

## Legal Protection for Victims of Domestic Violence

Herlina Novica Saragih<sup>1</sup>, Tamaulina Br Sembiring<sup>2</sup>

<sup>1,2</sup> Universitas Pancabudi, Medan, Indonesia

Email: [herlinasaragih98@gmail.com](mailto:herlinasaragih98@gmail.com), [tamaulina@dosen.pancabudi.ac.id](mailto:tamaulina@dosen.pancabudi.ac.id)

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Corresponding Author:

Author Name\*: Herlina Novica Saragih

Email\*:

[herlinasaragih98@gmail.com](mailto:herlinasaragih98@gmail.com)

**Abstrak:** Domestic violence remains a pervasive issue globally, often leaving victims without a sense of justice or adequate protection. In many cases, resolutions fail to address the needs of domestic violence victims, perpetuating their suffering and leaving them vulnerable to further harm. Recognizing the severity of this issue, the implementation of legal protections outlined in Law Number 23 of 2004 concerning the Elimination of Domestic Violence is crucial. The research method employed by the author utilizes a normative legal approach, focusing on legal norms within statutory regulations. By gathering primary and secondary legal materials, the author examines the problem of domestic violence and seeks to align findings with established legal principles. This methodological approach, supplemented by literature reviews, enables the author to conclude the unequal dynamics within marital relationships that perpetuate domestic violence. Legal protection for victims of domestic violence is paramount as all forms of violence, particularly within the home, constitute human rights violations. Victims endure physical, psychological, and sexual abuse, as well as neglect, resulting in profound suffering and loss. Ensuring the protection of victims' rights is imperative to deliver justice and alleviate their trauma. However, many victims hesitate to report domestic violence due to feelings of embarrassment or fear of further harm. This reluctance underscores the critical need for comprehensive legal protections that prioritize the safety and well-being of victims. By fostering an environment of support and empowerment, victims can feel more confident in seeking justice and breaking the cycle of abuse. In conclusion, addressing domestic violence requires a multifaceted approach that combines legal enforcement with social support systems. By upholding the principles outlined in Law Number 23 of 2004 and providing comprehensive protections for victims, society can work towards eradicating domestic violence and ensuring justice for all.

**Keywords :** domestic violence, human rights, gender inequality, legal protection

### INTRODUCTION

To create a country with a just, prosperous and independent society, Indonesia has established human rights as one of the fundamental values that must be upheld. However, the reality shows that the phenomenon of domestic violence is still a serious problem that threatens the continuity of individual fundamental rights, especially women's rights.<sup>1</sup>

<sup>1</sup> M H Soeroso, "Kekerasan Dalam Rumah Tangga Dalam Perspektif Yuridis-Viktimologis," (No Title), 2010, <https://cir.nii.ac.jp/crid/1130000798247290624>.

Domestic violence is a category of physical and mental cruelty that often triggers divorce and sexual violence. Although the reported figures may only be the tip of the iceberg of the whole problem, this phenomenon has become rampant in various levels of society, both in the public and domestic spheres. Ironically, in many cases of domestic violence, women, especially wives, are the primary victims.<sup>2</sup>

Ideally, husband and wife relationships should be built in harmony and happiness. However, in reality, many wives experience various forms of violence, ranging from physical, psychological, and sexual to economic, perpetrated by their husbands. Unfortunately, the intense stigma surrounding domestic problems makes it difficult for victims of domestic violence to report their suffering to law enforcement. Harsh treatment in privacy is often considered normal and inappropriate to report to the police.<sup>3</sup>

As a result, victims of domestic violence, especially wives, often experience prolonged suffering without adequate legal protection. Therefore, legal protection for victims of domestic violence is critical as an implementation of victims' rights. In this context, this research will discuss further legal protection for victims of domestic violence as a concrete effort to realize justice and welfare for individuals who are vulnerable to domestic violence. To address the severe issue of domestic violence in Indonesia and enhance the protection for victims, a comprehensive approach involving law reform, education, community engagement, and the establishment of support systems is crucial. Strengthening Indonesian legislation is necessary to provide harsher penalties for perpetrators, simplify the process of obtaining protective measures, and ensure uniform enforcement across the country. Education plays a vital role in changing societal attitudes; programs should be integrated into school curricula and community workshops to raise awareness about the unacceptability of domestic violence and promote gender equality. Additionally, robust support systems are essential for the recovery and independence of victims, including accessible shelters offering psychological and legal assistance, comprehensive healthcare services, and economic support programs like job training.<sup>4</sup>

Community engagement is another critical component, involving training for law enforcement and judicial officials to handle domestic violence cases sensitively, and collaboration with religious and community leaders to advocate against such violence. Establishing community watch programs can also help monitor and report instances of domestic violence, ensuring timely assistance for victims. To ensure these measures are effective, a strong monitoring and evaluation system must be in place to assess the impact of laws and policies, adjust strategies based on feedback from victims and professionals, and adapt to the evolving needs of society.<sup>5</sup> By implementing these measures, Indonesia can significantly advance towards eliminating domestic violence, thereby upholding and protecting the fundamental human rights

<sup>2</sup> R Saraswati, *Perempuan Dan Penyelesaian Kekerasan Dalam Rumah Tangga* (repository.unika.ac.id, 2009), <http://repository.unika.ac.id/26806/>.

