

ANALYSIS OF DOMESTIC VIOLENCE PREVENTION IN ISLAMIC LAW AND LAW PERSPECTIVE

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Abstract

Domestic violence can happen to anyone regardless of social status or economic situation. Based on Article 1 point 1 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, it is stated that Domestic Violence is any act against a person, especially a woman, which results in physical, sexual, psychological misery or suffering, and/or neglect of the household. including threats to commit acts, coercion or unlawful deprivation of liberty within the household. The protection provided by the Domestic Violence Law supports the right of citizens to feel safe and free from all forms of violence. Protection for citizens against domestic violence is in accordance with the philosophy of Pancasila and the 1945 Constitution of the Republic of Indonesia.

Keywords : Socialization, mentoring, domestic violence

Abstrak

KDRT bisa terjadi pada siapa saja baik ayah, ibu, maupun anak dan tanpa memandang status sosial atau keadaan ekonomi. Berdasarkan Pasal 1 butir 1 Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan Dalam Rumah Tangga menyebutkan Kekerasan Dalam Rumah Tangga adalah setiap perbuatan terhadap seseorang terutama perempuan, yang berakibat timbulnya kesengsaraan atau penderitaan secara fisik, seksual, psikologis, dan/atau penelantaran rumah tangga termasuk ancaman untuk melakukan perbuatan, pemaksaan atau perampasan kemerdekaan secara melawan hukum dalam lingkup rumah tangga. Perlindungan yang diberikan oleh UU KDRT ini mendukung hak warganegara untuk mendapatkan rasa aman dan bebas dari segala bentuk kekerasan.

Kata Kunci : Sosialisasi, pendampingan, kekerasan dalam rumah tangga

Introduction

Marriage is something sacred in society and also part of worship. Allah has created all things to be in pairs, there are male and female. God has gifted humans with the existence of a marriage bond between a man and a woman. This marriage aims to continue the descendants or the next generation. According to Law No. 1 of 1974 article 1 concerning marriage, it is explained that marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One Godhead.¹

Basically everyone has the desire to live together or have a household. A family generally consists of father, mother and children. Each family member has a different role. First, the father as the head of the family is in charge of guiding and protecting family members and meeting the needs of each family member. Mothers are in charge of guiding the children and taking care of the household. However, in today's era where economic needs are increasing, it has resulted in mothers who used to only stay at home now work more outside to help meet the needs of daily life.

In married life, we are required to think maturely, because we are not only thinking about our own life but also our partner's life. Like the earth which always revolves, married life does not always run smoothly but will always rotate. Not all married life runs harmoniously as every couple wants. In married life there must be an incompatibility that causes a husband and wife to experience disputes or debates. Be it small or big debates. In fact, cases of domestic violence (KDRT) are not uncommon.

Many cases of domestic violence that occur today are a reflection of the failure of a family to build conducive and comfortable household conditions for each family member. The term "family" refers more to a feeling of security and a sense of protection, as a shelter from pressures and difficulties outside the home. However, it is unfortunate that now the family can also be a potential

¹ Suroso, Moerti Hadiati. 2010. *Kekerasan Dalam Rumah Tangga Dalam Perspektif Yuridis-Viktimologis*. Jakarta: Sinar Grafika^[1]_{SEP}

center for violence. This situation is in stark contrast to the proper function of the family.

Domestic violence can occur in fathers, mothers, or children. This can result in physical, sexual, or mental/psychological suffering. Domestic violence can occur if someone in a family is having a heavy burden of thought. So it can cause high emotions too. This case of domestic violence is more common in children. This is likely to occur as an outlet for parents who are no longer able to withstand the heavy burden they are carrying. It could also be due to the attitude/behavior of the child who cannot be advised so that the parents are wrong.²

Domestic violence (KDRT) is a universal phenomenon that can happen to anyone regardless of age, profession, economic level or education of the individual himself. Domestic violence that is happening today is a reflection of the failure of a family to build conducive and comfortable household conditions for each family member. Family refers to feeling safe and protected, as a shelter from the pressures of the outside world. Domestic violence can happen to anyone, be it father, mother, or child and regardless of social status or economic situation.

