

Legal Protection Assistance By Advocates Against Criminal Acts of Domestic Violence

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Abstract. The amount of occurrences of harmful conduct at home in Indonesia continues to grow considering data from the Reinforcing Association for the Affirmation of Women, Children and Family Planning (BP3AKB) of Central Java Province which consists of 35 districts. Several Domestic Violence happened in 2012 there were 1,234 cases, in 2013 there were 1,311 cases, and reached 1,436 cases in 2014. The data shows that there is an increase in cases of domestic violence every year. The review utilizes a regularizing juridical methodology. It is beneficial for approaching the problem under study using the basis of the laws in force in Indonesia. In view of Article 16 passage 1 of Indonesian Regulation No. 23 of 2004 which peruses that inside 1 x 24 (one time of 24) hours to be aware or get reports of abusive behavior at home, the police should quickly give transitory assurance to the people in question. Advocates in helping clients should put forth however much attempt as could reasonably be expected and figure cautiously both in endeavors to accommodate and in instances of common cases and criminal cases. In a common case, a backer who is believed by a client has the privilege to initially summon or intercede ahead of time against a rival who will be sued in court.

Keywords: Abusive behavior at home, Supporters, Legitimate Insurance

1. Background

Along with the development of the times, the problems faced are increasingly complex, one of which is women's problems or issues related to women which were previously considered insignificant and considered marginal or marginalized issue to become increasingly complex, one of which is the increasing criminal demonstrations of viciousness against ladies.[1] Viciousness against ladies can happen in the family climate. The family is the main social climate known to people. In the family, people figure out how to begin cooperating with others. thusly, for the most part, individuals invest a ton of energy in the family climate. Despite the fact that the family is an ideal social establishment for fostering the likely that exists in every person, truly, the family frequently turns into a spot for the rise of different instances of inconsistencies or other criminal operations that cause hopelessness or experiencing executed by relatives against other relatives.[2]

The amount of occurrences of harmful conduct at home in Indonesia continues to extend considering data from the Reinforcing Association for the Security of Women, Children and Family Planning (BP3AKB) of Central Java Province which consists of 35 districts, that in Central Java the number of Domestic Violence in 2012 was 1,234 cases, in 2013 there were

1,311 cases and in 2014 it reached 1,436 cases. The data shows that there is an increase in cases of domestic violence every year.

This is by Article 1 in regulation No. 23 of 2004 concerning Aggressive behavior at home. What is meant by domestic violence is:

"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 unlawful deprivation of liberty within the household sphere"[3]

The extension in the amount of occasions of harmful way of behaving at home is associated with the rising level of authentic care locally so the companions of setbacks who experience forceful way of behaving at home, who as of late wouldn't verge on specifying it, presently try to report demonstrations of savagery they have encountered. In the past, victims of domestic violence did not dare to report it, because they thought that the problem was That's what a family issue should be resolved by the family that no one else needed to know about. In any case, after the foundation of Guideline no. 23 of 2004 concerning the Removal of Forceful way of behaving at home, the show of forceful way of behaving at home isn't just a spouse and wife's affair but has become a public matter. Families and communities can participate in preventing and monitoring violence against wives and children in the household. Losses from harmful way of behaving at home are not in every case mates and adolescents, husbands, housemaids, and other people in the household, but most often they fall on wives and children. So almost all family members in one's household become victims of domestic violence.

The case that is currently hot is domestic violence experienced by one of the artists Venna Melinda. Venna Melinda is known to have experienced domestic violence committed by her husband, Verry Irawan. The revelation of this case to the public made many people participate in monitoring it and hoped that the law would be as fair as possible for the perpetrators.

