

## Formulation of Law Enforcement of Domestic Violence Crimes

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**Abstract.** *This research has the following objectives:1) To find out and analyze about law enforcement in domestic violence (KDRT) crimes today. 2)To find out and analyze the obstacles to law enforcement in the current criminal act of Domestic Violence (KDRT). 3) To find out and analyze the formulation of law enforcement in criminal acts of domestic violence (KDRT)in the future. the approach method used issociological juridical which in other words is a type of sociological legal research and can also be called field research, namely studying the applicable legal provisions and what happens in reality in society. The sociological juridical approach method wants to see the aspects of legal norms and their application in society regardingdomestic violence cases in order to realize human rights protection at the South Sumatra Regional Police. The conclusion of this study is that law enforcement in domestic violence (KDRT) crimes is currentlybased on Article 44 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence Domestic violence in a sociological perspective is a social fact that is cross-ethnic, cross-faith, and cross-regional in nature that can be found in communities from various groups, statuses and social strata almost everywhere. As an anti-social and anti-humanitarian act, domestic violence can occur suddenly and is planned by and against all actors or members of a household who act as perpetrators or victims. Domestic violence in the provisions of legislation in Indonesia is classified as a crime with the threat of criminal law because it causes pain and physical and mental suffering to the victim. In a broader dimension, domestic violence is a serious violation of human dignity according to the basic principles of human rights (HAM).*

**Keywords:** Enforcement; Formulation; Law.

## 1. Introduction

Basically, marriage is the same, namely forming a happy and eternal family and building, fostering and maintaining harmonious and peaceful kinship relationships in addition to having children. In accordance with Article 1 paragraph (1) of Law Number 1 of 1974 concerning Marriage, it is stated that, Marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the Almighty God. The problem of Domestic Violence which is trending called KDRT is no longer a problem that must be kept under wraps because it is considered taboo to be expressed or exposed outside. Although the fact cannot be denied that Indonesia is a patriarchal society that adheres to Eastern culture. Patriarchy as a structure of a community of men who hold power, is perceived as a structure that derogates women, which in reality is reflected both in government policies and in community behavior.<sup>1</sup>

Every person in a household certainly longs for the integrity and harmony of a happy, safe, peaceful and serene household. This is largely determined by the quality of attitude and behavior as well as self-control of each person in the household. The integrity and harmony of the household can be disrupted if the quality of attitude and behavior as well as self-control of each person cannot be controlled properly which can ultimately lead to domestic violence (KDRT). This will cause a sense of insecurity or injustice to people in the household environment. The meaning of justice is a matter of understanding and making decisions carefully based on good intentions, concern for needs, basic rights and human dignity, with the aim of education for all to respect themselves and others, whoever they are without exception.<sup>2</sup>

In Indonesia, domestic violence has been regulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence (hereinafter referred to as the Domestic Violence Law). The establishment of the Domestic Violence Law is based on the principle that everyone has the right to feel safe and free from all forms of violence in accordance with the philosophy of Pancasila and Article 28 G of the 1945 Constitution.<sup>3</sup> Based on Article 1 Number 1 of the Domestic Violence Law, it is explained that domestic violence is any act against a person, especially women, which results in physical, sexual, psychological misery or suffering, and/or neglect of the household including threats to commit acts, coercion or deprivation of liberty unlawfully in the household. This provision contains the meaning that the Domestic Violence Law still emphasizes women as victims in husband and wife relationships in the household. This is based on the fact that many victims of domestic violence are women. In addition, the

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<sup>1</sup>Achie Sudiarti Luhulima, 2000. *Understanding Forms of Violence Against Women and Alternative Solutions*, PT. Alurni, Bandung, p.76.

<sup>2</sup>Ester Lianawati, 2009. *Domestic Conflict: Justice & Concern for the Legal Process of Domestic Violence from a Feminist Psychology Perspective*, Paradigma Indonesia (Elmatara Group), Yogyakarta, p.106.

legislators have formulated and created the Domestic Violence Law so that it can reach parties not only in husband and wife relationships, but also other parties as regulated in Article 2 of this Law.

In Article 2 number 1 of the Domestic Violence Law, it is explained that the scope of the household in this case includes husband, wife, children, people who have family relationships and people who work to help the household and live in the household. Looking further into the Domestic Violence Law, the legislators have formulated various forms of domestic violence that can occur in the household. The forms are physical violence, psychological violence, sexual violence, and neglect of the household. In this law, it is explained that each form of domestic violence that is committed has its own criminal proportion which is regulated in separate Articles as regulated in Article 44, Article 45, Article 46, Article 47, Article 48, Article 49, and Article 50 or in Chapter VII of the Domestic Violence Law Concerning Criminal Provisions. The formation of the Domestic Violence Law shows the government's serious attention in terms of handling and overcoming domestic violence in Indonesian society.

