

Forms of Violence and Legal Protection of Women in Cases of Arrest in Southwest Sumba District

^{1*}Patrick Sebastian Ndara Tangu Holo

^{1*}Faculty of Law, Nusa Cendana University, Kupang, Indonesia

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ABSTRACT

Arrest marriage (Paneta mawinne) in Southwest Sumba Regency still exists and is carried out continuously with forced marriages on women which results in victims experiencing acts of violence. That the tradition of marrying under arrest still has a patriarchal culture with high customs, however, when viewed from the perspective of positive law, it can be considered as an act of kidnapping. The formulation of the main problems of this research are: (1) What are the forms of violence against women in the case of intermarriage in Mareda Kalada Village, East Wewewa District, Southwest Sumba Regency. (2) What is the legal protection for women who are victims of violence in the case of intermarriage in Mareda Kalada Village, East Wewewa District, Southwest Sumba Regency. This research is an empirical juridical research where this research was carried out at the East Wewewa Sub-district Office and the Office of the Mareda Kalada Wewewa Timur Village Head. This study used interview guidelines with seven informants. The data are presented in simple tables and analyzed in a qualitative descriptive manner. Based on the results of the research that has been done, it can be concluded: (1) Forms of Violence in Arresting Marriages against Women are physical violence and psychological violence. (2) Legal protection given to victims of marital violence against women in Mareda Kalada Village, East Wewewa District, Southwest Sumba Regency is preventive legal protection, repressive legal protection and customary law protection.

E-mail:
holopatrck09@gmail.com

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INTRODUCTION

The State of Indonesia is a legal state based on Pancasila and the 1945 Constitution of the Unitary State of the Republic of Indonesia as the basis for implementing the legal system in Indonesia. Therefore, to realize a just and prosperous society, the state must really run the government in accordance with applicable legal provisions. Pancasila as the nation's ideology has an important role in uniting the diversity of different ethnic groups, cultures and languages. The Indonesian state legal system consists of two sources of law, namely written sources of law and unwritten sources of law. Sources of written law are in the form of the 1945 Constitution of the Unitary State of the Republic of Indonesia, the Civil Code, the Criminal Code and so on. Meanwhile, sources of unwritten law, for example customary law and customary law.

Custom is a reflection of the personality of a nation. is also one of the incarnations of the soul of the nation concerned from century to century. Therefore, every nation in the world, including ethnic groups in Indonesia, has its own customs that differ from one another and it is precisely because they are not the same that it can be said that custom is an important element in giving the identity of a particular nation. . From a juridical point of view, customary law can be identified where when this customary law is violated, the perpetrator will be subject to legal consequences or consequences of said law.

The Unitary State of the Republic of Indonesia adheres to a diversity of views and understandings in the field of law. Indonesia recognizes the existence of international law, religion-based law (religious law) and customary-based law (customary law). In practice, religious law is adopted as positive law, such as in determining inheritance, marriage, and other laws. Likewise customary law, some people still use customary law as a legal norm in managing social, economic and cultural life as well as management of natural resources and the environment.

Marriage is the behavior of creatures created by God Almighty so that human life in the world can multiply. So marriage is one of the regular cultures that follows the development of human culture in people's lives. In Article 1 of Law Number 1 of 1974 concerning Marriage, which has provided a definition or understanding and purpose of marriage, namely that:

"Marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on Belief in One Almighty God."

The validity of marriage according to the Marriage Law is regulated in Article 2 paragraph 1, which states:

"Marriage is legal if it is carried out according to the laws of each religion and belief".

The validity of marriage according to Indonesian customary law in general for adherents of a religion depends on the religion adopted by the indigenous people concerned. A new marriage is recognized as valid by members of the community, whether it is traditional society or modern society, if the marriage is carried out according to the religion they adhere to or according to their customs. This means that in the view above it is the same as the reality in the people of Sumba who embrace their respective religions and still maintain their customs.

