

## Cultural Study on Domestic Violence in Batak Community

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# *Cultural Study on Domestic Violence in Batak Community*

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## **Abstract**

Many practical conflicts rise within societies these days. These has caused some intrusion to the people life. Based on my observations and predictions, this happened due to a lack of understanding about the culture, behavior, personalities, customs, and regulation which govern us all. Human being has been equipped to function by upholding the certain cultures values. That values, which must be up hold in particular society, may not be considered important by other communities; worse, sometimes it is even considered a deviant act. Cultural values covered various aspects of social norms, that is taught to every individual within community that can serve as guidelines when performing various roles in different social situations. Social norms partly incorporated in relation to the other, and emerged as a social institution which guide the demands of society, or in accordance with the idealized way of life portrayed in the group. This ideal viewpoint forms sanctuary and corridor which must not be disrupted but need to preserve. This research aims to determine familial pattern adopted, wife status, and Batak culture which provides opportunities for violence against wives in Batak household, and to analyze forms of domestic violence in Batak community that lead to legal problems.

Keywords: cultural study, domestic violence, community.

## **1. Introduction**

Custom or patterns of rule in social life should be taken into daily life routines as code of conduct by all members of the community such as husband/father, wife and children. This ideal picture or design of life must be preserved, and legal approach is one way to encourage members of

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community to preserve it. When denial to cultural values occurs, its preservation should also go through legal process. Should any of the community members heed not to the cultural norm, the value of the underlying it is denied and may someday fade away or even lose some day. However, sometimes existing and habitual norms, which has binding force, are wrongly translated and implemented by some people.

Carradore (2012) stated that the economic situation of a family is an aspect that has a great influence on lifestyle and the way that the members of a household perceive social reality. Looking into rooting culture also means reviewing the correctness of a culture through various study of cultural substance for well-defined implementation understanding in the community. Cultural aberration can be observed in family life. Families are established and run by mutual values agreed and believed by both parties. They are accepted, internalized so that they become nevertheless habituation and familiarization to all family members. Nevertheless, faulty interpretation of role by family members ends up in conflict.

A household following physiological can be defined as a family. The family is a relationship of father, mother and their children. Every family is always to generate a happy and lovely relationship. It is both of internal and external relationship. But it is not all family can achieve the good relationship, it is indicated that there is some problems in the household which often occur a violence in the household. A family is a special relationship between husband and wife that it should be improved to good quality in their household relationship. Soelaeman (1994) stated that the family life is bound by affection between the couple and confirmed in the wedding, which intend for self enhancement by using each individual quality.

Husbands and wives should work on improving the quality of the relationship between them. The pattern of the marital relationship within the family should lead to a democratic pattern where wife sees herself having opportunity to to grow and develop steadily. Scanzoni and Scanzoni (Thromi, 1995) distinguished the quality of the relationship between husband and wife can be into four, namely: *owner property* (wife is the husband's property as money and other valuables), *head complement* (wife is seen as a complement to her husband), *senior-junior partner* (wife is no more than a complement to her husband as well as friends), and *equal partner* (no position higher or lower between husband and wife).

In *property owner* marriage patterns, wife is merely considered as husband's property as money and other valuables. Husband is responsible to make living, wife is obliged to provide food for her husband and children and perform domestic chores because her husband work to support her and their children. In such a marriage pattern, several norms apply; 1) wife is responsible to

please her husband and fulfill all husband's wishes and needs in the household, 2) wife should obey her husband in all things, 3) wife have to give birth to children who will carry the name of the husband, and 4) wife should educate their children so that the children could bring good name of the husband. In such a marriage patterns, wife is not regarded as a person but merely as an extension of her husband's only. She is only the attractions, needs, ambitions, and ideals of her husband. Wife is subject to all husband's provisions. They also must submit to husband in the event of disagreement to maintain stability in the household.

In the head-complemet marriage pattern, wife is regarded as a complement to her husband. Husband is expected to meet her needs for love and affection, sexual satisfaction, emotional support, friends, understanding and open communication. Husband and wife plan and organize life together. Husband is still responsible to earn a living for his family, while wife is at home educating their children. Such a marriage patterns place wife at important social attributes to husband. The wife must reflect the position and dignity of her husband, both in social behavior and in social physical appearance.

In *senior-junior partner* marriage patterns, wife's position is merely a complement to her husband. This change occurred because wife contributes economically to family despite it is still husbands's duty. Having some income, wife is no longer totally dependent on her husband for life. Wife has more power to make decisions. Wife's income should not be higher than the husband. This means, a wife coming from a higher social status will go down the social status following that of her husband.

