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Domestic Violence by a Husband Against His Wife (Case Study of Decision Number 270/Pid.Sus/2022/PN Bnj)

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Abstract: Currently, women are the main victims of domestic violence throughout Indonesia. Domestic violence generally refers to acts such as verbal abuse, physical violence, coercion, and threats. Domestic violence has always been a concern in various sectors. Although considered very dangerous by the government, this crime continues to be committed in the general public. Domestic violence, especially the brutality of men against their wives, not only causes real torture, but also mental suffering. Therefore, victims of domestic violence must receive maximum legal protection. Basically, marriage is something sacred in society. Because of the bond of marriage between a man and a woman, the marriage is legally binding in the form of the rights and responsibilities of the husband towards his wife, and the obligations of the wife towards her husband. According to Law Number 1 of 1974 Article 1 concerning Marriage, marriage is a physical and spiritual union between a man and a woman as husband and wife with the aim of realizing a happy and eternal family based on faith in God Almighty. Domestic violence is any act that causes misfortune or physical, sexual, or mental suffering to a person, especially women. The regulation of domestic violence is regulated in Law Number 23 concerning the Elimination of Domestic Violence.

Keyword: Domestic Violence, Criminalization, Legal Protection.

INTRODUCTION

Basically, every person who enters into a marriage bond has a goal that they want to achieve, namely physical and spiritual happiness. The purpose of every marriage institution is stated in number 4 letter a of the General Explanation of Law Number 1 of 1974 which states that "The purpose of marriage is to form a happy and eternal family. For this reason, husband and wife need to help and complement each other, so that each can develop their personality, help and achieve spiritual and material well-being". The journey of marriage sometimes does not always run smoothly. Many problems that then arise between the two can often lead to conflict and disagreement. The absence of awareness and understanding from each party to fulfill their obligations and a wise attitude in resolving problems can often also exacerbate the

problem. Such conditions give rise to the basic nature of humans to win alone, uncontrolled emotions that eventually lead to physical clashes and one party becomes the victim. A husband cannot be justified in forcing his will on his wife, especially if accompanied by abuse or other forms of violence. The wife still has the right to receive protection from all forms of abuse or other forms of violence. Inhumane and arbitrary treatment from others including husbands as regulated in Law Number 5 of 1998 concerning the Convention Against Torture and Other Inhumane and Degrading Treatment or Punishment. Domestic violence is one of the problems that has finally been addressed by the government. This is reflected in the enactment of Law No. 23 of 2004 concerning the Elimination of Domestic Violence (hereinafter abbreviated as the Law on the Elimination of Domestic Violence). This law was born and became a legal reference because in the Criminal Code (hereinafter abbreviated as the KUHP), the criminal threat and fines for domestic violence problems are very light so that they are not enough to deter perpetrators. The birth of Law No. 23 of 2004 on the one hand seems to provide benefits, especially for wives (women) who are suspected of being more often victims of domestic violence practices, but on the other hand the issuance of this law can actually give rise to new problems because it has the potential to cause gender injustice (Venny, 2002).

Domestic violence, especially violence committed by a husband against a wife, not only causes physical suffering but also psychological suffering. This is in accordance with the forms of domestic violence listed in Article 5 of Law No. 23 of 2004 concerning the Elimination of Domestic Violence, namely physical violence, psychological violence, sexual violence or domestic neglect. Therefore, victims of domestic violence must receive maximum protection. Legal protection is a form of protection provided by the state with regulations maintained by the state or the authorities with the intention of achieving order in living together and all interests related to it (Sriwidodo, 2021). Domestic violence in short, is any act of verbal or physical violence, coercion or threat to life felt in the life of a woman that causes physical or psychological harm, insults or deprivation of freedom and independence of women. The definition of domestic violence as stated in the formulation of article 1 of the Declaration on the Elimination of Domestic Violence can be summarized as an act based on gender that results in misery or suffering of women physically, sexually or psychologically, including threats of certain actions, coercion or arbitrary deprivation, whether occurring in public or in private life (family) (Saraswati, 2006).

Domestic Violence (KDRT) can be interpreted as an act of violence committed by a caregiver, parent, or partner. Violence in terminology can be interpreted as something that is violent or an act of a person or group that causes injury or death to someone (Saraswati, 2006). There are several forms of criminal acts in the family, namely beatings, throwing, strangling, threatening, forcing, limiting social interaction with others, humiliating and depriving freedom unlawfully as regulated in Law No. 23 of 2004 concerning the Elimination of Domestic Violence.