Sumba is a small island part of East Nusa Tenggara Province which has four districts namely: East Sumba Regency, Central Sumba Regency, West Sumba Regency and Southwest

Sumba Regency. It should be noted that the kinship system adopted by the people of Sumba is a patriarchal system or following the father's lineage (patrilineal). Therefore, a married woman is included in the husband's family environment. Marriage according to customary law is related to family, community, dignity and personal affairs.

The people of Sumba are bound by customs and procedures that have become traditions from generation to generation which make them a society that highly respects ethnicity, culture, religion and society. If an act disturbs the balance in society, then the local community resolves a customary offense through a customary settlement process by the local community by imposing sanctions in order to create a deterrent effect. Meanwhile, the people of Sumba are known for their marriage culture and their large purchases or dowries.

The types of traditional marriages are as follows: official marriages, elopement (elope together, elopement), captive marriage (arrest, forced marriage) and so on. In this research what will be examined in depth is the capture marriage that occurs, namely: it can be seen from the method of carrying out the capture marriage where the marriage occurs on the coercion of one of the parties. Capture marriage is the practice of forcing a woman to marry a man certain without his consent. This practice is often carried out by male families who want to gain a higher social status.

The meaning of marriage for the people of Sumba is a process to unite a man and a woman who love each other through the prevailing customary procession. The people of Sumba consider that a valid marriage is when a man and a woman have gone through the customary processions that apply, namely: open the letter or (*tunda binna*), traditional ties (*weru kawedo kette katongga*), and transfer custom (*dikki*) this process is the final stage where a woman legally becomes the wife of the man she loves.

Apart from using the general marriage tradition or normal marriage procession as above, on Sumba Island in general, including in Southwest Sumba Regency, they also recognize the procession of captured marriage (*paneta mawinne*) or (forced grab).

The practice of captive marriage (*paneta mawinne*) is a crime against women because forced marriages result in acts of physical, psychological, sexual, economic and cultural violence. That the victim experienced a loss of constitutional rights that occurred seems to be contrary to national law because of the provisions in the Marriage Law, the Human Rights Act, the 1945 Constitution of the Unitary State of the Republic of Indonesia, the Child Protection Act, Religion and the Law other.

So it is clear that the state must guarantee women's rights and guarantee the best protection from various threats of crime around them. Unfortunately, with the fact that humans are social beings, crime cannot be avoided absolutely because society itself is a threat to other societies where crime occurs as a result of human actions and their deviant environment. Crime exists because of the existence of humans with various behaviors that harm other people in the implementation of social interaction. Humans sometimes have difficulty controlling themselves which leads to actions that collide with the norms or rules that apply in society.

This problem is very important to study because it harms Sumba women a lot. Then, the results of this study aim to examine the existence of a tradition of captured marriage practices (*paneta mawinne*) in the community of Mareda Kalada Village, East Wewewa District, Southwest

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Sumba Regency, the practice of captured marriage that is happening now has deviated and is no longer in accordance with traditions and customs.

In recent years, there have been frequent hearings of cases of caught marriage and violence against women still being a problem in this area. The occurrence of cases of intermarriage and violence against women in Southwest Sumba Regency is a result of the continued strength of patriarchal traditions and culture in this area. Women are considered as objects that must obey the will of men, so they are often not respected as individuals who have the same rights and dignity as men. In addition, low levels of education and limited access to information also make it difficult for women to understand their rights and gain access to adequate health and safety services.

In the end, humans justify any means to lead to the birth of crimes that befall other people. The resulting crimes range from persecution, violence, and so on. Consequences born of crime are insecurity, trauma, fear, division in society, loss of trust, and others. One of the crimes that is rife in society is violence. In the provisions of Article 89 of the Criminal Code it is known that: *"Violence is an act by using physical force or power illegally with the aim of making people powerless."*

In Indonesia itself, violence is something that is commonly found everywhere and is often used to solve a problem or under the pretext of educating, even though violence is included as a crime and is not something that should be used to it. At first this did not receive much public attention because it was thought that it only happened in troubled families, but the increasing number of violence in intermarriage against women began to attract public attention. The rise of violence against women is one of the factors due to the existence of patriarchal traditions and culture. Even though women are not goods or objects, women are living beings with human rights (HAM) that must be recognized, respected and protected by the family, society and the state.

