

## **Law Enforcement Against Perpetrators of Domestic Violence in the Tual Regional Police Jurisdiction: A Research Study at the Tual Regional Police**

**Yossri Mantaw Sihombing<sup>1</sup>, Sumarno<sup>2</sup>, Muhammad Arif Sahlepi<sup>3</sup>**

Email: [yossrimantawsihombing8781@gmail.com](mailto:yossrimantawsihombing8781@gmail.com)

*Universitas Pembangunan Panca Budi*

### **ABSTRACT**

*Law enforcement against perpetrators of physical violence in the household is an important part of protecting victims, especially women. This study aims to analyze the factors causing physical violence in the household, the efforts to overcome it carried out by the Tual Police, and the forms of law enforcement against perpetrators. This study uses a descriptive analytical method with a normative and sociological juridical approach. Data were obtained through interviews, observations, documentation, and literature studies. The results of the study indicate that the factors causing Domestic Violence in the jurisdiction of the Tual Police include alcohol abuse, economic problems, infidelity, and low legal education. The Tual Police have made efforts to overcome this through preventive and repressive measures, but the implementation of law enforcement still faces obstacles such as withdrawal of reports by victims, lack of facilities, and limited human resources. This study recommends increasing the capacity of law enforcement officers and public education as an effort to strengthen the protection system for victims of Domestic Violence.*

**Keywords:** Law Enforcement, Physical Violence, Domestic Violence, Tual Police, Domestic Violence.

### **INTRODUCTION**

Domestic violence is a problem that concerns not only social aspects but also legal and humanitarian aspects. In Indonesia, efforts to overcome domestic violence have been regulated through Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence. However, in practice, law enforcement against perpetrators of domestic violence often encounters obstacles, both structurally and culturally. In the jurisdiction of the Tual Police, cases of physical violence in the household still frequently occur and tend not to be followed up optimally due to social and cultural reasons.

This study aims to examine the factors causing physical violence in the household, evaluate the efforts that have been made by the Tual Police and analyze the form of law enforcement against perpetrators of domestic violence. This research is important to determine the extent of the effectiveness of law enforcement officers in overcoming and prosecuting perpetrators of domestic violence.

### **METHODS**

This research employs a normative juridical and sociological approach. The juridical approach is used to examine relevant laws and regulations, while the sociological approach is used to analyze the implementation of law enforcement in society. This research is descriptive and analytical, with data collection techniques including literature review, interviews, observation, and documentation. Both primary and secondary data were used. Data analysis was conducted qualitatively by interpreting the data and linking it to applicable legal theories

and regulations.'

## RESULT AND DISCUSSION

### Factors Causing Physical Violence in the Household

According to Article 44 of the Republic of Indonesia Law Number 23 of 2004 concerning the Elimination of Domestic Violence, physical violence is classified based on the level of consequences caused, namely:

1. Minor Physical Violence (Article 1) such as minor wounds, bruises, abrasions, or pain that does not require long-term treatment. Examples: slapping, pulling hair, and pushing.;
2. Serious Physical Violence (Article 2) such as causing serious injuries such as broken bones, burns, and permanent impairment. Examples: slashing with a sharp weapon, strangling to the point of losing consciousness.
3. Physical Violence Resulting in Death (Paragraph 3) such as actions that cause the victim to die and are included in the category of serious crimes with a maximum prison sentence of 15 years..

According to Travis Hirschi's theory of social control, violence occurs because the perpetrator lacks emotional attachment, moral commitment, or respect for social norms or the law. Within the household, the perpetrator feels "in control" due to the patriarchal structure and the lack of legal protection for victims.

### Factors Causing Physical Violence in the Household

Domestic violence does not occur suddenly, but is influenced by two main groups of factors: internal and external. Internal factors include alcohol or drug abuse, the perpetrator's unstable psychological state, domestic conflict, and power imbalances resulting from a patriarchal system. Meanwhile, external factors include a culture that legitimizes violence, low legal education, the victim's economic dependence, an apathetic social environment, and weak law enforcement.

According to Soerjono Soekanto, ineffective law enforcement is influenced by the law itself, the authorities, facilities, society, and culture. In the Tual Police Department, research shows that physical violence in the home is generally perpetrated by husbands, fueled by alcohol, economic conflict, and unequal power relations. Many victims are reluctant to report or withdraw their reports due to family pressure and economic dependence.

The impacts of physical violence are widespread, ranging from minor injuries to permanent disability and death. Psychologically, victims can experience severe trauma, depression, and suicidal thoughts. Social and economic impacts include job loss, social isolation, and stigma. Children who witness or are victims also experience developmental disabilities and are at risk of imitating violent behavior. Impacts on society and the state include increased burdens on public services and hindered achievement of development goals.

