

PERPETRATORS OF DOMESTIC VIOLENCE CASES IN PALU CITY

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Abstract: This article is titled "Perpetrators of Domestic Violence Cases in Palu City." Domestic Violence (DV) cases in Indonesia are still considered taboo, particularly due to the belief that reporting violence by a partner, whether a husband or wife, is akin to exposing family shame. Moreover, some religious texts are interpreted to justify "violence," even when intended as a form of discipline. However, these texts can be contextualized in light of current developments and circumstances. This raises the question of how law enforcement addresses perpetrators of domestic violence amidst these cultural and religious perceptions, especially since the state has enacted a Law on the Elimination of Domestic Violence. Furthermore, during the COVID-19 pandemic, cases of domestic violence surged significantly. This research aims to examine and analyze the enforcement of the law against domestic violence perpetrators in Palu City using empirical legal research methods. The findings reveal the maximum efforts of law enforcement authorities in enforcing the law against perpetrators of domestic violence. Thus, it can be concluded that in Palu City, the enforcement of laws against domestic violence perpetrators has been carried out optimally. With law enforcement efforts to apply restorative justice approaches, it is hoped that the sense of justice within the community can be fulfilled.

Keywords: perpetrator; cases, domestic violence, Palu

INTRODUCTION

Domestic violence for some communities is made taboo. There is no need to indulge and reveal because it is a disgrace. The perpetrator can be father or mother or husband or wife or child, and the victim is the same, it can be father or mother or husband or wife or child. But in general, the perpetrator is the father or husband (male) and the victims are mostly mothers or wives and children (women). Article 2 of the Law on the Elimination of Domestic Violence (hereinafter abbreviated as PKDRT) states that the scope of the household includes (a) husband, wife, and children, (b) people who have family relationships as referred to in letter (a) due to blood relations,

marriage, milk, upbringing, and guardianship, who live in the household and or (c) people who work to help the household and settle in the household so that it is considered as family members.

The majority of culture in Indonesia adheres to the patriarchal system, which is a society dominated by men. Strengthened by patriarchal religious understanding. Supported by some products of gender-biased laws and regulations so that complete injustice against women that occurs in this "motherland". Only a big name is embedded in it, but he has no power and is helpless.

However, people's legal awareness and self-protection are increasing. It can

be seen from the beginning of the establishment of the Unitary State of the Republic of Indonesia in 1945 until the birth of the Domestic Violence Law, namely in 2004, cases of domestic violence are still included in the category of persecution according to the Criminal Code (KUHP). But now, these actions have been separated and regulated by Law Number 23 of 2004 concerning domestic violence. In fact, a more specific law, namely the Law on the Elimination of Sexual Violence, has been issued, namely Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence.

The case of the wife who was sentenced to 1 year in prison for scolding her drunk husband became a *topic of discussion* throughout Indonesia. The Attorney General also intervened to conduct a special examination related to the handling of the domestic violence case of the defendant Valencya alias Nengsy Lim at the Karawang State Prosecutor's Office (merdeka.com). The action of the Attorney General's Office reduced public distrust of law enforcement in Indonesia. A Law Enforcer must have high social sensitivity, not merely be the "trumpet" of the Law.

The above events are not the right example for law enforcement perpetrators of domestic violence. The matter of anger and scolding is a human thing, let alone the cause, something forbidden by religion and the state. There may be verbal abuse by insulting, berating or calling non-names or animals. However, it also does not justify drunkenness. Especially to the point of allowing liquor.

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

1) Physical violence, namely acts that result in pain, falling ill or serious injury (article 6 of Law Number 23 of 2004).

2) Psychic violence, which is an act that results in fear, loss of self-confidence, loss of ability to act, a sense of helplessness and or severe psychological suffering in a person (Article 7 of Law Number 23 of 2004).

3) Sexual violence, namely forced sexual relations committed against people who live within the scope of the household. In addition, it also means forcing sexual relations against one person within the scope of his household with another person for commercial purposes or certain purposes (Article 8 of Law Number 23 of 2004).

