

Conference Paper

# Homicide by Wife in the Context of Domestic Violence: (Case Studies of Convicted 4 Female Perpetrators in Woman Prisons, Bandung, Indonesian)

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## Abstract

This dissertation begins with the belief of Author that women who commit murder in the context of domestic violence, is also the victim. This is evidenced from the experience of 4 (four) informants, who are in Bandung woman prison, using a qualitative approach, this feminist research analyzed from three sides, namely: structure, culture and processes. Elaboration of that approach by combining the view and the Radical Feminist Theory of Bourdieu. Radical feminists as an umbrella magnitude in this study, discusses the patriarchal society and sexuality. While Bourdieu's theory (the concept of habitus, field (space) and the composition of capital) is for an explanation of the empirical level.

Analysis experience of 4 (four) womens show that they are victims of domestic violence, although legally, they are the perpetrators. Domestic violence (victimization) that they had experience, demonstrated radical feminists because of the patriarchal society, where she has higher position than her husband, in the family. Victimization occurs because of the domination. The types of domination occur, which is determined based on the theory of Bourdieu. The result is: Matrix of Domination and Capital Typology, which consists of fully-dominated-fully-capital; partially-dominated fully capital; partially-dominated non-capital; Non-Dominated Non-Capital; and Dominated - Capital Irrational. The typical findings here are a form of Irrational Capital Dominated. This dominance occurs on informants who have positions are not in the area to be dominated, because of the ownership of capital that she owned, but in certain situations, she continues to be dominated (patriarchal society). This strong standing position due to the way out that she is chosen, which she has another couple.

Women who commit murder, in the context of domestic violence in the juridical indeed are guilty by the court verdict. But their experience shows that they are victims of domestic violence. Therefore, Crimes committed by women is a typical crime, where the actors are as well as victims of crime. Although they are punished, but we expected the punishment in different form, such as rehabilitation or social worker.

**Keywords:** murder, perpetrator and victim, patriarchy, domination, victimization

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## 1. Introduction

The background of this dissertation by female perpetrators of the murder which is also the victim. Women potentially become the criminal victim in domestic violence or locally known as *kekerasan dalam rumah tangga* (KDRT). The annual record 2011 from Komnas Perempuan (“Teror And Kekerasan Terhadap Wanita: Hilangnya Kendali Negara”, Catatan Tahunan Tentang Kekerasan Terhadap Women 2010, Komnas Perempuan, 7 March 2011, pp. 10 and 16) (Human Rights for Women) reported that in 2010, KDRT dominated the abuse in women (more than 96 % = 101.128 women). In line with the data from the World Health Organization (Bitna Kim,dkk., “Domestic Violence and South Korean Women: The Cultural Contact and Alternative Experiences”, *Journal Violence and Victims*, Volume 25, Number 6, 2010. p. 814) (WHO), it is expected that 5.3 million people undergo abuse from their spouse in a year. *However, the focus of this study is women as the killer, who is frequently questionable*. Besides that, such this description is also applicable to elude women’s struggle as not being totally a victim. Why a woman, as a wife decides to kill her husband to solve the problem?

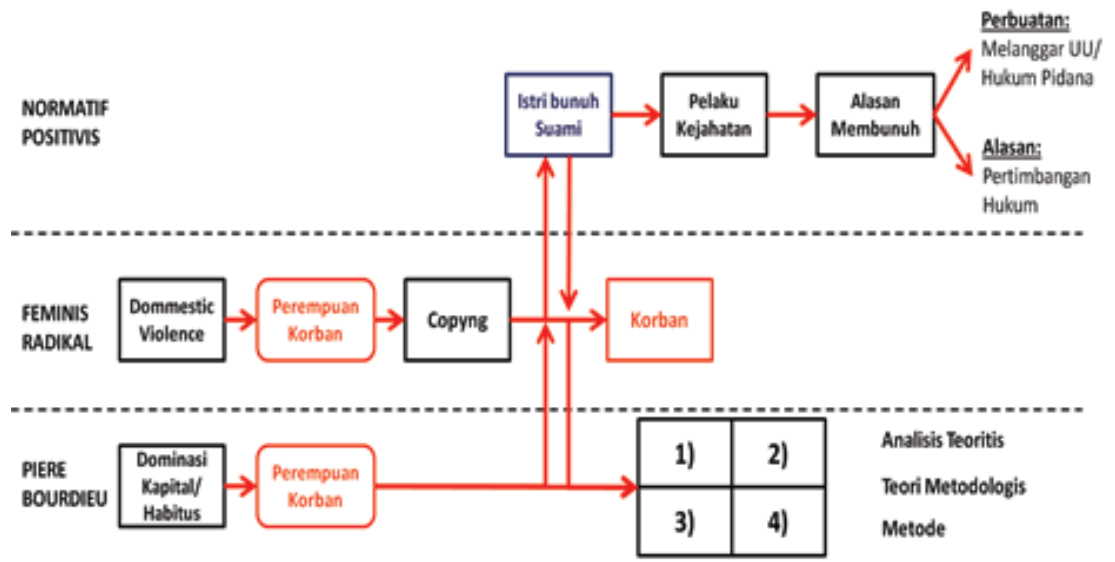
The research questions are: (1) what is the correlation between the wives kill their husbands and the experience of husband domination in the context of domestic violence (KDRT). (2) What is the correlation between the wives killing their husbands and husband’s capital combination in the context of KDRT? The objectives of the research are to sociologically study the relation between the killer and the victim in the family, particularly study the women as the criminal victim (KDRT). Specifically, the study has two goals. First, this study aims at explaining and describing women’s understanding as wives when committing a killing due to victimization in the context of KDRT. It is important to know why some wives experiencing domestic violence have killed their husband, while other wives experiencing KDRT do not commit killing. Second, the study aims at identifying the role of social and familial structure that encourages wives to commit killing when dominated by husbands. Based on the results of field study, the researcher would like to describe the experience of wives, in family relation, the dominant role of wives and husbands, to deconstruct the prevailing view where women are positioned as victim.

Academically, the research is expected to contribute to the development of sociological study, particularly gender sociology (Sociology of Gender believes that physical appearance between men and women is mediated by social structure and culture in the book of, Nicholas Abercrombie, Stephen Hill and Bryan S. Turner. Transl. “Kamus Sosiologi”, Yogyakarta: Pustaka Pelajar, 2010. p. 541.), where women are perceived

as killer on the one hand, but on the other hand, they are criminal victim. The study was conducted on the following reasons. First, academically only few studies have studied about women as criminal in Indonesia. Therefore, the researcher attempts to contribute practically to the increase likelihood of women committing a crime. The study takes the issue of women as killer. Second, this study proposes ideas to the legal policy makers based on the results of the study that women committing a crime are actually the domestic violence victim in patriarchic culture. Ideally, the punishment will be less severe than that for conventional killing.

## 2. Literary Review

This dissertation uses a feminist study, particularly radical feminism. Female killer in the context of KDRT has normatively violated the criminal law. The researchers perceived them as the victim. This is clearly specified in the frame of study.



After exploring the concept, theory and review of relevant studies, in this part the researcher will describe the initial frame.

The mindset in this *analytical theory* is Bourdieu’s theory of Symbolic combined with Radical Feminism theory. Bourdieu reveals that in symbolic abuse there is domination. Bourdieu’s general discussion is combined with radical feminism theory that is relevant to discuss such women issue as domination in the family (patriarchic society). The followings are the illustration of the relation between the actor and agent (= female killer) and the structure / system in this paper.

