

Role Victimology To Victim Violence In House Ladder in Women

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Victims of criminal acts of domestic violence must receive legal protection so that their rights can be fulfilled and provide assistance to give victims a sense of security. The problem in this research is the legal arrangement for victims of domestic violence. This research is law enforcement theory and justice theory. This study uses normative research methods. The results and discussion of this study regarding legal arrangements for victims of domestic violence. Based on the principle or theory of law enforcement and the theory of unfair justice, the judge's considerations are to pay attention to the absence of justification and pardon and to impose a prison sentence of 4 years.

INTRODUCTION

Law enforcement practices are often colored by things that are contrary to these principles. For example the persecution of suspects to pursue confessions, intimidation, fabrication of cases, extortion, extortion and so on. Then on the part of the victims they also feel that their rights have been neglected, including weak indictments, light charges, not knowing the progress of case handling, not receiving compensation and not fulfilling other rights. Victimology, from the words victim (victim) and logic (science), Latin *victima* (victim) and *logos* (science). In simple terms, victimology means the science of victims (crimes). According to the Crime Dictionary, which was quoted by an Abussalam expert, victims are "people who have suffered physical or mental suffering, loss of objects or resulting in death for acts or attempts of minor violations committed by perpetrators of criminal acts and others". Here it is clear that what is meant by "people who experience physical suffering and so on" are victims of violations or criminal acts. Criminal acts are a translation of the *strafbaar feit* or *delik* approach in the English Criminal Act, there are several sections regarding criminal acts and several opinions from criminal law experts;

1. According to Simons, declaring a crime is an act or deed that is punishable by criminal law, contrary to criminal law and committed by mistake by someone who is capable of being responsible.
2. According to E. Utrecht, a crime is defined as a criminal event which is often also called a crime, because the event is an act or something that was neglected and its consequences (states caused by the act of negligence).
3. According to Moeljatno, a criminal act is an act that is prohibited and punishable by crime, against anyone who violates the prohibition.

These actions must also be felt by the community as an obstacle to the social order aspired to by society. The purpose of criminal law according to Sudarto, criminal law aims to repeat crimes and abort the countermeasures themselves. Understanding and embodiment of this crime is very necessary in order to achieve the welfare of society and community members in a balanced way. Meanwhile, according to Andi Hamzah, the purpose of criminal law is to fulfill a sense of justice, to protect society, protect the interests of individuals and or human rights and protect the interests of society and the State. The types of criminal acts are as follows:

- a. Crimes and violations
- b. Intentional and negligent
- c. Acts that violate the law
- d. Formal offenses (focusing on actions)
- e. Single offense (only done once in the deed)
- f. Ordinary offenses (prosecution is usually carried out without complaints)

The significance of using gender as a basis for analysis in this issue is to encourage a paradigm shift towards domestic violence with the observation that "instead of asking why men hit, there is a tendency to ask why women are silent". Gender analysis does not only ask why men commit violence, but also asks why violence against women occurs and is accepted by many societies.

LITERATURE REVIEWS

A. Conceptual Basis

1. Definition of Victimology

Discussion of the problem of victims of crime is a study of victimology. The definition of victimology comes from the Latin *viktima* which means victim and *logos* which means science. Terminologically, victimology means a study that studies victims, the causes of victims and the consequences of victimization which are a human problem as a social reality. The benefits obtained by studying science are the most important factors in the framework of the development of science itself. Thus, if a science in its development does not provide benefits, both practically and theoretically, it is useless to study and develop that knowledge.

2. Definition of Domestic Violence

So far, domestic violence is a form of action that is considered new, even though basically it is a form of violence. This can be found and related to certain forms of criminal acts, such as murder, assault, rape and theft. Initially, we can find the notion of violence in Article 89 of the Criminal Code (KUHP), which reads: "stunning or incapacitating people equates to using force"

The article does not explain how the violence was committed. Likewise, it is not explained how these forms of violence are, while the notion of "powerless" is not having any strength or energy at all, so that one cannot put up any resistance at all. However, in the articles in the Criminal Code, violence is often associated with threats. Thus it can be concluded that violence can be physical and non-physical (threats of violence). The definition of definition must be objective, in other words, it is not the subjective feelings of victims (women) that are used as a measure. Because if a subjective measure is used that is felt by the victim, then the meaning of violence becomes blurred, because each subject has a different size (which other subjects do not consider violence).

