

## Analysis Legal Protection Towards Wife as a Victim in Case Domestic Violence

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Received: 2022-January-10

Rev. Req: 2022-February-17

Accepted: 2022-June-25



xx.xxxx/ijls.2022.7

How to cite this paper: Febriansyah, F. I. & Andriansyah, L. (2022). Analysis Legal Protection Towards Wife as a Victim in Case Domestic Violence. *International Journal Law and Society (IJLS)*, 1(2), 71-84. <https://doi.org/xx.xxxx/ijls.2022.7>

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**ABSTRACT:** *The purpose of this study was to obtain data and explain the factors that cause domestic violence. In addition, it is also to explain how far the development of legal protection for wives as victims of domestic violence. This study uses a normative legal research method with a legal approach. Data collected directly from the community is called primary data, while data through library sources is called secondary data, laws and regulations, scientific publications, journals, and research-related papers. Research findings are presented in the form of a systematic description. To evaluate the collected data, a normative analysis approach will be used. Factors causing domestic violence. First, there is a disparity between men and women, both at home and in public. Second, domestic violence is associated with power dynamics between husband and wife and with gender inequality in society. Legal protection for wives who are victims of husband violence. Forms of legal protection for women victims of violence are contained in the Law on the Elimination of Domestic Violence (Law No. 23 of 2004). Forms of legal protection include victims' rights in the form of: protection from family, police, prosecutors, courts, advocates, or other parties temporarily or based on protection orders from courts, health services according to medical needs, and special treatment. Legal protection for perpetrators of physical violence, psychological violence, and sexual violence consists of criminal sanctions.*

Tujuan dari penelitian ini adalah untuk memperoleh data dan menjelaskan faktor-faktor penyebab terjadinya kekerasan dalam rumah tangga. Selain itu juga untuk menjelaskan sejauh mana perkembangan perlindungan hukum bagi istri sebagai korban KDRT. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan hukum. Data yang dikumpulkan langsung dari masyarakat disebut data primer, sedangkan data melalui sumber perpustakaan disebut data sekunder, peraturan perundang-undangan, publikasi ilmiah, jurnal,

dan makalah terkait penelitian. Temuan penelitian disajikan dalam bentuk deskripsi yang sistematis. Untuk mengevaluasi data yang terkumpul akan digunakan pendekatan analisis normatif. Faktor penyebab terjadinya kekerasan dalam rumah tangga. Pertama, ada disparitas antara laki-laki dan perempuan, baik di rumah maupun di depan umum. Kedua, kekerasan dalam rumah tangga dikaitkan dengan dinamika kekuasaan antara suami dan istri dan dengan ketidaksetaraan gender di masyarakat. Perlindungan hukum bagi istri yang menjadi korban kekerasan suami. Bentuk perlindungan hukum bagi perempuan korban kekerasan tertuang dalam UU Penghapusan Kekerasan Dalam Rumah Tangga (UU No. 23 Tahun 2004). Bentuk perlindungan hukum meliputi hak-hak korban berupa: perlindungan dari keluarga, kepolisian, kejaksaan, pengadilan, advokat, atau pihak lain untuk sementara waktu atau berdasarkan perintah perlindungan dari pengadilan, pelayanan kesehatan sesuai kebutuhan medis, dan perlakuan khusus. Perlindungan hukum bagi pelaku kekerasan fisik, kekerasan psikis, dan kekerasan seksual terdiri dari sanksi pidana.

**Keywords:** *Legal Protection Analysis, Wife Violence, Domestic Violence.*

## I. INTRODUCTION

Marriage is one of the goals of human life, besides carrying out marriage, it is also carrying out God's commands (Rani, Chaniago, & Syarifuddin, 2019). The purpose of someone getting married would be to have a happy life physically and mentally, and the creation of a comfortable and peaceful life in the household. The household is a small part of society for the continuity of social life so that the human population in this world is maintained (Koniyo, 2020).

Based on the description above, we can conclude that every human being would want to have a harmonious family (Fatimah, 2021). However, domestic harmony can be disrupted if someone who lives in the house cannot control themselves and cannot be controlled. Currently, many cases of domestic violence are carried out by husbands as perpetrators and wives as victims. This makes women feel intimidated by the many cases of domestic violence so that they have a very big fear of having a life partner (married), this is not only happening in Indonesia, almost all of the world has such cases, so this is included in the case. global action that needs to be acted on together (Irianti, 2020).

