

# Legal Effort in Domestic Violence Cases in the Criminal Investigation Unit of the Southeast Aceh Police

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## Abstract

Domestic Violence (DV) is a crime with special characteristics because it occurs in a private space and involves a personal relationship between the perpetrator and the victim. This condition often creates obstacles in the law enforcement process, especially at the investigation stage. This study aims to analyze the legal efforts undertaken by law enforcement officers in handling cases of Domestic Violence in the Criminal Investigation Unit of the Southeast Aceh Police. The research method used is normative legal research with a statutory regulatory approach and a case approach. Data were analyzed qualitatively by examining the legal provisions governing domestic violence and case handling practices by police officers. The results of the study indicate that legal efforts undertaken by law enforcement officers include receiving reports, investigating, gathering evidence, and handing over cases to the public prosecutor in accordance with the provisions of Law Number 23 of 2004 concerning the Elimination of Domestic Violence and the Criminal Procedure Code. However, the effectiveness of these legal efforts still faces obstacles such as limited evidence, low courage of victims to continue the legal process, as well as cultural factors and power relations in the household. Therefore, it is necessary to strengthen the role of law enforcement officers through increasing professionalism, consistent application of standard operating procedures, and an approach oriented towards victim protection in order to realize just law enforcement.

**Keywords:** Legal Action, Domestic Violence, Investigation, Police.

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## Introduction

Indonesia is a state based on law, as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which implies that all aspects of social, national, and state life must be based on law. A consequence of this principle of a state based on law is the state's obligation to guarantee the protection of human rights, including the right to feel safe and free from all forms of violence, both in public and private spaces, such as within the household.

Domestic violence (DV) is a form of human rights violation that has serious impacts on victims, including physical, psychological, sexual, and economic harm. This crime has special characteristics because it occurs within personal, domestic relationships, making it often hidden and difficult to uncover. Therefore, domestic violence cannot be viewed solely as a family issue, but rather as a legal issue requiring state intervention through law enforcement mechanisms.

As a manifestation of the state's responsibility to protect victims, Indonesia has enacted Law Number 23 of 2004 concerning the Elimination of Domestic Violence. This law provides a clear legal basis that domestic violence is a crime that can be processed through the criminal justice system. Furthermore, the law also emphasizes the obligation of the state and law enforcement officials to provide legal protection to victims from the initial stages of case handling.

Although the legal framework regarding domestic violence is already in place, the practice of handling domestic violence cases in the field still faces various challenges. One of the main challenges lies in the investigation stage, where the evidentiary process is often hampered by a lack of evidence and a reliance on victim testimony. This situation results in domestic violence cases not always being handled optimally until the prosecution stage.

In the criminal justice system, the police play a strategic role as the law enforcement officers who first interact with victims. The Criminal Investigation Unit, as the implementing element of the investigative function, has the authority to conduct inquiries and prosecutions into domestic violence crimes. Therefore, the quality and effectiveness of police legal efforts are crucial for the success of law enforcement against perpetrators of domestic violence.

The legal efforts undertaken by police officers in handling domestic violence cases include a series of structured and hierarchical legal actions. These actions begin with the receipt of a report at the Integrated Police Service Center, followed by an investigation and inquiry, and ultimately, the transfer of the case to the public prosecutor. All stages must be carried out in accordance with applicable laws and regulations and standard operating procedures.

However, law enforcement officers often face difficulties in establishing evidence, particularly in cases of domestic violence that do not leave visible physical traces. Psychological violence, sexual violence, and domestic neglect are forms of domestic violence that are legally recognized, but are difficult to prove empirically. This requires careful and professional law enforcement officers in gathering and evaluating evidence.

In addition to evidentiary challenges, victims' lack of courage to pursue legal proceedings also hinders the handling of domestic violence cases. Economic dependence on the perpetrator, pressure from extended family, and persistent social stigma often push victims to withdraw their reports or choose to resolve cases informally.

These conditions require law enforcement officers to act not only procedurally but also from a victim protection perspective. Legal efforts in handling domestic violence must be implemented by prioritizing the principle of substantive justice, where the law is understood not only as written rules but also as a means to protect the weak and vulnerable.

At the regional level, including within the jurisdiction of the Southeast Aceh Police, domestic violence cases continue to show a high number that requires serious attention. The handling of domestic violence cases by the Southeast Aceh Police Criminal Investigation Unit reflects the dynamics between prevailing legal norms and the social realities of the local community, which are influenced by cultural factors and family values.

Cultural factors and power relations within the household often influence the law enforcement process regarding domestic violence. In this context, law enforcement officers are faced with the challenge of firmly enforcing the law without ignoring prevailing social values. Therefore, a balance between legal certainty and social justice is necessary.

Based on these conditions, an analysis of the legal efforts undertaken by the Southeast Aceh Police Criminal Investigation Unit is crucial to determine the extent to which legal provisions regarding domestic violence have been effectively implemented. This analysis also aims to identify the normative and practical obstacles faced by law enforcement officers in exercising their authority.