In Bourdieu's theory, female killer is positioned as agent (actor) who has habitus. She has a set of internalized scheme used to perceive, understand, appreciate, and evaluate her social world. With this schema, she results in perception, evaluation, and practice. Dialectically, habitus is the "product of structural internalization" of social world. Habitus is equivalent to "common sense".

Position of women (wives) in family is determined by the capital size and composition. Women are assumed to create family in patriarchic society. According to Bourdieu, in the society an individual may dominate another. Such is also in the family. One dominates another. Male domination deriving from the different classes has created symbolic abuse on woman, his wife. Dominated women suffer from symbolic abuse because they have limited capital. Capital possession determines the vertical class, according to Bourdieu.

Women suffer from 'symbolic abuse'. Male domination on women is made through discourse (in family and social relation). Male domination is frequently considered natural and acceptable. Behind this concept, there is a change from the supposedly responsible action to a mere natural and acceptable practice of culture. In this context, according to radical feminism this kind of abuse is common in patriarchic culture. Principally symbolic abuse results from lack of knowledge and acknowledgment of the dominated person. In this context, the dominated person is the victim who later becomes the killer.

The logic of domination is prevalently acknowledged and acceptable for both the person who dominate and the person under domination. Symbolic abuse may take the forms of language, life style, mindset, action, and ownership on particular groups. The role of symbol – value is very apparent in female killer. Kate Millet said that patriarchy involves men's control of idea and is not limited to kinship relationship, but in all areas of human life such as economic, political, religious and sexual aspects.

Relation of gender in family in patriarchic society shows inequality and domination. Use of power by men to women is found in the context of public –structural and ideological spheres, but also in occupation, education, media and others. Of equal importance is patriarchy at personal level, at personal domain of sexual intercourse between men and women.

*For example*, the religious expectation of 'ideal women' (Description of women in this book (interpretation) is almost similar to the description of ideal women written by law makers in the middle ages. According to the prevailing law, ideal women are the women who speak and laugh less. Ideal women never leave home, even just to meet the neighbors that they are familiar. They do not have female friends and do not trust

anybody. They depend solely on their husband... published in *Jurnal Perempuan*, No. 3, May/ June 1999, written by Ratna Batara Munti. S.Ag., "Perempuan dalam Perspektif Tradisi Islam dari Timur Tengah Hingga Indonesia".. pp. 15-16) will influence the life. Wrong interpretation of religion has caused subordination of women to the husband 'without any pretention'. They tolerate abuses for the sake of her dedication to their husband'. Gender ideology (Ideology of Gender contains rules, values, and stereotypes that regulate the relation between women and men by establishment of feminine and masculin identities. Saptari, Loc.Cit., p. 202) also influences women's life. Since they are young as Bourdieu said, they take the culture for granted. For example, women are accustomed to accomplish housework, while men are obliged to accomplish public works. Women are more emotional-oriented such as weeping, while for men, weeping is a taboo. Men are brave and they have to protect women, defender of family.

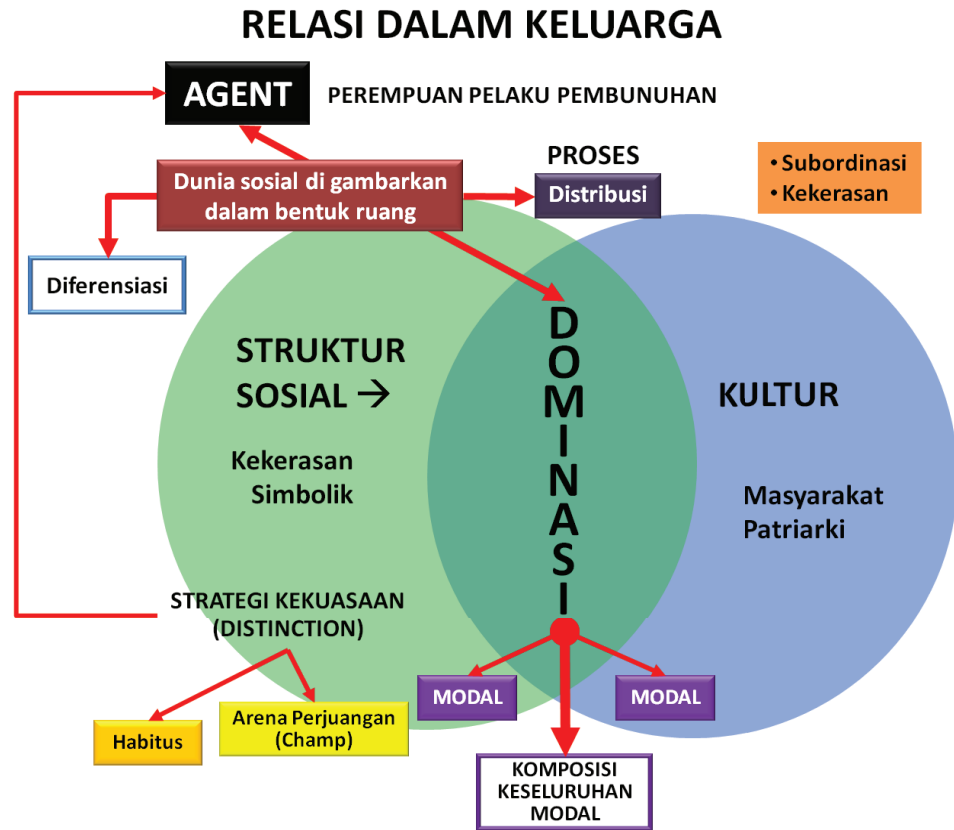
Theoretical contribution to the sociological phenomena of killing of husband by wives will only be possible when we have comprehensive knowledge about the personal experience of the female killer and the relation of family. This sociological study employs three sides of structure, culture, and process of family life. Structurally this study sees the position of women using Bourdieu's theory with the concept of habitus, capital possession, domination agent, and also symbolic abuse. Culturally, this study uses perspective of radical feminism perceiving domination in patriarchic society. Structure, culture, and process are presented on the figure below.

Killing committed by women or wives in family relation can be categorized as having the capital in patriarchic society. However, it may also be found in women without any capital in patriarchic society or others.

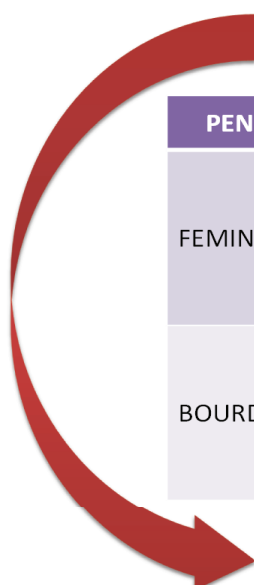
Domination may result in victimization on women. Victimization is in the form of KDRT. Based feminism *standpoint* women are criminal victim. However, in practice it may be different. Not all of the women are criminal victim (although initially they are victim). Some women committed crimes but are not categorized into criminal victims. This is found in initial research. Therefore, the researcher developed a matrix of domination to describe a number of criteria of domination on female killer. This paper also deconstruct that women are not necessarily criminal victim.