Departing from the description above, then attracting attention to conduct research related to violence in marriage to women.

From the description above, the authors formulate two questions, namely, (1) How are the forms of violence against women in cases of intermarriage in Mareda Kalada Village, East Wewewa District, Southwest Sumba Regency? (2) What is the legal protection for women who are victims of violence in the case of caught marriages in Mareda Kalada Village, East Wewewa District, Southwest Sumba Regency?.

METHOD

Type of Research

In this study, the type of empirical juridical research was used. Empirical juridical research is a type of sociological legal research and can be referred to as field research, which examines the legal provisions that apply and what has happened in people's lives. In relation to this research, the type of data used is primary data obtained through interviews and documentation and secondary data which provides information and is complementary to the primary data.

Approach Method

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In this study the approach used is the legal sociology approach, which is an approach that analyzes how reactions and interactions occur when the norm system works in society.

Research Locations

The research location chosen for the purpose of conducting the research was in Mareda Kalada Village, East Wewewa District, Southwest Sumba Regency.

Aspects Researched

The aspects examined in this study are:

- a. Forms of violence, which include:
 - 1. Physical violence
 - 2. Psychological violence
- b. Legal Protection, namely:
 - 1. Preventive legal protection
 - 2. Repressive legal protection
 - 3. Customary law protection

RESULTS AND DISCUSSION

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After conducting research, the researchers argued that the practice of captive marriage is a marriage tradition that is still being carried out today in the people of Sumba. However, the current practice of captive marriage has deviated and is no longer in accordance with tradition, as happened in forced marriages experienced by Sumbanese women in layers, namely physical violence (kidnapped, pulled, forced, held, even beaten), sexually (handled body parts, abused, even raped), psychologically (feeling humiliated, depressed, traumatized and worthless), and socially (women who manage to escape who are assisted by legal assistance are stigmatized by society as wasted women) which results in violence and injustice against women which causes women feel sick and traumatized in a long period of time which occurred in Mareda Kalada Village, East Wewewa District, East Nusa Tenggara Province. The incident attracted a lot of attention from various groups because the incident occurred in a public place.

Researchers in this case are very interested in conducting further research on cases of the practice of captured marriages which resulted in acts of violence against women in Mareda Kalada Village, East Wewewa District, East Nusa Tenggara Province.

Table 1. Number of Cases of Captured Marriage Practices in Sumba by Year 2016-2020

| Number | Number of Cases | | |
|--------|-----------------|-----------|------------|
| | Year | Frequency | Percentage |
| 1. | 2016 | 1 Cases | 14,42% |
| 2. | 2017 | 1 Cases | 14,42% |
| 3. | 2018 | 1 Cases | 14,42% |
| 4. | 2019 | 2 Cases | 28,37% |

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| | | | |
|-------|------|---------|--------|
| 5. | 2020 | 2 Cases | 28,37% |
| Total | | 7 Cases | 100 % |

Source: National Executive Board of The Theologically Educated Women's Fellowship Indonesia (PERUATI), 2023

The following is data regarding the number of cases of the practice of captive marriage in Sumba obtained from the National Governing Body for the Association of Indonesian Theologically Educated Women (PERUATI). From Table 1 it can be seen that the number of cases of tagkap marriage practices in Sumba in 2016-2020 was 1 (one) case in 2016, 2017, 2018, and 2 (two) cases in 2019, 2022. Based on the data above, for 5 (five) years there have always been cases of forced capture marriages in Sumba. After the writer describes the number of cases of captured marriage practices that occurred in Sumba which were obtained from the relevant agencies, the authors describe the data regarding the number of cases of captured marriage practices in Mareda Kalada Village, East Wewewa District, East Nusa Tenggara.

