

# Implementation of Law Number 23 of 2004 in Handling Domestic Violence Cases by the Deli Serdang City Police Resort

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**Abstract.** *This study aims to analyze the application of Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT) by the Deli Serdang City Resort Police (Polresta) in handling cases of domestic violence (KDRT). The method used is an empirical juridical approach with data collection through interviews, documentation studies, and direct observation. The results of the study show that the Deli Serdang Police have implemented procedural steps such as receiving reports, visum et repertum, and investigations. However, the implementation of the law has not been fully effective because informal mediation practices are still found that have the potential to reduce the deterrent effect for perpetrators and weaken legal protection for victims. Case data over the past five years (2020–2024) shows that physical violence is the most dominant form of domestic violence, while psychological and sexual violence is still rarely reported, indicating underreporting. The main obstacles in law enforcement include fear and dependence on victims, lack of witnesses, and family intervention. Judging from Lawrence M. Friedman's law enforcement theory, the weak structure and culture of law are obstacles in the implementation of the substance of the law. Meanwhile, from the perspective of legal protection theory, the authorities have not fully provided security and justice guarantees for victims. This study recommends the need to strengthen the victim protection system and the consistency of law enforcement without compromise to ensure legal certainty and justice.*

**Keywords:** Domestic Violence, Law No. 23 of 2004, Police, Legal Protection, Law Enforcement

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## INTRODUCTION

The Unitary State of the Republic of Indonesia is constitutionally a state of law as stated in the 1945 Constitution. Consequently, every citizen is obliged to uphold the law and have an equal position before the law (Khakim, 2017). In practice, the implementation of the law in the community does not always run as it should. The rise of criminal acts, especially those that occur in the private sphere such as households, is a serious challenge in law enforcement (Heydari, 2022; Babikov et al., 2024).

One form of criminal act that is increasingly receiving public attention is domestic violence (KDRT). This violence is not only physically offensive, but can also include psychological, sexual, and neglectful violence (Darwis et al., 2023; Fabini, 2025; Peng et al., 2025; Kopystynska et al., 2022). To overcome this problem, the Indonesian government has passed Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT) (Firdaus, 2014; Martitah et al., 2024; Muryatini et al., 2023; Hutabarat et al., 2022), which provides definitions, sanctions, and protection for victims.

Law No. 23 of 2004 emphasizes that domestic violence is an act that results in physical, psychological, sexual, and neglect suffering within the scope of the household, and therefore needs to be given criminal sanctions. In the context of patriarchal families in Indonesia, the most victims of domestic violence are women and children (Maulida, 2024; Hamdy & Hudri, 2022; Rismayadi et al., 2025). They are often the most vulnerable and helpless in the face of violence committed by those closest to them.

The impact of domestic violence is not only physical but also psychological. Victims experience trauma, fear, mental distress, and even in extreme cases can experience disability or loss of life (Lutwak, 2024; Walker-Descartes et al., 2021; Cirici Amell et al., 2023; Usher et al., 2021). Unfortunately, public understanding of domestic violence is still low. Many still consider domestic violence as a domestic affair that should be resolved in a family way, not a law.

This misunderstanding is the main obstacle in the legal handling of domestic violence perpetrators. As a result, many cases go unreported or stopped halfway through for "peaceful" reasons of familial "peace" (PRATAMA, 2024). Law enforcement officials, especially the police, have an important role in the implementation of Law No. 23 of 2004. They are at the forefront of receiving reports, conducting investigations, and ensuring that legal proceedings are running.

In the jurisdiction of the Deli Serdang Police, domestic violence cases still show a significant number. Data shows that throughout 2020–2024, there were 294 cases of domestic violence, with physical violence as the most dominant form. In 2020 there were 53 cases, increasing to 70 cases in 2023, and although it dropped to 69 in 2024, the number still shows concern about the need for more effective handling. In some cases, such as the violence experienced by celebrity Lesti Kejora by her husband Rizky Billar, the public began to be open in discussing domestic violence.

