

Implementation of Legal Protection for Victims Regarding Domestic Violence According to Law Number 23 of 2004 in Bandung City

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ABSTRACT

Domestic abuse is a crime in Indonesia that carries the danger of criminal law. It causes physical and emotional pain and suffering to the victim. Examining the potential impact of domestic violence prevention legislation on law enforcement was the driving motivation behind this research. This study employs the descriptive technique. To shed light on occurrences that have occurred in the past or are happening today, researchers often turn to descriptive study. The findings demonstrated that eradicating domestic violence may start with the elimination of its causes and triggers. Regarding this matter, there are several approaches and initiatives that may be used to either eliminate or significantly lessen the impact of domestic violence.

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INTRODUCTION

Bandung experienced an increase in reports of domestic violence. Mytha Rofiyanti, Head of UPTF PPA Bandung City, called the phenomenon of violence against women and children an iceberg phenomenon. He explained that the number of documented events does not always reflect the actual prevalence of the problem. She explained that the courage of victims to come forward is often associated with increased reports of harassment and assault.

Everyone has an equal position before the law, as stated in Article 27 paragraph (1) of our 1945 Constitution. Thus, the notion of gender equality has been recognized in our country since 1945. The definition of marriage and one of its functions is contained in Article 1 of Law Number 1 of 1974 concerning Marriage. "Marriage is a physical and spiritual bond between a man and a woman as husband and wife for the purpose of forming a happy and eternal family or home based on the One True Godhead."

Finally, "Husbands and wives are obliged to love each other, respect each other, be faithful and give each other physical and mental help." This is contained in Article 33 of Law Number 1 of 1974.

Given the purpose of marriage and the rights and responsibilities of each husband and wife, the above two verses may be seen as prohibiting domestic violence, especially committed by men against their wives. In addition, some Indonesians still adhere to the belief that marriage is a sacred institution. A growing number of people believe that the rampant issue of domestic violence requires more than just a cursory review of the Criminal Code. Law Number 23 of 2004, which regulates the eradication of domestic violence, was promulgated to fill the void left by the Criminal Code, which does not regulate all forms of domestic violence. The purpose of the enactment of Law Number 23 of 2004 concerning the Elimination of Domestic Violence is to stop all forms of domestic violence while protecting its victims, in accordance with the values of Pancasila and the 1945 Constitution, hold perpetrators accountable, and mandate that society and the state work together to overcome this problem. Within this framework, Indonesian society has demonstrated its

determination that violence in any form, especially domestic violence, is discriminatory, violates human rights, and violates human dignity.

The right of every citizen to be free from fear of physical and sexual violence is one of the factors behind the birth of Law Number 23 of 2004. Therefore, committing any form of violence is a violation of human rights, but especially domestic violence. The scope of domestic violence is:

Article 2

(1) The scope of household in this law includes:

- a. Husband, wife, and children;
- b. Members of households who are related by blood to the person referred to in letter a because of blood relations, marriage, upbringing, upbringing, or guardianship and reside in one residence.; and/or
- c. People who work help the household and settle in the household.

(2) As long as they work in the house concerned, those who fall into category "c" are considered family members.

Long-term efforts to create a calm and pleasant society, free from violence, culminated with the passage of the Domestic Violence Law, which criminalizes violence against women and children. It seems a strange anomaly in the life of this highly advanced 21st century, when a place that should be able to provide an atmosphere that provides a sense of total humanization instead becomes a place full of violence and barbarism, and that idealism is certainly not excessive. Therefore, many people hope that the domestic violence law will be successfully enforced so that they can live in harmony with their families.

Everyone who participates in marriage or a domestic union should be happy about it. On the other hand, expectations and realities are different in society. Divorce is a common thing in the marriages we see. Many things may be the cause of household rifts, including lack of children, incompatibility, adultery, financial difficulties, violence, and so on. If one partner is violent towards their partner, it can lead to divorce. The problem is exacerbated by several obstacles in handling domestic violence complaints, including discriminatory practices and a lack of concern for law enforcement officials.

In this case there is a problem regarding a legal implementation in the case of protection of victims of domestic violence, in law no. 23 of 2004 this is a legal basis provided by the government for how to protect victims of domestic violence. The purpose and benefits of this study are knowing how to implement the protection of law number 23 of 2004 and also providing academic information that this law in detail protects and accompanies both the mental and psychological victims.