Violence is an action by the perpetrator or physical or mental attack on a person. The type of violence that often occurs in households is usually in the form of physical violence where the perpetrator is unable to control his emotions so that he vents to the victim by hitting, slamming and even murder (Rosyaadah & Rahayu, 2021).

Due to the prevalence of domestic violence in Indonesia, the Indonesian government has issued Law Number 23 of 2004 which stipulates that everyone is prohibited from committing acts of domestic violence against household members (UU, 2004). "Article 44 paragraph (1) states that anyone who commits acts of physical violence in the house as referred to in Article 5 letter (a) shall be sentenced to a maximum imprisonment of five years or a maximum fine of Rp. 15,000,000.00 (fifteen million rupiah)." (Leasa, 2019).

The law is clearly intended to control the eradication of domestic violence so that domestic violence perpetrators feel sorry for their crimes and can reduce the number of domestic violence cases in Indonesia. Although the law has been implemented, the number of incidents of domestic violence has not decreased or shown a positive increase; in fact, it increases every year (Puspita Dewi & Hartini, 2017). This is due to the fact that domestic violence can result from various problems, including economic problems and adultery.

Economic problems, this problem is often the cause of domestic violence, the economic problem in question is the husband's income who has not been able to meet the needs of his family or even because his wife's demands are always asking and the husband is unable to fulfill it (Arnaldy, Nirwana, & Afdal, 2020). Usually the husband will do physical violence if the wife has insulted and even cursed her husband if there are problems in the household.

The problem of infidelity, if an affair has occurred, usually the cheating partner will commit violence just to cover up the affair (Syamsuri & Yitnamurti, 2020). Perpetrators do this because they feel they already have someone else and no longer think about their wife.

This is what makes cases of domestic violence continue to rise every year. The National Commission on Violence against Women (*Komnas Perempuan*) recorded data for 17 years or during 2004-2021 as many as 544,452 cases of violence that occurred in the household (Neoh & Oktavianti, 2021). In 2021 alone Komnas Perempuan has recorded as many as 8,234 cases of violence against women, the most prominent being cases of domestic violence as many as 79% (Komnas Perempuan, 2021).

Enforcing the law on the elimination of domestic violence still has various obstacles:

1. Cases of domestic violence that have been listed in the Law on the Elimination of Domestic Violence (UU P KDRT) not all cases can be handled directly by law enforcement, this is because the form of domestic violence is only considered a complaint offense so that if the victim does not reporting law enforcement cannot process legally (Luhulima, 2000).
2. Domestic violence is considered a private problem so that law enforcement lacks perspective in handling the case.
3. There are still many law enforcers who only judge that domestic violence was carried out only by physical violence, they do not see widely what violence has been committed by the perpetrators so that the evidence in court is not strong enough.
4. Criminal law in Indonesia is more concerned with how to deter perpetrators with the sanctions that have been given, not with victims who should also need to be considered

Therefore, looking at the title above, it is interesting to examine this research with the title Analysis of Legal Protection Against Wives as Victims in Cases of Domestic Violence.

## II. METHOD

This research is a type of normative legal research that uses normative case studies presented in the form of legal action products. Therefore, normative legal studies focus on the preparation of positive legal inventories, as well as legal principles and doctrines, as well as legal findings in certain cases, legal systems, degrees of synchronization, legal comparisons, and legal history (Rideng, 2013).

In legal research there are several ways; By using this approach, researchers will get information from various points of view on the question being investigated. The strategy used in this research is a legal approach. Normative studies must use the statutory method because the emphasis and subject matter of the research will be many legal norms (Yani, 2018).

In research, there is often a difference between data collected directly from the community and information obtained through library books. Data collected directly from the community is referred to as primary data (or fundamental data), while data obtained through library sources is often referred to as secondary data. laws and regulations, scientific publications, journals, and research-related papers. Primary legal materials, or all legally binding documents and resources. Primary legal documents consist of laws and regulations related to domestic violence.