Violence against women has the characteristics that the act:

1. Can be either physical or non-physical (psychic).
2. Can be done actively or passively (not doing).
3. Wanted or interested by the perpetrator.
4. There are consequences or possible consequences for the victim (physical or psychological), which the victim does not want.

Along with the development of the problem of violence that occurs in the household and violence against women, the United Nations (UN) needs to make a definition of violence against women and children. According to Article 2 of the United Nations Declaration on the Elimination of Violence against Women, it is explained that: "Violence against women is any act based on gender differences that results in or may result in misery and suffering for women physically, sexually or psychologically, including threats of certain actions, coercion or arbitrary deprivation of liberty whether occurring in public or in private life". Violence against children is any act aimed at children which results in misery and suffering, both physical and psychological, whether occurring in public or in private life. From this description it can be seen that acts of violence are not only in the form of physical actions, but also non-physical (psychic) actions. Direct physical actions can be felt by the victim, and can be seen by anyone, while non-physical (psychic) actions that can be felt directly are only the victim, because such actions directly offend someone's conscience or feelings.

3. Forms of Domestic Violence According to Law Number 23 of 2004

Forms of acts of domestic violence according to Law Number 23 of 2004, are listed in Article 6, Article 7, Article 8 and Article 9, namely:

Article 6 :

Physical violence as referred to in Article 5 letter a is an act that results in pain, falling ill, or serious injury.

Article 7 :

Psychological violence as referred to in Article 5 letter b is an act that results in fear, loss of self-confidence, loss of ability to act, feeling of helplessness, and/or severe psychological suffering to a person.

Article 8 :

Sexual violence as referred to in Article 5 letter c includes:

- a. Coercion of sexual relations committed against people who live within the scope of the household;
- b. Forcing sexual relations with someone within the scope of the household with another person for commercial purposes and/or certain purposes.

Article 9 :

Everyone is prohibited from abandoning people within the scope of his household, even though according to the law that applies to him or because of an agreement or agreement he is obliged to provide life, care or care for that person. Neglect as referred to in paragraph (1) also applies to anyone who results in economic dependence by limiting and/or prohibiting proper work inside or outside the home so that the victim is under the control of that person.

4. Definition of Victims

According to Abussalam, ^{the 22} victims were people who both individually and collectively had suffered losses, including physical or mental, emotional, economic losses or substantial interference with fundamental rights, through acts or commissions that violated the criminal law of each country. , including abuse of power. Talking about victims of crime, at first, of course, victims of individuals or individuals. This view is not wrong, because crimes that are common in society are indeed like that. For example murder, assault, theft and so on. At this stage of development, victims of crime are not only individuals, but are widespread and complex. The perception is not only the large number of victims (people), but also corporations, institutions, government, nation and state. ²³ More broadly, the individual victims, institutions, environment, society, nation and state are described as follows:

1. Individual victims are every person as an individual suffers mental, physical, material and non-material suffering.
2. Institutional victims are every institution that suffers losses in carrying out its functions which cause prolonged losses as a result of government policies, private policies and natural disasters.
3. Environmental victims are any natural environment which contains plant, animal, human and community life as well as living and developing bodies and its sustainability is highly dependent on-the natural environment which has experienced denudation, landslides, and debris caused by wrong government policies and irresponsible human actions both individuals and communities.
4. The victims of society, nation and state are people who are treated unfairly discriminatory, overlapping the distribution of development gains as well as civil rights, political rights, economic rights, social rights, cultural rights are not getting better every year.