4) Domestic neglect is also included in the definition of violence, since everyone is prohibited from neglecting within the scope of the household, when according to the law applicable to him or by agreement or agreement he is obliged to give life, care or maintenance to that person. Such neglect also applies to any person who causes economic dependence by limiting or prohibiting decent work inside or outside the home, so that the victim is under the control of that person (Article 9 of Law Number 23 of 2004).

Not long ago, various cases of domestic violence befell celebrities. Two of them are Rizky Bilar against his wife named Lesti. This case ended peacefully despite leaving behind the pros and cons of Netizens. The latest case of Ferry Irawan with Venna Melinda is quite phenomenal. Both defend each other and defend their respective truths. The case is still not over.

METHOD

The research used in this paper is empirical legal research. The research location is at the Palu Police Station and the Palu District Court. Data sources are

derived from primary data and secondary data. Data collection techniques with interviews and documents available in both places. Further analyzed and written qualitatively.

ANALYSIS AND DISCUSSION

Law enforcement is an effort to make the ideas of justice, legal certainty and social benefits a reality. So law enforcement is an effort to realize legal ideas and concepts that are expected to become reality by society. Law enforcement is essentially the process of realizing these legal ideas and concepts. Law enforcement is a process that involves many things.¹

Law enforcement according to Jimmly Asshiddiqie² is also the process of making efforts to uphold or function legal norms in real terms as a code of conduct in traffic or legal relations in public and state life. Another word for law enforcement is the functionalization of criminal law which is intended as an effort to overcome crime through rational criminal law enforcement to meet a sense of justice and usefulness. Enforcing criminal law must go through several stages that are seen as efforts or rational processes that are deliberately planned to achieve a certain that is a link in the chain of activities that do not include values and lead to crime and punishment.

Law enforcement referred to in this study is criminal law enforcement

because domestic violence is a criminal act. Enforcement of criminal law through several specific objectives. Some stages as a rational effort or process that is deliberately planned to achieve a particular goal. These stages are:

a. Formulation Stage

The stage of criminal law enforcement *in abstracto* by law-making bodies that carry out voting activities that are in accordance with current and future circumstances and situations, then formulate them in the form of laws and regulations that are best in the sense of meeting the requirements of justice and usefulness. This stage is called the legislative policy stage, and is formed by the Legislature.

b. Application Phase

The stage of criminal law enforcement (the stage of application of criminal law) by law enforcement officials, starting from the Police to the Court. Thus, law enforcement officials are tasked with enforcing and implementing criminal laws and regulations that have been made by lawmakers, in carrying out this duty law enforcement officers must adhere to the values of justice and usefulness. This stage is referred to as the judicial stage.

c. Execution Phase

The stage of law enforcement and concretely by criminal enforcement officials. At this stage, criminal enforcement officials are tasked with enforcing laws and regulations that have been made by lawmakers through criminal applications that have been applied in Court decisions. Thus, the process of implementing penalties that have been determined in the Court, the criminal implementing officers in

¹ Dellyana Shant. 1988. *Konsep Penegakan Hukum*. Liberty. Jakarta. p. 32.

² Former Chief Justice of the Constitutional Court of the Republic of Indonesia, Professor of Constitutional Law, University of Indonesia, Chairman of the Advisory Board of the Indonesian Association of Constitutional Law and State Administration.
http://jimly.com/makalah/namafile/56/Penegakan_Hukum.pdf (retrieved 18-January-2023, at 18:46 WITA).

carrying out their duties must be guided by criminal laws and regulations that have been made by the makers of laws and laws of usefulness.³

The three stages of criminal law enforcement are seen as a rational effort or process that is deliberately planned to achieve a certain goal. It is a broken chain of activity that originates from values and boils down to crime and punishment.⁴

In philosophy, law enforcement is defined as the activity of harmonizing the relationship of values described in solid rules and in the attitude of action as a series of final stage value elaboration, to create, maintain and maintain social peace.⁵ However, according to Soerjono Soekanto, law enforcement as a process is essentially the application of discretion involving decision making that is not strictly regulated by legal methods but has an element of personal judgment, interference with law enforcement may occur if there is incompatibility between the "Trinity", namely values, rules and behavior. The disorder occurs when there is a mismatch between paired values incarnated in intersecting rules and undirected behavior patterns concerning social peace.⁶

Therefore, it can be said that law enforcement does not solely mean the implementation of legislation, even though in reality in Indonesia it is, so that *Law Enforcement* is so popular in addition to that and a strong tendency to interpret law enforcement as the implementation of Judges' decisions. It should be noted that these rather narrow opinions have weaknesses if the implementation of

legislation or the decision of the Judge even disturbs the peace of society.

