

Journal of Comprehensive Science
p-ISSN: 2962-4738 e-ISSN: 2962-4584
Vol. 3. No. 11 November 2024

Legal Policy in Handling Domestic Violence: The Role of Protection and Legal Institutions

Lindri Purbowati, Ahmad Redi

Borobudur University, Indonesia

Email: lindri.1990@gmail.com, redi.ahmad2010@gmail.com

Abstract

Domestic violence (DV) is a complex phenomenon that stems from various social, cultural and economic aspects. Domestic violence includes not only physical violence but also psychological, sexual, and economic violence, all of which have a significant impact on victims and their families. The Indonesian government has issued various regulations and laws to combat domestic violence, such as Law No. 23/2004 on the Elimination of Domestic Violence. This research aims to analyze the effectiveness of legal policies to combat domestic violence (KDRT) in Indonesia as well as the role of protection organizations and law enforcement agencies in providing support to victims. Domestic violence is a serious problem that requires comprehensive and systematic treatment. This research uses qualitative methods with analysis of policy documents, annual reports and statistics on domestic violence cases. The research results show that although there are supportive policies, their implementation is still not optimal due to lack of coordination between institutions, lack of resources and sensitivity of the judicial apparatus to domestic violence issues. Protection agencies play an important role in assisting and assisting victims, but limited financial and human resources hamper the effectiveness of these agencies. The study recommends increased training for law enforcement officers, increased funding for protection agencies as well as public education campaigns to increase awareness and participation in managing family violence. Collaboration between the government, protection agencies, law enforcement and the community is very important in creating a more effective and fair system for dealing with family violence.

Keyword: policy, violence, law, household

INTRODUCTION

Marriage is something that can change a person's status, where a woman who is still a girl and a man who is still a virgin will change her social status to become a wife and husband (Syakroni, 2021). A person who decides to marry should understand and understand that there will be additional rights and obligations as a legally capable legal subject, where the marriage is protected by Marriage Law Number 16 of 2019 amending Law Number 1 of 1974. Marriage should not be carried out if there are violations of the laws that protect it, because there will be consequences for marriages that are carried out without heeding the requirements of the marriage law (Maulana, 2021).

Marriage Law Number 16 of 2019 amending Law Number 1 of 1974 changes the minimum age of a person who wants to enter into marriage, which was originally 19 years old for men and 16 years old for women (Jamil, 2021). Currently, with the revision of the Marriage Law, prospective husband and wife must be at least 19 years old. This is based on several things

where the Marriage Law makes adjustments to the Child Protection Law, where the age limit for children is 18 years old, so it is necessary to make changes to the marriage law which previously for women was 16 years old. Children are legal subjects who are included in groups that are not yet legally capable. A child should not be given a big responsibility in building a household that needs psychological, physical and financial maturity. Maturity in all respects is needed in building a household and also sufficient knowledge in carrying out marriage, because marriage is a big responsibility where there are legal consequences that follow if you commit an offense, especially violations that have entered the realm of criminal law, namely domestic violence (Simanjorang, 2022). Domestic violence often occurs due to the immaturity of married couples in carrying out their respective roles, and it is not uncommon for domestic violence to occur due to economic problems that are insufficient to support the daily life of the family (Andi & Jabal, 2020).

Domestic violence (DV) is a complex phenomenon and stems from various social, cultural, and economic aspects. In Indonesia, cases of domestic violence continue to increase every year, indicating the need for effective and systematic legal policies to deal with and prevent it (Wardhani, 2021). Domestic violence includes not only physical violence but also psychological, sexual, and economic violence, all of which have a significant impact on victims and their families. The Indonesian government has issued various regulations and laws to combat domestic violence, such as Law No. 23/2004 on the Elimination of Domestic Violence. However, the implementation of this policy still faces many obstacles, both in terms of law enforcement, public awareness, and support from protection organizations. Poor coordination between institutions and a lack of resources are also factors inhibiting the handling of domestic violence cases (Marlina et al., 2022).

