

Juridical Analysis of the Handling of Domestic Violence by LPPA in Banyumas City

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ARTICLE INFO

Article history:

DOI:

[10.30595/pssh.v14i.1009](https://doi.org/10.30595/pssh.v14i.1009)

Submitted:

June 08, 2023

Accepted:

September 29, 2023

Published:

November 16, 2023

Keywords:

Domestic violence by LPPA,
Juridical analysis, Banyumas
city

ABSTRACT

Domestic violence is a serious problem that harms individuals, families and society at large. To overcome the negative impacts caused, the government and non-governmental organizations have established institutions in charge of handling domestic violence cases. One of the institutions responsible for this is the Institute for the Protection of Women and Children (LPPA) of Banyumas City. This study aims to examine and understand more deeply the role of LPPA institutions in Banyumas city and to examine and how the effectiveness of legal protection carried out against victims of domestic violence. The method used is normative juridical research with a statutory approach. The data used is sourced from laws, relevant legislation, as well as policies and guidelines implemented by LPPA in Banyumas city.

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I. INTRODUCTION

Criminal law is one of the national legal instruments that can regulate and protect victims from all forms of crime. Criminal law is a set of rules that determine what actions are prohibited and included in criminal offenses, and determine what sanctions should be imposed on a person or group of people who commit these acts. The establishment of law as an instrument that can protect the rights of individuals and society is very relevant and related to the protection of violence against a person, especially those that often occur in domestic violence.¹

Households should be a place of refuge for all family members. But in reality, many households are actually a place of suffering and torture due to acts of violence. The definition of domestic violence in Law No. 23/2004 PKDRT is "Any act against a person, especially women, which results in physical, sexual, psychological, and or domestic neglect, including threats to commit acts, or unlawful deprivation of independence within the scope of the household."²

Domestic violence is a form of human rights violation, victims who occur in domestic violence can occur to children, wives, husbands, fathers, mothers and or domestic servants. However, domestic violence in general, is defined as violence committed by husbands against wives. the cause of domestic violence is that gender equality

¹ Unidad Metodología D E Conocimiento D E Los, "Perlindungan Hukum Terhadap Perempuan Korban Kekerasan Dalam Rumah Tangga" (n.d.).

² Fungsi Badan, Permusyawaratan Desa, and Dalam Pembentukan, "Journal of Lex Generalis (JLS)," *Journal of Lex Generalis (JLS)* 3, no. 3 (2022): 404–417.

has not run optimally and a patriarchal culture where men are seen as more dominant than women so that women are vulnerable to becoming victims of domestic violence in society.³

According to Law No. 23/2004 on the Elimination of Domestic Violence, domestic violence is any act against a person, especially women, which results in physical, sexual, psychological, or domestic neglect, including threats to commit acts, coercion, or unlawful deprivation of liberty within the scope of the household. Banyumas city, as one of the cities in Indonesia, is also bound by Law No. 23/2004, but in handling domestic violence cases, the institution has not been able to address the issue protection of women and children (LPPA) in Banyumas city has a very significant role.

However, the handling of domestic violence cases is still a problem in Indonesia, including in Banyumas City, due to the lack of public awareness and understanding of domestic violence, as well as weak law enforcement and protection systems for victims. The Institute for the Protection of Women and Children (LPPA) of Banyumas City is one of the institutions appointed to handle domestic violence cases. Problems faced include the lack of human resources and budget owned by LPPA, lack of coordination between LPPA and other related agencies, lack of supporting facilities such as safe houses, and lack of public access to information about domestic violence and services provided by LPPA. In addition, the social stigma attached to victims is also a problem often faced by LPPA in Banyumas City. Many victims feel embarrassed or afraid to report their domestic violence cases for fear of being ridiculed or shamed by the surrounding community. This makes handling domestic violence cases more difficult and often victims are reluctant to take legal action or report it to the relevant agencies for the handling process.

