited to empathize with the victim and encouraged to learn to be a good member of society and useful; (e) to establish a trusting society.
2. The fact that domestic violence occurs among people who have a special relationship, which is generally either by marriage or blood relationship. So the criminal provision to the perpetrators who are also members of the victim's family will have negative impacts on victims and their families, especially if the inmate is a person who is the backbone of the family.
3. There is a tendency to consider aspects of international developments in the settlement of victims of crime. Consideration of aspects of the victim in the completion of the criminal act is not only relevant in the case resolution process, but also related to the recovery of the suffering of the victims, especially the compensation.²

In practice in Indonesia today, restorative justice can be applied in several forms as follows:

1. Deliberation family group.
Deliberation in family groups need to be considered: (a) the presence of the relevant parties, including the victim, offender and other important people who need to come; (B) the other party that needs to be presented, among others, those who support the perpetrators and those who support victims; (C) other matters to consider, among other things: information regarding the meeting, specify the meeting place.
2. Service in the community.
Service recovery can be carried out by independent organizations and institutions concerned with children and women by providing psychological assistance to victims and perpetrators.
3. At each stage of the justice system.
At every stage of the justice system from investigation, prosecution, until the diversion proceedings shall be conducted through discussion forums / mediation with the goal of recovery for the offender, victim and community.

Diversion means diversion or avoidance. In the context of restorative justice, diversion is an alternative to the existing criminal justice. According to Mc. And Mc Carthy. Carthy, the concept of diversion is actually as old as the criminal justice system now. Although the lives of the people under the law, there should still be flexibility to adapt to the complexity of the legal issues faced today. Law enforcement officials have the discretion to not have to arrest and imprison people who committed the crime. Diversion provides the opportunity for criminals to avoid prosecution and detention, as well as counseling assistance, health, education and skills training. Diversion also pave the way for criminal justice to reduce the arrears case of a misdemeanor.³

Stephenson, Geller and Brown believes there are four (4) forms of restorative justice. All of these forms has the objective to improve the criminal act by balancing the interests of the offender, the victim and the community. The fourth form of restorative justice are:

1. Penal mediation (victim-Offender mediation).
A process with the assistance of a neutral third party and impartial, helping the victim and offender to communicate with each other in hopes of reaching an agreement.
2. Restorative conferencing.
Almost the same as penal mediation, which distinguishes only role as a mediator guides the discussion, the existence of the manuscript guides, and the presence of the family of each party.
3. Family group conferencing.
Families of both parties (perpetrators and victims) to make a plan of action based on the information the perpetrator, the victim and the professionals who help. The action plan addresses the consequences of the perpetrator and preventing it does not happen again.
4. Community panel meetings.
The meeting was attended by community leaders, perpetrators, victims and parents/families to reach an agreement fixes the error.⁴

Penal Mediation

¹ Hj. DS. Dewi dan Fatahillah A. Syukur, 2011, *Mediasi Penal: Penerapan Restorative Justice di Pengadilan Anak Indonesia*, Indie Publishing, Depok-Jakarta, hlm. 32.

² G. Widiartana, 2009, *KDRT (Perspektif Perbandingan Hukum)*, Penerbit Universitas Atma Jaya, Yogyakarta, hlm. 88-98.

³ Mc. Carthy, B.R. dan Mc. Carthy Jr. Bernard J., 1997, *Community-Based Corrections 3 rd ed.*, Belmont: Wadsworth Publishing, hlm. 37.

⁴ Hj. DS. Dewi dan Fatahillah A. Syukur, *Op. Cit.*, hlm. 41-42.

