



## Law Enforcement of Domestic Violence Cases Reviewed from Law No. 23 of 2004 concerning the Elimination of Domestic Violence (Case Study at the Medan Police PPA Unit)

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**Abstract** - This research aims to analyze the implementation of law the challenges faced by the Medan Police in enforcing laws against domestic abuse crimes. Two types of data were used in this study: primary and secondary. The primary data was obtained through an in-person interview with Mrs. Shitta Syadhira Ayu, the Assistant Investigator of the Medan Police PPA Unit. Books, magazines, articles, papers, and statutory regulations especially those pertaining to the topics under discussion all constitute sources of secondary data. The study's findings clarify how the Medan Police's response to domestic abuse crimes included both repressive and preventive measures and the obstacle factors in law enforcement for criminal acts of domestic violence at the Medan Police are obstacles in penal mediation and obstacles in the legal process. Obstacles in resolving criminal acts of domestic violence through legal channels, namely the collection of initial evidence and the attitude of the victim himself.

**Keywords:** Law Enforcement, Criminal Acts, Domestic Violence

### I. INTRODUCTION

Marriage is a socially and legally recognized form of relationship that often serves as the foundation for forming a family. Marital relationships can provide emotional, social, and economic support, strengthening bonds between individuals. A family is the smallest unit that makes up a communal group and plays a fundamental role in the development and realization of a nation. It is hard to establish a home in Indonesia, a nation founded on Pancasila and backed by religious people, as marriage is only the start of the household (Azmi et al., 2023). Husband and wife make a solemn covenant to live together when they get married. Marrying preserves a person's honor, progeny, bodily and spiritual well-being, and clarifies their destin (Adityawarman, 2021). The goal of domestic life is to establish a peaceful connection between spouses and their offspring (Harefa, 2021). A home is a dwelling structure or network that serves as a scaled-down version of the human social environment and is demonstrated to support children who will eventually form a family (Hascaria Budi Prasetyo et al., 2022).

But occasionally, the phenomena speak for itself; troubles inside the family cause a marriage that should bring bliss to crash and burn in the middle of the road. This is evident from the numerous violent crimes, including domestic abuse, that take place in Indonesia (Silitonga et al., 2023). Violence is commonly described as any act intended to hurt or damage another person or property. In this instance, insults, threats, and persistently harsh language are all considered to be acts of violence. Therefore, the use of physical force to harm people or property is considered violence, as is the threat of coercion against personal numbness (Februani, 2023). An act of violence is defined as a deliberate act, a negligent act, or a kind of action that violates the law; all of these actions are carried out without a foundation in truth or defense and are approved by the state as either a significant criminal conduct or a small infraction (Arif Sipahutar, 2022). One of the acts of violence is domestic violence.

In the immediate surroundings, violence is a common occurrence. In addition to being physically upsetting, aggression can also take the form of psychological violence. Jamil clarified that there are four categories of violence: repressive violence pertains to the revocation of fundamental rights other in contrast to the rights to life and accident protection, which encompass human rights violations; alienative violence denotes the revocation of more advanced individual rights, like national and cultural rights, including human rights; and direct violence is defined as actions that directly attack physical or psychological targets. Indirect violence, on the other hand, is defined as an act that endangers humans, There is no direct tie between the victim and the party (individual, society, or institution), however it can occur occasionally even to the point of death, (Zuldin, 2019).

The foundation of Law No. 23 of 2004 concerning the Elimination of Domestic Violence (Domestic Violence Law) is the idea that every citizen has the right to a sense of security and freedom from all forms of violence, in accordance with Pancasila philosophy and the 1945 Constitution. Article 28 H, paragraph 2, and Article 28 P, paragraph 1, of the 1945 Constitution also support this opinion. In addition to the right to self-defense, everyone has the right to be free from fear and to feel secure in their ability to exercise their human rights, including the right to defend themselves, their families, their honor, their dignity, and their property. (Susana & Rifandi, 2021). According to Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Article 1 paragraph (1), domestic violence is defined as any act against a person, especially a woman, 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 home ladder, (Law (Law) Number 23 of 2004 concerning the Elimination of Domestic Violence, 2004).

