

# Law Enforcement in The Framework of Legal Protection Against Victims of Domestic Violence (KDRT)

Titik Sugianti<sup>1</sup>, Mona Minarosa<sup>2</sup>  
{titiksugianti34@gmail.com}

Universitas Borobudur, Jakarta, Indonesia<sup>12</sup>

**Abstract.** A domestic life, the old paradigm is related to domestic violence, for example, that which is done by a husband against his wife, children, or the other way around, his wife against his children and husband, so far is considered a personal matter. As a result, if a husband hits his wife, it is considered domestic abuse and children, it is not reported to the police or is not resolved through legal channels. Domestic violence against women is a serious problem very real issue, but it is very difficult for those who are gender blind or have a male-biased way of thinking to understand. This phenomenon is described as an iceberg phenomenon that is only visible at the top, but at the bottom, which is wider and more numerous, invisible and unrevealed. The problem is; What is the law enforcement policy in preventing domestic violence based on Domestic Violence Reduction Law No. 23 is a law prohibiting domestic violence. adopted in 2004? A normative legal research method was used to solve the problem approach. Based on legal and sociological facts, resolving cases of non-criminal violence in the household is not as easy as expected, let alone following the expectations of lawmakers. Obstacles and discrepancies were found which resulted in not being able to achieve the desired goals. Although not necessarily non-criminal cases of domestic violence, legal action and remedies are carried out, but at least in circumstances that are considered outrageous by the victim, then these cases are brought to justice through the judiciary. To prevent domestic violence, it is necessary to socialize that such Acts of violence can be classified into the following categories persecution, and can be subject to punishment. In its status as a criminal act, it is also necessary to socialize that there is no lawful act of persecution even though it occurs in the household area. Observing the existing legal provisions, the legal The Criminal Code can be used as the basis for law enforcement within the scope The Rule of Law Domestic abuse is addressed through the Victims of Domestic Violence Act, No. 23 of 2004, which aims to eliminate domestic violence victims, was enacted in 2004 to give victims of domestic violence a voice and legal protection.

**Keywords:** Domestic Violence Victims Have Legal Protection

## 1 Introduction

Since Domestic violence victims have been protected since the adoption of the Domestic Violence Elimination Act of 2004 (Law No. 23). Within the boundaries of the law, violence has been protected. of law enforcement (PKDRT), until now tends to be less effective. The substantial legal construction of the law is part of Having The Rule of Law Domestic abuse is

addressed through the Victims of Domestic Violence Act, No. 23 of 2004, which aims to eliminate domestic violence focus on women's rights focus on the rule of law focus on focus on women's rights focus on women's rights. fair criminal justice system both for suspects & victims, and also fair and equitable law enforcement to fulfill the protection of human rights.

Domestic Violence cases have recently continued to increase, However, the result falls far short of the government's expectations, which have long anticipated court decisions that'd act as just a justification of justice and provide legal certainty to all those seeking justice. [1]

The origin of Law The Presidential Proclamation The United Nations Convention The ratification of the International No. 23 on Protocol Convention on the Elimination of Domestic Violence, Convention on the Elimination of Domestic Violence, Convention on the Elimination Convention (PKDRT), is a watershed moment in Indonesian history, highlighting the The commitment of the Republic of Indonesia to the international treaty to abolish domestic violence in all of its various forms The Convention on the Elimination of All Types of Discrimination Against Women (CEDAW) is an international convention aimed at eliminating all forms of discrimination against women. prohibits discrimination in all areas.

The dictum of Law No. 23 of 2004 stated the Commitment of the Indonesian Government in relation to the elimination of domestic violence (PKDRT), according to which: [2]

- a. Every citizen has the right to live in a peaceful, violence-free environment, according to Pancasila's philosophy and the Republic of Indonesia's 1945 Constitution.
- b. The state and society must protect domestic violence victims, the majority of whom are women, in order to prevent cruelty, threats of violence, and torture, and to be free of them, and other forms of treatment that degrade humanity's degree and dignity.
- c. Even though domestic violence is common in Indonesia, victims of domestic violence would not be safeguarded by the legal system.

The Law No. 8 of the Criminal Procedure Code (KUHAP) 1998, is used in Indonesia to prove criminal acts from the investigation process to the judiciary. 1981, to provide victims the rights & protection, & Law No. 23 of 2004 changes the stage of examination in court. The PKDRT law's adoption is projected to establish a solid legal foundation for victim protection in the future, including the ability to give information to obtain the truth without fear of being threatened or mistreated, as well as the possibility of legal requests for victims to report. [3]

The passage of These two laws is projected to establish a firm legal foundation for victims' protection in the future by requiring victims to submit information about what happened to learn the truth without fear of being threatened or mistreated, as well as the possibility of legal pressure on victims to report.

This study should look into the lack of attention given to victims of all types of violence, including illegal acts of domestic abuse. In light of What is the policy of law enforcement in enforcing the topic of this study on domestic violence prevention is Law Number 23 of 2004 on the Elimination of Domestic Violence? The A normative legal research method was employed to answer the problem approach.

