

## **PROBLEMS AND THE SOCIO-JURIDIC IMPACT OF VIOLENCE ON WOMEN STREET TRADERS**

**Ashari Ismail**

Fakultas Ilmu Sosial Universitas Negeri Makassar  
ashariismail272@gmail.com

*Received : 11 Maret 2022*

*Reviewed: 1-17 Mei 2022*

*Accepted: 07 Juni 2022*

### **ABSTRACT**

During the guided democracy tends to focus on Disguised Autocracy. The Indonesian National Party (PNI), which was born in response to the government's announcement on November 3, 1945, and later succeeded in becoming a party that was quite influential at that time. This was proven by the PNI's ability to place representatives in various government agencies. This could happen because PNI was able to get closer to Soekarno as president at that time, and as a consequence PNI had to become a supporter of the political lines and policies pursued by Soekarno. This meant that the PNI at that time no longer appeared as a determinant in decision making and policy in the practice of state administration, but only as a follower and supporter of government policies.

Keywords: Indonesian National Party, Indonesian Politics, Guided Democracy.

### **INTRODUCTION**

Over the years, efforts to minimize cases of violence against women have been carried out with a number of regulations and policies, but the problem of violence is very difficult to overcome. Policies, empowerment movements, and advocacy --- all in one mission, to raise the dignity and prevent cases of violence against women, but the violence experienced by women is increasing, and it is very difficult to find a solution. In this regard, related to violence experienced by women, equality and justice between men and women are part of the dictum of the Convention on the Elimination of All Forms of Discrimination Against Women. This convention implies that men and women have the same value and dignity in life (Ismail, 2006)

There is no gender difference between men and women, they must be given the same place in

various activities, both in the domestic and public spheres, an understanding that shows that men and women are equal and equal human beings. On the other hand, gender differences and injustices between men and women in society are not natural, but part of social construction. Gender differentiation and discrimination is a gender bias that tends to develop in patriarchal societies, is a product of society that performs gender roles. In this regard, subordination and discrimination or various acts of violence against any woman in various fields, is an urgent need to find a solution, preventing women from various acts of violence.

Related to this research plan, violence against women street traders is part of a socio-cultural construction that can cover both the domestic and public spheres. This violence can be understood in various forms, namely physical, psychological, economic, and sexual violence. This violence in the form of socio-cultural is something that is constructed in society. The behavior of acts of violence against women, in a socio-juridical perspective, is inseparable from the social and legal aspects, regarding the gait of women street traders who range from various problems in carrying out gender roles on the streets. This understanding can be understood from the various phenomena that street traders get, not a few women street traders get violence (physical, psychological, economic, and sexual) in the form of yelling, rebuke, whistles, to sexual harassment. Such a problem is a socio-juridical phenomenon that needs to be studied in the midst of rampant violence against women street traders.

Related to the background of the plan that has been put forward, the urgency of this research has such an important position in the dynamics of finding solutions that are constructive in preventing violence against women. It is possible for this research to be the foundation, formulating various theoretical alternatives in preventing acts of violence against women. Likewise, this study becomes an alternative to developing theories of violence against women in a socio-juridical approach. In addition, this research is expected to provide pragmatic urgency, as a basis for formulating policies, comprehensively preventing violence against women, or as a follow-up step for decision makers, in preventing violence against women.

## **RESEARCH METHODS**

The method used in this research is a rationalistic qualitative method. This method seeks to reveal research research questions, by relying on the assumptions of rationality, which are found in the research objectives. Likewise, through this approach, researchers seek to find the "meaning" of empirical phenomena, thus enabling the disclosure of research objectives based on rational and reliable data. Likewise, through this approach or method, it is possible for researchers to follow the rational assumptions found in the research location. In this regard, the data obtained based on the research objectives can be trusted and accurate. The targets of this study are women street traders, who are along the main road in Barru Regency. The selection of research sites was carried out "intentionally", which means the research targets were selected, based on an ethical research focus (adopting the term, Wiyata, 2002).