In *equal partner* marriage patterns, no position higher or lower between husband and wife. Wife got the same rights and obligations to develop themselves fully and doing household chores. Husband's work is as important as wife's. Wife's income can be higher than her husband. In this marriage patterns, both adopt equal position, on work and expression, and have uniform opportunity to grow. All decisions are made between husband and wife under mutual consideration, needs and satisfaction. Wife received support and recognition from others because of her own merits and not associated with the husband.

Observing the daily life in Batak household who embrace patriarchy culture, male dominant, shows normal phenomenon. However, should we examine deeper, high disparities show complexity of the issues.

The aims of this paper is to study the family form followed by Batak community, the second is to find a wife status in the household of Batak community, the third is to observe the patriarchy culture as cause of violence status in the household of Batak community, it is as argument that the

patriarchy culture gives a full authority for the husband's decision and will generate a marrying form of owner property whereas a wife is belong to husband, the fourth is to support the Batak community to consider the patriarchy culture that gives potential to the husband as superior and wife as interior, the last aim is to study the elements of patriarchy culture as cause of violence status in the household of Batak community.

Batak community is chosen that it is based on the data of Indonesian women community that collected from the religious court. It stated that there are around 22,512 violence cases in the household during the year of 2004 and increase to be 259,150 violence cases until the year of 2016. It is 94% of the violence cases is the wife violence that end by a divorce. And also based on the report of household violence law in 34 provinces, Indonesia show that North Sumatera which famous with Batak community is in high level in the household violence in Indonesia. The divorce is also can be caused by children discipline. It is as stated by Cuartas (2018) child discipline is a central component of parent-child interactions. Evidence suggests corporal discipline impairs children's physical, cognitive, and socio emotional development and compromises their future chances, especially since it is more frequently used against at-risk children.

### **1.1 Batak culture**

Land of Batak is inland area in North Sumatra with Lake Toba as its center. The area is a plateau flanked by mountains. Batak tribes can be divided into two branches, Toba and Pakpak-Dairi branch. Toba branch splits again into twigs of Toba (smaller division), Angkola, Mandailing and Simalungun. While Pak-pak Dairi branch splits into Dairi, Karo, Alas and Gayo. The principal difference between the two branches lays in the field of language; Batak Dairi is familiar with *pepet* sound, while Batak Toba branch is not.

Currently, we are familiar with six branches of Batak tribes; Batak Toba, Batak Karo, Batak Simalungun, Pak-pak, Mandailing and Angkola. They inhabit part of North Sumatra, the Karo highlands, Langkah Hulu, Hulu Deli, Simalungun, Dairi, and Toba Hulu. Now a days, many Batak spread out entire regions in Indonesia, up to Java and elsewhere.

In family context, Batak culture embraces patriarchy system, male-characterized system. A woman is placed under husband family unit after marriage; as part of consequence to patrilineal lineage system in Batak society. In this society, it is men who formed the kinship group, have the right to speak, and decide in indigenous issues. Groom is obligated to give valuables to the bride's family unit as a symbol of the bride Ihromi membership transfer tt the time of marriage (Naully, 2002). Further conclusion in her research, it is

customary claims to be a man who will continue clan, improve the status of the family, seeking wealth and glory, rests with the boys. The results of this stressful socialization can lead to conflict within the man dealing with the changing demands, such as the increased demands of the role of women. Now, Batak women began issuing their rights to speak and define custom environments. However, Batak women's demand on gender equality is not rivalled with men's. Such situation then leads to domestic violence. A study of violent culture highlight how an act of direct and structural violence become legitimized facts and are accepted in society as fair, eventhough it is a deviation (Thomas, 2002).

### ***1.2 Culture law***

Legal culture is all forms of human cultural behavior affecting or relating to legal issues. While legal issues discussed here go beyond behavior, habit, customary law, or law in the form of establishment (urgency, regulations, standards, provisions) legislation, and normative approaches of the law. We will also discuss about intellectual, philosophy, psychology and other legal aspects underlying the matter, as well as conflict resolution that arise in the community.

Therefore, legal issues to be discussed here are not merely normative as contained in the law or repeat behavior contained in customary law. This paper discusses more to human behavior towards a legal issue due to cultural factors that influence it.

