

# LEARNING VALUES THROUGH DOMESTIC VIOLENCE OF THE COMMUNAL CONFLICT IN MALUKU, INDONESIA

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## LEARNING VALUES THROUGH DOMESTIC VIOLENCE OF THE COMMUNAL CONFLICT IN MALUKU, INDONESIA

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### Abstract

A lot of attention is paid to domestic violence, trauma, and discrimination against women in Maluku. This study focuses on husbands abusing their wives, which led to many deaths. A number of 30 people from 10 formal and informal institutions in Ambon were interviewed for this case study. Qualitative data was used to look at the data. Observation, interviews, and document analysis were used to get the data. The steps involved converting numerical and descriptive data into narrative data, identifying themes and units of analysis that were relevant to the research questions, making coding rules, applying coding rules to the whole data, and selecting the final data for findings, which were chosen from the data. Some Islam and religious leaders in Maluku think that husbands should hit their wives who break the rules. Thus, addressing domestic violence issues is very important. As part of these efforts, you should look for a religious partner from a good family and take part in premarital education. A husband who is thinking about polygamy must make sure his wife and kids get fair treatment, peace-making institutions must be strengthened, and people who break the law must be punished.

**Keywords:** domestic violence, advocacy, victim, spouse, victim, peacemaking.

### INTRODUCTION

Domestic victims have proliferated in the Maluku Islands of Indonesia over the last decade. Domestic violence is a problem in Maluku, particularly in the city of Ambon. Domestic violence in Maluku was chosen as the subject of this study because it is a problem that occurs frequently and has far-reaching consequences, including physical wounds, mental anguish, sexual abuse, and economic ruin. This is a concern that extends all the way to the municipal and national levels. A dominant patriarchy culture that elevates males (husbands) over females (wives) is linked to high rates of domestic violence (Hanifah 2007). Domestic violence affects both perpetrators and victims. Last year, Maluku lost two victims to domestic violence. Nur Nabila's husband abused her and she died on March 19, 2020. His husband (MU) murdered another victim (Alamsyah, 2019). Moreover, in 2018, DFS (victim) was matched by her husband, leaving her bloodied (Unawekla, 2018). Domestic abuse is a multi-faceted issue. It is viewed as a heinous crime against humanity. Victim choose to stay in a painful situation (Mulia, 2005). Let us consider the case of Nur Nabila, a victim of domestic violence who chose to stay married to the abuser until her death. Domestic violence victims are known to be passive and in need of assistance. Meanwhile, the government and the community as a whole are responsible for preventing and advocating for victims of domestic violence (Gultom, 2014). Religious leaders' assistance to victims of domestic violence is

vital. Because Muslim women were abused in Maluku, the involvement of Islamic religious authorities is vital. The previous research looked at different aspects of domestic violence. Abramsky et al. (2011) examined women's health in relation to global domestic abuse. This study did not examine how to help victims of domestic violence. Aside from the fact that Kelly & Payton (2018) focus on intimate partner violence, Goldenberg et al (2018) focus on transgender youth violence, some of the studies offer problem-solving or victim advocacy. Dillon (2013) discusses how domestic violence affects women's mental and physical health. Despite its focus on preventing violence against children and women, Ellsberg's (2018) research does not include victim advocacy. Domestic violence victims' advocacy is oppressive, according to Indonesian law, and prevention efforts have yet to be implemented. On May 29, 2015, the Ambon Resort Police and Provincial Police received 27 complaints of domestic abuse. Domestic violence was most prevalent in Ambon (96 cases), West Seram (68 cases), Central Maluku (12 cases), Buru (6 cases), and Southeast Maluku (9 cases) (3 cases). Women are more likely to attack men psychologically. They want equal pay to compensate for their spouses' physical abuse. Wives are weaker than husbands. And if they defend themselves, they may retaliate psychologically. While some wives did physically assault their husbands, it was nothing compared to the husbands' assaults. The household situation and community culture cause some domestic violence. Culture influences values and perspectives, which is one of the causes of domestic violence. In this article's assumptions, all parties must pay close attention. Islam defends victims, with perpetrators' sentences linked to means of separating victims from future violence.