As a State of law (*reechstaat*) the principle of the rules of law must be upheld in the Republic of Indonesia. For us, the principle of the rules of law is *not more than* the rules of justice, the enforcement of law that is at the core of justice. Such a principle needs to be affirmed, because the discrimination in the application of law in reality is too glaring. The product of the law and its enforcement is more in favor of the *rulling class*, a group of people who have economic power or political power on other parties. The rights of justice-seeking communities that mostly come from *powerlessness* groups are always sidelined, *substantive* or *sociological justice* is always enjoyed by those who are *powerful* while *powerless* only get *formal justice*. Such a situation in a newly independent state can still be understood because it involves the availability of human resources.⁷

But for us it is certainly an irony. The rule of law with all its tools aims to protect human rights and provide justice for most of its citizens who are very urgent now "to *bring justice* to the people", by properly solving problems that the people consider to be resolved legally (whether the issue of the act or act is disliked or hated by the community because it is harmful, or it can be detrimental, bringing casualties). In other words, the extent to which the problem or act is contrary to the values prevailing in society and society considers appropriate or inappropriate punishment in order to carry out public welfare and security.

In order to work law in society, Robert B. Seidman, proposed three core components that support the working of law in society (including aspects of its enforcement). The three elements are:

³ Muladi and Arif Barda Nawawi, *Penegakan Hukum Pidana*, Rineka Cipta, 1984, Jakarta, p. 157.

⁴ Sudarto. *Hukum Pidana Kapita Selektta*. Alumni Publishers. 1986. London. p. 15.

⁵ Sartjipto Raharjo. 1983. *Masalah Penegakan Hukum*. New Ray. p. 13.

⁶ *Ibid.*

⁷ *Ibid.*

- a. Regulatory institutions ;
- b. Regulatory application institutions;
- c. The holder of the role itself.

Of these three elements, Robert B. Seidman proposed four postulates as follows:

- a. Any legal regulation tells us how a stakeholder is expected to act;
- b. How a person will act in response to the rule of law is a function of the regulations to which he or she has sanctions, the activities of the implementing agency, and the whole complex of socio-political and other forces concerning him;
- c. How the implementing agencies will act in response to legal regulations, the function of the rule of law to which they are addressed, their sanctions, socio-political and other forces concerning them, and the feedback coming from those stakeholders;
- d. How lawmakers act is a function of the rules governing their conduct, sanctions, sociopolitical and ideological forces, etc. concerning themselves, as well as feedback coming from bureaucratic stakeholders.⁸

The problem of law enforcement actually lies in the factors that may influence it, these factors are:

1. Its own legal factors ;
2. Law enforcement factors, namely parties who form or apply the law;
3. Factors of facilities or facilities that support law enforcement;
4. Community factors are the environment in which the law applies or is applied.
5. Cultural factors are as a result of work, creation and taste based on

human charities in the association of life.⁹

The factors that affect law enforcement above can be summarized into a legal system (*Legal System*) which according to Friedman maliputi: Legal substance (legal Substance), legal structure (*Legal Structure*), legal culture (*Legal culture*).

The three components of the law must support each other integratively for the law to be effective. For example, a legal substance (legal norm) cannot be enforced without the support of the legal structure and legal culture that drives it. Vice versa, law is essentially an abstraction and affirmation of norms in society, this normative picture is sociologically formulated in the sense of law enforcement as a process to realize legal desires into reality.

Thus, when it comes to law enforcement, in essence talking about these ideas requires a fairly complex organization. The state that must intervene in the abstract embodiment of law turns out to have to establish various bodies for this purpose. Bodies that appear as independent organizations essentially carry out the same task of realizing the law or enforcing the law in society.

The purpose of abstract law in the midst of a complex society can only be realized through complex organizing. Through the organization and the processes that take place within it, society receives the embodiment of the goals of the law. Justice, for example, is given to members of society in the form of certain actions. Legal certainty becomes realized through the decisions of Judges who

⁸ *Ibid.* p 14.