## RESEARCH RESULTS AND DISCUSSION

### 1. Research Results

Barru is one of the districts in a geographical position; To the north it is bordered by Pare-Pare City, to the south by Pangkep Regency, to the west by Bone Bay and to the east by Soppeng Regency. Barru Regency area --- in geographical position; the area is flat, mountainous, and directly adjacent to the sea. With this geographical position, making Barru --- as an area that has an important position, quite potential in the development of various agricultural and maritime development programs. On the other hand, the Barru region with such a geographical position makes it an important position as a transit route for various trips to Makassar – Pare-pare – Luwu or other areas in the north of the province. South Sulawesi. On the other hand, although Barru is close to the sea, the district's flat land is also suitable for agriculture --- making the culture pattern also agricultural. Another cultural pattern of the Barru people is the pattern of trade culture. It can be seen in the Barru community that it has a trading pattern, and everywhere you can see traders on the streets and markets. This trading pattern is enough to give its own characteristics in the Barru community

Violence against women Barru, in the public sphere, is violence experienced by women in relation to social interactions, --- and their profession as street traders. Violence against women is associated with customers/buyers at women's stalls, which is made possible by various reasons in the pattern of gender relations between women and male buyers. In this regard, there are various types of violence in the public sphere experienced by women, namely: First, psychological violence. Psychological violence ---- experienced by women street vendors, in the form of shouts and rebukes from buyers. Many buyers rebuke the women sellers, when the women are considered not to serve well, or maybe the buyers are drunk. Psychological violence is violence related to psychological aspects, feelings that allow a person to feel hurt and his feelings for the treatment of others. In this case, some cases of violence that have occurred are:

- 1). Case A. A mixed woman trader with the initials NC (60) was occupied with borrowing. But the borrower's man tends to only promise.... The borrower It wasn't long before they fulfilled the loan. . How long does it take for the borrower to pay... obviously this is a scam, NC (60) thinks, quite painful. 2). Case B. A crumb shop vendor with the initials RM (35), a job risk they feel when customers come to them drunk; 3). Case C, the confession of LN (40) that the driver's treatment has often happened. And of course, the driver's rude attitude really hurt feelings. 4). Case D, WT confession (45) . a trader . When market officials, distribute tickets in an unfriendly way, by coercion/threats to traders; 5). Case E, A dimly-lit stall trader MP (35) who sometimes feels they have been slandered by outsiders or customers for opening their shop, in the middle of the night.

The excerpts from the interview above show that women experience violence in various modes, namely: 1). Borrowing mode. men take loans and then do not repay them for an indefinite period of time. 2). The service mode, women experience violence, because they are considered unable to provide excellent service to male customers. 3). Threat mode, women feel threatened by coercion from male ticket dealers; . 4). The slander/slander mode is because women, feel slandered, for the work they do in a place of time that is sometimes up to 24 hours. A number of these modes always haunt the work of women traders in various routine activities of women's work which are prone to

various acts of violence.

It is this problem that seems difficult to find a solution to women's work as street traders. The dilemma experienced by women street traders is between giving up their jobs as street traders which results in reduced welfare, or becoming workers as traders but prone to violence. This is as stated by the following informants:

Our job as traders giving up work will certainly cause problems because we work for school children and our living expenses (NL, 51). Working as a trader is quite risky, the workers who have to be carried out in our household have no other choice but to become traders because this is the work we do (NL, 51)

The violence experienced by women street traders is a consequence and impact of the work done by women in the public sphere. In this case, it is quite understandable that the violence that occurred was made possible by several factors, namely: 1). The women traders are in direct contact with the roles played by men in the public sphere. 2). The women did not understand the various acts of violence they experienced. 3). The women street vendors do work that lacks protection from other male relatives. 4). The work of women traders is experienced almost 24 hours non-stop, making them tired and of course related to service to male customers who tend to be rude and do not understand women's conditions. On the other hand, in public areas, sexual violence is also often experienced by women street traders.