METHOD

This essay uses a descriptive research strategy based on qualitative methodology. The purpose of descriptive research, or simply descriptive research, is to provide evidence about real-world events, both recent and past. In collecting data collected by literature studies or *library research*. The author also performs the interview technique (*interview*) which is an event or procedure where the interviewer, source of information, or interviewee is involved in direct contact with each other. One other definition of an interview is a conversation between a researcher and a person or group who is willing to share information with them directly.

RESULTS AND DISCUSSION

Definition of domestic violence

Definition of domestic violence (Domestic Violence) is an act of violence that inflicts emotional, mental, or physical harm on another person, often a woman, or neglect in the home. In the context of family life, these activities can take the form of threats, coercion, or unlawful restrictions on

freedom. Any behavior that causes physical, sexual, psychological, or negligent harm to someone in the home, with a special focus on women, is considered domestic violence based on Law Number 23 of 2004.

Most victims of domestic violence prefer private (civil) options, such as divorce, because they are prepared to deal with the issue directly. This is because the law on domestic violence is a public, private, and administrative law that threatens violators with imprisonment or punishment. The problem of being a widow and always being judged negatively by society. Therefore, it is important for the general public, and especially men who have authoritative roles in the family, to be aware of the nature of domestic violence. Law Number 23 of 2004 states that a household consists of a husband, a wife, and every child living in the house, both biological and adopted children. Close family members of the husband and wife who have permanent residence in the house, including sons-in-law, cousins, and great-grandfathers.

Types of Domestic Violence

Article 5 of Law No. 23 of 2004 states that everyone is prohibited from committing domestic violence against people within the scope of a household committing violence such as:

1. Dangerous physical contact that causes discomfort, illness, or great harm.
2. Psychological abuse that causes fear, low self-esteem, inaction, hopelessness, and other negative emotions.
3. Unnatural sexual urges, whether toward a partner or toward another person, for business or other purposes.
4. Neglect within the home, which is considered domestic neglect because the law mandates that they must provide a decent living for their own family.

Based on this explanation, it is clear that this law is not just guarding. The interests of adult women can be protected by these domestic violence laws, just as the interests of those under them, such as adult men and children, can be protected. On the other hand, recklessness occurs when one party controls the other party by making the other party financially dependent through restrictions or restrictions on their capacity to work, both at home and abroad. Some of the rights that abusers may have are protected by law from victims of domestic violence, such as:

- a. Security provided by relatives, law enforcement, prosecution, court, legal counsel, social organizations, or other entities, or as required by a court-issued protection order.
- b. Health services are tailored to the criteria of each patient.
- c. The confidentiality of the victim is directly related to its handling.
- d. Support from organizations providing legal assistance or social workers.
- e. Spiritual advice services are also available.

Health care providers, social professionals, field volunteers, and others have a responsibility to assist victims of domestic violence in their rehabilitation. In accordance with the Domestic Violence Law, domestic violence must be handled by the government. In addition, they need to certify and establish guidelines for services that care for victims of domestic violence. Governments must improve communication, disseminate information, and provide education on domestic violence because everyone deserves to feel safe in their own homes. Domestic violence advocacy and outreach should also be coordinated by them.

Impact of domestic violence

Domestic violence cases certainly have many impacts, both psychological and material impacts. Domestic violence is also very impactful for child victims because the child's mentality will definitely be very disturbed.

Victims of domestic violence may experience psychological, physical, sexual, or neglect treatment; This is why it is so important to take measures to protect victims, such as providing them with the resources they need to recover physically and mentally. Governments at all levels must collaborate with local communities to address and end domestic violence if it is to eliminate the problem entirely.

Children's mental health is affected by domestic violence or domestic violence. A child's development is negatively affected by domestic violence, even if the child has not witnessed the violence firsthand. However, a young person may be able to capture the incident in the form of a video. When violence in the family occurs, children often unwittingly become bystanders. This has an impact on the child's way of thinking. When thinking about a child's mental health, the first factor to consider is the family unit, as it is the child's closest social relationship.

When a child witnesses domestic violence, it is very distressing because the perpetrator is often someone who is considered a family member by the child. In the case of domestic violence, the closest people such as family should be a shield and source of peace, not something that makes children depressed.