For example, regarding physical violence regulated in Article 44. This article consists of three verses explaining the form of domestic violence caused by physical violence. Each verse also regulates the form of criminal threat that is different according to the level of physical violence committed by the perpetrator. Likewise with psychological violence regulated in Article 45 which consists of two verses. Each verse also regulates the form of criminal threat that is different according to the level of psychological violence committed by the perpetrator.

The forms of domestic violence above can also be reviewed through the types of crimes contained in the formulation of the Article of the Domestic Violence Law. If reviewed through the division of crimes into complaint crimes and ordinary crimes, then the legislators have actually clearly explained it through the formulation of Article 51, Article 52, and Article 53 of the Domestic Violence Law. Where Article 51, Article 52, and Article 53 explain that Article 44 paragraph (4), Article 45 paragraph (2), and Article 46 are complaint crimes. Meanwhile, to determine ordinary crimes, we can interpret the law a contrario. The most common type of case in South Sumatra concerning the issue of Women and Children Protection is about cases of abuse against women committed by husbands against their wives. Domestic violence (KDRT) in the jurisdiction of the South Sumatra Police is caused by many factors. First, it can be a combination of many problems, such as economic, social, children, and so on. Second, the economy. Third, education and faith. The dominant factor that causes KDRT in the jurisdiction of the South Sumatra Police is the economy. In this problem, there are at least two groups that are perpetrators and victims of KDRT. First, those who are economically stable. Second, the poor.

The author identifies the research problems as follows: 1. How law enforcement in domestic violence (KDRT) crimes today? 2. What are the obstacles to law enforcement in the current criminal act of Domestic Violence (KDRT)?, and 3. How is the formulation of law enforcement in criminal acts of domestic violence (KDRT) in the future?

This research has the following objectives: 1. To find out and analyze about law enforcement in domestic violence (KDRT) crimes today; 2. To find out and analyze the obstacles to law enforcement in the current criminal act of Domestic Violence (KDRT), and 3. To find out and analyze the formulation of law enforcement in criminal acts of domestic violence (KDRT) in the future.

## 2. Research Methods

According to Marzuki, in legal research there are several methods of approach, including: "Normative legal approach, also called the statutory approach (status approach), historical approach (historical approach), comparative approach (comparative approach)"<sup>3</sup>The approach method used is sociological juridical, which in other words is a type of sociological legal research and can also be called field research, namely studying the applicable legal provisions and what happens in reality in society.<sup>4</sup>The sociological legal approach method seeks to look at aspects of legal norms and their application in society regarding domestic violence cases in order to realize human rights protection at the South Sumatra Regional Police.

Type This research is qualitative. Research with a qualitative approach is research aimed at describing and analyzing phenomena, events, social activities, attitudes, beliefs, perceptions, thoughts of people individually or in groups.<sup>5</sup>The specifications of this research are descriptive, which aims to systematically describe the facts or characteristics of a particular population or a particular field factually and accurately.<sup>6</sup>Data analysis method using qualitative analysis method Analysis activities consist of three activity flows that occur simultaneously, namely data reduction, data presentation, and drawing conclusions/verifying about Domestic violence cases at the South Sumatra Regional Police.

## 3. Results and Discussion

### 3.1. Law Enforcement in Domestic Violence (KDRT) Crimes in the Jurisdiction of the South Sumatra Regional Police

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<sup>3</sup>Peter Mahmud Marzuki, 2007, *Legal Research*, Prenada Media Group, Jakarta, p.57.

<sup>4</sup>Suharsimi Arikunto, 2002, *Research Procedures: A Practical Approach*, Rineka Cipta, Jakarta, p.126.

<sup>5</sup>Nana Syauidih Sukmadinata, 2007, *Research Methods*, Rosda Karya Youth, Bandung, p.60.

<sup>6</sup>Peter Mahmud Marzuki, *Op. Cit.*, p.18.

The case of domestic violence (KDRT) allegedly committed by an official from the Palembang City Transportation Agency continues to roll on South Sumatra Regional Police. It is known that AS, who is an employee of the Palembang City Transportation Service, had the heart to abuse his wife, Rina Novianti (31). As previously reported, a woman who claimed to be the wife of an honorary employee at the Palembang Transportation Service (Dishub) reported her husband to South Sumatra Regional Police, Sunday (25/12/2022). Rina Novianti (31) reported her husband, AS, for allegedly committing Domestic Violence against Rina. Incident report Domestic Violence The viral on social media. The plaintiff's attorney, Widya, confirmed the viral report. Widya explained that Rina reported her husband to the police because she could not accept being a victim of domestic violence (KDRT). Rina was allegedly abused by her husband, AS, until her head bled because the perpetrator could not accept being accused of having an affair. The Court's decision on the legal consequences of domestic violence in accordance with Law Number 23 of 2004 concerning the Elimination of Domestic Violence is stated in:

#### Article 44

- (1) Any person who commits an act of physical violence within the household as referred to in Article 5 letter a shall be punished by imprisonment for a maximum of 5 (five) years or a maximum fine of IDR 15,000,000.00 (fifteen million rupiah).
- (2) If the act as referred to in paragraph (1) results in the victim falling ill or being seriously injured, the punishment shall be a maximum of 10 (ten) years imprisonment or a maximum fine of IDR 30,000,000.00 (thirty million rupiah).
- (3) If the act as referred to in paragraph (2) results in the death of the victim, the perpetrator shall be punished by imprisonment for a maximum of 15 (fifteen) years or a maximum fine of IDR 45,000,000.00 (forty five million rupiah).
- (4) In the event that the act as referred to in paragraph (1) is committed by a husband against his wife or vice versa which does not result in illness or an obstacle to carrying out work or daily livelihood or activities, the perpetrator shall be punished by imprisonment for a maximum of 4 (four) months or a maximum fine of IDR 5,000,000.00 (five million rupiah).

Additional criminal penalties in the Domestic Violence Law are regulated in: Article 50 which includes: a. Restrictions on the perpetrator's movement, both with the aim of distancing the perpetrator from the victim at a certain distance and time, or restrictions on certain rights of the perpetrator; b. Determination of the perpetrator to participate in a counseling program under the supervision of a certain institution.

After the enactment of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, many victims of domestic violence feel that their rights are protected by law. Many victims report the violence that befell them to the

authorities with the aim of fighting for their rights back, especially the right not to be tortured. So it can be said that women after the enactment.

The Domestic Violence Law is a woman who dares to fight for her rights. In relation to the process of resolving domestic violence, which in the Domestic Violence Law states that physical, psychological, and sexual violence in the household are complaint offenses<sup>59</sup>, then in order to resolve a case of domestic violence, it must be based on a complaint first made by the victim or based on a report given by the family or another person who has the authority from the victim addressed to the police.<sup>7</sup>

In addition to providing protection to victims of violence, the police must also help victims to obtain a visum et repertum letter in the event of physical or sexual violence, or a psychiatric visum letter in the event of a criminal act of psychological violence. This is done to strengthen evidence that a criminal act of domestic violence has occurred, considering that supporting evidence in cases of domestic violence is very minimal.<sup>8</sup>After the police declare the complete file (P-21), the case file is submitted to a higher level, namely the prosecutor's office, for prosecution. Prosecution is an action by the public prosecutor to transfer a case to the competent district court in the case and manner regulated in the Criminal Procedure Code with a request to be examined and decided by a judge in a court hearing.<sup>9</sup>With the enactment of Law Number 23 of 2004, it is expected that the performance of the police will be more effective because there is a definite legal instrument regarding domestic violence and the Women and Children Service Unit (PPA Unit) has been formed which at the National Police Headquarters level is positioned under the Directorate I/Security and Transnational of the National Police Criminal Investigation Unit, at the Regional Police level is positioned under the Operational Unit of the Directorate of Criminal Investigation/Directorate of General Criminal Investigation of the Regional Police, and at the Resort Police level is positioned under the Resort Police Criminal Investigation Unit tasked with providing services in the form of protection for women and children who are victims of crime/violence and law enforcement against the perpetrators. It is expected that this UPPA can provide a sense of security to women and children who are victims of violence, reveal cases of violence, build and maintain synergy with related functions/institutions in providing services to women and children who are victims so that handling of domestic violence cases can be completed.

### **3.2. Barriers to Law Enforcement In Domestic Violence (KDRT) Crimes**

Law enforcement efforts mean efforts to ensure that the existence of laws recognized in a society can continue to be upheld. These efforts must basically

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<sup>7</sup>Interview with the Head of the PPA Sub-Directorate of the South Sumatra Regional Police, on January 20, 2024, at 10.30 WIB.

<sup>8</sup>Ibid..

<sup>9</sup>Ibid.

ensure that every citizen complies with the laws in force in the society concerned. Law enforcement is a process to make legal desires a reality. What is referred to as legal desires here are none other than the thoughts of the law-making body formulated in legal regulations, so law enforcement and law-making cannot be separated.

Disturbances to law enforcement may occur if there is a mismatch between legal values and behavioral patterns. This disorder occurs when there is incompatibility between paired values which manifests in conflicting rules and in directionless behavior which disturbs the peace of social life.<sup>10</sup>

Therefore it can be said that law enforcement does not merely mean the implementation of legislation. In reality in Indonesia it is also the implementation of judges' decisions. From these definitions, there are weaknesses if the implementation actually disturbs peace in social life.

Law enforcement is not an activity that stands alone, but rather has a close reciprocal relationship with its community. Therefore, in discussing the problem, we should not ignore the discussion about the social structure behind it. Law enforcement in a community has its own tendencies caused by the structure of its community. This social structure is an obstacle, either in the form of providing social facilities that allow law enforcement to be carried out, or providing obstacles that cause it to not be able to be carried out or not be able to be carried out optimally. This means that here the community is one of the factors that influences whether law enforcement can run or not in addition to other factors.<sup>11</sup>

Based on the explanations above, it is understood that the main problem of law enforcement actually lies in the factors that may influence it. These factors have a neutral meaning, so that the positive or negative impact lies in the content of these factors.