In fact everywhere, expensive litigation expenses, this is an obstacle to seeking justice. Not just for the poor. They are capable of increasing average also can not afford to pay court fees. PS Atiyah in Law and Modern Society states: "The cost of legal services is well known to be high, and the cost of litigation is so high as to be almost prohibitively for people of ordinary means".⁵

All you need do now is to revitalize the deliberation mechanism and give confidence to the people to resolve their own disputes. Mediation is very suitable to be applied for in accordance with Indonesian culture, especially to resolve family disputes that still maintain harmony and maintain privacy. Indonesian Justice System then also adopted a mediation with the Supreme Court issued Regulation No. 1 of 2008 on Mediation Procedure of the Court.⁶

The completion of the mediation cases besides cheaper than if litigants, there are also other advantages of mediation are:

- a. There are two important principles in mediation. First, avoid the "win-lose", but "win-win solution". Win-win not only in terms of economic or financial, but including also moral victory, reputation (goodwill and trust). Second, the decision does not give priority consideration and legal reasons, but on the basis of equality and fairness compliance.
- b. Settlement through mediation shorten the turn around time compared to the litigants. Extend the length of time the litigant not only add to the economic burden of finance, but also the psychological burden that will affect the attitudes and activities of the litigants.
- c. For Indonesian people, litigants social effects which break the rope family relations (fraternal relations or social relations). Not only between parties litigant. Social effects can be extended to the wider kinship. This can happen due to a case not only be of interest and "self-esteem" litigants, but can propagate in relatives. A case not only hurt the parties but also relatives. By way of mediation, these things can be avoided. Family relation ships that can be glued back cracks.
- d. Mediation is in accordance with the basic social interaction Indonesian society that prioritizes the basic of kinship, community, kinship and mutual cooperation . These principles have shaped the behavior of tolerance, forgiving, and promote attitudes the communal. Mediation is a good instrument for resolving disputes keep the basics of kinship, community, or family.
- e. Mediation is a global phenomenon. Recognizing the severity of the litigants (cost, time, increasingly complex legal, reputation, etc.), then the mediation as an alternative means of dispute resolution has grown global. Well as the family of nations, as well as part of the procedures of international legal relations, mediation is the right way resolve disputes transnational commerce.
- f. In light of the administration of justice, there are several advantages of mediation:
 - 1) The more disputes can be resolved through mediation, will reduce the amount of stress cases that go to trial. It can also affect the possibility of delinquency or "pending" in the settlement. The judge has the opportunity to explore deeply every case, which can improve the quality of decision, both for the benefit of the development of law and the interests of the litigants.
 - 2) At a low level of social trust to the reputation of judges, mediation is a deterrent, since the completion of mediation is determined by the parties, not by the judge .
 - 3) Gradually litigants in court can be directed to legal issues (not the value of the case) are complex and fundamental law that will affect the development of science even legal.⁷

Penal mediation is often referred to by various terms, such as: mediation in criminal cases or mediation in penal matters. Because the penal mediation primarily bring the perpetrator to the victim, then the penal mediation is often also known as victim Offender mediation (VOM). Penal mediation is a form of alternative dispute resolution outside the court commonly known as Alternative Dispute Resolution (ADR). Under the legislation in force in Indonesia is in principle a criminal case can not be settled out of court, although in certain cases, to permit the completion of a criminal case out of court, through a variety of law enforcement discretion or through consultation mechanisms/ peace or forgiveness institutions that exist in society (family meetings, village meetings, customary deliberation).⁸

Due to the nature of the criminal case is different from civil, penal mediation basically does have some differences with the general mediation. Umbreit explain these differences by making comparisons as listed in Table 1.

Table 1 . Comparison the General Mediation With Penal Mediation⁹

No. & Aspects	General Mediation	Penal Mediation
1 . General Focus	Issues & deal	Dialogue and relationship
2. Preparation of the parties to the conflict	mediator should not be contacting the parties before the mediation begins	At least once face to face meeting with the mediator each party prior to the

⁵ Bagir Manan, *Mediasi Sebagai Alternatif Menyelesaikan Sengketa*”, artikel dalam Varia Peradilan, No. 248 Juli 2006, hlm. 6.

⁶ Hj. DS. Dewi dan Fatahillah A. Syukur, *Op.Cit.*, hlm. 70-72.

⁷ *Ibid.*, hlm. 9-10.

⁸ Barda Nawawi Arief, 2008, *Mediasi Penal: Penyelesaian Perkara Pidana Di Luar Pengadilan*, Penerbit Pustaka Magister, Semarang, hlm. 1-3.