⁹ Soerjono Soekanto. *Faktor-faktor yang mempengaruhi penegakan hukum*. 1983. Rajawali Press. Jakarta. p.32.

reject vigilante acts committed by the community. Order and security became evident through police actions organized by the Police agency.¹⁰ It can be argued that law enforcement will always involve humans in it and will involve human behavior as well. The law cannot be established by itself, meaning being able to realize for itself the promises and will contained in the laws (regulations). Such promises and wills for example are to give a person the right to impose a crime against a person who has fulfilled certain conditions and so on.

To be able to run an organization that is required to realize the objectives of the law needs to have a certain degree of autonomy. This autonomy is needed to manage the available resources in order to achieve the goals of the organization of these resources in the form of:

1. Human resources, such as judges, police, prosecutors, and clerks;
2. Physical resources such as buildings, equipment and vehicles;
3. Financial resources, such as State expenditures and other resources;
4. The remaining resources needed to move the organization in its efforts to achieve its goals.¹¹

In relation to criminal cases, the mechanism for examining cases runs with the actions of the police, prosecutors, and finally judges in the Court. According to the dogmatic view, the administration of criminal law centers and culminates in the Court. The court is the only agency that concretizes the law in the specific events encountered in its decision. On the contrary, according to the functional view, the position of the criminal law support agencies is parallel. An agency in realizing criminal law in the order of position behind, in carrying out its

functions essentially depends on what is given by the agency in front of it. So activities in solving cases (mostly) depend on the cases given by the Police, the Court can also only examine cases submitted by the Prosecutor's Office, this is called *negative control*. These agencies each set their laws and authorities, the view of the administration of the rule of law is called the "steering model" (*stuur mode*).¹²

The hope is the realization of the Judiciary with all its ideal institutions. This is because in general the Judiciary has not been supported by elements of the apparatus who have high ability and dedication. There are temporary opinions about the existence of a judicial mafia as widely witnessed through mass media, both electronic and print. The phenomenon is indeed difficult to prove without the sincerity of the community and law enforcement elements in order to prove it.

Criticism leveled by various circles against the Judiciary in Indonesia has led to insults and swearing. Irony, it is not merely a cynical and pessimistic expression but the reality that takes place shows a dagelan court, a trial in which it is full of nuances of formality that ultimately make the judiciary a supermarket (buying and selling justice).

Law enforcement can be defined as the administration of law by law enforcement officers and everyone who has interests and in accordance with their respective authorities according to applicable legal rules. Thus, law enforcement is a system that involves a harmony between values and rules and real human behavior. These values and rules then become guidelines or benchmarks for behavior or actions that are considered appropriate or should be. The behavior or attitude of the act aims to

¹⁰ *Ibid.*

¹¹ *Ibid.* p. 33.

¹² Satjipto Rahardjo. 1981. *Hukum, Masyarakat & Pembangunan*. Alumni. p. 29.

create, maintain, maintain peace. Law Enforcement is an effort to realize the ideas of legal certainty, social benefit and justice into reality. The process of realizing these three ideas is the essence of law enforcement.¹³

Interference with law enforcement may occur if there is a mismatch between values, rules and patterns of behavior. The disorder arises when there is a mismatch between paired values, which manifests in confusing rules and undirected behavior patterns that disturb the peace of life.

Soerjono Soekanto stated that there are several inhibiting factors in law enforcement, namely:¹⁴

a. Legal Factors

There are several principles in the Law whose purpose is for the Law to have a positive impact. That is, for the Act to achieve its objectives effectively in people's lives.

b. Law Enforcement Factors

Law enforcement has a position and role. Law enforcement is one of the most important pillars in the law enforcement process, often carrying out various actions that are contrary to legal provisions that cause various problems. Some cases occur that the culprit is law enforcement itself, the Sambo case for example.

c. Factors of facilities or facilities that support law enforcement

Law enforcement cannot run smoothly without the means or facilities factor. These facilities or facilities include educated and skilled human labor, good organization, adequate equipment and sufficient finances.

