



Protection and Punishment of Domestic Violence Victims by the Gorontalo City Resort Police Department

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Abstract: The purpose of this study is to analyze the legal protection provided by Gorontalo City Resort Police to victims of domestic violence (KDRT) and evaluate the extent to which the protection is in accordance with applicable legal provisions. Based on the study of the implementation of legal protection, there is a discrepancy between the policy stipulated in Law No. 23/2004 on the Elimination of Domestic Violence and the practice in the field. This research uses a qualitative approach with the method of interviewing the local police and analyzing the data obtained. The results showed that the protection provided by the police was limited to the trial process, without any further assistance for victims, especially in post-incident trauma recovery. The main factor inhibiting further assistance is the limited budget owned by the police. Therefore, this study suggests the need for synergy between the police, social services, protection agencies, and other related parties to provide more comprehensive protection to victims of domestic violence, as well as strengthen the implementation of police duties in protecting the community.

Keywords : Legal Protection; Domestic Violence; Gorontalo Police Resor.

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1. Introduction

Domestic violence (DV) is a form of human rights violation that occurs within the private sphere but has widespread impacts on society. The phenomenon of DV in Indonesia is not limited to physical violence but also encompasses psychological, sexual, and economic abuse. According to data released by the National Commission on Violence Against Women (Komnas Perempuan), the number of reported DV cases increases annually. However, these figures do not reflect the actual numbers, as many victims hesitate to report due to social pressure, stigma, and fear of retaliation from perpetrators.¹ On the other hand, protecting DV victims remains a significant challenge, especially in certain regions like Gorontalo, which possesses distinct social and cultural characteristics compared to other areas in Indonesia.

DV not only causes physical harm but also destroys the mental and emotional well-being of victims, creating trauma that can last long-term or even a lifetime. The impact is not only felt by the direct victims but also by children or other family members within the troubled household. This creates a vicious cycle of violence that is difficult to break, where subsequent generations may grow up with the same behavioral patterns. Therefore, effective handling is crucial to protect victims and address the root causes of domestic violence.²

One of the steps taken by the Indonesian government to address DV is the enactment of Law Number 23 of 2004 concerning the Elimination of Domestic Violence (UU KDRT). This law aims to provide legal protection for DV victims and uphold justice. Additionally, law enforcement agencies, particularly the police, play a vital role in implementing this law. The police not only function as enforcers of the law in criminal DV cases but also as protectors who provide physical and psychological support to victims and investigate perpetrators.³

However, despite having a strong legal framework, the implementation of legal protection for DV victims on the ground faces various challenges. In Gorontalo City, although DV cases are on the rise, the legal protection provided to victims remains inadequate. Various factors influence this, ranging from the community's lack of awareness about victims' rights, limited dissemination of information regarding the UU KDRT, to the limited human resources and facilities available to the police, resulting in

¹ Auliya Hamida and Joko Setiyono, "Analisis Kritis Perlindungan Terhadap Anak Korban Kekerasan Dalam Rumah Tangga: Kajian Perbandingan Hukum," *Jurnal Pembangunan Hukum Indonesia* 4, no. 1 (2022): 73–88.

² Arianus Harefa, "Faktor-Faktor Penyebab Terjadinya Tindak Pidana Kekerasan Dalam Rumah Tangga," *Jurnal Panah Keadilan* 1, no. 1 (2021): 18–21.

³ Rumah Tangga Kekerasan, "Tinjauan Sosiologis Penanganan Kasus Kekerasan Dalam Rumah Tangga Menurut UU PKDRT Oleh Pengadilan Negeri Pangkep," 2021, https://www.researchgate.net/profile/Andi-Agustang/publication/356810155_Tinjauan_Sosiologis_Penanganan_Kasus_Kekerasan_Dalam_Rumah_Tangga_Menurut_UU_PKDRT_Oleh_Pengadilan_Negeri_Pangkep/links/61ae152cca2d401f27cdb401/Tinjauan-Sosiologis-Penanganan-Kasus-Kekerasan-Dalam-Rumah-Tangga-Menurut-UU-PKDRT-Oleh-Pengadilan-Negeri-Pangkep.pdf?_sg%5B0%5D=started_experiment_milestone&origin=journalDetail&_rtd=e30%3D.

suboptimal handling of DV cases. Moreover, in many instances, victims often do not report the violence they experience due to fear of threats from perpetrators or a lack of confidence that they will receive justice through legal channels.⁴

The handling of DV by the police in Gorontalo City faces several obstacles, both structural and non-structural. Structurally, there is an issue related to the lack of training for police officers in handling sensitive DV cases that require a more humane approach. Many police officers do not fully understand the essence of the UU KDRT, leading to improper handling or victim-unfriendly approaches. Additionally, the scarcity of specialized facilities to handle DV victims, such as examination rooms that are friendly to women and children, is a major constraint.

