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## Implementation of Law No. 23 of 2004 on the Elimination of Domestic Violence Domestic Violence (PKDRT) in the Province of North Sumatra

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**Abstract:** Implementation of Law no. 23 of 2004 concerning the elimination of domestic violence aims to prevent and overcome the occurrence of domestic violence. The article states that acts of domestic violence are a form of criminal act. Criminal threats for perpetrators of domestic violence have been regulated in Law no.23 of 2004. The National Commission for Women's Protection is a national institution that highlights acts of domestic violence. Komnas Perempuan makes various efforts to prevent cases of domestic violence. Komnas Perempuan collaborates with various state institutions and community institutions to prevent cases of domestic violence. Apart from that, Komnas Perempuan also regularly issues CATAHU (annual records) and provides training and campaigns to prevent and suppress cases of domestic violence.

**Keywords:** Law No. 23 of 2004, Domestic Violence, National Commission on Violence Against Women.

### PENDAHULUAN

Domestic violence (DV) is still a serious problem in Indonesia. The number of domestic violence cases in Indonesia is still in an alarming number. According to Chaliddin & Nazaruddin (2022: 73) Behavior or domestic violence as a social fact is not a new matter from the sociological perspective of society. This problem has occurred for a long time and still continues today.

Domestic violence (KDRT) can be defined as an act that can cause injury, both physical and mental, to someone in a domestic environment. This violence can take the form of physical or sexual violence. Law no. 23 of 2004 defines domestic violence as any act against a person, especially women, which results in physical, sexual, psychological, and/or domestic neglect including threats to commit acts, coercion, or unlawful deprivation of independence within the scope of the household.

The government has sought to reduce cases of domestic violence by issuing law No. 23 of 2004 concerning domestic violence which reads "Every person is prohibited from committing domestic violence against people within the scope of their household, by means of: a. physical violence; b. psychological violence; c. sexual violence; or d. domestic

neglect". According to Dewi, A.P, et al (2019: 39) the birth of Law No.23 of 2004 concerning the Elimination of Domestic Violence (PKDRT) in order to prevent and overcome the occurrence of domestic violence, so that with the birth of this law the perpetrators of domestic violence (KDRT) can be held legally responsible.

The presence of this article is not favored by some people. The reason is that they think that the article can drag private matters into the public domain. According to Hikmah (2021: 63) the Law on the Elimination of Domestic Violence (UUP KDRT) Number 23 of 2004 makes some people uneasy, because it is considered to drag private matters into the public domain.

For these few people, domestic issues should not be revealed in public. This opinion is quite realistic. But still, all acts of violence cannot be justified even within the scope of the household, so there really needs to be law enforcement efforts that regulate it.

Based on the description above, the problem formulations in this study are:

1. How are the efforts of the National Commission for the Protection of Women in preventing cases of domestic violence?
2. What are the forms of domestic violence?
3. What are the criminal penalties for someone who commits domestic violence?

## **DISCUSSIONS**

### **Efforts of the National Commission for the Protection of Women in Preventing Cases of Domestic Violence**

Komnas Perempuan reviews every policy made by collecting annual data. This data is recorded and named CATAHU (Annual Note). Komnas Perempuan's CATAHU is intended to present an overview of the magnitude and forms of violence experienced by women in Indonesia and describe the capacity of service institutions for women victims of violence. (Source: [komnasperempuan.go.id](http://komnasperempuan.go.id)). This note is launched annually to commemorate International Women's Day on March 8.

In preventing domestic violence cases, Komnas Perempuan cooperates with various other state institutions, such as the Religious Courts Agency, the Police (PPA Unit - Women and Children Protection Unit), P2TP2A (Integrated Service Center for Women and Children Empowerment), DP3AKB (Office of Women's Empowerment, Child Protection and Family Planning), and many more non-governmental organizations that cooperate with Komnas Perempuan.

Komnas Perempuan also often conducts trainings and campaigns in an effort to prevent cases of domestic violence. This is a form of Komnas Perempuan's seriousness in preventing cases of domestic violence that still occur in the community.

The trainings conducted include:

1. Training on handling cases of violence against women in the General Court for law enforcement officials;
2. Developing a training module on handling cases of violence against women in the General Courts for law enforcement officials. (Source: Komnas Perempuan).