d. Community Factors

Law enforcement comes from society. Aiming to achieve peace in society, therefore, viewed from a certain angle society can influence law enforcement. Especially with the sophistication of communication technology. The public can viralize an offense or crime committed by anyone without exception.

e. Cultural Factors

The legal culture of society is a process of internalizing values in order to understand the law and strive to apply it properly for the common good. Culture basically includes the values that underlie the laws that prevail, values that are abstract conceptions of what is considered good and what is considered bad.¹⁵

The act of domestic violence gave birth to Law Number 23 of 2004 concerning the Elimination of Domestic Violence. In principle, it is based on various considerations, including that every citizen has the right to feel safe and free from all forms of violence, especially domestic violence is a violation of human rights.

So far, domestic violence is an act that is considered new, although in *dasamya* these forms of violence can be found and related to certain forms of acts, such as murder, molestation, rape and theft. Initially, the definition of violence was contained in Article 89 of the Criminal Code (KUHP) which states: "making people faint or helpless is equated with using violence". The article does not explain how violence is carried out nor does it explain how forms of violence are, while the definition of powerlessness is that it has no strength or

¹³ Satipto Rahardjo, tt. *Masalah Penegakan Hukum*. New Ray. Bandung. p. 15.

¹⁴ *Ibid*, p. 34-35 & 40.

¹⁵ Soerjono Soekanto. 1983. *Op. Cit.* p. 47.

energy at all, so it cannot hold the slightest resistance. However, in articles in the Criminal Code, violence is often associated with threats, so it can be concluded that violence can be physical and non-physical. The formulation of understanding must be objective, in other words not the subjective feelings of the victim (woman) which are used as a measure, because if the subjective measure felt by the victim, then the understanding of violence becomes vague because each subject has a different measure which by other subjects this is not considered violence.

As a terminology of violence against women has the characteristic that these acts:

1. Can be physical or non-physical (psychic);
2. Can be done actively or in a passive way (not doing);
3. Desired/desired by the perpetrator;
4. There are adverse consequences/possibilities on the victim.¹⁶

Along with the development of the problem of domestic violence and violence against women, the United Nations (UN) needs to provide a limit on the definition of violence against women and children. According to article 2 of the (UN) declaration on the elimination of violence against women it is explained that: "Violence against women is any act based on sex differences that results or is likely to result in physical, sexual or psychological misery and suffering of women, including threats of certain actions, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

While violence against children is: "Any act directed at a child that results in misery and suffering both physical and

psychological, whether that occurs in public or in private life. After paying attention to the description as above, it can be seen that acts of violence are not only in the form of physical actions, but also non-physical (psychic) acts. Direct physical actions can be felt as a result by the victim, and can be seen by anyone, while nonphysical (psychic) actions that can feel directly are only victims, because these actions directly offend someone's conscience or feelings.

Domestic violence is actually not new, including violence against wives by husbands. But so far it has always been kept secret or covered up by the family or by the victims themselves. In addition, community culture plays a role in this, because any form of violence that occurs in a household or family is a family problem that outsiders should not know. Moreover, there is an assumption that this brings family shame and must be covered.

Seeing the fact that violence against wives often occurs, this is paradoxical with the purpose of marriage itself as stated in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 Marriage in Article 1 states that "Marriage is an inner birth bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One and Only Godhead". So it is clear that the purpose of marriage is to form and foster a happy family outwardly and inwardly and is a sacred bond and should always be respected by husband and wife. Therefore, harmony must be maintained and strived to remain lasting (eternal) and must always take care of each other so that the household remains harmonious.

Furthermore, regarding the rights and position of the wife is balanced with the rights and position of the husband, as stated in Article 31 Paragraph 1 of the Marriage Law it is stated that: "The rights and position of the wife are balanced with

¹⁶ M. Soeroso. 2011. *Kekerasan dalam rumah tangga dalam perspektif yuridis - viktimologis*. Ray Grafika. p. 25.

the rights and position of the husband in domestic life and association living together in society." Thus, it is actually clear that everything in the household (family) can be compared and decided jointly by husband and wife. But in reality there are families that are not, meaning that in a seemingly harmonious and happy home life, violence often occurs. Quite a lot of testimony shows that both loving and violent behaviors occur together in the household.

