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# The Deterrent Effect In The Case Of Hiv/Aids Spreading: A Study In The Progressive Legal Perspective

Trihastuti N.<sup>a</sup>, Pujiyono<sup>a</sup>, Widjanarko B.<sup>a</sup>, Putri S.A.<sup>b</sup>[Save all to author list](#)<sup>a</sup> Diponegoro University, Indonesia<sup>b</sup> University of Wollongong, Australia**Abstract**

**Aim:** The purpose of this research is to study positivist law on the effect of prevention in cases of the spread of HIV/AIDS, in which the absence of regulations on HIV/AIDS transmission causes the absence of legal protection for women, especially housewives who contract HIV/AIDS from their husbands. **Methods:** This study was a doctrinal research, which refers to the formulation of legal doctrines through the analysis of legal rules. The data analysis included analysing legal issues to identify issues that needed further research to familiarise the researcher with the area of law being studied. The facts in terms of the law were then analysed to match the identified issues with the applicable rules. **Results:** This research revealed that there was gender-related violence among spouses, which led to HIV/AIDS transmission to wives. To reformulate the positivist law, the progressive law was proposed as it used progressive reasoning to analyse factors that cause the transmission and to determine the necessary measures taken by the government to protect housewives against HIV/AIDS transmission. **Conclusion:** Legal positivism, which reflects patriarchal and masculine ideologies, has triggered the law and the impacts of legal theory to oppress women and marginalised groups. HIV/AIDS transmission to housewives may demonstrate that the state tends to overlook the justice, especially for housewives, as there is no legal protection regarding the risk of transmission from husbands to their wives. © 2021, Journal of Legal, Ethical and Regulatory Issues. All Rights Reserved.

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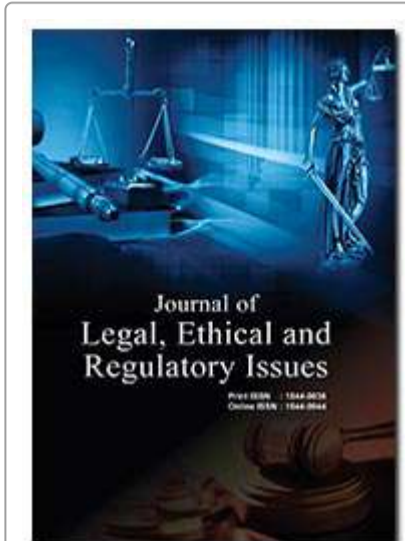
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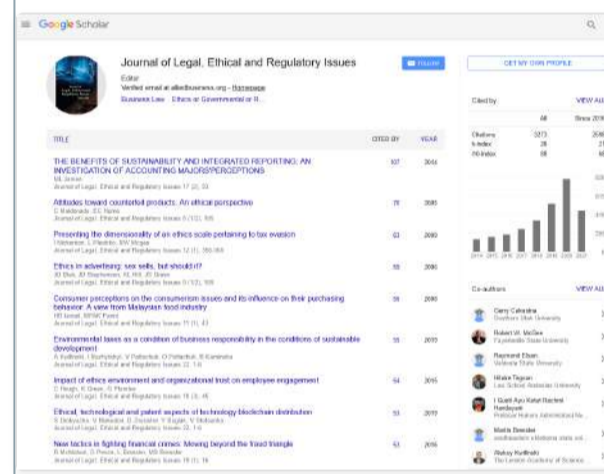
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# THE DETERRENT EFFECT IN THE CASE OF HIV/AIDS SPREADING: A STUDY IN THE PROGRESSIVE LEGAL PERSPECTIVE

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**Bagoes Widjanarko, Diponegoro University**

**Stephanie Apsari Putri, University of Wollongong**

## ABSTRACT

***Aim:** The purpose of this research is to study positivist law on the effect of prevention in cases of the spread of HIV/AIDS, in which the absence of regulations on HIV/AIDS transmission causes the absence of legal protection for women, especially housewives who contract HIV/AIDS from their husbands.*

***Methods:** This study was a doctrinal research, which refers to the formulation of legal doctrines through the analysis of legal rules. The data analysis included analysing legal issues to identify issues that needed further research to familiarise the researcher with the area of law being studied. The facts in terms of the law were then analysed to match the identified issues with the applicable rules.*

***Results:** This research revealed that there was gender-related violence among spouses, which led to HIV/AIDS transmission to wives. To reformulate the positivist law, the progressive law was proposed as it used progressive reasoning to analyse factors that cause the transmission and to determine the necessary measures taken by the government to protect housewives against HIV/AIDS transmission.*

***Conclusion:** Legal positivism, which reflects patriarchal and masculine ideologies, has triggered the law and the impacts of legal theory to oppress women and marginalised groups. HIV/AIDS transmission to housewives may demonstrate that the state tends to overlook the justice, especially for housewives, as there is no legal protection regarding the risk of transmission from husbands to their wives.*

**Keywords:** Deterrent Effect, HIV/AIDS Transmission, Progressive Law.

## INTRODUCTION

HIV/AIDS transmission in Indonesia has shown a new trend in which the transmission has spread not only among the vulnerable groups, but also within the lower risk groups, including housewives and children. The data from UNAIDS demonstrates that 210,000 Indonesian women are living with HIV/AIDS, and only 14% of pregnant women have received



# PRACTICES FOR THE RETENTION OF SCARCE AND CRITICAL TECHNICAL SKILLS: THE CASE OF THE KWAZULU-NATAL DEPARTMENT OF TRANSPORT

**Cindy Miranda Zwane, University of KwaZulu-Natal**

**Wellington Bonginkosi Zondi, University of KwaZulu-Natal**

**Emmanuel Mutambara, University of KwaZulu-Natal**

**Pfano Mashau, University of KwaZulu-Natal**

## ABSTRACT

*The KwaZulu-Natal Department of Transport has experienced a continuous staff turnover, especially regarding scarce and critical technical skills, is not efficient. Preliminary research findings discovered that appointed employees only remain in the Department of Transport for periods not exceeding five years on average and then resign or move to the private sector, municipalities, or non-governmental organizations. The study aims to explore the employers' retention practices for managing critical skills, using the KwaZulu-Natal Department of Transport as a case study. The study seeks to explore the practices employed in order to retain scarce and critical technical skills. The study employed an exploratory qualitative research approach and used focus groups and interviews as data collection methods. The purposive sample that was used in this study involved ten senior managers and 30 skilled technical employees including engineers, production engineering technicians, and surveyors.*

*The study revealed that the main reason for the exits of technical and scarce skilled employees in the Department is linked to remuneration. The Department is unable to offer competitive salaries. The Department must develop different drivers of retention to make them competitive beyond remuneration. The study also revealed that the Department has struggled to retain skilled technical employees for many years due to retention strategies that are not competitive. The study recommends that the Department of Public Service and Administration (DPSA) should open discussions on the review of the Occupation Specific Dispensation.*

**Key words:** Staff Retention, Technical Skills, Attrition, Job Satisfaction.

## INTRODUCTION

The importance of human resources has been widely acknowledged amongst other factors of production. Organisations are increasingly placing more value on human resource capacity development. The competitive business environment has seen many organisations continuously developing strategies to bridge the war on talent. Irrespective of these strategies, skills shortages remain one of the challenges facing most developing countries such as South