Cases of this violence often occur in children. This can happen because it is often parents who cannot bear the heavy burden they carry so that the burden is carried out on their children through violence. But violence against children can also be done because the attitudes and behavior of children are difficult to regulate or control so that parents have no other way but to use violence. Domestic violence can change children to be obedient to their parents and disciplined. However, domestic violence can also have a negative impact, for example, there is an attitude of resistance in children against their parents.

Violence can have an impact both physically and psychologically on children. Physical violence in the form of parental treatment of children's physical for example hitting, grabbing, pinching and even pouring hot water. While psychological violence in the form of harsh words / insults against a person. Psychological violence can cause trauma in children. Maybe in the future the child will do the same to others.

² Muhammad Ishar Helmi, *Gagasan Pengadilan Khusus KDRT*, Grasindo, Jakarta, 2014, h. 89

Domestic violence can be interpreted as an act of violence perpetrated by a caregiver, parent or partner. Domestic violence can be shown in various forms, including physical violence, use of physical force, sexual violence, any forced sexual activity; emotional violence, actions that include threats, criticism and bullying that occur continuously; and control to earn money and use it. Based on Article 1 point 1 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, it is stated that Domestic Violence is any act against a person, especially a woman, which results in physical, sexual, psychological misery or suffering, and/or neglect of the household. including threats to commit acts, coercion or unlawful deprivation of liberty within the household. The protection provided by the Domestic Violence Law supports the right of citizens to feel safe and free from all forms of violence. Protection for citizens against domestic violence is in accordance with the philosophy of Pancasila and the 1945 Constitution of the Republic of Indonesia. The need for protection for citizens from domestic violence because domestic violence is included in the category of human rights violations.³

Discussion

Definition of Domestic Violence

In Article 1 paragraph 1 of the Law of the Republic of Indonesia Number 23 of 2004 concerning the elimination of domestic violence, it is stated that: "Domestic violence is any act against a person, especially a woman, which results in physical, sexual, psychological, psychological misery or suffering. and/or neglect of the household including threats to commit acts, coercion, or deprivation of liberty unlawfully within the scope of the household". According to Arif Gosita that in M. Harahap what is meant by domestic violence are various kinds of actions that cause mental, physical, and social suffering to family members by other family members (children/in-law, mother/wife, and father/husband). Based on some of the definitions above, the authors define domestic violence as deviant behavior that causes suffering and injury in the form of physical,

³ Makarao, M. T.dkk. 2013. *Hukum Perlindungan Anak Dan Penghapusan Kekerasan Dalam Rumah Tangga*, Rineka Cipta, Jakarta.

psychological, household neglect or threats made by family members against other family members.

Various forms of domestic violence

Various forms of domestic violence are seen in terms of subjects and objects, domestic violence can occur in several contexts, including⁴:

- a. Violence against the husband against the wife The husband feels entitled to impose his will on the wife because he is the leader in the household. The implication that arises is the tyrannical behavior and arbitrariness of the husband over his wife and children. It is not uncommon to find a head of household hitting his wife or children, or his maid, for a very simple reason..
- b. Wife's violence against husband Domestic violence knows no gender. Violence can occur from wives to husbands. Psychological violence occurs, for example, when the wife throws harsh and dirty words at her husband. Wives terrorize husbands with threats and hurtful expressions. It is also possible for the wife to take coercive measures against her husband's property which she does not have rights over. Including committing acts of sexual misconduct or infidelity that are deliberately exposed in front of the eyes
- c. Parental violence against children Physical violence does not occur when parents often beat children. Just because of small mistakes that are not principled, parents become emotional and punish children with harsh actions. It is not uncommon for children to be disabled for life due to parental abuse, or even to die from abuse..
- d. Violence of children against parents It is also often found that children become perpetrators of violence both physically, sexually and psychologically against their parents. Starting from differences of opinion, or from desires that are not obeyed, or from the distribution and unfair treatment of their parents, children become angry and abuse their own parents. Some even lead to the death of their parents. Examples are children blaspheming, criticizing, saying rude and dirty words to their parents, children threatening to run away from home, injuring their parents, and various other threats because they want to impose their own will on their parents.