In Indonesia, particular legal case, particularly women, law enforcers sometimes are insensitive to gender. Like Judge, in handling the case of KDRT they do not use the Law of 23/2004 on Elimination of Domestic violence. The judge uses KUHP (penal code) that is not gender-sensitive. Examination by police has resulted in multiple victimizations. She is a domestic violence victim. She has to answer sensitive questions. The police bring more stress to the victim whose emotion is unstable.

### Model of Analysis: Structure, Culture and Process



### FUNGSI TEORI



PENDEKATAN	KONSEP	TUJUAN
FEMINIS RADIKAL	<ul style="list-style-type: none"> <li>• Gender</li> <li>• Patriarki</li> <li>• <b>DOMINASI</b></li> <li>• KDRT</li> </ul>	Perempuan mengalami subordinasi (suami <i>powerfull</i> )
BOURDIEU	<ul style="list-style-type: none"> <li>• Habitus</li> <li>• Kapital</li> <li>• <b>DOMINASI</b></li> <li>• Kekerasan Simbolik</li> </ul>	Konteks Sosiologis dari perempuan yang mengalami subordinasi/ dominasi yang sangat keras

ALAT UNTUK MENGANALISA

The researcher analyzed 3 levels: macro, messo and micro. At macro level, we analyze the structure and culture of society where women committing the killing (In-depth

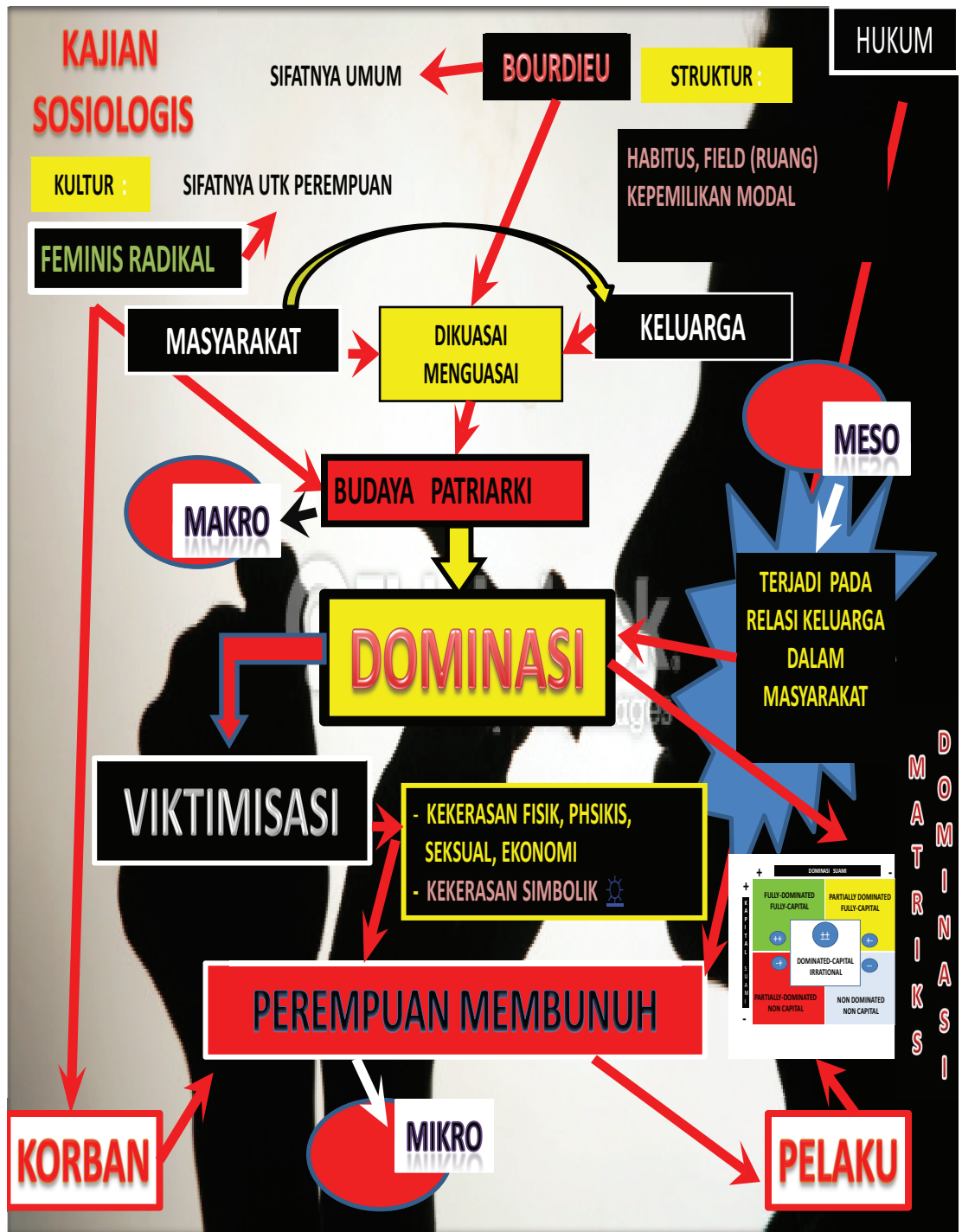
interview). At meso level, the discussion is focused on family relation, particularly the position of women in family and the domination process. The research used in-depth interview.

At micro level, the discussion is focused on female killer at the prison. We explore the experience of women in the family relation, the society, legal enforcement, and so on as well as the domination in family and society. This study employs transcript (verbatim), field notes, *life history*, and case chronology to identify experience of women committing the killing to their husband. Methodologically, secondary data secondary was analyzed from the documents of the prison and the courts. Experience and voice of women committing a killing is explored with field note of *'life history'*.



The data collected from different levels reveals the patterns of family relation that is experience of women as victim and actor in relation to their understanding of the prevailing law and the environment. It is expected that the results will contribute to the development of law application for female killer in the context of domestic violence victim.

There are different pattern and different underlying causes before the women decided to kill their husband. A number of subjects used *coping vigilance* that is careful consideration on the risk of the choice, while some others decide to killing without any consideration. Some women committed the killing for fear of further torture by husband.



Symbolic abuse may occur in any aspect of life, particularly in gender relation. Unequal power has forced a wife to obey her husband and her family. To have significant understanding of symbolic abuse, we have to analyze three primary concepts of Bourdieu’s logical practice theory: *habitus*, *field* and *capital*. These theoretical concepts clearly describes gender implication in subjective production and on how wives take action in social and cultural environment in the context of husband-wives, how wives



make decision based on husband’s characters, behavior and attitudes. We review Bourdieu’s three central concept of logical theory: habitus, field and capital. Interaction of habitus, field and capital had resulted in practical logic in daily life.

The researcher summarized it in the following tables. The first table is about victimization. It describes the abuse experienced by the informants, and the following table describes the structural position of the informants that discusses symbolic abuse in capital and habitus positions. The last table discusses about the process of domination.

TABLE 1: Victimization in the Context of Domestic violence.