This sexual violence, in the form of verbal sexual violence or sexual violence acts. Verbal sexual violence is violence related to obscene words, or gestures that can be interpreted as containing harassment of women. Meanwhile, sexual violence acts are violence carried out by buyers in the form of holding hands, holding hair --- or sometimes even hugging women. The violence experienced by these women is categorized as sexual violence. The description above is a general description of sexual violence experienced by women. Specifically, sexual violence in various modes can be described, namely: 1). Mode of Jokes Men are usually just for fun doing jokes made by men. sometimes in obscene language. Languages that sometimes come out of men's mouths are, for example, 'oh please give me a massage'. bisaki sleep together and various other jokes. 2). Play Mode. Another way that is done by men is by playing games. Not a few drivers, for example, come from a distance to rest and then pretend to know women, then playfully hold women's hair, or other women's body parts. This is as stated by the following informants:

Sometimes a man is playful, but sometimes he acts inappropriately (Ac, 40). Men feel playful, perform various jokes but are quite harassing (MP, 35).

The explanation above shows that men feel playful in doing words/deeds that contain harassment, but it is enough to make women feel offended, and places women as lowly/cheap women who have no self-respect. This is as stated as follows:

Sometimes men joke with obscene language enough to offend us street vendors (SR, 18).

Men's jokes are jokes that tend to think we are naughty girls, so we don't need to be served/responded (Asr, 30)

Jokes Men are sometimes rude and don't care about feelings, don't give them heart (Asr, 30)

In other cases, another mode carried out by men is by deliberately asking "there is a girl". This

language is a sign language that asks if there are prostitutes/naughty women, ....of course we are women. who only sell and expect customers only, .... feel offended by these words and is clearly an act of sexual harassment. In addition to the violence in the public sphere above, violence against women street traders in Barru Regency also occurs in the domestic sphere. Domestic violence experienced by women street traders tends to be understood as family violence. This violence is perpetrated by husbands or family members -- men, against women street vendors. In this research, domestic violence is only related to psychological violence and physical violence. Psychological violence experienced by women in the household is related to the psychological aspect, the feelings felt due to the treatment of their husbands or other male family members. This violence includes: yelling, rebuking, offending and sharing other acts of psychological violence. Meanwhile, physical violence is violence experienced by women street traders related to physical treatment from their husbands or male-female relatives. This violence is in the form of beatings against women. Regarding the relationship between this violence, we can see the results of the interview as follows:

Disputes in the household are commonplace, whether for various reasons, yes, they are commonplace in the household (NL, 51). Male (husband) .... Sometimes angry, it is not clear what are the reasons that can make you angry. ... (WT, 44)

In another case, related to psychological violence in the domestic sphere, is violence characterized by mental disorders, anger, criticism, yelling and various other psychologically related attitudes. In the families of street merchant women. Such violence is often experienced, it seems psychological violence is violence that cannot be stopped against women street traders. This can be understood in several statements by women such as: Women traders often receive bad treatment from their husbands with various violent treatments (rebellious, meghardik, and others) (DL.50). Women are sometimes treated unfairly by their husbands by yelling or other mental treatment (BL.40). The inhumane treatment experienced by women street traders has a considerable impact on the household harmony of women street traders.

Based on information from women street traders, it can be understood that women experience psychological violence for various reasons. Observing the above, there are several possible factors so that psychological violence occurs in women street vendors. namely: 1). The economic factor of not having a fixed income for the husbands of women road traders has an impact on the psychological disorders of the men/husbands; 2). Jealousy/prejudice of husbands towards female customers of street vendors which then makes them treat their wives/female relatives rudely. In other cases, physical violence or violence related to physical treatment, such as slapping, hitting, kicking, and various other physical treatments. This physical violence is perpetrated by men/relatives of male and female road traders against the wives/women of street traders. This treatment is made possible by various things: 1). Men/husbands, feel offended by women's treatment of what women do; 2). Men/husbands, feel jealous, have a negative attitude towards women's services to customers/guests; 3). The men/husbands, have public problems, which are then vented to women street traders.