⁴ Makarao, M. T.dkk. 2013. *Hukum Perlindungan Anak*, 36

- e. Violence against housemaids Due to the often underestimated position of housemaids, in our society there are many forms of violence against housemaids, especially female servants. Such as physical torture, beatings, sexual harassment, rape, and psychological violence such as insulting words, and other threats.

In Law Number 23 of 2004 concerning the elimination of domestic violence, Article 1 number 1 states the definition of domestic violence as follows: "Any act against a person, especially a woman, which results in physical, sexual, psychological, and or neglect of the household including threats to commit acts, coercion or deprivation of liberty against the law within the scope of the household".

From this understanding, it can be concluded that the types of domestic violence consist of:

- a. Physical Violence;

Physical violence is an act of violence that causes injury, pain, or disability to the wife and causes death. Furthermore, what is included in the form of physical violence are: a) Slapping; b) Hitting; c) Pulling hair; d) lighting with cigarettes; e) Wounds with weapons; and f) Ignoring the health of the wife. Psychological violence;

Kekerasan psikologis/emosional adalah suatu tindakan penyiksaan secara verbal (seperti menghina, berkata kasar dan kotor) yang mengakibatkan menurunnya rasa percaya diri, meningkatkan rasa takut, hilangnya kemampuan untuk bertindak dan tidak berdaya.

- b. Sexual violence;

Sexual violence is any attack of a sexual nature against women, whether sexual intercourse occurs or not, and regardless of the relationship between the perpetrator and the victim. According to Budi Sampurna⁵, Sexual violence includes: Isolation of the wife from her inner needs; Forced sexual intercourse with a pattern that is not desired or not approved by the wife; Forced intercourse when the wife is not willing, the wife is sick, or

⁵ Sangaji, M. (2013). *Dinamika Penyelesaian Perkara Perceraian Akibat Kekerasan dalam Rumah Tangga di Pengadilan Agama Donggala* (Doctoral dissertation, Universitas Islam Negeri Alauddin Makassar), h. 46

menstruating; and Forcing the wife to have sex with other people, forcing the wife to become a prostitute, and so on economic violence/domestic neglect;

- c. Economic violence / neglect of the household can be indicated as economic violence, namely not giving naffah to the wife, taking advantage of the wife's economic dependence to control the wife's life, or letting the wife work and then her husband's income is controlled.
- d. Threats to commit acts, coercion or deprivation of liberty against the law within the scope of the household. According to Rochmat Wahab, acts of domestic violence in Indonesia are not just a matter of gender inequality. This often occurs due to lack of communication, disharmony, economic reasons, inability to control emotions, inability to find solutions to any household problems, and also drunkenness due to alcohol and drugs. In this case, the author defines domestic violence as deviant behavior that causes suffering and injury either in the form of physical, psychological, neglect of the household or threats made by family members against other family members.

Characteristics of Violence Against Women Between Married Couples

- a. Continuous, multidimensional, and changes in the nature of violence (Ongoing, Multidimensional, Nature of Violence) Violence committed by a partner, for example in the case of beatings, women generally experience repeated (consecutive) torture, by the same perpetrator, in contrast to criminal acts of torture which are generally committed once. The effects that arise from violence that occurs continuously through the degree of battering relationship will lead to a situation where the victim will gradually accept this violent relationship. This is considered a natural relationship. Over time, the wife can accept this form of violence as a form of affection and intimacy. It is different for those who have experienced attacks by foreigners where the women do not have the same historical background or hope for the continuation of future relationships with the perpetrators.
- b. Shared Lives When a woman lives with a partner who often commits violence, a situation she usually experiences will be different from that of another woman who is assaulted by a stranger outside the home. Women who experience violence by their partners are less likely to leave their partners. Perpetrators of violence will seek various ways to keep the victim attached to

him. For example, a husband who always controls all aspects of family finances. This method can prevent victims who are dependent on financial resources to escape. Characteristics like this, regardless of the social status or education of the victim, can occur even to victims who work and have higher education.

