Analysis of the Implementation of Protection for Victims of Domestic Violence in Indonesia

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Abstract
Domestic violence in Indonesia is viewed as a form of human rights violation and discrimination act. The Indonesian Government has issued Law Number 23 of 2004 concerning the Eradication of Domestic Violence. One of the objectives of eradicating domestic violence is to protect the victims. The protection is intended to provide a sense of security and safety for the victims. This study focuses on the implementation of protection for victims of domestic violence. This is literature research with a descriptive qualitative approach. The result shows that the implementation of protection for victims of domestic violence is carried out through collaboration between stakeholders following their respective duties and responsibilities. The problems often occurring are the not-very-responsive attitude of law enforcement officers in providing services; the insufficient available resources; the poor awareness of citizens in reporting domestic violence experienced or witnessed, which resulted in many domestic violence cases being unknown; hence law enforcement officers cannot provide protection.

Keywords: Policy Implementation; Protection; Domestic Violence

1. Introduction

Assistant Deputy for the Protection of Women’s Rights and Domestic Violence at the Ministry of Women’s Empowerment and Child Protection (Kemen PPPA), in a press release Number: B-046/ Set/Rokum/MP 01/03/2019, stated that the number of domestic violence cases is very concerning. This condition is based on the escalating number of domestic violence cases (The Ministry of PPA, 2019). According to collected data from some countries in the world, the victims of domestic violence are mostly women (Miller & McMaw, 2019; Gulati & Kelly, 2020; Komnas Perempuan, 2020).

According to records from Komnas Perempuan, violence experienced by women tends to be immense. This can be seen in the following diagram:

![Graphic 1.1. the Number of Violence against Women from 2008-2020. Source: Annual Records of Komnas Perempuan 2021](image)

The graphic above shows that violence against women tends to escalate in number. There was a decrease in cases in 2010, 2016, and 2020. In 2020, the drop in number was caused by a decrease in questionnaire returns due to the COVID-19 condition, which forced adaptation of a new working system that took time to adapt. Moreover, the existence of social restrictions during the pandemic has been keeping the victims close to the perpetrators so that the victims do not dare to report incidents; victims tend to complain to their family or remain silent; the problems with technological literacy and complaining service models that were not suitable for the pandemic situation (not yet adapted to online complaints). On the other hand, Komnas Perempuan that provides online complaint service reports an increase in a complaint by 60%, from 1.413 cases in 2019 to 2.389 cases in 2020 (Komnas Perempuan, 2021).

Domestic violence in Indonesia is viewed as a form of human rights violation and discrimination act based on Article 28 of the 1945 State Constitution of the Republic of Indonesia and the amendment. The government issued Law Number 23 of 2004 concerning the Eradication of Domestic Violence as a means to...
prevent, provide protection, save the victims, and punish the perpetrators (Ni’mah, 2012). According to Article 4 of Law Number 23 of 2004, the objectives of eradicating domestic violence are to prevent all forms of domestic violence, protect the victims, take action against the perpetrators and maintain a harmonious and prosperous household.

The protection of domestic violence victims is regulated in Chapter IV of Law Number 23 of 2004, which states that the protection is carried out by providing temporary protection by the police and protection by the court. Temporary protection is protection for domestic violence victims given directly from the police and social institutions or other parties before the court assigns a protection order (Article 16 to 31 of Law No. 23 of 2004). In this protection, the victims are given rights to receive service and accompaniment from healthcare workers, social workers, volunteers, spiritual guides, and advocates. It is hoped that the victims feel a sense of safety through temporary protection from the possible repetition of violence. The protection from the court will be implemented after the court issued and enacted a protection order for a year or more. It is regulated in Articles 32 to 34 of Law No. 23 of 2004.

From the consideration of domestic violence eradication law stated above, the state pays attention to protecting its citizens, especially women who are generally vulnerable to becoming victims. This description is the basis for research on implementing protection for victims of domestic violence in Indonesia.

2. Theory

2.1. Public Policy

Meanwhile, Anderson (1990:3) in Agustino (2019) described the public policy as a set of actions with particular objectives, followed and implemented by an individual or a group of people related to the problem or matter being considered. The policy is a political decision taken by the government as a part of an attitude to solve public problems (Fitriani & Yuningsih, 2016). Policy results from intensive interaction of several actors, both the public as an inseparable part of the resulting policy decision to the government as a policymaker, to find a solution of a phenomenon (Fitriani & Yuningsih, 2016; Agustino, 2019). An essential aspect in describing policy is that it must include the definition of what is done rather than what is proposed as an action for specific problems (Winarno, 2012).