No.	Victimization In the context of Domestic Violence	INFORMANT I	INFORMANT II	INFORMANT III	INFORMANT IV
1.	<b>Physical abuse</b>	<ul style="list-style-type: none"> <li>•Frequently beaten (bump eyes)</li> <li>•Treated at will.</li> </ul>	<ul style="list-style-type: none"> <li>•Wife treated as housemaid, doing all housework, particularly the husband’s needs while having housemaids and private driver.</li> </ul>	<ul style="list-style-type: none"> <li>•Frequently beaten, fatally on the head. Informant III lied to the doctor that an iron bar hit her head. The doctor laughed and said that if it were true, she would have died.</li> <li>•Once she was forced to nude when her husband got mad, the clothes were torn out, and she was asked to go out of the home, she was pushed to the pond just like garbage.</li> </ul>	
2.	<b>Sexual abuse</b>	<ul style="list-style-type: none"> <li>•Premarital pregnancy</li> </ul>	<ul style="list-style-type: none"> <li>•Engaged by the parents to a man of much older age, although she already had a boyfriend</li> </ul>	<ul style="list-style-type: none"> <li>•Forced to have sexual intercourse whenever the husband wants it. He did not care whether she was sick, in menstruation, was going to sholat or was fasting during Ramadan.</li> <li>•Forced to have ‘sodomy’ (twice), when the husband took stamina enhancer</li> <li>•When the husband had another woman, (girl or widow), Informant III was always beaten.</li> </ul>	<ul style="list-style-type: none"> <li>•Forced to have sexual intercourse although she was tired, sick, or in menstruation.</li> </ul>

No.	Victimization In the context of Domestic Violence	INFORMANT I	INFORMANT II	INFORMANT III	INFORMANT IV
3	<b>Psychological Abuse</b>	<ul style="list-style-type: none"> <li>•Found her husband not serious since her husband refused to marry her legally doubted whether her husband loved her</li> </ul>	<ul style="list-style-type: none"> <li>•After marriage her life was restricted (not allowed to drive by herself)</li> <li>•Husband was a jealous man.</li> <li>•Not allowed to beautify her, get along with others.</li> <li>•Maintained, as she was a fragile glass.</li> <li>•Ideal woman socialization</li> </ul>	<ul style="list-style-type: none"> <li>•Forced to be willing to marry him.</li> <li>•2 months after marriage, her husband is a 'bastard'.</li> <li>•Husband had other women. She found other woman's 'underwear' in her husband's car.</li> <li>•Once found her husband being with her daughter in law in her room.</li> <li>•Husband was selfish.</li> </ul>	<ul style="list-style-type: none"> <li>•Her husband was easily jealous, Informant IV felt under pressure.</li> <li>•She was observed wherever she went, he sent SMS, called. Could not be free, shopping always accompanied by husband.</li> </ul>
4.	<b>Economic Abuse</b>		<ul style="list-style-type: none"> <li>•She had a job and income, but she had to do housework while there are housemaids and driver.</li> </ul>	<ul style="list-style-type: none"> <li>•Monthly money was given only when husband was not in love affairs with other woman.</li> </ul>	<ul style="list-style-type: none"> <li>•She had a job and income</li> </ul>

Source: Result of study

TABLE 2: Social Structure: Symbolic abuse, Position in Capital and Habitu.

NO.	Social Structure: Symbolic abuse, Position in Capital and Habitus	Informant I	Informant II	Informant III	Informant IV
1	Symbolic abuse	<ul style="list-style-type: none"> <li>•Had no marital document</li> </ul>	<ul style="list-style-type: none"> <li>•Informant II sometimes felt that there was not abuse. She perceived everything was fine. She tolerates her husband. She obeyed her husband.</li> </ul>	<ul style="list-style-type: none"> <li>•"Initially everything was fine. Later, he changed, he was cruel and forceful, and she had to obey whatever he wanted.</li> </ul>	<ul style="list-style-type: none"> <li>•Husband always monitored her but she was all right</li> </ul>
		<ul style="list-style-type: none"> <li>•Felt no love</li> </ul>	<ul style="list-style-type: none"> <li>•Although her income is higher than her husband is, she respected her husband and obeyed the regulations made by her husband.</li> </ul>	<ul style="list-style-type: none"> <li>•Husband of informant III was authoritarian and he controlled family finance. Informant III tolerated him and treated husband as the head of family.</li> </ul>	<ul style="list-style-type: none"> <li>•He did not want to help doing housework</li> </ul>

NO.	Social Structure: Symbolic abuse, Position in CapitalLand Habitus	Informant I	Informant II	Informant III	Informant IV
		•After marriage turned into a housewife	•Informant II did not feel herself as unhappy except to the regulation created by her husband.	•Informant III was responsible for housework; her husband went home once a month.	
		•Could forgive husband after hurting her		•During one-week informant III had to be close to her husband and ready to serve her husband's desire	
		•Felt equal		•Informant III obeyed her husband instruction. Informant III served her husband sincerely and felt everything was fine.	
				•Informant III attempted to adjust herself with her husband's habit, that she only knew after marriage 'alcoholic' and 'love affairs'.	
				•Although she knew her husband's habits, she felt that her husband loved her sincerely, as she did to her husband.	
				•Her husband proved that informant III was his choice, when she and her children, before informant III got married he went to their house.	
2	Social Structure	•She had equal position with her husband, while he treated himself more dominant.	•He prohibited her doing many things. Driving, using cosmetics. Once she was dropped on the street because in his opinion she used excessive makeup.	•Since marriage informant III adjust herself to her husband.	•In her life, informant IV had to obey her husband. Although they had different opinions, because her husband was selfish, informant IV would obey.

NO.	Social Structure: Symbolic abuse, Position in CapitalLand Habitus	Informant I	Informant II	Informant III	Informant IV
		<ul style="list-style-type: none"> <li>•Since marriage, she accustomed herself to provide her husband's needs, foods, cooking. Also to discotheque and got drunk together.</li> </ul>	<ul style="list-style-type: none"> <li>•Prepared all needs for her husband, underwear, cooking, other needs, such as socks.</li> </ul>	<ul style="list-style-type: none"> <li>•Her husband was with the family only a week in a month, except he had a love affair with another woman.</li> </ul>	<ul style="list-style-type: none"> <li>•As the youngest child of three children in her family, informant IV was educated to obey her husband.</li> </ul>
		<ul style="list-style-type: none"> <li>•She stopped working after marriage</li> </ul>	<ul style="list-style-type: none"> <li>•All had to be in time, he would reprimand otherwise.</li> </ul>	<ul style="list-style-type: none"> <li>•Informant III did not refuse to have sexual intercourse, but she refused when her husband asked her to have sodomy. After two sexual intercourses, she had severe pain, and she refused. Her husband agreed.</li> </ul>	<ul style="list-style-type: none"> <li>•Since her mother told the marriage informant IV that she was no longer a child, she was under her husband's responsibility.</li> </ul>
			<ul style="list-style-type: none"> <li>•Husband was very possessive.</li> </ul>	<ul style="list-style-type: none"> <li>•Her husband asked informant III to be passive in sexual intercourse, she did not have to feel enjoyment.</li> </ul>	<ul style="list-style-type: none"> <li>•Informant IV was not allowed to tell the problem of her family to other people after marriage.</li> </ul>
					<ul style="list-style-type: none"> <li>•Husband's stigma was not to tell to other people. It was stigma of family.</li> </ul>
					<ul style="list-style-type: none"> <li>•Informant IV explained that it might result from their poor religious service, her husband's habit in sexual intercourse was inconvenient and uncomfortable. She shared the feeling to other people, which was prohibited by her parents.</li> </ul>
3	Position in Capital	<ul style="list-style-type: none"> <li>•Informant I only studied until grade V elementary school, lower than her husband, senior high school did.</li> </ul>	<ul style="list-style-type: none"> <li>•She had higher education and income than her husband.</li> </ul>	<ul style="list-style-type: none"> <li>•Informant III did not finish elementary school. She did not work. Her husband worked as a driver, he worked for 3 weeks and took a rest for one week.</li> </ul>	<ul style="list-style-type: none"> <li>•Informant IV had lower education than her husband did. Informant IV finished senior high school and her husband finished university.</li> </ul>