- c. Beliefs about victims' responsibility for the violence Usually victims of violence tend to be held responsible when domestic violence occurs. Usually they will be blamed for their perceived behavior and/or the woman should be able to avoid violence if she wants to change her behavior. The phenomenon of women tending to blame themselves is created and is also supported by environmental norms and attitudes towards partners. This stigmatization gradually makes women as victims believe and even blame themselves for the violence they experience. The phenomenon of violence against wives is caused by social reactions that tend to be permissive to domestic violence behavior between husband and wife. Consequently, only a few cases of violence against women in the household are recorded in official or formal criminal statistics.

Factors that cause domestic violence

There are several factors behind the emergence of Domestic Violence, namely:⁶

- a. Family history of perpetrators of domestic violence, usually experiencing or witnessing firsthand similar behavior by their parents.
- b. Money and health. There are two important elements supporting the harmony of a couple. Availability of money, and health. When these two important things are disturbed, Domestic Violence is common. Let's say an individual has had a negative life experience, is unemployed or has deteriorating health.
- c. The influence of the media Various media, especially TV, have a big role in the rise of Domestic Violence. Through the media, the perpetrators seemed to be guided by the right way to mutilate the victim without being detected by law enforcement.

⁶ Rika Saraswati, 2013, *Perempuan dan Penyelesaian KDRT*, Citra Aditia, Bandung, h. 71

- d. Conflict resolution In fact, conflict resolution is a very helpful skill for couples. For example, when you and your partner get into an argument, with conflict resolution you address the situation and talk about it at some point. The problem is, if you're having trouble communicating, your first reaction may be to attack so your partner will listen to your argument.
- e. Drugs and alcohol Abuse of drugs and alcohol, contributes to Domestic Violence. Drugs and alcohol alter the mood to behave violently without making conscious judgments.
- f. There is a patriarchal culture in society. Violence can occur within the scope of household members as a whole, not just husband violence against his wife. However, from the data obtained, both research results and case reports from various institutions that care about women, it shows that the majority of cases in the household are husband's violence against his wife. Article 1 paragraph (1) of Law no. 3 of 2004 states that Domestic Violence is any act against a person, especially a woman that results in physical, sexual, psychological misery or suffering and/or neglect of the household including threats to commit acts of coercion or unlawful deprivation of liberty within the household. . More explicitly, Article 5 of Law Number 23 of 2004 states that everyone is prohibited from committing domestic violence against people within the household scope by means of physical violence, psychological violence, sexual violence, and neglect of the household. This law is not only for the benefit of women but also for those who are subordinated. So not only adult women and children, but also men, both adults and children.⁷
- g. Low education and knowledge of women
As a wife, the factor of the wife's low education makes Seumai feel that he always has a higher position in the household. Husbands think their wives are just actors in daily household activities. In addition, there are husbands who are ashamed to have a wife who has low education, then commits an affair. When his wife found out, even the wife got violent treatment from her husband. There is an assumption that Domestic Violence is an internal matter of husband and wife whose legal relationship is bound in marriage which is the scope of civil law. Wives who

⁷ Muhammad Ishar Helmi, *Gagasan Pengadilan Khusus KDRT*, Grasindo ,Jakarta, 2014, h. 89

experience violence with low education are also blind to knowledge in the field of law.⁸

Bonaparte in Susiana⁹, There are several obstacles in handling and protecting victims of domestic violence, for example the victim withdraws the complaint for various reasons, for example for the sake of family unity or the psychological condition of the child, the victim is economically dependent on the perpetrator, the victim is afraid of threats from the perpetrator/husband, and there is interference from the family or other reasons. culture/customs/religious norms. Lack of evidence, caused by several things, for example avoiding children as witnesses, considering the psychological condition of children and their effects; maintain the neutrality of witnesses in the household environment; the victim did not report immediately after the incident so that there was difficulty when doing the post-mortem; economic neglect because the perpetrator does not have a job/income.

