

## Legal Analysis Of Legal Protection For Victims Of Violence In Marriage

<sup>1</sup> Nur Balqis,<sup>2</sup> Rahul Ardian Fikri,<sup>3</sup> Fitria Ramadhani,

<sup>1,2,3</sup> Universitas Pembagunan Pancabudi

Email : [nbalkisbb@gmail.com](mailto:nbalkisbb@gmail.com) , [rahulardian@dosen.pancabudi.ac.id](mailto:rahulardian@dosen.pancabudi.ac.id) , [fitriaramadhanisiregar09@gmail.com](mailto:fitriaramadhanisiregar09@gmail.com)

**Abstract :** *In Constitution Number 23 Year 2004 about Deletion Violence In House ladder in explain that violence in House ladder is every action to somebody especially Woman , Which result the emergence misery or suffering in a way physique , sexual , psychological , and/ or neglect House ladder including threat For do act , coercion , or robbery independence in a way opposelaw in scope House stairs . This study aiming For do analysis law to protection law towards victims of crime violence in House ladder . This study focus on the framework law related victim protection in context marriage . The research method used is method normative law meaning study This use approach legalthat is a the attempted approach with observe and pay attention existence applicable law and analysis various regulation legislation and decisions relevant courts with him . The results of the study show that although Already There is regulation For protecting victims of violence in House stairs , its application Still face Lots constraint . A number of aspect important from analysis This concerning effectiveness laws that protect women and children , as well as role enforcement law in handle case violence in House stairs . With background behind said , research This emphasizes expansion and refinement regulations , improvements awareness community , and participation active apparatus enforcer law For ensure greater victim protection effective . In short , protection law against victims of violence in House ladder need effort together between government , law enforcement law and society For create a safe and supportive environment for all victims of crime violence in House ladder .*

**Keywords :** *Legal Protection , Action Crime , Violence in Household*

### 1. INTRODUCTION

According to Muladi violence to women (domestic violence) is obstacle to development Because violence can cause consequence cumulative that is not simple . Domestic violence can it is said a problems that can it is said Enough interesting For investigated see number reported violence every year the more increased . Domestic violence often called with *hidden crime* or hidden crime , because the perpetrator and the victim tried For keep secret action or violence the from view public .” The perpetrator violence usually have a higher power status big , good from aspect economy , power physical , and social status in family , " in its development some of the victims of violence in House ladder difficult submit or complain violence committed by her husband Alone to apparatus enforcer law , because domestic violence itself often viewed part private or affairs House stairs ,” so that No Can reported to police .

So that violence in House ladder the more increased and victims of violence in House stairs ( wife ) increasingly prolonged without protection . ( Muladi.2002). The ban on domestic violence has set up in Article 5 of the Law Number 23 of 2004 concerning Deletion Domestic Violence , prohibition the in the form of : Violence physical , sexual , neglect House stairs , and psychological . Domestic violence has uniqueness Because crime This happen in scope House stairs and progress in the personal relationship or personal like between , parents and children , husband and wife or child with child inside households living settle down together .

Relationship in institution marriage is also regulated by the Civil Code or Law No. 1 of 1974 concerning Marriage .

The perpetrators and victims who caused violence that occurred in scope House ladder still and remain viewed as problem family or private . ( Jaih Mubaroki .2015). Article 1 number 1 of Law Number 23 of 2004 concerning Deletion Domestic Violence , defining violence in House ladder as every action to somebody especially women , which results in the emergence misery or suffering in a way physical , sexual , psychological , and/ or neglect House ladder including threat For do act , coercion , or robbery independence in a way oppose law in scope House stairs . Removal violence in House ladder Article 3 (d) is stipulated that purpose of the abolition law violence in House ladder is protection of victims of domestic violence. ( Moerti Hadiati Soeroso.2006).

Article 28 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia states: that "everyone has the right to form family and continue descendants through " legitimate marriage " and Article ( 2) states "everyone has the right to on continuity live , grow and develop as well as entitled on protection from violence and discrimination ”. In addition , Pancasila in the Second Principle state just and civilized humanity It means that every man do all his actions must in a way civilized , no may hurt between the one with others. ( Dikdik M. Arief Mansur and Elisatris Gultom.2007).