⁹ Mark Umbreit, 2001, *Humanistic Mediation: A Transformative Journey of Peacemaking*, dalam *The Handbook of Victim Offender Mediation: An Essential Guide to Practice and Research*, ed. Umbreit, M., Jossey-Bass, San Fransisko, hlm.17. Lihat Hj. DS. Dewi dan Fatahillah A. Syukur, *Op. Cit.*, hlm. 85. Perbandingan no.8 dan 9 adalah versi penulis.

		meeting together
3. The role of the mediator	Directing and guiding the parties to reach a satisfactory agreement .	Setting up the victim and the offender to have realistic expectations and feel safe enough to dialogue directly
4. Mediation style	Active and sometimes arrange, often spoke and asked the mediation session	Do not arrange for mediation . The party that controls everything.
5. Faced with a conflict of emotions	a low tolerance to the outpouring of feelings related to the background of the conflict	Pushing the outpouring of feeling from the parties and discuss the background of the conflict.
6. Pause of silence	A little pause of silence.	Many pause of silence. Mediator respect the silence as an integral part of healing.
7. Written agreement.	is the main goal to be achieved as a result of mediation.	is a secondary target . Which is the primary dialogue and mutual help.
8. Substance	To resolve disputes, especially civil disputes or business	For criminal cases, in principle, can not be settled out of court, although in certain cases it is possible
9. Aim	Settlement of disputes with the fixed purpose to establish a good relationship, and save face or someone's name.	The completion of the criminal case with the goal of recovery for victims, offenders and communities.

Research conducted by Umbreit found that penal mediation provide a high level of satisfaction and fair to the parties and produce more than 90 % achieved a successful agreement to compensate the victims. Another study conducted by Umbreit and Armour noted that the success rate is quite high, 40% - 60% which the parties followed the penal mediation.¹⁰

Liebmann explained in more detail the benefits of penal mediation, not only for the victim and the perpetrator, but also to the court and the public at large. Benefits of penal mediation can be seen in Table 2.

Table 2 . Penal Mediation Benefits for Victims , Perpetrators , Court & Community¹¹

Victims	Perpetrators	Court	Community
<ul style="list-style-type: none"> - Recognize and learn the perpetrator . - Asking questions on the offender - Devoting feeling ; - Accepting an apology / repair / compensation . - Educate offenders about the consequences of his deeds . - Resolving conflicts . - Being part of the judicial process - Forgetting crimes 	<ul style="list-style-type: none"> - Has responsibility for their crimes . - Knowing a result of his actions . - Apologize / offer repair / compensation . - Self-examination . 	<ul style="list-style-type: none"> - Learning how to live the victims affected by crime . - Creating a more realistic decision 	<ul style="list-style-type: none"> - Accepting an apology / repair / compensation from the offender. - Assist the victim and offender reintegration

Of all these explanations, in the opinion of the author of penal mediation is in accordance with the culture of Indonesia. It is only fitting if penal mediation used to resolve domestic violence cases which pose a particular physical or psychological suffering, which are lightweight, sexual violence between husband and wife, and neglect household. As for domestic violence that causes bodily or psychological weight needs to be resolved through the courts.

In the explanatory memorandum of the Council of Europe Recommendation concerning Mediation in Penal Matters, presented several models of penal mediation as follows: (a) Informal mediation; (b) Traditional village or tribal moots; (c) Victim -

¹⁰ Mark Umbreit, 1994, *Victim Meets Offender: The Impact of Restorative Justice and Mediation*, Willow Tree Press, New York, 1994, hlm. 15. Lihat Hj. DS. Dewi dan Fatahillah A. Syukur, *Op. Cit.*, hlm. 87.

¹¹ Marian Liebman, 2007, *Restorative Justice: How It Works*, Jessica Kingsley Publishers, London, hlm. 28-29. Lihat Hj. DS. Dewi dan Fatahillah A. Syukur, *Op. Cit.*, hlm. 88.