Table 2. Number of cases of captured marriage practices in Mareda Kalada Village, East Wewewa District, Southwest Sumba Regency on Years

| Number | Number of Cases | | |
|--------|-----------------|-----------|------------|
| | Year | Frequency | Percentage |
| 1. | 2020 | - | 0,00% |
| 2. | 2021 | 1 Cases | 33,33% |
| 3. | 2022 | 2 Cases | 66,67% |
| Total | | 3 Cases | 100 % |

Source: Mareda Kalada Village Office, East Wewewa District, 2023

From table 2 above it can be seen that the number of cases of captured marriages that occurred in 2020-2022, namely: in 2020 there were no cases of captured marriages, in 2021 there were 1 (one) case, in 2022 there were 2 (two)) case.

Based on the research results obtained in the field, the current practice of captive marriage has deviated and is no longer in line with tradition, as in forced marriages experienced by women, there are forms of violence against women, causing women to experience violence and trauma in a long period of time. Therefore, the norms in the practice of captive marriage develop and take refuge behind customs in order to avoid legal actions that violate human rights which are carried out in accordance with religious values, manners and decency in people's lives. This is because the community adheres to the customs they adhere to rather than state law.

In the practice of captive marriage, when viewed from the perspective of criminal law, it can be considered as an act of kidnapping. Kidnapping is an act carried out by a person or group of people by bringing or taking someone from a certain place by force or by threat of violence.

Therefore, the practice of captive marriage can fulfill the elements of kidnapping in criminal law, namely the existence of elements of coercion or forced taking without consent, and the purpose of the taking is for profit or personal gain. The act of arresting marriage can be subject

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to criminal sanctions based on the applicable Criminal Code. Deprivation of liberty has been regulated and stipulated legal sanctions in Article 328 of the Criminal Code concerning kidnapping which reads:

"Whoever deliberately takes someone away from their place of residence, place of residence or temporary residence, with the intention of placing that person against the law, under the control of another person or in a state of misery because they are threatened with kidnapping, is subject to imprisonment for a maximum of 12 years."

In connection with the case of captive marriage, the informant (source person) for the research was someone who had information about the object of this research, based on the researcher's interview on January 16 2023 with the perpetrator with the initials MBR in the practice of captive marriage.

Based on the data the researchers obtained, the case of captive marriage proved to position women as goods or objects of negotiation and not subjects (humans) whose opinions and wishes were listened to in part of the Sumba culture which was practiced by the community repeatedly on the grounds of power and control exercised by perpetrator. Some of the reasons often used by perpetrators of acts of violence against women in the practice of captured marriages are as follows:

- a) Increasing social status: The perpetrator may use captive marriage as a way to increase his social status, especially if he marries a woman from a family that is considered more respectable or wealthier.
- b) Power and control: The perpetrator may use mating as a way to control the victim and strengthen his power over her.
- c) Patriarchal culture: Some cultures still place women in a low position and devalue them. This can cause perpetrators feel entitled to commit acts of violence against women, including marriage arrest.
- d) Customs and traditions: Some customs and traditions view intermarriage as a way to resolve problems or conflicts within the family or community.
- e) Abuse of power: The perpetrator may use captive marriage as a way to abuse his power, especially if he is in a position of power or has great influence in the community

One form of discrimination in Sumba is still a patriarchal culture that develops in society. Patriarchy itself comes from the word "patriarchate" which means the role of men as the only ruler, center, and everything is the structure of the layout. Patriarchy that dominates the culture of society creates sexism and gender inequality that affect many aspects of human activity. It can be argued that men play a major role in society, while women have little or no rights in the general areas of society, including economic, social, political systems, even including marriage. To find out how the condition of the victim was at that time, based on the results of an interview on January 16 2023 with the victim whose initials were MN as the victim.