However, not all victims have the same courage and access. The low reporting of domestic violence cases at the Deli Serdang Police is also allegedly caused by patriarchal culture, shame, and economic dependence of victims on perpetrators, so that legal handling does not continue. In addition, obstacles to law enforcement also come from the lack of witnesses, family intervention, and social reactions that do not support the victim. Law enforcement officials also face a dilemma between law enforcement and local social norms. The implementation of Law No. 23 of 2004 by the Deli Serdang Police in many cases still provides room for peace before the legal process runs. This can reduce the deterrent effect on violent perpetrators.

In fact, the law emphasizes the importance of punishing perpetrators as a preventive and repressive effort to prevent the recurrence of violence and provide comprehensive protection for victims. Therefore, it is important to evaluate how Law No. 23 of 2004 is implemented in real terms by police institutions in the Deli Serdang Police area, including the settlement patterns and obstacles faced. The evaluation is not only important for improving police performance, but also as a material for reflection in formulating legal and social policies in the future. Departing from this, this study will examine in depth the application of Law Number 23 of 2004 in the handling of domestic violence cases by the Deli Serdang City Resort Police, focusing on the legal substance, implementation, and obstacles.

## **METHODS**

Research methods are an important part of a scientific work, because they determine how data is collected, analyzed, and interpreted to answer the formulation of the problem that has been determined. This study aims to find out how the regulation, implementation, and obstacles in the implementation of Law Number 23 of 2004 concerning the Elimination of Domestic Violence by the Deli Serdang City Resort Police. Therefore, the approach used in this study is adjusted to the nature of the problem and the goals to be achieved.

### **Types of Research**

The type of research used in this study is empirical legal research or often referred to as sociological juridical (Jonaedi Efendi et al., 2018). Empirical legal research is legal research that sees law as the real behavior of society and legal institutions in daily life. With this approach, the law is not only understood as a written norm, but also includes its implementation in the field by law enforcement officials, in this case the Deli Serdang Police.

### **Research Approach**

This research uses an empirical juridical approach, which is an approach that is the starting point for the application of legal principles in practice (Suyanto, 2023). Emphasis is placed on observation of the implementation of Law Number 23 of 2004 in handling domestic violence cases, as well as analyzing various obstacles faced by police officers in the law enforcement process.

### **Data Sources**

The data used in this study consisted of two types: a) Primary data, namely data obtained directly through interviews with related parties, such as investigators from the Women and Children Protection Unit (PPA) of the Deli Serdang Police, victims of domestic violence (if possible), as well as companions or NGOs that handle domestic violence issues; b) Secondary data, namely data obtained from official documents, laws and regulations, police reports, legal literature, scientific journal articles, and relevant previous research results.

### **Research Location**

The location of this research was carried out at the Deli Serdang City Resort Police, which is the main focus due to the high number of domestic violence reports in this area as recorded in the case data of the last five years. The determination of this location also considers the accessibility of the resource persons and the availability of data.

### **Data Collection Techniques**

The data collection techniques used in this study include (Jogiyanto Hartono, 2018): 1) In-depth interview: Conducted with police officers, especially those handling domestic violence cases, to gather information about the investigation process, obstacles in the field, and law enforcement procedures; 2) Documentation study: in the form of a review of police report files, statistics on domestic violence cases, as well as legal documents such as Law Number 23 of 2004 and other implementing regulations; 3) Field observation: was carried out on a limited basis to obtain an overview of case handling practices in the Deli Serdang Police service unit.

### **Data Analysis Techniques**

The collected data is analyzed qualitatively. Qualitative analysis is carried out by reducing data, grouping information based on the focus of the problem (Miles & Huberman, 1992), interpret the results of interviews and documents, and then draw logical and systematic conclusions. The researcher also triangulated the data to improve the validity of the results, namely by comparing data from various sources (police, victims, and official documents).

## **RESULTS AND DISCUSSION**

### **Legal Arrangements on the Elimination of Domestic Violence**

Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT) is a form of state protection of human rights, especially for victims of violence that occurs in the domestic sphere. This law describes in detail the forms of violence that fall into the category of domestic violence, namely physical, psychological, sexual, and domestic neglect. This law also regulates normatively the criminal sanctions that can be imposed on the perpetrators, as well as the procedures for handling victims and legal protection. In its application, the articles in the PKDRT Law are the legal basis for law enforcement officials, especially the police, to receive reports, conduct investigations, and continue legal proceedings against the perpetrators. In

addition, in law enforcement practice, this provision is often also associated with the Criminal Code (KUHP) in the event of additional criminal acts such as severe persecution or murder.