Security of key opportunities (HAM) is one of the major backbones of a reputation based country, paying little regard to the rule of law which is reflected in the standards of harmony and legitimacy. As a democratic nation considering guideline (rechtstaat), it is only fitting for Indonesia to control the security of fundamental opportunities in its constitution. Security of fundamental freedoms is given to everyone, including individuals who are thought as well as have been exhibited to have done a bad behavior. To a related person with having completed a bad behavior (as a suspect or prosecutor) thought ought to be given to his honors personally, considering the way that with his status as a suspect or faulted for doing a bad behavior, he will be subject to explicit exercises that decrease these fundamental opportunities.[4]

The journey of the Indonesian country through the improvement of a public criminal procedural rule in doing fighting for the potential outcomes of suspects or respondents to be more shrewd achieved results on December 31, 1981 the public power spread out Rule no. 8 of 1981, known as the Criminal Framework Code (KUHAP).[5] In the Criminal Procedure Code there are rules concerning the confirmation of essential freedoms (HAM) which are very immense, and there are also leads with respect to the opportunities of suspects or respondents who are moved by procured while going through the nonstop course of checking cases out.

Legal services are provided to the community by law enforcement officials to respect and provide humane legal protection regarding rights justified by law for all Indonesian people without differentiating between rich and poor. Enter or paste the content and hit Rewrite to edit it.. In this way, authentic assistance is expected from legitimate guides or allies to offer kinds of help as real conversation and help.

The spot of an advertiser is comparable to that of guideline specialists like adjudicators, inspectors, and the police. In this manner advocates moreover expect a critical part in keeping

up with and defending the law for the neighborhood. The role that should be from certain circles such as the advocate has been formulated in the Law, as well as the ideal role related to the role of the Advocate Law No.18 of 2003, this gives a comprehension of the backer, to be explicit a person whose calling is offering real sorts of help inside and outside the fundamental that meets the essentials considering the courses of action of the law.

Legitimate affirmation for the neighborhood, suspects or prosecutors as authentic assistance with the kind of watchman from advocates in helping with attracting for and understand the possibilities of suspects or respondents in the legitimate cycle they face. Articles 54 and 56 of the Criminal Framework Code state:

Article 54 of the Criminal Method Code

"In the interest of defense, a suspect or defendant has the right to receive legal assistance from one or more legal advisers during the time and at every level of examination, according to the procedure determined by law."

Article 56 of the Criminal System Code:

"In cases where a suspect or defendant is suspected of or charged with committing a crime that is punishable by death or imprisonment for fifteen years or more or for those who are unable to afford it who is punished with a sentence of five years or more who does not have his legal adviser, the official concerned shall all levels of examination in the judicial process are obliged to appoint legal advisers for them."

Regarding who can assist a suspect or defendant in facing the criminal justice process so that the protection of their legal rights can be guaranteed, Article 1 of Law No. 18 of 2003 concerning Advocates contains several provisions, including:[6]

Item 1 :

"An advocate is both inside and outside the court who meets the requirements based on the provisions of this law"

Point 2:

"Legal services are services provided by Advocates in the form of providing legal consultations, legal assistance, exercising power, representing, accompanying, defending, and carrying out other legal actions for the client's legal interests"

2. Method

This study uses a normalizing juridical strategy. This approach is helpful for drawing closer the problem under study by using the basis of applicable laws in Indonesia, namely one regarding advocates based on Law Number 18 of 2003 and also the Criminal Procedure Code and an approach that is carried out directly to the field to see how the implementation of existing rules or laws.

The data sources used include:

- a. Primary Information Source
Data got or accumulated by experts clearly from the data source. Essential information is otherwise called unique information or new information that is modern. To get essential information, analysts should gather it straightforwardly. Techniques that researchers can use to assemble fundamental data integrate discernment, gatherings, and focus gathering discussions (FGD).
- b. Secondary Information Source Comprises of:

- 1) Primary Authentic Materials, as important regulations,
- 2) Secondary Legal Materials, as significant composing books, Court Decisions, articles, journals, etc.
- 3) Tertiary Authentic Resources, which include books and word references that are reliable.

3. Result and Discussion

3.1. Forms of Legal Protection for Victims of Domestic Violence

In essence, the protection of victims as a legal promise by the criminal justice system seeks to realize the primary function of law as expressed by I.S. Susanto in three ways:

- a. Protection, the law capabilities to safeguard the local area from dangers of damage and destructive activities from others and local gatherings, including those completed by people with great influence (the public authority and the state) and the individuals who come from outside, which are focused on the physical, mental, wellbeing, values, and common liberties.
- b. Justice, the law guards, and protects from justice for all people. Negatively it can be said that the law is unfair, that is, if the law in question is seen as violating the values and rights that are believed to be maintained and protected for everyone.
- c. Development, Regulation is utilized as a decent vehicle in deciding the heading, objectives, and execution of improvement reasonably. That is, the law is all the while utilized as an improvement instrument yet additionally as a control instrument so advancement is done decently.[7]

