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Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Effectiveness of Investigations According to Law No. 23 of 2004 in Cases of Domestic Violence

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Abstract. *Domestic violence is an act that is contrary to human values, however, domestic violence is still rampant in society, including in Grobogan. This paper aims to analyze in more depth the investigation of domestic violence cases that occurred in Grobogan, which until now has not been effective. This paper uses a descriptive analytical research method. Based on the existing data analysis, it was found that the implementation of investigations in domestic violence cases in Grobogan in its development cannot be said to be effective. This is because many families or households are still unaware that domestic violence is no longer a family matter but has become a public matter, even a violation of human rights and threatens human life. In addition, many law enforcement officers are still unfamiliar with the Domestic Violence Law. This causes obstacles to the process of investigating domestic violence cases when victims report to the RPK (Special Service Room) located in the Regional Police Criminal Investigation Unit in each province in Indonesia. Many investigators have not yet provided legal services to victims, following the protection procedures specifically established by Law 23 of 2004. This has led to victims withdrawing or withdrawing their reports and complaints. The legal services provided by the Protection Unit have not been implemented effectively.*

Keywords: *Effectiveness; Domestic Violence; Investigation.*



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1. Introduction

The integrity and harmony of a happy, safe, peaceful, and harmonious household is the dream of every person in the household. To achieve this integrity and harmony, it is very dependent on each person in the household, especially the quality of behavior and self-control of each person in the household. The integrity and harmony of the household can be disturbed if the quality of self-control cannot be controlled, which ultimately can lead to domestic violence and injustice towards different people in the household. To prevent, protect victims, and take action against perpetrators of domestic violence, the state and society are obliged to implement prevention, protection, and action against perpetrators in accordance with the philosophy of Pancasila and the 1945 Constitution of the Republic of Indonesia and its amendments.¹ In addition, the state is of the view that all forms of violence, especially domestic violence, are violations of human rights and crimes against human dignity and are a form of discrimination (see General Explanation of Law No. 23 of 2004 concerning the Elimination of Domestic Violence). In the Explanation of Article 3 letter b of Law No. 23 of 2004 concerning the Elimination of Domestic Violence, it is stated that: What is meant by "gender equality" is a condition where women and men enjoy equal status and have the same conditions to fully realize their human rights and potential for the integrity and continuity of the household in a proportional manner.

The birth of this law is expected to provide a strong legal basis for the protection of witnesses and victims in providing information that actually happened to obtain the true truth without experiencing threats or torture and possibly legal charges for witnesses and victims to report. The legal system of evidence in an investigation of a crime in Indonesia uses the Criminal Procedure Code (KUHP), namely Law No. 8 of 1981, where in the investigation and inquiry stages as well as the examination stage in court must be guided by Law No. 23 of 2004 which has provided rights and protection for victim witnesses. If necessary, victim witnesses must receive protection from the Witness and Victim Protection Agency based on Law No. 13 of 2006.

¹Ira Alia Maerani, Implementation of the Idea of Balance in the Development of Indonesian Criminal Law Based on Pancasila Values, Journal of Legal Reform Volume II No. 2 May - August 2015, pp. 330-331.



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The Indonesian National Police (POLRI) is a government institution tasked with spearheading law enforcement in Indonesia. This task is not easy, as it involves dealing with the public. Law enforcement not only requires the public to be aware of and obey the law, but also means implementing the law properly. Violators must also be prosecuted according to applicable legal procedures and provisions. The POLRI, as law enforcers, is tasked with maintaining order and ensuring public security, maintaining the safety of the state, and maintaining the safety of people, property, and the community, including providing protection and assistance, and ensuring and ensuring compliance by citizens and the community with all forms of regulations.

The main task of investigators is: "to search for and collect evidence that will shed light on the crime that occurred and to find the suspect." The Indonesian National Police as investigators, due to their obligations, have the authority as stipulated in Article 7 paragraph (1) of the Criminal Procedure Code (KUHP). Furthermore, this authority is also regulated in Article 16 paragraph (1) of Law Number 2 of 2002 concerning the Republic of Indonesia National Police.

Domestic violence is a type of violence characterized by its specific nature: it occurs within the home, with both the perpetrator and victim being family members. Types of domestic violence include physical violence, psychological violence, sexual violence, and domestic neglect. Therefore, everyone within a household has the potential to become either a perpetrator or a victim of domestic violence. In cases of domestic violence, many family members who commit violence are subject to criminal penalties. The violence is usually physical or psychological. Physical violence refers to actions that result in pain, illness, or serious injury.