B. Juridical Basis

This research is related to the laws and regulations in force in Indonesia in order to solve the problems raised by the presenters in accordance with the juridical basis, including the following:

1. 1945 Constitution
2. Law Number 1 of 1946 concerning the Criminal Code
3. Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence
4. Law Number 13 of 2006 concerning Protection of Witnesses and Victims

C. Theoretical Basis

There is an assumption stating that for a study, a theory or theoretical framework has several uses, one of which is that the theory is useful for sharpening or further specializing the facts to be investigated or tested for the truth and theory is usually a theoretical framework in writing legal scientific papers. has 4 (four) characteristics, namely legal theory, legal principles, legal doctrine, and legal expert reviews based on their specific fields. These four characteristics and or just one of these characteristics can be set forth in a theoretical framework. Research is conducted to find the truth of the data or problems found. Such as, comparing the results of existing research with research that is being or will be carried out, proving or justifying the results of previous research, or finding a new study (new science) that will be used to answer existing problems. The research process is carried out in various ways according to the needs that will be required, some are conducting research with side methods, processing literature (literature study), case studies and so on. In accordance with the title proposed, namely Victimology Studies Against Domestic Violence, the reason for choosing this title is due to the rampant occurrence of domestic violence which is sometimes neglected.

1. Law Enforcement Theory

In general, law enforcement can be interpreted as an act of applying certain legal means to impose legal sanctions to ensure the arrangement of the stipulated provisions, meanwhile according to Sajipto Rahardjo, Law enforcement is a process to realize legal desires (namely the thoughts of the legislature which are formulated in legal regulations) to become reality. Conceptually, the essence and meaning of law enforcement lies in the activity of harmonizing the relationships of values that are translated into good principles that are embodied in a series of values to create, maintain and maintain social peace. He further said that the success of law enforcement may be influenced by several factors that have a neutral meaning, so that the negative or positive impact lies in the contents of these factors. These factors are closely related to each other, are the essence and benchmark for the effectiveness of law enforcement. These factors are:

1. Law (Act).
2. Law enforcement, namely the parties that form and apply the law.
3. Facilities or facilities that support law enforcement.
4. Society, namely where the law is applied.
5. Cultural factors, namely as a result of creativity and taste based on human initiative in social life.

Rational criminal law enforcement consists of 3 (three) stages, namely the formulation stage, the application stage, and the execution stage which are as follows:

1. *in aftracto* stage of enforcing criminal law by the legislature forming body. In this stage the legislators carry out activities to select values that are in accordance with the current and future circumstances and situations, then formulate them in the form of criminal legislation to achieve the best statutory results, in the sense of fulfilling the requirements of justice. and usability. This stage can also be called the legislative policy stage.

2. The application stage is the stage of enforcing criminal law (the stage of applying criminal law) by law enforcement officials starting from the police, prosecutors, to courts. In this stage, law enforcement officials enforce and implement criminal laws and regulations that have been made by the law-forming body. In carrying out this task, law enforcement officials must uphold the values of justice and efficiency. This second stage can also be called the judicial policy stage.
3. The execution stage is the stage of concrete enforcement (implementation) of criminal law by the criminal implementing apparatus. In this stage the criminal implementing apparatus is tasked with enforcing the criminal regulations that have been made by the legislators through the application of criminal provisions that have been determined by the court. The implementing apparatus in carrying out their duties must be guided by the criminal laws and regulations that have been made by the legislature and the values of justice and usability.

The three stages of criminal law enforcement are seen as a rational effort or process that is deliberately planned to achieve certain goals. The legal ideals of the nation and state of Indonesia are the main ideas contained in the preamble to the 1945 Constitution, to build an independent, united, sovereign, just and prosperous nation. The ideal of law is Pancasila.

2. Theory of Justice

Measures of fairness are often interpreted differently. Justice itself has many dimensions, in various fields, such as economics and law. Many legal cases remain unresolved because they are drawn to political issues. Legal truth and justice are manipulated in a systematic way so that the judiciary does not discover the true situation. Government policy is unable to bring the law to be the "commander in chief" in determining justice, because the law is cast by a group of people who can afford it or people who have higher power. Justice in the literature is often interpreted as an attitude and character that makes people act and hope for justice is justice, while the attitude and character that make people act and hope for injustice is injustice. In general it is said that people who are unjust are people who are not lawful (unlawful, lawless) and people who are not fair. Because the act of fulfilling or complying with the law is fair, all law-making actions by the legislature are in accordance with existing rules and are fair.