### ***1.3 The nature of household***

The word *keluarga* (Indonesian word for family) derives from two words; *kawula* and *warga*. *Kawula* means servant while *warga* means members. This paper will give focus on family which is identified as household, a social unit or institution fostered by the values of a society. Family is defined by various points of view; blood ties and social relationship. On the view point of blood ties, family is a social entity bound by blood relationship between each other. From this point of view, family can be divided into a large family (extended family) and main family (nuclear family). Looking from social relationships, family is a social entity bound, interconnected and interplay with each other, even with no blood ties among them. This kind of family is called of psychological and pedagogical family.

In a psychological point of view, 'family is a group of people living together in a shared dwelling and each member feel their inner linkage resulting in mutual influence, caring, and mutual submission' (Thomas, 2002: 45). While in the pedagogical perspective, 'family is communion of life is

woven by the affection between two kinds of people confirmed in the wedding and is intended to enhance mutual self' (Thomas, 2002: 20).

The term of family comes from Latin *familia* – household (including servants as well as kin of the household) from *famulus* – servant (Havigerova, Haviger, Trularova, 2013: 32). Families can also be defined as 'the gathering some people because of kinship, feel and acknowledge themselves as unique combination, share mutual inspiration for the mutual and the only glory, together' (Havigerova, Haviger, Trularova, 2013: 35).

In a broader sense, family under the point of blood ties often appears as the meaning clan or family name. Often time, we come across with '*large or extended family*' which means having more 'family' such as uncles, aunts, grandparents, grandchildren, in-laws, nephews in an addition to father-mother-child alone. On narrower perspective, family is based on blood relationships consisting of father-mother-child, or so-called nuclear family. Due to the fact of un-erasable ties among the three, the nuclear family or biological family is also known as the everlasting and eternal triangle' (Thomas, 2002: 46).

From the above definitions, writer concluded that family is:

Family takes two dimensions; blood and social relationships;

In the family blood dimensions, families can be differentiated into small and extended family;

Small family comprises of father, mother and child;

Big family also takes in grandmothers, grandfathers, aunts and uncles;

Social relationships among family members are relatively fixed and based on ties of blood, marriage and/or adoption;

Relationships among family members is inspired by affection and responsibility;

The purpose of family is to nurture, care for and protect the child; prepare them into socialization, be able to control themselves and socially mindedness.

#### **1.4 Kinship pattern of Batak community**

Kinship pattern of Batak community is known as *Na Tolu Dalihan* or *the three furnace*, which associated with three pillars of Batak social systems, namely *Dongan Sabutuba*, *Boru* and *Hula-Hua*. The terms means three parties considered a close family ties, they are semarga (similar last name), wife's family of origin, and wife's marital family. Marital relationship bound integration and ties among the three previously mentioned parties as the importance of three furnaces in the kitchen in everyday life.



Batak language acknowledges a term *dongan Sabutuba*, which literally means 'friends of womb'. This term implies a close bond of blood tie siblings and people of similar clan (last name) as if they were born from the same womb. They consider themselves having same parents and therefore are not allowed to marry to each other. A married woman will automatically will take on her husband last name.

Batak culture systems acknowledged men higher than women. This is apparent in several aspects, first, men act as successor to the descendants of the clan (patrilineal), second, men are responsible for the family, and third, men act as the main heir heritage, especially the relic, fourth, men are the key actors in customs activity, and fifth men are representative of the family in traditional activities.

### ***1.5 Criminal law govern in types of domestic violence***

According to Law Number 23 Year 2004 on the Elimination of Domestic Violence Section 1 Clause 1, Domestic violence is defined as any act against someone, especially women, causing misery or physical, sexual, psychological suffering, and/or negligence of household including threat to commit acts, coercion, or deprivation of liberty unlawfully within the domestic sphere (Hadi, 2005).

Furthermore, physical, psychological, sexual, economic violence, and deprivation of liberty are formulated as follows (Serena, 2000):

- a) Physical violence is action resulting in pain, injury, or disability on one's or even cause death;
- b) Psychological violence is action and words inflicting fear, loss of confidence, loss of ability to act, and a sense of helplessness, to a person;
- c) Sexual violence is action covering sexual harassment to forcing someone to have sexual intercourse without the consent or approval of the victim, or having kinky sexual intercourse in which not favourable by the victim, or keeping them away from their sexual needs;
- d) Economic violation/negligence is action that restricts individual from doing income generating activities, and or allowing them to be exploited or neglecting family members;
- e) Arbitrary deprivation of liberty is all acts that cause the isolation of one individual from their social environment.