Offender mediation; (d) negotiation Reparation Programmes; (e) Community panels or court; (f) Family and community group conferences.¹²

Ad. (a) Informal mediation .

This model is implemented by criminal justice personnel in their normal duties, which can be done by the public prosecutor to invite the parties to reach an informal settlement with the intention not to continue the prosecution if an agreement is reached; may be done by a social worker or a supervisory official, police officer, or by judges. This informal type of intervention was used in all legal systems.

Ad. (b) Traditional village or tribal moots .

According to this model, the whole community met to resolve conflicts between citizens crime. This model is in some less developed countries and in rural areas. This model is preferred for the public benefit. This model predates western law and has inspired modern mediation programs.

Ad. (c) Victim - Offender mediation.

Mediation between victim and perpetrator is a model that is most often done. The model involves various parties met in the presence of mediators appointed. Mediator can be derived from the formal official, independent mediator, or a combination. Mediation can be held at any stage of the process, both at the policy stage the police, the prosecution stage, sentencing stage or after sentencing .

Ad. (d) Reparation Programmes negotiation.

This model solely to estimate/assess compensation or repairs to be paid by the perpetrator to the victim, usually at the examination in court. This program is not related to the reconciliation between the parties, but only with regard to material improvement planning. In this model, a person may be a work program in order to save money to pay damages/compensation.

Ad. (e). Community panels or court.

This model is a program to divert cases from the criminal prosecution or judicial procedures more flexible society and the informal and often involve an element of mediation or negotiation .

Ad. (f). Family and community group conferences.

This model was developed in Australia and New Zealand, which involves community participation in the criminal justice system. Not only involve victims and perpetrators, but also the perpetrator's family and other community members, such as police officers, judges and victim advocates. Performers and their families are expected to produce a comprehensive and satisfactory agreement victims and can help to keep the perpetrator out of trouble/next issue.

Family and Community Group Conference.

Completion of domestic violence through out of court dispute resolution (penal mediation) model of family and community group conference, has been developed in Australia and New Zealand. In Indonesia, this model can be found in the institutional form of the extended family who had been held in Surakarta and in the form of community -based crisis center, as has been held in Yogyakarta and Bengkulu.

The institutional form of the extended family.

Institutional model of the extended family is not offered to replace or negate the positive efforts by law enforcement, but an attempt to find a breakthrough in handling domestic violence cases based restorative justice. The model offered by the role of the judiciary is a large family or extended family. Just as the nuclear family, extended family institution is a universal phenomenon. The extended family was very important to the survival of the nuclear family as well as for the survival of a society, because the extended family have functions that include, among others, education, social, economic, judicial, religious.¹³

In connection with the settlement of domestic violence in accordance with the Law on Domestic Violence, Institute for Extended Family Courts, a model is offered as an alternative punishment for reasons as described below :

- a. Extended family relationships with nuclear family based on blood ties , the nature of that relationship is existential and personal. Therefore, at the same nuclear family members are members of the extended family. Specialized in domestic violence cases, men and women equally in conflict is an integral part of the extended family.
- b. Extended family relationships with women victims of domestic violence interpreted by the following: In the case of domestic violence is essentially an extended family issues; dignity of women victims of domestic violence dignity parallel with the extended family; Domestic violence is a problem that the extended family of the extended family responsibilities finish first .
- c. Extended family into a model of an alternative solution, because in addition to the women who dwell in the cities, the largest number of women victims remain in the extended family in the rural areas in the humiliation of domestic violence victims the dignity of women is a reflection of humiliation dignity of the extended family. In the settlement of domestic violence cases, there is no other institution that knows factually-objective root of the problem except the extended family, in terms of completion time domestic violence by extended family are relatively short, as did the cost relatively less expensive, and the benefits of women are victims protection both psychologically and physically from the extended family.

¹² Barda Nawawi Arief, 2008, *Op. Cit.*, hlm. 7-8.

¹³ T.O. Ihromi, 1980, *Pokok-pokok Antropologi Budaya*, Diterbitkan untuk Yayasan Obor Indonesia dan Fakultas Ilmu-ilmu Sosial Universitas Indonesia, Penerbit PT. Gramedia, Jakarta.

