

Investigation of Domestic Violence in the Jurisdiction of Cirebon Police

Felix Nicholas Joshua Tambubolon¹⁾ & Jawade Hafidz²⁾

¹⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, Indonesia, E-mail: felixnicholasjoshuatambubolon.std@unissula.ac.id

²⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, Indonesia, E-mail: jawadehafidz@unissula.ac.id

Abstract. *Domestic violence is an act that can damage the psyche of each victim and can even result in death for the victim. Until now, domestic violence has continued to grow, legal enforcement efforts by law enforcement often experience difficulties, this is due to a culture that views domestic violence as a common household problem and a disgrace that should not be known by parties other than family members, this makes victims of domestic violence reluctant to report the domestic violence they experience to law enforcement. This thesis research aims to describe the investigation process of domestic violence crimes at the Cirebon Police. To analyze the effectiveness of the implementation of investigations into domestic violence crimes at the Cirebon Police. To analyze the obstacles faced in the process of investigating domestic violence crimes in order to find solutions related to the difficulty of taking action against domestic violence cases. The research approach method used is the sociological legal approach method. Based on the research results, it can be seen that the data collected by the Cirebon Police show that domestic violence cases in 2024 have increased. The tendency for domestic violence cases to increase each year indicates that the implementation of domestic violence investigations that have been carried out so far has not been effective. Obstacles in the implementation of the investigation process are based on several factors that influence law enforcement, namely legal factors, law enforcement factors, infrastructure factors, community factors, and cultural factors. The five factors above are interrelated and are the essence of law enforcement. In addition, it is also a benchmark for the effectiveness of law enforcement.*

Keywords: *Criminal; Domestic; Investigation; Violence.*

1. Introduction

Criminal acts can occur at any time, anywhere and by anyone or can befall anyone, including within the scope of a household committed by people who are still closely related either by blood, marriage, breastfeeding, fostering and guardianship, who reside in the household or other relationships of a "domestic personal" nature, for example because the person concerned works to help with the household and resides in the household.¹

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.²

The Indonesian Government's commitment has been stated in the dictum of Law No. 23 of 2004 as follows:

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 threats of violence, torture, or treatment that degrades human dignity and status.
3. In reality, cases of domestic violence often occur, while the legal system in Indonesia does not guarantee protection for victims of domestic violence.³

The intent and purpose 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;

¹See also Article 2 paragraph (1) and (2) of Law No. 23 of 2004 concerning the Elimination of Domestic Violence

²Muhammad Rofik Kana, Legal Protection for Children Who Commit Crimes (Case Study at 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.

³Law no. 23 of 2004, Introduction and Explanation.

- 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:

- 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).

The integrity and harmony of a happy, safe, peaceful, and serene household is the dream of every person in a household. To realize this integrity and harmony, it is very dependent on each person in the household, especially the level of quality of behavior and self-control of each person in the household. The integrity and harmony of a household can be disturbed if the quality of self-control cannot be controlled, which in the end can lead to domestic violence so that injustice arises against different people in the household. To prevent, protect victims, and prosecute perpetrators of domestic violence, the state and society are required to carry out prevention, protection and prosecution of perpetrators in accordance with the philosophy of Pancasila and the 1945 Constitution of the Republic of Indonesia and its amendments.⁴ 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 basic rights and potential for the integrity and continuity of the household proportionally.

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 real 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 and the examination stage in court must be guided by Law No. 23 of 2004 which has

⁴Ira 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.

provided rights and protection for witnesses and victims. If necessary, witnesses and victims must receive protection from the Witness and Victim Protection Agency based on Law No. 13 of 2006.

Even though the national legal policy has comprehensively regulated protection for victims of Domestic Violence, in reality the number of domestic violence cases is still relatively high. According to Head of Criminal Investigation Unit of Cirebon Police, Commissioner Hario Prasetyo, since the beginning of 2024 until this April, his party has received reports of 39 cases. The high number of domestic violence cases is because most victims do not dare to report the violence they experience due to a culture that views that if the victim reports, it will be a disgrace to the victim's household and social life.⁵