## METHODS

### Design

This case study, which is qualitative in nature, was examined using an applied qualitative approach, which was used to examine the data (Yin, 2014). An investigation of a complicated phenomenon through the identification of several components that interact with one another is possible through the use of qualitative case studies. The situation that has been brought to our attention is real. During the time of writing, this study concentrated on domestic violence perpetrated by a husband against his wife, which was prevalent in Ambon (the Central City of Maluku). The qualitative data analysis method was used in this study (Cresswell, 2014; Zhang & Barbada, 2009).

### Informants

This research was conducted with 30 leaders, three of whom were chosen from ten different formal and informal organizations in Ambon to participate in the study. The informants were formally in charge of resolving social issues in a number of government agencies. These people are well-versed in the history of social conflicts in Maluku thanks to research and personal experience. An informal role in the community, informants are involved in the day-to-day context of social conflicts. MUI, the Maluku Foundation Manager, the Muhammadiyah Manager, the Aisyiyah Chairperson, the Chairman of the Da'i Indonesian Association (IKADI), the Wahdah Islamiah Management, the Tabligh Jamaah Leaders, and

the District Head and Staff of the Marriage Registration all fall under the umbrella of religious leaders in Maluku province.

### **Data Collection**

The primary data were collected through observation and interview. Secondary data were obtained from the documentation.

### **Observation**

The goal of the investigation was to find out if there was a pattern of domestic violence in the area. Observations were made in the war zones where an incident occurred in order to get a clearer picture of the situation. Observations were made of all 26 locations where conflicts took place, including the scene, witnesses, and relevant facts. Results show that researchers were able to gather information about the abusers and their victims, as well as details about the location and artifacts that were used in the crime scene investigation. Observation and investigation are the primary means of obtaining primary information about the chronology of the episodes, confirmation and clarification of the catastrophe, artifacts, and testimonials from first-hand sources.

### **Interview**

The goals of the interview were to explore Maluku's domestic violence practices, Islam's and religious leaders' views on domestic violence, problem-solving strategies used by Islamic religious leaders to deal with domestic violence, and religious leaders' advocacy for Maluku's violence victims. Interviews were conducted with ten leaders, a cross-section of the study's total informants of 30. One person, the leader, represents an entire institution. The unstructured interview was conducted in the informant's office. On average, each interviewee devoted 45-60 minutes to the process. A total of four members of the study's research team were interviewed by the investigators. One member of the research team assisted in recording the interview, while the other two members were involved in the interview process, as well as interviewing the interviewee. Recording and field notes were also done by the other two members using their android cell phones. While interviewees' questions were clarified and data was collected, members also assisted in expanding on the issues. Each member of the research team took turns transcribing the interview's transcripts verbatim, after which they all worked together to analyze what they had learned from the transcripts.

### **Document Analysis**

Documents were also used, particularly in the form of domestic violence case numbers that were relevant to the themes of the cases that were investigated, which was particularly effective. The study reports were gathered from a variety of sources, including the IAIN Maluku, Muhammadiyah, NU, and the Maluku Foundation, among others. The documents were written in the English language. The materials were complemented by legal documentation obtained from the police department and the Attorney General's office. As part of the research protocols, the research team conducted a document analysis prior to conducting the field observation and interviewing participants. One of the goals of this study

is to direct researchers to become more focused on the themes and general facts about women's abuse, which were the areas that were emphasized in this study, rather than on the specifics of each case.

