

Police and Law Enforcement of Domestic Violence Crimes Based on Human Rights in Indonesia

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ABSTRACT

Domestic violence (DV) is a grave crime that infringes upon the rights of its victims and cannot be underestimated. It is imperative for law enforcement officers, such as the Police, to uphold the law impartially and effectively to maintain the integrity and peace within households. The impact of domestic violence on family cohesion is profound and can even jeopardize the very foundation of a family unit. While DV can affect anyone regardless of gender, it disproportionately affects women, garnering international attention to their plight, along with that of children who often suffer as victims too. International frameworks like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) outline the obligations of states in safeguarding human rights. This study employs a normative juridical approach to explore why Indonesian law enforcement regarding domestic violence must be grounded in human rights principles. Through statutory and theoretical lenses, it delves into the intimate connection between perpetrator and victim within the household context, emphasizing the state's duty to uphold human rights. Indonesia, as a nation governed by the rule of law, is compelled to prioritize human rights. The principles of Pancasila, which embody divine, humane, united, populist, and just ideals, are integral in guiding the resolution of domestic violence cases. By aligning with these values, law enforcement agencies, particularly the Police, can ensure that their actions in combating domestic violence are not only legally sound but also uphold the inherent dignity and rights of all individuals involved.

Keywords: domestic violence, gender equality, human rights, law enforcement.

ABSTRAK

Kekerasan dalam rumah tangga (KDRT) adalah kejahatan berat yang melanggar hak-hak korbannya dan tidak bisa dianggap remeh. Sangat penting bagi aparat penegak hukum, seperti Polisi, untuk menegakkan hukum secara imparial dan efektif untuk menjaga integritas dan perdamaian dalam rumah tangga. Dampak kekerasan dalam rumah tangga terhadap kohesi keluarga sangat besar dan bahkan dapat membahayakan fondasi sebuah keluarga. Meskipun kekerasan dalam rumah tangga dapat menyerang siapa saja, apa pun jenis kelaminnya, namun penyakit ini memiliki dampak yang tidak proporsional terhadap perempuan, sehingga menarik perhatian internasional atas penderitaan mereka, dan juga anak-anak yang sering menjadi korbannya. Kerangka kerja internasional seperti Konvensi Penghapusan Segala Bentuk Diskriminasi Terhadap Perempuan (CEDAW) menguraikan kewajiban negara dalam menjaga hak asasi manusia. Penelitian ini menggunakan pendekatan yuridis normatif untuk menelusuri mengapa penegakan hukum di Indonesia terkait kekerasan dalam rumah tangga harus berpijak pada prinsip hak asasi manusia. Melalui kaca mata undang-undang dan teori, buku ini menggali hubungan erat antara pelaku dan korban dalam konteks rumah tangga, dengan menekankan tugas negara untuk menegakkan hak asasi manusia. Indonesia sebagai negara hukum wajib mengedepankan hak asasi manusia. Prinsip-prinsip Pancasila yang merupakan perwujudan cita-cita Ketuhanan, Kemanusiaan, Persatuan, Kerakyatan, dan Adil merupakan bagian integral dalam pedoman penyelesaian kasus kekerasan dalam rumah tangga. Dengan menyelaraskan nilai-nilai ini, lembaga penegak hukum, khususnya Kepolisian, dapat memastikan bahwa tindakan mereka

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dalam memerangi kekerasan dalam rumah tangga tidak hanya sah secara hukum tetapi juga menjunjung tinggi martabat dan hak-hak yang melekat pada setiap individu yang terlibat.

Kata Kunci: hak asasi manusia, kekerasan dalam rumah tangga, penegakan hukum, persamaan gender.