Development public Indonesia Now This Which very develop with fast Which influenced Lots factors , matter This Also followedby more and more development types crime Which there is in inenvironment society . Action violence in public Actually No a matter Which new . Violence often done together with Wrong One form act criminal , as regulated in the Law Code Criminal (Criminal Code) for example theft with violence (Chapter 365 Criminal Code), rape (Article 285 of the Criminal Code), assault (Article 351 of the Criminal Code). However that interesting is violence that befell woman ( wife ) happens in room scope House ladder . Often act violence This called *hidden crime* ( crime) Which hidden ). It is called thus , Because Good perpetrator and alsovictim trying For keep secret action the from view public . Sometimes Also called realm domestic . ( Suryono Ekotama , ST. Harum Pudjianto , and G. Wiratana . 2001).

In addition, Law No. 23 of 2004 concerning Domestic Violence also uses the victim's point of view as the party that must be defended, and in the right position as seen in Article 10 and Article 18 of Law Number 23 2004 about Domestic Violence.

In explanation general Constitution No.23 Year 2004 about Deletion Violence House Ladder explained that integrity And harmony in a happy, peaceful and complete household is

a dream everyone in the household. The integrity and peace of the household can be disturbed if self-control cannot be controlled, which has an impact on domestic violence resulting in feelings of insecurity and injustice to person. Which is at in scope House ladder the.

Violence in House ladder is Wrong One problem main in life in society . The impact start from impact for individual victim, for party family , for public , until to country. Violence to partner covers on violence to Woman and also violence to men . However thus fact more Lots found that act violence Lots experienced in some big women . And almost very difficult counted number How many Lots women who experience act violence Which done by husband . ( Yahya, Ahmad, Zein . 2012). For overcome violence in family , basic law Already there is . Starting from Constitution up to the Regulations The government , it seems Already Enough as base For overcome violence this . However implementation Constitution This need efforts and support from all layer public without except .

In the Law Number 23 of 2004 Concerning Deletion Domestic violence , it is stated that government , government region and society have their respective obligations . Obligations this is what is needed We know and we run together . So that need done For know implementation provision protection of victims of violence in House arranged stairs in Constitution Number 23 of 2004. Protection of victims of violence in House ladder very much it is important that the husband ( the perpetrator ) will do act violence repeat to his wife (victim) . In a impressions station television private it was reported that husband ( perpetrator of domestic violence) dares hit his wife in front officer police . Even There is possibility perpetrator determined torturing the victim because the victim did not get protection from enforcer law . ( Chaerudin.2003).

## **2. FORMULATION PROBLEM**

From the description problematic the law above , then There is a number of things that can be withdrawn For made into formulation problem that is :

1. How Legal Protection Efforts Are Made Against Wife As a Victim of Domestic Violence in the Legal System in Indonesia?
2. How Legal Regulations Regarding Wives' Rights As a Victim of Domestic Violence ( KDRT )?

### **3. RESEARCH METHODS**

Types of research conducted is in study law This is study normative , namely research that focuses on legal norms positive in the form of regulation legislation and research This require secondary data as main data . Data used in study law normative in the form of secondary data specifically material law consisting of above : Primary Legal Materials, Secondary Legal Materials and Tertiary Legal Materials . Data collection methods used through studies bibliography and studies field . Data analysis was carried out to .

Primary Legal Materials are described , hereinafter systematization in a way vertical that is There is whether or not synchronization between the highest rule to more regulations low . In terms of vertical has There is synchronization so that used principle tuning law subsumption . Systematization horizontally shown with existence harmonization , then principle reasoning the law is non- contradiction that is No There is opposition in parallel / equal provisions , so that No required coming into effect principle regulation legislation . Analysis regulation legislation namely open system ( regulations) legislation may evaluated / reviewed ). In doing so research , conducted interpretation law positive in a way grammatical , interpretation teleological as well as evaluate law positive . Next material primary law compared with material law secondary .

### **4. DISCUSSION**

- **Legal Protection Efforts Against Wife As a Victim of Domestic Violence in the Legal System in Indonesia**

Indonesia as a country of law ( rechtstaat ) has implications towards Human Rights (HAM). Clearly , the concept rechtstaat , and the concept of the rule of law, places human rights as one of the characteristics typical of the country called law , and uphold high the rule of law. In a democratic country , recognition and protection against human rights is one of the size about Good the bad a government .