In this case, it is clear that an understanding of the culture of equality is needed in the life of couples, families, and communities. Understanding the culture of equality can at least make men in particular no longer have to struggle to meet the expectations of a patriarchal culture which places men always above women. Whereas with a culture of equality, men and women can find each other's point of ability in fulfilling their desires according to their respective capacities without having to feel that men are inferior when women actually fulfill these needs.

Psychological Impact of Women Victims of Domestic Violence

Each individual behavior can have an impact on oneself, other individuals, and even groups. Domestic violence is a behavior that has a very complex impact on women who are victims of domestic violence. As explained in the previous section, there are several forms of violence, such as physical, sexual, psychological, and economic violence. These acts of violence produce psychological impacts on women who are victims of domestic violence, for

⁸ Badriah Khaled, *Penyelesaian Hukum KDRT*, Permata Buku, Yogyakarta, 2013, h.66.

⁹ Susiana, Sali. 2020. "*Kekerasan Dalam Rumah Tangga Pada Masa Pandemi Covid-19.*" Info Singkat 12(24): 13-18.

example, victims feel anxious, fearful, depressed, always alert, constantly imagine when they see similar cases, often daydream, moody, cry easily, have trouble sleeping, and have nightmares. Victims lose the confidence to act because they feel helpless, lose interest in taking care of themselves so that the pattern of life they live is irregular, and lose the courage to think and act..

The victim's level of concentration decreases, so they often commit reckless acts. Always feel confused and easy to forget. Victims feel inferior and unsure of their abilities. The victim becomes quiet, reluctant to talk, often locks himself in his room. Victims often self-harm and attempt suicide. Excessive and unusual behavior tends to be difficult to control. Aggressive, being a temperamental character and rough emotions in speaking and acting.¹⁰

As stated by Jalaluddin, that psychology in general is studying the symptoms of human psychology related to thoughts (cognition), feelings (emotion), and will (conasi). These symptoms generally have almost the same characteristics in adult, normal and civilized humans. Thus the three main symptoms can be observed through human attitudes and behavior. However, sometimes there are statements in the activity that appear to be mixed symptoms, so that psychologists, namely thoughts, feelings, desires and mixed symptoms such as intelligence, fatigue and suggestions..¹¹

Analysis of Islamic Law in handling the Prevention of Domestic Violence Cases

Shari'ah is basically a guide from Allah swt for humans in carrying out all their life activities in the world. This guide is not only a legal corridor, but also a part of the guarantor of human happiness itself. In the Qur'an also hints that the Shari'a revealed by Allah through the Prophet Muhammad SAW aims to bring humans to the happiness of the world and the hereafter. This verse also indicates that the purpose of sharia is to regulate the benefits that exist in human life. In addition, other principles are upholding justice, not making it difficult, reducing the burden and gradually in the process of applying the law.¹²

¹⁰ Maisah, and Yenti. 2016. "*Dampak Psikologis Korban Kekerasan Dalam Rumah Tangga Di Kota Jambi.*" *Esensia* 17(2): 265–77.

¹¹ Jalaluddin, Haji, and Haji Abdullah Idi. 2012. *Filsafat Pendidikan: Manusia, Filsafat, Dan Pendidikan.* Jakarta: Rajagrafindo Persada.

¹² Jaih Mubarak, 2003. *Sejarah dan Perkembangan Hukum Islam*, cet. ke-3 Bandung: Rosda Karya, hlm. 7- 12.