INTRODUCTION

Domestic violence is very sexy to talk about, it often occurs in society and becomes the public spotlight, especially when the perpetrators or victims are public figures, state officials, or artists. Domestic violence, a pervasive yet often hidden crime, poses significant challenges to societies worldwide, including Indonesia. As a fundamental violation of human rights, its eradication requires a concerted effort from law enforcement agencies, notably the police, to ensure justice, protection, and accountability for victims. In the Indonesian context, where cultural norms and legal frameworks intersect, the enforcement of laws against domestic violence must be firmly grounded in human rights principles to address its complexities effectively.

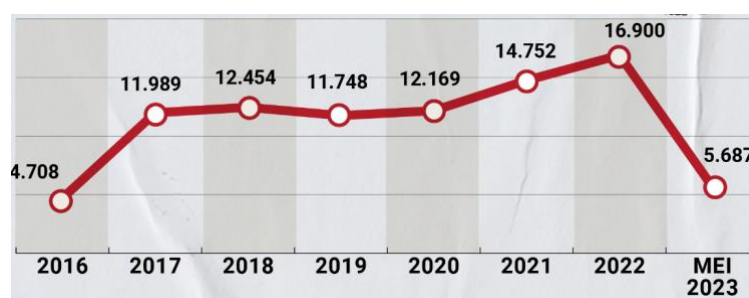


Figure 1. Domestic violence cases in the last 7 years

Source: Republika

Looking at the Figure 1, DV in Indonesia has increased. At the beginning of 2023 in May it had reached 5.687 cases. Of course, this deserves serious attention, especially for the government and law enforcement officials. Most recently, one of the domestic violence cases that has attracted public attention is the case of Lesti Kejora, an Instagram celebrity in Indonesia. Public attention is focused on the victims of these crimes, most of whom are the wives of the perpetrators, as in the case of domestic violence experienced by Lesti Kejora, who, on September 28, 2022, reported to Polda Metro Jaya, her husband named Rizky Billar for committing domestic violence. After an investigation, it turned out that Lesti Kejora, as the victim and also the reporter, had revoked the report (Tim Detikcom, 2022). On the other hand, there are also many domestic violence incidents experienced by artists, such as Rizal Djibran against his wife Sarah, who was reported to Polda Metro Jaya, Ferry Irawan against his wife Venna Melinda reported at Polda East Java, and many others (Sayyidatus Syarifah, 2023). The domestic violence incident proves the importance of establishing harmonious relationships in married life to create peace, and when domestic violence occurs, reconciliation is highly recommended.

Reconciliation is often a superficial term when dealing with domestic violence cases with female victims. In some cultures, such as Indonesia, reconciliation is usually reduced to a retributive process. It has not been developed in accordance with women's victim-based restorative justice to achieve justice (Harefa, 2022). Law enforcement officials tend to see the law only in the interests of the law, not seeing the law for the benefit of humans. As a result, the law only sees the normative aspect, so the application of the law seems rigid. Police investigators also seem worried, and there is a sense of fear if investigators are reprimanded or blamed if they do not follow normative rules, which are not necessarily all normative rules that are still in accordance with the current conditions of Indonesian society. Police investigators are more concerned with egocentric professional security than with seeking material truth to provide justice to the community (Felisiano & Paripurna, 2010). Legal justice for victims must be proportional to the offense that occurred, domestic violence crimes as an act that violates human rights, which should be a household life for a harmonious life and live happily.

The potential for violence can happen to anyone, be it women, children, or even adult men. This indicates that violence can threaten anyone and anywhere, including violence that occurs in the household. Victims of domestic violence have an impact that is even greater than victims of other crimes; we can see how heavily victims bear the burden because those who commit these crimes are close people who are always in their lives and have a very close emotional relationship. A victim of domestic violence not only has an impact related to the losses they experience but also immaterial losses that cannot be paid in any form. For victims of violence that takes place and occurs repeatedly, it is a situation that hurts and pressures someone who experiences it. Any action that causes pressure, threats, or criminal acts is included in social problems. (Setyaningrum & Arifin, 2019)