The principle of recognition and protection right basic man above in line with principle legality in law criminal , which states that a action No prohibited and threatened criminal If previously No set up in law , which in Language Latin called nullum delictum nulla . poena sine praevia lege poenale ( no guilty , not guilty guilty without determination moreover first ). It is clear that basically everyone is immune from action law .

With same view , Osman Abdel Malek al-Saleh ( Osman Abdel Malek al-Saleh.1982). propose principle legality in Islam, which states “ no anyone can accused and not may punished except in things determined by law ” ( No one may demanded ). to do crime or accused do

crime ). imposed fine except There is provision regulation legislation that regulates it ). Principle law in essence aiming For protect public from treatment arbitrary the authorities . However assumption the depart behind with reality . ( Hamidah Abdurrachman.2010).

Violation to right basic man often happen in life real , whether committed by individuals , groups or the state . Violations This cause inequality in victim self or his family , for example imbalance financial , if the victim is head family and eyes livelihood main family .( Satjipto Rahardjo.2009).

As part from protection of crime victims , efforts prevention and eradication done good by society and also government ( through enforcement law ), such as give protection or monitoring to various threats that can endanger the victim's life , giving help medical as well as help law full . Fair and just trial perpetrator crime in essence is form protection right basic humans and equality .

This is what becomes runway the philosophy behind importance protect victims of crime or his family .( ( 2005). Importance rehabilitation of victims as part from effort balancing the status of victims in face unrest expressed in a way more broadly by Muladi who argues that the victim of the crime must protected with reason as following : ( Muladi.1997).

First ; Society is considered as form system institutionalized beliefs . Confidence the integrated through the norms contained therein in structure institutions , such as police , prosecutors , courts , and so on . The occurrence of crime towards the victim means the destruction system trust said , so that giving law criminal and other related sanctions with the victim being one of the method For control system trust the .( Sulistyowati Irianto and LI Nurtjahyo.2006).

Second ; There is debate about contract social and solidarity social , because the state can it is said monopolize all over response social to crime and prohibition action private . Therefore that , if there are victims of crime , the state must fulfil his needs with increase service and organize right .

Third ; Protection of victims is often associated with one of objective criminalization , namely settlement conflict . Resolution conflict consequence behavior criminal will return balance and bring a sense of peace in society.If draft right basic man considered as legitimate rights ,it has two consequences normative , namely (1) obligations guarantor responsible ( the party responsible ) for respect / disrespect violate violation right or settlement complaints that arise from right and (2) compensation . if obligation the violated / not fulfilled .

Related with Protection of Victims of Domestic Violence in Law Number 23 of 2004 is that Protection law against victims of crime criminal not enough get attention law , okay law

criminal material and also criminal procedure law ( law) criminal formal ) compared with protection law to suspect and defendant . That is influenced by several factors , including : (1) factors law , (2) awareness victim law , (3) facilities supporters , (4) sources Power human . Existence a regulation legislation in a system the law is very important realization a orderly law , because Constitution is source the main law . ( Dikdik M. Arief Mansur and Elisatris Gultom.2007).

Therefore that , although Already There is Constitution Number 23 of 2004, many victims did not report the case to police Because reason such as (1) shame , shame on the family big , shy If the case known many people. This reason leave from understanding part member public that violence experienced wife is error wife ; (2) dependency high economy to perpetrator violence ( husband ); and (3) in the relation with response enforcement law to incident , important for Woman For report violence committed to them.In Risa and Leha's case , the parties family know existence violence in House ladder in the form of Risa ( aggressor ) hitting and kicking Leha (victim). ( Rifa' Rasyaadah Dan Rahayu.2021).

They ( mother) in-laws and siblings brother in law ) objection with Risa acts and protects Leha however only limited to That so that Risa continues do violence physique towards the victim (Leha). Likewise , dependence economy to her husband make the victim reluctant report her husband ( aggressor ) to party in charge Because Afraid difficulty fulfil need everyday , like Eni (the victim).

Eni was forced bear violence from her husband during a number of month Because worry with divorce her husband . In Lidia's case , it seems lack of support enforcer law against victims of violence emotional in House stairs . Lidia complained her husband (Timmy) with the intention is for behavior her husband ( pulled out) force second his son ) can sued in a way criminal . However , when That police evaluate provision violence in House ladder No Can used in a way independent but still must associated with provisions of the Criminal Code.