### **Data Analysis**

Based on Cresswell (2014) and Zhang & Barbara (2017), this study used a qualitative data analysis process (2009). Five stages were used to break down the data analysis process. The first step is to convert empirical evidence from observation, interview, and document analysis results (Yin, 2014) to narrative data. It's then used to identify relevant themes and units of analysis from the transcribed data from the observations and interviews (Cresswell, 2014). Third, the researchers define the coding system rule, which includes how the numbering is applied, unit analysis, and the appropriate attachment of themes to the coding system rule. When it came to performing unit analyses, any samples that didn't match or were inaccurate were recorded using the coding scheme. Triangulation was used to examine the data's reliability and correctness (Cresswell, 2014). In the end, researchers checked and sorted the final data to determine if it accurately represented the study's findings before determining that it did.

## **RESULTS AND DISCUSSION**

### **The view of Islam and religious leaders on domestic violence**

According to Islamic point of view, domestic religious violence varies from sexuality and physical. The Secretary of Tarjih and Tajdid Muhammadiyah Council of Maluku (Muh. Thaib Hunsouw, M.Ag, interview 23 September 2017):

"There are several steps in admonishing a disobedient wife. The first step is to give advice. If it does not change anything, she should sleep separately from her husband. The next step is to hit part of the body that would not cause pain. One could not even hit the body part with hand, because a man (husband) is physically strong it could hurt his wife. Islamic religious leaders say that if one really needs to hit his wife, use *miswak*. That is what called hit for education mean, not physical abuse."

Forced sexual intercourse with a wife is one example of sexual violence. Coercion is classified as sexual violence under the Law of the Republic of Indonesia Number 23 of 2004. (marital rape). However, Muh. Mu'allim, MHI, MA (Member of the Indonesian Ulema Council (MUI) Fatwa Commission, Maluku, and interview 25 September 2017) claims otherwise:

"There is nothing such as *marital rape* in Islam. After the marriage covenant, sexual intercourse between husband and wife is halal. But husband should understand the psychology state of his wife. A husband often neglects the rights his wife has, which is to do the things she should have done before having sex. Coercing sexual relation is considered rude."

Economic violence is in line with Islam. Hence, according to Farid Naya, MSI (lecturer of IAIN Ambon, interview 28 September 2017):

"If a husband does not give financial support to his wife and children, it is surely a forbidden deed in Islam. Therefore, "the prohibition of economic violence in households contain in the Law of domestic violence elimination is in accordance with the responsibility of a husband to provide *nafaqah* (financial support) for his wife in Islam. If a husband neglects his responsibility in providing financial support for his wife and children, then he violates the command of Allah."

Islam is associated with violence due to God's gender bias (Etienne 2007; Pal, 2011; Marhumah 2015). Islamic law prohibits all forms of violence, including domestic abuse (Esposito, 2015). No one wins from domestic violence. Maslahat al-Syatibi (2003) states that Islamic law aims to protect religion, spirituality, generation, mind, and wealth. Spiritual enlightenment is thwarted by physical abuse, while wealth preservation is threatened by sexual abuse and mental abuse. Additional benefits would be hampered by domestic violence. As part of Islam's mission to bring blessings to the world, domestic violence is discouraged. In Islam, women were freed from sex-based oppression and given equal rights to men (Engineering, 2007). In domestic violence, a spouse exerts power or control over their partner. It is permitted for husbands to physically discipline their misbehaving wives in QS an-Nisa: 34, but it must not be painful. Intercourse between a husband and wife is defined by Ali (2007). According to some Ulema, beating one's wife is against Islamic law in all circumstances (Elsaidi, 2011). Wives are reminded of the importance of being kind and respectful by QS an-Nisa: 34.

Violence contradicts marriage goals of creating a happy family. When there is domestic violence, it is impossible to have a happy family (Yasid, 2005). It is important to remember when interpreting the nusus passage that the Prophet Muhammad never hit his wife and was strongly opposed to the idea of beating and insulting a woman (Sajistani, 1996). Animals must be protected, and this protection must extend to their wives and children as well.

### The problem-solving of domestic violence

According to the Staff of Wahdah Islamiah Management of Maluku (Abdul Muher, M.Ag, interview on 22 September 2017), one of the problem-solving strategies for domestic violence is the use of a family court system.