- d. Indeed there is a strong awareness that efforts to recreate the extended family to carry out the court which gender functions as difficult as moving a mountain. Because of the extended family not only experience but also an instrument of oppression of patriarchy. It was apparent in the trend: lack of awareness of the humiliation of dignity in domestic violence cases. The extended family was not aware of the alienation of women victims of domestic violence as one member of the alliance itself. In addition, the extended family is powerless to criticize and oppose the customary court in the case of gender are not their own members.
- e. The functioning of the extended family as an institution of justice in cases of domestic violence must be through strategic measures freed from the clutches of a patriarchal institution. That requires a fundamental effort through enlightenment and awareness are able to dismantle and remove the patriarchal value system as the role of the old paradigm and replace it with a new paradigm that is gender equity.
- f. Extended family as an institution can be potentially effective, although it still serves the interests of the institution of patriarchy. Women have always been victims in this trial, but if the court is willing to be used as an alternative, these institutions must be freed from patriarchal values. Exemption covers the values, laws and extended family structures that are involved in it. For example, by involving women and youth in changing the program through empowerment.
- g. To empower the extended family is not easy, because it is not easy to unite the two families are culturally, each extended family has a system of values that nurture and protect their identity. In addition, this social institution has long been contaminated in customary law as a tool of patriarchy that promotes male superiority. The presence of young people in alternative structures to offer a new force that is able to drive the process of deconstruction and institutional reconstruction more functional for the extended family. In addition, to preserve the values of gender law from generation to generation.

The institutional model of the extended family will be able to function optimally if it also involves a third party that can serve as a mediator. The third party could be community leaders, elder leaders or religious figures who are well known by a large family of the couple. Because without involving a third party will have difficulty in bridging the desire of both parties.

Community Based Crisis Center

In 2004 a house of worship stands Mai'sya (Huma) as a medium to deal with domestic violence cases. The organization at the beginning of the use of the name of the Society Cokrodiningratan that deal with the problem of violence against women and children sort of partner or family. Although in today's process management Huma is the responsibility of society, but at the beginning of the formation of this institution is a community organization that was established in the framework of the implementation of the program which took Bappeda Yogyakarta Rifka Annisa Women Crisis Centre (WCC) in it. The government acts as the support of funding activities, while Rifka Annisa role to provide assistance, both in terms of strengthening the knowledge of gender issues in society and the technical ability to manage a crisis center. The government put Huma as a pilot project for 6 (six) months after the first stand, after that, the next 6 months Rifka Annisa turn that play a role in providing assistance to improve the capacity of institutions.¹⁴

Involve NGOs in a government program, as was done with the City Government of Yogyakarta Rifka Annisa is not without reason. Government programs has been criticized for not providing independence in the community. Activities that do tend to caricature by providing various kinds of assistance to the community, both goods and capital assistance. Economically, it contributes to the improvement of people's income directly and provide a significant impact on economic growth. But it is to condition the public to always be in a position beneficiaries ultimately be dependent on the government's helping hand . In relation to the State, the community will occupy an inferior position , and often becomes a tool legitimasi for state policies. Non-governmental organizations (NGOs) in the rate of development brought the idea of empowerment as an alternative support for the community. Empowerment was developed from the concept of participation as a basic approach. From this side, NGOs, among others, serve to manage the initiatives under the expectation of growing self-sufficiency.¹⁵

In the process there are two tendencies approach taken by the NGOs. First, NGOs engaged and united in the community assisted. Measures and activities carried out within the framework of building a social movement (new) with a vision of social justice, for example by doing community organizing. Second, NGO advocacy in influencing policy. In an effort to foster self-reliance, which is defined as the ability to manage the welfare of his community, raising awareness of people's rights, human rights and democratization becomes a necessity. With such a method, involving NGOs in government programs, as did the government of Yogyakarta with Rifka Annisa involved indirectly as a facility to build public trust in government aid, as well as providing a different view that society should not be a party without a receiver effort and hard work to get it.¹⁶

Departing from a program initiated by the government, Huma standing after a series of communications through organizations or community groups which are directly under the line of government coordination, such as RT, RW, PKK, posyandu, and others. Because intersect with women's issues, the PKK is designated groups as a means for the entry of Huma (or Cokrodiningratan

¹⁴ Danang Arif Darmawan, 2008, *Mengikat Tali Komunitas Memutus Rantai Kekerasan Terhadap Perempuan*, Media Wacana, Yogyakarta, hlm. 51.