This condition shows that the purpose of marriage to create a happy family, sometimes hampered by various problems that occur between husband and wife. They generally consider that domestic problems are very personal matters. In addition, it is also considered as the right of the man (husband) over the body of his own wife, who is officially married. Besides there is an assumption that the violence is a way for the husband to "educate" the wife, so that the husband can treat the wife as he pleases. With this assumption, the husband's attitude towards the wife tends to make the wife an object, even as a subject or individual (person) who has human rights that deserve respect.

Taking into account the reality and development today that acts of physical, psychological, sexual, and domestic neglect in fact often occur, then to prevent, protect victims and crack down on perpetrators of domestic violence, the government passed Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

The birth of Law Number 23 of 2004 was based on various considerations, including that every citizen has the right to feel safe and free from all forms of violence. Thus, all forms of violence, especially domestic violence, are violations of human rights.

In connection with that, in Article 1 paragraph (1) of Law Number 23 of 2004, what is meant by domestic violence is: "Every act against someone, especially women, which results in physical, sexual, psychological, and/or domestic misery or suffering including threats to commit unlawful acts, coercion, or deprivation of independence within the scope of the household".

Furthermore, in Article 2 of Law Number 23 of 2004 it is stated that the scope of the household is:

1. The scope of households in this Law includes:
 - a. Husband, wife and children,
 - b. Persons who are related to the person referred to in letter a by blood, marriage, milk, upbringing and guardianship, who reside in the household, and
 - c. People who work to help the household and settle in the household.
2. The working person referred to in letter "c" is considered a family member for a period of time while in the household concerned.

Domestic violence is a social problem, not a family problem that does not need to be hidden. This is stated in Article 11 of Law Number 23 of 2004 which states: "The government is responsible for preventing domestic violence."

To realize the provisions referred to in Article 11 above, Article 12 paragraph (1) states that the Government must:

1. Formulate policies on the elimination of domestic violence;
2. Organizing communication, information and education about domestic violence;
3. Organizing socialization and advocacy on domestic violence;

4. Organizing education and training on *gender sensitive* and domestic violence issues and,
5. Establish gender-sensitive service standards and accreditation.

To prevent, protect victims and crack down on perpetrators of domestic violence, Law Number 23 of 2004 concerning the Elimination of Domestic Violence has been regulated in detail and complete. The following outlines the items of the article that regulates domestic violence.

CHAPTER III on "Prohibition of Domestic Violence" Article 5 which states: Everyone is prohibited from committing domestic violence against people within the scope of his household by means of physical violence, psychological violence, sexual violence or domestic neglect.

CHAPTER IV on "Rights of Victims" Article 10 specifying; Victims are entitled to:

- a) Protection from the family, Police, Prosecutor's Office, Court, Advocate, social institution or other parties either temporarily or based on the determination of a protection order from the Court;
- b) Health services in accordance with medical needs;
- c) handling specifically related to the confidentiality of victims;
- d) Assistance by social workers and legal aid at every level of the examination process in accordance with the provisions of the case and law, and
- e) Spiritual guidance ministry.

CHAPTER VI On "Protection", Article which states that:

1. Within 1 x 24 (once twenty-four) hours from knowing or receiving a report of domestic violence, the police must immediately provide temporary protection to the victim.

2. The temporary protection referred to in Paragraph 1 shall be provided no later than 7 (seven) days from the time the victim is received or handled.
3. Within 1 x 24 (once twenty-four) hours from the provision of protection as referred to in Paragraph 1, the Police must request a letter of determination of protection from the Court.

Chapter VIII on "Criminal Provisions", Article 44 paragraph (1), paragraph (2), paragraph (3), paragraph (4) which explains that:

- 1) Any person who commits physical violence within the scope of the household as referred to in Article 5 point a shall be punished with a maximum imprisonment of 5 (five) years or with a maximum fine of Rp. 15,000,000.00 (fifteen million rupiah)
- 2) In the event that the act as referred to in Paragraph (1) results in the victim getting sick or seriously injured, it shall be punished with a maximum imprisonment of 10 (Ten) years or a maximum fine of Rp. 30,000,000.00 (Thirty million rupiah)
- 3) In the event that the act as referred to in Paragraph (2) results in the death of the victim, shall be punished with a maximum imprisonment of 15 (Fifteen) years or a maximum fine of Rp. 45,000,000.00 (Forty-five million rupiah)
- 4) In the event that the act as referred to in Paragraph (1) is committed by the husband against the wife or vice versa that does not cause disease or hindrance to carry out the work of the position or livelihood or daily activities, shall be punished with a maximum imprisonment of 4 (four) months

or a maximum fine of Rp. 5,000,000.00 (Five million rupiah)

With the enactment of Law Number 23 of 2004 concerning the Elimination of Domestic Violence (KDRT), which provides protection for the rights of victims of Domestic Violence (KDRT), it is expected to anticipate and reduce the occurrence of domestic violence, especially in the jurisdiction of the Palu City District Court. So that if there is domestic violence, the victim will be able to complain about it to the Palu Regional Police, and finally will be tried by the Palu Class 1A District Court.

Almost 2 decades of domestic violence law in force in Indonesia. Since the year of his birth, which is 2004 ago. This law prohibits domestic violence against people within their household by means of physical, psychological, sexual violence or neglect in the household. People within the scope of the household in question are husbands, wives, children, and people who have family relationships due to blood relations, marriage, milk, upbringing, guardianship, settling in the household and people who work to help and settle in the household.

The Declaration on the Elimination of All Forms of Violence Against Women¹⁷ (UN, 1993) divides the scope of violence against women into 3 scopes, namely in the family or *domestic*, in the community or *public domain* and carried out by the state or *state*. This division of scope then reveals crimes that have been hidden and 'protected' from outside intervention to help victims of various forms of violence in the family, the latter of which is known as *domestic violence*. Especially in Indonesia where the culture of the people is eastern. Household is a

matter that privacy, private, should not be published until known by people who are not their own family. As long as it can be handled, there is no need to report the police. But unfortunately, times have developed and changed. Although not everyone follows the changes, at least people already know and understand their rights through the internet, social media, and so on.

The advancement of information and communication technology is very rapid. This makes it easier for people to learn, socialize, express, and develop themselves. In fact, if in the past you could only write in a diary to vent your frustration, now there are many social media that can accommodate the outpouring of hearts to be read all over the country. Although the community's response varied. Some hate, some sympathize. However, everything can be returned to yourself and the netizens. At the very least, lessons will be learned from what his social media friends experienced, if the same thing happened to him. Considering that there are more virtual world friends than real world friends, there must be many things he experiences and how to overcome them. Including this domestic violence case. Victims can broadcast live if they are reluctant to report, netizens report it, so they can be directly handled by the Police. Filming violent incidents as evidence, or simply finding out about the violence itself and how to escape from it. As Mr. Muh said. Asrum, SH., MH., "now many report themselves without having to be accompanied, maybe women are now starting to be brave because they often see it at EFBI".¹⁸ What used to be considered taboo for the public to know, now it has become a thing to blame if you don't

¹⁷ The United Nations Declaration on the Elimination of Violence against Women, 1993

¹⁸ Interview on June 9, 2023 at Polresta Palu.

report because the state has protected it with Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

Data provided by Mr. Hendra Paransa stated that the number of domestic violence crimes that occurred in the Palu City area, in the 2021, 2022, and 2023 periods, was reported quite high, above 70 cases per year. Resolved cases are always lower than reporting due to retraction or stalled or stopped reporting.¹⁹ Of course for various reasons and from various parties. This is illustrated in the table below:

Table 1.

Number of Domestic Violence Crimes in Palu City, 2021-2023

CASE	YEAR		
	2021	2022	2023 (Jan - July)
Domestic violence (DOMESTIC VIOLENCE)	Report : 88 cases Completed: 81 cases	Report : 73 cases Completed: 51 cases	Report : 75 cases Completed: 37 cases

Source: National Police of the Republic of Indonesia Central Sulawesi Region Palu City Resort

Looking at the table above, for 2023 reports have reached 75 cases even though it is still in the middle of the year. It is still likely to increase until the end of 2023. Most of the victims are still dominated by women, and the perpetrators are men. If the percentage of

men as victims is only 5%, said Mr. M. Asrum. This shows that male dominance still occurs in Palu City.