Despite the fact that domestic violence can take many different forms, including psychological, sexual, physical, and neglectful abuse, most people still associate it with physical abuse (Laili & Juliana, 2023). Similarly, the figures seen in current statistics represent the number of cases of physical domestic abuse reported to the police, medical facilities, or non-governmental organizations (Alex Fajar Suryanto, 2019). In certain homes across the world, particularly those in Indonesia, domestic violence (KDRT) has long been a societal problem (Bolangitan, 2024). If the incident hasn't received much attention thus far, it's mostly because of the societal perception that domestic abuse is a taboo topic that shouldn't be freely acknowledged (Ardiani et al., 2023). Because it is connected to ununderstood cultural, religious, and legal systems, domestic violence is frequently concealed by its victims. Even in these cases, the violence is still viewed as a private, internal family issue that should remain private (Maulanil Irfan Sahli Siagian, 2023).

Right now, things are not looking good for Indonesia's law enforcement system. Domestic violence is one of the key issues that have not yet been resolved, which is indicative of Indonesia's existing inadequate law enforcement (KDRT) (Silitonga et al., 2023). The goal of law enforcement is to increase societal order and legal clarity This is achieved, among other things, by assigning the authorities, positions, and duties of the institutions tasked with enforcing the law in conformity with the percentage of each group's specific purview, based on an effective system of collaboration and bolstering the desired outcomes (Rosiana et al., 2023). The task of enforcing the law against any infraction or departure from it in accordance with legal standards or norms is known as law enforcement (Wiarti, 2023). The goal of law enforcement is to ensure that the law, which is a set of regulations that control every element of state and community life, is really followed, faithfully carried out, and applied as it should be (HR, 2021). According to Soerjono Soekanto, rules that are firm and embody the way of acting as a sequence of developments of the ultimate stage of values, to establish, preserve, and uphold the tranquility of life are the fundamental components of what law enforcement means philosophically (Syukri, 2024).

Domestic violence affects both people and society as a whole, making it a significant societal issue. Domestic violence cases at the Medan Police have increased significantly in recent years, according to data, indicating that it is becoming more and more necessary to address this issue. A domestic abuse crime was documented in 2020 and submitted to the

Medan Police. In 2021, this number almost quadrupled to 162 instances. With 338 instances in 2022 and 355 cases in 2023, this upward tendency persisted. With 115 cases reported as of May 2024, it appears that the number of cases will match or maybe surpass those from prior years. This study's primary goal is to assess the efficacy of law enforcement in cases of domestic abuse in accordance with Law No. 23 of 2004 on the Elimination of Domestic Violence, with a particular emphasis on how it is applied and cases handled at the Women and Children Protection Unit. (PPA) at Polrestabes Medan.

Analyze the Implementation of Law No. 23 of 2004 Assess how this law is applied in the legal enforcement practices at Polrestabes Medan, including case handling procedures, the application of sanctions, and victim protection. Evaluate Challenges and Obstacles: Identify the challenges and obstacles faced by the PPA Unit in dealing with domestic violence cases, such as issues with inter-agency coordination, lack of resources, or deficiencies in law enforcement training. Measure the Effectiveness of Law Enforcement: Determine the extent to which law enforcement at Polrestabes Medan aligns with the law's objectives, which are to eliminate domestic violence and provide effective protection for victims.

This research uses the PPA Unit at Polrestabes Medan as a case study to provide a real-world perspective on how the law is implemented in practice. By focusing on this unit, the study offers an in-depth analysis of the legal enforcement processes applied and the outcomes achieved in handling domestic violence cases. This case study also helps to understand the local context and how specific factors in Medan affect law enforcement. Based on the background of the above thoughts, the author is interested in conducting research on the implementation of law enforcement in criminal cases of domestic violence in view of Law No. 23 of 2004 concerning the elimination of domestic violence in a paper entitled "Law Enforcement Of Criminal Cases Domestic Violence Reviewed From Law No 23 Of 2004 Concerning The Elimination Of Domestic Violence (Case Study In The Medan Polrestabes Ppa Unit)"

## **II. METHOD**

Here, a legal approach and an empirical approach are employed as the methodology for writing scientific papers in order to produce accurate and impartial scientific works. Integrating legal and empirical approaches is often done in research or analysis to provide a more comprehensive understanding of a legal issue. Legal research can use empirical data to support legal analysis. For instance, legal case studies can be analyzed with statistical data on how court decisions impact society. This empirical data can include surveys, crime statistics, or socio-economic data. Empirical approaches can be used to evaluate the effectiveness of existing legal policies. By gathering data on the outcomes or impacts of these policies, researchers can assess whether the policies achieve their intended goals or need adjustments.