This matter can seen from two aspects : First , from aspect procedural law , Act Number 23 of 2004 is considered Not yet complete Because Still Not yet arrange special procedural law to act violence family . Second , the apparatus enforcer law No fully know Constitution This so that reluctant implement it.Lack of trust community , including victims of violence in House stairs , against system state law is caused by events that occur before the enactment of Law No. 23 of 2004. The number of report violence Violence in family No investigated until the perpetrator investigated . stage.By Because that , thing This also strengthens the victim's belief that although someone reported it , he No will get protection special from enforcer law , in particular police .( ( 2000).

## **Protection Temporary from Police and Protection Court**

According to Constitution this , criteria deletion violence in House ladder based on four principles , namely (a) respect to right basic human rights ; (b) gender justice and equality ; (c) non- discrimination ; and d) protecting victims. Article 4 of the law the explain that one of objective deletion violence in House ladder is For prevent all form violence in House stairs . With method This expected various act violence in House the stairs that have been This rampant in Indonesia can removed and removed as far as possible from life society . ( Arief Gosita.1983).

Related with principles and objectives deletion violence in House stairs , law the in a way special arrange How handle action violence in House stairs that lead to effort victim protection . In connection this , approach Handling violence in House ladder includes five parts , namely (1) the rights of victims of violence in House stairs ; (2) obligations government and society ; (3) protecting victims; and (4) rehabilitating victims; and (5) overcoming violence in House ladder through implementation sanctions law . Therefore that , protection of victims of violence in House ladder become attention special in Constitution This .

With thus Constitution This arrange in a way special (*lex specialis* ) regarding protection of victims of violence in House stairs . In connection This is the process of protecting victims of violence in House ladder stage beginning in the form of protection while . The process of getting protection temporary This set up in Article 16 of the law this , that ; (1) Within 1 x 24 ( one times twenty ) four ) hours counted since know or accept report violence in House stairs , police must quick give protection while on the victim. (2) Protection temporary as referred to in paragraph (1) shall be given no later than 7 ( seven ) days since the victim was accepted or handled . (3) Within 1 x 24 hours ( one time twenty four ) hours counted since giving protection as referred to in paragraph (1), the police must request letter determination order protection from court .

Mandate of law to police For give protection temporary to victims of violence in House ladder close the relation with task police Republic of Indonesia, namely : 1). Maintaining order and guarantee security general . 2). Maintain safety of people, objects and society , incl give protection and help . 3). Look after national security against disturbance from in . 4). Prevent and eradicate spreading diseases society . 5). Endeavoring obedience citizens and society to regulations country.( Bambang Waluyo.2011).

Wife who is a victim of violence in House stairs , and report the case to police , will to obtain protection temporary maximum a week . If the victim needs protection more continue , the victim will get protection from court maximum a year on proposal police . During the

protection period That If perpetrator violate order protection from court , then police given authority by law Number 23 of 2004 for catch perpetrator ( husband ). Article 35 of the Law Number 23 of 2004 confirms : ( Aroma Elmina Martha.2009).

1. Police can catch For furthermore do detention without letter order to the perpetrator is believed has violate order protection , even though violation the No done on the spot police That on duty ;
2. Arrest and detention as referred to in paragraph (1) is mandatory given letter order arrest and detention after 1 x 24 ( one time twenty ) four ) hours;
3. Suspension detention , no applicable to detention as meant verse (1) and verse (2)

Even there are victims who report treatment her husband to the police , in fact impose error to the victim. Reality like This Actually often happened , so that No surprising If case violence in House ladder Keep going increase . For reduce burden suffering of victims of violence in House stairs , Article 10 of the law This give right to victims of violence in House stairs , for obtain (a) protection from party family , police , prosecutors , courts , advocates , institutions social , or party other Good temporary and also based on determination order protection from court ; (b) service health in accordance with need medical ; (c) treatment in a way special related with victim confidentiality ; (d) assistance by workers social and assistance law on every inspection process level in accordance with provision regulation legislation ; and (e) services guidance spiritual . ( Siswanto Sunarso.2012).

In addition to protection temporary from police and protection court in a way periodically , and support in the process of guidance spiritual and protection of victims during trial , another effort which is part from Protection of victims of violence in House ladder among others with give punishment to perpetrator violence in House ladder against the victim because violence in House stairs . is action criminal . Determination sanctions criminal in a way official to perpetrator violence in House ladder must through the enforcement process law .