The increasing cases of domestic violence require efforts and attempts to overcome them, namely by strengthening the role of local institutions and strengthening the role of formal institutions. Strengthening Local Institutions So far, the minimal number of institutions that handle domestic violence problems has apparently influenced the number of domestic violence cases that are not resolved so that the number of cases always increases. Meanwhile, the low public awareness to report these cases certainly does not support the effective performance of the service units in the police. Therefore, there needs to be other institutions or institutions that can overcome this problem. The existence of local institutions is very necessary. These local institutions will be able to directly touch the lowest level of society, because the high number of domestic violence cases in Indonesia cannot be separated from the minimal number of

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<sup>10</sup>Satjipto Rahardjo, 2010, Problems of Law Enforcement: A Sociological Review, Sinar Baru, Bandung, p.24.

<sup>11</sup>*Ibid.*, p.4.

institutions that deal with domestic violence problems. In addition, the existing institutions are very formal and victims must report their problems formally, while public awareness to report formally is still low. One of the advantages of viewing domestic violence cases with a gender approach is that it provides certainty in resolving domestic violence cases through legal channels. This perspective is also used by Law Number 23 of 2004, where the resolution of domestic violence cases must be carried out by touching the law and resolving it with responsible institutions.

Therefore, a Special Service Room (RPK) is needed in the Police. This means that with the existence of the Domestic Violence Law, a special institution has been born in the police. This is considered as one of the efforts to resolve domestic violence cases through legal settlement. The resolution of domestic violence cases through legal channels is an effort to uphold human rights in Indonesia. In society, domestic problems have been reconstructed by culture as personal or domestic problems, so that this problem is considered inappropriate to be resolved outside the household. In addition, victims of domestic violence are generally children and women, so this case is often not reported by the victim to the authorities. Second, the strong superiority of men in the household where men are the heads of the household, the economic strength of the family and so on, so reporting violence committed by men is considered a threat to the family, so victims prefer to remain silent and accept the violence, such as cases of husbands shouting at their wives, husbands having affairs, husbands not giving shopping money tend to be considered common things done by husbands, even though these actions are already cases of domestic violence.<sup>12</sup>

In addition, the difficulty of domestic violence cases being accessed by law enforcement and the imbalance in the ratio of the number of special rooms for handling domestic violence are things that cause these cases to be considered as ordinary cases and not given much attention by the public.<sup>13</sup> Domestic violence is violence that occurs within the scope of the household. Meanwhile, the scope of the household referred to in Law Number 23 of 2004 is (a) spouses or former spouses within or outside of marriage. (b) People who have family ties by blood, marriage, adoption, and customary and/or religious relationships. (c) people who work to help the household life of others who live or do not live in a household. (d) people who still live and/or have lived together. The resolution of domestic violence cases has been regulated by Law Number 23 of 2004. This law defines domestic violence as any act against a person, especially women, which results in physical, sexual, psychological misery or suffering, and/or neglect of the household including threats to commit acts, coercion, or unlawful deprivation of

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<sup>12</sup>Kollman, Nathalie, *Violence against Women*, YLKI and Ford Foundation, Jakarta, 1998, p.86.

<sup>13</sup>Antik Bintari, *Effectiveness of Police Special Service Room Services in the Implementation of Law No. 23 of 2004*. Bandung: Unpad



liberty within the scope of the household. The scope of the household according to this law is:

1. Husband, wife and children (including adopted children and stepchildren).
2. People who have family relationships with people as referred to in letter a due to blood relations, marriage, breastfeeding, foster care and guardianship, who live in the household (in-laws, sons-in-law, brothers-in-law and in-laws).
3. People who work to help with the household and live in the household (Domestic Workers).

Many positive things can be learned and benefited from social relationships built in a household. Domestic violence can actually be avoided if a household is upheld by implementing various positive principles and noble ethics based on the function of members according to their respective rights and obligations. Eliminating domestic violence can be started by eliminating the causes and triggers. In this regard, there are at least many ways and efforts that should be done so that domestic violence can be avoided or at least its intensity can be reduced.

### 3.3. Formulation of Law Enforcement in Domestic Violence (KDRT) Crimes In The Future

Islam came to this earth to uphold justice. So that every servant of Allah SWT gets this very important right to justice. Islam requires its followers to uphold justice even for themselves. This has been explicitly explained by Allah SWT in QS. 42 (ash-Shura): 15, namely:

فَلِذَلِكَ فَادُعُ وَاسْتَقِمْ كَمَا أُمِرْتَ وَلَا تَتَّبِعْ أَهْوَاءَ الَّذِينَ كَفَرُوا وَلَا تَتَّبِعْ أَهْوَاءَ الَّذِينَ كَفَرُوا وَلَا تَتَّبِعْ أَهْوَاءَ الَّذِينَ كَفَرُوا وَلَا تَتَّبِعْ أَهْوَاءَ الَّذِينَ كَفَرُوا  
 وَيُنذِرَكُمْ اللَّهُ يَجْمَعُ بَيْنَنَا وَالْآيَةَ (الشورى) (15 : 42)

Meaning: So therefore call (them to that religion) and remain as you have been commanded and do not follow their desires and say: "I believe in all the Book that Allah has sent down and I have been commanded to act justly between you. Allah is our God and your God. For us our deeds and for your deeds. There is no quarrel between us and you, Allah gathers between us and to Him (us) will return.