NO. Social Structure: Symbolic abuse, Position in CapitaLand Habitus	Informant I	Informant II	Informant III	Informant IV
	<ul style="list-style-type: none"> <li>•After marriage, she stopped working. She used to work as a baby sitter and later as billiard score girl.</li> </ul>	<ul style="list-style-type: none"> <li>•Before marriage, she had worked and had wealth.</li> </ul>	<ul style="list-style-type: none"> <li>•Informant III was active in PKK, the activities when her husband worked.</li> </ul>	<ul style="list-style-type: none"> <li>•Informant IV was active in PKK, religious gathering, Volleyball competition, photographer in wedding parties.</li> </ul>
	<ul style="list-style-type: none"> <li>•Her husband worked as a driver, he could meet the family finance.</li> </ul>	<ul style="list-style-type: none"> <li>•She had 12 cars and at that time, she worked with the salary of 6 million a month.</li> </ul>	<ul style="list-style-type: none"> <li>•Once she worked, but her husband had a love affair with her daughter in law in his room. Since then informant, III stopped working.</li> </ul>	<ul style="list-style-type: none"> <li>•Before marriage informant IV already worked, after marriage, she stopped working but then she opened up small business of hand phone trade, which was later successful.</li> </ul>
4 Habitus	<ul style="list-style-type: none"> <li>•The habits when informant I was young was not brought to the adulthood.</li> </ul>	<ul style="list-style-type: none"> <li>•His habit when she was not at home was managing his business.</li> </ul>	<ul style="list-style-type: none"> <li>•She tried to be good wife.</li> </ul>	<ul style="list-style-type: none"> <li>•In daily life, informant IV is very friendly and sociable. She is active in various activities. On the contrary, her husband speaks less.</li> </ul>
	<ul style="list-style-type: none"> <li>•She tried to serve her husband. The reason was that they were married and decided to work.</li> </ul>	<ul style="list-style-type: none"> <li>•She did not have any time for socialization with the neighbors; she only concentrates on the business and work.</li> </ul>	<ul style="list-style-type: none"> <li>•Family finance is managed by her husband. She just obeyed.</li> </ul>	<ul style="list-style-type: none"> <li>•Informant IV had a love affair before her husband passed away.</li> </ul>
		<ul style="list-style-type: none"> <li>•At home she totally accomplishes housework, although she had 3 housemaids and driver</li> </ul>	<ul style="list-style-type: none"> <li>•She tried to adapt herself to her husband's habit. After marriage, she only knew that her husband was alcoholic and spoke rudely. He also had love affairs.</li> </ul>	

NO.	Social Structure: Symbolic abuse, Position in CapitalLand Habitus	Informant I	Informant II	Informant III	Informant IV
			<ul style="list-style-type: none"> <li>•She obeyed her husband, as what her mother told her when she was young.</li> </ul>	<ul style="list-style-type: none"> <li>•However, she felt that her husband sincerely loved her as she loved him.</li> </ul>	<ul style="list-style-type: none"> <li>•Initially he was only a friend to share the problem, but later they had intimate relationship. She needed a friend, particularly when her husband forced her to have sexual intercourse when she was in menstruation.</li> </ul>
		<ul style="list-style-type: none"> <li>•Informant I would fight when her husband committed physical abuse to her.</li> </ul>			<ul style="list-style-type: none"> <li>•Informant IV was utilized by her love partner, she only knew it later.</li> </ul>

TABLE 3: Process of Domination establishment.

No.	Proses of Domination establishment	Informant I	Informant II	Informant III	Informant IV
1	Domination	<ul style="list-style-type: none"> <li>•When she married her second husband, Informant I stopped working on request of her husband.</li> </ul>	<ul style="list-style-type: none"> <li>•In solving the problem, they always relate it to her husband.</li> </ul>	<ul style="list-style-type: none"> <li>•She met her husband only a week in a month.</li> </ul>	<ul style="list-style-type: none"> <li>•In making a decision, she decided to propose her opinion, but her husband always rejected.</li> </ul>
		<ul style="list-style-type: none"> <li>•They managed the family together. They had equal relation. Her husband always agreed what she wanted</li> </ul>	<ul style="list-style-type: none"> <li>•Although she did house work her husband did not treated her low.</li> </ul>	<ul style="list-style-type: none"> <li>•In the week, all activities were focused on her husband. Whatever her husband wanted she obeyed.</li> </ul>	<ul style="list-style-type: none"> <li>•In matters about the children, Informant IV was more dominant than the husband was. This was due the fact that the children were with Informant IV, while the husband worked in other town. They met only a week-two weeks in a month</li> </ul>

No.	Proses of Domination establishment	Informant I	Informant II	Informant III	Informant IV
		<ul style="list-style-type: none"> <li>Their marriage was not legally recorded (siri), but then she wanted to have legally acknowledged marriage.</li> </ul>	<ul style="list-style-type: none"> <li>She helped family economy.</li> </ul>	<ul style="list-style-type: none"> <li>Financial status depended on husband. When he did not have love affair, he gave enough money. When he had affair, he gave minimal or even nothing. Usually she borrowed money or received food from neighbors.</li> </ul>	<ul style="list-style-type: none"> <li>When they were together, she felt many pressures.</li> </ul>
			<ul style="list-style-type: none"> <li>She met her Husband's request to have sexual intercourse since it was her obligation.</li> </ul>	<ul style="list-style-type: none"> <li>Informant III obeyed her husband; she was scared when her husband spoke rudely and hit her.</li> </ul>	<ul style="list-style-type: none"> <li>Excessive control, her husband forced her to be accompanied when shopping ... when she went alone her husband always called or sent message. Her husband did not trust her.</li> </ul>
			<ul style="list-style-type: none"> <li>Husband held the authority in the home, but decision was made collectively, for example, the child matters.</li> </ul>	<ul style="list-style-type: none"> <li>She always forgave her husband and knew that her husband loved her very much, since her husband never wanted to divorce her.</li> </ul>	
			<ul style="list-style-type: none"> <li>She felt that although she had higher education but she still served as mother and wife, she also did other works proportionally. However, she could not tolerate the regulation created by her husband, when she refused her driving license will be confiscated. Returned after 3 months or when nobody sent the children.</li> </ul>		
			<ul style="list-style-type: none"> <li>She did not object this.</li> </ul>		
2	Length	<ul style="list-style-type: none"> <li>The marriage did not last long, only about 2 years.</li> </ul>	<ul style="list-style-type: none"> <li>They had got married for 26 years</li> </ul>	<ul style="list-style-type: none"> <li>They had been married for 27 years.</li> </ul>	<ul style="list-style-type: none"> <li>Their marriage was already 6 years.</li> </ul>

