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## Challenges of Law Enforcement against Domestic Violence Between Regulation and Implementation

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**Abstract:** This article examines the challenges of law enforcement in handling domestic violence (DV) cases in Indonesia. Despite the enactment of Law No. 23 of 2004 on the Elimination of Domestic Violence, implementation remains hindered by multiple obstacles, including limited understanding and gender sensitivity among law enforcement officials, insufficient victim protection facilities, and prevailing patriarchal cultural norms that discourage reporting. Data analysis shows that psychological violence is the most prevalent form, followed by physical, sexual, and economic violence, indicating the need for a broader approach beyond physical abuse. Through a normative juridical method supported by empirical data, this study finds that legal frameworks alone are insufficient without strong institutional commitment and community awareness. The findings highlight the urgency of strengthening victim support systems, enhancing legal officers' capacity, and promoting public education to foster a culture of zero tolerance for DV. The article concludes that an integrated strategy involving government, law enforcement, civil society, and communities is essential for effective law enforcement and the protection of DV victims. This research contributes to the ongoing discourse on improving justice and protection mechanisms for vulnerable groups, particularly women and children, within the domestic sphere.

**Keyword:** Domestic Violence, Law Enforcement, Legal Protection, Gender-Based Violence.

### INTRODUCTION

Domestic violence (DV) is a form of human rights violation that often occurs but is often hidden behind community norms and culture. Although various legal efforts have been made to address and reduce cases of domestic violence, in reality this phenomenon continues and in some cases has even increased. Indonesia itself has special regulations related to domestic violence, namely Law Number 23 of 2004 concerning the Elimination of Domestic Violence (UU PKDRT). However, law enforcement against domestic violence cases still faces various complex challenges, both in terms of legal substance, law enforcement structure, and community culture that does not fully support victim protection. Law enforcement against domestic violence is not only about punishing the perpetrator, but is also closely related to efforts to protect victims, recover victims, and prevent violence in the future. In many cases, victims of domestic violence are reluctant to report because of fear, economic dependence,

social pressure, or because of the stigma that domestic problems should be resolved internally without involving third parties, let alone law enforcement officers. This condition shows that law enforcement against domestic violence is not only a matter of legal technicalities, but is also closely related to the social, cultural, and psychological dynamics of society.

In the context of legal substance, although the Domestic Violence Law has provided a fairly broad definition of forms of domestic violence, ranging from physical violence, psychological violence, sexual violence, to domestic neglect, its implementation in the field often faces obstacles. Many law enforcement officers still do not have a comprehensive understanding of non-physical violence, such as psychological violence or economic violence. As a result, cases that do not leave physical wounds are often considered not to be serious violence, so that victims do not receive the protection they should.

In terms of structure, the biggest challenge is related to the ability of law enforcement officers, both police, prosecutors, and judges, to handle domestic violence cases from a victim protection perspective. It is not uncommon for victims who report to experience revictimization, namely becoming victims again through a legal process that is not sensitive to the needs of the victim. For example, the victim is forced to mediate with the perpetrator without considering his psychological condition, or there is an assumption that in order to maintain the integrity of the household, the victim should forgive the perpetrator. This kind of approach not only contradicts the principle of victim protection, but can also exacerbate the victim's trauma.

In addition, other challenges also arise from the patriarchal culture that is still strong in many communities in Indonesia. This culture often places women as those who must submit to their husbands and families, so that acts of violence committed by husbands against wives or children are considered "domestic matters" that should not be brought to the legal realm. In a society that adheres to these values, victims often experience social pressure not to report the violence they experience, so that the number of cases recorded is only a small part of the actual reality. The challenges of law enforcement against domestic violence are also related to victims' access to justice. Many victims, especially in rural or remote areas, do not have adequate access to legal aid services, safe houses, medical services, or psychosocial services. This causes victims not only to have difficulty in reporting cases of violence, but also in the recovery process after experiencing violence. This unevenness of services shows the gap in the protection system for victims of domestic violence.