¹⁵ E. Shobirin Nadj, 2004, *Kegamangan LSM*, dalam Dharmawan, ed., *Lembaga Swadaya Masyarakat: Menyuarakan Nurani, Menggapai Kesetaraan*, Penerbit Buku Kompas, Jakarta, hlm. 20.

¹⁶ Danang Arif Darmawan, *Op. Cit.*, hlm. 52-53.

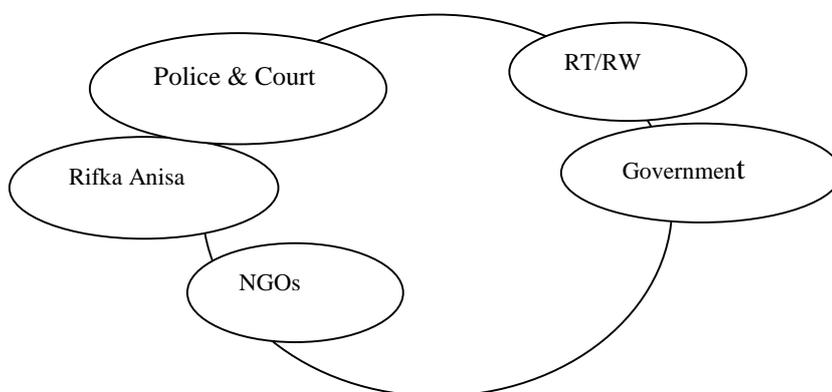
Society at its inception) into society. PKK members, all of whom are women, are expected to become change agents in incorporating the ideas of gender equality are built through a series of discussions and training.¹⁷

Huma existence as a community -based crisis center, can not be separated from Rifka Annisa gait as the originator of Huma. Rifka Annisa also play a role in providing knowledge through a series of training activities and mentoring. In a further development Huma requires the involvement and active participation of women, because although Huma does not stand alone in the interests of women, in practice many problems encountered by women, because of domestic violence, subordination and marginalization in everyday life. For that Huma even involve mothers who have experienced domestic violence, so that the mother and the victim's neighbor approach can more easily communicate and openness. Although there are also fathers who are involved in the organization of Huma, but more involving mothers in terms of assistance to the victims, while the father was engaged to speak with the domestic violence perpetrator.

For example, the model handling domestic violence cases involving fathers as a counselor, is what has been done by the Institute for Women and Women's Voices Studio in East Nusa Tenggara Kupang. For mild cases of domestic violence, counseling for men that most perpetrators were quite effective. With male counselors also facilitate openness actor who is also a man. From the results of digging in counseling, the counselor can then direct the actors on techniques to manage anger, so that even in anger perpetrator can control myself not to use violence. Isaac Pattiwaellapia continuously grateful, if first he needs a counselor to escape uncontrolled anger that leads to violence, now he became counselor to others who have similar cases . Isaac is one of 30 men who received counseling training in order to prevent acts of domestic violence in Kupang.¹⁸

Models of community-based crisis center or community-based crisis center in Yogyakarta of Huma involving multiple parties, ranging from the RT/RW up to the level of municipalities and other government agencies such as the police, the courts or with various NGO's in Yogyakarta. Huma strategy undertaken in order to maintain its existence is to develop a range of activities and networks. Although the initial establishment was motivated by acts of violence against women, Huma also touched on his way productive activities , both conceptually and economically. Training activities, seminars and mentoring compiled in the hopes of transfers between participants, while composting, recycling, and several other activities carried out in order to improve the economic capacity of the community. Models of community-based crisis center Huma involving the government of the RT/RW to involve municipalities and other government agencies such as the police, courts, and various NGOs including the Rifka Annisa can be seen in chart 1 below.