This study uses data collection methods from library research, namely through searching and reviewing the sources contained in the library (literature, research results, scientific magazines, scientific bulletins, scientific journals, and others). An inventory approach, identification of laws and regulations, as well as the classification and systematization of legal resources according to research interests are all part of collecting legal materials.

Research findings are presented in the form of a systematic description. This means that the primary and secondary data obtained will be interconnected according to the problem under study, thus forming a unified whole in accordance with the research needs.

To evaluate the collected data, a normative analysis approach will be used, which is a way to evaluate and analyze research findings based on legal knowledge, legal norms, legal theory, and legal doctrines relevant to the topic. Legal standards and legal facts are then linked to reach a conclusion (Ikhwan, 2021).

## III. RESULT AND DISCUSSION

### Factors That Cause Domestic Violence

According to the 2010 annual report of the National Women's Commission, the following reasons contribute to husbands' violence against their wives;

*First*, the relationship between men and women, both at home and in public, is not balanced. This inequality, which forces women and men to take on certain gender roles, inevitably results in violent behavior. At home, for example, the majority of individuals feel that the husband is the head and even the ruler. The wife is positioned as the

exclusive property of the husband and is under his power and supervision. Therefore, the wife's actions must be permitted and known by the husband. not vice versa. When the wife makes the slightest mistake from the husband's point of view, the wife is subject to his supervision and control. According to the husband's view, the husband feels compelled to educate and guide his wife back to the right path (Komnas Perempuan, 2010).

This control is not small, which in the end resorts to brute force. The attitude of the majority that does not support the victims often blames the victims. In this way, the perpetrator can continue to commit acts of violence without feeling ashamed or remorseful. In reality, it may turn out to be a victim of humiliation. Even for female victims, it will be increasingly difficult to get justice both at the community and legal levels.

The majority of individuals feel that family problems are internal in their unique household. Including violence. If family insults are heard outside the home, the husband's family, the victim's family, and even the victim himself will feel humiliated. As a result, situations of violence against women will continue to be ignored, and she will only be advised to be patient, persevere, and pray. This situation makes it more difficult for women to break away from the cycle of violence that befell them. There are several social variables that encourage domestic violence and make it difficult for victims to get community support and assistance.

*Secondly*, the prevalence of domestic violence is related to the dynamics of power between husband and wife and gender inequality in society. In marriage, power is demonstrated in two ways. In terms of decision making and control or influence, the first group. The second group, which operates in the shadows and is responsible for friction, conflict and persecution (Komnas Perempuan, 2010).

Furthermore, it can be argued that the husband's authority in marriage is the result of cultural factors, as some cultural standards have a positive effect on the husband. The distinction between the function and place of husband and wife in the family and society is passed down culturally from generation to generation, and is often seen as ideological. The great authority a husband has over his wife is also influenced by the fact that the husband controls the financial system. As a result of this dominance, the husband spends most of his time working, while the wife is responsible for taking care of the house and children, which gives the impression that the husband's work is more important.

### **Legal Protection for Wives Who Are Victims of Husband's Violence**

Every act committed against a person, especially a woman, which results in physical, sexual, psychological, emotional suffering or suffering, and/or neglect of the household, as well as threats to commit acts against the law, coercion, or loss of independence in the household, is considered as an example. domestic violence. Cases of domestic violence are no longer rare; In fact, people are quite used to it because almost every day there is news about domestic violence. Individuals from upper-middle class backgrounds as well as creative types may become victims of violence; this group is not limited to those from the lowest socioeconomic level. It is undeniable that most of the perpetrators of

domestic violence are men, namely their partners. Because of his position as the head of the household, a man can act in an authoritarian way towards his wife and children.

Violence against women originates from a culture of male domination over women, or a patriarchal society. Within this framework of male domination, men often use violence to subdue opposition, vent unhappiness, and sometimes to assert their absolute power. Violence against women is sometimes not seen as a major or social problem because it occurs in the home and other people do not need to interfere.

Although the above view is not a justification for not providing adequate legal protection for women victims of domestic violence, it does not indicate that adequate legal protection should not be provided. Legal protection is all efforts made by the parties to end physical, psychological, sexual, and financial violence against women.