2. Research Methods

The approach method in this thesis research is to use the sociological legal approach method. The sociological legal approach method is one type of legal research that analyzes and examines the workings of law in society. This sociological or empirical legal research explains that the legal research is conducted by examining primary data.⁶ Legal sociology research only places law as a social phenomenon. In such cases, law is viewed from its external aspects only. Therefore, in socio-legal research, law is always associated with social problems. Such research is research that focuses on individual or community behavior in relation to law.⁷

3. Results and Discussion

3.1. Investigation Process into Domestic Violence Crimes at Cirebon Police

Domestic violence that increases from year to year is very concerning for all parties anywhere in the world and it is also necessary to emphasize that there is an understanding of the position of women and children who are vulnerable to violence, making this problem a scourge for women. Moreover, the fear of women and children towards a crime (fear of crime). The reality proves that most victims of domestic violence are much more traumatic than other crimes. Trauma is born and threatens human life because the perpetrator is a person who has a special relationship with the victim such as a father, uncle, husband or boyfriend or someone who is related to his work such as his boss or coworker.

Family violence or violence that occurs in the family, which has become a global issue and has long received attention in all countries including Indonesia. This is

⁵Interview with Police Commissioner Hario Prasetyo as Head of Criminal Investigation Unit of Cirebon Police, on December 20, 2024.

⁶Soerjono Soekanto and Sri Mamuji, *Normative Legal Research: A Brief Review*, RajaGrafindo Persada, Jakarta, 2010, p. 14.

⁷Peter Mahmud Marzuki, *Legal Research*, Kencana, Jakarta, 2009, p. 87.

proven by the establishment of international legal instruments, including:⁸

- 1) *Vienna Declaration and Program of Action* (1993)
- 2) *Convention on the Elimination of Violence Against Women* (1993)
- 3) *Beijing Declaration and Platform for Action* (1995)

Then followed by national legal instruments, including:

1) Law No. 7 of 1984 concerning the Ratification of the Republic of Indonesia of the Convention on the Elimination of All Forms of Discrimination against Women in all fields.

2) Law No. 23 of 2004 concerning the Elimination of Domestic Violence. By looking at recent developments that public understanding and public concern are very lacking, coupled with an inadequate legal evidence system and then the understanding of investigators who are below the standard operating procedures for handling domestic violence cases has resulted in these cases being rampant everywhere without clear handling and ending up being ignored due to lack of evidence or the report being withdrawn and diverted to become a regular divorce case.

With the enactment of Law No. 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT), which 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.

The Indonesian Government's commitment has been stated in the dictum of Law No. 23 of 2004 as follows:

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 all forms of violence, especially domestic violence, constitute a violation of human rights and a crime against human dignity and a form of discrimination that must be eliminated.
3. 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 threats of violence, torture, or treatment that degrades human dignity and status.

⁸Anna, Sakreti. 2004. The Complexity of Handling Domestic Violence. Kompas Monday 12 July 2004

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

Based on the results of the interview with the Head of Criminal Investigation Unit of the Cirebon Police, AKBP Police Commissioner Hario Prasetyo The investigation process in handling domestic violence cases at the Cirebon Police starts from:⁹

1) Receive reports

Law No. 23 of 2004 explicitly stipulates that victims have the right to directly report domestic violence to the local police, either at the location or at the scene of the crime (Article 26). Victims can also authorize their family or other people to report domestic violence to the police, either at the victim's location or at the scene of the crime (Article 26 paragraph 2). This is in accordance with the provisions of Article 51 of the Domestic Violence Law which states that there is a

However, the increasing public awareness to report violence experienced is not necessarily supported by follow-up efforts or handling carried out by law enforcement officers, be it the police, prosecutors or courts. The police have not yet used the Domestic Violence Law in imposing articles on perpetrators and the investigation process that is carried out also takes a long time. Often cases that have been transferred by the police to the prosecutor's office are returned to the police on the grounds of insufficient evidence. The prosecutor's office does not yet have a strong enough understanding in handling domestic violence cases and the decisions handed down by judges are often light, which does not fulfill the sense of justice desired by the victim.