On the non-structural level, the socio-cultural factors in Gorontalo City also play a significant role in resolving DV cases. Communities that strongly adhere to traditional and patriarchal norms often consider domestic violence issues as personal matters that should not be brought into the public domain. The stigma against victims, especially women, often leads to their isolation and reluctance to report the violence they endure. Social pressure and feelings of shame frequently make victims feel trapped in dangerous relationships. In some cases, families and communities tend to pressure victims to stay in these relationships to preserve family honor.⁵

The Gorontalo City Resort Police, as an institution mandated to uphold the law, bears a significant responsibility in addressing this issue. The police are not only tasked with law enforcement but also with protecting victims. This protection includes physical security through safeguarding, legal protection in the form of legal assistance, and psychological support to restore victims' mental conditions. This task is undoubtedly challenging, given the limitations in resources and the various obstacles faced by law enforcement officers.

Optimal handling of DV victims in Gorontalo heavily depends on the effectiveness of the police in implementing existing policies. This includes strengthening the internal capacity of the police through training and education on handling DV cases, as well as providing facilities that support victim handling, such as safe and comfortable consultation rooms and specialized teams trained in handling gender-based violence cases. Additionally, the police need to establish close cooperation with various community institutions, such as NGOs, shelters, and psychosocial service centers, to provide holistic protection for victims.⁶

The importance of legal protection for DV victims must be recognized by all elements of society, from the government and law enforcement agencies to the general public.

⁴ Hana Fairuz Mestika, "Perlindungan Hukum Pada Perempuan Korban Kekerasan Dalam Rumah Tangga Di Indonesia," *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 2, no. 1 (2022): 118–30.

⁵ Adi Pratama, Suwarno Abadi, and Nur Hidayatul Fithri, "Keadilan Hukum Bagi Perempuan Sebagai Korban Kekerasan Dalam Rumah Tangga (Kdrt)," *Jurnal Ilmu Hukum Wijaya Putra* 1, no. 2 (2023): 148–59.

⁶ Naufal Hibrizi Setiawan et al., "Pemahaman Dan Faktor–Faktor Penyebab Kekerasan Dalam Rumah Tangga: Tinjauan Literatur," *Civilia: Jurnal Kajian Hukum Dan Pendidikan Kewarganegaraan* 2, no. 3 (2023): 152–62.

Communities need to be educated about the importance of reporting DV cases occurring around them and supporting police efforts to protect victims. One of the measures that can be taken is organizing educational programs for the community regarding victims' rights and the importance of enforcing the law in DV cases.⁷

2. Method

This study employs an empirical juridical research method with a qualitative approach. Data were collected through interviews with police officers, analysis of legal documents, and observation of cases at the Criminal Investigation Unit of the Gorontalo City Resort Police. The types of data utilized include primary data in the form of direct interviews and secondary data derived from legal literature, legislation, and official reports. Data analysis was conducted descriptively to illustrate the legal protections available to domestic violence victims.⁸

3. Criminal Law and Legal Protection for Domestic Violence Victims

The Criminal law is deliberately established to regulate order within society. Generally, criminal law encompasses two types of protection: repressive legal protection and preventive legal protection. These two forms of protection are closely related to criminal policy. In the enforcement of criminal law, the role of the state as an institution with authority is crucial in upholding criminal law within the community.⁹

Article 1, paragraph (4) of Law No. 23 of 2004 concerning the Elimination of Domestic Violence (UU KDRT) states: "Protection consists of all efforts made to provide a sense of security to victims, carried out by family members, advocates, social institutions, the police, the prosecution, the courts, or other parties, either temporarily or based on court decisions." To obtain more detailed and comprehensive information about the legal protection for domestic violence victims, the author conducted interviews with officials from the Gorontalo City Resort Police.

In cases of domestic violence, the police have the duty to protect and support the community, as well as to prevent crimes based on proper law enforcement. As the number of domestic violence cases increases, the number of victims also rises. This

⁷ Anthon Freddy Susanto, "Pendekatan Restoratif Dalam Kekerasan Rumah Tangga Menurut Perspektif Hukum Pidana," *Pagaruyuang Law Journal* 4, no. 2 (2021): 245–62.