In relation to law enforcement, a multi-disciplinary approach is needed. Handling domestic violence cannot rely on just one sector, but requires cross-sectoral cooperation between the police, prosecutors, courts, social service institutions, hospitals, psychologists, and non-governmental organizations (NGOs). However, coordination between these institutions is often ineffective, either due to differences in perception, limited resources, or the absence of a clear and structured cooperation mechanism. Another challenge that must also be recognized is the lack of education and outreach programs to the community about the rights of victims of domestic violence and the importance of reporting violence. Without a change in awareness at the community level, existing legal efforts will find it difficult to have a significant impact. Public awareness of domestic violence is still low, and this is one of the main inhibiting factors in efforts to prevent and handle cases.

In terms of policy, although Indonesia has various fairly progressive legal instruments, implementation in the field is still far from ideal. For example, in cases of handling domestic violence, law enforcement often encourages family resolution rather than formal legal processes, on the pretext of maintaining the integrity of the household. In fact, this approach contradicts the principle that violence is a violation of human rights that must be tried firmly. In addition, challenges also come from the limited state budget in financing programs to protect victims of domestic violence. Many safe houses (shelters) are managed by non-governmental organizations with very limited resources. In fact, the availability of safe houses is crucial to

protect victims from further threats from perpetrators of violence. Without adequate budget support, it is difficult to realize an effective and sustainable protection system.

In the global framework, Indonesia has ratified various international instruments that affirm its commitment to protecting women and children from violence, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). However, this ratification must be proven by real actions at the national and local levels. This means that international commitments need to be followed by policy reforms, strengthening the capacity of officers, improving victim services, and changing community culture. In conclusion, the challenges of law enforcement against domestic violence in Indonesia are very complex and multi-layered. Systematic and sustainable efforts are needed to overcome these challenges, both through legal reform, strengthening institutions, increasing human resource capacity, empowering victims, educating the community, and strong political and budget support from the government. Law enforcement against domestic violence is not just about applying the rules rigidly, but about ensuring that the rights of victims are respected, protected and restored, and that justice can truly be felt by those who are victims of violence in what should be the safest place: their own household.

## **METHOD**

This article is compiled using a normative legal research method, namely research that focuses on the study of legal materials relevant to the issue of domestic violence and the challenges of its law enforcement in Indonesia. Normative legal research aims to analyze legal norms, principles, and legal doctrines related to the protection of victims of domestic violence. In this study, several approaches are used, including the statute approach, by examining Law Number 23 of 2004 concerning the Elimination of Domestic Violence (UU PKDRT), the Criminal Code (KUHP), and other related laws and regulations. In addition, a conceptual approach is also used to explore basic concepts regarding domestic violence, human rights, and legal theories that underlie law enforcement in this field.

This study also uses a case approach by examining several court decisions related to criminal acts of domestic violence to understand the application of the law in practice, as well as identifying various obstacles that arise. Not only that, a sociological approach is applied to understand the social, cultural, economic, and psychological factors that influence the law enforcement process against domestic violence cases. The data sources used in this study include primary legal materials such as laws and court decisions, secondary legal materials such as legal literature, scientific journals, textbooks, and previous research results, and tertiary legal materials such as legal dictionaries and legal encyclopedias. Data collection techniques are carried out through library research by collecting, studying, and analyzing various relevant legal sources. The data obtained are then analyzed qualitatively, namely by interpreting legal materials, connecting them with relevant theories, and drawing conclusions logically and systematically to answer the problems of the challenges of law enforcement against domestic violence in Indonesia.

## **RESULTS AND DISCUSSION**

### **1. The Reality of Domestic Violence in Indonesia**

Domestic violence (DV) is a phenomenon that occurs in almost all levels of society in Indonesia, regardless of social status, education level, or economic background. Based on data from the National Commission on Violence Against Women (Komnas Perempuan), cases of domestic violence continue to increase from year to year. The annual report notes that domestic violence is the most frequently reported form of violence against women, including physical, psychological, sexual, and neglect violence. However, the figures recorded by official institutions are only the tip of the iceberg. Many cases of violence are not reported due to various factors, including shame, economic dependence on the

perpetrator, family pressure, and lack of trust in law enforcement. In some communities, domestic violence is still considered a “private matter” that is inappropriate to be expressed in public. The deeply rooted patriarchal culture also exacerbates this condition, where women are often placed in subordinate positions, making them more vulnerable to becoming victims of violence.