The implementation of recovery for victims of domestic violence is regulated in Government Regulation Number 4 of 2016 concerning the Implementation and Cooperation in the Recovery of Victims of Domestic Violence. Government Regulation Number 4 of 2016 concerning the Implementation and Cooperation in the Recovery of Victims of Domestic Violence has not been implemented effectively in Cirebon, this is indicated by the fact that most victims of Domestic Violence have not received recovery services and compensation for the losses they have experienced.¹⁰

3.2. Effectiveness of Investigation of Domestic Violence Crimes at Cirebon Police

Households becoming an arena for violence is not a situation that is desired by social norms or legal norms. As a social institution, households are expected to be a place of warm and intensive interaction between its members, a place to

⁹Interview with Police Commissioner Hario Prasetyo as Head of Criminal Investigation Unit of Cirebon Police, on December 20, 2024.

¹⁰Interview with Police Commissioner Hario Prasetyo as Head of Criminal Investigation Unit of Cirebon Police, on December 20, 2024.

instill social values.¹¹As a legal institution, the household is expected to be a safe and comfortable place for all its members, protecting each other, respecting each other, loving each other so that eternal happiness grows.¹²The Marriage Law enacted in 1974 has included this as a family idealism, only its provisions are more regulatory and non-legal in nature in the sense that they do not have real legal consequences for husbands or wives who do not respect and love their partners, including by committing acts of violence. As a result, acts of violence that occur in the household are not considered legal events, but rather as dynamics of marriage, thus people who experience violence by fellow family members are not entitled to protection from the state and society. The absence of this legal protection systematically causes domestic violence to be considered normal behavior. A person who experiences domestic violence is only seen as someone who happens to be less fortunate than someone who happens to have a loving husband or wife.¹³

Domestic Violence is any act against a person, especially women, that results in physical, sexual, psychological misery or suffering, and/or neglect of the household including threats to commit acts, coercion, and unlawful deprivation of liberty within the scope of the household. This violence often occurs between people who are closely related, husband and wife, prospective husband and wife, family members, or domestic helpers. The most common cases of domestic violence are generally committed by husbands against wives. The factors underlying the occurrence of domestic violence are economic, infidelity, social, cultural, and number of children.

Violence against women, especially domestic violence, is the world's biggest problem related to women's human rights. A woman has the right to live free from violence, slavery, and discrimination and has the right to education, ownership of her rights, voting rights, and to receive a decent wage. WHO states that 1 in 3 women (35%) in the world have experienced physical and/or sexual violence, either by their husband or someone they have an intimate relationship with.

Thus, in connection with the still high number of domestic violence cases in the Cirebon Regency area, the Implementation of Investigations into Domestic Violence Crimes at the Cirebon Police and the many factors that cause domestic violence, the Implementation of Investigations into Domestic Violence Crimes at the Cirebon Police has not been running effectively.

¹¹TO Ihromi, 2000, *Sociology of the Family*, Yayasan Obor Indonesia, Jakarta, p. 5.

¹²This family ideal is formulated by Law Number 1 of 1974 concerning Marriage.

¹³Fathia, 2008, *Dynamics of Violence against Wives (A Qualitative Study on Women Victims of Domestic Violence Who Survive in Their Marriages)*, Thesis of the Masters Program in Psychology, Diponegoro University, Semarang, p. 76.

3.3. Obstacles Faced in the Process of Investigating Domestic Sexual Violence Crimes and Their Solutions

Investigation of domestic violence crimes is an initial step or process of law enforcement in an effort to eradicate domestic violence as intended by the establishment of Law Number 23 of 2004 concerning the Elimination of Domestic Violence. In carrying out its duties regarding the investigation of domestic violence, it turns out that it is not uncommon to experience obstacles or barriers.

Regarding the obstacles to domestic violence cases, the Head of Criminal Investigation Unit of Cirebon Police is of the opinion that ¹⁴

"What often becomes an obstacle in the process of investigating domestic violence cases is that initially the victim (wife) reports the suspect (husband), but during the investigation process the wife withdraws the report for various reasons."