No.	Proses of Domination establishment	Informant I	Informant II	Informant III	Informant IV
		<ul style="list-style-type: none"> <li>•She started to feel inconvenient with the marriage status before her husband passed away.</li> </ul>	<ul style="list-style-type: none"> <li>•Informant II had worked before marriage, and continued working after marriage.</li> </ul>	<ul style="list-style-type: none"> <li>•Felt that her husband loved her very much, although he frequently hit her.</li> </ul>	<ul style="list-style-type: none"> <li>•Informant IV did not always live together with her husband.</li> </ul>
		<ul style="list-style-type: none"> <li>•This was because her husband started to care other women. Informant I was jealous and rather possessive to her husband.</li> </ul>	<ul style="list-style-type: none"> <li>•She admitted her husband as the head of family who had to be obeyed. Therefore, she obeyed the rules considering that her husband loved her</li> </ul>	<ul style="list-style-type: none"> <li>•It was proven that her husband never wanted to divorce her.</li> </ul>	<ul style="list-style-type: none"> <li>•When they were together Informant IV had to serve whatever her husband wanted while ignoring the fact that she was tired or sick.</li> </ul>
					<ul style="list-style-type: none"> <li>•Informant IV lived her life until finally she met a man to whom she could share her problem.</li> </ul>
3	Why Informant Could Get out of Domination	<ul style="list-style-type: none"> <li>•When they had problem she escaped by drinking alcoholic drink until she got drunk.</li> </ul>	<ul style="list-style-type: none"> <li>•Informant II felt that she was deceived by her second husband, who was later known as the auctor intellectualis of the killing of her husband.</li> </ul>	<ul style="list-style-type: none"> <li>•Her husband went home when she was in serious illness. She had stomachache and nausea. Her husband did not ask her condition and asked her to have sexual intercourse. She refused. Her husband insisted, luckily her child protected her. Finally, that night she slept with her child.</li> </ul>	<ul style="list-style-type: none"> <li>•She had love affair for long time, she could share her family problem.</li> </ul>
		<ul style="list-style-type: none"> <li>•At that time, she drank alcoholic drink. While usually, she drank 'usual' drink and she did not get drunk but at that time, she mixed the drink with cigarette ash. Informant I got drunk.</li> </ul>	<ul style="list-style-type: none"> <li>•She did not knew it before, how she gradually killed her previous her husband.</li> </ul>	<ul style="list-style-type: none"> <li>•The next day, the house was empty; everybody was with his or her own activity. She prepared milk for her husband, she saw husband holding a kitchen knife. She was afraid and asked her husband to put the knife down.</li> </ul>	<ul style="list-style-type: none"> <li>•Until she found her husband died. Her lover protested that she was not caught. He told the police that Informant IV was involved in the killing of her husband.</li> </ul>



No.	Proses of Domination establishment	Informant I	Informant II	Informant III	Informant IV
		•When she got conscious, her husband was already laid down bleeding. Her husband was in another room.	•She was accused to be in collaboration to killing her previous husband. The police did not believe that she did not know where her husband was.	•They fought for the knife, and accidentally it hurt her husband's neck. The knife had a sharp tip. The husband fell down bleeding. Informant III called out people.	•She was accused as the auctor intelektualis of the killing of her husband, by the lover (caught earlier), while she did not know anything about it.
			•Her husband disappeared when she was picked up by the police to become the witness.		
				•The people asked about the cause, but her husband refused to answer (that he initially wanted to have sexual intercourse, while the Informant III was ill).	
				•Finally her husband died, after he had traditional medication.	
		•Informant I called out people to take her husband to hospital, in hospital her died and she was arrested. She knew later that the doctor did not handle her husband but the interrogated and called the police.			
		•Her husband was out of blood and died in hospital.			

### 3. Victimization in Radical feminism and Criminology Study

The law enforcement in the case of wives accused for having killed the husband has never referred to the domestic violence experienced by 'the actor'. Results of the study show different severity of punishment for Informants, although all informants were in the stressful marital relationship. Not all punishments refer to the Law of 23/2004 concerning the Elimination of Domestic.

Referring to the matter, the law had not gender perspective and the function has not accommodated women. The four Informants were in the scope of family. However, the law of domestic violence elimination was ignored. For informant II and IV, although they were in the scope of family the punishment was based on KUHP (penal code), although they were not proven to have killed. Why the Law of domestic abuse elimination was not applied in all cases in household. The punishment depends on the wisdom of Judge and their knowledge about various laws other than KUHP.

#### 4. Victimization in of Women as Wives in the Context of Domination

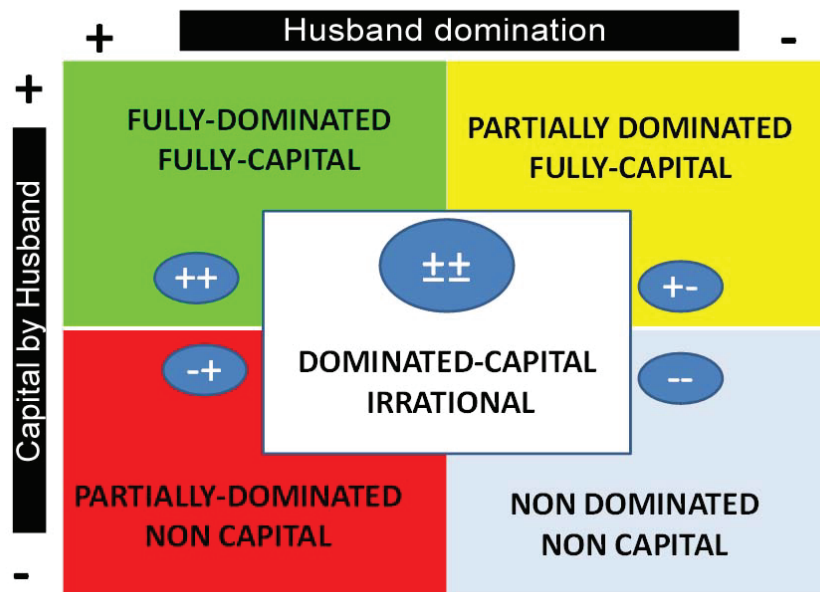
Referring to the description above, we can conclude that all informants in the research suffered from domestic violence. Although all informants had psychic abuse but not all suffered from physical abuse. Informant III was the most severely affected. She had physical, sexual, psychic, economic, and symbolic abuses.

The above descriptions have revealed experience of women accused of having killed their husband, while at the same time viewed as victims by the researcher based on the perspective of radical feminism. This perspective views women as the victims of patriarchy and sexuality (culture) in the form of domination. Bourdieu's theory of states that wives (*agents*) have habitus and capital (positional capital). In societies there are people who dominate and people who are dominated at the same time. In family, domination occurs in that structure. The standpoint of the researcher puts wives as victims, and to determine the domination typology, Bourdieu's theory was applied.

The field findings show the experience of women or wives suffering from victimization in family. They include four models of Domination and Capital Typology: Full Domination and Capital by Husband, Partial Domination and Partial Capital by Husband, Partial Domination and Full Capital by Husband, and Irrational Domination and Capital.

##### 4.1. Fully domination – Fully capital domination

Wives become the victims because they are in the position of husband's full domination and capital dependence on husband. Therefore, wives are vulnerable for victimization (in the context of KDRT). Informant 3 is classified in this group.



#### 4.2. Partial domination – Non capital domination

Wives become the victims since they are in the position under the husband’s full domination, but the husband is not capittally powerful since the wives have their own jobs before marriage. The husband’s income is higher than the wave’s income. In this condition, the wives are dominated by partial element (structure – culture). In this relation capital does not play a role but the domination does. Informant 2 is classified in this category.