The process of gathering data involves tracking both primary and secondary sources. Document studies, interviews, and observations made up the primary data. In the meanwhile, primary, secondary, and tertiary legal elements make up secondary data. This atagoration is used to cut down on unnecessary data. Moreover, the narrative is constructed from the reduced data by providing a detailed explanation of the ideas or thoughts given by the informant. The research draws broad findings since it employs a case study approach. The researcher still keeps it inside the predetermined parameters of the case study in order to prevent it from becoming too broad.

## **III. RESULT AND DISCUSSION**

### **A. Implementation of Law Enforcement Against Domestic Violence Cases at the Medan Police**

Medan is one of the cities with a considerable population that is covered by the Medan Police. The Medan Police community occasionally runs with a number of social phenomena in the course of their work that have an influence on the incidence of criminal actions, including

domestic crimes. One of the issues affecting the community that the Medan Police are dealing with is domestic violence crime.

Domestic violence offenses reported to the Medan Police between 2020 and 2024 showed a distinct annual rise, according to information the author gathered from observations and interviews conducted there. This information is displayed in the table below.

**Table 1.1**  
**Data on Domestic Violence Cases at the Medan Police 2020-2024**

No	Year	Number of Cases
1	2020	89 kasus
2	2021	162 kasus
3	2022	338 kasus
4	2023	355 kasus
5	2023	115 kasus

*(Source; Medan Police Data for 2020 – 2024)*

**Table 1.1** demonstrates a significant increase in domestic violence cases reported to the Medan Police in recent years. 2020 had 89 instances, 2021 saw 162 cases, 2022 saw 338 cases, 2023 saw 355 cases, and 2024 saw 115 cases (through May) in 2024. Thus, we at the Medan Police Area have long been familiar with instances of domestic abuse. Since domestic abuse is a challenging offense to stop, efforts must be made to do away with all violent actions, particularly those that occur in the Tannnga household.

Based on the author's conversation with Mrs. Shitta Syadhira Ayu, Assistant Investigator of the Medan Police's PPA Unit, regarding the police department's actions taken to stop and suppress domestic abuse incidents. Law number 23 of 2004 concerning the abolition of domestic abuse and repressive measures, including investigation, arrest, imprisonment, search, seizure, and case file filing, is enforced by the Medan Police. Seeking peace or mediating disputes between parties by providing recommendations and solutions to troublesome parties are examples of preventive measures against crimes related to domestic abuse. The Medan Police settles domestic violence cases (KDRT) by going through the stages of restorative justification and settlement until the investigation file is finished and sent to the prosecutor's office. The number of domestic abuse cases that were successfully settled in both stages is shown in the figures below.

**Table 1.2**  
**Number of Domestic Violence Cases Resolved at the Medan Police**

No	Year	Domestic violence settlement at Medan Police		Sum
		Restorative Justice	P21	
1	2020	30	12	42
2	2021	27	15	42
3	2022	33	25	58
4	2023	35	27	62
5	2024	30	26	56
<i>Total</i>		155	105	260

*(Source; Medan Police Data for 2020 – 2024)*

According to **Table 1.2**, out of the 260 domestic violence cases that were reported to the Medan Police, 155 of them were settled through restorative justice. The remaining 105 cases were concluded at the police because the investigation file was finished and sent to the prosecutor's office.

Law Number 23 of 2004 respecting PKDRT states that victims of domestic abuse are entitled to the following explanation of acceptable protective measures or services:

1. Services and Protection that must be provided by the Police

a. Temporary

According to Law No. 23 of 2004 respecting PKDRT, Article 16 paragraph (1), the police must offer the victim with temporary protection as soon as they learn of or receive a report of domestic abuse, and this obligation lasts for one day. The victim may only get the temporary protection mentioned in paragraph (1) for a maximum of seven (seven) days after being received or handled. In accordance with Law No. 23 of 2004 Concerning the Elimination of Domestic Violence, the Medan Police have in fact offered victims of domestic abuse temporary protection.

b. Requesting a letter of determination of a protection order from the court.

After the protection is given as intended under paragraph (1), the police must get a letter of judgment from the court granting a protection order within one x 24 (one time twenty-four) hours. As to Article 19 of Law Number 23 of 2004 concerning PKDRT, the Police must initiate an investigation as soon as they become aware of or receive a report of domestic violence. PPA investigators from the Medan Police never asked the court for a letter of protection when investigating the case of physical abuse of the wife committed by a couple in the Medan area. This is due to the fact that the Medan Police PPA Investigator has never requested protection from a victim of domestic abuse and has never filed a Determination of Protection Order with the court.

c. The police are obliged to inform the victims about their right to receive services and assistance as stipulated in Article 20 of Law No. 23 of 2004 concerning PKDRT.