Therefore, this research is expected to provide academic and practical contributions to the development of law enforcement regarding domestic violence. Specifically, this research is expected to provide recommendations for strengthening the legal efforts of law enforcement officers in the Southeast Aceh Police Criminal Investigation Unit so that the handling of domestic violence cases can be carried out more effectively, fairly, and oriented towards victim protection.

## **Literature Review**

### **2.1 Theory of the Rule of Law and Victim Protection**

As a constitutional state (*Rechtsstaat*), Indonesia is obligated to guarantee the protection of human rights, including the right to be free from all forms of violence in private spaces such as the household. The modern concept of the rule of law emphasizes that criminal law enforcement must be oriented toward victim protection (Arif Sahlepi, 2021). This aligns with the principle of legal protection, which aims to provide safety and justice for vulnerable parties within imbalanced power relations (Rahmayanti, 2021).

### **2.2 Legal Enforcement Theory**

Legal enforcement is a process that involves the synchronization of values, norms, and the actual behavior of officials (Soekanto, 2020). In handling Domestic Violence (KDRT) cases, the effectiveness of law enforcement is influenced by several factors: the law itself, the law enforcement officials, facilities and infrastructure, the community, and cultural factors (Soekanto, 2020). Furthermore, the social dynamics of society significantly influence how criminal law is implemented on the ground, especially when dealing with domestic crimes (Ismaidar, 2020).

### **2.3 Criminal Justice System and the Role of the Police**

The criminal justice system is a collective working mechanism between law enforcement agencies (Atmasasmita, 2020). The police, specifically the Criminal Investigation Unit (*Satuan Reserse Kriminal*), hold a strategic position as the primary gateway into this system (Ramadani, 2020). Investigations must be conducted professionally by referring to the applicable procedural law to seek material truth (Hamzah, 2020). In KDRT cases, the investigator's role is decisive as they must balance formal legal procedures with sensitivity toward the victim's psychological condition (Nugroho, 2020).

### **2.4 Legal Aspects and Evidence in Domestic Violence**

Domestic Violence is specifically regulated under Law Number 23 of 2004 as a legal breakthrough to eliminate violence within the domestic sphere. However, the effectiveness of this law is often hindered by evidentiary aspects (Sitompul, 2021). Normatively, evidence must fulfill the requirements of Article 184 of the Criminal Procedure Code (KUHP), but in KDRT cases which often lack witnesses the victim's testimony and medical reports (*visum et repertum*) become the most crucial pieces of evidence (Samosir, 2022). Therefore, substantive justice is required so that the law is not only procedurally sharp but also capable of touching the essence of justice for the victim (Hiariej, 2020).

## **Research Methodology**

This research is a normative legal study aimed at analyzing legal remedies for domestic violence in the Criminal Investigation Unit of the Southeast Aceh Police. The approaches employed in this study include a statute approach and a case approach, focusing on the application of legal provisions related to domestic violence in law enforcement practice.

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law Number 23 of 2004 concerning the Elimination of Domestic Violence, the Criminal Procedure Code, and other relevant laws and regulations. Secondary legal materials include books, scientific journals, and scholarly papers related to legal remedies for domestic violence, particularly works by legal academics. Meanwhile, tertiary legal materials are used as supporting materials in the form of legal dictionaries and other supporting sources.

The legal material collection technique was conducted through library research by reviewing laws and regulations, legal literature, and documents relevant to the research object. Furthermore, the collected legal material was analyzed qualitatively using a descriptive-analytical analysis method, namely outlining and reviewing applicable legal provisions and relating them to the practice of handling domestic violence cases at the Southeast Aceh Police Criminal Investigation Unit. The results of this analysis were used to answer the established problem formulation.

## **Discussion**

### **4.1 Legal Efforts in Handling Domestic Violence Cases at the Criminal Investigation Unit of Aceh Tenggara Police**

Legal efforts in handling domestic violence (DV) cases are an essential part of law enforcement carried out by the Indonesian National Police. Normatively, these legal efforts are implemented based on Law Number 23 of 2004 on the Elimination of Domestic Violence, the Indonesian Criminal Procedure Code, and internal police regulations governing the standard operating procedures for criminal investigations.

Based on the data of domestic violence cases handled by the Criminal Investigation Unit of Aceh Tenggara Police, it is known that DV cases have remained relatively high in recent years. The most commonly reported forms of DV include physical and psychological violence committed by husbands against their wives, and in some cases, violence against children. This data indicates that domestic violence is a real legal issue requiring serious attention from law enforcement officers.

Police legal efforts begin with receiving reports or complaints from victims at the Integrated Police Service Center (SPKT). According to case data, most DV reports are submitted directly by the victims or their families, followed by the creation of a police report as a legal basis for conducting investigations. This stage represents a concrete form of access to justice for the victim.