"Strengthening and improving the understanding of the husband and wife about each other's responsibilities. Husband and wife must comprehend their responsibilities, as husband and wife and as parents and children. The husband-and-wife coaching process could be carried out by the religion social institution in the community, through socialization."

If a husband meets his responsibilities, then the wife's rights must also be satisfied, and vice versa, the rights of the husband must also be satisfied as a result of the husband's actions. And

it's possible that domestic violence will not occur. Drs. Husen Maswara, M.Th.I., chairman of Ikadi Maluku, in an interview with Drs. Husen Maswara on September 27, 2017, explains:

"Solving domestic violence problems in Islam is through a good planning before marriage. Therefore, husband-and-wife-to-be need knowledge. Husband and wife must be dynamic in searching for knowledge related to the live quality improvement in a household. If the economic condition is not fulfilled well at the beginning of the marriage but is supported with a good knowledge of Islam, the marriage would stay harmonic, and nothing could ruin it. Therefore, family education is necessary for the benefits of the household."

### **Choose a partner with good knowledge of Islam and came from good family**

When it comes to resolving domestic violence concerns, choosing a spouse who has a strong understanding of religion is critical. "Choosing a partner based on his religious adherence could eliminate domestic violence," says Dra. Aisa Manilet, M.Ag, Chairperson of Aisyiyah of Maluku Region. Husband and wife must be on an equal footing, and at the very least, both must be Muslims" (interview on 29 September 2017). On the contrary, if both husband and wife are religious, their social status will not lead to domestic violence. People who have good obedience and a noble character have a huge heart and a happy mindset. A person with a huge heart has the courage to forgive others and overlook their faults". If someone is pious, they will not succumb to lust and emotion. He is patient even when he is upset, because Islam places a high value on patience.

### **Premarital education**

Premarital education is mandated by Indonesian Islamic law for every couple who registers for marriage at the Subdistrict Religious Affairs Office. Din Kaimudin, a Marriage Registrar Employee in the Religious Affairs Office of Baguala Subdistrict, Ambon, says:

"Premarital education is also designated for married-couple that has never attended it before. Within this context, premarital education could become a solution for domestic violence issue. The coaching for the to-be-married couple in premarital education contains several things; rights and responsibilities of husband and wife in domestic life, tips to overcome misunderstandings of husband and wife, also solution to domestic violence" (interview on 30 September 2017).

Premarital education's goal is to develop students' understanding and to help them overcome issues without domestic violence. The Islamic view is that contributions that benefit Muslims are classified as positive. Keeping the souls and the generation are in Maqasid al-Syari'ah. As such, despite the lack of previous precedents, Islamic teaching recommends that all those getting married learn about one another before tying the knot. Domestic violence is particularly kept in check through premarital education programs. Thus, it is tied to maqasid al-spiritual syari'ah's and generational aspects.

Based on mawaddah and rahmah, Islam teaches us to resolve domestic violence with a spirit of serenity (sakinah). Shihab (2007) goes into great length about the teachings of sakinah, mawaddah, and rahmah, among other topics. The verses of Allah in Surah Al-Rum: 21 serve as the legal foundation for this claim.

"And as of His Signs, He created mates for you from your souls that you may find rest in them. And He put between you love and mercy (compassion). Most surely there are Signs (proofs) in this for a people who reflect (reckon)."

According to this view, profound sakinah (or unity) between a husband and wife will reduce domestic violence. In the opposite scenario, a relationship in which there is poor self-esteem or insecurity between the husband and wife would be more vulnerable to domestic violence. The foundation of peace is patience in dealing with our partner's shortcomings and willingness to sacrifice for their well-being. It is stated in mawaddah that husband and wife with mawaddah would not be able to inflict pain on their companion. A husband and wife who value each other's happiness will go to great lengths to keep the partnership going. Thus, a greater sense of Mawaddah and Rahmah (love and compassion) in a husband and wife relationship decreases the likelihood of domestic violence. To put it another way, low Mawaddah and Rahmah (Tender Loving Kindness and Compassion) on the part of a husband and wife raises the risk of domestic violence. children raised in a violent environment are likely to become violent with their spouses (Wagner et al. 2019). It is essential that no one is forcing someone to have sexual relations (Mohammed et al. 2019). Couples that engage in sexual intercourse experience satisfaction as a result.