Domestic violence is gender-based violence that occurs in the personal sphere. This violence mostly occurs in personal relationships, where the perpetrator is a person who is well known and close to the victim, for example violence committed by a husband against his wife, father against his child, uncle against his nephew, grandfather against his grandchild (Sinaga, 2022). This violence can also arise in dating relationships, or be experienced by people who work to help with household chores and live in the household. In addition, domestic violence is also defined as violence against women by family members who are related by blood (Setiawan et al., 2018).

The role of protection organizations such as Komnas Perempuan and NGOs that focus on women and children's issues is very important in supporting victims of domestic violence (Putri & Panjaitan, 2023). These organizations provide services such as counseling, legal aid and temporary accommodation to victims. However, limited financial and human resources are often an obstacle in providing optimal support. In addition to protection organizations, the legal system also plays an important role in handling domestic violence. However, law enforcement officials often lack understanding and sensitivity to the issue of domestic violence, resulting in lengthy and ineffective legal processes (Megawaty et al., 2024).

Domestic violence (DV) is a complex and far-reaching social problem. In many countries, including Indonesia, domestic violence involves not only female victims, but also children and other family members (Supriyadi et al., 2024). These cases include various forms of violence, such as physical, psychological, sexual and economic violence, which causes suffering to the victim and affects the well-being of the family as a whole.

To tackle this problem, legal policy is needed as a preventive, curative, and rehabilitative effort. In Indonesia, the legal regulation of domestic violence is contained in Law Number 23 Year 2004 on the Elimination of Domestic Violence (PKDRT Law) (Hamida & Setiyono, 2022). Domestic violence is a form of violation of human rights, especially the right to protection from violence and inhumane treatment. The government has the responsibility to protect its citizens from all forms of violence, including those that occur within the household.

The state is obliged to ensure that domestic violence cases are dealt with firmly and victims get access to justice, protection and recovery (Thifi, 2023). The legal system, including law enforcement officials, must have a strong foundation to handle domestic violence cases. Many domestic violence cases are not revealed because they are considered private or taboo issues. Through legal policies, it is hoped that the public can better understand the importance of reporting and following up on domestic violence cases so that there is better prevention (Usmita, 2017).

Education and training of law enforcement and protection officials is needed to improve their understanding of domestic violence. This training should include aspects such as trauma management, sensitive interrogation techniques, and fair and effective legal procedures. This is expected to create a system that is more responsive and fair to victims of domestic violence (Pradinata, 2017). Community participation in handling domestic violence is equally important. Community awareness and involvement can help identify cases of domestic violence that are often hidden and unreported.

Campaigns and education about the dangers of domestic violence and the rights of victims must be increased so that the community is more interested and active in addressing this problem. On the other hand, victims of domestic violence are often stigmatized and discriminated against by the environment and the legal system itself. This stigma can deter victims from reporting the violence they have experienced and prevent them from seeking help. It is important to create a supportive and non-discriminatory environment for victims so that they feel safe and supported throughout their recovery process.

This legal policy not only provides protection to victims, but is also a form of state commitment in fighting all forms of domestic violence. Through the synergy between legal policies and the role of various institutions, it is hoped that domestic violence can be minimized, and family welfare and security can be created.

Collaboration between the government, protection agencies, law enforcement agencies and the community is needed to create a comprehensive and effective legal policy in addressing domestic violence. This synergy must be supported by strong political commitment and appropriate budget allocations so that domestic violence handling programs can be sustainable. In addition, further research and evaluation of domestic violence policies and programs is important to determine their effectiveness and weaknesses (Yustisia, 2010). The results of this research can be used to improve existing policies and develop new, more effective strategies to prevent and address domestic violence. Through strong legal policies, the support of effective advocacy organizations, and the active involvement of the community, it is hoped that the incidence of domestic violence in Indonesia can be reduced. This will have a positive impact not only on victims and their families but also on society as a whole by creating a safe and violence-free environment.

This study introduces a new perspective on the link between the minimum marriage age and domestic violence prevention, focusing on the psychological, emotional, and financial readiness required for a healthy marriage. It emphasizes the need for a holistic approach that includes not only legal reforms but also social, educational, and economic support systems to address the root causes of domestic violence. While existing literature often focuses on the aftermath of domestic violence, this research contributes to preventive measures by highlighting the role of pre-marital maturity in reducing the likelihood of DV.