Low public perspective and awareness have resulted in cases of domestic violence not being revealed to the surface. In fact, cases of domestic violence have claimed many victims, both fatalities and physical and psychological victims. Domestic violence that occurs in the jurisdiction of the South Sumatra Police has had an impact on the powerlessness of women and children, because in general the victims of domestic violence are women and children.<sup>14</sup> According to Rubin and Rubin, due to the low level of public awareness, domestic violence cases often go unresolved, so that victims are reluctant to report their problems.

<sup>14</sup>Interview with Investigators of the Criminal Investigation Directorate of the South Sumatra Regional Police, on February 9, 2024, at 13.11 WIB.

Furthermore, Rubin and Rubin explained that a person feels helpless because they are alone in facing the problem, therefore, to solve the problem, organization or social groups are needed.<sup>15</sup> Social groups that accommodate empowerment are not yet widely found in overcoming domestic violence problems. In this context, containers that have the same perspective in the social organization are efficient in overcoming a problem. Overcoming domestic violence problems that are focused on Law Number 23 of 2004 alone is not enough and requires significant local perspectives and efforts. The problem is that domestic violence in Indonesian society is still not accepted as a public problem, but is still a domestic problem, a household secret. Therefore, to deal with domestic violence problems in Indonesia, a local approach is still needed, so that the local has an important role in solving the surrounding problems.<sup>16</sup> In this context, organizations and bureaucracies need to address societal issues. Weber describes bureaucracy as a means to regulate the social life of society. This is also emphasized by structuralists such as Parsons, who state that institutions are systems that can direct societal actions.<sup>17</sup>

Households where violence often occurs are containers of the lives of its occupants who have various statuses, such as husband and wife, parents, children, people who are blood relatives, people who work to help support the household in question, other people who live there, and people who still or have lived together in a household.<sup>18</sup> Meanwhile, the scope of the household as referred to in Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Chapter 1 concerning General Provisions Article 2 includes husband, wife, children, people who have a relationship with the husband, wife, and children because of blood relations, marriage, breastfeeding, care, and guardianship who reside in the household, and/or people who work to help the household and reside in the household. A household with a nuclear family consists of only a husband, wife, and child. It is also common to find in society that a household consists of other family members such as in-laws, in-laws, and relatives based on blood relations or marriage with the husband and wife concerned. In addition, households in modern urban life are generally enlivened by the presence of other people who act as helpers. The helpers can come from relatives or family of the husband and wife concerned and can also be outsiders.

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<sup>15</sup>Widjajanti M. Santoso, *Femininity and Power*, Journal of Society and Culture, vol. 10, No. 1, 2008, p.68.

<sup>16</sup>Ibid.

<sup>17</sup>Frances Gouda, "Good Mothers, Medeas, or Jezebels: Feminine Imagery in Colonial and Anticolonial Rhetoric in the Dutch East Indies 1900-1942" in Julia-Smith, Francis Gouda (eds.), *Domesticating the Empire, Race, Gender and Family Life in French and Dutch Colonialism*, 1999, p.237.

<sup>18</sup>Mohammad Kemal Dermawan, 2017, *Criminology Theory*, Department of National Education. Open University Publisher, Jakarta, p.129.

Domestic violence behavior or acts as a social fact is not a new thing from the sociological perspective of Indonesian society. This problem has been going on for a long time and still continues today. Domestic violence as referred to in Law Number 23 of 2004, Chapter 1 concerning General Provisions Article 2 is any act against a person, especially women, which results in physical, sexual, psychological misery or suffering, and/or neglect of the household including threats to commit acts, coercion, or unlawful deprivation of liberty within the scope of the household. In addition, domestic violence (KDRT) is a universal social fact because it can occur in a household without distinction of culture, religion, ethnicity, and age of the perpetrator or victim. Therefore, it can occur in simple, poor and underdeveloped families as well as in rich, educated, famous and prominent families. This act of violence can be committed by a husband or wife against their respective partners, or against children, other family members, and against their servants separately or simultaneously. This destructive behavior has the potential to shake the foundations of household life with a series of consequences behind it, including the worst such as the disintegration of a household. Domestic violence in Indonesia over a long period of time tends to be latent and rarely revealed to the surface. As a result, it is more of a simple, less interesting incident than a social fact that should receive special attention and serious handling from society and the government. Domestic violence in Indonesia everywhere continues to occur with the number of cases and intensity tending to increase day by day. Indonesian print and electronic mass media are never free from the latest news and information about domestic violence, including in the households of celebrities.