Based on the results of the study, the victim with the initials MN experienced several forms of violence in the case of captive marriage, namely:

- a) Physical abuse

Physical violence is violence that occurs in real or can be seen and felt by the body directly. The forms of physical violence include being kidnapped, pulled, forced, and held in a room. This physical violence can occur during the arrest process or while the woman is being forced to

marry. Physical violence is the use of physical force and power, threats or actions against oneself, an individual or a group of people or society which results in or is likely to result in bruising/trauma, death, psychological harm, developmental disabilities or deprivation of rights.

b. Psychological violence

Psychological violence is violence which is done to injure a person's mental or soul, so that it can cause a person to suffer from mental disorders. This psychological violence is better known by many people as psychic violence. Psychological violence is an act that results in fear, loss of self-confidence, loss of the ability to act, a feeling of helplessness, and/or severe psychological suffering to someone.

"When I was arrested and kept in my room, I felt depressed, traumatized and worthless before my parents, family and police came to solve this case and finally my family and the MRB family held joint deliberations and resolved it amicably. After legally marrying as husband and wife, MRB and I often fought so I was isolated from my family and friends, so I felt alone and helpless in quite a long time.

Based on the data the researchers obtained, current developments show that physical and psychological violence is very detrimental to victims. In addition, this violence also violates human rights and must be stopped immediately. It is important to continue to educate and outreach to change the culture of captive marriage practices and encourage respect for human rights, gender equality, and the elimination of violence against women in the household including the practice of captive marriages.

Based on the results of interviews on January 18, 2023 with the community with the initials UB and EN as neighbors, a traditional leader with the initials MUP as the traditional leader in Umbu Dengu village, a community leader with the initials KM as head of Mareda Kalada Village, and with the initials ADL as East Wewewa Sub-District Head, in Southwest Sumba Regency, said:

"The practice of captive marriage is well known in the people of Sumba, since a long time ago it started with pretending to kidnap a bride who had already been dressed up at the groom's house. The new official proposal begins after the prospective bride agrees to marry, if there is a refusal they find it on certain symbols then they will also never force themselves to practice this captured marriage followed by the delivery of belis (dowry) which the process also involves symbols customs such as a tied horse or gold under a pillow as a symbol that the traditional procession is being carried out. In traditional attire, the prospective groom rides a horse and catches his bride at a location that has been mutually agreed upon. After being arrested, the male's parents will give a horse and a Sumba machete as an apology and inform them that their daughter is already at the man's house. The practice of catching marriage is a tradition that has long been carried out by the ancestors. The practice of captive marriage is a tradition that should feel honored if a woman becomes the target of captive marriage. This is because he will be given a very high belis compared to the marriage process in general. They also consider that when the capture marriage process takes place, the families of both parties will consult so that no one is harmed. However, in reality the current practice of captive marriage has shifted from the provisions of Sumba's customs itself, because in practice capture marriage is not in line with what has been regulated in the Sumba community. experienced by Sumba women resulted in acts of violence including

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physical, psychological, sexual and economic violence and the practice of intermarriage that occurs in the people of Sumba currently has disadvantages from an environmental perspective:

Rejecting the offer of marriage at a wedding ceremony is considered something shameful. Victims who manage to get out of wedlock are often branded as a family disgrace or cursed as people who will not be able to marry and have children.

Even in deciding on a marriage, negotiations with the family are taken into account more than the bride herself. Parents usually consider social stigma so that it is not uncommon for them to decide to agree to the marriage not because they really agree. Victims of caught marriage do not only target adult women but also women who are underage.

Based on the data the researchers obtained, the shift in the practice of intermarriage is one of the many results of unequal gender construction, the main core of patriarchal culture. Talking about patriarchy, one of the problems is the problem of marriage. Patriarchal culture still cannot be separated from women's lives so that there is still a lot of unfair treatment occurring to children and women in Sumba. Men are always positioned at the top and are considered entitled to do anything to women. Shifting the practice of marriage to captive marriage will lead to discrimination against women. Discrimination is an act, practice or policy that treats a person or group differently and unfairly on the basis of the characteristics of that person or group.