Several complex factors influence social problems related to domestic violence (DV). One of these is economic, where financial instability can increase domestic stress and exacerbate existing conflicts. In addition, a lack of effective communication between partners can also aggravate the situation, causing tension that leads to violence. A lack of religious understanding in the household can also be a trigger, where misinterpretation of religious teachings can lead to harmful behavior. Other factors such as household dynamics, parental relationship patterns, alcohol consumption by the husband, the presence of a third person, and psychological issues also play a role in increasing the risk of domestic violence. A deep understanding of these factors is key to preventing and responding to domestic violence to create a safe and healthy environment for all individuals in society (Ismail & Sarson, 2021).

Female victims have dominated domestic violence crimes. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has specifically recognized women's human rights (Nelaeva, 2021). Violation of women's rights is a violation of human rights. The UN view also states that violence against women should be interpreted to include violence of a physical, sexual, or psychological nature that occurs: within the family, including beatings, sexual abuse of girls in the household, marital rape, harmful traditional practices, sexual exploitation; within the community including rape, intimidation in the workplace, places of education, and other places (Supanto, 2004).

Vulnerable groups often experience victimization. Vulnerable groups, as referred to in Law Number 39 of 1999 Article 5 paragraph 3 on Human Rights (HAM) states that vulnerable groups are not only women and children but also include the poor, the elderly, and people with disabilities,

while the Human Rights Reference states that vulnerable groups include women, children, alienated tribes, minorities, migrant workers, and refugees. Vulnerable groups are entitled to more special treatment and protection because these groups are vulnerable to being victims of violence and discrimination (Alek Sudirman, n.d.).

Women and children, as the majority of domestic violence victims, have attracted international attention. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) regulates the scope of human rights and the state's obligation to ensure their fulfillment. States have made substantive (faith-based) reservations to CEDAW. Unfortunately, these types of reservations can also negatively impact women's rights (Agung, 2022). The existence of the Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was strengthened by the Vienna Declaration in 1993 (Vienna Declaration and Program of Action) Adopted by the World Conference on Human Rights in Vienna on June 25, 1993, which has been mentioned in Chapter I point 18 that:

“The human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social, and cultural life at the national, regional, and international levels and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community.”

Legal protection is the right of citizens to be free from threats, discrimination, and violence. From the point of view of human rights, the issue of the interests of victims of criminal acts is part of human rights issues in general (Supanto et al., 2022). The fulfillment of this right is also related to other constitutional rights, namely, the right to protection and the right to justice. The right to protection and the right to justice are also fundamental to emphasize the implementation of women as victims in the handling of criminal cases, especially in cases of domestic violence. The criminal procedure law that only emphasizes the protection of the rights of suspects has overruled the protection and sense of justice of victims. The limited regulation on the protection of victims of crime has led to many cases of violence experienced by women so that the perpetrators are more accessible to commit their crimes until they continue to repeat them. The limited legal umbrella that protects victims of crime is of great concern. In the criminal justice system, the position of the victim is only as a witness, and the right to prosecute lies with the public prosecutor.

This article critically examines the role of the police and law enforcement agencies in combating domestic violence crimes within the Indonesian context, with a specific focus on the imperative of upholding human rights standards. By analyzing legal provisions, international obligations, and the socio-cultural landscape, it aims to elucidate why a human rights-based approach is essential for effective intervention and prevention strategies. Furthermore, it explores the inherent tension between cultural sensitivities and universal human rights norms in the Indonesian context, emphasizing the need for a nuanced and context-specific response.

Through this exploration, the article seeks to contribute to the ongoing discourse on domestic violence prevention and response in Indonesia, highlighting the crucial intersection of law enforcement, human rights, and societal norms. Ultimately, it advocates for a comprehensive and rights-based approach that prioritizes the safety, dignity, and well-being of all individuals affected by domestic violence while also recognizing the complexities inherent in its eradication within diverse cultural contexts.