Meanwhile, the Legal Aid Institute for the Association of Women for Justice (LBH APIK), released a report on May 12, 2004 that there were 83 cases of domestic violence during the first four months of 2007 in the Jakarta area and its surroundings. Most of these cases were cases of violence by husbands against wives. The women who were victims of this violence experienced physical, psychological, and economic violence because they were not supported or blackmailed, and sexual violence or a combination of all of these. These cases then ended in divorce (30 cases), criminal (9 cases), mediation (6 cases), and marriage counseling (38 cases).<sup>19</sup> This covert act of violence was only considered serious and included in the category of crimes with criminal sanctions since 2004 according to Law Number 23 of 2004 after it became increasingly widespread with multiple consequences, even claiming lives. Domestic violence is conceptually on par with other forms of violence, including political violence. As a comparison to this issue, Gurr defines political violence as follows: "all collective attacks within a political community against the political regime, its actors including competing political groups as well as incumbents or its policies. The concept represents a set of events, a common property of which is the

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<sup>19</sup><http://www.tempointeraktif.com/hg/nasional/2007/05/13/brk,20070513-99962,id.html>. accessed on February 11, 2024.

actual or threatened use of violence .... The concept subsumes revolution, ... guerilla war, coups d'etat, and riots.”<sup>20</sup>

The definition above shows that political violence is very broad in scope, covering all incidents whose main element is the use or threat of use of violence by perpetrators/actors or groups of actors who oppose the state authorities.<sup>21</sup>In addition, Galtung defines violence in a broader sense as “any avoidable impediment to self-realization”, which means anything that prevents people from actualizing their potential in a natural way.<sup>22</sup>The conceptualization of violence proposed by Galtung includes two types of violence, namely direct or personal violence and indirect or structural violence. Direct violence is violence carried out by one or a group of actors against another party (violence-as-action), while structural violence simply occurs (built-in) in a structure (violence-as-structure) or society without a specific actor or is carried out by a person or group of people using violent tools.<sup>23</sup>Based on the two comparative definitions, domestic violence can be interpreted as an act of arbitrary use of power or authority without limits (abuse of power) owned by the perpetrator, namely the husband or wife or other members of the household, which can threaten the safety and individual rights of each and/or other members of the household such as children, in-laws, in-laws, and maids.

The arbitrary use of power is possible because of the situation that is formed in the household where the dominance of one over the other is so strong due to several factors as will be explained later. This dominance will continue as long as the level of dependence of the dominated party on the dominant party remains high. Acts of domestic violence are actually slightly different from acts of personal/community violence which only have a physical dimension. These acts actually have a broad dimension, which is not limited to physical actions. It also includes actions that prevent people from being creative and actualizing themselves according to their potential, and actions that force them to work or maximize their potential beyond their limits. Within certain limits, this also includes prohibitions on working and appearing as desired, and prohibitions on relating to people they like. Therefore, acts of domestic violence also have a non-physical dimension, which encompasses all actions that can cause the commitment to mutual trust, sharing, tolerance, and love between all members of the household as intended in the sacred purpose of marriage and harmonious household life, to be injured.

Domestic violence clearly brings about unpredictable consequences and losses. Violence against victims in forms that exceed the limits can result in the loss of

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<sup>20</sup>Rober Gurr, 2020, *Why Men Rebel*. Princeton University Press, Princeton, NJ, pp. 3-4

<sup>21</sup>Mohtar Mas'oed, et.al (eds.), 2020, *Collective Violence: Conditions and Triggers*. P3PK UGM, Yogyakarta, p.4.

<sup>22</sup>Johan Galtung, 2020, *The True World: A Transnational Perspective*, The Free Press, New York, p.67.

<sup>23</sup>Mas'oed, *Op.Cit.*, p.5.

their future. A child who is a victim of domestic violence will lose opportunities and enthusiasm in life, including the opportunity and enthusiasm to continue their education, because of the physical disability and trauma that continues to haunt their mind. This means that domestic violence to a certain extent can cause great losses in terms of physical and non-physical aspects. In addition, often the consequences of domestic violence do not only affect the victim directly, but also other members of the household indirectly. Violence by a husband against his wife or vice versa, for example, can leave a deep negative impression in the hearts of their children and other family members. This negative impression can ultimately also cause hatred and even the seeds of endless revenge against the perpetrator. Not only that, a household that is built for the common good will fall apart. In the meantime, it is not uncommon for the perpetrator to also suffer from depression and excessive mental stress that he experiences due to regret that is no longer useful. Facts in society regarding the forms of domestic violence show that the magnitude or seriousness of domestic violence is not always parallel and balanced with the level of protest and criticism carried out. Often small and very trivial issues can lead to acts of violence that exceed the limits and are completely immeasurable. The murder and sadistic torture experienced by victims only because of a mispronunciation and lack of service as we often hear from media reports is evidence of the imbalance between the level of cause and effect.