The definition of domestic violence is regulated in Article 1 Paragraph (1) of the Republic of Indonesia Law Number 23 of 2004 concerning the Elimination of Domestic Violence, which states that: "Domestic violence is any act against a person, especially women, which results in physical, sexual, psychological misery or suffering, and/or neglect of the household, including threats to commit acts, coercion, or unlawful deprivation of freedom within the scope of the household."

METHOD

In the study of Domestic Violence Perpetrated by Husbands Against Their Wives (Case Study of Decision Number 270/Pid.Sus/2022/PN Bnj) using the Normative Law research method with a legislative approach, conceptual approach and case approach. Domestic violence is one of the problems that often occurs in Indonesia. The most important violence in

domestic violence is a violation of human rights and crimes against human dignity and is a form of discrimination, sometimes trivial problems can result in violence against women. That is the initial indication of the cause of domestic violence experienced by women. Starting from trivial things, sometimes it can cause serious problems. However, so far the problem of domestic violence tends to be considered a personal problem and a family disgrace, so it tends to be closed and does not dare to be expressed. Legal regulations regarding domestic violence are based on Law Number 23 of 2004 concerning the Elimination of Domestic Violence (Pratama, 2023).

RESULTS AND DISCUSSION

Domestic violence cases are very much discussed in society which are very difficult to overcome and prevent. Where data collected by various parties shows that cases of violence against women or children always increase from year to year, so this is very worrying. With the increasing cases of criminal acts of violence against women, many non-governmental organizations (NGOs) have been established to participate in contributing to overcoming and preventing such acts of violence. This case of violence is felt to be the focus of attention along with the growing level of awareness of the position of women and the "mainstream" gender, so that slowly this problem is getting more and more space and attention for society to be discussed more seriously.

The definition of the word "Domestic Violence" means having a scope within the family which includes violence against husbands, wives, children based on the word "violence" can be interpreted as an action that brings the power to carry out coercion or pressure in the form of physical. In a narrow sense, violence means an attack or physical abuse of someone or a very fierce, violent, and cruel attack of coercion.

The factors causing domestic violence are related to the power of husband and wife and are discriminated against in society. In society, husbands have influence over their wives and family members. The differences in roles and positions between husbands and wives in society are passed down culturally from generation to generation, and are believed to be provisions in religion. This places the husband as someone who has higher power than the wife. The husband's power over his wife is also influenced by the husband's control over the economic system. This causes society to view the husband's work as more valuable. The reality shows that violence also occurs to working wives, because the wife's involvement in the economy is not supported by changes in the system and cultural conditions, so that the wife's role in economic activities is still considered secondary. Gender differences between men and women are caused by many things, including being formed, socialized, strengthened and even constructed socially and culturally both through religious teachings and through the state. Gender socialization is considered God's provision as if it were biological and could not be changed so that gender differences are considered and understood as the nature of men and the nature of women. Violence caused by gender bias is called gender-related violence which has various types and forms of crime, including:

- a) Forms of rape against women, including rape within marriage. Rape occurs when someone forces someone to obtain sexual services without their consent. This unwillingness often cannot be expressed due to various factors, such as shame, fear, and economic or cultural coercion.
- b) Acts of beatings and physical attacks that occur in the household (domestic violence), including acts of violence in the form of torture against children (child abuse).
- c) Forms of torture that lead to genital organs (genital mutilation), for example circumcision of girls.
- d) Violence in the form of prostitution, prostitution is a form of violence against women that is carried out by an economic mechanism that is detrimental to women.

- e) Violence in the form of pornography. Pornography includes non-physical violence in the form of harassment against women because women's bodies are used as objects for someone's benefit.
- f) Violence in the form of forced sterilization in family planning, family planning is a source of violence against women.
- g) Covert violence in the form of holding or touching certain parts of a woman's body in various ways and opportunities without the consent of the owner of the body.