LPPA is an institution specifically tasked with providing protection, recovery and advocacy for victims of domestic violence. Through this juridical analysis, it will be examined whether LPPA of Banyumas City has carried out its duties effectively and efficiently in accordance with Law No. 23/2004. In addition, it will also examine the obstacles faced by LPPA in implementing the provisions of the law and the efforts made to overcome these obstacles.⁴

Through this juridical analysis, it will be examined whether LPPA has effectively and efficiently carried out its duties in accordance with Law No. 23 of 2004. It will also explore the obstacles faced by LPPA in implementing the provisions of the law and the efforts made to overcome these obstacles. This research will provide a better understanding of the effectiveness of existing laws in protecting victims of domestic violence in the city of Banyumas. The results of the analysis can be used as a basis for strengthening the role of LPPA and improving the implementation of the law in order to provide better protection for victims, therefore the author is interested in taking the title of the problem at hand and is interesting to study with the title "Juridical analysis of domestic violence by LPPA in Banyumas city".

While in the previous research named Ardhan Moch Asagaf entitled The role of social institutions in providing legal protection to victims of domestic violence in Yogyakarta has problems, the role of social institutions in providing protection to victims of domestic violence and factors that play a role in legal protection of victims of domestic violence.

While in a previous study on behalf of Tomia Maida entitled legal protection of women as victims of domestic violence in the city of ambon, has problems, forms of violence against women in the household in ambon city and legal protection efforts against women victims of domestic violence in ambon city.

Whereas in previous research named Kabunggul Jeprianus entitled legal protection of women victims of domestic violence which has problems, legal protection of women as victims of domestic violence in Waikabubak, West Sumba Regency and obstacles to law enforcement related to the protection of victims of violence against women in the household.

II. RESEARCH PROBLEM

1. What are the factors that lead to the occurrence of domestic violence by LPPA?
2. How is the effectiveness of legal protection carried out for victims of Domestic violence?

III. RESEARCH METHODS

This type of research uses a Normative juridical method with a Jeinis approach This research uses a normative juridical method with a statutory approach (statue approach) Normative juridical method is a method

³ “Emy Rosnawati.(2018).Peran Pusat Pelayanan Terpadu Pemberdayaan Perempuan Dan Anak (P2TP2A) Dalam Mengatasi Kekerasan Dalam Rumah Tangga.Vol 18.Hlm 1” (n.d.).

⁴ M A Asagaf, “Peranan Lembaga Sosial Dalam Memberikan Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga Di Yogyakarta” (2016), [https://dspace.uui.ac.id/handle/123456789/32532%0Ahttps://dspace.uui.ac.id/bitstream/handle/123456789/32532/11410597 Moch. Ardhan Asagaf.pdf?sequence=1&isAllowed=y](https://dspace.uui.ac.id/handle/123456789/32532%0Ahttps://dspace.uui.ac.id/bitstream/handle/123456789/32532/11410597%0AMoch.%20Ardhan%20Asagaf.pdf?sequence=1&isAllowed=y).

in research by reviewing Studi documents, namely by using secondary data materials such as laws and regulations, court decisions, and legal theories. The data source in this research uses the main or primary data. The data source in this research uses positive criminal law regulations that are relevant to the existing problems. This research includes analytical descriptive research, which describes the applicable laws and regulations or positive laws that are associated with legal theory and the practice of implementing positive law in society.

Descriptive research is research to solve problems that exist in the present (actual problems) by collecting data, compiling, clarifying, analyzing and interpreting. Thus this research can provide an overview of the regulation of sexual abuse, especially for victims of sexual abuse at an early age in criminal law, and because this research focuses more on a normative juridical approach, the determination of population, samples, and retrieval.