Domestic violence (KDRT), which was once considered a myth and a private matter, is currently a reality and reality in family life. With the request for Guideline no. 23 of 2004 concerning the Removal of Forceful way of behaving at home. The majority of the casualties of Abusive behavior at home are ladies and the culprits are spouses, in spite of the fact that there are additionally casualties running against the norm, or individuals who are subjected in the family.[8] Culprits or survivors of Aggressive behavior at home are individuals who have blood relations, marriage, breastfeeding, nurturing, guardianship with spouses, and youngsters, and even family help, residing in this house. Ironically, domestic violence cases are often covered up by victims because they are linked to cultural, religious, and legal structures that are not yet understood. While insurance by the state and society intends to give a feeling that all is well with the world to casualties and make a move against culprits.[9]

Forms of protection Victims of domestic violence or even the protection agencies themselves do not necessarily understand how protection is obtained and how it is provided. For victims who have a higher social status or institutions and institutions whose duties and functions are as law enforcers, of course, the issue of obtaining and/or protection is not a problem. But for institutions and agencies other than that, it is necessary to obtain sufficient knowledge and skills as well as accreditation as institutions and institutions that protect victims of Domestic Violence.

- a. Protection by the police is as transitory insurance which is given for a limit of 7 (seven) days, and inside 1 x 24 hours subsequent to giving security, the police are expected to demand a letter of assurance of an assurance request from the court.
- b. Protection by advocates is given as legitimate meetings, directing intervention and talks between parties including the casualty's family and the culprit's family

(intervention), and going with casualties at the degrees of examination, arraignment, and assessment in court procedures (suit), organizing with individual regulation implementers, friend volunteers, and social specialists (participation and organizations).

- c. Protection by court request is given as a security request which is given for 1 (one) year and can be broadened. The court can make confinement with a detainment request against the culprit of aggressive behavior at home for 30 (thirty) days in the event that the culprit disregards the assertion he marked in regards to the capacity to conform to the court's request for security. The court can likewise give extra assurance from thought of the mischief that might emerge to the person in question.
- d. Health laborer administrations are vital, particularly in endeavors to endorse culprits of abusive behavior at home. Wellbeing laborers as per their calling are obliged to give composed provides details regarding the consequences of clinical assessments and make a visum et repertum in line with police specialists or cause other clinical declarations that to have the power of regulation as proof.
- e. Social laborer administrations are given through directing to reinforce and give a feeling of safety to casualties, give data about casualties' freedoms to get insurance and work with coordination with related foundations and associations.
- f. Volunteer sidekick administrations are given to casualties in regards to the freedoms of casualties to get at least one worker partners, go with casualties to impartially depict demonstrations of abusive behavior at home they have encountered at the degree of examination, arraignment, and court assessment, pay attention to and give mental and actual support to casualties.
- g. Services by profound aides are given to give clarifications in regards to freedoms, and commitments and to reinforce the confidence and devotion of casualties.[10]

From the explanation above, we can see that every violence, especially domestic violence, must have an impact on the victim, other people, or the perpetrator. Domestic violence can have a positive impact, it can also have a negative impact. Even though domestic violence is included in crime, there are also positive impacts that arise. Victims of domestic violence can control their awareness to open their eyes more to the forms of violence they experience. In executing or carrying out the idea of helpful equity, police examiners frequently experience questions in deciding. in the examination cycle, particularly if the culprit/their family and the person in question/their family as well as the local area need harmony in settling the case or case.