The most common crime against women committed by the community is harassment (HKBP Nommensen University). The criminal justice process is a crucial part of the law enforcement system in Indonesia, involving various parties with interrelated functions and responsibilities. One of the important actors in this process is the Public Prosecutor (JPU), who has a central role as a representative of the state in the prosecution process against perpetrators of criminal acts. The role of the prosecutor is very important in determining the continuity and justice of the legal process carried out, because the prosecutor not only prosecutes but also ensures that the law is enforced fairly and impartially. In Law of the Republic of Indonesia Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, it is explained that the Prosecutor's Office is one of the institutions that functions in the field of judicial power as regulated in the 1945 Constitution. The Prosecutor's Office acts as a government institution that exercises state power in prosecution and other authorities based on law. Meanwhile, a prosecutor is defined as a functional official who has the authority to act as a public prosecutor and implement court decisions that have permanent legal force, as well as exercise other authorities in accordance with the provisions of the law, as regulated in Article 1 Paragraph (1) of Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia. The duties and authorities of the prosecutor are further regulated in the same law, especially in Chapter III, which includes duties and authorities in three areas: criminal, civil and state administration, as well as public order and security. In the criminal field, Article 30 Paragraph (1) of Law of the Republic of Indonesia Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia states that the Attorney General's Office has the following duties and authorities:

- a. Carrying out prosecution;
- b. Carrying out the determination of judges and court decisions that have permanent legal force;
- c. Supervising the implementation of conditional criminal decisions, supervision criminal decisions, and conditional release decisions;
- d. Conducting investigations into certain crimes in accordance with the provisions of the law;
- e. Completing certain case files and for this purpose can conduct additional examinations before being submitted to the court, with the implementation coordinated with investigators.

The Binjai District Attorney's Office, as one of the law enforcement agencies at the regional level, has the authority to handle criminal cases in its area. Binjai City, which is part of North Sumatra Province, often faces various criminal problems, such as narcotics, theft, and violent crimes. For this reason, the Public Prosecutor on duty at the Binjai District Attorney's Office must be able to carry out his duties with integrity, ensuring that the prosecution process against perpetrators of crimes is carried out professionally and based on valid evidence.

The criminal process in imposing a sentence on the perpetrator of the crime of Domestic Violence Committed by a Husband Against His Wife in Decision Number 270/Pid.Sus/2022/PN Bnj.

Position of the Case of Domestic Violence Committed by a Husband Against His Wife (Case Study of Decision Number 270/Pid.Sus/2022 PN Bnj):

A criminal act of physical violence in the household experienced by Ermina Br Sitepu (victim witness) occurred on Thursday, July 21, 2022 at around 12.20 WIB at RU Djoleham Binjai located on Jalan Sultan Hasanuddin, Satria Village, Binjai City District, Binjai City, which was carried out by the victim's legal husband named Muhammad Ramlia Pandia (the perpetrator), the perpetrator's method of committing physical violence in the household was by slapping or punching the victim's mouth and then stomping on the victim's left foot. In the incident, the victim did not accept her husband's treatment of her and then reported the incident to the Binjai Police. The perpetrator violated Article 44 Paragraph (1) of the Republic of Indonesia Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

Public Prosecutor's Demands and Judge's Considerations

The public prosecutor will submit evidence and statements from witnesses and the defendant to the court. The main points submitted by the public prosecutor include:

1. The public prosecutor claims that Mr. Muhammad Ramli Pandia has been legally proven to have committed a crime.
2. "Committing acts of physical violence within the scope of the household", as regulated and subject to criminal penalties in Article 44 Paragraph (1) Sub Article 44 of Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence.
3. The public prosecutor sentenced the defendant Muhammad Ramli Pandia to 1 (one) year and 3 (three) months in prison.

The judge's decision is very necessary and must be in accordance with applicable laws that aim to resolve a case. The judge's decision is very useful for the perpetrator to receive punishment for the actions that have been committed. In making a decision, the judge must use legal considerations. Legal considerations can be interpreted as proof of the elements of a criminal act committed by the defendant whether the actions committed by the defendant are in accordance with the criminal act charged by the public prosecutor. Considerations of Decision Number 270/Pid.Sus/2022/PN Bnj, namely:

Considering, that Rokim has been sentenced by the public prosecutor in accordance with Law No. 23 of 2004, the elements of which are:

1. Each person

Considering that the meaning of each person is each individual personally as a person who is able to be held accountable for all his actions in court and for that it is expected to have the worldly or emotional well-being of the individual concerned and an age limit so that the individual can rely on criminal approval.