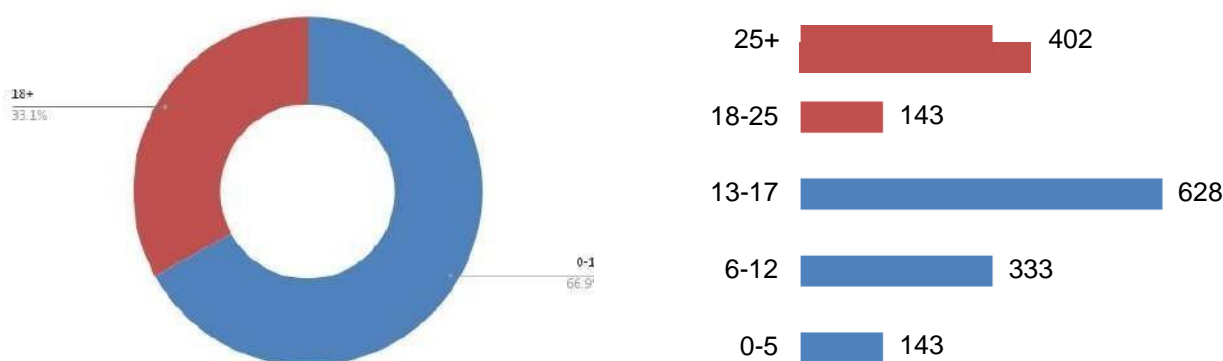
The campaigns conducted were directed at:

1. Increase understanding of gender-based violence as a human rights issue at the local, regional and international levels;
2. Strengthening work at the local level in handling cases of violence against women.
3. Build more solid partnerships to work towards the elimination of violence against women at the local and international levels;
4. Build an anti-violence against women movement to emphasize demands to the government to implement and work towards the elimination of all forms of violence against women. (Source: Komnas Perempuan).

Data Komnas Perempuan's complaints throughout 2022 show sexual violence as a form of violence against women (1649 people) followed by psychological violence (240 people). Meanwhile, data on violence in physical form (617 people), followed by sexual violence (528 people), domestic violence (142 people), other violence (101 people), exploitation violence (15 people), and trafficking violence (5 people). (Source: [komnasperempuan.go.id](http://komnasperempuan.go.id)).

The number of victims of violence against women and children in North Sumatra Province is 1,350 people in 2021 and 1,649 people in 2022. This shows an increase in the number of victims of violence against women and children in 2022, namely 299 people.

Jumlah Korban Kekerasan Terhadap Perempuan dan Anak berdasarkan Kelompok Umur



Data Source: PPA Symphony

Based on the figure, it can be seen that the age proportion of victims of violence against women and children is highest in the age group 0-17 years, totaling 66.9 percent. When viewed in more detail, the most victims of violence were aged 13-17 years, totaling 628 people (38%).

### Forms of domestic violence according to KOMNAS Perempuan

#### 1. Physical Violence

In Article 6 of the PKDRT Law, physical violence is categorized as a form of domestic violence. The physical violence in question is an act that causes pain, illness, or serious injury to the victim.

#### 2. Psychological Violence

In Article 7 of the PKDRT Law, psychological violence is categorized as a form of domestic violence. The psychological violence referred to in the article is an act that causes fear, loss of self-confidence, loss of ability to act, helplessness, and/or severe psychological suffering to the victim.

#### 3. Sexual Violence

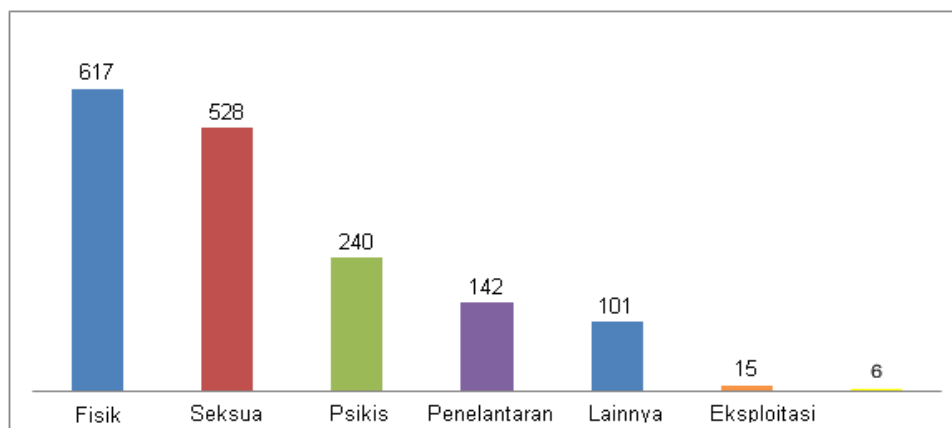
In Article 8 of the PKDRT Law, sexual violence is categorized as a form of domestic violence. In this article, there are two types of sexual violence, namely coercion of sexual relations committed against people who live within the scope of the household.