Husband no can direct punished ( detained) or imprisoned ) without through the criminal procedure process . Related problem said , the Law Number 23 of 2004 regulates in a way direct enforcement process law against the person who did act violence in House ladder . During the protection period That If perpetrator violate order protection from court , then police given authority by law Number 23 of 2004 for catch perpetrator ( husband ). Article 35 of the Law Number 23 of 2004 confirms : ( Dikdik , M Arief Mansyur & Elisatris , Gultom.2007).

1. Police can catch For furthermore do detention without letter order to the perpetrator is believed has violate order protection , even though violation the No done on the spot police That on duty ;



2. Arrest and detention as referred to in paragraph (1) is mandatory given letter order arrest and detention after 1 x 24 ( one time twenty ) four ) hours;
3. Suspension detention , no applicable to detention as meant verse (1) and verse (2).

Enforcement law to act violence in House ladder done with arrest and detain the alleged perpetrator ( husband ) strong do violation order protection towards the victim ( wife ), without wait letter order arrest and detention . This is it is feared that the victim will get act violence more carry on from perpetrator If must wait letter order arrest . For fulfil procedure criminal procedure law , letter order arrest and detention can given after 1 x 24 hours. Stiff nature A rule law sometimes precisely not enough protect the victim. By thus existence provisions of Article 35 of the Law This is essentially very concerned reality protection law to victims of crime during this . Because of the law more Lots give protection .

Relevant with description that is Article 37 of the Law Number 23 of 2004 confirms that:

1. Victims, police , or volunteers companion can submit report in a way written about existence suspicion violation to order protection ;
2. In terms of court get report written as referred to in paragraph 91) the perpetrator ordered facing in 3 x 24 time ( three times twenty ) four ) hours of use done inspection ;
3. Inspection as referred to in paragraph (2) shall be carried out by the court at the place of perpetrator Once stay with the victim at the time violation allegedly happen .

With thus the perpetrator who committed violation to order protection can done inspection and or detention by the party court . This is close the relation with form mistakes made the perpetrator , namely violate order protection for the victims who were released court . If suspected perpetrator will do violation to order protection more continue , then based on Article 38 of the Law Number 23 of 2004, the parties court can obligatory perpetrator For make statement written containing ability For comply order protection .

If the perpetrator still No pay attention letter statement written said , the court can withhold perpetrator maximum 30 days . ( Maya Indah.2014).

Even The police are there within the jurisdiction act violence in House ladder That happen , can catch perpetrator act criminal violence in House stairs , after accept reports and evidence beginning based on victim report . Initial evidence can in the form of signs physical violence experienced by the victim ( wife ) caused by the act violence committed perpetrator ( husband ).

- **Legal Regulations Regarding Wives' Rights As a Victim of Domestic Violence ( DV)**

Constitution Deletion Domestic Violence in Article 10 , provides right to victims of violence in House stairs , for get :

- a. protection from party family , police , prosecutors , courts , advocates , institutions social , or party other Good temporary and also based on determination order protection from court ;
- b. service health in accordance with need medical ;
- c. Handling in a way special related with victim confidentiality ;
- d. assistance by workers social and assistance law on every inspection process level in accordance with provision regulation legislation ; and
- e. service guidance spiritual .

The process of investigation , prosecution and examination in court court in case act criminal violence in House ladder implemented according to provision applicable criminal procedure law and use Constitution Number 23 of 2004 concerning Deletion Violence . Handling case violence in House ladder through track law criminal according to Constitution Number 23 of 2004 concerning Deletion Domestic violence named Handling with system justice criminal integrated . It is called integrated It means that Handling case violence in House ladder No only to judge suspect / perpetrator act violence but also think about victims' rights and How his recovery .

Therefore that is Article 4 of the Law Number 23 of 2004 concerning Deletion Domestic violence arrange objective deletion violence in House ladder as following :

- a. Prevent all form violence in House ladder
- b. Protecting victims of violence in House ladder
- c. Taking action perpetrator violence in House ladder
- d. Look after integrity in House harmonious and prosperous ladder

Based on objective deletion violence in House ladder This so Handling Good in stage investigation or in court so must There is balance between giving sanctions punishment to perpetrators and victim protection and victim recovery . In the process of investigation and inquiry mentioned as following :