<sup>3</sup> M T Makarao, *Hukum Perlindungan Anak Dan Penghapusan Kekerasan Dalam Rumah Tangga* (library.stik-ptik.ac.id, 2013), <http://library.stik-ptik.ac.id/detail?id=50136&lokasi=lokal>.

<sup>4</sup> M A Manan, "Kekerasan Dalam Rumah Tangga Dalam Perspektif Sosiologis," *Jurnal Legislasi Indonesia* (e-jurnal.peraturan.go.id, 2018), <https://e-jurnal.peraturan.go.id/index.php/jli/article/viewFile/295/180>.

<sup>5</sup> A B Santoso, "Kekerasan Dalam Rumah Tangga (KDRT) Terhadap Perempuan: Perspektif Pekerjaan Sosial," *Komunitas*, 2019, <https://journal.uinmataram.ac.id/index.php/komunitas/article/view/1072>.

of all citizens, particularly vulnerable women, and contributing to the creation of a just, prosperous, and independent society.

## METODOLOGI

This research was designed to explore the problem of domestic violence in Indonesia; the main focus is on evaluating legal protection for victims. A qualitative approach was chosen to explore the complexity of domestic violence and assess legal responses to it. The main aim of this research is to identify forms of domestic violence, understand the factors that contribute to it, and evaluate the effectiveness of the legal protection currently provided. This research also proposes recommendations to improve existing legal policies and practices<sup>6</sup>.

Data collection methods will involve extensive document study, including analysis of police records, court decisions, and relevant legal policies.<sup>7</sup> This process will be complemented by direct observation and focus group discussions with legal practitioners and social workers, which will assist in understanding the legal framework and its implementation in the field.<sup>8</sup>

The research sample will be selected purposively to include individuals from various geographic, social and economic backgrounds in several provinces in Indonesia, which can provide comprehensive insight into domestic violence. Data analysis will be carried out through the thematic analysis method, where information will be categorized into main themes related to domestic violence and legal responses to it.<sup>9</sup>

## RESULTS AND DISCUSSION

This research was designed to explore the problem of domestic violence in Indonesia; the main focus is on evaluating legal protection for victims<sup>10</sup>. A qualitative approach was chosen to explore the complexity of domestic violence and assess legal responses to it. The main aim of this research is to identify forms of domestic violence, understand the factors that contribute to it, and evaluate the effectiveness of the legal protection currently provided. This research also proposes recommendations to improve existing legal policies and practices.<sup>11</sup>

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<sup>6</sup> Sungguh Ponten, "Perlindungan Hukum Terhadap Konsumen Dalam Transaksi Jual Beli Online Melalui Sosial Media," *Realism: Law Review* 1, no. 3 (2023): 79–90.

<sup>7</sup> Ruth Finnegan, "Using Documents," *Data Collection and Analysis* 2 (2006).

<sup>8</sup> B Arifin and L Santoso, "Perlindungan Perempuan Korban Kekerasan Dalam Rumah Tangga Perspektif Hukum Islam," *De Jure: Jurnal Hukum Dan ...* (download.garuda.kemdikbud.go.id, 2016), [http://download.garuda.kemdikbud.go.id/article.php?article=693306&val=5276&title=Perlindungan Perempuan Korban Kekerasan Perspektif Hukum Islam](http://download.garuda.kemdikbud.go.id/article.php?article=693306&val=5276&title=Perlindungan%20Perempuan%20Korban%20Kekerasan%20Perspektif%20Hukum%20Islam).

<sup>9</sup> Tim Rapley and Gethin Rees, "Collecting Documents as Data," *The SAGE Handbook of Qualitative Data Collection*, 2018, 378–91.

<sup>10</sup> L Jamaa, "Perlindungan Korban Kekerasan Dalam Rumah Tangga Dalam Hukum Pidana Indonesia," *Jurnal Cita Hukum*, 2014, <http://journal.uinjkt.ac.id/index.php/citahukum/article/view/1467>.

<sup>11</sup> M Ramadani and F Yuliani, "Kekerasan Dalam Rumah Tangga (KDRT) Sebagai Salah Satu Isu Kesehatan Masyarakat Secara Global," *Jurnal Kesehatan Masyarakat ...*, 2015, <http://jurnal.fkm.unand.ac.id/index.php/jkma/article/view/191>.