On a global scale, this research offers valuable insights into the impact of marriage laws and age restrictions on reducing domestic violence. By drawing attention to the importance of emotional and financial maturity, the study provides a foundation for policymakers worldwide to reconsider marriage age laws in alignment with child protection and human rights standards. Countries with high rates of domestic violence can benefit from this research by incorporating comprehensive marriage education programs, financial literacy, and psychological counseling

into pre-marital preparations. This approach not only helps to prevent domestic violence but also promotes healthier, more sustainable marriages, which can positively impact society as a whole by reducing social costs and improving quality of life. Additionally, the research can contribute to the global discourse on women's rights and child protection, fostering a more equitable society.

RESEARCH METHOD

This research uses a qualitative approach with a prescriptive analysis method to examine the effectiveness of legal policies for handling domestic violence (KDRT) in Indonesia. Data was collected from various secondary sources, including laws, government regulations, and case studies. Regulatory analysis is carried out by identifying, classifying and evaluating relevant information to obtain a comprehensive picture of policy implementation and challenges faced. In addition to regulatory analysis, this study also used literature research to review theories and previous research findings related to domestic violence and legal policies in Indonesia.

The literature review used in this research includes a review of journals, books and scientific articles that discuss the legal, social and psychological aspects of domestic violence. The results of the regulatory analysis and document research will then be compared and contrasted to identify patterns, themes and gaps in the handling of domestic violence. Triangulation is used to increase the validity and reliability of the research results by combining different data sources and analysis methods.

RESULT AND DISCUSSION

1. The Effectiveness of Existing Legal Policies in Handling Cases of Domestic Violence (KDRT) in Indonesia.

The theory of Legal Effectiveness according to Soekanto as a rule is a benchmark regarding appropriate attitudes of action or behavior in legal actions or realities that can be known if someone states that a legal rule succeeds or fails to achieve its purpose, then it is usually known whether its influence has succeeded in regulating certain attitudes of action or behavior so that it is in accordance with its purpose or not. Legal effectiveness means that legal effectiveness will be highlighted from the objectives to be achieved, namely legal effectiveness. The method of thinking used is the deductive-rational method, giving rise to a dogmatic way of thinking. On the other hand, there are those who view law as an attitude of action or regular behavior (steady). The method of thinking used is inductive-empirical, so that the law is seen as an act that is repeated in the same form, which has a certain purpose (Royanah, 2023).

According to Soerjono Soekanto, based on the theory of legal effectiveness, to measure whether or not a law is achieved in the process of handling cases of violence according to the desired goal, it is determined based on 5 factors, namely (Royanah, 2023):

- a. The legal factor itself. This factor functions as legal certainty in resolving a case in order to provide the benefit of justice for victims.
- b. Law Enforcement Factor. This factor is very important for the functioning of a law in society, law enforcers must have a healthy mentality so that inequality does not occur.
- c. Facilities. The facilities and facilities factor serves to act as a container that accommodates the means of supporting the other factors above, this factor is very necessary to support other factors to run maximally.
- d. Community Factors. In the community factor, it plays an important role in the course of a law set by the government, because compliance or the success of the law is an indicator based on this factor, if the rules of the Law have been obeyed, and the community is also aware of the applicable law, it can be said that the Law can be said to be effective.

- e. Cultural Factors. Cultural factors, namely factors that regulate the behavior and habits of people in society. Repeated habits become the culture of a society. Law has a direct impact on the social transformation of society. The existence of social planning, which is a way to influence society through an organized system, spreads the law so that it becomes institutionalized in society and influences people's behavior.

The effectiveness of legal policy in handling cases of domestic violence in Indonesia is a complex and important research issue. Law No. 23/2004 on the Elimination of Domestic Violence is the main foundation for the state's efforts to protect victims of domestic violence. However, the implementation of this law faces a number of challenges, thus affecting the effectiveness of this law in practice (Soleman, 2020). This law regulates various aspects related to domestic violence, including the definition of violence, prevention efforts, victim protection, and punishment of perpetrators. However, in reality, law enforcement is still inconsistent and hampered by many factors such as lack of coordination between institutions, lack of resources and weak capacity of law enforcement officers in law enforcement. As a result, many cases of domestic violence go unreported or are not taken seriously, increasing the risk of victims experiencing repeated violence.