Women victims of domestic violence can obtain legal protection from various sources, including the victim's family, neighbors, community leaders, law enforcement officers (police, prosecutors, and courts), and social institutions. Not surprisingly, these meetings have the potential to instill a sense of security in women who have been abused by their husbands. Sometimes victims of domestic violence cannot do much or are in a state of confusion because they do not know where to report the violence they have experienced. Going to their house to make a complaint is not always acceptable. This is because of the cultural belief that a married woman is her husband's obligation. As a result, if there is domestic violence against women, it is often not disclosed because it is still considered to expose the family to disgrace. Due to the difficulty of disclosing domestic violence against women, this implies that women victims of domestic violence help in securing domestic crimes.

Prior to the enactment of Law Number 23 of 2004" the protection of women victims of sexual abuse was regulated in Article 356 of the Criminal Code paragraph 1. Article 1365 of the Civil Code; Article 24 of Law Number 1 of 1974 concerning Marriage; Article 1 of Law Number 7 of 1984 concerning Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women; and Article 17 of Law Number 39 of 1999 concerning Human Rights (HAM).

After the enactment of Law no. 23 of 2004 concerning the Elimination of Domestic Violence, which regulates perpetrators of domestic violence, is regulated in Chapter II, Article 5, Article 6, Article 7, Article 8 and Article 9 of Law no. 23 of 2004. Criminal provisions are regulated in Article 44, Article 45, Article 46, Article 47, Article 48, Article 49 and Article 50.

In the PKDRT Law there are many types of violence, including domestic violence: a.) physical violence; b.) psychological abuse; c.) sexual violence; and d.) home abandonment. The definition of physical violence is an act that causes pain, illness, or serious injury. Psychological violence is an act that causes a person to experience fear, loss of self-confidence, loss of capacity to act, feelings of helplessness, or significant psychological suffering. Sexual violence includes sexual coercion of family members and sexual coercion of household members for commercial gain. On the other hand, neglect refers to the neglect of family members (in terms of means of livelihood and care).



Article 6 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence defines physical violence as an act that causes pain, causes illness, or causes significant injury. Violation of physical violence is a complaint offense. Therefore, the crime of physical assault can be dealt with in court if the complaint is first filed. Physical violence against women can take the form of pushing, squeezing, kicking, gripping, hitting, strangling, strangling, burning, hitting with batons, violence with sharp objects, spraying chemicals or boiling water, drowning, and shooting. This physical abuse is sometimes followed by sexual violence (breast and genitals) or sexual intercourse (rape). In investigations of victims of physical violence, a woman's non-accidental injury is determined as the product of abuse if she is found to have suffered the injury (not accidental). Obviously, it may originate from a single or repeated, moderate to lethal violent event (Sampurna, 2000).

As a result of domestic violence, the house that should be the foundation of a happy, peaceful, and prosperous family, can no longer be a place of refuge for its residents, which is quite disturbing. Even more troubling is the fact that the perpetrators of these violent crimes are close relatives (parents, spouse, and children). Everyday events such as punching, kicking, grasping, pinching, etc. are considered normal. Even incest (sexual relations with children of the same biological parents) and rape occur. The definition of a household according to the PKDRT Law is quite clear:

*“Husband, wife and children (including adopted children and stepchildren); People who have family relationships with people as referred to in letter a because of blood relations, marriage, breastfeeding, care and guardianship, who live in the household (in-laws, daughter-in-law, in-laws and besan); and/or; People who work to help the household and stay in the household (Domestic Workers).”*

Every citizen of the Republic of Indonesia has the right to a sense of security and freedom from all forms of violence; Domestic violence is a violation of human rights, a crime against human dignity, and a discriminatory practice that must be eradicated. With the ratification of the “PKDRT Law 23/2004”, domestic violence is no longer a private matter, but a public matter. The state now has the responsibility to address the problem of domestic violence, rather than the households that suffer. Protecting victims of domestic violence, in this case the wife of the victim, can be the responsibility of the family, advocate, social institutions, police, prosecutors, courts, or other parties.