## **2 Discussion**

Legal protection was the act of just using To achieve legal goals such as justice, expediency, and legal certainty, legal functions are used. Legal protection, whether preventive (prevention) or repressive (suppression), is a type of Legal issues are provided protection that respect the rule of law (coerced), written or unwritten to guarantee sure legal regulations are obeyed.

According to Article 1 point 1 of Government Regulation Number 2 of 2002 concerning Procedures for the Protection of Victims and Witnesses in Serious Human Rights Violations, protection is a type of service that must be provided by law enforcement officers or security forces to provide a sense of security, both physically and mentally, to victims and witnesses from threats, disturbances, terror, and violence from any party. [4]

Satjipto Rahardjo describes " Protecting human rights (HAM) that have been violated by others, as well as giving such protection to the community so that they can participate fully in society participate fully in society make full use of their rights of their legal rights. " is what legal protection involves. [5]

All are listed as elements in legal protection.

- a. the existence, nature, or the intention to protect;
- b. legal subjects; and
- c. the subject of legal protection ;

All legal protection falls into two categories:

- a. There are 2 kinds of protection:
- b. preventative and repressive. [6]

The preventive legal protection that's what it's called when it comes to legal protection. Individuals may file pranks (objections) to government actions before they become official. As a consequence, since it aims to prevent disputes, this legal safety is needed for government activities based on freedom of deeds. As a consequence, The existence of preventive safeguards urges the government to tread cautiously People can submit objections or express their dissatisfaction with decisions made on the basis of free choice vote on the decision plan. In the event of a dispute, repressive safeguards are used to settle the issue. In general, legal protection of the weak is related to the defense of the poor's or victims' rights, and the provision of community services.

A national and international concern is the necessity for proper Victims of crime have legal protection. that should be addressed. The importance of ensuring the safety of crime victims has increased been identified, as demonstrated by the United Nations' adoptive parents of a Declaration of Basic Principles of The United Nations' In September 1985, In Milan, Italy, the United Nations held its seventh Congress on the Prevention of Crime and the Treatment of Offenders, which resulted in Justice for Crime Victims and Power Abuse. [7]

Legal actions and legal remedies can be taken during in The Criminal Procedure Code In circumstances of criminal acts of domestic abuse, the Korean Human Rights Act (KUHAP) and the Domestic Violence Elimination Act of 2004 (Law No. 23 of 2004). Abuse apply are used to conduct an investigation, indictments, and court proceedings.

Domestic Violence Prevention Act of 2004 (Law No. 23 of 2004) has been enacted in response to Indonesian penal law some advantages, including:

- a. Domestic violence cases from private jurisdictions have been encouraged to enter public jurisdictions Domestic Violence Elimination Act of 2004 (Law No. 23 of 2004).
- b. The Law Concerning the Elimination of Domestic Abuse (Law No. 23 of 2004) is a watershed moment in criminal law, creating the concept of "one witness, not a witness" and the rights of domestic violence victims. witnesses, as well as a doctor's post-mortem, have satisfied the requirements to prove the existence of violence.
- c. The law has expanded the scope of a household to also include husband, wife, children, and other people of the household.
- d. This law expands the definition of violence in the Criminal Code to include Domestic abuse, including physical, psychological, and sexual assault, as well as neglect, all are forms of domestic violence.

Actions and legal remedies for Domestic violence cases which are tried within criminal law, as defined by Domestic violence cases are known to be handled by an integrated criminal justice system under Domestic Violence Elimination Act of 2004 (Law No. 23) The term "integrated" comes to mind relates to the fact that the trial of domestic violence persons of interest considers not only the rights of victims but also how to recover them.

As a result, Domestic violence's objectives were set out Article 1 of the Law No. 23 of 2004 Concerning the Elimination of Domestic Violence 4 elimination are;

- a. Ban all and any forms of domestic violence.
- b. Supporting domestic violence victims
- c. Take action against domestic violence perpetrators.
- d. Maintaining the stability of an affluent and healthy society household.

Responsively, Domestic violence victims have the right under Article 26 of Domestic violence is reported to the local police on the spot and at the scene of the offense under Law No. 23 of 2004 Concerning the Elimination of Domestic Violence. Furthermore, if the victim is a kid, the parent, guardian, or child involved must be notified can file a report, that must be filed following the applicable legal provisions, as stated in Article 27.

In In The Criminal Method Code and Law No. 23 of 2004 differ significantly in terms of legal action linked to the investigation procedure for the Elimination of Domestic Violence. The Criminal Procedure Code is concerned with the immediate prosecution of criminals, whereas Law No. 23 on the Elimination of Violence is concerned with the prevention of violence, which was passed in 2004, deals with the protection of victims of violence. As a domestic violence victim, to be awarded legal protection violence victim abuse, the victim's service is conducted in the house given priority.