On the other hand, other violence experienced by women street traders is economic violence.

Economic violence is violence perpetrated by men against women street traders. Economic violence is violence characterized by the inattention of men/husbands towards their wives/female relatives, in terms of fulfilling family livelihoods. This man's inattention allows women, apart from doing work as street traders, but also as women who are the main breadwinners in meeting the needs of their families. In this regard, women street traders who experience economic violence actually stand as taking over family responsibilities in meeting family needs. Understanding this, the following are excerpts of the interview:

We women traders by working as traders can meet the needs of the family. Sending children to school and various other needs (NL, 51)

In meeting the needs of our families, we try our best by trading in order to fulfill the necessities of life (NL, 51).

Violence against women street traders by social experts is often understood as a form of deviation from the norms prevailing in society. Violence against women is an act that is understood as anomie, something unusual in the context of civilized society. Anomie or social deviation in another view is often understood as a social pathology, a social disease that can result in the emergence of social organizations, namely the dysfunction of family joints or household functions in society. The impact will be able to cause family rift or social organization in society. In other respects, the social impacts caused by violence against women are: 1). Cause social disharmony in society which is manifested in the dehumanization of individuals in the family; 2). The emergence of cultural lag, cultural shocks that have a further impact on the weakness of the cultural joints of the family.

In terms of juridical impact, the analysis is based on RI Law no. 23 of 2004 which states that domestic violence is any act against a person, especially a woman, that results in physical, sexual, psychological harm or suffering and/or neglect of the household, including threats/performing acts of coercion or deprivation of liberty widely within the scope of the law. family / household. Such an analysis, in relation to the context of violence in the household of women street traders, what the woman experienced was a violation of Law No. 23 of 2004. In other respects, violence experienced by women in the public sphere is contradictory and against the law. based on Law No. 7 of 1984 and PP No. 4 of 2006. Therefore, any form of violence experienced by women street traders is an act that must be found a legal solution in order to prevent women from violence

## **2. Discussion**

The description of the discussion in this sub-study is a study that seeks to debate between the theory/concept of reference and the results of the study. From a functional perspective, violence against women street vendors is considered appropriate, because women are objects that are considered less, or weaker than men (Ollenburger and Moore, 2002). In a different perspective of conflict, what happened to women street traders, because of access, weak economic control (read: production relations, to borrow Umar's term, 1999) made women jump in to save the family economy but sometimes their position was not recognized. Structuralism's view, which views women as subordinated because of binary factors, is a view that brings women closer symbolically to being less equal than men.

In other respects too, it is quite understandable that what is experienced by women street vendors is part of the consequences of the work they do. It is quite understandable that based on the work done by women traffickers, their work allocation is the allocation of work related to the domestic and public spheres. In the domestic area, women carry out washing, cooking, sweeping and various other activities. Such an explanation is relevant to the understanding of Hubeis, 2010, that the position of women as mothers, wives, and as girls. Likewise, the domestic role as said by Saadawi (2001) as a role in the form of devotion. While in the public sphere, women cannot be separated from various social or social jobs, including as traders. This shows how sad it is, the roles played by women.

In the view of Ismail (2009), who once conducted a study of women street traders, interpreting women street traders as women who work on the streets is the right view, namely women who devote themselves as income earners by trading on the side of the road. The view of Kurtanegara (2003) which states that the pattern of women's trade is a trade tactic as an effort by women to create a world market structure, with perseverance and seizing economic opportunities, is also a justifiable view. In another connection, further review Ismail (2009) which states that women street traders in developing a trading business carry out various tactics to gain trade profits, carried out by: guaranteeing customer satisfaction, increasing customer trust and creating attractiveness through body language; friendliness, and extra service, are relevant views also on the street vendor community.