2.2. The Implementation of Policy

The implementation of policy can be interpreted as the process of translating regulation into a form of action (Agustino, 2019). The definition is indeed straightforward, considering that the implementation of the policy will not be started before the goals and targets are set up by policy decision since the implementation is an action carried out by individuals, stakeholders, or government and private groups leading to the achievement of objectives formulated by policy decision (Van Metter & Van Horn, 1975). Van Metter & Van Horn (1975) indicated that six variables affect the implementation of the policy: the size and objectives of policy; resources; characteristics of implementing agents; implementers' attitude; communication between implementers; economic, social, and cultural environment.

The model of the implementation of policy introduced by Edward II (1980) is given the term Direct and Indirect Impact on Implementation, consisting of four aspects affecting a policy's success: communication, resources, disposition, and bureaucratic structure. According to Grindle (1980), policy implementation creates linkage to ease realization of goals as a form of government activity to achieve the desired goals. The success of policy implementation is determined by the implementation ability level consisting of Content of Policy and Context of Policy (Grindle, 1980). The implementation model proposed by Mazmanian & Sabatier (1983) is called A Framework for Policy Implementation Analysis, which consists of the independent variable: desired level and scope of change, intervening variable and dependent variable.

2.3. The Protection of Domestic Violence Victims

Protection according to Law No. 23 of 2004 concerning the Eradication of Domestic Violence is all efforts intended to provide a sense of security for the victims carried out by family, advocate, social institution, the police, attorney, the court, or other parties both temporary and based on the ruling of the court. Meanwhile, the protection of women and children, according to Presidential Regulation of the Republic of Indonesia Number 18 of 2014 concerning the Protection and Empowerment of Women and Children in Social Conflict, is the prevention and handling efforts from all forms of violence and violation acts against women and children's rights, as well as to provide basic and specific services for women and children in conflict resolution as an integral part of conflict management activities.

The protection for domestic violence victims is regulated in Article 16 to 38 of Law No. 23 of 2004, which can be briefly seen in the following chart:

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Graphic 2.1. The Process of Protection for Domestic Violence Victims
Source: Processed by the Author Referring to the PKDRT Law Chapter IV Articles 16-38.
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The police must:
1. Give temporary protection for the victims
2. Request for letter of protection assigning order from the court
3. Carry out an investigation

The court must issue an order letter concerning the order to protect the victims and their families.

- Healthcare workers
- Social workers
- Companion volunteer
- Spiritual guide

Victims of domestic violence

The protection according to Law No. 23 of 2004 concerning the Eradication of Domestic Violence is all efforts intended to provide a sense of security for the victims carried out by family, advocate, social institution, the police, attorney, the court, or other parties both temporary and based on the ruling of the court. Meanwhile, the protection of women and children, according to Presidential Regulation of the Republic of Indonesia Number 18 of 2014 concerning the Protection and Empowerment of Women and Children in Social Conflict, is the prevention and handling efforts from all forms of violence and violation acts against women and children’s rights, as well as to provide basic and specific services for women and children in conflict resolution as an integral part of conflict management activities.

The protection for domestic violence victims is regulated in Article 16 to 38 of Law No. 23 of 2004, which can be briefly seen in the following chart:
It started from the police agency that received complaints about violence to protect victims who reported the violence they experienced. After the reporting process, the police make a case file that will be transferred to the prosecutor's office. Then the prosecutor will generate indictments and charges, which a judge will finally decide in court. The police can cooperate with healthcare workers, social workers, companion volunteers, and spiritual guides to accompany the victims (Sutrisno & Husna, 2018).

3. Research Method

This article is a literature research article. The approach used is a qualitative approach with a descriptive analysis method. The data is derived from journal articles, books, policies/regulations, reports, and news from online media. The collection data techniques are by searching, gathering, and studying said written materials. Data searching is done using the internet at research databases, authoritative institution websites, online media websites, and reading books or e-books. The research databases to search published articles are science direct, Scopus, google search, and google scholar. Other applications used are published or perish 7, Mendeley, dan google chrome. The data analysis technique is done through some steps, which are data organizing, reading (taking notes), describing, clarifying, interpreting data into codes and themes, drawing conclusions (Creswell, 2016: 254-263).