RESEARCH METHOD

This research uses a normative juridical approach. Normative legal research is also commonly called doctrinal legal research, because this research is only aimed at written regulations, so the research is closely related to literature study (Irwansyah, 2021). This study employs a normative juridical research approach to investigate the role of the police and law enforcement agencies in addressing domestic violence crimes in Indonesia through a human rights lens. The normative juridical method is chosen for its suitability in examining legal frameworks, statutes, and theoretical constructs related to domestic violence and human rights within the Indonesian context.

The research begins by conducting an in-depth analysis of relevant domestic and international legal instruments pertaining to human rights and gender equality, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), as well as Indonesian laws and regulations concerning domestic violence. This statutory approach allows for a comprehensive understanding of the legal framework governing domestic violence and the obligations of the state, particularly law enforcement agencies, in ensuring human rights protection.

Additionally, a theoretical approach is adopted to explore the underlying principles and values guiding law enforcement practices in domestic violence cases, particularly within the framework of Pancasila, the philosophical foundation of the Indonesian state. By examining how Pancasila's principles of divine, humane, united, populist, and just governance intersect with human rights considerations, this approach aims to elucidate the philosophical underpinnings of law enforcement actions in combating domestic violence.

Furthermore, this research method involves analyzing existing literature, case studies, and empirical data related to domestic violence in Indonesia to provide context and empirical evidence supporting the argument for a human rights-based approach to law enforcement. By synthesizing legal analysis, theoretical insights, and empirical findings, this research seeks to offer a comprehensive understanding of the complexities surrounding domestic violence law enforcement in Indonesia and the imperative of upholding human rights principles in addressing this pervasive issue.

RESULTS AND DISCUSSION

Protection of Victims of Domestic Violence Crimes by the Police

Domestic violence incidents that have been reported to the Police must be followed up in accordance with applicable legal provisions; how can the Police fulfill their responsibilities as law enforcement officials? The criminal law enforcement process is oriented towards an integrated criminal justice system as the rule of law. Law enforcement officers, including police, prosecutors, courts, and correctional institutions, as well as advocates, must have the same commitment in law enforcement, not just cooperation at the beginning but sustainability. Not all law enforcement officers have good spirit and dedication, but unscrupulous people have harmed the authority of law enforcement officers in providing legal services so that the legal structure can run it well in influencing elements in law enforcement (Abdurrachman et al., 2021). The influence of legal structure has an impact on legal culture and even on the substance of the law itself; in the protection of victims of domestic violence, the Police as a legal structure must be able to bring the law to good order so as to create the effectiveness of law enforcement.

Post-amendment of the 1945 Constitution Article 1 paragraph (3) states that the State of Indonesia is a state of law. As a state of law, Indonesia must uphold the rule of law and respect

human rights. The Police Institution, which is part of the state, is also inseparable from the rule of law which requires it to submit and obey the justice system in Indonesia. Law enforcement is not a stand-alone activity but has a close relationship with society. Thus, when it comes to law enforcement, it is best to recognize discussions about the social structure behind it. Law enforcement in a society has its tendencies caused by the structure of that society. The social structure provides obstacles, either in the form of social facilities for law enforcement or in the form of barriers that prevent law enforcement or law enforcement that need to be carried out carefully.

Domestic violence as a form of crime cannot be underestimated. Even though this crime is a privacy within the family, it has a severe impact on the continuity of the family and can even threaten the integrity of a family. This crime can occur at any time and can be influenced by several phenomena that are currently developing (Roychowdhury, 2021). The COVID-19 pandemic has had widespread and profound impacts around the world, resulting in new pressures on society. In this situation, there are increased physical and psychological health risks, social isolation, and loneliness felt by many individuals due to school and business closures, economic vulnerability, and job losses. Amidst all these challenges, children and their mothers have become particularly vulnerable to the risk of domestic violence. Domestic violence, which encompasses various forms of abuse that occur in domestic settings, is becoming a serious problem that exacerbates the impact of the pandemic (Bradbury-Jones & Isham, 2020). These behaviors include psychological and physical violence, as well as sexual abuse. Future interventions should focus on financial support and stress reduction (Napa et al., 2023).