On the other hand, the existence of Law Number 23 of 2004 concerning the Elimination of Domestic Violence (UU PKDRT) is an important milestone in protecting victims of domestic violence. This law recognizes various forms of violence, including psychological and economic violence that were previously difficult to identify legally. However, the implementation of the law in the field has not been optimal. Many victims have difficulty accessing justice, while law enforcement officers still face various challenges in following up on cases of domestic violence effectively and on the side of the victims.

## 2. Analysis of Challenges in Law Enforcement against Domestic Violence

### a. Substantive Legal Challenges

Normatively, the PKDRT Law has regulated protection for victims of domestic violence in a fairly comprehensive manner. However, in practice, there are several substantive challenges. One of them is the definition of psychological violence and economic violence which are sometimes difficult to prove legally. Evidence of physical violence can be seen with the naked eye through wounds or post-mortem results, but proving psychological or economic violence requires a special approach, such as a psychological examination or household financial audit, which is not always available in case handling practices.

In addition, there is still overlap between the provisions of the Domestic Violence Law and the general criminal law (KUHP). For example, in cases of minor abuse committed within the household, law enforcement officers are often hesitant about whether to apply the Criminal Code or the Domestic Violence Law, given the differences in the threat of punishment and the legal procedures that must be taken.

The law also does not regulate in detail the implementation of emergency protection for victims, such as temporary protection orders (PPS) and permanent protection orders (PPT). As a result, many victims of domestic violence continue to live with their perpetrators after reporting, thereby risking re-violence.

### b. Challenges of Law Enforcement in the Field

At the implementation level, the biggest challenge lies in the lack of understanding of some law enforcement officers regarding the principles of victim protection. Many cases of domestic violence are not followed up seriously because they are considered “domestic problems” that should be resolved amicably. This approach is very detrimental to victims because it ignores the importance of providing a sense of security and justice.

Another factor that worsens the situation is the limited human resources and facilities. Not all police stations have a special women and children's service unit (UPPA) that functions to handle cases of gender-based violence professionally. Even if there are, the number of trained personnel is often not commensurate with the number of cases received.

In addition, the coordination mechanism between institutions, such as the police, prosecutors, courts, hospitals, and social service institutions, is still not optimal. This lack of synchronization makes the legal process slow, exhausting for victims, and even causes victims to choose to withdraw their reports to avoid prolonged pressure.

### c. Cultural and Social Challenges

Patriarchal culture that places women as the party that must obey and serve their husbands is a major obstacle in law enforcement efforts against domestic violence. In many cases, victims are pressured by their families and communities not to take

household problems to the legal realm, on the grounds of maintaining the family's good name.

In addition, the social stigma against victims also makes many women reluctant to report the violence they experience. Victims are often considered the cause of the destruction of their household if they choose to take domestic violence cases to the legal path. This condition is exacerbated by the victim's economic dependence on the perpetrator, which causes the victim to feel that they have no other choice but to stay in a violent relationship.

#### d. Challenges of Accessibility and Services for Victims

In Indonesia, not all regions have easy access to domestic violence victim protection services, such as safe houses (shelters), psychological counseling, free legal aid, and health services that are friendly to victims of violence. This inequality creates injustice for victims, especially those who live in remote areas.

The cost of obtaining a medical examination, transportation costs to the police station, or legal fees for lawyers are all additional burdens for victims. The government has indeed regulated legal aid for victims through Law Number 16 of 2011 concerning Legal Aid, but its implementation is still minimal, especially in cases of domestic violence.

### 3. Case Study: Challenges of Law Enforcement in Domestic Violence Cases

To better understand the challenges of law enforcement against domestic violence, it is important to look at some real-life examples of cases that have occurred in Indonesia. One case that has attracted a lot of public attention is the domestic violence case experienced by singer Krisdayanti against Anang Hermansyah several years ago. Although this case did not go through a lengthy legal process, the news about the verbal and emotional violence that occurred in their relationship reflects how difficult it is to reveal psychological violence in public.