Addressing domestic violence requires more than law enforcement alone. A comprehensive approach is needed, including psychological, social, and economic support. Research at the Tual Police Department reinforces the social control theory, which suggests that weak social ties and a lack of legal awareness are at the root of the recurrence of domestic

violence.

### **Mitigation Efforts by Tual Police**

The Tual Police Department is a regional unit of the Indonesian National Police under the auspices of the Maluku Regional Police. Administratively, the Tual Police Department's jurisdiction covers Tual City and parts of Southeast Maluku Regency. The Tual Police Department is tasked with enforcing the law, maintaining public order and security (kamtibmas), and providing protection, guidance, and services to the community. The Tual Police Department plays a crucial role in handling domestic violence (KDRT) cases, particularly through the Women and Children's Services Unit (PPA) under the Criminal Investigation Unit (Satreskrim).

The Women and Children Unit (PPA) is under the Criminal Investigation Unit and is tasked with handling cases of domestic violence (physical, psychological, and sexual), violence against children, and exploitation or neglect of women and children. In the context of your research, the Tual Police PPA Unit is the primary target for efforts to address and enforce the law against perpetrators of physical domestic violence. The Tual Police Women and Children's Services Unit (PPA) plays a strategic role in handling and addressing cases of domestic violence, particularly physical violence. Efforts include preventive, repressive, and rehabilitative measures, as outlined below:

- A. Preventive Efforts (Prevention). These efforts aim to prevent domestic violence through educational and social approaches.
  1. Legal Counseling and Socialization by providing the community with an understanding of the dangers of domestic violence and the rights of victims based on Law No. 23 of 2004, which is carried out through collaboration with schools, churches, mosques and community leaders;
  2. Partnerships with Traditional and Religious Leaders. The PPA Unit involves local leaders in resolving minor cases through mediation using a cultural approach without eliminating legal aspects;
  3. Raising Gender Awareness. Providing education to the public about the equal roles of men and women in the family.
- B. Repressive Efforts (Legal Action). These efforts are carried out when violence has occurred and must be dealt with according to legal procedures.
  1. Receiving Reports and Handling Complaints. Reports are received directly from victims or through third parties. The process is conducted with an empathetic approach, particularly for women and children.;
  2. Investigation and Examination. Following up on victim reports through evidence collection, post-mortem examinations, and witness examinations. Involving female investigators to create a sense of security for victims.;
  3. Legal Processing of Perpetrators. Perpetrators are processed in accordance with the provisions of Article 44 of Law No. 23 of 2004 and in some cases are subject to additional articles of the Penal Code.
- C. Rehabilitative Efforts (Recovery). These efforts aim to restore the victim's condition, both physically, psychologically, and socially.

1. Psychological and Legal Assistance. In collaboration with the Women's Empowerment Service and Non-Governmental Organizations (NGOs), victims receive assistance during the legal process.;
2. Mediation and Victim Protection. In some minor cases, mediation is conducted, provided that it does not deprive the victim of the right to pursue criminal charges. Victims can also be directed to a safe house (shelter) if they are threatened..

Victims are generally reluctant to report due to family pressure and economic factors. The Women and Children Protection Unit (PPA) still faces limitations in staffing, post-mortem examination facilities, and operational funds. Response efforts are largely case-specific and not yet integrated with a robust data collection and monitoring system. Although the Tual Police PPA Unit has undertaken various efforts to address domestic violence, its effectiveness is hampered by limited support facilities, low public awareness, and suboptimal inter-agency coordination. Although the Tual Police Women and Children Protection Unit has made various efforts to address domestic violence cases, its implementation in the field is not without several structural, cultural, and technical obstacles. These obstacles directly impact the effectiveness of law enforcement and victim protection.

Several reported domestic violence cases do not progress to the investigation stage because the victims refuse to undergo medical examinations or withdraw their reports. In several interviews, investigators complained about high workloads due to staffing shortages. These obstacles demonstrate that the Tual Police Women and Children Unit's (PPA) response to domestic violence relies not only on the will of its officers but is also influenced by systemic factors such as culture, budget, resources, and cross-sector collaboration. Therefore, a comprehensive and integrated solution is needed.

The Tual Police Department has implemented preventive measures such as legal outreach and public education, as well as repressive measures such as legal proceedings against perpetrators of violence. However, implementation in the field still faces obstacles such as victims withdrawing reports, a lack of female investigators, and limited facilities. The Tual Police Department's approach reflects a crime prevention theory, namely by combining penal and non-penal channels.