Considering that for this situation the Public Examiner has submitted Rokim who is in the case as the respondent and he has also confirmed his status as stated in the Public Examiner's indictment, and during the Panel of Judges saw in the preliminary examination the respondent had all the characteristics of a truly and intellectual individual so that he can be considered legally responsible. In this way, the first component "anyone" has been fulfilled.

2. Committing physical violence in the household

Considering that the provisions of Article 6 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence state that physical abuse is a behavior that causes pain and even serious injury.

Considering that in accordance with Article 2 Paragraph (1) letter a of Law Number 23 of 2004 concerning the Elimination of Domestic Violence states that the scope of the household includes husband, wife and children. While in letter b it is stated that this includes someone who has a blood relationship, marriage, guardianship, who lives in the scope of the household.

Considering based on the facts that have been exposed at the trial, it has been proven that there has been a criminal act of domestic violence experienced by Ermina Br Sitepu (victim

witness) which occurred on Thursday, July 21, 2022 at around 12.20 WIB at RU Djoleham Binjai located on Jalan Sultan Hasanuddin, Satria Village, Binjai City District, Binjai City, which was carried out by the victim's legal husband named Muhammad Ramlia Pandia (the perpetrator), the perpetrator's method of committing domestic violence was by slapping or punching the victim's mouth and then stomping on the victim's left foot. In this incident, the victim did not accept her husband's treatment of her and then reported the incident to the Binjai Police. The perpetrator violated Article 44 Paragraph (1) of Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence;

Considering, that from the description of the legal considerations, the panel is of the opinion that the defendant's actions that caused the victim to become ill have fulfilled the 2nd element;

3. The act was committed several times

Considering, that from the facts revealed in the trial, it has been proven that the Defendant committed physical violence against his wife (Ermina Br Sitepu), thus the element was proven to have been committed by the defendant.

In this case, the judge's consideration used was the element of the act committed by the defendant against the victim which was done physically by slapping or punching the victim's mouth and then stomping on the victim's left foot, so that the defendant was sentenced to 1 (one) year and 2 (two) months in prison. In this case, Law Number 23 of 2004 concerning the Elimination of Domestic Violence is the basis or guideline for the judge to consider the verdict that will be given to the defendant to be sentenced according to the actions committed by the defendant.

Based on the Letter of Demand of the Binjai District Attorney's Office with Case Registration Number PDM-36/BNJEI/09/2022, the Prosecutor has charged the perpetrator of domestic violence Muhammad Ramli Pandia with the Article of Indictment: Article 44 Paragraph (1) Sub Article 44 Paragraph (4) of the Republic of Indonesia Law Number 23 of 2004 concerning the Elimination of Domestic Violence. The charges that can be proven are Article 44 Paragraph (1) of the Republic of Indonesia Law Number 23 of 2004 concerning the Elimination of Domestic Violence. Imprisonment for 1 (one) year and 3 (three) months.

Based on Judge's Decision Number 270/Pid.Sus/2022/PN Bnj The judge's products from the results of the case examination in court are 3 (three) types, namely Decisions, determinations, and peace deeds. A decision is a judge's statement which is stated in written form and pronounced by the judge in an open trial for the public as a result of the case examination (contentious). A verdict is a judge's statement written down and pronounced by the judge in an open session for the public as a result of the examination of the petition case (voluntair). Meanwhile, a peace deed is a deed made by a judge containing the results of deliberations between the parties in a dispute to end the dispute and is valid as a verdict (Sumadi, 2022).

4. For Justice Based on the Almighty God

The Binjai District Court which tries criminal cases by considering Article 44 Paragraph (1) of the Republic of Indonesia Law No. 23 of 2004 concerning the Elimination of Domestic Violence and Law Number 8 of 1981 concerning Criminal Procedure Law and other relevant laws and regulations;

To Judge:

1. Declare that the defendant Muhammad Ramli Pandia above has been proven legally and convincingly guilty of committing the crime of domestic violence as in the first indictment;
2. Sentencing the defendant therefore to imprisonment for 1 (one) year and 2 (two) months;
3. Determine that the period of arrest and detention that has been served by the Defendant is deducted entirely from the sentence imposed;

4. Determine that the Defendant is detained;
5. Charge the Defendant with paying court costs of Rp. 2,000.00 (two thousand rupiah).