The rights of victims Law No. 23 of 2004 Concerning the Elimination of Domestic Violence, Articles 16 to 38 regulate the following:

- a. The police shall give temporary protection to a victim of domestic abuse within 24 hours of hearing or receiving a complaint of domestic violence the victim.
- b. This security is given for a period of seven days.
- c. Health-care workers, social workers, companion volunteers, and spiritual leaders can work together with the National Police advisors, and others or shelters, if any, to provide protection.
- d. Within 1x24 hours, the Court's decision on victim protection by the Indonesian National Police must be issued.
- e. A spiritual companion, a spiritual partner, a mentor, a victim's family, a victim's acquaintances, the police, or a spiritual companion can all submit applications for protection.

The implementation of Following the passing In response to The government enacted In response to The government released Government Regulation No. 4 of 2006 on the Implementation and Cooperation of Law No. 23 of 2004 on the Elimination of Domestic Violence Domestic Violence Victim Recovery. As stated in Article 39 of Law No. 23 of 2004 Concerning the Elimination of Domestic Violence gives victims the right to seek redress further specified in the implementation rules, notably Government Regulation No. 4 of 2006, which states:

- a. Victim recovery relates to Domestic violence victims are growing more physically and psychologically empowered as a result of all attempts to assist them.
- b. All measures that include providing resources and aid to domestic abuse victims are included in the implementation of recovery.

- c. Assistance includes all actions such as Counseling, psychological therapy, advocacy, and spiritual direction are all tools that can help victims of domestic violence strengthen their egos and solve difficulties.
- d. The partnership is a systematic and integrated strategy to provide services to
- e. Health doctors, social workers, companion volunteers, and spiritual leaders are not recovery organizers advisers.

Furthermore, in terms of the law enforcement process, the counterpart can cooperate In the context of eliminating acts of Working in an integrated criminal justice system to combat domestic violence with law enforcement is essential:

Based on article 18, Concerning the Recovery's Implementation and Cooperation Domestic Government Regulation No. 4 of 2006 governs victims of violence legal actions taken by various work units:

- a. Police, who can Domestic violence perpetrators should be reported and punished offenses.
- b. An attorney that helps victims in the trial system.
- c. Other law enforcement to assist victims in court.
- d. Women's National Commission on Violence (Komnas Perempuan).
- e. Commission again for Protection of Children in Indonesia (KPAI).

Based on this study, It is completed totally. Starting with the types of legal protection outlined in Law No. 23 of 2004 Concerning the Elimination of Domestic Violence and its implementing regulations, namely Government Regulation No. 4 of 2006 Concerning the Implementation and Cooperation in the Recovery of Victims of D.V. and its implementing regulations, namely Gove No. 4 in.

Victim protection is based on the principle of human rights, as well as The The maximal benefit is the focus of utility theory for both the victim as well as for the law enforcement system overall. It seems that law, as a tool for community renewal, is still relevant to human civilization's development and spiritual progress. on and Collaboration in the Recovery of Domestic Violence Victims Changes in society are seen as an outward and spiritual development of human civilization, and they are used as a benchmark in acting and socialization with other groups.

### **3 Conclusion**

Legal protection and law enforcement for in a preventive and repressive approach, those who have been the victims of criminal acts of domestic abuse The recovery of victims was a high priority for the government of the Republic of Indonesia's Unitary State, as well as the community in essence, Government Regulation No. 4 of 2006 on Victim Recovery Implementation and Law No. 23 of 2004 on Domestic Violence Elimination ensure victim-witnesses' bodily and psychological protection help. criminal law enforcement. by providing information before the court without being attacked or under duress. It is important to provide legal protection to witnesses who are domestic abuse victims recommended that the government and the community not stop at political will, but continue to improve the government program plan in the Investing in Indonesia's future by establishing a sufficient At the national, provincial, and district/city levels, there is a gender budget.

### **References**

- [1] Aris Burhanuddin, Tindak Pidana Diluar KUHP, Jakarta; Pamator Press, 2021
- [2] Undang-undang No. 23 Tahun 2004 tentang Penghapusan Tindak Kekerasan Dalam Rumah Tangga

- [3] Amran Muladi, *Perlindungan Saksi dan Korban Dalam Kekerasan Rumah Tangga*, Yogyakarta; Jakalpress, 2018
- [4] Peraturan Pemerintah Nomor 2 Tahun 2002 tentang Tata Cara Perlindungan terhadap Korban dan Saksi dalam Pelanggaran Hak Asasi Manusia yang Berat
- [5] Satjipto Rahadjo, *Ilmu Hukum*, Bandung; Citra Aditya Bakti, 2008
- [6] Phillipus M. Hadjon, *Perlindungan Hukum bagi Rakyat Indonesia*, Surabaya: Bina Ilmu, 2007
- [7] Darmawan Sartono, *HAM & Perlindungan Hukum*, Jakarta; Media Penapress, 2017
- [8] Peraturan Pemerintah No 4 Tahun 2006 tentang Penyelenggaraan dan Kerjasama Pemulihan Korban kekerasan Dalam Rumah Tangga.