⁸ Budi Juliardi et al., *Metode Penelitian Hukum* (CV. Gita Lentera, 2023), https://books.google.com/books?hl=id&lr=&id=vyXbEAAAQBAJ&oi=fnd&pg=PA107&dq=metode+penelitian+hukum+2023&ots=URsVKN1YD1&sig=QzJh2fORIs3Ga8_DExUkt_YWOYY.

⁹ Karenina Aulery Putri Wardhani, "Perlindungan Hukum Terhadap Perempuan Korban Kekerasan Dalam Rumah Tangga (KDRT) Pada Tingkat Penyidikan Berdasarkan Undang-Undang No. 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga (UUPKDRT)," *Jurnal Riset Ilmu Hukum*, 2021, 21–31.

demands that law enforcement officials become more proactive in providing protection to the community, especially to domestic violence victims, to ensure their safety.¹⁰

From the research conducted by the author on September 18, 2024, through interviews, information was obtained regarding the legal protection for domestic violence victims from the Gorontalo City Resort Police. Brigadier Police Officer Abd. Zahir Dangkula explained: “The police, particularly the Gorontalo City Resort Police, will protect and support the community. In this regard, the police always pay attention to and provide protection to DV victims. For legal protection provided to DV victims, the police will offer protection based on a court-issued protection order.”¹¹

Subsequently, the police will conduct trauma healing for victims of domestic violence. However, the police will first assess the level of vulnerability and threats experienced by the victims, as well as conduct further investigations related to the perpetrators. The police will also investigate the victim’s family, neighbors, or close relatives to evaluate the victim’s level of vulnerability. If the threat level is high, the police will collaborate with the social services department and the PPA (Public Protection Agency) to safeguard and protect the victim from any potential threats, ensuring that the victim feels safe and comfortable and is not intimidated by the perpetrator.”¹²

The prevalence of domestic violence cases in Gorontalo is largely due to many victims’ reluctance to report the violence they experience. The police sometimes do not clearly understand why victims are unwilling to report their cases to authorities. Often, reports of violence come only from the victim’s family members because of fear of the perpetrator, which causes victims to hesitate to report the violence they endure. Additionally, economic dependence on the perpetrator may make victims fear reporting the perpetrator due to concerns about losing their source of livelihood, leading them to continue enduring the violence.

Brigadier Police Officer Abd. Zahir also explained the types of protection provided to domestic violence victims, which depend on the level of the victim’s vulnerability. His explanation is as follows: “The police will educate victims to understand their human rights, specifically the right to protection, so that victims know what actions to take if they experience violence. If the victim’s level of vulnerability is high, the police will seek a temporary safe place for the victim. However, if the vulnerability level is not too high,

¹⁰ Damara Wibowo, “Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga Menurut Hak Asasi Manusia Selama Proses Penyidikan,” *Jurnal USM Law Review* 4, no. 2 (2021): 818–27.

¹¹ Siti Alfisyahrin Lasori et al., “Perlindungan Hukum Terhadap Anak Korban Tindak Pidana Kekerasan Seksual (Studi Kasus Polres Gorontalo Kota),” *Gorontalo Law Review* 7, no. 2 (2024): 296–313.

¹² Mohammad Subhan Lapasau, “Strategi Penanganan Korban Kekerasan Seksual Terhadap Perempuan Dan Anak Pada Dinas SOSial Pemberdayaan Perempuan Perlindungan Anak Pengendalian Penduduk Dan Keluarga Berencana Kabupaten Bone Bolango Provinsi Gorontalo” (PhD Thesis, Institut Pemerintahan Dalam Negeri, 2023), <http://eprints.ipdn.ac.id/12450/>.

the police will collaborate with the victim's family to ensure the victim is well-protected, allowing the victim to feel secure."

However, interviews conducted by the author with several DV victims revealed that the legal protection provided by the police to domestic violence victims is limited to issuing recommendations when the perpetrator issues threats or reports to the authorities. Victims also disclosed that the police only accompany them during the trial process, and after the perpetrator is imprisoned, the victims no longer receive support from the authorities, social services, or the PPA.¹³ Victims then undertake trauma recovery independently or with the support of close family members. The police explained that this occurs due to budget constraints. However, this should not be an obstacle, as the police's duty is to protect and provide security to the community to ensure their safety.¹⁴

This is regulated in Article 10 of the Law on the Elimination of Domestic Violence (UU KDRT), which stipulates the rights of domestic violence victims to receive:

- a) Protection from family members, the police, the prosecution, the courts, advocates, social institutions, or other parties, either temporarily or based on court-issued protection orders;
- b) Health services according to medical needs;
- c) Specialized handling related to the victim's confidentiality;
- d) Accompaniment by social workers and legal assistance at every stage of the investigative process in accordance with applicable laws and regulations;
- e) Spiritual counseling services.¹⁵

The police can arrest perpetrators of domestic violence after receiving reports and sufficient initial evidence based on the victim's statement. Initial evidence typically includes physical signs on the victim's body caused by the perpetrator's violent actions, as regulated in Article 36 of the UU PKDRT:

- 1) "To provide protection to victims, the police can arrest the perpetrator with sufficient initial evidence of having violated the protection order.
- 2) Arrest as referred to in paragraph (1) can be followed by detention accompanied by a detention order within 1 x 24 hours."

Penalties imposed on perpetrators of physical domestic violence are regulated in Article 44 of the UU PKDRT, which states:

¹³ Magfira Alex Rahim, Fenty U. Puluhulawa, and Nuvazria Achir, "Pelaksanaan Perlindungan Hukum Oleh Unit Ppa Polda Gorontalo Terhadap Korban Penelantaran Rumah Tangga Oleh Suami," *Journal of Comprehensive Science (JCS)* 2, no. 4 (2023): 994–1004.

¹⁴ Fitria Mangkat, Lucyane Djaafar, and Udin Hamim, "Eksistensi Perlindungan Hukum Terhadap Perempuan Sebagai Korban Kekerasan Dalam Rumah Tangga Di Polresta Kota Gorontalo," *Innovative: Journal Of Social Science Research* 4, no. 3 (2024): 6589–6601.

¹⁵ Nopiana Mozin and Maisara Sunge, "Pemberian Edukasi Dan Bantuan Hukum Terhadap Anak Korban Kekerasan," *Jurnal Ius Constituendum* 6, no. 1 (2021): 166–81.

- 1) “Any person who commits physical violence within the household as referred to in Article 5 letter a shall be sentenced to imprisonment for a maximum of 5 (five) years or a fine of up to Rp 15,000,000.00 (fifteen million rupiahs).
- 2) In cases where the violence referred to in paragraph (1) results in the victim suffering serious injury or wounds, the perpetrator shall be sentenced to imprisonment for a maximum of 10 (ten) years or a fine of up to Rp 30,000,000.00 (thirty million rupiahs).
- 3) In cases where the violence referred to in paragraph (2) results in the victim’s death, the perpetrator shall be sentenced to imprisonment for a maximum of 15 (fifteen) years or a fine of up to Rp 45,000,000.00 (forty-five million rupiahs).
- 4) In cases where the violence referred to in paragraph (1) is committed by a husband against his wife or vice versa and does not cause illness or prevent the victim from performing job duties, occupations, or daily activities, the perpetrator shall be sentenced to imprisonment for a maximum of 4 (four) months or a fine of up to Rp 5,000,000.00 (five million rupiahs).”¹⁶

Victims of violence have the right to receive recovery efforts. The government, the police, health or medical institutions, and the community are obliged to play an active role in supporting this recovery process. To achieve this, good cooperation is required between government agencies at various levels – central, provincial, and district – as well as the involvement of the community.

4. Conclusion

Legal protection for domestic violence (DV) victims by the Gorontalo City Resort Police does not fully comply with the provisions of Article 1, paragraph (4) of Law No. 23 of 2004 concerning the Elimination of Domestic Violence (UU KDRT), which states: “Protection consists of all efforts made to provide a sense of security to victims, carried out by family members, advocates, social institutions, the police, the prosecution, the courts, or other parties, either temporarily or based on court decisions.” In the cases examined by the researcher, discrepancies were found in the implementation of legal protection by the police towards victims. The assistance provided is limited to the trial process, without subsequent support for trauma recovery after the perpetrator has been sentenced. Victims often have to cope with trauma independently, relying on support from family or close relatives. The police justify this limited assistance by citing budget constraints as the primary reason for the inadequate support. However, the duty of the

¹⁶ Nur Fajri Fauziah Pantu et al., “Perlindungan Hukum Terhadap Perempuan Sebagai Korban Penganiayaan Dalam Hubungan Pacaran Di Polres Gorontalo Kota,” *Politika Progresif: Jurnal Hukum, Politik Dan Humaniora* 1, no. 2 (2024): 170–83.

police to protect and safeguard the community, as stipulated by law, should not be hindered by budgetary limitations.

Legal protection for DV victims is a shared responsibility that requires synergy between the police, social services, protection agencies, and other relevant parties. With more effective implementation, DV victims can feel safe and receive the necessary support during their recovery process.

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