Legal protection for women includes not only the laws governing the protection of women openly, but also the real protection provided to women through legal aid and non-governmental organizations, as well as open and friendly acceptance from the environment. the police whenever there is a complaint, and most importantly, justice for those whose rights are not respected. As a result of increasing violence in Indonesia, several parties have been compelled to address this problem by making various appropriate laws and regulations.

Prior to the enactment of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, there were no provisions in the positive law that explicitly regulated acts of violence by husbands against their wives. The Criminal Code can be used as a legal basis to report a spouse to the police in circumstances involving abuse of the wife. In

addition, couples who are victims of domestic/family violence have access to additional legal instruments, such as marriage laws.

Some of the legal mechanisms that can protect spouses from acts of husband violence are described below;

*First*, the book of the Criminal Code (KUHP). Criminal law is a branch of public law which includes several regulations regarding:

1. General norms of criminal law regarding prohibited acts, coupled with the threat of punishment in the form of punishment for violators.
2. Certain conditions must be completed so that criminal consequences can be imposed on the perpetrators.
3. The actions and efforts of the state apparatus that may or should be taken in deciding and carrying out illegal activities (Chazawi, 2001).

In Indonesia, the purpose of criminal law tends to reflect the evolutionary history of sentencing and sentencing in general. This implies that the purpose of criminal legislation cannot be separated from the punishment mechanism used against the perpetrator.

In the course of history, the purpose of imposing a criminal offense can be suggested as follows; a). Revenge (revenge); b). Expiation of sins (expiation); c). Clarify (deterrent); d). Protection of the general public (protection of the public); e). Repairing the criminal (rehabilitation of the criminal).

Baharuddin Lopa, a criminal law expert, said on the topic of the purpose of criminal law, Basically the purpose of criminal law is to uphold justice, so that public order and peace can be realized. In order for the community to obey, the judge's decision must also reflect a sense of justice. People must increase their respect for the law as well as increase their love for the law.

In cases of violence against wives, the law that will be applied to perpetrators of violence remains the Criminal Code, with threats of punishment contained in Article 351 of the Criminal Code (maltreatment), Article 352 of the Criminal Code (light torture), Article 353 of the Criminal Code (planned torture, Article 354 of the Criminal Code (severe torture) , Article 355 of the Criminal Code (premeditated severe torture), and Article 356 of the Criminal Code (premeditated severe torture).

While previous regulations did not directly regulate domestic violence, they can be used to refer perpetrators to the police. Article 356 paragraph (1) of the Criminal Code states: The punishment specified in Articles 351, 353, 354 or 355 can be increased by a third: for those who are guilty of committing the crime, it is against their mother, legal father, wife or child.

If this weighty phrase also applies to husbands or wives who commit domestic violence, then this article is at least gender neutral and includes the notion of gender justice. But in reality, law enforcement officers often do not pay attention to women's problems or may not recognize this problem in general.



This is because: 1. This matter is considered personal; 2. Because the husband is the main breadwinner, the judge does not impose a prison sentence, but a probationary sentence, so that the child and his family are not neglected; 3. Most wives are very dependent on their husbands, both economically and emotionally, and still love them.

*Second*, the Marriage Law (Law No. 1 of 1974). In addition to the criminal law, the Marriage Law and the *sighat taklik talak* law provide legal protection to wives who are victims of violence or abuse by allowing them to apply to the court not to live together again due to threatening circumstances.

In addition, "Article 19 letter d of Government Regulation Number 9 of 1975" concerning the Implementation of Law Number 1 of 1974 is also a legal instrument for the protection of women from acts of violence perpetrated by their husbands, which states that "divorce can be granted if one of the partners commit significant acts of cruelty or abuse that harm their partner. If the husband commits domestic violence against his wife under this article, the woman can file for divorce."

*Third*, the Law on the Elimination of Domestic Violence (Law No. 23 of 2004). This law is a legislative change in Indonesia that benefits disadvantaged communities, particularly women and children. Because there is a lot of violence, especially domestic violence, and some elements of the Criminal Code are no longer in accordance with the changes taking place in society, it is very important to manage the crime of domestic violence firmly.

This law regulates the prevention and protection of victims of domestic violence (KDRT), especially domestic violence whose components are different from the criminal acts of persecution regulated in the Criminal Code, as well as the duties of law enforcement officers, health workers, social workers, and volunteers. as a companion to protect the victim. In addition, this law regulates how law enforcement officers, health workers, social workers, and volunteers can act as companions for victims.