Law No. 23/2004 on the Elimination of Domestic Violence is part of the Indonesian government's efforts to provide legal protection to victims of domestic violence (DV) and take action against perpetrators of such violence. The Law on the Elimination of Domestic Violence provides an essential legal foundation to address the issue of domestic violence in Indonesia (Muryatini, 2023). This law regulates various aspects related to domestic violence, including the definition of domestic violence, protective measures that can be implemented by the government and related agencies, and legal sanctions against perpetrators of domestic violence. This law protects victims of domestic violence and provides a legal basis to prosecute perpetrators. It also emphasizes the importance of a rehabilitative approach for perpetrators of domestic violence and seeks to address the issue comprehensively.

The protection that the Police can carry out is based on the provisions of Article 16 and Article 17 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, that the Police are obliged to carry out temporary protection since there is a complaint or report of domestic violence, this is conceived to mean that domestic violence has the potential to continue considering the closeness between the perpetrator and the victim within the scope of the household, the Police can also collaborate with health workers, volunteers, and social workers in protecting victims. This protection can also be a form of support for the victim, so that the victim feels calm and comfortable and there is no sense of anxiety and fear so that it can help restore trauma due to domestic violence. This support can also help in the interests of investigation and investigation so that the victim can reveal everything that happened and experienced without fear.

The National Police, in enforcing domestic violence law, is an implementation of the protection of human rights. This law enforcement begins with the temporary protection of victims of domestic violence directly. This temporary protection can be continued with protection based on the decision of the district court. Protection of victims of domestic violence is an approach in the

aspect of human rights that is very important for the resolution of domestic violence cases. In this aspect of human rights, the National Police considers that every individual has human rights that should not be violated, including the right to life, freedom from torture and inhuman or degrading treatment, and the right to protection from violence. Protection of victims of domestic violence must be non-discriminatory, meaning there should be no discrimination based on gender, age, ethnicity, religion, sexual orientation, or socio-economic status (Haobijam & Singh, 2021; Khan et al., 2023). Based on the thematic analysis of social construction, the findings reveal that it is the perception that law enforcement agencies' gender-biased response to domestic violence complaints and lack of awareness of legal remedies trigger domestic violence (Juliet Ike et al., 2023). Victims of domestic violence should have equal access to the justice system for justice and redress. This includes access to courts that treat victims with respect and provide necessary protection and assistance.

Domestic violence prevention efforts should integrate education on human rights and gender equality and provide information on individual rights and resources available to victims. Domestic violence protection systems should offer comprehensive services to victims, including shelter, counseling, medical services, legal aid, and psychosocial support. Victims of domestic violence should be given the opportunity to actively participate in decision-making processes that affect them, including in the planning and implementation of protection programs. Perpetrators of domestic violence must be brought to justice fairly and effectively in accordance with applicable laws, indiscriminately, and with zero tolerance for domestic violence. Human rights-based protection of domestic violence requires cooperation between various institutions and sectors, including the government, law enforcement agencies, non-governmental organizations, and the private sector.

Human Rights-based Domestic Violence Law Enforcement

The amount of violence that occurs in Indonesia, with the majority of victims being women, women as a party that is considered weak, has received international attention to be explicitly considered in the form of legal protection in upholding the dignity of women. In 1967, the United Nations (UN) issued a declaration on the Elimination of Discrimination against Women. The declaration includes the rights and obligations of women on an equal basis with men and states that necessary steps should be taken to ensure their implementation. The world community recognizes that women are entitled to the enjoyment and protection of human rights in the political, economic, social, cultural, civil, and other fields. This recognition is embodied in the Declaration on the Elimination of Discrimination Against Women in 1967, the Convention on the Elimination of All Forms of Discrimination Against Women in 1979, which came into force in 1981, and the Declaration on the Elimination of Violence Against Women in 1993 (Rochaety, 2016).