This is because of the shortfall of rules or legitimate umbrellas or formal techniques/systems to oblige this so this present circumstance turns into a difficulty for Polri specialists in the field in light of elements of concern or dread that specialists will be accused by pioneers or bosses and accused on management and assessment by establishments. police inner bosses and analysts who utilize formal procedural boundaries, there is no legitimate umbrella that controls and fills in as a reason for authenticity in pursuing choices in the examination cycle whether in view of the idea of Helpful Equity or different ideas of approach that are by the progression of Humanistic Law, there is no formal procedural methodology or component to execute it. The Coordinated Law enforcement Framework that is Orientation Fair in Taking care of Instances of Brutality Against Ladies is a coordinated framework that shows the course of linkages between organizations/specialists managing instances of savagery against ladies and admittance to administrations that are simple and reasonable for casualties in each

legal course of instances of viciousness against ladies and requests regulation masters who have a dream of orientation balance and not orientation predisposition.[11]

Instances of Aggressive behavior at home are now and then challenging to process. Normally encountering hardships regarding evidence (witnesses are typically not accessible), the case is removed by the casualty himself (due to cherish/in light of a vocation matter) at the Police Organization, and there is an absence of readiness in taking care of instances of Aggressive behavior at home with the Exceptional Help Room (RPK). Preferably, instances of aggressive behavior at home are dealt with by female police, yet as of now, the quantity of police officers is still exceptionally restricted. From this clarification, assuming brutality happens inside the extent of the family, the casualties are ladies and youngsters. It is undeniably challenging to gauge exactly the degree of viciousness against ladies, since this implies entering the delicate aspect of ladies' lives, which ladies are hesitant to discuss.

3.2. The Role of Advocates in Providing Legal Assistance

In offering legitimate warning types of assistance to clients, the lawful counsel prior to acting should acquire data from the planned client who will give materials that will be questioned in the debate. The client is obliged to give clear data with respect to himself, however if not, the client will get lawful assurance from the backer taking care of the case assuming it has been submitted. The information that will be given to the legitimate consultant who will shield should be finished and can't be made up, should be changed with specific information.

Advocates in helping clients should put forth however much attempt as could be expected and figure cautiously both in endeavors to accommodate and in instances of common cases and criminal cases. In a common case, a backer who is believed by a client has the option to initially summon or intervene ahead of time against a rival who will be sued in court. In the event that the rival doesn't regard the summon and the intervention that the promoter is endowed with, then, at that point, the supporter depended with the trust will document a claim with the skillful court. In the mean time, overall lawbreaker cases intervention can't be done besides in specific cases like abusive behavior at home.

In giving a client's confidence in the selected backer, the two of them should have a relationship of giving confidence in the normal work. The connection between a backer and a client has commitments, in particular:

- a. Prioritizing client intrigues over private interests.
- b. In common cases settlement by serene means is focused on over suit in court.
- c. It isn't legitimate to give data that can delude the client with respect to the case.
- d. Advocates are not legitimized in ensuring to clients that the case will win.
- e. A client is totally allowed to share interests with different promoters.
- f. Advocates save the decision to hold case records being overseen until the part of honorarium for these open doors is finished, this isn't reasonable on the off chance that the client's advantages will be hurt and can't be fixed.
- g. Any data that has recently been gotten by the backer should be passed on to the client.
- h. Honorarium is drawn inside sensible lines by thinking about the client's financial circumstance, and how much work that should be finished in the significance of the case.
- i. It isn't legitimate to bring about costs that are not considered significant by the client.
- j. Advocates are obliged to manage cases for no good reason with comparative thought in cases.
- k. Supporters should maintain the privacy of the position given by the client [12]

Advocates for clients will encourage a feeling of common confidence in doing or completing the concurred relationship and will end in shared endlessly trust between the two gatherings in laying out the current relationship.

As far as quality and evaluation, the development of a decent and amicable helpful connection between the two gatherings, explicitly the advertiser and the client, will achieve benefits for the client ultimately. all the more significantly the client in giving information to advocates who are trusted high priority genuineness and lucidity and not control in unveiling any proof that is pertinent to the situation to be confronted.

Relationship in cases both inside and outside the court, both with the client himself and with the limiting party an excess of the same way similarly with other policing, so a promoter should know the commitments and ways of acting in self-security, avoid wild feelings by sticking to Adhere to the supporter's governing set of principles. Activities that create feeling ought to be stayed away from.