Researchers found that the practice of captive marriage that occurs in the people of Sumba today has deviated and violated the principles of marriage. Violations of these principles include:

1. The Principle of Freedom to Choose a Partner

Women have complete freedom in determining their life partner, and are even prohibited from marrying them by force, so a girl's marriage will not be carried out if she has not received her permission and approval. By coercing captive marriages that are happening to the people of Sumba at this time, it certainly violates the principle of freed marriage arrest Sumba tribe women are required to marry the prospective groom who catches them.

2. Principle of Equality

Equality here means that the prospective bride and groom have equality in determining their marriage. There is no discrimination received from each prospective bride and groom, both women and men.

3. Principles of Deliberation

In a marriage, it is important that there is deliberation between the prospective bride and groom and the families of the two brides. This deliberation aims to determine what is best for both the bride and groom in carrying out the marriage. In the practice of captive marriage of the Sumba Tribe, deliberations are as if not carried out, because all decisions are based on the will of the prospective groom, even though they are based on the forced consent of the prospective bride's family but not with the consent of the bride.

4. The principle of mutual acceptance is needed in marriage

The principle of mutual acceptance means that the prospective bride and groom both accept their marriage. The concept of mutual acceptance also means that there is no coercion received by either party from the candidate. In reality, the Sumba Tribe's arrest marriage is forced and pressured by the prospective bride.

Legal Protection for Women Victims of Violence in Cases of Arrest in Mareda Kalada Village, East Wewewa District, Southwest Sumba Regency.

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Legal protection provides protection for human rights that are harmed by other people and this protection is given to the community so that they can enjoy all the rights granted by law or in other words legal protection are various legal remedies that must be given by law enforcement officials to provide a sense of safe, well mind and body from disturbances and various threats from any party. So that it can be realized in various forms of action such as through the provision of restitution, compensation, medical services, and legal assistance. These preventive actions are very necessary or more perfect if they must be prioritized. Because criminal acts will disrupt the development of sectors of socio-economic activity and social welfare in general in a broad sense. The legal protection provided by the government, namely:

1. Preventive Legal Protection

Protection provided by the government with the aim of preventing violations before they occur. This is contained in statutory regulations with the intention of preventing a violation and providing signs or limitations in carrying out an obligation.

To prevent, protect victims, and take action against perpetrators of violence in the practice of arrest marriages that have deviated and violated the principles of the marriage. The state and society are obliged to prevent, protect and take action against perpetrators in accordance with the philosophy of Pancasila and the 1945 Constitution of the Unitary State of the Republic of Indonesia. The state is of the view that all forms of violence, especially domestic violence, are violations of human rights and crimes against dignity, humanity and forms of discrimination.

The state view is based on Article 28 of the 1945 Constitution of the Unitary State of the Republic of Indonesia, and its amendments in Article 28G paragraph (1) of the 1945 Constitution of the Unitary State of the Republic of Indonesia stipulates that:

"Every person has the right to protection of himself/herself, family, honor, dignity and property under his control, and has the right to feel

safe and protected from threats of fear to do or not do something which is a human right".

and in Article 28H paragraph (2) of the 1945 Constitution of the Unitary State of the Republic of Indonesia, states that:

"Every person has the right to get facilities and special treatment to obtain the same opportunities and benefits in order to achieve equality and justice".

2. Repressive Legal Protection

This protection is the final protection in the form of sanctions such as fines, imprisonment and additional penalties given if a dispute has occurred or a violation has been committed. Protection carried out in a repressive manner is protection carried out by law enforcement officials in the form of imposing or imposing criminal sanctions on perpetrators of crimes including the practice of captive marriage, in this case carried out by the police, prosecutors, courts and correctional institutions. To take action against the perpetrators of the practice of captive marriage in accordance with their actions and correct them so that they are aware that what they have done is an act that violates national law, so that they do not repeat it and other people will not do it, considering that the sanctions regulated in national law are very severe. There are several laws, laws and regulations that provide legal protection for women who are victims of violence, including violence in the practice of intermarriage. Here are some of them:

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Law No. 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT). This law provides protection for women who are victims of domestic violence, including violence in the practice of captured marriages committed in the household.