Once the report is received, the police conduct an investigation to confirm the occurrence of a criminal act. At Aceh Tenggara Police, investigations are conducted by examining the victim and witnesses and collecting initial evidence such as *visum et repertum* from health facilities. Case data shows that the completeness of the *visum* is a crucial factor in determining whether the case proceeds to the prosecution stage.

If the elements of a criminal act are found, legal efforts continue to the prosecution stage. Investigators examine witnesses and suspects, determine the suspect, and seize evidence in accordance with the criminal procedure law. In the context of DV, investigations not only focus on proving the criminal act but also consider the psychological condition of the victim, who is vulnerable due to the personal relationship with the perpetrator.

Data from DV cases at Aceh Tenggara Police shows that not all cases proceed to prosecution. Some cases face obstacles such as withdrawal of the report by the victim, difficulty

in obtaining evidence, and reconciliation between the victim and perpetrator. Nevertheless, normatively, law enforcement officers are still obliged to carry out legal procedures in accordance with applicable laws and regulations.

Police legal efforts are also realized through consistent implementation of standard operating procedures (SOPs) for investigations. These SOPs serve as control instruments to ensure that every action taken by investigators has a clear, proportional, and accountable legal basis. Compliance with SOPs is an important indicator of the professionalism of law enforcement officers in handling DV cases.

The final stage of legal efforts is the preparation and submission of case files to the public prosecutor. According to available case data, the files are submitted after they are deemed complete both formally and materially. This stage marks the end of the investigator's authority and demonstrates coordination between institutions within the criminal justice system.

Based on the above, it can be concluded that legal efforts in handling domestic violence cases at the Criminal Investigation Unit of Aceh Tenggara Police have been carried out normatively in accordance with applicable law. However, the effectiveness of these legal efforts is still influenced by factors such as evidence, the courage of the victim, and social support, indicating the need to strengthen a victim-oriented legal approach.

#### **4.2 Obstacles in Implementing Legal Efforts in Domestic Violence Cases at the Criminal Investigation Unit of Aceh Tenggara Police**

The implementation of legal efforts in domestic violence (DV) cases at the Criminal Investigation Unit of Aceh Tenggara Police is not free from various obstacles that affect the effectiveness of law enforcement. These obstacles arise both from normative aspects and from the social reality surrounding DV, which often occurs in a private sphere.

The main obstacle frequently faced by law enforcement officers is the difficulty of proving the crime. In many DV cases, especially psychological and sexual violence, admissible evidence is very limited. Normatively, criminal procedure law requires valid evidence as stipulated in Article 184 of the Indonesian Criminal Procedure Code (KUHAP). However, the nature of DV, which often occurs without witnesses and may not leave physical marks, complicates investigators' ability to meet the evidentiary requirements.

Another obstacle is the withdrawal of reports by the victim. Based on DV case handling practices at Aceh Tenggara Police, many victims choose to retract their reports during the legal process. Economic dependence, family pressure, and attempts at reconciliation are the main reasons for report withdrawal. This situation creates a normative dilemma for law enforcement officers, as DV is a criminal act, but the continuation of the legal process largely depends on the victim's testimony.

Furthermore, cultural and familial values also become obstacles in handling DV. In certain communities, DV is still considered a private family issue that should be resolved internally. Such views often influence the attitude of victims and their families not to pursue legal action, thereby hindering law enforcement efforts that should be carried out decisively.

From the perspective of law enforcement officers, limited resources also pose challenges. High workload, limited time, and insufficient support from experts such as psychologists or victim counselors can affect the quality of DV case handling. Normatively, law enforcement officers are expected to handle DV cases professionally and with a victim protection perspective.

Overall, these obstacles highlight the gap between legal provisions and law enforcement practices. Law Number 23 of 2004 on the Elimination of Domestic Violence provides a strong legal basis, yet its implementation still faces structural and cultural barriers. Therefore, institutional strengthening, capacity building for law enforcement officers, and a shift in societal paradigms are necessary to ensure more effective and just law enforcement in DV cases.

## **Conclusion**

Based on the results of the discussion above, it can be concluded that:

1. Legal efforts in handling domestic violence cases at the Southeast Aceh Police Criminal Investigation Unit have been implemented in accordance with applicable laws and regulations, particularly Law Number 23 of 2004 concerning the Elimination of Domestic Violence and the Criminal Procedure Code. These efforts include receiving reports, conducting inquiries, collecting evidence, and transferring cases to the public prosecutor. However, the effectiveness of these efforts depends heavily on the professionalism of law enforcement officers and the consistent application of standard operating procedures.
2. The implementation of legal efforts in domestic violence cases at the Southeast Aceh Police Criminal Investigation Unit still faces various obstacles, particularly difficulties in obtaining evidence, victims withdrawing reports, and the influence of cultural factors and family values. These obstacles indicate a gap between firmly established legal norms and actual law enforcement practices, necessitating strengthening victim protection and increasing the effectiveness of law enforcement against domestic violence.

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