First, stress; secondly, low self-esteem; and third, concern is the impact of domestic violence on children. 4) Visualize the brutality committed by the perpetrator. Children who witness their parents fighting in front of them often develop their own irrational fears, internalize the violent behavior they witness, and develop feelings of inadequacy and insecurity as a result of their living conditions.

Legal Protection for Victims of Domestic Violence

Protection of victims of domestic violence can be through various means. Article 17 of Law No. 23 of 2004 states that: "In providing temporary protection, the police may cooperate with health workers, social workers, volunteer assistants, and/or spiritual guides to assist victims". Within the scope of the Bandung City area, there are Associations or Organizations that take part in volunteering in cases of violence, especially domestic violence. After the author made observations to one of the associations in Bandung, there are several important points related to this paper. According to the source, namely the Sapa Foundation, domestic violence cases can be said to be very many. Despite being located in Bandung Regency, Yayasan Sapa also receives many reports from people in Bandung City, with the majority of whistleblowers being women.

The resolution of domestic violence cases handled on average is resolved by mediation, because it takes into account the child's mentality. For cases of domestic violence with mild violence or only slight bruises, it can still be resolved at home by mediation. This is because so that there are not many divorce cases that occur. However, for domestic violence cases that are quite severe, of course, assisted to the police stage to be resolved criminally and civilly.

In the enforcement of a law in protecting victims of domestic violence, there is a delay when the victim will report the suspect, such as the explanation above where mediation is the most important solution in handling domestic violence cases, in this case the police always urge and prioritize mediation for problems related to domestic violence cases, the police not only ignore law enforcement but the existence of sociological factors where pressure from the community and The view of the child regarding the suspect as a parent or husband imprisoned by his own wife, this is a thought for the victim to continue his report to the realm of law or convict the suspect.

The stages carried out by the Association if anyone reports are:

1. Complaints
2. Counseling for victims
3. Mediation
4. If mediation cannot be completed, then it is assisted to the police

5. Court

In addition, the implementation of protection for victims of domestic violence, especially in articles 17 and 21, is realized by:

1. Provision of counseling services
2. Healthcare delivery
3. Provision of legal aid services, for the city of Bandung itself in collaboration with LBH Bandung

Law Enforcement Constraints in Implementing Protection for Victims of Domestic Violence

The phenomenon of domestic violence that continues to increase recently occurs due to various factors, including:

1. People are still hesitant to report problems within the country, contributing to a lack of understanding of the importance of having the confidence to report them. Only when the victim suffers severe injury or even death from domestic violence does the community or those with an interest in the matter take action, regardless of whether the matter receives public attention.;
2. Because relevant parties do not adequately educate the public about domestic violence, statistics on such incidents are often overlooked or considered unimportant; Authorities often ignore or downplay allegations of domestic violence, and even minor incidents are widely stigmatized. compared to other examples;
3. Cultural factors. The domination of men over women and the rigidity of gender roles define patriarchal societies. Conversely, there are also those who think that the treatment of children by their parents, or the treatment of spouses by their husbands, is no one's business and should not be touched by anyone, including the police;
4. Domestic factors. Some people think that outsiders should not know about the shame of a family. Because the environment will be considered unable to handle household chores, thus causing humiliated emotions. Therefore, domestic violence may increase because shame trumps hurt feelings and the individual does not want others to know the hardships his or her family is experiencing.

CONCLUSION

In the implementation of the law related to the protection of victims of domestic violence in the city of Bandung, there are foundations, volunteers, and awareness of the surrounding community in assistance and law enforcement for victims of domestic violence, there is a sapa foundation that accompanies victims and baleistri who are volunteers who aim the same as assisting victims of domestic violence. The resolution of domestic violence cases handled on average is resolved by mediation, because it takes into account the child's mentality. For cases of domestic violence with mild violence or only slight bruises, it can still be resolved at home by mediation. This is because so that there are not many divorce cases that occur. However, for domestic violence cases that are quite severe, of course, assisted to the police stage to be resolved criminally and civilly. In the implementation of domestic violence victim protection, especially in articles 17 and 21, it is realized by: Provision of counseling services, Provision of health services, Provision of legal aid services, for the City of Bandung itself in collaboration with LBH Bandung

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