

## Police Policy on Violence of Hardware in Household (Case Study Of Legal Polres Asahan)

Muhammad Amdi Karna

### ABSTRACT

Police Policy is the executor of authority, duties and functions as state officials who protect, protect and uphold justice and maintain the security stability of the state and nation. Domestic Violence is any act that leaves physical, psychological and neglectful injuries that cause torture, misery and deprivation of one's independence within the scope of the family. From here it can be drawn as the formulation of the problem as follows; First How is the Mechanism for Handling Crime of Domestic Violence by Polri (Case Study of Asahan District Police Region)? Second How is the Legal Arrangement in Handling Domestic Violence (Case Study of Asahan District Police Territorial)? Third What is the National Police obstacle in Handling Domestic Violence (Case Study of Asahan District Police Region)? This type of research employs Juridical Empirical / Empirical legal research that is the application of Police Policy to Handling Domestic Violence Case Study of Asahan District Police Territory. By conducting an interview with the Asahan Chief of Police AKBP Yami Mandagi, S.I.K and the Kanit PPA Ipda Nanin Aprilia Fitriani, S.Tr. K at the Asahan Police Station on March 15, 2018 to seek answers to the problems that have been formulated and to explore and deeply understand the perceptions of the facts in tackling the impact of domestic violence (Case Study of the District Police Region Asahan)". Data collection techniques used are secondary data, which consists of primary, secondary and tertiary legal materials. Domestic Violence is closely linked to the Polri policy as a state official in the context of carrying out the duty of authority to receive reports and complaints to settle and prevent any criminal acts both within the domestic and public spheres (art 13-14 of Law Number. 2 of 2002 About the Police Force of the Republic of Indonesia). The birth of Law Number 23 Year 2004 on the Elimination of Domestic Violence opened a new paradigm for the special community of women to be able to change maenset to the culture imprinted that all forms of domestic violence is a public issue that must be reported and in tell the authorities to the goal of formation the law itself is achieved. The conclusion is the existence of the police as state officials to tackle cases of domestic violence remained in the provisions of Article 13 through Article 19 of Law Number 2 Year 2002 on the Police of the Republic of Indonesia. It is recommended that the Asahan Police to socialize the Household Domestic Violence.

### 1. PLEMINARY

Domestic Violence is any act against a person, especially a woman, resulting in physical, sexual, psychological, and / or abandonment of the physical, sexual, psychological and / or neglect, including the threat of unlawful acts, coercion, or deprivation of liberty within the household.<sup>1</sup>

Subjects of domestic violence are perpetrators and victims. The perpetrator is a person who has married to violence against his wife / husband and child. The victim is a person who experienced violence with the threat of violence. The focus in this study is the writer of more women / wives who become victims of domestic violence, although it is not possible for men / husbands to be victims. Furthermore, the form of domestic violence is physical,

psychological, sexual, and neglect of the household.

The data show cases of Domestic Violence there were 259,150 cases of violence against women Violence against wife (KTI) was ranked first 5,784 cases (56%), followed by violence in courtship 2,171 cases (21%), violence against girls 1,799 cases (17%) and the rest of the violence of ex-husbands, violent ex-girlfriends, and violence against domestic workers. With the highest percentage is physical violence 42% (4,281 cases), followed by sexual violence 34% (3,495 cases), psychological violence 14% (1,451 cases) and 10% economic violence (978 cases).<sup>2</sup>

In this case the Police is authorized and tasked to overcome Domestic Violence as set forth in article 13-14 of Law Number 2 Year 2002 on the Police of the Republic of Indonesia. The mechanism of the police in dealing with

<sup>1</sup> Article 1 of Law Number 23 Year 2004 on the Elimination of Domestic Violence

<sup>2</sup> Women Committee Year 2017, <https://www.womencommittee.go.id/>, Retrieved on 10/2/2018, at 3:11 pm.

domestic violence cases is the Police Investigator Action after Receiving a Report or Complaint on Domestic Violence Acts and Investigation of Domestic Violence Acts can be Conducted without the Complaint of Victims.

Domestic Violence is a phenomenon of iceberg, meaning that cases can not represent actual cases because there are still many cases of violence that are not reported by victims, because the nature of Indonesian women are still closed, the culture of shame is still very strong, and taboo assumption if reported husband to the authorities plus the lack of public trust by the Police.

In Asahan's own jurisdiction within 2013 until 2017, there are 68 (sixty eight) cases entered at Asahan Police Station, of 68 successful cases resolved 63 (sixty-three) cases that can be delegated to the prosecutor's office mean 12.6% (twelve point six percentages) completed.<sup>3</sup>

From the results of the data can be said Asahan Police in case of Domestic Violence is quite high. In addition, causative factors are the highest contribution to the incidence of domestic violence cases in Asahan District Police, including 98% of economic factors, 38% in low education, 65% of religious knowledge and 40% deviations from husbands such as drunkenness, gambling and drugs. The percentage study shows that the causes of domestic violence in economic terms are very high although today economic factors can not be categorized as the main cause but the couple that work with high education is often the case of domestic violence because the form of domestic violence is not on physical violence but with shouting, rude and embarrassing are already domestic violence.