IV. RESULT AND DISCUSSION

1. Factors of domestic violence

In our country, the view is that violence, especially domestic violence, is a violation of human rights and a crime against human dignity and a form of discrimination. Domestic violence is not an act against the law but an act that must be prevented as early as possible because it has a major influence on human life, especially on people within the scope of the household. Especially when domestic violence is imposed on a person which has an impact on the birth of a generation that has poor morals.⁵

According to Article 1 point 1 of Law Number 23 of 2004 on the Elimination of Domestic Violence (PKDRT Law): "Domestic violence is any act against a person, especially women, which results in physical, sexual, psychological misery or suffering, and/or domestic neglect including threats to commit acts, coercion, or unlawful deprivation of liberty within the scope of the household.

The legal analysis of the factors causing domestic violence in Banyumas Regency is that the crime of domestic violence is not a domestic (private) issue that should not be known to others. Domestic violence is a violation of human rights and a crime against human dignity and a form of discrimination that must be eliminated.⁶

Law No. 23/2004 on the Elimination of Domestic Violence is a guarantee given by the state to prevent domestic violence, take action against perpetrators of domestic violence, and protect victims of domestic violence. The factors causing the occurrence of criminal acts of domestic violence in Bayumas Regency are that domestic violence is mostly caused by economic factors and emotional control factors, and social factors. Domestic violence consists of several factors, the first factor is shame, the second factor is shame for the family, the third factor is the absence of gender equality, the fourth factor is fear, the fifth factor is lack of understanding and education. This is why the community is more likely to choose customary law as an option for resolving cases of domestic violence, rather than choosing a national legal settlement based on statutory regulations.

There are three theories underlying the factors that cause domestic violence. First, the biological theory states that not only animals have an aggressive nature in each of them, but also humans have had it since birth. Sigmund Freud stated that humans have a desire for death that leads them to enjoy injuring and killing others or themselves. Meanwhile, Konrad Lorenz stated that aggression and violence are two very useful things for survival. Second, the frustration-aggression theory states that people who are frustrated tend to be aggressive in order to vent their feelings. Third, control theory states that humans who have unsatisfactory or incompatible relationships can easily resort to violence when attempts to establish relationships with other humans encounter frustrating situations (Zastrow and Bowker 1984).

2. Legal Protection for Victims of Domestic Violence

The rolling reform followed by democratization in the life of the nation and state in Indonesia has an impact on law enforcement efforts and protection of human rights. Law no 23 of 2004 on the elimination of domestic violence provides special protection for victims of violence that occurs within the scope of the household and is carried out based on the principles of respect for human rights, justice and gender equality, non-discrimination and protection of victims and has the aim of preventing all forms of violence and protecting perpetrators of domestic violence. The concept of violence in the context of domestic life, which has been regulated in Law No. 23 of 2004 concerning the elimination of domestic violence, and hereinafter referred to as PKDRT. The passing of the law is the starting point for the success of the struggle of women in obtaining protection against violence that often occurs in society, which is considered a private matter of husband and wife

⁵ Evi Tri Jayanthi, "Faktor-Faktor Penyebab Terjadinya Kekerasan Dalam Rumah Tangga Pada Survivor Yang Ditangani Oleh Lembaga Sahabat Perempuan Magelang," *Dimensia* 3, no. 2 (2009): 33–50, <https://journal.uny.ac.id/index.php/dimensia/article/view/3417>.

⁶ Melsi Syawitri and Afdal Afdal, "Analisis Faktor-Faktor Yang Mempengaruhi Relasi Kuasa Pelaku Kekerasan Dalam Rumah Tangga (KDRT)," *JPGI (Jurnal Penelitian Guru Indonesia)* 5, no. 1 (2020): 37.

is a taboo family disgrace to be known and expressed to the public. Women's powerlessness is caused by the desire to maintain their position as good women from respectable families. Worldwide, one in four pregnant women experience physical and sexual violence by their partners. During pregnancy, miscarriages/abortions can occur during premature labor and the baby dies in the womb. At the time of delivery women will experience labor complications such as loss of uterine contractions, prolonged labor, delivery by instruments and even surgery. The results of pregnancy can give birth to babies with low birth weight, mentally retarded babies, babies born with physical defects or stillborn babies. Other impacts also affect the health of the wife's reproductive organs in the household, including changes in piker patterns, emotions and the family economy.⁷