Another more concrete example is the case of a housewife in Sleman Regency, Yogyakarta, who was a victim of physical violence by her husband for years. When the victim finally dared to report it to the police, the legal process was very slow. The victim had to prove the injuries she suffered through a *visum et repertum*, but the cost of the *visum* that had to be borne by herself hampered this process. In addition, the absence of a safe house in her area meant that the victim had no place to shelter and was forced to return to her husband's house while waiting for the legal process to take place. Due to the continuous pressure, the victim finally withdrew her report.

Another case occurred in West Sumatra, where a wife reported her husband for domestic violence. Although the Domestic Violence Law regulates sexual violence as a form of domestic violence, the process of proving it was very difficult due to the lack of evidence and the lack of understanding of law enforcement officers regarding the importance of the visibility of sexual violence in the domestic sphere. The judge finally acquitted the defendant because there was insufficient evidence. From these three examples, it can be seen that the challenges of law enforcement against domestic violence do not only come from the side of the victim who has difficulty accessing justice, but also from the legal system and culture of society that are still gender biased.

### 4. Strategies to Overcome Challenges in Law Enforcement of Domestic Violence

To make law enforcement against domestic violence more effective, several strategies need to be consistently implemented, including:

#### a. Increasing the Capacity of Law Enforcement Officers

Special training on handling cases of gender-based violence, including domestic violence, must be provided to police, prosecutors, judges, and social workers. This training includes an understanding of the victim's perspective, sensitive victim examination techniques, and the use of protection orders to ensure the safety of victims during the legal process.



b. Strengthening Victim Protection Services

Local governments are required to build and increase the number of safe houses (shelters) for victims of violence, especially in areas far from large cities. In addition, free psychological, legal, and medical services must be provided and easily accessible to victims of domestic violence.

c. Public Education and Socialization

The public needs to be educated about the importance of respecting the rights of women and children in the household. Public campaigns involving community leaders, religious leaders, and the mass media are essential to change the stigma against victims and build legal awareness in the community.

d. Improvement of Regulation and Legal Implementation

The Domestic Violence Law needs to be revised to clarify the temporary protection procedures for victims, strengthen the free legal aid mechanism, and emphasize sanctions against law enforcement officers who are negligent in handling domestic violence cases. In addition, there needs to be more detailed technical regulations on proving psychological and economic violence.

e. Integration of Integrated Service Systems

The provision of domestic violence victim protection services must be carried out in an integrated manner between the police, prosecutors, courts, hospitals, and social institutions. This one-stop system can speed up the case handling process, reduce the burden on victims, and increase the effectiveness of services.

5. Analysis of Related Legal Theories

In discussing the challenges of law enforcement against domestic violence, several legal theories are relevant to be used as a basis for analysis, namely:

a. Legal Protection Theory (Philipus M. Hadjon)

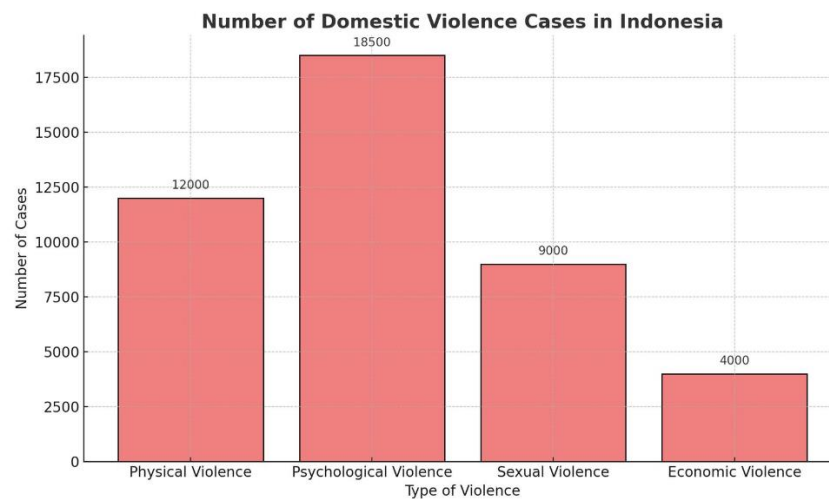
According to Hadjon, legal protection for citizens is an effort to provide a sense of security from violations of their rights by other parties, including the state. In the context of domestic violence, the state is obliged to provide effective legal protection to victims by ensuring adequate regulations, fair implementation, and easy access to justice.