#### 4. Household Neglect

Article 9 of the PKDRT Law contains two points that regulate domestic neglect as domestic violence, namely. Every person is prohibited from neglecting a person within the scope of his/her household, whereas according to the law applicable to him/her or by agreement or treaty he/she is obliged to provide life, care or maintenance to that person.

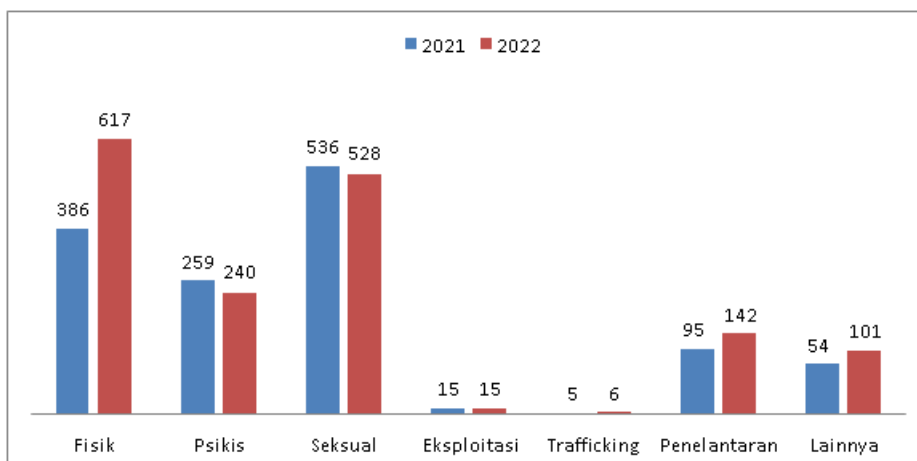
Neglect as referred to in paragraph (1) also applies to every person who causes economic dependence by limiting and/or prohibiting proper work inside or outside the home so that

the victim is under the control of that person. Number of Violence against Women and Children by Type of Violence in North Sumatra Province



Sumber Data: Simfoni PPA

It can be seen that the highest proportion of forms of violence against women and children is physical violence with 617 people, sexual violence with 528 people, psychological violence with 240 people, neglect with 142 people, other violence with 101 people, exploitation with 15 people, and trafficking with 5 people.



Sumber Data: Simfoni PPA

Based on the figure, it can be seen that almost all forms of violence experienced an increase in the number of victims of violence against women and children in 2021. The forms of violence that have decreased are psychological violence and sexual violence.

**Criminal Penalties for Perpetrators of Domestic Violence**

Domestic violence (KDRT) is a criminal offense. This is stated in Article 44 paragraph 1 of Law No. 23 of 2004 which reads

"Every person who commits acts of physical violence within the scope of the household as referred to in Article 5 letter a shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 15,000,000.00 (fifteen million rupiah). maximum of Rp. 15,000,000.00 (fifteen million rupiah).

"The rationale for the issuance of Law No. 23 Year 2004, among others among others:

1. That every citizen is entitled to a sense of security and freedom from all forms of violence in accordance with the philosophy of Pancasila and the 1945 Constitution of the Republic

- of Indonesia.
2. That all forms of violence, especially domestic violence, are violations of human rights and crimes against human dignity and forms of discrimination that must be eliminated.
  3. That victims of domestic violence, most of whom are women, must receive protection from the state and or the community in order to avoid violence, torture or degrading treatment and dignity for women.
  4. That in reality, many cases of domestic violence that occur in the community are mostly female victims, while the legal system in Indonesia has not yet guaranteed protection for victims of domestic violence. (Jannah, 2017:43).

From the above considerations, it can be seen that the State wants to provide security and freedom to every citizen by eliminating all acts of violence or discrimination which are violations of human rights.

## CONCLUSION

Based on the description that has been presented above, it can be concluded that:

1. Criminal penalties for perpetrators of domestic violence are set out in Law No. 23 of 2004. The articles in Law No. 23 of 2004 do not all contain complaints.
2. Komnas Perempuan has made many efforts to prevent cases of domestic violence. Komnas Perempuan cooperates with various state institutions and community organizations to prevent cases of domestic violence. In addition, Komnas Perempuan also routinely issues CATAHU (annual notes) and provides trainings, as well as campaigns to prevent and suppress cases of domestic violence.

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