- a. Victims have rights report in a way direct violence in House ladder to police either where the victim is located or in place incident case (Article 26 paragraph (1) Law No. 23 of 2004). the victim can give power to family or someone else to report violence in House ladder to party police either where the victim is located or in place incident case (Article 26 paragraph (2) Law No. 23 of 2004). In the event that the victim is a child , report can

carried out by parents , guardians , caregivers , or the child concerned who is being carried out in accordance with provision regulation applicable laws . (Article 27 of Law No. 23 of 2004 )

- b. Within 1 x 24 ( one times twenty) four hours) counted since know or accept report violence in House stairs , police must quick give protection temporary to the victim. Protection temporary as meant given no later than 7 ( seven ) days since the victim was accepted or handled (Article 16 paragraph (1) and (2) of Law No. 23 of 2004). Within 1 x 24 ( one times twenty four hours) counted since giving protection as meant , the police must request letter determination order protection from Court (Article 16 paragraph (3) of Law No. 23 of 2004). In providing protection Meanwhile , the police can cooperate with power health , workers social , volunteer companion and/ or mentor spiritual For accompany the victim (Article 17 of Law No. 23 of 2004).
- c. Police must give information to the victim about the victim's right to get services and assistance (Article 18 of Law No. 23 of 2004). d) Police must quick do investigation after know or accept report about the occurrence violence in House stairs (Article 19 of Law No. 23 of 2004). Police quick convey to the victim about :
  - 1. identity officer For introduction to the victim;
  - 2. violence in House ladder is crime to dignity humanity ; and
  - 3. obligation police For protect victims (Article 20 of Law No. 23 of 2004).

Police can catch For furthermore do detention without letter order to the perpetrator is believed has violate order protection , even though violation the No done on the spot police That on duty . Arrest and detention as meant must given letter order arrest and detention after 1 x 24 ( one times twenty) four ) hours (Article 35 paragraph (1) and (2) of Law No. 23 of 2004). According to Article 35 paragraph (3) of Law No. 23 of 2004, the suspension detention No applicable to detention as referred to in Article 35 paragraph (1) and (2) of Law No. 23 of 2004 (Article 36 paragraph (1) and (2) of Law No. 23 of 2004).

For That party investigator in do investigation , no Work Alone will but in a way integrated Work The same with power health / home sick , victim companion , clergy For look for the real truth in to reveal incident act violence in House reported stairs . If deep investigation finished and entering stage investigation , then power victim law will accompanying the victim beside power law perpetrator accompany perpetrators . Stages the first thing to do is Completing the Minutes during the mediation process done by all party .

Mediation here is deliberation consensus in front of investigators , prosecutors and /or judges to look for point profitable meeting all party in frame look after integrity House harmonious and prosperous ladder earlier . Although the criminal process still walk in accordance criminal procedure law is regulated in the Criminal Procedure Code. At the stage this is it police in matter This investigator police must own understanding of police women desk and professional and empathetic towards the victim, who is now This has Formation of Service Space Especially in all Regional Police special provinces in Indonesia handle investigation domestic violence cases .

Furthermore , Article 27 explains: that in the victim thing is a child , report can carried out by parents , guardians , or the child concerned who is being carried out in accordance with provision applicable law . Furthermore , Article 28 of the Law Number 23 of 2004 that Chairman District Court in grace period 7 ( seven ) days since received application , he must emit letter determination containing order protection for victims and members family other than that There is clear reasons and protection against victims of violence in House ladder valid for a maximum of 1 ( one ) year and can extended If There is information from the victim, the energy health , workers social , volunteer companion or mentor spiritual that the victim is still need protection .( Prasatyo , T.2020).

As rule implementation from Constitution Number 23 of 2004, the government has emit Regulation Government Regulation No. 4 of 2006 concerning Organizing and Collaborating on the Recovery of Domestic Violence Victims . There is clear difference between the Criminal Procedure Code and Constitution Number 23 of 2004 in matters of the investigation process . If the Criminal Procedure Code is more take importance perpetrator For quick processed the investigation , then Constitution Number 23 of 2004 more take importance victim services first formerly For get protection law as a victim of violence in House stairs . The rights of the victims set up in Articles 16 to 38 of the Law Number 23 of 2004 as following : ( Ismu Gunadi, Joenaidi Efendi and Fifit fitri Lutfianingsi.2011).

- a. Within 1 x 24 hours te rhitung since know or accept report violence in House stairs , police must quick give protection while on the victim.
- b. Protection This given for 7 days .
- c. Indonesian National Police in give protection , can Work The same with power health / home sick , worker social , volunteer companion , mentor spiritual or shelter if There is .
- d. Determination Court to protection of victims by the Police This within 1x24 hours must quick published .