Benefit is one of the most popular terms when talking about Islamic law. This is because benefit is the goal of syara' (maqasid asysyari'ah) from the stipulation of Islamic law. Not only that, according to Hasbi for example, benefit also means jalbul manfa'ah wa daf'ul mafsadah (attracting benefits and rejecting harm).¹³

As mentioned in Book I Article 2 regarding the legal basis of marriage, the Compilation of Islamic Law (KHI), forming a family is basically bound by a strong contract (mitsaqan galizan) which aims to worship Allah swt. Thus, any form of violence that threatens the survival of the family is not justified for any reason. Families that are overwhelmed by violence such as domestic violence are a form of attitude that is contrary to Islamic law and law. For this reason, all attitudes and culture of the community that have the potential to be the cause of widespread violence in the family must be changed in a way that is more just and humane. For example, the lack of awareness of justice in the perspective of women, causes many people to easily commit violence against women. As a result, domestic life, which is assumed to be built to foster security and peace, has turned for women to be the most vulnerable place to all forms of violence.¹⁴

The attitude of mutual respect for roles in the relationship between husband and wife basically determines not only the quality of the relationship, but also as one of the manifestations of fulfilling the objectives of the Shari'ah, namely maintaining the integrity of the family for the sake of happiness. Allah swt said:

"Women who have been divorced should hold back (wait) three times for quru'. They should not hide what Allah has created in their wombs, if they believe in Allah and the hereafter. And her husbands have the right to refer to her in the waiting period, if they (husbands) want islah. And women have rights that are balanced with their obligations according to the right way. However, husbands have one level of advantage over their wives. And Allah is Mighty, Most Wise".

¹³ Hasbi Ash-Shiddieqy, 2001, *Falsafah Hukum Islam*, Semarang: Pustaka Rizki Putra, h.171-182.

¹⁴ Faqihuddin Abdul Kodir dan Ummu Azizah Mukarnawat, Referensi bagi Hakim Peradilan Agama tentang Kekerasan dalam Rumah Tangga, h. 20.

This verse of the Qur'an shows that the rights and obligations of husband and wife are balanced. So the husband should give the rights of his wife in accordance with his obligations and vice versa, because Islamic law in its role in regulating family matters is very large which does not only include husband-wife relations, but is also closely related to the rules for the benefit of human beings. in general.¹⁵

Thus, the elimination of violence aimed at realizing justice and happiness in the world and the hereafter, as well as the implementation of the Domestic Violence Law for victims of domestic violence, is something that is in line with the *maqasid ash-shari'ah* concept, namely the application of a rule to create human happiness, especially with regard to the need to maintain primary human needs such as protecting the soul (*an-nafs*) and offspring (*an-nasl*).

The issuance of the PKDRT Law which becomes state legitimacy to eliminate all forms of violence, is proof that domestic violence can no longer be considered as an inviolable issue of family privacy, but has become the responsibility of the community and the state to intervene to stop it.¹⁶ More than that, because violence is a form of crime that can threaten and damage the values built by religious teachings such as justice, equality, benefit, and mercy. Domestic violence not only violates the principles of human rights, laws, norms and morals, but also violates the principles, values, and teachings of Islam. For this reason, strengthening legal awareness must be carried out and disseminated continuously with various educational media and public awareness, because the effectiveness of the law also depends on awareness in people's lives.¹⁷

It should also be noted that Islam does not distinguish the existence between men and women in their capacity as servants of Allah, caliphs, and primordial agreements with Allah. Islam also does not discriminate between men and women to obtain job opportunities and achieve the highest achievements in fields justified by religion. All humans are given equal opportunities and rights so that men and women compete in a healthy manner, without

¹⁵ Mahmud as-Shabba, *Tuntunan Keluarga Bahagia Menurut Islam*, alih bahasa Baharuddin Fannani, cet. ke-3 (Bandung: Rosdakarya, 1993), h. 57.

¹⁶ Faqihuddin Abdul Kodir dan Ummu Azizah Mukarnawat, *Referensi bagi Hakim Peradilan Agama tentang Kekerasan dalam Rumah Tangga*, h. 37.