Gender-based violence that damage, obstruct or nullify the enjoyment by women on their human rights and fundamental freedoms based on international law or based on human rights conventions, is discrimination. These rights and freedoms include (Boestami, 1993):

- a) Right to live;
- b) Right not to be abused, atrocities, deed or punishment degrading and inhumane;
- c) Right to equal protection according to humanitarian norms during international and domestic armed conflict;
- d) Right to individual freedom and security;
- e) Right to equal protection under the law;
- f) Right to equality in the family;
- g) Right on mental and physical health in accordance with the highest standards that can be achieved;
- h) Right on fair and good working conditions.

The term domestic violence is not contained in the Criminal Law. There are several articles of the Criminal Law that can be used by victims of domestic violence to complain to the police, in addition to Law NO. 23, 2004. These articles are (Serena, 2000):

- 1. Crime decency, Chapter XIV Article 281-297;
- 2. Violation of decency, Chapter VI, book III, Section 523-535;
- 3. Persecution, Chapter XIII, Section 351-356;
- 4. Crimes against life, Chapter XIX, Section 338-340;
- 5. Crimes against personal liberty, Chapter XVIII, Article 328, 330 and 332;
- 6. Extortion and threatening, Chapter XIII, Article 368.

## **2. Methodology**

The research methodology is empirical approach that study a law concept as an actual behaviour. It is as social effect that it has an abstract characteristic that it has been owned by everybody. The actual behaviour moves and generate in the community that it has been formed in the decision of court and culture.

This paper takes a legal empirical approach, including reviewing the law conceived as actual behavior, as a non written social phenomenon, that every person experienced in the community. Legal empirical research does not base on written positive law as secondary data, but rather on the actual behavior as primary data obtained from field research. The real behavior grows freely in line with the needs of society. Some have been patterned after a court ruling and some are patterned according to local customs or habits. Therefore, this research pin pointed legal cultural anthropology and therefore phenomenological approach should be done. Through this phenomenological approach, researchers are trying to get into the world of conceptual subject of

research in order to understand how and what the meaning of the subject structured around events in their daily lives.

In studying the Batak culture which leaves rooms for domestic violence Batak, researchers undergo following steps:

- a) Examines the familial pattern adopted by the Batak people;
- b) Understand the status of wives in Batak community household;
- c) Having sufficient information, strived to conduct cultural assessments were the assumed cause for violence against wives in Batak household.
- d) At the last stage, associate with the provisions contained in the Criminal Law to provide an alternative efforts to be made in reducing the increase in legal matters.

### ***2.1 Location of the research***

This research was conducted in Medan Religious Court by studying the significance of divorce data and compare it with researcher's initial assumptions. This research lays on the assumption that domestic violence in Batak household serve as the key factor to high divorce rate noted in Medan Religious Court.

Subsequently, researchers conducted observations to observe real phenomenon of Batak household. Through their daily routines in Pasar Merah village, Medan, North Sumatera, Indonesia. Total number of subjects observed in this study is six Batak families consisting of six tribes, namely Batak Toba is around 56,655 people, Batak Karo is around 10,700 people, Batak Simalungun is around 31,000 people, Pak-pak, Mandailing is around 100,000 people and Batak Angkola is around 23,045 people. Fundamental reasons for location selection are:

- 1) Pasar Merah village is predominantly inhabited by Batak ethnic;
- 2) Pasar Merah village is dominated by Batak ethnic and therefore resulting in cult-like culture without comparison.

### ***2.2 Data collection tool***

The instrument used in this research was '*key instrument*', meaning that the researcher as a principal investigator (Nasution, 1992). Researchers themselves make observations, structured interviews, literature as well as do the recording. The rationale behind this selection was because everything does not have a definite shape yet, the problem, the research focus, research procedures, data to be collected, the assumptions to be used, even the results and everything still needs to be developed though out the research.

### *2.1.1 Data collection technique*

The data collection technique is constructed by three parts (Nasution, 1992).

#### 1) Unstructured interviews

The interview can be seen as data collection techniques in the mean of question and answer, which is done systematically and based on the research objectives. Type of questions that will be presented are:

- a) Questions concerning familial pattern adopted by Batak households;
- b) Questions regarding the status of the wife in Batak household that exist in the Pasar Merah village;
- b) Questions regarding the Batak culture that leaves rooms for acts of violence against wives in Batak household.

#### c) Participant observation

- 2) Participant observation aims fatherly to get real and actual phenomena about everything that happens in the Batak society household, the way wives maintain their existence, enhance their role, and issue right of speech. Husband readiness to respond towards their wife's demands is also observed, internal conflict of the husband when faced with changing demands, as well as the negative reactions that arise due to individual persistence.