4. Results

The police and the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) act as implementers of providing protection and recovery for victims of violence, including domestic violence (Law Number 23 of 2004; Ministerial Regulation of PPPA Number 5 of 2010). The PPA Unit established cooperation with the P2TP2A in handling domestic violence cases since it is an inseparable unit. P2TP2A provides facilities and infrastructure to support the solving of domestic violence cases through sufficient commitment and budgeting to uphold the fulfillment of victims of domestic violence’s rights (Sembiring & Saleh, 2019). Every domestic violence case reported to P2TP2A will be forwarded to the police service center according to the jurisdiction of the domestic violence case (Sutiawati & Mappaselleng, 2020). The victims report to P2TP2A by coming in person, submitting a report by telephone, or referring from another institution (Rosnaawati, 2017). So, in addition to reporting to the police, victims of domestic violence can also report to P2TP2A.

Normatively, the protection of domestic violence victims is commendable, but in reality, the handling of domestic violence cases has not been carried out by the laws and regulations due to the process of examining cases on the police side that has not gone well (Laurika, 2016). The police usually wait for a few days considering the possibility of the victim coming to withdraw the report, or the police often recommend making peace and not continuing with the law enforcement process (Wahyudi, 2019; Ni'mah, 2012). In a society that tends to use the patrimonial customary law system, the resolution of domestic violence cases often uses alternative case settlements outside the judicial system or commonly referred to as Alternative Dispute Resolution (ADR) (Adicpta et al., 2020; Sutiawati & Mappaselleng, 2020).

Some law enforcement officers do not understand the PKDRT Law, so there are obstacles to investigating domestic violence cases when victims report to the RPK (Special Service Room) (Takaliuang, 2013). Consequently, the officer tends to release the perpetrators without sanctions so that the perpetrators have the opportunity to repeat their actions and with the possibility of more victims (Nusa et al., 2019; Ni'mah, 2012; Wahyudi, 2019). Investigators who are not very professional are one of the problems law enforcement faces (Adicpta et al., 2020).

The law runs according to its function when the perpetrators of domestic violence have already done dangerous acts. Domestic violence cases with mild consequences such as bruises on the body or injuries that do not cause obstacles to activities are more often underestimated (Sutiawati & Mappaselleng, 2020). Physical violence is severe if the victim is unable to carry out daily activities, and physical violence is said to be mild if the victim can still carry out daily activities (Sari, 2015).

Furthermore, law enforcement officers are not responsive in following up reports of violence cases, especially domestic violence, all at the police level, prosecutors, as well as law enforcement in the court (judges) (Muhajarah, 2016; Aziz, 2017; Wahyudi, 2019; Rahayu, 2018). Many domestic violence reports do not proceed to the investigation of the perpetrators, which contributes to the victims' belief that even though someone is reporting their case, they will not receive special protection from the law enforcement, especially the police (Amanda & Simatupang, 2019).

The problems with human resources are related to their capability and the number of human resources involved in carrying out their duties. Almost all units in the police have a problem relating to human resources, especially the number of women officers in handling domestic violence cases is not comparable to the number of cases (Angraeni & Ardianto, 2020; Suzanalisa, 2019; Adicpta et al., 2020; Zainuddin, 2021; Sembiring & Saleh, 2019). Ideally, domestic violence cases are handled by women officers, but these days, the number of policewomen is still very limited (Puspitasari, 2019; Afrizany et al., 2020; Afrizany et al., 2020; Zainuddin, 2021). In some Integrated Service Centers (PPT), assistants and counselors are also still lacking compared to the number of victims (Rosnaawati, 2017).

Another indication of domestic violence cases being out of hand is an inappropriate type of criminal
sanctions issued (Pasaribu, 2005 in Merung, 2016). Until now, there has not been found any imprisonment indictment and maximum fine other than the primary penalty and fine was given to perpetrators, and there is no court ruling concerning additional penalty for perpetrators of domestic violence (Setiamandani & Suprojo, 2018). Several judge verdicts show that, on average, judges sentenced perpetrators of violence exceedingly physical violence with a few months imprisonment and a fine of Rp. 500,000 (Saraswati dalam Ni’mah, 2012). In imposing criminal sanctions, judges are required to maximally punish perpetrators based on their criminal acts as stated in the criminal provisions of Articles 44 to 53 of the PKDRT Law. However, in reality, legal protection for women victims of domestic violence is not optimal (Pradinata, 2017).