Notwithstanding the connection between the backer and the client, there is likewise a promoter in procedures. The job of legitimate guide faculty is to offer types of assistance to individuals from the public who need them, give data to increment lawful mindfulness and for legitimate change.[13] Aside from the job, there additionally is called a Backer whose capability is to safeguard the interests of the local area and its clients. Advocates are required when one individual or more citizenry deal with an issue or issue in the field of regulation.[14]

Setbacks from forceful way of behaving at home hold the honor to affirmation. Protection is all tries highlighted giving a conviction that everything does right by losses finished by family, advocates, social establishments, police, inspectors, courts, or various get-togethers, either momentarily or considering a court demand.

Confirmation for overcomers of harmful way of behaving at home is determined in Area IV on "Losses' Opportunities", Part VI on "Security" and Part VII on "Setback Recovery". The opportunities, confirmation, and recovery of setbacks, in the Law on Oppressive way of behaving at home, are expected for all overcomers of Forceful way of behaving at home.

Losses hold the choice to get prosperity organizations for clinical necessities, remarkable dealing with associated with setback mystery, help by well disposed workers and authentic assistance at each level of the evaluation communication by legitimate plans, and extraordinary bearing organizations.

The job of cops in safeguarding ladies' privileges begins with the cops who get grievances about demonstrations of viciousness, to safeguard casualties who report the savagery they have encountered. In a few regions, Unique Help Rooms have been given, to safeguard the sensations of casualties and diminish the casualty's trepidation while detailing. Ladies who are survivors of viciousness frequently experience sensations of dread and disgrace while detailing this. This is because of the ominous or natural gathering of specific cops, making the casualty feel bugged once more. With the Unique Help Room, survivors of brutality will feel improved on the grounds that the cop serving is a female cop (Polwan) making it more straightforward for casualties or correspondents to retell the occasions they encountered. After the revealing system, the police present a defense record which will then be designated to the investigator's office. Then, at that point, the analyst will set charges and assumptions which will finally be picked by the adjudicator in the Court.

Sorts of genuine security for buddies (as related with the level of the family) who get introductions of wantonness in the Law on the Launch of Strong method for managing acting at home (UU No. 23 of 2004) include: Article 10, Article 11 to Article 15, partner with the responsibilities of people in general power and society in endeavors to baffle earnestness in the

family, Articles 16 to 38; kinds of safety for overcomers of oppressive conduct at home given by the police, prosperity workers, social subject matter experts, pal volunteers, supernatural helpers, partners and courts, Article 39 to Article 43; the setback's overall right to get fix, Article 44 to Article 49; is a hooligan plan that obliges the risk of discipline for the guilty parties of brutality.[15]

4. Conclusion

The development in the amount of occasions of forceful way of behaving at home is associated with the rising level of genuine care locally so the mates of losses who experience forceful way of behaving at home, who previously did not dare to report it, now dare to report acts of violence they have experienced. Families and communities can participate in preventing and monitoring violence against wives and children in the household. Casualties of aggressive behavior at home are not always wives and children, husbands, housemaids, and other people in the household, but most often they fall on wives and children. So almost all family members in one's household become victims of domestic violence.

Authentic security for women isn't simply through guidelines that direct the protection of women, however likewise authentic security is given to women through legitimate assistance, advocates, and non-administrative relationship as well as open and cheerful insistence from the police when grumblings are given and the blueprint of significant worth whose open doors are not regarded. The occupation of advertisers in finishing drives for managing women setbacks encourages the public circumstance to be dynamic in offering assistance for the methodology of relationship for women hardships.

In offering legal advance notice kinds of help to clients, the real direction preceding acting ought to get data from the looming client who will give materials that will be tended to in the conversation. The client is obliged to give clear data with respect to himself, yet any other way, the client will get legitimate security from the promoter taking care of the case assuming it has been submitted. The information that will be given to the lawful counsel who will safeguard should be finished and can't be made up, should be changed with specific information.

Advocates in helping clients should put forth however much attempt as could reasonably be expected and figure cautiously both in endeavors to accommodate and in instances of common cases and criminal cases. In a common case, a backer who is believed by a client has the privilege to initially summon or intervene ahead of time against a rival who will be sued in court. On the off chance that the rival doesn't notice the summon and the intervention that the promoter is endowed with, then the backer depended with the trust will document a claim with the equipped court. In the mean time, overall lawbreaker cases intervention can't be done besides in specific cases like abusive behavior at home.

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