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In the context of this research, focus group discussions will be an essential platform to gather direct perspectives from those who interact with victims of domestic violence regularly. Legal practitioners and social workers can share their experiences and challenges in implementing the law and helping victims through these discussions.<sup>14</sup> This research will explore how social stigma, barriers to access to legal resources, and inadequate psychological support affect victims and the process of resolving domestic violence cases. Through this qualitative approach, it is hoped that we can identify gaps in the existing protection system and provide concrete recommendations that can be implemented to improve the conditions of victims.<sup>15</sup>

In addition, this research will also consider socio-economic and cultural factors that may contribute to the prevalence of domestic violence in various communities in Indonesia.<sup>16</sup> This understanding will help in developing strategies that are not only reactive in dealing with domestic violence incidents that have occurred but also proactive in preventing violence from occurring. This study will consider how educational, economic, and cultural factors influence behaviour within the household and the extent to which these factors influence acts of domestic violence.<sup>17</sup>

The data analysis process from document studies and focus group discussions will be carried out carefully.<sup>18</sup> Information will be categorized into relevant themes that emerged during the research, and each theme will be analyzed to understand its contribution to the broader problem and potential solutions. The results of this analysis will likely form the basis for

<sup>12</sup> R Wahab, "Kekerasan Dalam Rumah Tangga: Perspektif Psikologis Dan Edukatif," *Unisia*, 2006, <https://journal.uui.ac.id/Unisia/article/view/5488>.

<sup>13</sup> K A P Wardhani, "... Dalam Rumah Tangga (KDRT) Pada Tingkat Penyidikan Berdasarkan Undang-Undang No. 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga ...," *Jurnal Riset Ilmu Hukum*, 2021, <https://journals.unisba.ac.id/index.php/JRIH/article/view/70>.

<sup>14</sup> R Safrina, I Jauhari, and A Arif, "Perlindungan Hukum Terhadap Anak Korban Kekerasan Dalam Rumah Tangga," *Jurnal Mercatoria*, 2010, <http://ojs.uma.ac.id/index.php/mercatoria/article/view/591>.

<sup>15</sup> S Ismiati, *Kekerasan Dalam Rumah Tangga (KDRT) & Hak Asasi Manusia (HAM) (Sebuah Kajian Yuridis)* (books.google.com, 2020), <https://books.google.com/books?hl=en&lr=&id=cjP4DwAAQBAJ&oi=fnd&pg=PP1&dq=kekerasan+dalam+rumah+tangga&ots=Aks9IPM9RV&sig=VinqFe4EEnfGx-tPON8vEXu-Rlg>.

<sup>16</sup> S Sibarani, "Prospek Penegakan Hukum Undang-Undang Penghapusan Kekerasan Dalam Rumah Tangga (UU PKDRT)," *Jurnal HAM*, 2016, <https://ejournal.balitbangham.go.id/index.php/ham/article/view/66>.

<sup>17</sup> Y Huriyani, "Kekerasan Dalam Rumah Tangga (KDRT): Persoalan Privat Yang Jadi Persoalan Publik," *Jurnal Legislasi Indonesia* (e-jurnal.peraturan.go.id, 2018), <https://e-jurnal.peraturan.go.id/index.php/jli/article/download/299/184>.

<sup>18</sup> A I Asmarany, "Bias Gender Sebagai Prediktor Kekerasan Dalam Rumah Tangga," *Jurnal Psikologi* (journal.ugm.ac.id, 2008), <https://journal.ugm.ac.id/jpsi/article/viewFile/7096/5548>.

developing more effective policies, including legal reform and the development of educational programs and community interventions.<sup>19</sup>

Hopefully, this research will contribute to policy makers, government institutions, and civil society organizations' efforts to address domestic violence. By providing comprehensive data and analysis, this research will support advocacy for significant change in the way society and the legal system respond to domestic violence, with the ultimate goal of creating safer and more supportive environments for all household members.<sup>20</sup>

The Law on the Elimination of Domestic Violence has provided a comprehensive and innovative legal framework to protect human rights, with a focus on preventing domestic violence, which is more preventive than repressive.<sup>21</sup> This Law expands the definition of domestic violence to not only include physical, sexual and psychological violence but also adds 'domestic neglect' as a punishable form of violence. In this protection effort, the Law includes a corrective element by offering alternative sanctions for perpetrators, such as social work and intervention programs, to prevent violence from recurring. Apart from that, there are preventive efforts aimed at the community, raising awareness that domestic violence is not just a private problem but requires intervention.<sup>22</sup> This Law also provides broad protection for victims by establishing victims' rights, such as obtaining compensation, restitution, guidance, and rehabilitation, as well as legal protection, including the assistance of legal counsel and legal remedies. This helps victims obtain justice and prevents lasting traumatic impacts. This protection is strengthened by procedures that make it easier for victims to report incidents of violence, either directly to the police or through power of attorney given to family or other people. The head of the court must immediately issue a letter of protection for the victim within seven days of receiving the application, demonstrating the legal system's responsiveness to the victim's urgent needs.<sup>23</sup>