The value system that influences a person's thoughts and behavior sometimes also comes from the local cultural kinship system of Indonesian society from a lineage perspective. In the context of lineage, there are two forms of kinship systems, namely the patrilineal or patriarchal system which means that power is in the hands of the father or male party, and the matrilineal or matriarchal system which means that power is in the hands of the mother or female party.<sup>24</sup> Although it is difficult to find a form of Indonesian human culture with hundreds of ethnic groups, languages, and traditions that justifies or provides an opportunity to justify domestic violence, however, domination in families based on the patrilineal kinship system is generally male, while in the matrilineal kinship system it tends to be female. The dominance of women in the patrilineal kinship system or the dominance of men in the matrilineal kinship system is very possible due to differences in social status, descent and so on.<sup>25</sup>

The conflict that occurs leads perpetrators of domestic violence towards deviant behavior that is not in line with the demands of the original values of local Indonesian culture and social norms that are adhered to by society. This means that the noble values of culture and social norms for society when domestic violence occurs no longer play a role as the main guideline and control tool in carrying out their social functions, including in the household. Likewise, the role

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<sup>24</sup> <http://www.google.id/http://en.wikipedia.org/wiki/patrilineal>. Accessed January 18, 2024.

<sup>25</sup> [http://id.wikipedia.org/wiki/stratifikasi\\_sosial](http://id.wikipedia.org/wiki/stratifikasi_sosial). Accessed on January 19, 2024.

of religion embraced by the perpetrator as one of the social institutions that teaches its adherents noble values in social behavior and interacting with others, including with family, becomes paralyzed. In a value-free situation like this, domestic violence occurs when the perpetrator is in an uncertain, chaotic situation and loses his grip. This situation is what in a sociological perspective is known as a situation *anomie*, a term first introduced by the 19th century French sociologist, Emile Durkheim, to describe a chaotic state without law or regulation. If there is a strong opinion that it is impossible for someone to act no matter how bad without values, then the values held by perpetrators of domestic violence when the act occurs are the values of uncertainty contained in the situation. *anomie*.<sup>26</sup>

One form of legal protection that is also specifically designed to respond to the needs of victims of domestic violence and their family members is a decision containing a protection order that can be determined by the Court as regulated in Articles 28-38 of Law Number 23 of 2004. The Chief Justice is required to issue a decision letter containing the protection order within a period of 7 (seven) days from the receipt of the application letter unless there is a valid reason (Article 28). The application can be submitted orally or in writing. Article 29 of Law Number 23 of 2004 regulates: "A request to obtain a protective order may be submitted by:

1. The victim or the victim's family.
2. Friend of the victim.
3. Police.
4. Volunteer companion.
5. Spiritual guide.

Justice is a universal value, a fundamental human value. Obtaining justice is a basic human right. Islam respects the legitimate rights of every person and protects their freedom, honor, blood and property by upholding truth and justice among others. Upholding justice and truth in society will be able to create a peaceful, prosperous, safe, peaceful, and trusting society, both between fellow members of society and towards the government. Justice is something that is felt to be balanced, appropriate, so that everyone or most people who experience it feel appropriate, comfortable, and fair. One of the important characteristics of justice is the balance between rights and obligations. Fair is standing in the middle between two things; giving everyone what is their right.

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<sup>26</sup>Rashidah Abdullah, 2020, Hitting Women In Malaysia: Prevalence, Problems And Attitudes Of Ordinary People Selangor Darul Ehsan WAO, Malaysia, p.6.

#### 4. Conclusion

Law enforcement in domestic violence (KDRT) crimes today based on Article 44 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence. Domestic violence from a sociological perspective is a social fact that is cross-ethnic, cross-faith, and cross-regional in nature that can be found in communities from various groups, statuses and social strata almost everywhere. As an anti-social and anti-humanitarian act, domestic violence can occur suddenly and is planned by and against all actors or members of a household who act as perpetrators or victims. Domestic violence in the provisions of legislation in Indonesia is classified as a crime with the threat of criminal law because it causes pain and physical and mental suffering to its victims. In a broader dimension, domestic violence is a serious violation of human dignity according to the basic principles of human rights (HAM). The consequences of criminal acts of domestic violence are contained in Article 44 Law Number 23 of 2004 concerning the Elimination of Domestic Violence, namely: (1) Any person who commits an act of physical violence within the household as referred to in Article 5 letter a shall be punished by imprisonment for a maximum of 5 (five) years or a maximum fine of IDR 15,000,000.00 (fifteen million rupiah).