The very minimal attention given to victim witnesses in all types of violence and especially domestic violence crimes needs attention, this is also because acts of violence have not been able to realize the right to protection for victims as mandated by Article 5 and Article 6 of the Republic of Indonesia Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims. Article 5 of the Republic of Indonesia Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims. Then Article 6 of the Republic of Indonesia Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims. This writing aims to find out and analyze the issue of the effectiveness of the implementation of investigations in cases of domestic violence.

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2. Research Methods

The type of research used in this study is descriptive analytical legal research. The approach employed is sociological juridical, with data collection methods consisting of literature studies, document studies, and interviews. The data processing technique is qualitative.

3. Results and Discussion

3.1. Implementation of Investigations into Domestic Violence Cases

The investigation, prosecution, and court hearings in domestic violence cases are conducted according to the applicable criminal procedure law. This implies that the Criminal Procedure Code (Law No. 8 of 1891) serves as the guideline for the investigation of domestic violence. Law No. 23 of 2004 explicitly stipulates that victims have the right to report domestic violence directly to the local police, either at the location or at the scene of the incident (Article 26).²The victim can also authorize the family or other person to report domestic violence to the police, either at the victim's place or at the scene of the crime (Article 26 paragraph 2). In the case of the victim being a child, the report can be made by the parents, guardian, or the child concerned which is carried out in accordance with applicable legal provisions (Article 27) The Head of the District Court, within a period of 7 days from the receipt of the application, is obliged to issue a decision letter containing a protection order for the victim and other family members, unless there is a reasonable reason (Article 28).³

Protection for victims of domestic violence is valid for a maximum of one year and can be extended if there is information from the victim, health workers, social workers, volunteer companions or spiritual guides that the victim still needs protection. There is a clear difference between the Criminal Procedure Code and Law 23 of 2004 regarding the investigation process. While the Criminal Procedure Code prioritizes the perpetrator to be immediately processed by the investigation, Law 23 of 2004 prioritizes services for victims first to obtain legal protection as

²Oscar Stefanus Setjo and Umar Ma'ruf, Investigation of Children Which Conflicting With Law in Narcotics Criminal Acts In Law Area of the Semarang City Police Jurisdiction, Jurnal Daulat Hukum Volume 3 Issue 2, June 2020, p. 287-288.

³Fransiska Natalia, Harshitha, Talita Taskiyah, Law Enforcement Against Domestic Violence by Wives in the West Jakarta Police Area, Lex Jurnalica, Volume 17 Number 1, April 2020, pp. 120-122.

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victims of domestic violence.⁴The victims' rights are regulated in articles 16 to 38 of Law 23 of 2004. Namely:⁵

- a) Within 1 x 24 hours of learning about or receiving a report of domestic violence, the police are required to immediately provide temporary protection to the victim.
- b) This protection is provided for 7 days.
- c) In providing protection, the Indonesian National Police can collaborate with health workers/hospitals, social workers, volunteer companions, spiritual guides or shelters if available.
- d) The Court's decision regarding the protection of victims by the Police must be issued immediately within 1x24 hours.
- e) A request for protection may be submitted by the victim themselves, their family, friends, the police, a companion, or a spiritual guide. An investigation must be conducted immediately upon learning of or receiving a report of domestic violence (Article 19).

Investigators have the right to make arrests and detentions in cases of domestic violence as regulated in Article 35 of the Law on the Elimination of Domestic Violence for the reasons regulated in the Criminal Procedure Code, namely:

- a) So that the suspect does not escape
- b) So that the suspect does not destroy evidence
- c) So that the suspect does not repeat the crime
- d) Make it easier for investigators to conduct investigative examinations.

Investigators often find it difficult to apprehend perpetrators for detention when developing types or forms of psychological violence. Evidence of psychological distress suffered by victims requires careful assessment of the level of psychological distress. This is where investigators must be equipped with

⁴PM Hadjon, *Legal Protection for the Indonesian People (I)*, PT. Bina Ilmu, Jakarta, 1987, p. 45.

⁵Ibnu Suka, Gunarto, and Umar Ma'ruf, *The Role and Responsibilities of the Indonesian National Police as Law Enforcers in Implementing Restorative Justice for Justice and the Benefit of Society*, *Khaira Ummah Law Journal* Vol. 13. No. 1 March 2018, pp. 115-116.