John Rawls's Theory of Justice, John Rawls said, avoiding justice is a great sin and destroys the social system. Justice is analogous to righteousness in a system of thought, for it is a well-ordered society if the society in question is designed in such a way as to bring progress to its members and also if the people concerned are governed effectively by a general conception of justice. Everyone accepts and knows that the other accepts the same principles of justice, meaning that everyone accepts and knows that other people also accept the principles of justice in society with regard to human cooperation, minimum morality, a sense of justice, rational choices, and what is called primary good (the main thing that everyone wants to get). Rawls's perspective on justice is called fairness. One of

the main tasks of justice as fairness is to determine which principle will be chosen in the position of origin. Fairness views the parties in the initial situation as rational and equally neutral. the same as what he received. Broadly speaking, the demands of justice raised by Rawls provide a great opportunity for each individual to express himself in order to create a situation full of justice. Giving respect to each individual results in the rights that belong to each individual to gain legitimacy to be respected. However, in order not to get trapped in subjectivity, the struggle to uphold justice must be rooted in moral abilities without tending only to pursue goals but respect the means of achieving these goals.

METHODOLOGY

1. Type of Research

This type of research in legal writing is normative legal research supported by field research. Normative legal research is research that examines applicable norms including laws that have relevance to the problem as the source legal material. This approach is also known as the literary approach, namely by studying books, laws and regulations and other related documents. with this thesis research.

2. Data Source

Secondary data is data that includes official documents, books, research results in the form of reports. ³⁷ This secondary data consists of primary legal materials, secondary legal materials, and tertiary legal materials, which can be as follows:

1. Primary Legal Data

Primary legal data, namely in the form of laws and regulations that apply and are binding on the issues to be studied. The regulations related to this research include:

- a. 1945 Constitution
- b. Law of the Republic of Indonesia Number 1 of 1946 concerning the Criminal Code.
- c. Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence.
- d. Law Number 13 of 2006 Concerning the Protection of Witnesses and Victims.

2. Secondary Legal Data

Secondary legal data, namely in the form of legal materials that provide an explanation of primary legal materials such as legislation, literature, journals, expert opinions, mass media, and so on relating to the problems in this research.

3. Tertiary Legal Data

Tertiary legal data, namely in the form of legal materials that provide instructions and explanations of secondary legal data such as dictionaries, encyclopedias, and *websites* as well as other legal sources that are similar or related to this research.

3. Nature of Research

The design of this thesis research is analytical descriptive research in that the data analysis is carried out not outside the scope of the problem and is based on general theories or concepts applied to explain a set of data, or shows comparisons or relationships between a set of data and another set of data. The author also uses field research. Field research here is not like empirical legal research, but legal research in this case is research that is carried out directly with parties or agencies related to the problem under study, namely legal research conducted in almost all parts of Indonesia.

C. Data Collection Techniques

The author has attempted to collect data to complete the perfection of the discussion of this thesis, where the author uses research methods in the following way:

1. Decision Research Methods (*Library Research*)

This method is carried out by reading some literature in the form of scientific books, laws and regulations as well as scientific theoretical sources related to the law of buying and selling with the release of rights and compensation for land.

2. Field Research Methods

The method of field research is by conducting direct field research. In this case direct field research from several sources that occurred throughout Indonesia. After the data analysis is complete, the results will then be presented descriptively, namely by telling and describing what is in accordance with the problems under study. From these results, conclusions were drawn which were the answers to the problems raised in the results of this study.