#### 5. References

##### Journals:

- Bambang Lasimin Arek and Umar Ma'ruf, 2020, "Criminal Responsibility of Criminals Defamation on Advocate Name", in *Jurnal Daulat Hukum* Volume 3 Issue 4, December 2020 ISSN: 2614-560X, Published Master of Law, Faculty of Law UNISSULA.
- Budi Setiawan, Anis Mashdurohatun, Munsyarif Abdul Chalim, 2017, "Investigation of the Perpetrators of Aggravated Murder at the Central Java Regional Police", *Khaira Ummah Law Journal* Vol. 12. No. 4 December 2017: 909-916.
- Frances Gouda, "Good Mothers, Medeas, or Jezebels: Feminine Imagery in Colonial and Anticolonial Rhetoric in the Dutch East Indies 1900-1942" in Julia-Smith, Francis Gouda (eds.), *Domesticating the Empire, Race, Gender and Family Life in French and Dutch Colonialism*, 1999.
- Khairu Nasrudin, 2017, "Integrated Law Enforcement Against the Crime of Alcohol Distribution", *Khaira Ummah Law Journal* Vol. 12.No. 4 December 2017 : 933 – 942
- Kusfitono, Umar Ma'ruf, Sri Kusriyah, 2017, "Implementation of the Constitutional Court Decision Number 130/PUU-XIII/2015 Regarding the Investigation Process of Aggravated Theft at the Kendal Police Criminal Investigation Unit", *Khaira Ummah Law Journal* Vol. 12. No. 4 December 2017: 862-874

Sapto Winengku, Umar Ma'ruf, 2017, "Covert Purchase Techniques in Narcotics Crime Investigations", *Khaira Ummah Law Journal* Vol. 12. No. 4 December 2017: 875-883

Teguh Prihmono, Umar Ma'ruf, Sri Endah Wahyuningsih, 2017, "The Role of the Indonesian Police Forensic Laboratory as a Supporter of Scientific Investigations in the Criminal Justice System in Indonesia, *Khaira Ummah Law Journal* Vol. 13. No. 1 March 2018: 273-286

Zaenul Arifin, Sri Endah Wahyuningsih, Sri Kusriyah, 2017, "The Law Enforcement Process Against Perpetrators of Criminal Acts of Fraud and/or Embezzlement Under the Guise of Low-Cost Umrah Pilgrimage Service Bureaus (Case Study of Semarang Police Criminal Investigation Unit Investigators)", *Khaira Ummah Law Journal* Vol. 12. No. 4 December 2017.

#### **Books:**

Achie Sudiarti Luhulima, 2000. *Understanding Forms of Violence Against Women and Alternative Solutions*, PT. Alumnus, Bandung.

Antik Bintari, *Effectiveness of Police Special Service Room Services in the Implementation of Law No. 23 of 2004*. Bandung: Unpad

Ester Lianawati, 2009. *Domestic Conflict: Justice & Concern for the Legal Process of Domestic Violence from a Feminist Psychology Perspective*, Paradigma Indonesia (Elmatara Group), Yogyakarta.

#### **Internet:**

[http://www.tempointeraktif.com/hg/nasional/2007/05/13/brk\\_20070513-99962\\_id.html](http://www.tempointeraktif.com/hg/nasional/2007/05/13/brk_20070513-99962_id.html). accessed on February 11, 2024.

[http://id.wikipedia.org/wiki/stratifikasi\\_sosial](http://id.wikipedia.org/wiki/stratifikasi_sosial). Accessed on January 19, 2024.

<http://www.google.id/http://en.wikipedia.org/wiki/patrilinea>. Accessed January 18, 2024.

Interview with Investigators of the Criminal Investigation Directorate of the South Sumatra Regional Police, on February 9, 2024, at 13.11 WIB.

Interview with the Head of the PPA Sub-Directorate of the South Sumatra Regional Police, on January 20, 2024, at 10.30 WIB.

Johan Galtung, 2020, *The True World: A Transnational Perspective*, The Free Press, New York.

Kollman, Nathalie, *Violence against Women*, YLKI and Ford Foundation, Jakarta, 1998.

Mohammad Kemal Dermawan, 2017, *Criminology Theory*, Department of National Education. Publisher of Open University, Jakarta.

Mohtar Mas'oe'd, et.al (eds.), 2020, *Collective Violence: Conditions and Triggers*. P3PK UGM, Yogyakarta.



Nana Syauidih Sukmadinata, 2007, *Research Methods*, RosdaKarya Youth, Bandung.

Peter Mahmud Marzuki, 2007, *Legal Research*, Prenada Media Group, Jakarta.

Rashidah Abdullah, 2020, *Hitting Women In Malaysia: Prevalence, Problems And Attitudes Of Ordinary People Selangor Darul Ehsan WAO*, Malaysia.

Rober Gurr, 2020, *Why Men Rebel*. Princeton University Press, Princeton, NJ

Satjipto Rahardjo, 2010, *Problems of Law Enforcement: A Sociological Review*, Sinar Baru, Bandung.

Suharsimi Arikunto, 2002, *Research Procedures: A Practical Approach*, Rineka Cipta, Jakarta.

Widjajanti M. Santoso, *Femininity and Power*, *Journal of Society and Culture*, vol. 10, No. 1, 2008.