Chart 1. Model -Based Community Crisis Center of Huma Yogyakarta



Huma as a social movement can be said to have a positive impact if: (1) Activity Huma accepted by most people, which can be shown with the active participation of the people, both men and women, (2) There is a change in the mindset of the people looking at domestic violence indicated by changes in the response of the community in case of domestic violence, (3) Although not totally change the culture of patriarchy society, at least Huma able to direct it in a positive social relationships. (4) The training activities should be done to improve the economy and managed professionally and seriously.

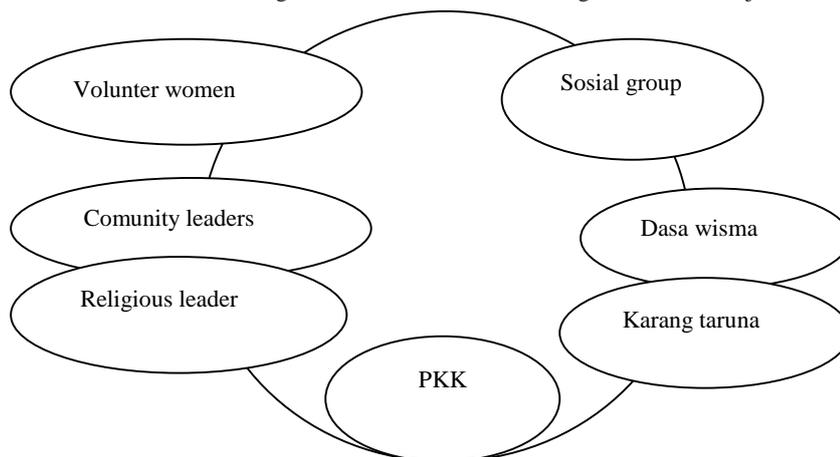
For comparison below will be displayed models of integrated crisis center village Bukit Paninjauan 2 (Chart 2), village Kembang Seri (Chart 3) and village Malabero (Chart 4) Bengkulu, as follows: ¹⁹

¹⁷ *Ibid.*, hlm. 53.

¹⁸ *Harian Kompas*, Rabu 28 September 2011, hlm. 24.

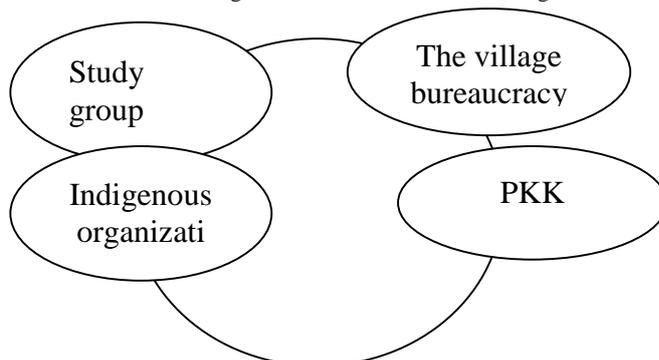
¹⁹ Hasil Penelitian yang dilakukan oleh Tim Peneliti : Noeke Sri Wardhani, SH, M. Hum, Dra. Titiek Kartika Hendrastiti. MA, Dra Sri Hartati, M. Hum dan Drs. Raharjo Nuryono, MPM.,pada tahun 2006 dan 2007.