RESEARCH RESULTS

A. Legal Protection for Women as Victims of Violence Provided by Law Enforcers.

Every citizen of the Republic of Indonesia has the right to feel safe and free from all forms of violence; domestic violence is a violation of human rights and a crime against human dignity as well as a form of discrimination that must be abolished. With the existence of the PKDRT Law number 23 of 2004, domestic violence is no longer a private domain, but a public domain. Domestic violence is no longer a matter of the household concern, but has become a matter of the state. Protection for domestic violence, in this case women victims of physical violence, is provided by families, advocates, social institutions, police, prosecutors, courts or other parties. Prior to the issuance of Law No. 23 of 2004 concerning the Elimination of Domestic Violence, legal protection for women victims of domestic violence is regulated in Articles 351, 352, 356 of the Criminal Code and several other articles. Article 1365 of the Civil Code., Article 24 of Law no. 1 of 1974 concerning marriage, Article 1 of Law no. 7 of 1984 concerning Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women/Women, Article 17 of Law no. 39 of 1999 concerning Human Rights (HAM) and there are no provisions that explicitly regulate acts of violence against women in the household sphere. In resolving cases of violence against

women, the Criminal Code can be used as a legal basis for reporting perpetrators to the police. In addition, women who are victims of domestic/family violence can also use other legal instruments, such as marriage laws.

Forms of legal protection for women within the household who are subject to acts of violence in the law Elimination of Domestic Violence (UU No. 23 of 2004), among others:

- a. Article 10, which concerns the rights of victims to obtain:
 1. protection from the family, police, prosecutors, courts, advocates, social institutions or other parties, either temporarily or based on a stipulation of a protection order from the court,
 2. Health services according to medical needs
 3. Special handling related to the confidentiality of the victim,
 4. Assistance by social workers and legal assistance at every level of the examination process in accordance with statutory provisions,
 5. Spiritual guidance service.
- b. Articles 11 to 15, relate to the obligations of the government and society in efforts to prevent domestic violence.
- c. Article 16 to Article 38 ; forms of protection for victims of domestic violence provided by the police, health workers, social workers, companion volunteers, spiritual advisers, advocates, and courts.
- d. Article 39 to Article 43; the victim's right to obtain remedy.
- e. Article 44 to Article 49; is a criminal provision that provides for the threat of punishment for perpetrators of violence. Legal protection is something that protects legal subjects through applicable laws and regulations and enforces its implementation with a sanction. Legal protection can be divided into two, namely:

- a. Preventive legal protection

Protection provided by the government with the aim of preventing violations before they occur. This is contained in laws and regulations with the intention of preventing violations committed by business actors and providing signs or limitations for business actors in carrying out their obligations.

- b. Repressive legal protection

Repressive legal protection is the final protection in the form of corporate responsibility, fines, imprisonment and additional penalties given if a dispute has occurred or the business actor has committed a violation. In preventive protection, women victims of physical violence receive protection provided by family, advocates, social institutions, police, prosecutors, courts, or other parties, either temporarily or based on a court order. The other party is anyone who hears, sees, or knows that acts of domestic violence have occurred. They are required to seek prevention, protection, emergency assistance and assist in submitting applications for the determination of protection either directly or through existing official institutions and agencies. Protection by non-law enforcement institutions and agencies is more in the nature of providing consultation, mediation, assistance and rehabilitation services. That means not up to litigation. But even so, the role of each institution and institution is very important in efforts to prevent and eliminate acts of domestic violence. Apart

from that, the PKDRT Law also divides this protection into temporary protection and protection with court orders and services. Protection and services are provided by institutions and institutions according to their respective duties and functions.

DISCUSSION

Based on reports that there were 25,050 cases of violence against women in Indonesia in 2022, the Ministry of Women's Empowerment and Child Protection (PPPA) noted that as many as 25,050 women were victims of violence in Indonesia throughout 2022, although there has been good development in the number of policies and institutions that deal with victims and cross-agency coordination. It does not necessarily mean that the quality of service and treatment has met the needs of victims of domestic violence for truth, justice and recovery for both victims and/or complainants. Barriers arise at various levels, including the capacity of service institutions. In terms of legal substance, the PKDRT Law is not a perfect legal product, even though the PKDRT Law is a progressive breakthrough in our legal system and legislation related to legal protection efforts for victims of domestic violence. The following are obstacles related to existing legal substances.