Law No. 35 of 2014 concerning Amendments to Law no. 23 of 2002 concerning Child Protection. This law provides protection for women and children who are victims violence, including violence in the practice of captured marriages committed against women and children. Law No. 7 of 1984 concerning the Elimination of All Forms of Discrimination Against Women. This law provides protection for women's rights, including the right to be free from violence and discrimination.

The law provides a legal basis for the state to protect women and children from violence, including the practice of captured marriages. In this case, the government can apply existing national laws to protect women from the practice of captive marriage and uphold justice for the victims. Apart from that, this law also provides a basis for strict law enforcement against perpetrators of the practice of captive marriage, providing assistance and rehabilitation services for victims, inter-agency cooperation, providing shelter and encouraging social change.

3. Customary Law Protection

In practice, the role of customary law in providing legal protection for women who are victims of violence, including the practice of intermarriage, may vary depending on the conditions and context of each indigenous community. However, by taking the right approach and paying attention to human values and human rights (HAM), customary law can help ensure that women who are victims of violent marriages are given proper legal protection.

In addition, in Mareda Kalada Village, East Wewewa District, Southwest Sumba Regency there is also a customary law mechanism that can be used to protect women from the practice of captive marriage. Customary law is a legal system that grows and develops in indigenous peoples. The customary law system has different characteristics from the national legal system. One important characteristic is that it is closely related to local traditions, culture and values. In terms of providing legal protection for women who are victims of violence, customary law can have an important role. The people of Southwest Sumba have custom called "pelmpangan", which is a customary process to resolve cases of domestic violence, including forced marriages.

In the "pelmpangan" process, the family and traditional leaders from both sides will sit together and find the best solution to stop the practice of captive marriage. If the party carrying out the captive marriage is willing to apologize and pay compensation, then the case can be resolved without involving the criminal justice process. However, if the party carrying out the captive marriage is not willing to resolve the case peacefully, then the case can be reported to the security forces for legal processing.

Thus, legal protection for women in cases of captive marriage practices in Southwest Sumba Regency includes national law and local customary law. Women who are victims of captive marriages can obtain protection through national legal processes or through customary law processes. However, it is important to note that customary law processes do not always provide adequate protection for women, and efforts are still needed to strengthen national legal protections for women

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CONCLUSION

Based on the results of research on Forms of Violence and Legal Protection of Women in Cases of Arrest in Southwest Sumba District, the conclusions obtained are: 1) The practice of captive marriage still occurs and often leads to violence against women. The following are several forms of violence against women in the practice of captive marriage, namely: Physical violence is violence that occurs in real terms or can be seen and felt by the body directly. The forms of physical violence include being kidnapped, pulled, forced, and held in a room. This physical violence can occur during the arrest process or while the woman is being forced into marriage and psychological violence is violence which is done for injure a person's mental or soul, so that it can cause a person to suffer from mental disorders. This psychological violence is better known by many people as psychic violence. Psychological violence is an act that results in fear, loss of self-confidence, loss of ability to act, and a feeling of helplessness. 2) Legal protection is something that protects legal subjects through national law and customary law and is enforced by a sanction. As for the protection of national law and customary law, namely: preventive legal protection provided by the government with the aim of preventing before a violation occurs, repressive legal protection is only given when a violation has occurred, the law given is also regulated in statutory regulations and customary law is a legal system that grows and develops in indigenous peoples, the customary law system has characteristics, one of the important characteristics is its existence which is closely related to local traditions, culture and values. Suggestion is Based on the conclusions described above, the authors provide suggestions that may be considered by institutions and the local community, namely: a) The culture of the practice of captive marriage for the indigenous people of Sumba should be more guided by the conditions set by the national law and the customary law itself, so that there are no irregularities or losses to the marriage being carried out. b) The attention and role of the local government as well as the central level is urgently needed to improve materially and formally, one of which is to increase education and knowledge that can reach issues related to women's rights against the factor of intermarriage which generally occurs in the people of Sumba so that they can avoided. c) Traditional leaders or Sumbanese traditional leaders give more strict sanctions to perpetrators of captive marriages that are not in accordance with the customary law in force in the Sumba community, in order to have a deterrent effect on perpetrators of irregularities so that this marriage will remain genuine with good local wisdom.