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professional skills as investigators or can be consulted by a specialist doctor/psychiatrist to conduct a thorough examination of the victim. The legal principles governing domestic violence are clearly stipulated in Law No. 23 of 2004, but in reality, this law has not been properly and correctly socialized in all levels of society, so its implementation is very difficult, resulting in many investigations failing at the inquiry and investigation stages.

3.2. Effectiveness of Domestic Violence Case Investigation Implementation in the Purwodadi Area

Criminal acts can occur at any time, anywhere and by anyone or can affect anyone, including those who are closely related either by blood, marriage, breastfeeding, care and guardianship, who live in the household or other relationships of a "domestic personal" nature, for example because the person concerned works to help with the household and lives in the household.⁶

The enactment of Law No. 23 of 2004 concerning the Elimination of Domestic Violence is a historical milestone in Indonesia as a breakthrough by the government of the Republic of Indonesia to eliminate all forms of violence that occur in the household as a realization of the ratification of the international convention on the elimination of discrimination against women in all fields.⁷

The Indonesian Government's commitment is stated in the following dictum of Law No. 23 of 2004:⁸

1. That every citizen has the right to feel safe and free from all forms of violence in accordance with the philosophy of Pancasila and the 1945 Constitution of the Republic of Indonesia.
2. That victims of domestic violence, most of whom are women, must receive protection from the state and/or society to avoid and be free from violence or

⁶Article 2 paragraphs (1) and (2) of Law No. 23 of 2004 concerning the Elimination of Domestic Violence

⁷Muhammad Rofik Kana, Legal Protection for Children Who Commit Crimes (Case Study in the Women and Children Protection Unit of the Pati Police Resort), Proceedings of the UNISSULA STUDENT SCIENTIFIC CONFERENCE (KIMU) 2, Sultan Agung Islamic University Semarang, October 18, 2019, p. 39.

⁸Arif Septria Hendra Saputra, Gunarto, and Lathifah Hanim, Implementation of Restorative Justice as an Alternative to Resolving Criminal Acts of Assault at the Lasem Police Criminal Investigation Unit, Jurnal Daulat Hukum Vol. 1. No. 1 March 2018, p. 159.

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threats of violence, torture, or treatment that degrades human dignity and status.

3. In reality, cases of domestic violence occur frequently, while the legal system in Indonesia does not guarantee protection for victims of domestic violence.⁹

The purpose and objective of issuing this Law can be seen in Article 4 of Law No. 23 of 2004 concerning the Elimination of Domestic Violence, which states as follows:

The elimination of domestic violence aims to:

1. Prevent all forms of domestic violence;
2. Protecting victims of domestic violence;
3. prosecute perpetrators of domestic violence; and
4. Maintaining the integrity of a harmonious and prosperous household.

The elimination of domestic violence is implemented based on the following principles:¹⁰

1. The principle of respect for human rights;
2. Principles of justice and gender equality;
3. The principle of non-discrimination; and
4. The principle of victim protection (see Article 3 of Law No. 23 of 2004 concerning the elimination of domestic violence).

Regarding Domestic Violence, many families or households are still unaware that domestic violence is no longer a family matter but has become a public matter, even a violation of human rights and a threat to human life. In addition, many law enforcement officers are still unfamiliar with the Domestic Violence Law. This creates obstacles in the investigation process of domestic violence cases when

⁹Law no. 23 of 2004, Introduction and Explanation.

¹⁰Sarwadi and Bambang Tri Bawono, Restorative Justice Approach in Diversion System for Settlement of Criminal Cases for Children in Indonesia, Jurnal Daulat Hukum Volume 3 Issue 4, December 2020, pp. 377-400.

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victims report to the RPK (Special Service Room) located in the Regional Police Criminal Investigation Unit in each province in Indonesia. Many investigators have not yet carried out the legal service process for victims by implementing the protection procedures specifically stipulated by Law 23 of 2004. This causes victims to withdraw or withdraw their reports and complaints. Legal facilities provided by the Women and Children Protection Unit at each Police Resort are still inadequate, for example, the Integrated Service Center that provides free services to reporters/victims has not been implemented properly. Public awareness of the law to comply with the Domestic Violence Law is still very minimal. Some people are not yet aware that there is a law prohibiting violence against fellow family members. Even though some members of society already know that there is a threat of prison sentences for perpetrators of domestic violence, they are still influenced by patriarchal culture or have excessive power within the family.