Furthermore, domestic violence causes various impacts on women such as frequent crying, emotional, self-closing and difficult to communicate well. The impact on children is often shouting, imitating the violence he saw at home to the couple he was an adult, uncontrolled emotions. In this case the police tried to do the countermeasures by giving protection against victims of violence and in this case the polres asahan strongly supports to minimize cases of domestic violence in the jurisdiction of the local police in a way not to delegate the case to the prosecutor's office or to hear it.

From these efforts the police also have obstacles that never seem to be resolved because the culture of the community is still imprinted on the belief that the husband is the god of salvation for the wife despite the fact that the opposite happened and the woman remained in the position of silence.

From the above explanation and increasing cases of Domestic Violence in Asahan District Police Region, the authors are interested to conduct research in the form of a thesis with the title, "**POLICE POLICY ON VIOLENCE VIOLATION IN HOUSEHOLD CASE STUDY OF LEGAL POLRES ASAHAN**".

## 2. PROBLEM STATEMENT

Based on the above explanation it can be drawn as the formulation of the problem in this study, as follows:

- How is the Mechanism for Handling Crime of Domestic Violence committed by Polri (Case Study of Asahan District Police Region)?
- How is the Legal Arrangement in Handling Domestic Violence (Case Study of Asahan District Police Region)?
- What is the National Police obstacles in Handling Domestic Violence (Case Study of Asahan District Police Region)?

## 3. RESEARCH METHODS

The research method is Juridical Empirical / Empirical legal research that is the application of Police Policy Against Domestic Violence Handling Case Study of Asahan District Police Region. By conducting interviews with Kapolres Asahan AKBP Yami Mandagi, S.I.K and Kanit PPA Ipda Nanin Aprilia Fitriani, S. Tr. K. to seek answers to the problems that have been formulated and to explore and deeply understand the perceptions of the facts in overcoming the impact of domestic violence (Case Study of Asahan District Police Law) ".

The technique of writing this thesis is to use primary data and secondary data. Primary data is through in-depth interview by using interview guide (interview guide) to informant, while secondary data that is by using study of documentation. Documentation study is by studying laws, regulations, theory, books, research results, scientific journals, bulletins and other documentation related to this research.

## 4. RESULT AND DISCUSSION

### 4.1 Mechanism of sHandling Crime of Domestic Violence by Polri (Case Study of Asahan District Police Region)

The authority and duties of the police set forth in article 13 up to Article 19 of Law Number 2 Year 2004 on the Police of the

<sup>3</sup>The source of Asahan Police Station was established on March 15, 2017.

Republic of Indonesia, when it is concluded that the authority and duty of the police is to maintain security, to protect, to provide services to the community, to investigate, investigate, to maintain the unity of the unity and national unity to represent the government of the Republic of Indonesia in International police organizations.

Related cases of domestic violence in the handling mechanism are contained in Article 15 paragraph 1 letter a, b and c first; the police action in this case the police investigator after receiving reports or complaints about Domestic Violence. Second; conduct an investigation of Domestic Violence.

a. Police in conducting investigations after receiving reports or complaints against Domestic Violence at Asahan Police

The police immediately undertake temporary protection for victims of domestic violence. Temporary protection is protection which is directly provided by the Police or social institution or other party before the issuance of the order of protection from the court after receiving the report or complaint.

Temporary protection is provided in article 16 of Number 23 Year 2004 which is explained within 1 x 24 (one time twenty four hours) from the date of knowing or receiving reports of domestic violence, the police shall immediately provide temporary protection to the victim. Temporary protection shall be issued no later than 7 (seven) days after the victim has been received or handled. Furthermore, the Police must ask for a letter stipulating a protection order from the court. For a temporary protection status to be "raised" to protection.

Furthermore, the police must immediately conduct an investigation after knowing or receiving reports about the occurrence of violence in the household. If the results of the investigation indicate that the existence of violence that occurred then can be continued into an investigation. From the results of the investigation the investigator can make a forced effort of arrest and detention to the suspect acts of violence in the household.

Furthermore, with the help of PPA Units at the Asahan Police Station (Unit of Women and Child Examination) functioned for the handling of crimes against women and children. The unit used to handle cases of rape, sexual harassment, family violence and moral crimes.

Background in the form of PPA Units are victims (women and children) who experience violence not willing to provide information related to the violence they suffer because the examination is done in public places that can be tersublik, while cases experienced by women victims and children must be kept confidential .