REFERENCES

1. Ahmad Amin, Moh. Ali, Sukardi & Ratnati. 1997. Regional Customs of West Nusa Tenggara. Jakarta: CV. Eka Dharma.
2. Suriyaman Mustari Pide, 2014, Customary law past, present and future, Pranadamedia Group Jakarta.

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3. Hadikusuma, H., & Indonesia, H. P. 1990. According to the law. Customary law, Religious Law. Bandung. Mander Forward.
4. Hadikusuma, H. 2009, Past, Present, and Later Customary Law. Bandung. Mander Forward.
5. Harini Sri. 2006. Introduction to Indonesian law. Indonesian Ghalia. Ciawi-Bogor.
6. Jamaluddin and Nanda Amalia. 2016. Textbook of Marriage Law. Lhoksumawe: Unimall Press.
7. Maidin Gultom, Legal Protection of Children and Women, (Bandung: Refika Aditama, 2014).
8. Research Methodology Lecture Material PPs.UIN Malang. UIN Malang, 2011.
9. Sulistyanta, Maya Hehanusa. 2016. Criminology. Yogyakarta: Absolute Media.
10. Purnomo, D. 2021. The woman who cries to the black moon. Jakarta: Kompas Gramedia.
11. Van Veldhoven. 1913. Het Adat Recht Van Nederland Indie.
12. Yesmil Anwar, 2009, Reaping Crime: A Sociocultural Approach to Criminology, Law and Human Rights, Refika Aditama, Bandung
13. Wahyuni. 2018. Application of the "Rambu Langi" Traditional Sanctions for Elopement in Sassa Village, Baebunta District, North Luwu Regency. Hasanuddin University.
14. Salimin. 2009, "Peohala Customary Crime for Perpetrators of Decency Customary Offenses in Indigenous Peoples of the Tolaki Tribe." Amanna Gappa Law Science Journal. Unhas Faculty of Law, Volume 17.
15. Doko, E. W., Suwitra, I. M., & Gayatri Sudibya, D. (2021). "Tradition of Marriage Capture (Piti Rambang) of the Sumba Tribe in East Nusa Tenggara." Journal of Legal Construction, Vol. 2, No. 3. 2021.
16. Galuh Faradillah Yuni Astuti, 2015. "The Relevance of Customary Criminal Law in the Reform of Criminal Law in Indonesia. Thesis." Bachelor of Law, Semarang State University.
17. Nainggolan, J. F., Ramlan, R., & Harahap, R. R. 2022. "Forced Marriage under the guise of Cultural Traditions: How is CEDAW Implementation of National Law in Protecting Women's Rights in Marriage?" Uti Possidetis: Journal of International Law. Vol. 3 No. 1 (2022).
18. Satjipto Raharjo. 1993. "The Administration of Justice in a Changing Society." Bandung: Journal of Legal Issues."
19. Daughter, Reza Riana. 2012. "Dating Violence". Faculty of Psychology Muhammadiyah University of Surakarta. Manasa Journal, vol 2 no 1.
20. The 1945 Constitution of the Unitary State of the Republic of Indonesia.
21. Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage.
22. Law Number 7 of 1984 concerning the Elimination of All Forms of Discrimination against Women.
23. Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.
24. Law Number 23 of 2004 concerning the Elimination of Domestic Violence

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