There is a strong public perception that domestic violence is a personal or household issue, so it is not appropriate to be interfered with by other people, or the police (Setiamandani & Suprojo, 2018; Aji, 2017; Susanty & Julqurniati, 2019) complicates the investigation process. The belief that it is a shame for the ugliness of a household to be known by people and the devotion of a wife to her husband still dominates households in Indonesia (Aziz, 2017).

Another reason is that they do not have the heart to retaliate by reporting to the police, and there is a sense of dependence on their partner (Martha & Ekwanto, 2019; Wahyudi, 2019; Puspitasari, 2019; Pradinata, 2017; Laurika, 2016; Wuisan, 2013; Merung, 2016). The victims often withdraw their reports if they feel that the reports have deterred their husbands or partners. Therefore, the authorities cannot provide maximum protection. Observation results conducted in Religious Court and Local Court show that more wives/victims chose to resolve domestic violence cases with civil law in Religious Court, since the settlement does not take a long time, with the final verdict being limited to compensation and the husband does not need to be detained or imprisoned (Widyastuti, 2016).

5. Discussion and Conclusion

The success of complex policy implementation needs good cooperation from all stakeholders because often, in the implementation process, the involved stakeholders face various obstacles (Wati & Krismartini, 2019). In regards to Ali (2018), in the implementation of protection for victims of domestic violence, stakeholder characters can affect their roles in implementing policy. Each stakeholder role will play a role in supporting the success of policy implementation (Indarto et al., 2020). According to van Metter & van Horn (1975), policy performance is influenced by the suitability of implementing agents with policy objectives.

The ability and success of eradicating domestic violence are not only determined by the existence of perfect and adequate laws and regulations as stipulated in the law on the eradication of domestic violence, but also by law enforcers in carrying out their duties, especially the starting investigations and investigations of the occurrence of domestic violence (Adicipita et al., 2020).

Law enforcement officers who are not very responsive in providing services to protect victims of domestic violence are a form of rejection that subly hinders policy implementation (Edward III, 1980). According to van Metter & van Horn (1975), the attitude of acceptance or rejection of policy implementers will affect the success or failure of said policy implementation. Policy implementation can fail (frustrated) when the implementers (officials) are not fully aware of the standards and objectives of the policy. Implementors are likely to fail in implementing the policy because they do not accept the policy's standards and objectives, so they are not acting responsibly in implementing the policy.

Protection is intended so that victims are protected and free from violence or threats of violence, torture, or treatment that degrades the dignity of humanity (Ramadhan & Gorda, 2020). Officers who do not understand tend to solve problems outside the judicial system and release perpetrators without sanctions so that perpetrators have the opportunity to repeat their actions and even with the possibility of doing it to more victims.

The attitude or character of the implementers is a factor that influences policy implementation. In addition to having the skills needed to implement policies, implementers must know what to do and be motivated to implement a policy (Edward III, 1980). Justice in gaining access can support the legal process and reconcile disputing parties and a form of coercive action (Douglas, 2018).

Law enforcers must carry out their duties following their respective functions and roles according to applicable regulations, act professionally and fairly as well as trustworthy, and become role models for the community (Eleanora & Putri, 2020). Hogwood and Gun in Agustino (2019) stated that implementers must have a deep understanding and mutual agreement on the goals to succeed in implementing policies. Van Mater and Van Horn (1975) explain that cognition, comprehension, and understanding of policies can affect the ability and willingness to implement policies.

Increased understanding of domestic violence as coercive control by legal actors can help avoid legal system abuse (Douglas, 2018). The lack of understanding is influenced by different interpretations of PKDRT policies and cultural influences and the old paradigm that domestic violence is a family problem (Takaliuang, 2013; Ni’mah, 2012; Adicipita et al., 2020; Sutiwati & Mappaselleng, 2020). According to Edward III (1980), this is related to the existence of obstacles in the transmission of a communication, namely the problem of capturing information caused by the perception and inability of the implementers to understand the requirements of a policy.
Optimizing individual human resources aims to achieve healthy institutional targets (Luo & Duan, 2016). According to Van Metter and van Horn (1975), human is an essential resource in determining the success of the policy implementation process. Specific stages of the entire policy implementation process require qualified human resources for the work required by the policy. When there is no competence and capability of human resources, then the performance of public policies is challenging to expect. Competent and capable policy implementers are needed for the success of a policy (Grindle, 1980).