In the Law on the Elimination of Domestic Violence, protection for spouses as household members who are victims of acts of violence, based on the rule of law, it can be determined that Law Number 23 of 2004 is the only law that has offered victims of domestic violence, especially women victims of husband violence, with clearer forms of legal protection.

Legal protection is the safeguarding of legal subjects through the application of appropriate rules and regulations and the enforcement of their compliance with punishment. Legal protection can be divided into two categories:

1. Preventive legal protection. The protection provided by the government is intended to serve the purpose of preventing violations before they occur. This is regulated in laws and regulations with the aim of preventing violations committed by business actors and providing indications or obstacles for business actors to overcome them in order to carry out their obligations. The purpose of these laws and regulations is to prevent violations committed by business actors.
2. Repressive legal protection. If there is a dispute of opinion or the business actor has committed a violation, then repressive legal protection is the ultimate form of

protection in the form of corporate liability, fines, imprisonment, and other consequences.

In preventive protection, spouses of victims of physical violence receive temporary or permanent protection from their families, advocates, social institutions, police, prosecutors, courts, or other parties.

The other party is anyone who hears, witnesses, or knows about domestic violence. They are expected to seek prevention, protection, emergency assistance, and assistance in filing protection petitions both directly and through existing government organizations and agencies.

Non-law enforcement agencies and institutions provide protection through counseling, mediation, mentoring, and individual rehabilitation. This means that there is no need for a lawsuit. However, every organization every institution plays an important role in preventing and eliminating domestic violence.

In addition, the PKDRT Law separates protection into temporary protection, court order protection, and service. Institutions and institutions offer protection and services according to their specific responsibilities and roles.

In accordance with Article 10a of the PKDRT Law, victims are entitled to temporary or permanent protection from their families, police, prosecutors, courts, prosecutors, social institutions, or other parties, with the following explanations; *First*, protection by the police is in the form of temporary protection which is provided for a maximum of 7 (seven) days, and within 1 X 24 hours from providing protection, the police are required to request a letter of stipulation of a protection order from the court. This temporary protection by the police can be carried out in collaboration with health, social workers, companion volunteers and spiritual mentors to assist victims. Services for victims of domestic violence must use a special service room at the police office with a system and mechanism for cooperation in service programs that are easily accessible to victims. The government and the community need to immediately build safe houses (shelters) to accommodate, serve and isolate victims from domestic violence perpetrators. In line with that, the police according to their duties and authorities can carry out investigations, arrests and detentions with sufficient preliminary evidence and accompanied by detention orders against perpetrators of domestic violence. Even the police can make arrests and detentions without a warrant for violations of the protection order, meaning that the warrant for arrest and detention can be issued after 1 X 24 hours.

*Second*, protection by advocates is provided in the form of legal consultation, conducting mediation and negotiations between parties including the victim's family and the perpetrator's family (mediation), and assisting the victim at the investigation, prosecution and examination levels in court proceedings (litigation), coordinating with other law enforcement, companion volunteers, and social workers (cooperation and partnership); *Third*, protection by court order is issued in the form of a protection order which is given for 1 (one) year and can be extended. The court may detain with a detention order against the perpetrator of domestic violence for 30 (thirty) days if the perpetrator violates the statement he signed regarding the ability to fulfill the protection order from

the court. Courts can also provide additional protection from consideration of the possible harm to the victim.

*Fourth*, the service of health workers is very important, especially in the effort to give sanctions to perpetrators of domestic violence. Health workers according to their profession are obliged to provide written reports on the results of medical examinations and make a visum et repertum at the request of police investigators or make other medical certificates that have legal force as evidence; *Fifth*, social worker services are provided in the form of counseling to strengthen and provide a sense of security for victims, provide information about victims' rights to protection, and provide coordination with related institutions and institutions.

*Sixth*, companion volunteer services are provided to victims regarding the rights of victims to get one or several companion volunteers, assisting victims in objectively describing the acts of domestic violence they experience at the level of investigation, prosecution and court examination, listening and providing psychological and physical reinforcement to victims; *Seventh*, services by spiritual guides are given to provide explanations about rights, obligations and provide strengthening of faith and piety to victims.