This Law also includes comprehensive prevention efforts through outreach and education about domestic violence, developing gender-sensitive policies and programs, and ensuring standards and accreditation for gender-sensitive services. When violence occurs, the government and local governments must provide unique and integrated services at police stations, health facilities, and social and spiritual support for victims. This Law even regulates flexible criminal

<sup>19</sup> A H Syawqi, "Hukum Islam Dan Kekerasan Dalam Rumah Tangga," *De Jure: Jurnal Hukum Dan Syar'iah*, 2015, <http://ejournal.uin-malang.ac.id/index.php/syariah/article/view/3509>.

<sup>20</sup> A Setyaningrum and R Arifin, "Analisis Upaya Perlindungan Dan Pemulihan Terhadap Korban Kekerasan Dalam Rumah Tangga (KDRT) Khususnya Anak-Anak Dan Perempuan," *Jurnal Ilmiah Muqoddimah: Jurnal ...*, 2019, <http://jurnal.um-tapsel.ac.id/index.php/muqoddimah/article/view/677>.

<sup>21</sup> A D Meidianto and S I K STK, *Alternatif Penyelesaian Perkara Kekerasan Dalam Rumah Tangga: Dalam Perspektif Mediasi Penal* (books.google.com, 2021), <https://books.google.com/books?hl=en&lr=&id=Z6A4EAAAQBAJ&oi=fnd&pg=PA1&dq=kekeraan+dalam+rumah+tagga&ots=5zo87d8jIL&sig=1lyt39RX8hEbommB-kOY3PSG1eI>.

<sup>22</sup> M G Sopacua, "Konsep Ideal Pencegahan Kekerasan Dalam Rumah Tangga Terhadap Perempuan," *Jurnal Pembangunan Hukum Indonesia*, 2022, <https://ejournal2.undip.ac.id/index.php/jphi/article/view/13423>.

<sup>23</sup> H Abdurrachman, "Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga Dalam Putusan Pengadilan Negeri Sebagai Implementasi Hak-Hak Korban," *Jurnal Hukum Ius Quia Iustum*, 2010, <https://journal.uin.ac.id/IUSTUM/article/view/3919>.



sanctions for perpetrators, giving law enforcement the option of imposing prison sentences or fines, with additional sanctions such as movement restrictions or placing perpetrators in counselling programs.<sup>24</sup>

Through the implementation of the Law on the Elimination of Domestic Violence, it is hoped that effective coordination will be created between the government and the community, as well as between victims and law enforcement, which is essential in preventing and overcoming domestic violence. This joint effort is significant because domestic violence is a complaint offence that requires active reporting from the victim or their representative to initiate legal action, underscoring the importance of close cooperation in combating the phenomenon of domestic violence.<sup>25</sup>

## CONCLUSIONS

The Law on the Elimination of Domestic Violence in Indonesia shows that this Law is a step forward in protecting human rights and strengthening legal responses to domestic violence. This Law adopts a more preventive than repressive approach, emphasizing the importance of prevention and intervention before violence escalates. By expanding the definition of domestic violence to include physical, sexual, and psychological violence and neglect, the Law provides a more inclusive legal framework that recognizes the various forms of violence that can occur in a household.

This Law also provides comprehensive protection for victims, guaranteeing their rights to compensation, restitution, and access to rehabilitation and legal services. This demonstrates the country's commitment to supporting victims and ensuring they receive adequate protection and justice. In addition, the Law regulates preventive and educational measures aimed at increasing public awareness about domestic violence and building a society that is more gender-aware and free from violence.

Effective implementation of this Law requires close cooperation between the government, legal institutions and the community. This joint effort is significant because domestic violence is a complaint offence, where the victim must report it to start the legal process. Through solid coordination and cooperation, it can be hoped that the policies and programs initiated by the Law on the Elimination of Domestic Violence will have a significant impact in reducing incidents of domestic violence, protecting victims, and strengthening justice and security in the domestic context in Indonesia.

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<sup>24</sup> A L Laurika, "Perlindungan Hukum Terhadap Korban Tindak Pidana Kekerasan Dalam Rumah Tangga," *Lex Crimen*, 2016, <https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/11113>.

<sup>25</sup> R S Kolibonso, "Penegakan Hukum Kejahatan Kekerasan Dalam Rumah Tangga," *Jurnal Legislasi Indonesia* (e-jurnal.peraturan.go.id, 2018), <https://e-jurnal.peraturan.go.id/index.php/jli/article/download/296/181>.



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