#### 3) Study of literature

The literature study was conducted to reveal cultural studies theoretically data, which consist of: 1) the literature on the pattern of kinship in Batak society, 2) the status of women in Batak culture, 3) assessment and the role of women, and 4) Law on the eradication of domestic violence. The literature can be in the form of books, journals, writings on the mass media.

### **2.3 The course of study**

This study undergone several steps, they are: orientation, exploration, and member check.

#### 1) Orientation

In this phase, researchers conducted a study of literature and observed daily life routines in the forms of behavior that can be considered the acts of violence as stated in Law No. 20 of 2004, which occurred in Batak households. Furthermore, researchers appointed Pasar Merah village as location of the research with dominant Batak ethnics who live in the area by first conducting a survey which refers to some of researcher's prior assumption.

#### 2) Exploration

At this phase, focus of research include:

- a) Develop guidelines for the interview as an auxiliary instrument and continued to evolve throughout the research;
  - b) Select appropriate sources of data; head of family of six Batak ethnics in the precinct;
  - c) Conduct the interview if data can not be linked back with the proposed research questions;
  - d) Develop observation, interviews, literature review and further processing by describing, analyzing, interpreting and reporting the results qualitatively.
- 3) Stage Members Check  
The measures undertaken at this stage are:
- a) Develop a research report obtained during the exploration stage in the form of description;
  - b) Analysis, interpretation of the situation that occurred in the domestic life of the Batak people.

#### ***2.4 Data analysis***

Qualitative approach was taken in the processing of primary and secondary data. Data obtained were in the form of divorce cases that have already legal status in Medan Religious Court, inter-connected with the kind of violence as stipulated in Law No. 23, 2004 (Alesyanti, 2003). At a later stage, assessment of all forms of human cultural behaviors that have an impact legal problems was done, which in this context in the form of violent behavior from husband against wife in rural Batak households.

Empirical facts in the form of empirical phenomena and divorce cases that occur were then tabulated along with the Batak culture predicted to contribute to provide opportunities for domestic violence.

Final product of this paper would be guideline of efforts to be made by the Batak community in addressing Batak culture and provide a breakthrough in how people should see and act upon their culture. Cultures should be adhered to positive corridors or we can change some false cultural implementations, this will reduce legal issues.

### **3. Results and discussion**

Tension and conflict in household are ordinary matters. Disagreement, debate, arguing, teasing or even cussing existed now and then. However, not all can be classified into form of domestic violence. Domestic violence is

much worse and it generally occurs when the relationship between the victim and the perpetrator are not equal.

Domestic violence can happen in the form of physical violence, psychological/emotional, sexual and negligence. Having superior position, forms of violence are often committed by husbands. Violence done repeatedly and in a long span of time may lead a divorce in the household.

Patriarchal culture, male dominated culture, is assumed to bear a *property owner* type of marriage, in which wife is husband's property. She is like a good to purchase and a father will let her go to to the highest bidder. Women are subordinate to men and remains underdeveloped although have already had equal opportunities with men in all fields legally. Such culture, to some extent, contributed to temperamental Batak male character. Anthropologists described Batak's personality as strong, rude, blatant, and persistent. Should we link the two aspect, patriarchal system and rough character of daily Bataks' life, we would identify that these two elements have formed *property owner* pattern. Should a wife try to break from such directive, trying to gain recognition as a whole, domestic violence might occur. Batak men deem the right of harsh action towards their wives if are not able to balance husband's interests, needs, ambitions and goals.

The position and role of women at home are elaborated into two patterns of relationships (Alesyanti, 2003): 1) Relationship examined in terms of power distribution on the mastery valuable resources such as home, land, energy, groceries, knowledge, ceremonies, and information based on each culture, 2) Relationship with conceptual differences in behavior, views, and ideology, so that both men and women have their own views on the values, norms and purpose.

Action of violence by Batak men against their wives is definitely a legal issue which is also related to culture. Human cultural behavior affecting or relating to the law if left unchecked will lead to a legal event.

The above fact should not be taken for granted. According to authors, this gender-based violence may damage, obstruct or nullify women personal life and human rights. Also, this is an act of discrimination and could be subject to crime. Women have the right to be free from abuse, cruelty, acts or punishment which lower her dignity and inhumane. A feminist perspective on this subject believed that 1) women need to be accepted and respected as human beings who have potential, 2) overview of women as incompetent, weak, dependent should be balanced by positive views such as intelligent, independent, successful, ethical and other positive traits, 3) women are also capable of self and environmental development as well as contribute to forwarding direction to the social development, economic and individuals, 4) a

wide range of human qualities to support a positive quality of life can and should be developed in woman too (Alesyanti, 2003).