The police immediately conveyed to the victim about:

- a) Identity of the officer for identification to the victim;
- b) Domestic violence is a crime against human dignity; and
- c) The obligation of the police to protect the victim.

In compliance with the responsibilities of the Police, the PPA Investigator of the Medan Police has carried it out as prescribed by Law No. 23 of 2004 concerning PKDRT.

2. Services and Protection that must be provided by Health Workers.

- a) Checking the health of victims in accordance with professional standards.
- b) Creating a Written Report

According to Article 21 of Law No. 23 of 2004 governing PKDRT, physicians are required, upon request from a police investigator, to provide a written report on the findings of the victim's examination or a medical certificate that carries the same legal weight as proof. These medical services may be provided in government-owned, municipally owned, or community-owned healthcare facilities.

The Medan Police performed a visum on victims of domestic violence at Pringadi and Bhayangkara Medan Hospitals. The outcomes of the visum created a report to indicate what articles will be utilized against domestic violence abusers. This is based on the visum's findings, which indicate that the suspect's acts impede the victim's everyday activities or actions. These findings will subsequently influence the articles that will be applied, including those pertaining to ordinary persecution, severe persecution, and persecution that ends in death.

3. Services and Protection that must be provided by Social Workers.

A social worker is a person who carries out his professional duties and possesses professional competence in the field of social work, which is acquired by formal education or real-world experience in social work or social welfare that is officially recognized by the government.

- a) Conducting counseling.  
Counseling seeks to improve and offer a sense of security for victims.
  - b) Inform the victim about his rights  
Provide information about victims' rights to police protection and court-issued protection orders.
  - c) Take the victim to a safe place.  
Social workers must provide to transport victims to a safe temporary shelter, which can be a safe house or other alternative location.
  - d) Safe home.  
Temporary accommodation used to protect victims according to predetermined criteria, such as a trauma center in the Social Department.
  - e) Alternative Venues  
Forced relocation residences are isolated and/or kept away from criminals. (Article 22)
4. Services and Protection That Can Be Received from Companion Volunteers.  
Those with the knowledge and skills to support victims of violence in their quest for self-help and recovery are known as companion volunteers.  
In providing services, companion volunteers can:
- a. Inform the victim of his or her right to have one or more companions;
  - b. Victim Assistance  
Accompanying the victim at the level of investigation, prosecution or court examination by guiding the victim to objectively and completely explain the domestic violence he has experienced;
  - a. Listening to the Victim's Story  
Listen empathetically to all the victim's stories so that the victim feels safe accompanied by a companion; and
  - b. Strengthening the victim's mental and physical strength Actively providing psychological and physical reinforcement to the victim. (Article 23)  
Friend It is anticipated that volunteers would help domestic abuse victims' mental health. The goal of this mental rehabilitation is to enable the victim to reintegrate into society without experiencing feelings of inadequacy, embarrassment, or fear of being remarried.
5. Services and Protection to be Provided by a Spiritual Director  
Educating victims about their rights and responsibilities as well as fostering their religious and moral convictions. (Article 24). The goal of this spiritual teaching is to help the sacrifice become more aware of his true nature and become closer to the Creator, enabling him to resurrect.
6. Services that Victims Can Receive From Advocates/Lawyers.
- a. Providing Legal Consultation  
Advocates are obliged to provide legal assistance to victims of domestic violence, which includes information about the rights of victims and the judicial process that victims will experience.
  - b. Accompanying Victims at the Investigation Level  
Advocates must accompany victims as much as possible while police investigate the violence they witness.
7. Helping Victims at Every Legal Stage  
Assisting in prosecution and examination during the trial, as well as helping the victim fully explain the domestic violence she experienced.
8. Coordination with Other Parties  
Coordinate with fellow law enforcement officers, volunteers, and social workers to ensure the court process runs smoothly. In cases of domestic violence, advocates play a role in assisting the victim to obtain their rights as a victim of domestic violence and ensuring that

these rights are accepted by the victim in relation to the perpetrator's actions, including the cost of recovering from physical and psychological injuries.

The writer draws the conclusion that domestic violence (KDRT) always affects the victim, other people, and those who do it based on the laws that are described. Domestic violence, although being illegal, can occasionally have positive effects, including raising victims' understanding of the different kinds of abuse they face. When attempting to implement restorative justice, police investigators frequently run into difficulties, particularly if the offender, victim, or community want peace. Due to the lack of explicit official regulations, investigators frequently fear that their supervising agencies or superiors would place the responsibility on them. Claims involving domestic abuse might be difficult to process because victims withdraw their claims for private reasons, witnesses are rarely contacted, or evidence is hard to come by. It is challenging to gauge the extent of violence against women as it is a delicate subject and sometimes taboo to discuss.