Regarding the decision of a criminal case carried out by a judge, there are legal considerations according to Roscoe Pound by proposing three steps to be able to produce a just decision or the application of events that are appropriate and in accordance with the independence and freedom of the judge. The three steps are:

- 1) Finding the law, deciding which of the many rules in the legal system will be used, or if none can be applied, making rules for a particular situation that may or may not be applied as rules for other situations in the future or based on existing materials in a manner determined by the legal system;
- 2) Applying an interpretation to the selected or established rules that considers the intended authority and determines its meaning as intended when the rule was adopted;
- 3) Stating the rules determined to be applied to the current situation and making appropriate orders (Kurniawan, 2023). Legal Protection Given to Victims of Domestic Violence in Decision Number 270/Pid.Sus/2022/PN Bnj.

It must be admitted that the existence of regulations or laws governing domestic violence is a progressive breakthrough in criminal law, but in the implementation of the criminal law system it still focuses on the perpetrators. If this happens to the husband, the victim will feel or think twice about continuing her lawsuit because of the relationship or family relationship between them. In general, law enforcement officers also view domestic violence as a complaint offense, where in general the resolution of this case is resolved amicably.

The articles related to the provisions of the legislation on domestic violence have made it possible as a means or effort for law enforcement officers to be used as a reference for law enforcement officers' actions for perpetrators of domestic violence. In addition, legal assistance provided by the government, the community is also encouraged to provide legal assistance through legal institutions whose numbers and activities are increasing in providing legal assistance to victims.

Enforcement of criminal sanctions is part of law enforcement that needs to be applied firmly so that cases of domestic violence can be reduced and even eliminated as intended by the implementation of Law No. 23 of 2004 concerning the Elimination of Domestic Violence".³⁴ Law enforcement needs to be continuously pursued so that by overcoming obstacles that become obstacles so that the resolution of domestic violence cases can be resolved and can provide justice for the victims who have suffered and been harmed by the actions of the perpetrators of the violence.

A perpetrator of physical violence in the household based on "the provisions of Article 44 paragraph (1) can be punished with a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 15,000,000, - (fifteen million rupiah), if this physical violence results in the victim getting sick or seriously injured, then Article 44 paragraph (2) determines that the perpetrator can be punished with a maximum imprisonment of 10 (ten) years or a maximum fine of Rp. 30,000,000, - (thirty million rupiah).

The criminal sanctions for perpetrators of physical violence will be increased in Article 44 paragraph (3) if it results in the death of the victim with a maximum prison sentence of 15 (fifteen) years or a maximum fine of Rp. 45,000,000 (forty-five million rupiah). The sanctions for perpetrators of physical violence can be reduced as regulated in Article 44 paragraph (4) if the act of physical violence committed by the husband against the wife does not cause illness or obstacles to carrying out work or livelihood or daily activities with a maximum prison sentence of 4 (four) months or a maximum fine of Rp. 5,000,000 (five million rupiah).

For perpetrators of psychological violence based on the provisions of Article 45 paragraph (1) anyone who commits an act of psychological violence within the scope of the household as referred to in Article 5 letter b shall be punished with a maximum imprisonment

of 3 (three) years or a maximum fine of Rp. 9,000,000,- (Nine million rupiah) and Article 45 paragraph (2) states that in the case of acts as referred to in paragraph (1) committed by a husband against a wife or vice versa which does not cause illness or obstacles to carrying out work or livelihood or daily activities, shall be punished with a maximum imprisonment of 4 (four) months or a maximum fine of Rp. 3,000,000.00,- (three million rupiah).”

The birth of Law Number 23 of 2004, it is hoped that there will be awareness of victims to report to the authorities or law enforcement officers if an act of domestic violence occurs. According to the law, victims are socially weak victims,"³⁵ namely those who have a weak social position or status, which makes someone a victim, especially women and children (Mandala, 2017).

Rights of Victims of Domestic Violence

Reviewed broadly, it can be stated that "legal protection can be divided into 2 (two) meanings, namely:

1. Legal protection which includes protection in:
 - a. Public law;
 - b. Civil law;
2. Non-legal protection includes;
 - a. Social field;
 - b. Health field;
 - c. Education field (Zein, 2012).

Article 2 of the UUPKDRT determines who can be the creator/perpetrator/subject of the crime of domestic violence. These qualifications seem easy to read and understand, but in practice there are still many things that need to be considered and considered as described below.