A teaching of husband-and-wife responsibility awareness. Domestic violence is less likely to occur when both husband and wife are conscious of their own obligations. Domestic violence is more likely to occur when husband and wife are unaware of their duties. According to Zuhaili (1989), a husband is responsible for providing nafaqah in the form of food, drink, clothing, and housing, as well as paying for treatment and other requirements. A wife, as a husband's partner, must obey her husband unless it is against Islamic law. Umar (2001) explains the marital equity principle. But a relationship that makes a wife the husband's slave is ripe for domestic abuse.

Premarital education supports this approach, aimed at ensuring that husband/wife understands and resolves disputes without household violence, husband and women's rights and obligations. Having a thorough grasp of husband and wife's rights and obligations will help couples to better identify and fulfill their responsibilities. An understanding of rights and obligations that is weak would have the opposite effect.

The teaching of being fair for polygamous husband. The underlying principle is that the greater the justice a husband provides for his wife and children, the smaller the likelihood of domestic violence occurring between them. On the contrary, the less respect a husband has for his wife and children, the greater the likelihood of domestic violence occurring between them. QS. an-Nisa: 3 is the legal basis for the claim.



But the ability of a husband to be fair to his wife does not include feelings of love and sex. A husband can't do that. It is better to treat all members of the family fairly and equally than to overlook one member to focus on another. Besides, prior to having a polygamous marriage, a man must provide evidence to the religious court showing that he is capable of treating all his wives fairly. Muslims in a few nations have even mandated that a husband needs the consent of a court to be polygamous. While polygamy is not required, it is only allowed, making it meaningful (Nurmila, 2009). In a controlled research study, findings have shown that a fair polygamous husband does not result in violence (Khasawneh et al. 2011). Because of this, justice in the case of a polygamous husband could effectively help end violence.

#### **Advocacies from religious leaders for violence victims**

Men's monogamy is like the main door, but polygamy is like a special door reserved for particular types of men. In Islam, a husband contemplating polygamy must demonstrate that he is capable of treating his women and children fairly. Drs. Husen Maswara, M.Th.I, Chairman of IKADI Maluku says

"Polygamy is not a necessity nor a model. Polygamy is "a small window, a narrow alley provided for special people. Special people that could not live life as most normal ones. Therefore, they are provided that path. For example, a person that requires to live a nomadic life due to his profession, or hypersexuality." (interview 27, September 2017)

To ensure that polygamous husbands are treated fairly, the requirement that has been written in QS an-Nisa: 3, Abdul Muher, M.Ag is (Maluku Management Wahdah Islamiyah):

"The strict requirements for a polygamous husband in Islam could be a solution for domestic violence. If a husband acts fairly, children and wives would not experience domestic violence. Because it is a common thing in community that a polygamous husband causes domestic violence toward his wives and children. Justice in this context is *nafaqah* (financial support) and the time set to spend at the wife's house, it is not about being fair in love. "Love justice of a husband to his wives in polygamy marriage is hard and even impossible to do" (interview 22, September 2017).

The Law of Domestic Violence Elimination is made official by the DPR, a legislative body of citizens elected to represent their constituents and specialists in Islamic law. In conclusion, Abdul Muher, M.Ag from Maluku Management (Wahdah Islamiyah of Maluku Management) states: "This law truly befitting with Islam." Ben Peters on advice to career changers While this legislation is not directly related to Islamic law, the spirit of it is important to understanding it. A prohibited act that causes physical, psychological, and sexual agony on victims might be considered a criminal conduct (*jarimah*).