The enforcement of this law is also influenced by cultural and social norms that still view domestic violence as a private matter to be resolved within the family. Some cases of domestic violence tend to go unreported due to stigma or fear of wider social repercussions. In addition, there are differences in interpretation and application of this law between regions, sometimes leading to inconsistent handling of domestic violence cases between regions. The success of legal policies in addressing domestic violence also relies heavily on the capacity of protection organizations such as the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) and non-governmental organizations that support victims. While efforts have been made to improve victims' access to these services, such as counseling and legal aid, there are still barriers related to the availability and quality of services provided.

In the legal context, it is important to clearly state how the legal process handles cases of domestic violence, from reporting, investigation, trial to punishment of the perpetrator (Mardani, 2016). Although the domestic violence law provides a clear legal basis, the legal process often does not provide enough justice for victims. These problems can include the slow pace of the legal process, the heavy burden of proof for victims, and sentences that are often disproportionate to the crime committed. Monitoring and evaluating the implementation of domestic violence laws is also important to evaluate the effectiveness of these laws. Many civil society organizations and NGOs monitor the enforcement of domestic violence-related laws to ensure policies are effectively implemented and have a significant impact on society. However, challenges related to freedom of expression and access to information often hinder such monitoring efforts. In addition, the need to educate and raise awareness about domestic violence cannot be ignored.

Increasing knowledge about their rights as victims, how to access help and the importance of reporting violence are important steps in changing attitudes and behaviors towards violent families. Such education programs should be strengthened and continuously supported to create broader social change in dealing with this issue. From a public policy perspective, an assessment of current policies is also needed to assess their ability to achieve the goal of protecting victims of domestic violence. An analysis of the social, economic and psychological impacts of these policies on society must also be taken into account to ensure that policies are not only legally effective but also sustainable in their implementation and provide solutions to the problem of domestic violence. It is also important to consider international frameworks and best practices in combating domestic violence to improve the existing system. Different countries have developed different approaches to address domestic violence. This can be a source of inspiration and learning for Indonesia in improving its system.

The active involvement of civil society, including NGOs and academics, is needed to bring about policy change and strengthen protection for victims of domestic violence. Their participation in advocacy, monitoring and research provides a valuable contribution in supporting efforts to improve Indonesia's domestic violence response system. Overall, a thorough understanding of the factors that influence the effectiveness of legal policies in preventing domestic violence is an important step in guiding improvements to Indonesia's law enforcement system. By identifying and addressing current challenges, it is hoped that legal policies can become more effective in protecting victims of domestic violence and reducing overall levels of domestic violence.

2. The Role of Protection Agencies And Law Enforcement Officials In Providing Support And Protection To Victims Of Domestic Violence

The role of protection and law enforcement agencies in supporting and protecting victims of domestic violence (DV) is crucial in effectively addressing this issue. Protection organizations, such as the Integrated Service Center for Women and Children Empowerment (P2TP2A), are responsible for providing support, counseling, temporary protection and legal aid services for victims of domestic violence. However, there are still a number of challenges that need to be overcome to fully meet the needs of all victims. Law enforcement officials, including police, prosecutors, and courts, have an important role to play in ensuring that perpetrators of violence are brought to justice and punished appropriately. In reality, however, there are still various obstacles that hinder this process, such as judges' lack of adequate training and understanding of domestic violence. This can lead to insensitive handling and sub-optimal handling of cases.

Protection organizations such as P2TP2A are often at the forefront of providing direct support to victims of domestic violence. They provide temporary shelter for victims who need urgent protection as well as legal support and counseling services. However, limited resources and funding are often major challenges that hinder the ability to provide adequate services to victims. In addition, the role of law enforcement is also important in taking legal action against perpetrators of domestic violence.

The police are responsible for receiving reports of violence, conducting investigations and arresting perpetrators if necessary. However, problems in reporting and handling cases sometimes still exist, hindering the success of law enforcement efforts to combat domestic violence. Coordination between protection agencies and law enforcement officials is essential to ensure that victims of domestic violence receive comprehensive support. Good coordination between P2TP2A, police, prosecutors, and courts is essential to ensure domestic violence cases are taken seriously and as quickly as possible.