With regard to violence against women from a juridical perspective, violence against women in the domestic and public spheres is of course contrary to Law No. 23, 2004. Likewise, PP RI No. 23 of 2004, concerning the Implementation and Cooperation in the Recovery of Victims of Domestic Violence, and the Law of the Republic of Indonesia No. 7 of 1984 concerning the Ratification of the Convention Concerning the Elimination of All Forms of Discrimination against Women. Based on all these regulations---violence against women street vendors is a violation of the regulations----and these regulations do not condone violence against women in any form.

## **CONCLUSION**

The cultural pattern of the Barru people is a society with a semi-democratic culture --- with a kinship system that is very strict, patriarchal. The respect and placement of "men" as the leader of the family household is so strong, women tend to be considered "second class" even though women's contributions are "recognized" as having "big contribution" in building the family economy. Violence against women street traders in the Barru community is violence that occurs in the form of public violence and domestic violence. Violence in the public sphere is violence that is directly related to work violence in relation to customers/buyers. Meanwhile, domestic violence is violence related to family relationships. Psychological, physical, economic, and sexual violence are violence experienced by women street traders. Psychological violence is: violence related to mental aspects (anger, yelling) experienced by women street traders. Physical violence is: violence characterized by physical treatment (slapping, kicking, etc.) experienced by women traders. Meanwhile, economic violence is violence experienced by women street traders characterized by family economic reasons. Meanwhile, sexual violence is violence related to sexual harassment

behavior. Violence against women street traders in the domestic and public spheres in the Barro patriarchal society includes psychological, physical, economic, and sexual violence. This violence is part of the cultural lag experienced by women. This juridical social impact on women's violence has led to anomie of deviations from social pathology in society. Likewise, juridically, it is contrary to the RI Law No. 23, 2004. , PP RI No. 23 of 2004, and RI Law no. 7th 1984

## REFERENCES

- Andi Baso, Zohra dkk, 2002. *Kekerasan terhadap Perempuan : Menghadang Langkah Perempuan*. Yogyakarta. Pusat Studi Kependudukan dan Kebijakan UGM.
- Hasbianto, Elli N. *kekerasan dalam rumah Tangga : Potrem Muram Kehidupan Perempuan dalam Perkawinan*. Yogyakarta. Pusat Studi Kependudukan dan kebijakan UGM.
- Hubeis, Aida vitalaya. 2010. *Pemberdayaan Perempuan dari Masa ke masa*. IPB Press Bogor
- Ismail, Ashari. 2006. *Perempuan dalam Religi Patuntung: Studi tentang Ajartan Pasanga Mencegah Tindak Kekerasan terhadap Perempuan*. (Draf) Disertai. PPs. Universitas Airlangga Surabaya
- Ismail, Ashari. 2009. *Perempuan Pedagang Jalanan*. Makassar. Lembaga Penelitian UNM
- Kurtanegara, Panda Made “ *Perdagangan : Kosmolog dan Konstruksi Dunia Wanita dalam Abdullah, Irwan 2003. Sanka Paran Gender*. Yogyakarta. Pusat Penelitain Kependudukan Universitas Gadjah Mada..
- Manurung, Ria dkk. 2002. *Kekerasan terhadap perempuan pada masyarakat Multietnik*. Yogyakarta. Pusat Studi Kependudukan dan Kebijakan.
- Ollenburger, Jane C. Dan A. Moore, Helen. 2002. *Sosiologi Wanita*. Jakarta. Rineka Cipta
- Saadawi, Nawal El. 2001. *Perempuan Dalam Budaya Patriarkhi*. Yogyakarta . Pustaka Pelajar
- Umar, Nasaruddin 1999. *Argumen Kesetaraan Gender, Perspektif Al Qur'an*. Jakarta Selatan. Paramadina
- Wiyata, Latief. 2002. *Carok : Konflik Kekerasan dan Harga Diri Orang Madura*, Yogyakarta. LK IS