The obstacles include collecting sufficient initial evidence. Because in general the violence experienced by the victim is not witnessed by anyone other than the victim himself who experienced the violence. If the case later does not have enough evidence to be submitted to the public prosecutor, then the case file from the investigation will be returned with instructions to be completed. For that, investigators must be serious and work hard to collect sufficient evidence.
¹⁵

In addition, there are also obstacles encountered due to the attitude or behavior of the victim himself. That after the arrest and detention and examination of witnesses in connection with acts of domestic violence that resulted in, for example, the victim being seriously injured and it was reported by the victim himself, then the victim asked the investigator to stop the investigation process and not continue to prosecution on the grounds that the victim felt sorry for the suspect, still loved the suspect and had forgiven his mistakes. ¹⁶

When the investigator explained that the termination of the investigation could not be done because there was sufficient evidence of the violent act and there was no reason to terminate the investigation as stated by the defendant, as well as the violent act committed by the suspect was not classified as a complaint offense, the victim could not and did not want to accept the explanation from the investigator. In such a case, the victim even accused the investigator of making the victim's family and the suspect, namely his children, neglected

¹⁴Interview with Police Commissioner Hario Prasetyo as Head of Criminal Investigation Unit of Cirebon Police, on December 20, 2024.

¹⁵Interview with Police Commissioner Hario Prasetyo as Head of Criminal Investigation Unit of Cirebon Police, on December 20, 2024.

¹⁶Interview with Police Commissioner Hario Prasetyo as Head of Criminal Investigation Unit of Cirebon Police, on December 20, 2024.

because the suspect as the perpetrator of the violence could no longer earn a living because he was detained.¹⁷

Thus, based on the results of research in the field and the results of interviews with the Head of Criminal Investigation Unit of the Cirebon Police, AKPPolice Commissioner Hario Prasetyo it is known that the obstacles that investigators currently still face in handling domestic violence cases are:¹⁸

1. Obstacles from the victim:

- a. After the victim made a report, the victim was uncooperative/difficult to contact;
- b. Withdrawal of report from victim;
- c. Unable to pay the costs of visum et repertum;
- d. The police's evidence against the victim was difficult;
- e. The victim was afraid of her husband's threats;
- f. The victim's economic dependence on her husband;
- g. The victim's delay in reporting meant that physical evidence was lost.

2. Obstacles from the perpetrator:

- a. The perpetrator fled;
- b. The perpetrator did not admit his guilt or actions;
- c. Slowing down the investigation process for various reasons.

3. Barriers from family/society

Lack of awareness from/families or the community who consider such actions to be internal family issues which are considered a family disgrace, making it difficult to provide information to the authorities (the police).

4. State Barriers

- a. The large number of cases of domestic violence that go unreported;
- b. Lack of facilities and infrastructure makes it difficult to uncover domestic violence crimes;
- c. Lack of budget/costs provided.

¹⁷Location cit.

¹⁸Interview with Police Commissioner Hario Prasetyo as Head of Criminal Investigation Unit of Cirebon Police, on December 20, 2024.

Furthermore, it is said that the five factors above are interrelated and are the essence of law enforcement. In addition, it is also a benchmark for the effectiveness of law enforcement.¹⁹

First, Law no. 23 of 2004 concerning the Elimination of Domestic Violence still needs to be perfected, there are several weaknesses, including:

1. The definition of what is meant by physical violence in Article 6 of Law No. 23 of 2004 is stated as an act that results in pain, illness or serious injury. The definition does not explain what is meant by pain and illness. Regarding serious injury in Article 90 of the Criminal Code, it is stated that serious injury is:

- a. fall ill or receive an injury which gives no hope of recovery at all, or which poses a danger of death;
- b. unable to continue to carry out job duties or search work;
- c. loss of one of the five senses;
- d. get severe disability (verminking);
- e. suffering from paralysis;
- f. impaired thinking ability for more than 4 (four) weeks;
- g. miscarriage or death of a woman's pregnancy.²⁰

2. The definition of what is meant by psychological violence in Article 7 of Law No. 23 of 2004 is stated as an act that results in fear, loss of self-confidence, loss of ability to act, a sense of helplessness, and/or severe psychological suffering in a person. The definition is unclear. Psychologists themselves have difficulty determining whether the above conditions are due to domestic violence or other causes.²¹

3. The definition of what is meant by household neglect in Article 9 paragraph (1) of Law No. 23 of 2004 is stated as the act of neglecting a person within the scope of his/her household, even though according to the law applicable to him/her or because of the agreement or care for the person and in Article 9 paragraph (2) of Law No. 23 of 2004 it is stated as an act that results in economic dependency by limiting and/or prohibiting proper work inside or outside the home so that the victim is under the control of the person. The definition is not clear and can be interpreted in various ways (multi-interpretation).