#### 4.3. Partial domination - Full capital domination

Wives become victims although they are not fully dominated by the husband who has capital. Wives are not dominated (equal position). Structurally, husbands and wives have equal positions. Culturally they come from non-patriarchic families. Capittally, wives depend on husbands since they do not earn money. Informant 1 is classified in this category.

#### 4.4. Irrational domination – Capital domination

Wives do not necessarily become victims. In particular conditions they become victims, that is when they suffer from domination. Although in structural position the culture

and capital are not dominated but in reality informants feel 'inferior'. Even in particular extent, they tolerate domination.

#### 4.5. No domination – No capital

**Notes:** results of the field study of the 4 informants show that nobody belongs to this typology since there is no informant having no domination in in marital relationship.

### 5. Husband Killed by Wives

None of the informants had intention to killing her husband. We have to understand why they have such a behavior that result in the death of husband. Such a behavior is inseparable from severe husband's victimization among the informants. Referring to Handwerker's proposition (**W Penn Handwerker, "Why Violence? A Test of Hypotheses Representing Three Discourses on The Root of Domestic Violence.", Human Organization; Summer 1998; 57, 2; ProQuest Sociology, p. 200**) on the underlying roots of domestic violence, the four informants having suffered from victimization can be classified into the three concepts of abuses (hypothesis). They are 1) Individual Abuse, 2) Social Condition, and 3) Social Relation. Husband's abuse is the manifestation of individual violence but it is affected by social condition in which a wife has to obey the husband. Patriarchic relation that involves interactions of the completely family members of the husband and the wife also influences this condition. When the informants suffer from routine victimization by their husbands, they have no place to complain. When they feel that they had excessive victimization, although they had no plan to take a particular action, sometimes may result in spontaneous fight. Theoretically, the killing of husband by wives triggered by a particular condition, although without any plan, is legally wrong.

It is true that principally, the root of violence to women derives from the patriarchic culture of male domination (husband) to women (wives). In this male domination, men (husband) to win a debate or to express dissatisfaction frequently use violence. Sometimes, violence to women (wives) is a mere way to demonstrate domination. The cultural support for the relation between husband and wives may derive from the completely family members. This implies husband domination in patriarchic culture. Therefore, domination in the form of violence is frequently not considered a serious personal or social problem. It is even worse, that domestic issues are separated from the social intervention. Thus, other people are not allowed to give intervention. Susan

L. Miler said that domestic violence might be considered as private and secret problem. In other words, it is not social problem (Susan L Miler, "Arres Policies for Domestic Violence and Their Implication for Battered", *(It is a Crime, Women and Justice*, Roslyn Muraskin, Long Island University, Upper Sadle River, New Jersey. 2000). Meanwhile Lardellier (David Luckenbill, "Criminal Homicide as a Situated Transaction", in Joseph F. Sheley, *Exploring Crime: Reading in Criminology and Criminal Justice*, Belmont, California: Wadsworth Publishing Company, 1987.) said that violence is based on self and power to force other person without any agreement. It contains domination to other people's physical, verbal, moral, and psychological aspects.

## 6. Theoretical Review of Killing Allegation

David Luckenbill (ibid., p. 132-134) said that the initial phase of a killing in the context of domestic violence is the interaction in which the victim (*victim precipitated*) abuses or provokes the actor verbally, physically, or symbolically. All informants said that they did not plan to kill their husband. The problems came from their husband. The incident occurred since their husband got drunk, assaulted, or pointed a knife. Meanwhile, the victim brought in a friend who later had physical conflict with the husband. In the second phase, the actor interprets the victim's previous action as personal assault. In this case, all informants considered that their husband would fight their resistance back with even more severe violence. Therefore, the women know they had to win the fight and free of the husband's oppression. In the third phase, the actor really responded the victim's provocation for the sake of their live and dignity. Therefore, the actor fought the victims. The fight had resulted in the husband's death. Only informant IV said that she did not directly kill her husband. Her friend killed the husband when he visited her. In the fourth stage, generally the victims responded verbal or physical assaults from the actor by fighting back or making further physical assault; in the fifth stage, there is an agreement that violence is the most effective way to end the conflict; in the sixth phase, after the victim died, generally the actor escaped. The fifth and sixth phases occurred in all informants, except informant IV who did not have physical contact with her husband. The informants did not escape when they knew that their husbands died in their hand.

It seems that what the informants have done is in line with David Luckenbill's opinion. It is apparent that in a particular condition, for example in an intensely intolerable pressure, they may end the domination of husband.

*Interpretation of domestic violence shows that violence committed by women is a reaction to men's action to them. When women attack their husband, they do it for self-defense and for prevention of further damages (See M.E Wolfgang, "Victim precipitated criminal homicide", Journal of Criminal Law, Criminology and Police Science, 48(1), 1957.). They use violence as the last step. The finding of this dissertation offers relevant proof that women's aggression to their spouse is a reality, and it is not different from the men's aggression to their spouse. They do it only when they have no other choice to defend their safety and when they are afraid of further severe revenge.*

**Therefore, the question is the factors contributing to the occurrence of this problem. There are many factors contributing to the occurrence of this problem. The most relevant and important is radical feminism philosophy stating that sexual suppression derives from men who have power over women.**

The findings of this dissertation are in line with the proposition of Dobash et al (Ibid) that the important point in the context of dramatic violence between husband and wives between men and women is different.

Compared to men, women are more likely to killing after they had abuse or assault in long term. This may result when women were so scared in their life and feel so tired of whatever alternatives they take.

Referring to Polk's proposition about killing of husband by the wife, this dissertation study can be explained in two of four principles. The principles are first, killing of husband by wife in the context of this dissertation is a form of confrontation between men and women. When husband's behavior of victimization is intolerable any longer finally the informants have self-defense by "committing a killing" (like the allegation to them), is either intentional, unintentional, or based on allegation). Second, the killing is a form of protest and self-protection to external threat (Polk K., "Homicide: Women as Offender", Women & Law., 2001, Op.Cit.).

## 7. Conclusion

Results of the study show that the decision to commit a killing has different causes and patterns among subjects. Some subjects used *coping vigilance* by carefully weighing the risk of the choice of action. Some subjects killed the husband without such a long consideration. They did because they were so scared of further assaults.