Chart 2. Model Integrated Crisis Center in the village of Bukit Paninjauan 2



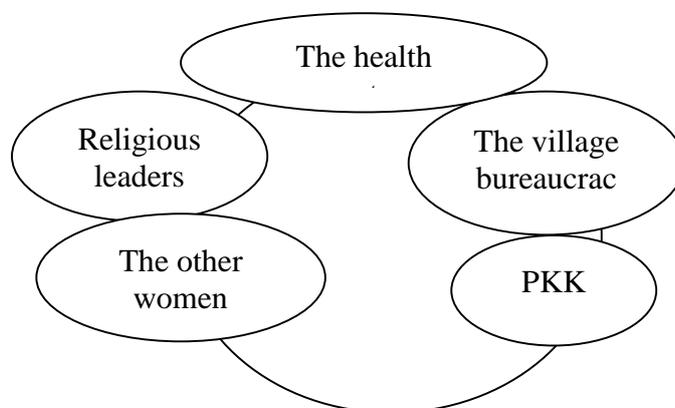
From this diagram , it can be explained Integrated Crisis Center (CPC) in the village of Bukit Paninjauan 2 personnel of the various components, comprised of community leaders, religious leaders, the PKK, village representatives, Youth, Dasa Wisma, Volunteer women and social groups in the village. Those that will handle the event of violence, if necessary CCP can coordinate or refer to a health center if the injured or ill and to the police, if need be completed by the Police.

Chart 3 . Model Integrated Crisis Center in the Village of Kembang Seri



The design model of the ICC in the village of Kembang Seri, more simple, not a lot of components, consisting only of the PKK, the village bureaucracy, Indigenous organizations and study groups. According to them if there is violence, completed by the ICC, with more priority to the completion of customary, involving mothers PKK, religious leaders who are members of the study group with the knowledge of the bureaucracy Village Kembang Seri .

Chart 4. Model Integrated Crisis Center Village Malabero

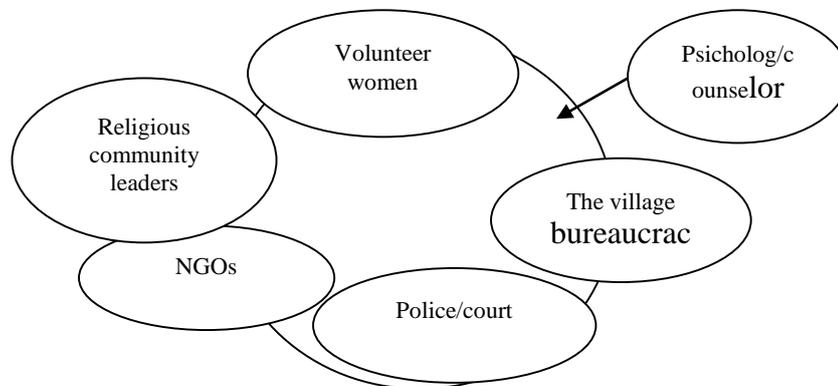


What's interesting in the village Malabero ICC model is the inclusion of the health center to be part of the ICC. This could happen due to the Bengkulu City Government, in addition to establish hospitals and M. Yunus Bhayangkara Police Hospital to be a referral center for the treatment of victims, also appointed two health centers, the health centers and health centers Fish

Market Road Gedang as a referral center for victims. Incidentally Health Center Fish Market in the territory of the village Malabero .

After studying various models of community -based crisis center above, the writer tries to make the design model of community -based crisis center, as follows :

Chart 5. Model -based Crisis Center Community of Writers



The new thing is involvement of the authors offer a psikolog/counselor, because according to the authors psikolog / counselor is a person who can help clients / people who are troubled to discover the identity and strength in solving the problem . Although they could not be present at every meeting held, at least they can give instructions or counseling when faced with cases that require handling psikolog. In addition to the involvement of a former victim of domestic violence as a volunteer companion also very helpful openness of the above cases the victims suffered.

Conclusion

Construction of new institutional forms of protection-oriented victim is "institutional -based restorative justice", performed at the level of institutional reconstruction of the social fabric. By the way: make a settlement procedures involving all parties, namely the offender, victim and community/state; change law enforcement perspective, in order to have a greater understanding of women's perspective and increase sensitivity to domestic violence, and to make clear the mechanism of action to enable the coordination of inter- networking agencies that deal with domestic violence; moral transformation of individuals, in order to eliminate gender -based discrimination; empowerment of men and women, as well as build "equality in diversity". Finally, the completion of domestic violence can be done through penal mediation model "institutional extended family" and in the form of "community based crisis center".

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