A prohibition on de<sup>42</sup> that may cause physical, psychological, or sexual pain is consistent with Islamic law if the Law on the Elimination of Domestic Violence prohibits de<sup>30</sup> may cause physical, psychological, or sexual pain. This can be shown in the hadith *al-muslimu man salimal muslimuna min lisanihi wa yadihi*, which states that a Muslim is capable of saving another Muslim from his voice, actions, and hand.

To support the victims of domestic violence, ask for assistance. An employee of the local religious affairs office in the Din Kaimudin area explains that "in their practice, some wives (survivors of domestic violence) have sought help from the religious affairs office in order to track down their missing husbands (the husbands neglecting them)" (interview 30, September 2017). Therefore, the importance of ending domestic violence and supporting victims must be acknowledged. Enforcement and sentencing of criminals is one of the key stages for domestic violence victims. Victims could approach the Subdistrict Religious Affairs Office at their home if they were in any dire situations. Conducting this step helps to safeguard victims without the use of force (persuasive). However, in other circumstances, domestic abuse victims must go to the police to get legal protection.

In instances where men hurt their wives, including killing them, they will be condemned to prison. With the punishment, the husband is intended to be deterred from committing domestic violence in the future. On the contrary, a husband could be extremely affectionate toward his wife. As a result, the punishment is intended to be beneficial to both the victim and the perpetrator, particularly in terms of the perpetrator's relationship with his wife.

#### **Protection for violence victims according to Islam**

Islam does not tolerate domestic violence. Because Islam is tremendously caring and pay heed to the victims of domestic violence. Islam defends the domestic violence victims through several acts. According to Islamic teachings, if a husband and wife are embroiled in a quarrel, they should seek the assistance of a peacemaker/mediator, known as hakamain, which is comprised of a husband and a woman. According to QS an-Nisa/4:35, this institution was founded.

"If you anticipate a split between them, appoint a mediator from his family and another from hers. If they desire reconciliation, Allah will restore harmony between them. Surely Allah is All-Knowing, All-Aware."

Two mediators (hakamain) must find problem-solving that could combine the desire of the husband and wife, to make them once again live in peace. In short, hakamain must eliminate the conflict between the husband and wife to cause no harm for the wife during the conflict with her husband (Ellis & Stuckless 2006). Therefore, hakamain brings peace and eliminates domestic violence between husband and wife caught in a conflict. Hakam could protect victims from the violence of the partner.

A large percentage of economic violence in the community stems from stingy husbands. As what is done by Hindun binti Utbah, the wife of Abu Sufyan, a wife may claim nafaqah from the belongings of her husband, even if he does not know. Abu Dzar, peace be upon him, authorizes this action as long as it does not go over the boundaries, and if a husband is cheap. In other words, Islam defends a wife, who is an economic violence victim, from being convicted of theft because the husband is accusing her of his goods. It is fiqh (Islamic jurisprudence) according to some legal experts (other than Zahiriah Ullah) that in this situation, the woman does not lose her hand (Ainain 1982). Because the wife has assumed what really belongs to her, but which she hasn't been granted by her husband.

## CONCLUSION

In conclusion, these findings show that domestic violence against Maluku women is serious because it has resulted in the deaths of their wives, with the majority of incidents going unreported. This case is being handled incorrectly. To address domestic violence issues, a better understanding of husband-and-wife obligations is required. Beyond the current state of premarital education, there is still much work to be done in terms of genetics and diversity. Those who are victims of domestic violence benefit from strict polygamy restrictions. A spouse must be confident in his ability to act fairly. In Maluku, institutionalized mediation provides the right to mediator empowerment, and the victim is protected when domestic abuse is prosecuted as a criminal offense or the perpetrators are sentenced with mercy. Domestic violence has gained unwitting legitimacy, particularly among those raised in families and communities where such violence is accepted as a tool for resolving conflict.

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