The success of policy implementation also needs the support of human resources in a quantitative sense. According to Edward III (1980), failures often occurring in policy implementation are caused by inadequate staff. Puspawati (2018) argued that the number of human resources that are not proportional to the tasks carried out would create a gap in policy implementation because it is difficult to carry out all tasks optimally.

In addition to human resources, facilities affect law enforcement. Facilities or means to support law enforcement include good equipment and sufficient finances (Eleanora & Putri, 2020). According to Edward III (1980), without supporting facilities (facilities and infrastructure), the implementation of the policy will not succeed. When the amount and quality of resources have been met, while facilities and funds are not available, problems in achieving the desired goals will arise (Van Metter & Van Horn, 1975).

Social support, the actions of seeking help, and the availability of community-based services are factors that can protect victims of violence from their partners (Gerino et al., 2018). The weak public support because the paradigm in the community is a problem in policy implementation (Puspawati, 2018). Aminuzzaman (2013), in the results of his research, stated that policy implementation requires public support through community participation.

The victims of domestic violence as the target group must try to change their views about domestic violence. Thus far, people see domestic violence as a trivial matter or family problem that must be covered up, instead of a violation of human rights (Manan, 2000 in Merung, 2016; Badruzaman, 2020; Santos, 2019; Rahayu, 2018; Bhakti & Gunawan, 2016). (2020) (Dwinugroho et al., 2018) (Prasandi & Diana, 2020) (Rosnawati, 2018) (Adicipta et al., 2020) (Sutiawati & Mappaselleng, 2020) (Susanty & Julqurniati, 2019). The lack of public awareness has resulted in not many cases of domestic violence being revealed.

Mazmanian & Sabatier (1983) stated that the easiness of controlling problems affects policy implementation. Mazmanian and Sabatier also explained that the success of policy implementation is also influenced by the level and scope of behavior that is expected to change. The greater the number of expected behavioral changes, the more difficult it is to bring about successful implementation. Therefore, it is necessary to carry out strenuous efforts from all stakeholders to change the existing paradigm in the community related to domestic violence.

The unresponsive attitude of law enforcement officers in following up on reports of domestic violence cases is one of the reasons victims and the public do not report incidents of violence they experienced or witnessed. The attitude of these officers is supported by the community culture, which emphasizes the ideology of family harmonization. If there is a problem in the household, as long as it can be resolved amicably, this path will be chosen.

The lack of meaningfulness of the problem is causing the policy not to be appropriately implemented (Puspawati, 2018). Timmers & Bekkers (2014), in the results of their research, confirm that meaningfulness to clients affects the desire to implement public policies. It takes the participation of the community and stakeholders in implementing policies (Aminuzzaman, 2013). The need for compliance of all stakeholders is the key to successful implementation (Iriani, 2018). Policy implementers’ attitudes and commitments and full community support are essential keys to policy success (Puspawati et al., 2020).

The implementation of protection for victims of domestic violence is carried out through collaboration between stakeholders by their respective duties and responsibilities. However, several aspects have not worked well, including:

a. the unresponsive attitude of law enforcement officers in providing services;

b. there are obstacles in the transmission of communication so that the understanding of domestic violence’s philosophy is still lacking;

c. the existing resources are inadequate to support the success of protection implementation: investigators have not carried out legal services to victims by carrying out protection procedures according to policies; the number of human resources (staff) on duty in the PPA and P2TP2A units is not proportional to the number of cases of violence that must be handled, causing the provision of services for victims of domestic violence to be lacking; limited RPK in the police offices and the existence of government-owned safe houses is also not evenly distributed in every regional service unit;

d. the poor awareness of citizens in reporting domestic violence experienced or witnessed resulted in many domestic violence cases unknown hence law enforcement officers cannot provide protection. Victims of the public are reluctant to report incidents due to the unresponsive attitude of law enforcement officers.
and are supported by a community culture that prioritizes family harmonization.

References


Undang-Undang Dasar Tahun 1945.