### **Law Enforcement Against Perpetrators of Domestic Violence in the Tual Police Jurisdiction**

Legal protection is a fundamental right of victims of domestic violence, as guaranteed by Law Number 23 of 2004 concerning the Elimination of Domestic Violence (UU PKDRT). At the Tual Police, victim protection is implemented through various stages, although in practice, various obstacles remain. Legal Basis for Protection. Protection for victims is regulated in Articles 10 and 21 of Law No. 23 of 2004, which states that victims have the right to receive health services, legal and psychological assistance, protection from law enforcement officers, and temporary housing if necessary (safe houses/shelters). Meanwhile, according to Articles 5 and 6 of Law No. 13 of 2006 concerning Protection of Witnesses and Victims (amended by Law No. 31 of 2014).

Forms of Protection by Tual Police, namely:

- a. Legal Process Protection. Victims are served by investigators from the PPA Unit using

special procedures, including non-pressure interviews and family/NGO support. In some cases, victims are facilitated to undergo a post-mortem examination to strengthen evidence.;

- b. Legal and Psychological Assistance. The PPA Unit collaborates with relevant agencies (the Women's Empowerment and Child Protection Agency) to provide legal counsel and a psychologist if needed. Victims are provided with clear information about their rights and legal procedures.;
- c. Physical Protection and Security. If the victim feels threatened, the police can provide temporary security or direct them to a safe house (shelter). However, shelter availability at the Tual Police Station is still very limited..

Challenges of Legal Protection in the Field, namely:

- a. Many victims are reluctant to report because of fear, shame, or family pressure.;
- b. Not all victims understand their rights as victims which are protected by law;
- c. Limited facilities such as counselors, shelters, and accompanying officers mean that protection is not running optimally; and
- d. There is still the practice of "peace settlement" which weakens the legal position of victims..

According to Soerjono Soekanto, legal protection is not just a matter of written regulations, but also of implementation by authorities, community legal culture, and the legal awareness of victims themselves. Ideal protection should be comprehensive: preventive, repressive, and rehabilitative. Legal protection for victims of domestic violence in the Tual Police jurisdiction has been regulated by law. However, its implementation has been suboptimal due to limited resources and a community culture that does not fully support reporting cases.

Law enforcement against perpetrators of domestic violence by the Tual Police has referred to the provisions of the Republic of Indonesia Law Number 23 of 2004 concerning the Elimination of Domestic Violence, specifically Article 44 concerning physical violence. However, the success of law enforcement is still hampered by a lack of public legal awareness, the influence of local culture, and the economic dependence of victims on perpetrators. According to Soerjono Soekanto's theory, these factors also influence the effectiveness of law enforcement within the law enforcement process itself.

## CONCLUSION

1. The factors causing physical violence in the household in the jurisdiction of the Tual Police are greatly influenced by alcohol abuse (especially local alcoholic drinks such as *sopi*), unequal power relations between husband and wife, economic problems, infidelity, and low levels of education and legal awareness in the community.;
2. Law enforcement by the Women and Children's Services Unit (PPA) of the Tual Police has been carried out through preventive, repressive, and rehabilitative measures, as mandated by Law No. 23 of 2004 concerning the Elimination of Domestic Violence. However, in its implementation, police officers still face various obstacles such as victims withdrawing reports, a lack of female investigators, and limited facilities and operational funds.
3. Legal protection for victims has been provided in the form of legal and psychological

assistance, medical examinations, and temporary security. However, the effectiveness of this protection remains weak due to a lack of shelters, weak cross-sector coordination, and a culture of customary peaceful resolution that tends to weaken victims' legal standing.

## **REFERENCES**

- Kitab Undang - Undang Hukum Pidana (KUHP)  
Undang-Undang Republik Indonesia Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan Dalam Rumah Tangga  
Undang-Undang Republik Indonesia Nomor 13 Tahun 2006 tentang Perlindungan Saksi dan Korban (jo. UU No. 31 Tahun 2014)  
Soekanto, Soerjono. (2008). Faktor-Faktor yang Mempengaruhi Penegakan Hukum. Jakarta: Rajawali Pers  
Arief, Barda Nawawi. (2010). Bunga Rampai Kebijakan Hukum Pidana. Jakarta: Kencana  
Hirschi, Travis. (1969). Causes of Delinquency. Berkeley: University of California Press  
Kusumastuti, A. (2021). Penegakan Hukum terhadap Pelaku KDRT: Antara Harapan dan Realita. *Jurnal Hukum & Gender*, 12(1), 45–59  
Srifianti, L. (2023). Efektivitas Pemidanaan dalam Kasus Kekerasan Rumah Tangga di Indonesia. *Jurnal Kriminologi Indonesia*, 14(2), 33–47.