Prior to the enactment of Law Number 23 Year 2004, the Indonesian government had signed an international agreement in the form of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It was then ratified by Law No. 7/1984, which is related to the obligation to implement and make CEDAW into national regulations (Farida, 2011). The most important article in this convention emphasizes the principle of the state's obligation to adopt or amend laws, eliminate discriminatory prejudices and habits, and carry out special efforts or actions needed to ensure gender equality.

Human rights in law enforcement in Indonesia cannot be separated from the foundation of the nation's ideology, namely Pancasila. The implementation of the second precept value of fair and civilized humanity, the principle of humanity in Pancasila, emphasizes the need to treat all individuals fairly, be civilized, and respect their fundamental rights (Ngesthi et al., 2023). In handling domestic violence, organizations and individuals involved are expected to carry out their duties with empathy and humanitarian feelings to support victims of domestic violence. This value emphasizes the importance of protecting victims and respecting their rights, as well as fair treatment of perpetrators, including rehabilitation approaches where possible. By applying the value of just and civilized humanity in handling domestic violence cases, we ensure that victims are treated with full respect for their dignity and rights. At the same time, perpetrators are punished relatively in accordance with the law (Ngesthi et al., 2023). This is an approach that prioritizes justice and humanity in the resolution of domestic violence cases, with the hope that acts of violence are prevented, and the human rights of all individuals are respected.

Human rights are embedded in Pancasila's fundamental values, which are directly applied to the resolution of domestic violence cases. This value emphasizes respect for religion and ethics that support justice and human dignity (Rosidah, 2020). In the context of domestic violence, implementing this value means supporting victims and condemning acts of violence as incompatible with religious and ethical values. The Precept of Humanity, which is fair and civilized, emphasizes the importance of respecting human dignity. Handling domestic violence cases in accordance with Pancasila ensures that victims are treated fairly, respected, and given the protection and assistance they need. The Precept of Unity underscores the importance of unity in diversity. In the resolution of domestic violence cases, this can illustrate the importance of community support and solidarity to eradicate domestic violence and protect victims. This value emphasizes the importance of fair and equal application of the law. Law enforcement, in accordance with Pancasila, ensures that perpetrators of domestic violence are punished in accordance with the law and that victims receive justice through a fair legal process. The precept of social justice for all Indonesians, this value reflects the importance of reducing social and economic inequalities (Lital & Utama, 2023). In the resolution of domestic violence cases, this means providing support to victims, ensuring they have access to appropriate social, health and financial services, as well as making efforts to prevent domestic violence and tackle its root causes (Lavédrine & Gruev-Vintila, 2023). The compatibility between the precepts of Pancasila is organic as the implementation of human rights-based law enforcement.

Law enforcement that is oriented towards the fundamental values of Pancasila has presented the protection of victims and the handling of perpetrators of domestic violence in accordance with the protection of human rights in Indonesia. The application of Article 17 of Law Number 39 of 1999 concerning Human Rights has contributed to the practice of law enforcement in Indonesia. The absence of discrimination, the application of a free and impartial legal process, and transparency in decisions in accordance with procedural law. The existence of legal guarantees with objective examinations and accountable legal structures so that the right to justice as a form of human rights has been fulfilled. This is a combination of holistic considerations in law enforcement in Indonesia.

The criminal provisions, starting from Article 44 to Article 49 of Law Number 23 Year 2004, are a clear manifestation of opposition to human rights violations, the prohibition of physical violence, psychological violence, sexual violence, and family neglect as a violation of the rights of victims of domestic violence (Simanjuntak et al., 2023). This is very clearly stated in the provisions

of Article 33 of Law Number 31 of 1999 concerning human rights, which states that everyone has the right to be free from torture, punishment, cruel, inhumane, degrading treatment, and human dignity. The act of domestic violence is an inhumane act and inhuman treatment towards the victim.