## **B. Obstacles Faced in Law Enforcement Against Domestic Violence Crimes at the Medan Police**

According to Police Law Number 2 of 2002, the police's mission is to preserve security, order, and the rule of law, as well as to protect and serve the community. The rise in criminal activity and the incidence of domestic violence, however, suggest that the community has not entirely adopted the police motto. There will undoubtedly be an increase in domestic abuse cases over time since violence cannot end without a healthy economy. The following are obstacles to the Medan Police's ability to enforce the law on domestic abuse crimes:

- 1) Obstacles to penal mediation  
The process or procedure for mediating violent offenses committed in the home is not specifically regulated by Law Number 23 of 2004 about the Elimination of Domestic Violence; instead, the resolution is only carried out through the police's discretionary authority.
- 2) Obstacles in the legal Process  
The acquisition of early evidence, as well as the victim's attitude, are barriers to resolving domestic abuse cases through judicial channels. Because victims are frequently difficult to interview, obtaining preliminary evidence is frequently challenging. Although the victim found it difficult to offer information, they still wanted to pursue the case. Naturally, this makes it more difficult for the inquiry to move on to the next phase.
- 3) The victim was uncooperative after making a report.
- 4) Some victims of domestic violence are still afraid to disclose the assault to authorities. The cops were so limited in their options. Given that domestic abuse is a complaint, the police are in no position to further their investigation.
- 5) Families and the community might provide obstacles if they have erroneous views about domestic abuse.

When the affected community is unable to choose to reveal or alert the authorities to the violence that took place inside their community, the aforementioned barriers frequently hinder the police from handling domestic abuse cases. Therefore, the Medan Police continue to attempt to tackle domestic violence.

The way domestic abuse cases are handled will undoubtedly be impacted by these challenges. Investigators frequently find it challenging to resolve domestic abuse cases as a result of these issues. The Medan Police PPA Unit's officers are aggressively working to remove these barriers in order to solve this issue. Socialization of the public on laws pertaining to domestic violence, victim protection, and attempts to prevent and address it is one of the actions done. They also work in conjunction with other organizations like the Social Service, the Integrated Service Center for Women and Children Empowerment (P2TP2A), and others. The intention is to influence those who continue to see domestic abuse as a personal issue.

Domestic violence (KDRT) is a grave problem that frequently requires police intervention. The following are some of the primary elements that the Medan Police frequently handle:

1. Economic Problems

One of the main triggers of domestic violence is economic instability in the household. High financial stress can increase tensions between couples and exacerbate existing conflicts. When a person finds it difficult to meet the family's economic needs, this can trigger violence.

2. Infidelity

Infidelity is often another cause of domestic violence. Betrayal in a relationship can trigger strong emotions, destroy trust, and trigger excessive emotional reactions, including physical or verbal violence.

3. Lack of Communication

Poor communication or lack of communication between husband and wife can also be an important factor in the occurrence of domestic violence. When communication channels are cut off, small conflicts can develop into major problems that have the potential to trigger aggressive behavior.

4. Family Incompatibility

Incompatibilities between family members, such as between son-in-law and in-laws, can also contribute to domestic violence. Differences in values, expectations, or conflicts between generations can create tension in the household that can lead to violence.

Economic concerns and adultery are frequently regarded as the leading reasons of marital violence. While infidelity can harm couples' emotional connections, economic instability can exacerbate stress and conflict in the home. These two interrelated issues have the potential to worsen the situation and create a vicious cycle of violence that is hard to stop without the right help and support. Thus, in addition to law enforcement, addressing the underlying causes of domestic violence such as financial difficulties and interpersonal issues in relationships is equally necessary.

#### **IV. CONCLUSION**

Based on the findings of the preceding discussion, it was determined that domestic violence offenses occurred in the Medan Police region between 2020 and 2024, and that they escalated at varying rates each year. The Medan Police use both preventive and repressive measures in its pursuit of domestic abuse crimes. Many victims of domestic abuse remain reluctant to report their experiences to the authorities, and barriers arising from the community or family frequently stem from erroneous perceptions of domestic violence. Other obstacles facing law enforcement of domestic violence crimes include barriers to penal mediation, barriers in the legal process, and victims who become uncooperative after reporting the abuse.

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