b. Progressive Legal Theory (Satjipto Rahardjo)

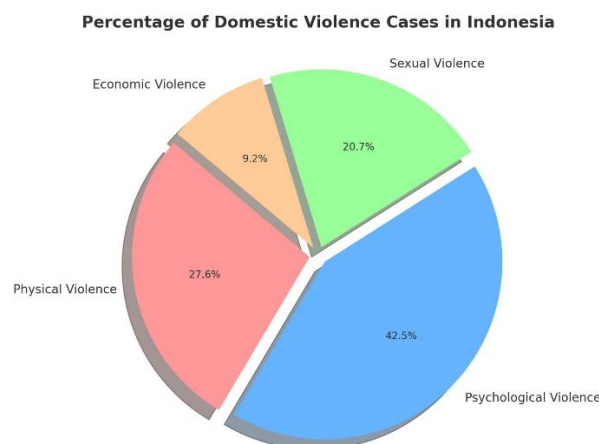
Progressive law teaches that the law must side with substantive justice, not merely formal procedures. In cases of domestic violence, progressive law encourages officials to be more sensitive to the conditions of victims, understand the social context behind the case, and dare to take innovative steps to provide justice.

c. Feminist Legal Theory

This theory views the law from a gender perspective, where traditional legal structures often ignore women's experiences and needs. In many cases of domestic violence, neutral legal norms actually have a discriminatory impact on female victims. By understanding this theory, law enforcement officials can be more responsive in handling cases of gender-based violence.



Based on the bar chart regarding the Number of Domestic Violence Cases in Indonesia, it can be seen that psychological violence ranks first with the highest number of cases, which is 18,500 cases. This shows that violence in non-physical forms, such as insults, threats, or emotional treatment that degrades the dignity of the victim, is still very dominant in domestic life in Indonesia. Furthermore, physical violence was recorded at 12,000 cases, followed by sexual violence with 9,000 cases, and economic violence reaching 4,000 cases. This data indicates that other forms of violence such as control over the victim's economic resources, although less frequently reported, remain a serious problem that needs attention.



Meanwhile, through the pie chart, the percentage distribution of each type of violence can be seen. Psychological violence contributed around 41.7% of the total reported cases, while physical violence was around 27.1%, sexual violence was 20.3%, and economic violence was around 9%. This percentage strengthens the finding that efforts to prevent and handle domestic violence must not only focus on physical violence, but also need to pay attention to the serious impacts of psychological, sexual, and economic violence, which have tended to be less visible but are very damaging to the lives of victims. Thus, the strategy for handling domestic violence must be designed comprehensively, covering all types of violence, not just physical violence. Law enforcement officers, women's and children's protection agencies, and the wider community need to raise awareness of the importance of identifying and handling all forms of domestic violence fairly and effectively.

## CONCLUSION

Based on the discussion that has been outlined, it can be concluded that law enforcement against domestic violence (KDRT) in Indonesia still faces various complex challenges. Although normatively Indonesia has Law Number 23 of 2004 concerning the Elimination of Domestic Violence (UU PKDRT) which provides a strong legal basis to protect victims and prosecute perpetrators, implementation in the field is often not optimal. Some of the main challenges identified include: low understanding and sensitivity of law enforcement officers to gender-based violence, limited protection facilities for victims such as safe houses and psychosocial services, and a strong patriarchal culture that often makes it difficult for victims to report and fight for their rights. In addition, the process of proof, especially for psychological and sexual violence in the household, is still a major obstacle in the judicial process.

The data presented through graphs and diagrams emphasizes that psychological violence is the most dominant form of violence, followed by physical, sexual, and economic violence. This shows that the approach to handling domestic violence must be holistic and not only focus on physical violence. For this, strategic steps are needed, including increasing the capacity of law enforcement officers through gender-based training, strengthening the integrated service system for victims, massive legal socialization to the community, and revising regulations that can provide maximum protection. Synergy between the government, social institutions, and the community is an important key in creating a safe and fair environment for all citizens, especially women and children who are vulnerable to becoming victims of domestic violence.

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