1. The policy umbrella under the law, such as implementing regulations and state budget allocations, is still far from sufficient, making it difficult to handle what is mandated in Law No. 23 of 2004. This was particularly the case during the early stages of treatment which involved the police, health care institutions, and victim assistants.
2. Alternative legal threats in the form of confinement or fines, threats of too light a penalty for cases of planned crime/violence and cases where the victim died, sexual and psychological violence perpetrated by a husband against his wife, are complaint offenses.
3. The PKDRT Law places more emphasis on the process of handling criminal law and the punishment of victims. On the one hand, this law can be a tool to deter perpetrators and repress those who will carry out acts of domestic violence. On the other hand, punishing husbands is still considered not the main way for victims, especially wives, who have experienced domestic violence. This is also the reason for the victim to withdraw the complaint at the police.
4. In terms of *legal structure*, the main obstacle comes from the Religious Courts. Because the authority of the Religious Courts is to hear civil/family matters, judges at the Religious Courts tend not to use the UUPKDRT in handling divorce cases even though violence is stated as the cause of the divorce suit. Meanwhile, in general courts we often find:
 - a. Law enforcement officers who use old regulations. There are those

who still depend on implementation instructions from the center, or even there are still many officials who resolve cases of domestic violence by customary regulations.

- b. Legal officials do not understand the Law on the Elimination of Domestic Violence. The problem of Domestic Violence is considered a family disgrace, most cases are resolved peacefully.
 - c. Different interpretations of using UUPKDRT. Despite the good intentions of law enforcers to use the new law, there are still too many different perceptions among law enforcers themselves which have resulted in delays in the implementation of this law. This difference in perception concerns the understanding of the forms of violence and its elements, the scope of the 'household', the role and qualifications of the assistant to the victim, the role of the government, the community's right to report, and the management of fines that must be paid by the perpetrator .
5. Facilities and infrastructure, particularly with regard to service rooms, courtrooms and equipment, are inadequate, thus disrupting the trial process and solving cases, limited funds, limited personnel and other facilities specifically allocated to handle cases of domestic violence. From a formal juridical perspective, Law no. 23 of 2004 has indeed provided protection to victims of physical violence in the household. However, there are still acts of violence in the field, which do not go to court. The implementation of the PKDRT Law "Implementation of a policy and program plan in order to achieve the objectives set out in the policy and program plan" is felt to have not been fulfilled.
 6. The main problem in the law enforcement process actually lies in the factors that influence it. Soerjono Soekanto stated that the factors that influence the law enforcement process are as follows:
 1. The legal factor itself, which in this case is only limited to the law.
 2. Law enforcement factors, namely the parties that form and apply the law.
 3. Facility factors or facilities that support law enforcement.
 4. The community factor is the environment where the law applies or is applied.
 5. Cultural factors, namely as a result of work, creativity and taste based on human initiative in social life.

From the explanation of Sorjono Soekanto's theory as mentioned above, the PKDRT Law has its own problems in implementing it/its application in society. This can be explained as follows:

1. Legal Factors.

Physical violence in the household is regulated in article 6 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, what is meant by physical violence is an act that results in pain, falling ill, or serious injury. This crime of physical violence is a complaint offense. So cases of physical violence can be tried in court if there are complaints beforehand. With the culture of society, it seems that people will take domestic violence cases they experience to court several times. There is a slight problem in this matter, because it turns out that in Law Number 23 of 2004 concerning the Elimination of Domestic Violence there is no juridical understanding of pain, falls ill, or is seriously injured, even though this understanding is most important to determine and prove the type of act committed by the perpetrator/suspect/defendant, therefore these meanings must be sought in the Criminal Code and Jurisprudence. This crime of physical violence is a complaint offense. So cases of physical violence can be tried in court if there is a complaint beforehand.