From a health perspective, cases of domestic violence have an impact on health, especially reproductive health, which has a serious impact on women. By using mediation that refers to the health law, women's reproductive rights can be fulfilled, because seeing reproductive rights fulfilled, can be wiser and more responsible for victims.⁸

According to Sudarto, if a crime prevention policy uses penal measures, then its use should be done more carefully, carefully, economically, selectively, and limitatively. The drafting of a law that includes criminal provisions must pay attention to the following policy considerations.

- 1) the use of criminal law must pay attention to the objectives of national development, namely realizing a just and prosperous society that is evenly distributed materially and spiritually based on Pancasila, in connection with this, the use of criminal law aims to overcome crime and provide penguguran against the countermeasures themselves, for the welfare and protection of society.
- 2) the acts that are attempted to be prevented or overcome by criminal law must be undesirable acts, namely acts that cause harm (material or spiritual) to society.
- 3) the use of criminal law must take into account the cost and benefit principle.⁹

Efforts to protect victims of domestic violence can be carried out in various ways, starting with taking legal action to prevent the occurrence of domestic violence, namely by anticipating all forms of domestic violence with various efforts, including: increasing understanding and socialization of efforts to create a *sakinah mawaddah wa rahmah* family. Family economic empowerment, increasing religious understanding and spiritual deepening. Understanding the rights and obligations of all family members. Building good and smooth family communication.¹⁰

The perpetrators are sentenced under Article 351, Article 352 on light maltreatment, Article 353 on premeditated maltreatment, Article 354 on serious maltreatment, Article 355 on premeditated serious maltreatment and Article 356 on maltreatment..¹¹

Protection efforts against victims of domestic violence can be done in various ways including :

- a. Provision of a special service room (RPK) at the police station
 - b. Provision of health workers, social workers and spiritual counselors
 - c. Creation and development of systems and mechanisms for service program cooperation
 - d. Providing protection for companions, witnesses and families
 - e. Conducting a social and cultural approach
 - f. By providing education to instill an understanding of human rights, respect for others with the development of an anti-violence culture.
- rights, respect for others with the development of a culture of non-violence.¹²

⁷ 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* 1, no. 1 (2021): 21–31.

⁸ 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.

⁹ Hamidah Abdurrachman, "Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga Dalam Putusan Pengadilan Negeri Sebagai Implementasi Hak-Hak Korban," *Jurnal Hukum Ius Quia Iustum* 17, no. 3 (2010): 475–491.

¹⁰ Vivin Restia and Ridwan Arifin, "Perlindungan Hukum Bagi Anak Sebagai Korban Kekerasan Dalam Rumah Tangga," *Nurani Hukum* 2, no. 1 (2020): 23.

¹¹ Wibowo, "Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga Menurut Hak Asasi Manusia Selama Proses Penyidikan."

¹² Irvan Rizqian, "Upaya Perlindungan Hukum Terhadap Anak Sebagai Korban Tindak Pidana Kekerasan Seksual Dikaji Menurut Hukum Pidana Indonesia," *Journal Justiciabelen (Jj)* 1, no. 1 (2021): 51.

V. CONCLUSION

Law No. 23/2004 on the Elimination of Domestic Violence is a guarantee given by the state to prevent domestic violence, take action against perpetrators of domestic violence, and protect victims of domestic violence.

Building good and smooth family communication Furthermore, Legal Action Handling and victim advocacy Physical violence that occurs in the crime of domestic violence, the perpetrators are sentenced under Article 351, Article 352 regulates light maltreatment, Article 353 regulates premeditated maltreatment, Article 354 regulates serious maltreatment, Article 355 regulates premeditated serious maltreatment and Article 356 of the Criminal Code on Maltreatment.

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