Law enforcement that the Police can carry out in accordance with the provisions in the Law on the Elimination of Domestic Violence does not recognize the existence of family settlements, settlements that can be made in a family manner through the revocation of complaints or reports by victims as long as the reported case is related to the provisions of Article 51, Article 52, and Article 53 of Law Number 23 Year 2004. Apart from the provisions of these Articles, the resolution can be carried out by the Police through an integrated criminal justice system as stipulated in Article 54 of the Law on the Elimination of Domestic Violence. Thus, the National Police in the procedural process is still guided by the provisions in the Criminal Procedure Code as formal law.

The process of law enforcement through the criminal justice system in domestic violence cases tends to result in family disunity. Perpetrators who have been convicted will feel ashamed, and hatred between the perpetrator and the victim will arise. At the same time, the victim will also not accept the perpetrator who has served a criminal sentence, so it has the potential to split the family and erode unity. In contrast to Capable Women, Incapable States shows how the Indian criminal justice system regulates violence against women not by protecting them from harm but by forcing them to become "capable": to take matters into their own hands and complete the hard work that the state is unable and unwilling to do (Roychowdhury, 2020).

The discourse on law enforcement and human rights in the context of domestic violence in Indonesia reveals a complex interplay of legal frameworks, cultural norms, and international obligations. The global recognition of women's rights, enshrined in declarations and conventions such as CEDAW, underscores the imperative of safeguarding the dignity and well-being of women, who disproportionately bear the brunt of domestic violence. Moreover, the integration of human rights principles into Indonesian law, mainly through the ratification of CEDAW and the enactment of domestic legislation, reflects a commitment to combating gender-based violence and ensuring gender equality.

Pancasila, as the ideological foundation of the Indonesian state, serves as a guiding principle in shaping law enforcement practices in domestic violence cases. The values of fairness, humanity, and social justice inherent in Pancasila emphasize the importance of protecting victims, holding perpetrators accountable, and promoting community solidarity in addressing domestic violence. However, the application of these principles in practice requires a holistic approach that balances the protection of victims' rights with the need for a fair and impartial legal process.

While legal provisions aimed at combating domestic violence demonstrate a commitment to human rights protection, challenges remain in ensuring effective implementation and enforcement. The reliance on criminal justice mechanisms, while necessary for holding perpetrators accountable, may inadvertently contribute to family disunity and exacerbate tensions between victims and perpetrators. Moreover, the absence of family settlements in the legal framework underscores the importance of prioritizing victim safety and well-being over familial reconciliation.

Ultimately, addressing domestic violence in Indonesia requires a comprehensive approach that encompasses legal reform, community empowerment, and victim support services. By upholding human rights principles and promoting gender equality, law enforcement agencies can play a crucial role in combating domestic violence and ensuring justice for all individuals affected by this pervasive crime.

CONCLUSION

Based on the discussion, the following conclusions can be drawn: Law enforcement carried out by the Police in domestic violence crimes in Indonesia must be based on human rights because domestic violence is a criminal offense where the perpetrator and victim have a close relationship within the scope of the household. Indonesia as a state of law must uphold human rights. Pancasila as the spirit in resolving criminal acts of domestic violence has values that complement each other and qualify between one precept and another and each precept has human rights values. The fundamental values of Pancasila have created a harmonious life in a divine, humane, united, populist, and just manner, this of course has upheld human rights values in domestic violence law enforcement by the Police in Indonesia. Some suggestions that can be conveyed include the following: (1) equal perception among law enforcement officials is needed in the implementation of law enforcement by upholding human rights values; (2) a model for resolving domestic violence cases that is more just, and has the benefit of re-harmonizing so that the integrity of the family is maintained.

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