However, a lack of coordination and communication between organizations often hinders joint efforts to address the issue of domestic violence. The importance of training and capacity of law enforcement officials in responding to domestic violence cases should not be overlooked. This training should not only cover legal aspects but also psychological aspects, to ensure that judges can approach victims sensitively and treat them with respect. This is important to build victims' trust in the justice system and increase their likelihood of reporting incidents of domestic violence.

The government should increase budget allocations for protection agencies and law enforcement officers whose role is to address domestic violence. Increasing these resources is expected to provide better and more extensive services to victims of domestic violence, including improved physical infrastructure and human resources (Sibarani, 2016). The existence of a clear and coherent policy on handling domestic violence is also important in guiding the actions of protection and law enforcement agencies. The policy should contain clear procedures for handling incidents of domestic violence, including protection for victims

and sanctions for perpetrators. In this way, security and law enforcement agencies can operate in a more coordinated and effective manner.

The need for community support for victims of domestic violence should not be overlooked. Communities can play an important role in supporting victims, through emotional support, victim advocacy and reporting of violence that occurs in their neighborhoods. Increasing community awareness of domestic violence and the importance of rapid intervention can help reduce stigma against victims and increase the success of their protection efforts. Collaboration between the public and private sectors can also strengthen efforts to protect victims of domestic violence.

Many businesses and non-governmental organizations play an active role in supporting protection agencies and domestic violence prevention programs. This collaboration may include providing funding, training staff, or developing social programs that support victims of domestic violence. It is important to develop strategies that are comprehensive and sensitive to the needs of victims of domestic violence to ensure that they receive effective protection. These strategies should consider the multiple dimensions of violence experienced by victims, especially the psychological, economic, and social dimensions.

It is also important to assess the level of support provided by protection agencies and law enforcement officials to victims of domestic violence. This assessment should include an analysis of compliance with legal procedures, the quality of services provided, and victim satisfaction with the services received. The results of this assessment can serve as a foundation to continuously improve the system for protecting victims of domestic violence. The importance of harsh sanctions against perpetrators of domestic violence should not be overlooked in this debate.

Perpetrators of violence must receive sanctions commensurate with their actions, in order to prevent further violence and provide justice for victims. This justice is important to restore the trust and security of victims of domestic violence. It is also important to consider local cultural contexts and values when developing strategies to protect victims of domestic violence. These adjustments are important to increase the acceptance and effectiveness of protection programs in the community. By understanding the local context, protection agencies and law enforcement officials can develop appropriate and meaningful strategies for victims of domestic violence.

In the context of globalization, it is important to compare and learn from other countries' best practices in addressing domestic violence. Various countries have developed effective strategies to reduce the level of domestic violence, which can be a source of inspiration to improve policies and practices in Indonesia. Active community participation in monitoring and advocating for the protection of victims of domestic violence can help strengthen protection efforts (Anisa, 2021). Through this engagement, communities can help create a safer and more supportive environment for victims of domestic violence, as well as increase social pressure on perpetrators. Overall, the role of protection agencies and law enforcement officials in supporting and protecting victims of domestic violence is critical to effectively addressing this issue. By improving coordination, building capacity and implementing a comprehensive approach, it is hoped that efforts to protect victims of domestic violence can become more effective and sustainable in Indonesia.

CONCLUSION

The legal policy for handling domestic violence (DV) in Indonesia through Law No. 23/2004 is an important foundation for victim protection. However, its implementation still faces major challenges such as the role of protection organizations such as the Integrated Service Center for Women and Children Empowerment (P2TP2A) and law enforcement is very important in supporting and protecting victims. However, limited resources, lack of

coordination between institutions and judges' lack of understanding of domestic violence are major obstacles in improving the effectiveness of handling family domestic violence cases.

The implementation of this legal policy should be thoroughly evaluated to identify system weaknesses and recommend necessary improvements. To improve the effectiveness of legal policies in preventing domestic violence, there needs to be specific measures such as increasing the budget and allocating sufficient resources to protection agencies and law enforcement officers. This increase can help improve the infrastructure and services provided to victims, as well as increase the capacity of lawyers in handling domestic violence cases more sensitively and professionally.