The Criminal Code (KUHP) has provided protection for victims of domestic violence, namely as a crime of persecution, decency, and neglect of people who need to be provided with a living and a life. Then the question arises, why does the PKDRT Law No. 23 of 2004 have to exist when it is already in the Criminal Code. Sometimes prosecutors in making demands are still being alternated, between the Criminal Code and the PKDRT Law, for fear that the charges will not be proven. There is still a lack of socialization of Law Number 23 of 2004 concerning PDKRT, especially in Baubau City, causing the wider community to not understand the importance of eliminating domestic violence. Socialization is very necessary in the context of internalizing the new values brought by the PDKRT Law. So far, socialization has only been carried out for urban communities and tends to be elitist and has not yet touched many ordinary people and *grassroots groups*, which in fact often have the potential for domestic violence to occur. Meanwhile, it is not yet clear which agency most responsible for the internalization of the PDKRT Law. In addition, Article 44 paragraph (4) of the PKDRT Law allows for a complaint offense to be revoked.

2. Law Enforcement Officer Factors .

There are still many law enforcement officers (police, prosecutors, judges) who are gender biased, and often use the *victim blaming* and *victim participating approaches* in responding to cases of violence. Victims of violence have doubts, worries and fears about reporting what happened. Victims are afraid of the legal process that will be followed. Gender awareness and sensitivity among law enforcers is still lacking, so that sometimes victims become objects. Gender Equitable Integrated Criminal Justice System in Handling Cases of Violence Against Women (SPPTPKKTP) is an integrated system that shows the linkage process between agencies/parties authorized to handle cases of violence against women and access to easy and affordable services for victims in every judicial process of cases of violence against women. Woman. (SPPT-PKKTP) demands law enforcers who have a vision of gender equality and are not gender biased. Domestic violence cases are sometimes difficult to process. Usually experience difficulties in terms of proof (witnesses are usually not available), the case is withdrawn by the victim himself (because of love / because of a living matter).

Based on Law Number 16 of 2004 Regarding the Attorney General's Office of the Republic of Indonesia, it is clear that the position of the Prosecutor's Office is as an executive agency that carries out duties and authorities in the judicial field, so it is very impossible for the Prosecutor's Office to carry out its duties to be truly independent or independent.

3. Societal and Cultural Factors .

The legal awareness of community members to comply with the Law on Domestic Violence is still very minimal. Some people do not want to realize that there is a law that prohibits committing violence against fellow family members. Even though there are members of the community who already know that the threat of imprisonment for perpetrators of domestic violence is still influenced by patriarchal culture or has power that transcends family boundaries. The level of legal awareness among the people is still far from the expectation to eradicate acts of domestic violence. so that many victims of domestic violence prefer divorce to end domestic violence problems rather than expecting a protracted investigation process at a fairly high cost.

Moreover, if we look at the practice in the field, how victims of domestic violence have not received adequate protection as stipulated in laws and government regulations regarding domestic violence. From the author's observations in the field in the city of Baubau, there are still victims of domestic violence that have not been handled properly where the victims are still in a state of psychological trauma, then run away and run away from the city of Baubau for fear of being brought before the court to be tried. In addition, there were also victims who fled because they were afraid of receiving threats from the perpetrator to be killed. Victims often scream hysterically, are afraid and want to commit suicide because they are subjected to psychological pressure that goes beyond human boundaries. From a formal juridical point of view, Law No. 23 of 2004 has provided protection for victims of domestic violence. However, its implementation in the field is very dependent on culture (*culture*), society (where the law applies) and factors of law enforcement officials. Therefore, it is necessary to make efforts to overcome them. The efforts that can be made, and become alternatives, are as follows:

- a. The lack of cases in the court process results in weak legal protection for victims of domestic violence. People are reluctant to report to the authorities because of patriarchal culture, or they don't even know about the PKDRT Law. That after the existence of the PKDRT Law, domestic violence is no longer a private sphere, but a public domain. For this reason, outreach to the community is still very necessary to continue to be carried out. Provision of legal counseling and awareness to victims of violence. There needs to be synergy between NGOs, the government, and law enforcement officials. What's more, the offense of complaint against Article 44 paragraph (4) PKDRT can be revoked.

- b. There are still many law enforcement officers (police, prosecutors,

judges) who are gender biased, and often use the *victim blaming* and *victim participating approaches* in responding to cases of violence. Victims of violence have doubts, worries and fears about reporting what happened. Victims are afraid of the legal process that will be followed, sometimes victims actually become objects. Gender awareness and sensitivity among law enforcers is still lacking the provision of gender-based law enforcement training needs to be encouraged for law enforcement officials . So that the hope is to create a gender-just justice system.