Phenomenon appears in Batak's domestic life is interpreted with literature studies on Batak culture which leaves rooms for domestic violence. Data come from the magnitude and effect of domestic violence on the significantly high divorce rate in the community. Data from Medan Religious Court illustrated as follows:

This paper aimed to provide an input on how the public should treat patriarchy systems, harsh character, temperamental, stubborn even in positive corridors, so that number of divorce rate can be reduced. This study will also provides inputs to the Batak women to be able to express themselves fully, open about gender equality, and repudiate all kinds of violence conducted by husband within the limits of the existing culture. Having this paper published, people will be able to detect form of culture that leaves rooms for violence. Therefore, families are able to transform cultural values into something positive to be able to create togetherness, tranquility, and foster a conducive situation in the family (Alesyanti, 2003).

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6. Extortion and threatening, Chapter XIII, Article 368.

From field observations on Batak household, researcher then connect with impacts that occur as a result of prolonged and continuous violence.



Even positioned as subordinate in the context of Batak culture, women began to voice gender equity issues. This is also apparent from 355 cases in Medan Religious Court within the period of 2003-2005 examined by researcher and corroborated with news analysis in the media (Alesyanti, 2003). Researcher comes to a thought that high divorce rates in Batak household community are triggered by domestic violence.

Kinship pattern of Batak community is known as *Na Tolu Dalihan or the three furnace*, which associated with three pillars of Batak social systems, namely *Dongan Sabutuba, Boru and Hula-Hua*. The terms means three parties considered a close family ties, they are semarga (similar last name), wife's family of origin, and wife's marital family. Marital relationship bound integration and ties among the three previously mentioned parties as the importance of three furnaces in the kitchen in everyday life.

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Batak culture systems acknowledged men higher than women. This is apparent in several aspects, first, men act as successor to the descendants of the clan (patrilineal), second, men are responsible for the family, and third, men act as the main heir heritage, especially the relic, fourth, men are the key actors in customs activity, and fifth men are representative of the family in traditional activities (Alesyanti, 2003).

Batak culture adopts patrilocal settling pattern after marriage. Most of Batak households are monogamous, even though customary law of Batak justify polygamy. Polygamy is mainly done when the wife does not give birth to a boy. Now a days, however, many polygamy practices available within the Batak society. This is, to some extend, in contrary with the tradition of Batak, especially Batak Mandailing, which say 'marriage only happens once in a lifetime', where the highest divorce cases occurred in Mandailing ethnic.

In Batak marriage, there is an essential requirements subject to wife. A wife should be able to get along with all of her husband's relatives, also called *abu* in Karo language. If the relationship between wife and her husband's relatives are not good, it may cause divorce. During the divorce, indigenous leaders would declare women as guilty in this case.

Initially carrying her father's surname, women, as well as their future children, will follow their husbands surname instead of their owns. As a result, families with no boy tend to fret because there is no one who will continue his clan in *Tarombo* (genealogy). Therefore, often times wives turn into a *baby*

*machine* and produce babies until they have boy. This is on contrary to the have to sacrifice his wife to continue giving birth until getting boys. Apart from the hoary term *Maranak Sapalu Pitu Mamboru Sapolu Onom*, but nevertheless still men are higher than women.

Nevertheless, this does not redeem that women are not important. Women will then become *Boru* group and play important role in various traditional activities. For examples, *Boru* act as peacemaker or mediator to settle dispute among their *brothers*. Women also vital in various cultural ceremonies, especially on labor support and money to their *bula-bula*. In fact, reality taught us that women are more caring towards their parents.

Although not identical to the Batak, in terms of labour division, Batak families living in rural and urban areas are tied with the culture that distinguishes the work of men and women. Likewise, similar situations are found throughout the life cycle of the Batak people, from the womb to the death and various types of ceremonies performances. Batak Toba for example. They recognize various cultural celebrations such as: *mangalebon ulos tondi*, *maresek-resek*, *tardidi*, *malua*, *marunjuk*, and *death (Saur matua)*. Pak-pak recognize two types of ceremonies, called the work of good and work of evil. Work of good is related to happy ceremonies or ceremony associated with joy, such as *mangan bal-bal*, *mergosting*, and *merboyo*. Work of evil is referred to mourning rites, such as: death and *mengokal tulan*. Similar patterns apply in Batak Karo, Simalungun, Angkola and Mandailing.