BIBLIOGRAPHY

- Andi, Y., & Jabal, N. (2020). *Hacking the Sakinah Family Anomaly During the Covid 19 Pandemic (Study in Konda District, South Konawe Regency)*.
- Anisa. (2021). Problems of Domestic Violence (KDRT) (Legal Sociology Perspective). *Gender and Child Studies*, 05(2), 115–128.
- Hamida, A., & Setiyono, J. (2022). A Critical Analysis of the Protection of Children Victims of Domestic Violence: A Comparative Study of Laws. *Indonesian Journal of Legal Development*, 4(1), 73–88.
- Jamil, F. (2021). Renewal of the Marriage Age Limit in Law Number 16 of 2019 Maqâshid Al-Syarî'ah Perspective. *Sakina: Journal of Family Studies*, 5(2), 1–15.
- Mardani. (2016). *Islamic Family Law in Indonesia*. Gold.
- Marlina, T., Mariana, M., & Maulida, I. (2022). Socialization of Law Number 23 of 2004 concerning the Elimination of Domestic Violence. *Abdimas Awang Long*, 5(2), 67–73.
- Maulana, M. E. (2021). *Dispensation of marriage age is reviewed from the perspective of child protection*. University of August 17, 1945 Surabaya.
- Megawaty, O. R., Chandra, T. Y., & Ismed, M. (2024). Legal protection for women victims of sexual violence crimes in the domestic sphere. *Fleet: Journal of Multidisciplinary Research*, 2(8), 668–679.
- Pradinata. (2017). Legal Protection for Victims of Domestic Violence (KDRT). *Khaira Ummah Law Journal*, 12(4), 767–776.
- Putri, I. F. A., & Panjaitan, J. D. (2023). Legal protection for children and women as victims of violence and discrimination. *Causa: Journal of Law and Citizenship*, 1(5), 11–20.
- Royanah. (2023). *The Effectiveness of Handling Cases of Domestic Violence Against Women during Covid-19*. State Islamic University Professor Kiai Haji Saifuddin Zuhri.
- Setiawan, C. N., Bhima, S. K. L., & Dhanardhono, T. (2018). *Factors that affect the incidence of domestic violence and reporting to the police*. Faculty of Medicine.
- Sibarani. (2016). Prospects for Law Enforcement of the Law on the Elimination of Domestic Violence (PKDRT Law). *Human Rights*, 7(1), 1–9.
- Simanjanrang, B. (2022). Legal Study of Marriage of Minors According to Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974. About Marriage. *Lex Crimen*, 11(6).
- Sinaga, G. W. (2022). *Juridical Analysis of Judges' Decisions Against Perpetrators of Domestic Violence (Decision Study: Number 519 K/Pid. Sus/2020, Number 4101 K/Pid. Sus/2020, Number 93 K/Pid. Sus/2018)*. Indonesian Christian University.
- Soleman. (2020). Comparative Analysis of Islamic Law and Domestic Violence Law on Domestic Violence. *Al-Wardah*, 14(2), 275–284.
- Supriyadi, T., Siburian, D. N., Meshani, G., & Ridho, M. (2024). Behind Closed Doors: Dynamics of Psychological Factors on the Occurrence of Domestic Violence in Women. *IJBITH Indonesian Journal of Business Innovation, Technology and Humanities*, 1(1), 150–162.

- Syakroni, S. (2021). Early Marriage and Its Impact on Reproductive Health and Household Integrity. *Journal of Social Technology*, 1(11), 1–465.
- Thifi, K. I. (2023). *Analysis of Maslahah and Law No. 23 of 2004 concerning the Role of Legal Assistance to Victims of Domestic Violence in the Women's Empowerment and Child Protection Unit of Ponorogo Regency*. IAIN Ponorogo.
- Usmita, F. (2017). Domestic violence; An interactionist review. *The Other Side of Reality*, 2(1), 51–64.
- Wardhani. (2021). Legal Protection of Women Victims of Domestic Violence (KDRT) at the Investigation Level Based on Law No. 23 of 2004 concerning the Elimination of Domestic Violence (UUPKDRT). *Journal of Legal Research*, 1(1), 21–31.
- Yustisia, T. R. (2010). *Family Law*. Pressindo Media.



This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License.