Related issues also occur in the Grobogan region. According to the Women's Association for Justice Legal Aid Institute, there have been 110 reported cases since the pandemic began, from 2019 to the end of 2020.¹¹ One of the cases that can be observed is the case of Indah which occurred in the Keradenan area, Grobogan Regency, where in this case Indah often became the object of violence from her older brother after experiencing Termination of Employment in the era of the Covid 19 Pandemic. Indah often experienced violence in the form of hair pulling, beatings, and even being kicked at her master's house by her older brother Ikhsan, however, the lack of information regarding the path of law enforcement efforts and the existence of a culture of shame for the wider community to know, Indah was initially reluctant to report.¹² After several approaches, the woman finally agreed to report the incident to the Grobogan Police, assisted by the Legal Aid Institute for the Association of Women for Justice (LBH APIK). Therefore, investigations into domestic violence cases in the Grobogan area can be said to be ineffective at this time.

4. Conclusion

The implementation of investigations into domestic violence cases in Grobogan has not been effective. This is because many families or households are still unaware that domestic violence is no longer a family matter but has become a public matter, even a violation of human rights and a threat to human life. Furthermore, many law enforcement officers are still unfamiliar with the Domestic Violence Law. This creates obstacles in the investigation process of domestic

¹¹ <https://lbhapik.or.id/>, downloaded on June 12, 2026.

¹² Santica Arum, Personal Interview with LBH APIK Volunteers Regarding the Domestic Violence Case Experienced by Indah in KeraDenan Village, Grobogan, Interview Conducted on June 12, 2021.

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violence cases when victims report to the Special Service Room (RPK) located in the Regional Police Criminal Investigation Unit (Serse Polda) in each province in Indonesia. Many investigators have not yet provided legal services to victims by following the protection procedures specifically stipulated in Law 23 of 2004. This has led to victims withdrawing or withdrawing their reports and complaints. The legal facilities provided by the Women and Children Protection Units at each Police Resort are still largely inadequate. Therefore, an investigation system with adequate facilities and infrastructure is needed, as well as community involvement.

5. References

Journals:

- Arif Septria Hendra Saputra, Gunarto, dan Lathifah Hanim, Penerapan Restoratife Justice Sebagai Alternatif Penyelesaian Tindak Pidana Penganiayaan Di Satreskrim Polsek Lasem, *Jurnal Daulat Hukum* Vol. 1. No. 1 Maret 2018
- Fransiska Natalia, Harshitha, Talita Taskiyah, Penegakan Hukum Terhadap Kekerasan Dalam Rumah Tangga Oleh Pihak Istri Di Wilayah Polres Jakarta Barat, *Lex Jurnalica*, Volume 17 Nomor 1, April 2020
- Muhammad Rofik Kana, Perlindungan Hukum Terhadap Anak Yang Melakukan Tindak Pidana (Studi Kasus Di Unit Perlindungan Perempuan Dan Anak Kepolisian Resor Pati), *Prosiding KONFERENSI ILMIAH MAHASISWA UNISSULA (KIMU) 2*, Universitas Islam Sultan Agung Semarang, 18 Oktober 2019
- Oscar Stefanus Setjo dan Umar Ma'ruf, Investigation of Children Which Conflicting With Law in Narcotics Criminal Acts In Law Area of the Semarang City Police Jurisdiction, *Jurnal Daulat Hukum* Volume 3 Issue 2, June 2020

Books:

- P. M. Hadjon, 1987, *Perlindungan Hukum Bagi Rakyat Indonesia (I)*, Jakarta : PT. Bina Ilmu
- Sugiono, 2009, *Metode Penelitian Kuantitatif, Kualitatif dan R&D*, Bandung : Alfabeta

Internet:

<https://lbhapik.or.id/>, accessed on 12 June 2026

Regulation:

Criminal Code

Law Number 23 of 2004 concerning the Elimination of Domestic Violence



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The 1945 Constitution of the Republic of Indonesia

Interview:

Santica Arum, Wawancara Pribadi Kepada Relawan LBH APIK Terkait Kasus KDRT Yang Dialami Indah Di Desa KeraDenan, Grobogan, Interview Conducted on June 12, 2021