¹⁹Soerjono Soekanto, *Factors Influencing Law Enforcement*, (Jakarta: Rajawali, 1986), pages 5-6.

²⁰Moeljatno, *KUHP, Criminal Code*, (Jakarta: Bumi Aksara, 2001), pages 36-37

²¹Interview with Police Commissioner Hario Prasetyo as Head of Criminal Investigation Unit of Cirebon Police, on December 20, 2024.

4. The implementation of the provision of special service rooms in Police Offices has not been optimally realized because in the offices of the Republic of Indonesia National Police Resorts only Women's and Children's Service Units have been formed (see Article 13 letter a of Law No. 23 of 2004). And if what is meant by the Law Makers in this provision is the same as what is meant by a "safe house" owned by the Government as referred to in Article 22 paragraph (1) letter c of Law No. 23 of 2004). then it can be said that it does not yet meet the requirements.

5. Article 13 letter c of Law No. 23 of 2004 states that in order to provide services to victims, the government and regional governments, in accordance with their respective functions and duties, can make the following efforts:

Creation and development of a system and mechanism for cooperation in service programs involving parties that are easily accessible to victims. There are no further regulations for the system and mechanism, let alone the formulation of sentences that use the word "can" which means it can be implemented or not. Victims need firmness in the willingness of parties, especially the Government, to provide protection.

6. Law No. 23 of 2004 distinguishes between "social workers" in Article 22 paragraph (1) and (2) of Law No. 23 of 2004 and "volunteer companions" in Article 23 of Law No. 23 of 2004 without explaining what if both are in helping institutions/organizations. In the Explanation of Article 10 letter d of Law No. 23 of 2004 it is stated that what is meant by "social worker" is someone who has professional competence in social work that is officially recognized by the government and carries out professional social work duties. Meanwhile, in the Explanation of Article 17 of Law No. 23 of 2004 it is stated that what is meant by "volunteer companions" in this provision are people who have the expertise to conduct counseling, therapy and advocacy to strengthen and recover victims of violence.

7. In Article 43 of Law No. 23 of 2004 it is stated that the implementation of recovery efforts and cooperation in the recovery of victims of domestic violence will be further regulated in a Government Regulation. The Government Regulation has not been made by the Central Government (has not been followed up).

Second, in this case, it is the Investigator and Assistant Investigator. The establishment of the Women and Children Service Unit is based on Decree No. KEP/02/1/2008 by the Chief of the Republic of Indonesia National Police, Cirebon Resort. In the assignment and establishment of the special service unit, the Investigator was appointed as the Head of the Unit with several Assistant Investigators with the task of assisting with investigative tasks as regulated in Law No. 8 of 1981 concerning Criminal Procedure Law as "lex generalis" and Law

No. 23 of 2004 concerning the Elimination of Domestic Violence as "lex specialis". The establishment and assignment that began in November 2009 were of course constrained by the fact that the Investigators and Assistant Investigators who served in that place had not yet gained much experience, especially since the unit was not supported by a special investigation sub-unit.

Third, the means or facilities that support the implementation of Law No. 23 of 2004 concerning the Elimination of Domestic Violence, especially at the Investigation and Prosecution stage, can be said to be inadequate, including:

1. The Cirebon Resort Police of the Republic of Indonesia does not yet have adequate facilities, means and infrastructure to handle domestic violence cases;
2. The lack of a "safe house" or "halfway house" or "shelter" for victims of domestic violence that can serve as a temporary shelter to obtain temporary protection or a protection order from the local District Court;
3. The lack of a system and mechanism for cooperation in service programs involving parties that are easily accessible to victims of domestic violence;
4. Budgeting of state costs that must be spent to handle cases of domestic violence.