Looking deeper, we will clearly see the domination of male Batak. They act as leader, executive and spokesman of almost every traditional ceremony. In the traditional wedding ceremony, for example, the wife would only serve as a companion of the husband so that his seat was at the back of men. Likewise, the spokesman and nuptials nuptials were always men. Berutu, 2001 in his research of the 90 respondents in Medan Baru proved that of all his 90 respondents, none agreed if male position is to be replaced by women in conflict resolution of indigenous issues and as the host in the customs events.

Another rule in Batak traditional wedding which a wife must follow is remarrying procedures. A widow is bound with marriage regulation with ties closely with her husband relative/clan. A Batak widow are required by custom to marry one her late husband's relatives, only then she can return to her parent's home.

Kinship and religious values are two main cultural values of the most widely performed in Batak society. This shows that Batak tribes have very strong tribal and religious primordial spirit. Boys rank first in family values, second in line is *the bula* which is *the element Dalihan na tolu*, the clan where wife originates, third is harmony (*satabi*), while *boru* (the girls) ranks the fourth. Batak people regards kinship relationship from the basis of father, a

grandfather or a common ancestor. Batak Toba and Angkola Mandailing, usually can show a line of kinship up to 20 generations (Ihromi, 1975). In social life there is an established relationship between a wife's kin group and a group of relatives from her sister's husband.

Once married, a woman is put into the husband's family unit and their children will also fall in her husband's family group, this is a consequence of patrilineal lineage system in Batak society. Women should be able to bring themselves into the middle of her husband's family. As patrilineal family with patrilocal settling pattern, the main problem is the possibility of conflict with the mother-in-law and in-law. At the time of marriage there is an obligation on the part of the groom to give valuables to the bride's family unit which often interpreted more or less as a tangible symbol of the transfer of the membership of the bride (Ihromi, 1975).

Male dominance can be recognized in various ways and its influence can be seen in the existing norms. A daughter does not inherit from her parents. Similarly, a widow does not inherit her husband's property. Merely, she runs the role as guardian to the property/wealth for the benefit of their children and retain the rights to benefit from heritage until her death. After the death of her husband, a widow will re-marry her late husband relatives. She will then need to return home to her parents if the new husband (late husband relative) divorce her again. A single daughter also has limited rights of inheritance from her father. This is partly because woman will leave her parents' village and take in her husband's surname after getting married. Therefore, when a man with no son dies, his proprietary rights granted to the relatives.

Once married, a woman is put into the husband's family unit along with their children as belonging to her husband's family group. This is a consequence of patrilineal lineage system in Batak society. Father is head of the family, leaders and decision maker in the family. In this society, men formed the kinship group, have the right to speak and decide on custom issues. Ritual customs centered on patrilineal lineage (men) and relationships between men, while in fact, women and feminine concepts are internalized into the whole system. Women play role in strengthening ties between in-laws. Father treats girls and boys differently. Boys are expected to take on their fathers' role as leader of the family, while girls will leave the family (Ihromi, 1975). Few reasons based the elevation of men over women in Batak culture, they are: 1) men act as successor to the descendants of the clan (patrilineal), 2) men are held responsible for family, 3) men are sole heir to the key heritage treasures, especially antique, 4) men are hold dominant role in cultural activities, and fifth) men are their family's representatives in every activity of customs (Ihromi, 1975).

Based on Rogers' opinion, we can imply that dominant character in Batak society was partly due to male role as head of family and the up bringing of boys in family. Often times, a father place too much emphasis on boys. Similarly, 'mother also did the same, just like fathers do, adoring their son'. Abundance affection and grace received by boys from their parents resulted in aggressive and arrogant behaviours, which is foundation of the formation of their personality. Certain habits should have been taught well to children to develop their personality. This will be instilled and internalized into children. Even though had advanced and improved, children will be carrying around all the influences from their family. Undeniably, family is the key actor in the formation of children behaviour. Furthermore, Ki Hajar Dewantara states that essentially, education is the responsibility of the family school only participate. Because the main product of education is the formation of behavior or character, then education in family lays the foundations and develop behavior of children. Researchers illustrates the process of education of children in the family in the chart as follow (Ihromi, 1975: 67): 'It can be predicted that Batak society have understood and implemented about patriarchal culture. This has been utilized as excuses to deliberately prioritize men over women in family. Men have a strong dominance to determine the direction of family life, resulting in the cult-like status of male status in the household and justification of all aggressive and arrogance actions'.