To combat crime as a social phenomenon (society), the criminal justice system created by the state must apply criminal laws and regulations. In addition to the criminal justice system, a criminal policy is needed. When the criminal justice system prioritizes the implementation of criminal policies, crime prevention will be effective and efficient. Therefore, the components of the criminal justice system must adopt an integrated strategy. Police-Prosecutors-Courts and the Director General of Correctional Institutions are subsystems of this justice system. Investigation, arrest, detention, prosecution, examination in court, judge's decision, sentencing, and finally reintegration into society are successive stages in the criminal justice process (Reksodiputro, 2007).

Judges must not only convey a sense of justice to the guilty, but also to the victims. In accordance with the provisions of Law no. 48 of 2009 concerning Judicial Power, to provide justice for both parties, judges as law enforcers and justice enforcers are obliged to investigate, follow, and understand the legal values that exist in society. Furthermore, when assessing the severity of the crime, the judge must also consider the merits of the defendant's quality. This is challenging, and it is very important to be sensitive to the importance of justice in society, given that societal values evolve over time.

To ensure that justice is served for both the victim and the accused, the judge takes into account the remorse of the accused. This is so that the judge does not rely solely on the demands of the public prosecutor and the criminal threats listed in the Criminal Code, but pays more attention to the behavior of the accused during the trial. examination, whether what the defendant did was true or not, and if there was any remorse or not, so that the results were not only punishing but also educational for the perpetrators. In order for a decision not only to punish but also to teach a lesson, there must be an examination.

In accordance with the explanation above, Law Number 23 of 2004 has actually officially regulated legal protection for victims of physical violence in the home. However, there are still cases of violence in the field that do not lead to legal proceedings. Because the implementation of laws and regulations is the implementation of a policy plan and program in order to achieve the goals that have been set in the policy and program plan. Therefore, the PKDRT Law is believed to provide a sense of security and prevent domestic violence. Therefore, it is the responsibility of the government to reformulate the pattern and method of providing protection and services and to socialize the policy in the field. Without serious efforts from the government and all stakeholders, it will be very difficult, if not impossible, to prevent or eradicate incidents of domestic violence in Indonesia, given the many circumstances that contribute to its occurrence.

Legal protection for married couples can be achieved by providing health services and legal assistance to victims of domestic violence. The persistence of women's groups in assisting women victims motivates the government to actively provide assistance in providing services to women victims. Comparing the current volume and complexity of cases of VAW and violations of women's rights with the establishment of 235 service providers, there are still more victims who have not been helped. In addition, the program provided has not reached other women who are victims of violence (other than domestic violence). Due to the lack of support, especially financial resources, for service delivery institutions/communities, it is difficult to ensure continuity and quality of assistance for women who are victims of abuse.

#### IV. CONCLUSION

Factors that cause domestic violence. *First*, there is a disparity between men and women, both at home and in public. This disparity, which forces a husband or wife to take on certain gender roles, inevitably results in violent behavior. *Second*, domestic violence is associated with power dynamics between husband and wife and with gender inequality in society. In marriage, power is demonstrated in two ways. In terms of decision making and control or influence, the first group. The second group, which operates in the shadows and is responsible for friction, conflict, and persecution.

Legal protection for wives who are victims of husband violence. The form of legal protection for women who are victims of violence is stated in the Law on the Elimination of Domestic Violence (Law No. 23 of 2004). The forms of legal protection include the rights of victims in the form of: protection from family, police, prosecutors, courts, advocates, or other parties temporarily or based on protection orders from courts, health services according to medical needs, and special treatment. Legal protection for perpetrators of physical violence, psychological violence, and sexual violence consists of criminal sanctions.

It is necessary to conduct socialization and training to law enforcers and the general public regarding domestic violence issues, especially domestic violence. With Law no. 23 of 2004 concerning the Elimination of Domestic Violence, it is hoped that all parties can understand the existence of this law, especially for law enforcement officers to be able to

implement this law in resolving domestic violence cases properly so that it can provide protection for wives; and 3. It is hoped that all parties can understand the violence committed by this husband

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