Members of the Police stationed at the PPA Units come from female police with provisions and special training on family issues. With the placement of female police officers in this special unit it is expected that communication constraints to the victims can be solved well. In this case women polisis in carrying out their duties assisted by officers who come from the hospital, self-reliant community who have special concerns against victims of violence against women and victims of victims of violence in the household. Hospital personnel are in need if the victims of women and children experience sexual physical violence that requires special care.

b. Police in conducting an investigation into domestic violence can be done without victims complaints

Without a complaint related to cases of domestic violence, the essential element of the complaint is a statement of a criminal offense committed by a person, and accompanied by a request for an investigation for a criminal prosecution to the court.<sup>4</sup>

According to Adami Chazawi Complaint can be defined as a declaration (oral or written or written) from a rightful person (complainant) submitted to the investigating officer or the investigating officer (Police of the Republic of Indonesia) about the commission of an offense (in casu crime complaint) by a person accompanied by a request for examination to be subsequently prosecuted.<sup>5</sup>

When returning to the context of the duty of the police as investigators of cases of domestic violence receive a complaint or report and help and prevent and cope with the growth of social ailments with the above explanation clearly visible Police can not conduct further investigation according to SOP (Standasi Oprasi Pelaksana) to the case only can perform ordinary identification and investigation.

#### 4.2 Legal Regulation in Tackling Domestic Violence Case Study of Asahan District Police Territory

Legal arrangements in tackling domestic violence are inseparable from the objective of the establishment of Law Number 23/2004 on the Elimination of Domestic Violence to protect people from all forms of domestic violence, whether physical, psychological, or neglectful.

The most important role in tackling domestic violence cases is the victims of violence itself, in

<sup>4</sup> Adami Chazawi, 2002, *Criminal Law Lesson Part 2*, Jakarta: Raja Grafindo Persada p. 201

<sup>5</sup>*Ibid.*,

fact victims of domestic violence are reluctant to open up by reporting directly to the police. The victim should be proactive, tell her about the violence experienced by the woman either to the police officers or to others to immediately reveal the case, consult the consultation body or to the doctor to check the violence if the action becomes a legal case useful for as evidence .

#### 4.3 Police Obstacles in Countering Domestic Violence Case Study of Asahan District Police Territory

Police obstacles in the prevention of domestic violence in the jurisdiction of Asahan Police are as follows:

##### Obstacles of the Law

First; Law Number 23 Year 2004 on the Elimination of Domestic Violence, article 10 of Law Number 23 Year 2004 reads, the victims are entitled to special protection, health services, safeguarded secrecy, assistance of social workers and entitled to spiritual services.<sup>6</sup>The clause of the passage confirms the victim's rights, thus the legal facts stated in the author's opinion on the protection of the victim as an effort to give the rights of the victim does not represent a sense of justice because of the violence that women experience.

*Second;* the absence of the application of the article to the National Police as an institution authorized to handle without any offense of complaint, it refers to a phrase, "Domestic violence is an unlawful occurrence in the private sphere is not permitted without the consent of the parties in conflict". This becomes an obstacle for the police as the party who menagani Criminal Act.

*Third;* Obstacles in the Criminal Procedure Code, rights protected by Criminal Procedure Code are the rights of perpetrators of the Criminal Act, while the rights of victims are not regulated at all.

##### Culture Law and Society

Legal culture can be classified into the barriers of victims and perpetrators.

Victim obstacles include; The victim does not realize or knows the form of violence that he experienced is a form of domestic violence and get legal protection. Therefore, the victim did not report to the Police the acts of violence experienced, after the victim reported, the victim was uncooperative or difficult to contact, the revocation of the victim's report, the identity of the victim's address was false. the victim is afraid

of the husband's threat, the victim's delay to report so that the physical evidence is lost.

Obstacles barriers include; the perpetrator flees, the perpetrator does not acknowledge his actions, the offender feels to have a strong person (*bekingan*) / large man and slow the prose of investigation for various reasons

Community barriers; Lack of awareness from families / communities who consider the act to be a family internal family matter that is considered a family disgrace so difficult to provide information to the authorities (police) or the community. And undeniable turunya trust public / public against the police.

## 5. CONCLUSION

Police mechanism against cases of Domestic Violence at Asahan Police Station by conducting an investigation after the report / complaint of the victim and the police conducted an investigation without any report / complaint of the victims (Article 15 paragraph 1 of Law No. 2 of 2002 on the Police of the Republic of Indonesia. Legal arrangements to tackle Domestic Violence at Asahan Police have not reached the objective of Law Number 23 Year 2004 on the Elimination of Domestic Violence due to the imprinted legal culture. Polri obstacles in tackling cases of Domestic Violence occur on victims, perpetrators and the community itself.

## 6. SUGGESTION

Asahan Police should further optimize the socialization related to the Law on the Elimination of Domestic Violence Number 23 Year 2004 both from the aspect of the police and the community. Police investigators in providing remedies continue to put forward the principle of justice for victims of domestic violence. To the community or couples who will conduct marriage should equip premarital knowledge and post marriage in order to minimize violence in the household just because simple things.

## REFERENCES

- Chazawi Adami, *Criminal Law Lesson Part 2*, Raja Grafindo Persada, Jakarta, 2002.  
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The source of Asahan Police Station was established on March 15, 2017

<sup>6</sup> Law Number 23 Year 2004 on the Elimination of Domestic Violence, Article 10