- e. Application protection can filed by the victim himself or victim's family , victim's friends , police , companions or mentor spiritual .

Handling domestic violence cases through track law criminal according to Law No. 23 of 2004 it is called Handling with system justice integrated , where done based on objective deletion violence in House ladder Good in stage investigation and also examination in court the court that prioritizes principle balance between perpetrators and victims and victim recovery . It means that Handling domestic violence cases do not only to judge suspect / perpetrator act violence but also think about victims' rights and How his recovery . Furthermore , the investigator in do investigation No Work Alone but in a way integrated Work You're welcome with power health / home sick , victim companions and clergy For look for the real truth in to reveal incident reported / complained domestic violence cases . ( Jamaa, La. 2014 ).

Furthermore if the investigation process has finished done and entered stages investigation , then power victim law accompanies beside power law the accompanying perpetrator the perpetrator . Then , to stages the first thing to do investigator is to finish police investigation report at the same time also parallel mediation process is carried out by all parties . Mediation here is deliberation consensus in front of investigators , prosecutors and /or judges to look for point profitable meeting all party in frame in frame look after integrity House harmonious and prosperous ladder .

With thus can explained that fulfillment rights of victims of violence in House stairs carried out by the Police Aru Islands during This has in accordance with Constitution Number 23 of 2004 Concerning Deletion Domestic Violence , in Article 10 which explains about the rights granted to victims of violence in House ladder that is give protection towards the victim. The protection provided covering service medical towards the victim, cooperate with institution social related with assistance and support law , to do socialization about violence in House stairs , giving service guidance spiritual .

Implement and fulfill the rights of victims of domestic violence but in implementation fulfillment his rights Still there is the obstacles faced Good from party The police and the victim themselves , where the victim did not fully use the rights of the victims as mandated in the Domestic Violence Act. Victims of violence should in House ladder can carry out his rights that have been mandated in the Domestic Violence Act so that can help party police in expedite the legal process that is handled and required cooperation party Police Station with agency related and the victim himself use can minimize cases of domestic violence that occur during This in accordance the Domestic Violence Act is a threat .( Mohammad Azzam Manan, 2019).

In terms of the enforcement process the law , then party power health , workers social , volunteer companion , mentor spiritual can to weave cooperation with party enforcer law in a system justice criminal integrated in frame deletion act violence in House stairs . For That in Regulation Government This in Article 18 of the Law Number 23 of 2004 has set up cooperation meant with : ( Moerti , Hadiati, Soeroso.2012).

- a. Police , for report and process perpetrator act criminal violence in House ladder .
- b. Advocate , for assist victims in the judicial process .
- c. Other law enforcers , for assisting victims in the trial process
- d. Commission against Violence to women ( National Commission on Violence Against Women) with task mentoring against victims of violence in House ladder .
- e. Commission Indonesian Child Protection Agency (KPAI) with task mentoring against victims of violence in House ladder specifically to child .

Example case Domestic Violence In Judge 's Decision In Case Number 430/ Pid.Sus /2021/PT MDN. Violence in the room scope family can happen consequence existence interpretation Which wrong aboutgender bias, where there is perception that a Woman must obedient to men . As a result , it happened violence in House stairs . Gender bias also provides pressure on women For become obey and accept all form treatment that is not fairer prioritize interestsocial or other people's interests than rights his personal .

In general In general , gender bias places Woman in weak position , so that strengthen domination man in structure family and society . This is very detrimental women and cause they more often become a victim violence ( Nofarina , 2012). On the reality Indonesia, has carry out regulation Which very detailedFor arrange case act criminal violence in House stairs (domestic violence). One of them in Article 356 number 1 Book Constitution Law Criminal (Criminal Code) Which mention that criminal Which determinedin Articles 351, 353, 354, and 355 can added one third punishment for those who do crime That to his mother , his father , Which valid , his wife , or his son 4 Chapter the previously has often usedby law enforcement law in Indonesia for handle case violence in House stairs (domestic violence).