- b. Gender Equitable Integrated Criminal Justice System in Handling Cases of Violence Against Women (SPPTPKKTP) is an integrated system that shows the linkage process between agencies/ parties authorized to handle cases of violence against women and access to easy and affordable services for victims in every judicial process of cases of violence against women. Woman. (SPPT-PKKTP) demands law enforcers who have a vision of gender equality and are not gender biased. Domestic violence cases are sometimes difficult to process. Usually experience difficulties in terms of proof (witnesses are usually not available), the case is withdrawn by the victim himself (because of love / because of a living matter). Protection and law enforcement for victims of domestic violence can be jointly pursued to achieve progressive progress. Progress will be achieved if women, the government, including law enforcement officials, along with NGOs and the community, work together in upholding women's rights. Respect each other's rights and love one another This will prevent acts of violence against others, especially women.
 - a. In the police, it was found that there was a lack of preparation in dealing with cases of domestic violence with the Special Service Room (RPK). Ideally cases of domestic violence are handled by female police. However, currently the number of policewomen is still very limited. On the other hand, investigators themselves often face obstacles in handling domestic violence cases related to the absence of witnesses, making it difficult for the filing process and the weakness of the case when it reaches court. Therefore, the RPK has an important role in the Police, because domestic violence is a complaint offense. So it is necessary to have a special room, which makes complainants/victims comfortable in giving their complaints.
 - b. In indictments for domestic violence cases, the public prosecutor often does not make a single indictment, but alternative forms that are alternatives to the Criminal Code. This means that there are still concerns that the public prosecutor will not prove the indictment if he only uses a single indictment. The PKDRT Law should have become a Lex Specialist.

CONCLUSIONS AND RECOMMENDATIONS

1. The role of law enforcement officials in providing legal protection for women has started since the discovery of cases of violence against police officers up to the time of examination in court. Starting from the police institution, which received complaints about acts of violence, it has provided protection for victims who reported the violence they experienced until it was delegated to the prosecutor's office. Then the Prosecutor's Office will make indictments and demands that take into account the victim's psychology and sociological considerations until finally a judge decides in court. Judges in deciding cases consider a sense of justice, not only for the defendant, but also for the victim, but it is not optimal as mandated in Law Number 23 of 2004.
2. Obstacles faced in efforts to provide legal protection for women who are victims in the household, in terms of legal substance, among others, the policies under the law are still far from adequate, making it difficult to handle according to what is mandated in Law No. 23 of 2004. In terms of the legal structure, the main obstacle comes from law enforcement officials where law enforcement officers do not understand the Law on the Elimination of Domestic Violence. Facilities and infrastructure, especially with regard to space inadequate services, courtrooms and equipment, thus disrupting the case resolution process, limited personnel and other facilities specifically allocated to handle cases of domestic violence.
 - a. It is necessary to conduct outreach and training for law enforcers and the public on issues of domestic violence, especially violence against women or wives;
 - b. With the Law no. 23 of 2004 concerning the Elimination of Domestic Violence, it is hoped that all parties can understand the existence of this law, in particular law enforcement officers can implement this law in properly resolving cases of domestic violence so as to provide protection to women as victims. in the household.
 - c. The government should open more ways in optimizing the role of women's organizations, providing subsidies by the government in efforts to develop women's organizations.
 - d. The government needs to complete various regulations at the national and regional levels that have been made to support comprehensive handling of violence against women by Providing adequate implementation tools, including:
 1. socialization mechanisms and capacity building within the state bureaucracy and law enforcement agencies.
 2. technical guidelines to ensure appropriate and gender-sensitive implementation by government officials at the national to regional levels
 3. allocation of the state budget on an ongoing basis for implementation and monitoring-evaluation

4. an accurate and relevant national data collection system for the improvement of the system for handling violence against women in the future.

ADVANCED RESEARCH

Hopefully the welfare of women can be noticed and more prosperous.

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