Cases of domestic violence can be handled with the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice. The regulation is one of the reasons for the whistleblower to withdraw his report and be peaceful before proceeding to the Court. However, if there is severe persecution that makes the victim permanently disabled, the regulation can no longer be offered, said M. Asrum. Researchers also agree with this, considering that there must be a deterrent effect for the perpetrator. Not all cases of domestic violence can be handled with restorative *justice*.

The National Police Regulation on Handling Criminal Acts based on Restorative Justice is a new concept in criminal law enforcement that accommodates norms and values that apply in society as a solution while providing legal certainty, especially the benefits and sense of justice of the community, in order to answer the development of community legal needs that meet the sense of justice of all parties, which is a manifestation of the authority of the National Police in accordance with Article 16 and Article 18 of Law No. 02 Year 2002 concerning the National Police of the Republic of Indonesia. Thus, if the reports of domestic violence cases in 2021 amounted to 88 with only 81 cases resolved, and in 2022 with 73 reported cases, 52 cases were completed, and mid-2023, 75 cases were reported with 37 cases declared complete, according to the police, this is evidence of maximum effort in law enforcement against perpetrators of domestic violence in Palu City. Similarly, according to the Research Team, the Palu City Police has

¹⁹ Interview on June 8, 2023 at Palu Police Station.

tried to resolve every domestic violence case report in various ways, in accordance with the Domestic Violence Law, either through restorative *justice* or the Court.

The Palu District Court also felt helped by the existence of the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice. It is proven that since its enactment, trials with domestic violence cases have decreased dramatically. This can be seen in the table below:

Table. 2.

List of Ordinary Criminal Cases, Especially Domestic Violence

CASE	YEAR						
	2017	2018	2019	2020	2021	2022	2023/April
Domestic violence (DOMESTIC VIOLENCE)	10 cases	6 cases	8 cases	4 cases	2 cases	2 cases	1 case

Source: Palu District Court (pn-palu.go.id)

Based on the table above, it can be seen that the decrease in cases of domestic violence cases submitted to the General Court. From 2017 to 2023 it jumped down, although it has not been said to be none. Some of the factors that caused the decline in case files in the Court were resolved at the Police, incomplete submission files by the Police, retraction of reports by victims.

Table 1 shows that 88 reported domestic violence cases in 2021, 81 resolved. Table 2 is written in 2021 only 2 cases go to the Court. This means that 81 cases of domestic violence were handled

with restorative justice, 2 cases went to court, and the remaining 5 cases were withdrawn by victims. Similarly, in 2022, 73 cases were completed, 51, 2 cases to the Court, 20 cases were revoked. The year 2023 cannot be counted because it has not yet finished its time. "We only examine and decide the cases that come here in accordance with the laws and regulations,"²⁰ said Mr. Chairil Anwar, Deputy Chairman of PN Palu. "If the file is incomplete and not in accordance with applicable regulations, we return the file," he said.

Judges' decisions are not always the same in deciding domestic violence cases. Although the maximum penalty is 5 years in prison for the perpetrator. "Nothing has ever been cut off so far in Palu City,"²¹ said Pak Supriady, SH. "The perpetrator was only sentenced to 4 months and 1.5 years, based on the severity and lightness of the case," he continued. The variety of punishments is called the sentencing disparity. For some communities, the punishment for the perpetrator of domestic violence is enough to provide a deterrent effect so as not to arbitrarily harm the people closest to him.

Peace is always recommended in every trial. If the peace attempt is unsuccessful then the process continues until the final verdict. Restorative efforts are not only in the Police, Prosecutor's Office and the Courts also practice it. This is a breakthrough in just law enforcement, the mechanism for solving cases by means of "*restorative justice*" should be able to meet the expectations of justice to the public. Thus, law enforcers always provide the best solutions and handling for victims of domestic violence.

²⁰ Interview Date June 22, 2023

²¹ Interview on July 13, 2023 with one of the Registrars of PN Palu.

CONCLUSION

Law enforcement against perpetrators of domestic violence in Palu City has been maximized. With the efforts of law enforcement in implementing restorative justice handling, it is hoped that it can meet the sense of justice of the community.

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