After the analysis of the data, we can make the following conclusions:

1. The woman or wife who killed the husband in the family relation can be categorized as women who have capital in patriarchic society. However, it may possible the women without capital in patriarchic society do commit such a crime.
2. The mindset used by the researcher in this *analytical theory* is Bourdieu's symbolic abuse theory combined with radical feminism theory. Bourdieu discussed domination in symbolic abuse. Bourdieu's general description is combined with radical feminism theory, which is relevant for the discussion of women and the domination issue in family.
3. In Bourdieu's theory, female killer is positioned as agent (actor) who has. She has a set of internalized scheme used to make perception, understand, appreciate, and evaluate the social world. Through the scheme, she produces practice, perception and evaluation. Dialectically, habitus is a "product of structure internalization" of the social world. Habitus may also represent "common sense".
4. The position of women (wives) in family is determined by the extent of capital owned and the weight of capital composition. Women are assumed alive to establish a family in patriarchic society. According to Bourdieu, in the society there is a party that dominates and another party that is dominated. Such is also in the family. One dominates another. Women under the domination obey the norms socialized in patriarchic society. Male domination, due to the class, creates symbolic abuse on the woman, the wife. Women under the domination suffer from symbolic abuse, because of their limited capital possession. Capital possession of capital determines vertical class. According to Bourdieu, women who suffer from 'symbolic abuse' become the male domination (in family relation, society). Male domination is sometimes considered normal and natural. This is violence. Behind the conception, there is a process of accountability of changing from historical phenomenon to look as if it is natural in a culture. Therefore, it's taken for granted. In this context, according to radical feminism, this is familiar in patriarchic culture. Principally symbolic abuse occurs due to the lack of knowledge. In this context, the victim (the oppressed) is the female killer.
5. Actually, the domination logics may take the form of symbolic principle known and accepted by the one who dominate or the one who is dominated. This symbolic principle includes language, life style, mindset, behavior, and specific ownership. Role of symbol – basic value seen in female killer.
6. In patriarchic society, this can cause domination in family, which contributes to the occurrence of victimization or domestic violence. Domestic violence may be

in such real forms as physical, psychic, economic, and sexual abuses or unreal symbolic abuse.

7. Based on the experience of the informants who become the victims, there are diverse dominations: full-domination full-capital; partial-domination full capital; partial- domination non-capital; non-domination non-capital; irrational domination capital.
8. With regard to legal products, in patriarchic society where female killer live, academically it can be said that the law is the product of patriarchic society fully positioning women as the second class citizens.
9. In fact, law informed by men is intended to strengthen patriarchic social relation. The relation is based on men's norms, experience, and power while ignoring women's experience. Therefore, the law contributes to the oppression on women. Disclosing and operating the legal characteristics in neutral way are expected to result in suggestions for improvement.

## 8. Suggestion

With this approach, we realize people that normatively the woman who kills the husband is not guilty. Based on their experience, they suffer from victimization through domination in family. Therefore, it is not appropriate to punish them with the same punishment as the commonly committed killing specified in the penal code procedure (KUHP). There must be a solution. It may be in the form of different punishment. The researcher has empathy to them. However, it does not necessarily mean that they are 'free of charge'. Therefore, it is necessary to consider different punishment based on the context in which they are domestic violence victims. The appropriate treatment may be rehabilitation or social work.

The punishment for the four informants by the law of domestic violence on the one hand appreciates the interests of women, particularly in the case of informant III. Unfortunately, the law of domestic violence has not accommodated the interests of women. It is not gender sensitive. For example, in the case of informant III, her engagement in *siri* marriage is not acknowledged in civil registration, although it is legitimate in religious norm. The law of domestic violence prevention is not applicable since the law is only valid for officially-registered marriage. Meanwhile informant II and IV were prosecuted with the penal code since the law of domestic violence prevention is not applicable, the incidence occurred in the family.



For the advocacy of the wife who is accused of 'having killed' the husband, there should be a lawyer who understand issues of women in order that they can give better protection to the women.

To minimize victimization in family, or to help women get out of the violence in family without committing any killing, victims have to be empowered. Women are empowered in order to have equal position as the partner of the husband. They have to know legal aid institutes or non-government organizations that care for the interest of women in order that they can consult their problem to get out of the problem in family.

## 9. Implication

As we know, Criminal Justice System is the articulation of the basic norms in the society. Therefore, the punitive behavior is the expression of the moral understanding on the right and the wrong. Moral guides criminal law.

Criminal Justice System depends on the normative pressure to control crime. The normative mechanism of crime control works through the official way to bring punishes the person with unexpected behavior inconsistent with the legal norms. Whatever the reason is, the crime deserves punishment. The reason of committing the prohibited behavior is only used in the punishment of either mild or severe sentence. The behavior itself cannot avoid legal consequence (Sokoloff, N. J., I. Dupont, "Domestic Violence at the Intersections of Race, Class, and Gender Challenges and Contributions to Understanding Violence against Marginalized Women in Diverse Communities". *Violence against Women*, 11(1), 2005, p. 38-64).

The moral aspect and legal norms are interrelated in the creation of effective crime control norms that requires morally credible criminal law. For example, taking other person's life is a crime. However, in a particular situation, this action is justifiable. Based on the aforementioned description, "the use of power to other person is justifiable when the actor perceives that the power is needed to protect her from the use of illegal use of power by other person" (Shahidian, H. "Gender and Sexuality among Immigrant Iranians in Canada". SAGE Publications, London: Thousand Oaks, 2(2), 1999, pp. 189-222).

"Lethal power is justifiable when "the actor believes that the power is needed to protect her from death, serious physical injury, kidnapping, or involuntary or threatened sexual intercourse." It is not justifiable when "the actor knows that she can avoid the use of the power without any physical confrontation." The law acknowledges that

the use of power for self protection is justifiable. It is justifiable when the action is contextually right. On the contrary, the act is forgivable and tolerable, although it is wrong, when it results from the actor's characteristics (Ibid).

Since law justifies self-defense, the law requires that the act is reasonable. Therefore, self-defense has to justify the act.; Therefore, self-defense is justifiable. An act of self-defense is justifiable considering the fact that the individual actor is protecting herself although it may cause death of other person. (Toffanin, A., "Research on violence against women: A sociological perspective". *Interdisciplinary Journal of Family Studies*, XVII, 2011).

In examining such an act, the fact finders have to consider the substantive rules, that reflects fairness standard. When an act claimed to be a self-defense is not justifiable, jurists shift the focus on reason and mental or emotion of the defendants. The law sees reasons only after the justification fails (Ibid).

Then what about the wife who kills her husband because she defend herself against victimization by the husband? In the case of four informants who were accused of 'having killed' the husbands, their experiences show that they were the victims of domestic violence. The violence and variations occur when they were engaged in marital life. Radical feminism shows that they are all victims, although juridical and normatively they were declared guilty. Based on experience of victimization and domination, Bourdieu's theory shows the variations in the domination (see *Typology of Domination-Capital*).

Diverse experience as domestic violence victims ended when her husband died. The informants who experienced full domination; they thanked God for the death, since it ended their experience of abuse. Although, on the other hand, they felt such a loss, and considered all violence as normal (symbolic abuse). Such is also the case for informant II who had possessive husband. Although she had capital, it did not mean that she was free of domination. Informant I, although she had equal position as her husband, also experienced domination. Informant IV, in particular condition experienced domination. Other condition can be mitigated with another spouse.

The sociological implication of the four Informants studied cannot not always be generalized in other settings. Gender plays an important role in determining the domination experienced by the informants during their marital relationship. Methodologically, domestic violence victim was not found in wives who suffered from husband's low domination and capital possession. This may be because only four wives participated in the study. Or else, no wife became the victim in those criteria. Further research is advisable.

Devi always prohibited her husband to go to discotheque with his friends because she was jealous that her husband was close to other women. Although Devi knew that her husband only teased them. Once Devi protested to her husband's girlfriend, because she asked him to disco. Devi got angry with her. After that, her husband scolded Devi. They managed finance and domestic works together. Although Devi did not work, there was no problem in the management of family. Her husband worked as a driver, When Devi needs money she just asked to her husband. Before marriage, they made agreement that she would be allowed to work and had a business. Her husband did not help her do housework. Devi did all domestic works, although her income was higher than her husband was.

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