¹⁷ Mukarnawat, *Referensi bagi Hakim Peradilan Agama*, h. 38

neglecting their respective natures.¹⁸ For this reason, any form of discrimination or violence against women and children in the name of religion is a misunderstanding and must be corrected.

Analysis of Handling Efforts Against Women Victims of Domestic Violence based on Law no. 23 of 2004 concerning the Elimination of Domestic Violence

One of the handling efforts is the fulfillment of the rights of women victims of domestic violence. Law of the Republic of Indonesia no. 23 of 2004 is a law that has regulated the fulfillment of the rights of victims of domestic violence. In Chapter IV Article 10 concerning the rights of victims, there are five things, namely:

- a. Protection from the family, police, prosecutors, advocates, social institutions, or other parties, either temporarily or based on the stipulation of a protection order from the court;
- b. Health services according to medical needs;
- c. Special handling relates to the confidentiality of the victim;
- d. Assistance by social workers and legal assistance at every level of the examination process in accordance with the provisions of the legislation; and
- e. Spiritual guidance services. In addition to the articles that regulate the fulfillment of the rights of victims of domestic violence, the government and the community also have an obligation to provide protection for victims of domestic violence and have been stipulated in the next chapter and article.

In Chapter V regarding the obligations of the government and the community in articles 13 and 14 as follows: Article 13 reads that for the provision of services to victims, the government and local governments in accordance with their respective functions and duties can make efforts:

- a. Provision of a special service room at the police station;
- b. Provision of officials, health workers, social workers, and spiritual guides;
- c. Creation and development of systems and mechanisms for

¹⁸ Hamid Laonso dan Muhammad Jamil, *Hukum Islam Alternatif Solusi terhadap Masalah Fiqh Kontemporer* (Jakarta: Restu Ilahi, 2005), h.77.

cooperation in service programs involving parties that are easily accessible to victims; and

- d. Provide protection for companions, witnesses, families, and friends of victims. ^[L]_{SEP}

Article 14 reads that in carrying out the efforts as referred to in Article 13, the government and regional governments in accordance with their respective functions and duties, can cooperate with the community or other social institutions.¹⁹

The birth of the regulation on the Elimination of Domestic Violence is a guarantee given by the state to prevent the occurrence of domestic violence, take action against perpetrators of domestic violence, and protect victims of domestic violence. To realize wholeness and harmony in the household, it really depends on everyone in the household, especially the level of quality of behavior and self-control of everyone in the household. Integrity and harmony in the household can be disrupted if the quality and self-control cannot be controlled, which in turn can lead to domestic violence resulting in insecurity or injustice against people in the household.²⁰

Conclusion

Legal protection for victims of criminal acts of Domestic Violence is an effort to restore victims of domestic violence to be an inseparable part of the legal process. In this case, it is a shared responsibility between the government and service providers, including medical, psychological, legal and safe house services.

The Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence provides a guarantee that every citizen has the right to feel safe and free from all forms of sexual violence with the philosophy of Pancasila and the Constitution of the State Republic of Indonesia 1945. All forms of violence, especially violence especially domestic violence, are violations of human rights and crimes against human dignity as well as forms of discrimination that must be abolished. Victims of Domestic Violence, most of whom are women, must receive protection from the state and society in order to avoid and be free from violence.

¹⁹ Pemerintah Indonesia. 2004. "*Undang Undang Nomor 23 Tahun 2004 Tentang Kekerasan Dalam Rumah Tangga*". <https://www.dpr.go.id/>.

²⁰ Rika Saraswati, 2013, *Perempuan.....*, h. 71.

With facts, data, and regulations in existing and enacted laws, the government and anti-violence institutions should be able to move more flexibly to assist and protect women victims of violence. The government and state apparatus should start trusting victims who have the courage to report themselves, not questioning them as if they can't be trusted. More efforts should be made to educate the public about violence, protection of victims, and a culture of equality so that all levels of society can take part in reducing the level of violence against women.

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