Fourth, the society where the law is applied is no less important in supporting the success of law enforcement in society. The obstacles faced in handling domestic violence cases, especially in the investigation process, include:

- 1) Society views gender issues in a perspective that is common according to Ita F. Nadia. Gender ideology gives rise to differences in the positions of women and men which are believed to be the nature of God that cannot be changed. Therefore, gender influences beliefs about how women and men should think and act. The differences in the positions of women and men due to gender, in fact, create injustice in the form of subordination, domination, discrimination, marginalization, stereotyping which are the main sources of violence against women. Gender as a social construct differentiates the roles and positions of women and men in families and communities which are culturally passed down and become hereditary beliefs from one generation to the next and are believed to be ideology.²²

According to Triningtyasasih (Rifka Annisa Women's Crisis Center), the biggest cause of domestic violence is the inequality of relations between women and men caused by gender ideology. Indeed, there are other causes such as personal potential, imitation from the mass media, parenting errors or frustration. But these factors are more than just triggering factors that would not be perpetuated

²²Ita F. Nadia in "Violence Against Women, Women's Health Workshop Series Program", (Jakarta: YLKI – The Ford Foundation, 1998), page 3.

if there were no inequality of relations. However, we must be observant in seeing what factors actually cause violence against women, which are gender-based and which are not, in order to solve the problem appropriately.²³

2) Misleading and biased myths about marriage in social life. According to Elli NH (Rifka Annisa Women's Crisis Center), various myths about marriage that are heavily colored by gender-biased assumptions are one of the factors that indirectly and unconsciously lead people to act "wrongly" in responding to marriage. These gender-biased assumptions cause people to be "biased" in placing the burden of responsibility for the integrity of marriage. Marriage, which is the fusion of two people, husband and wife, because of biased gender assumptions, ultimately becomes an institution that seems to relegate women to a corner of helplessness.²⁴

3) The myth of mental disorders in husbands that is accepted by society as normal. According to Elli NH (Rifka Annisa Women's Crisis Center), when people conclude that the husband's actions are a manifestation of mental disorders, then everyone understands and tolerates these actions. The wife herself is no exception, in the end she also gives in to the prevailing general assumption, accepts it by being patient and resigned and restraining herself from "worsening" the situation.²⁵

4) The indifference of society and the permissive nature of society towards cases of domestic violence, especially those concerning husband and wife relations. According to research conducted by Louis Brown, Francois Dubau and Merrit Mc. Keon, it is stated as follows:

*"Female victims of violence by an intimate were often injured by the violence than females victimized by a strangerviolence against women perpetrated by people they knew intimately was consistent across racial and ethnic boundaries, no statistically significant difference existed between Groups"*²⁶

5) Society is accustomed to conditioning men and women in different future perspectives so that men and women are raised and grow in a socio-psychological atmosphere that gives rise to various personal potentials that support these future perspectives. For example: men are conditioned to become a "leader", "head of the family" and so on while women are conditioned to

²³Triningtyasasih in "Violence Against Women, Health Workshop Series Program Woman", (Jakarta: YLKI – The Ford Foundation, 1998), page 51.

²⁴Elli NH Ed., The Suffering Behind Harmony, (Yogyakarta: Rifka Annisa Women's Crisis Center – Asia Foundation, No Year), pages 7-8.

²⁵Ibid., page 9.

²⁶Louis Brown, Francois Dubau and Merrit Mc. Keon, Stop Domestic Violence, An Action Plan for Saving Lives, (New York, USA : St. Martin's Griffin, 1997), page 6.

become "housewives".

Fifth, in handling domestic violence cases, the influence of cultural factors is no less important.

1) The patriarchal culture is still strong where men are the sole authority holders in the family and society and set limits for women's participation in the development process. Women's development opportunities are adjusted to the needs and desires of men.²⁷

2) Domestic violence is a method of controlling those who are disobedient and/or do not fulfill their obligations. This method is considered by men as legitimate and very effective.²⁸

3) Women are socially and economically conditioned to feel dependent on their husbands. Although women try to prevent it, it seems that most women accept the symptoms of physical violence so that there is no reason for them to leave their husbands. Besides, women have internalized their interior position towards men.

In the process of investigating criminal acts, there are several obstacles faced by investigators in uncovering cases of sexual violence in the Cirebon Police area, including:

1) when the perpetrator of sexual violence knows that he has been reported by the victim to the local police. The perpetrator who has been reported will usually run away and hide in a certain area or city, making it difficult for the police to find the perpetrator who has run away and become a fugitive.

2) investigators have limited time given to reveal and process the criminal case files, most likely the files can be completed or revealed after months, even years. This is because the number of quotas from investigators is experiencing a shortage of personnel.