Furthermore explanation also outlined what causes of aggressiveness and arrogance of Batak men. This can be laid upon only to patriarchy systems alone, however, the process was long. This can be sorted out of ritual of children education in Batak family. Koentjaraningrat stated trend mark Batak male personality. In his research, he stated, 'we found out that father has always prioritized men over women in all respects. Discriminatory actions on daughters by their own dad played in educating their children, making the boy grow up feeling superior, arrogant and selfish, temperament character, blatant, does not take defeat, and rude' (Ihromi, 1975: 73).

Looking from the above reality, researchers is concern that such behavior may shape Batak men's character unhealthy, which is characterized by specific traits, such as: irritability, concern and anxiety, depressed, cruel or happy to annoy younger people or people under their control, inability to avoid deviant behavior despite being warned or penalized, dishonest, hostile to all forms of authority, cynical, sleeplessness, senseless, pessimistic on life and lack of passion in life (Ihromi, 1975).

Such unhealthy personality can be geared to the destructive acts that harm, or worse could cause legal problems. Therefore the legal issues could occur not only due to 'deviant behavior in the corridor set in normative law, but the cause could derive from intellectual, philosophical, psychological

condition (psychology) problems, as well as conflict resolution in society' (Ihromi, 1975: 70).

Source of violence against women is the patriarchal culture, a culture that believes that men are superior and women are inferior, so men are allowed to dominate and control women. 'Cultural and patriarchal traditions often reflected in national law that helped legitimize male dominance. Patriarchy as a male dominating community and degrading women, which is in fact well reflected in government policy and behavior in society' (Ihromi, 1975: 72).

Another cause that researchers predicted as the cause of domestic violence in Batak society is divorce cases. Often time, custom would blame women for all divorce. Therefore, women strive so hard to maintain their household, one way or another. Women also face strong consequence of a divorce. They are required to return all gifts from her husband at the time of marriage.

Over priority of men on women's fear over a divorce, become the embryo of domestic violence by husband to wife. This event will occur continuously throughout the marriage of the Batak. This is in line with the period to which the woman can still maintain the integrity of the household. Children might witness violence occurred in the family. Here, identification process is passed out to their children. Their children will copy the behaviour of their father, a central moral in his family.

The researcher pointed out several aspects which provide rooms for domestic violence in Batak culture. There are five factors that contribute to domestic violence in Batak family, namely (Ihromi, 1975):

- a. The fact that men and women are positioned not equally in society;
- b. Parents raise their boys to be strong, brave and merciless;
- c. Cultural society encourages women or wives to be dependent on their husbands, especially in the economy;
- d. Community do consider domestic violence as a social problem, but a private matter;
- e. A false understanding of religious teachings that consider men may dominate women.

#### **4. Conclusion**

Tension and conflict in household are ordinary matters. Disagreement, debate, arguing, teasing or even cussing existed now and then. However, not all can be classified into form of domestic violence. Domestic violence is much worse and it generally occurs when the relationship between the victim and the perpetrator are not equal.

Domestic violence can happen in the form of physical violence, psychological/emotional, sexual and negligence. Having superior position, forms of violence are often committed by husbands. Violence done repeatedly and in a long span of time may lead a divorce in the household. According to Law Number 23 Year 2004 on the eradication of Domestic violence.

The violence is a criminal act that violates the provisions of the Law in the Republic of Indonesia Number 23 of 2004 on the eradication of of domestic violence. Article 5 states that the forms of domestic violence are divided into four sections, namely:

- a. Physical violence is action resulting in pain, injury, or disability on one's or even cause death;
- b. Psychological violence is action and words inflicting fear, loss of confidence, loss of ability to act, and a sense of helplessness, to a person;
- c. Sexual violence is action covering sexual harassment to forcing someone to have sexual intercourse without the consent or approval of the victim, or having kinky sexual intercourse in which not favourable by the victim, or keeping them away from their sexual needs;
- d. Economic violation/negligence is action that restricts individual from doing income generating activities, and or allowing them to be exploited or neglecting family members;
- e. Arbitrary deprivation of liberty is all acts that cause the isolation of one individual from their social environment.

All these can be categorized into domestic violence when studied in the criminal law and they are against Article 351 of our criminal law. This is based on charging elements contained in the article; assault, causing serious injury, making the death of a person, and their intent.

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