However , Because problem Domestic violence moment This considered as issue Which more specific , chapter the has revoked Because considered No Again relevant . As instead , Law No. 23 Year 2004 about Deletion Violence InHouse Ladder has enforced , Which in a way more detailed arrange problem said . However when victim violence in House ladder has dare to himself For report the violence he experienced to apparatus enforcer law Because Already No stand Again , it turns out on moment the case reported No There is clarity from apparatus

enforcer law related settlement the matter . Matter This make victim violence in House ladder experience suffering twotime (double victimization) (Sarah Azkia & (Dian Andriasari , 2023).

Domestic violence crimes can occur due to a lack of recognition of the fulfillment of all basic rights.human beings, including equal rights and obligations under the law. Human rights (HAM) are all over right Which man have solely due to his status as man. Individual have rightsThis is not due to a gift from society or based on positive law, but simply based on iton dignity And his dignity as man. For example, right life is right use get all matter the one that can maintain life somebody.

Cases of violence in marriage that are resolved through the judicial process often occur in Indonesia, including cases in where a husband do violence to his wife which was resolved through Decision No. . Based on incident the, Judge decide For give punishment prison during 4 year6 months to the defendant because it was proven that he had legally committed a criminal act of negligence which resulted in someone else's death. In his first indictment, the prosecutor charged the defendant with using chapter 44 paragraph 3 jo. Chapter 44 paragraph 1 Constitution Republic Indonesia Number 23 Year 2004. Next, in indictment the primary, prosecutor to accuse defendant with use chapter 338 Book ConstitutionCriminal law.

As a law enforcer, a judge has duties in the judicial field, namely receiving, examining, decide and resolve every case submitted to him. Justice seekers certainly do hopes that cases submitted to the court can be decided by professional and competent judges have high moral integrity, so that they can make decisions that are in accordance with rule legislation.

#### **In deciding case Number 430/ Pid.Sus /2021/PT MDN.**

The judge has decide deficiency 1 year in prison to defendant Because has proven in a way legitimate do act criminal negligence to defendant Not yet appropriate Because based on the existing facts in trial , defendant more leading fulfillment elements in Law Republic of Indonesia NO 23 YEAR 2004 ABOUT DELETIONDOMESTIC VIOLENCE (UUPKDRT), then to be continued with Article 338 of the Criminal Code and Article 306 paragraph 2 in conjunction with Article 304 of the Criminal Code, Article 369 of the Criminal Code. The Domestic Violence Law is Constitution special thatown wide coverage compared to with the Criminal Code so that adopted by the judges in general explicit , between other can known from consideration law Which put forward by judge must to describe elements - element Which there is in chapter Constitution the in a way more detail .

## **5. SUGGESTION DAN CLOSING**

### **Suggestion**

Based on description above can concluded that , the Law Deletion Domestic violence Not yet accommodate victims' rights to get change material loss on the suffering experienced Good in form restitution and also compensation . Fulfillment of the rights of victims of violence in House ladder as form protection carried out Constitution Number 23 of 2004 Concerning Deletion Domestic Violence , in Article 10 which includes : providing service medical towards the victim, cooperate with institution social related with assistance and support law , to do socialization about violence in House stairs , giving service guidance spiritual . With thus should fulfillment the rights of victims of domestic violence can implemented in accordance mandate in the Domestic Violence Act and is required cooperation between agency related to be able to assist and expedite the legal process use can minimize cases of domestic violence that occur during This .

Importance evaluate return to Article 5 of the Law on the Protection of Women and Children which provides not quite enough answer to government and society For prevent and overcome violence in House stairs . Addition sanctions and mechanisms enforcement more laws clear need under consideration For increase effectiveness protection law for the victims. In addition , gender inequality still exists become problem Serious need review deep against possible legal norms in a way No direct support inequality The role of the apparatus enforcer law , in particular in the context of Article 44B of the Criminal Code which regulates act criminal violence in House stairs , also need improvement understanding and sensitivity to issue violence in marriage . Engagement non- governmental institutions and organizations public Civilians also hold role important in give support , advocacy and assistance for the victims. The importance of involvement This confirmed by Article 61 of the Women and Children Protection Law.

### **Closing**

Constitution Deletion Domestic Violence in Article 10 , provides right to victims of violence in House stairs , for get :

- a. protection from party family , police , prosecutors , courts , advocates , institutions social , or party other Good temporary and also based on determination order protection from court ;
- b. service health in accordance with need medical ;
- c. Handling in a way special related with victim confidentiality ;



- d. assistance by workers social and assistance law on every inspection process level in accordance with provision regulation legislation ; and
- e. service Spiritual guidance

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