3) For cases of domestic violence experienced by children, the number of investigative personnel in the PPA Unit of the Cirebon Police is only 8 (eight) child investigators, so that the implementation of 10 disclosures of criminal acts of sexual violence against children in Cirebon is still less than optimal.

4) lack of facilities and infrastructure both in terms of funding and inadequate places for interrogating victims.

5) The victim was reluctant to report because he felt ashamed about the

²⁷Selfiana Sanggenafa in "Violence Against Women, Women's Health Workshop Series Program", (Jakarta: YLKI-The Ford Foundation, 1998) page 38.

²⁸Ibid., page 41.

incident he experienced, which was a disgrace to him and his family.

6) victim protection has not been a priority for the Indonesian government even though domestic violence cases are very concerning and dangerous for the nation's next generation. This is related to law enforcement officers in Indonesia so far not having a high response to domestic violence cases. This case is increasingly not crucial because there is no political element.

7) if the victim experiences a moral burden.

Efforts made by police investigators in uncovering domestic violence cases include the following:

1) Bringing in psychologists to accompany victims of domestic violence, in this case in collaboration with the Cirebon Regency Government, where the Integrated Service Center (PPT) "Swatantra" has been established, especially for the mental recovery of victims.

2) Involve investigators, assistant investigators or other officers assigned to women and children's service units in training.

3) As far as possible, efforts are made to reconcile both parties on certain matters for the sake of the integrity of the household or family relationships.

4) Investigators provide information and input to related agencies and other parties who are stakeholders in the Police.

5) Violence against women, especially domestic violence, can be eliminated by raising awareness of women's rights and a correct understanding of the root of the problem of domestic violence, namely the existence of a patriarchal culture in agrarian societies, which positions men as leaders, controllers, and protectors of women.²⁹

6) As far as possible, cases of domestic violence are provided with the best solutions, especially for women/wives who are victims of domestic violence.

7) Providing protection for victims of domestic violence. Based on the Theory of Legal Protection according to Islam, legal protection for victims of domestic violence must be provided by law enforcement because it is related to the safety of the victim's life. Legal protection according to Islam is related to the concept of protecting Human Rights which is based on the command of Allah SWT. The concept of human rights in Islam is one of the oldest human rights concepts in the world, how could it not be, before the birth of the western concept of human rights in the Renaissance era, Islam had known the concept of human rights first. This can be proven terminologically, Human Rights are basically also taken from

²⁹Christina Joseph in the KOMPAS Daily, Wednesday, March 21, 2001, page 10.

Arabic since the birth of Islam on earth around 17 Ramadhan 11 SH, while in terms of human rights terminology it is divided into the words haqq or yahiqqu or haqqaan and Asasiy or yaussu or asasaan, haqq or yahiqqu or haqqaan itself means true, certain, real, permanent, and obligatory. While Asasiy is to build, establish, base, origin, principle, basis, and attach. The concept of human rights in Islam itself is basically found in fiqh studies on human rights. According to fiqh, humans since birth have had a status called Muhtaram, which means that their existence is respected as creatures of Allah and for that it is forbidden for every creature to persecute or even kill humans. So that humans have a dignified human status, where humans have a high degree from other creatures of Allah SWT. Therefore, Islamic human rights aim to protect various kinds of human honor and dignity through a concept called dharuyaiyah al-khams which states firmly that human rights protection will only be achieved if there is protection of the soul, protection of belief or religion, protection of reason and mind, protection of property or property rights, and protection of descendants.³⁰

4. Conclusion

The investigation process in handling domestic violence cases at the Cirebon Police starts from receiving a report then conducting an Investigation and Investigation. Law No. 23 of 2004 explicitly stipulates that the victim has the right to directly report domestic violence to the local police, either at the location or at the scene of the incident. The process of carrying out investigations and inquiries in domestic violence cases is carried out according to the provisions of the applicable criminal procedure law. In the investigation and inquiry stage of domestic violence, investigators take the following actions: a. Making a Visum et repertum; b. Signing the Scene of the Crime; c. Securing the perpetrator; d. Conducting Examination and Witnesses; e. Police Efforts to reconcile;

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³⁰Ahmad Zaenal Fanani, Theory of Justice in the Perspective of Legal Philosophy and Islam, Islamic University of Indonesia, Yogyakarta, 2010, p. 5.

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