- 1) Qualifications of husband and wife, the definition of husband and wife according to UUPKDRT must be linked to Law No. 1 of 1974 concerning Marriage, where to be called husband and wife the requirement is to be bound in a legal marriage, namely a marriage carried out according to the laws of each religion and belief (Article 2 paragraph (1) of Law No. 1 of 1974). The problem is a husband and wife who are bound in a legal marriage but their marriage is not registered, are they qualified as husband and wife in UUPKDRT, because many people still use the institution of unregistered marriage (religious marriage), namely their marriage is not registered with the state. This problem is not clearly regulated, but husband and wife whose marriage is not registered should be included in the qualifications of husband and wife in UUPKDRT, to prove whether or not the marriage exists can be obtained from the statements of witnesses and not from the marriage book or marriage certificate.
- 2) Qualification of children, in the UUPKDRT it is not explained whether the definition of a child is a "legitimate child" and also includes "children outside of marriage". The formulation of Article 2 paragraph (1) letter a of the UUPKDRT combines the qualifications of "child" with "husband and wife", so what is meant by a child here must be a child born in a legitimate marriage, so a child outside of marriage is not qualified as a "child" according to the UUPKDRT.

So if a child outside of marriage is beaten by his biological father, the father is not the subject of a crime of domestic violence, unless they live in the same household. In the case of adopted children, if a biological parent commits a crime of domestic violence against a child who has been adopted by someone else, then the biological parent is not qualified as the subject of a crime of domestic violence, unless they live in the same household. Another important thing in the definition of a child according to the UUPKDRT must be linked to the qualification of "children and non-children (adults)" according to the law, this is important because "children

and non-children (adults)" as perpetrators and as victims of domestic violence will have different legal consequences. The distinction between children in the UUPKDRT as "children and non-children (adults)" should be the focus of this Law because there is a provision in Article 27 which states: in the case of a victim being a child, the report can be made by the parent, guardian, caregiver, or child concerned. Thus, there is clearly a difference in the construction of "child" in Article 2 and "a child" in Article 27 of the UUPKDRT, the construction of "child" in Article 2 is seen from the "form of maturity" according to the law, while "a child" according to Article 27 is a child who is still a minor. Thus, children as perpetrators and victims of domestic violence can be qualified as "adult children" and "minors". Therefore, the qualifications of children in the UUPKDRT must be read in two forms, namely: (1) if the child is the perpetrator of domestic violence, then in addition to being seen from the form of blood ties and legal ties, it also includes children who are adults and children who are still minors. (2) If the child is the victim, it will be seen from the form of blood ties (biological children) and legal ties (adopted children, stepchildren).

- 3) Qualification "those who have family ties", the provisions of Article 1 of Law No. 1 of 1974 gives the meaning of "household" the same as "family", while the UUPKDRT does not provide the definition of "household or family", even though in the related laws and regulations the definition of household or family has a different legal construction. Some states that family is husband, wife and children, but there are also those who include blood relatives or married relatives in a straight line up or down to the third degree. This will create a legal loophole for perpetrators who evade by stating that the perpetrator qualifies as a subject of the UUPKDRT because he does not have family ties with the victim if the blood and marriage relationship between the perpetrator and the victim is more than the third degree .
- 4) Qualification "those who reside in the household", looking at the provisions of Article 2 paragraph (2) of the UUPKDRT, then "residing in the household" can be interpreted as "while in the household concerned" which means that at the time of the incident the person must and has been in the household/family for a certain period of time.
- 5) The qualification of "a person who works to help with the household and lives in the household" will be a problem for domestic helpers who do not live in the household, whether they are qualified as people who help with the household according to the household UUPKDRT (Widyastuti, 2016).

CONCLUSION

In order to protect victims of domestic violence, law enforcement officers at the police, prosecutors and court levels must enforce the law progressively. Law enforcement officers are expected to think and act progressively, freeing them from the shackles of legal document texts, because in the end the law is not for legal texts, but for human happiness and welfare.

In order for the law to function as a protector of society, supporting factors are needed, namely facilities that are expected to support the implementation of legal norms that apply in the life of society. In addition, the functioning of the law is very dependent on the harmonious relationship between the law itself (legal regulations), law enforcement officers and public legal awareness. Public legal awareness is the main element that must be taken into account in the effective functioning of law in society.

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