The implementation of Law Number 23 of 2004 by the Deli Serdang Police shows that the police have carried out their duties as part of law enforcement officials in handling domestic violence cases. Procedures such as receiving reports, preliminary examinations, visum, and investigations are carried out in accordance with the applicable legal stages. However, this handling has not been fully able to provide a deterrent effect on the perpetrator and maximum protection to the victim. When viewed from Lawrence Meir Friedman's law enforcement theory, the success of a legal system depends on three elements: the substance of the law, the structure of the law, and the culture of the law (Suyatno, 2023) (Al Kautsar & Muhammad, 2022). The legal substance in this context has been made available through Law No. 23 of 2004. However, in the structural element, namely law enforcement officials, informal mediation practices are still found that obscure legal clarity (Shawn, 2020). Meanwhile, the legal culture of the community still views domestic violence as a private problem that does not deserve to be solved legally.

Thus, the structure and culture of the law have not fully supported the optimal implementation of the legal substance. The law is supposed to be enforced without compromising on forms of violence, but in practice, many cases are resolved familiarly, which has the potential to perpetuate violence.

### **Implementation of Law No. 23 of 2004 by the Deli Serdang Police in Handling Domestic Violence Cases**

Based on data and interviews with officials at the Women and Children Protection Unit (PPA) of the Deli Serdang Police, it can be seen that the implementation of Law No. 23 of 2004 has been carried out through several steps:

#### ***Receipt of Reports of Domestic Violence Victims***

The PPA unit receives reports of domestic violence victims, either directly or through the service hotline. In some cases, victims report being accompanied by family or legal aid institutions.

#### ***Early Actions and Visum Et Repertum***

After the report is received, the police immediately conduct a visum if there is physical violence. For psychological and sexual violence, psychological examinations and social assistance are carried out.

#### ***Examination and Investigation***

After there is enough evidence and witnesses, the investigator will proceed to the investigation stage and make a case progress report (LKP).

#### ***Mediation in the Early Stages***

In practice, mediation is still often carried out in the early stages, although it is not explicitly regulated in the law. This is done if both parties want and mainly due to cultural or economic factors.

#### ***Submission to the Prosecutor's Office and the Judicial Process***

If there is no peace, the case is forwarded to the prosecutor's office to be prosecuted in court in accordance with the articles violated.

Research shows that the biggest obstacles in the implementation of the PKDRT Law are the unequal power relations in the household and the psychological factors of the victim. In many cases, victims do not proceed with the legal process because they are afraid, embarrassed, or feel that they do not have bargaining power against the perpetrator. Within the framework of legal protection theory, as stated by Satjipto Rahardjo, the law should be present to provide a sense of security to the community, especially weak or vulnerable parties such as victims of domestic violence (ARISCA, 2025).

Legal protection in this case is not only realized through action against the perpetrator, but also through guarantees of the safety and dignity of the victim (Asafari & Hakim, 2023). But the reality on the ground shows that protection systems, such as safe houses and psychological companions, are not working optimally. This results in the victim not having a sense of security even after reporting. Another obstacle in the form of a lack of witnesses and evidence also reinforces that law enforcement has not touched the root of the problem. As stated by Tedi, legal protection should include preventive and repressive efforts, which in this case is still far from ideal (Tedi Sudrajat & Endra Wijaya, 2021). The police are not enough to just respond, but also need to build a support system for victims.

**Data on Domestic Violence Cases Handled by the Deli Serdang Police (2020–2024)**

The following is data on the development of the number of domestic violence cases handled by the Deli Serdang Police over the past five years.

Table 1. Number of Domestic Violence Cases Handled by the Deli Serdang Police over the Last Five Years

Year	Number of Domestic Violence Cases	Physical Violence	Psychic Violence	Sexual Violence	Neglect
2020	53	43	-	-	10
2021	51	43	-	-	8
2022	51	41	2	-	8
2023	70	57	-	-	13
2024	69	62	-	-	7
Sum	294	246	2	-	46

Source: Data processed from the report of the PPA Unit of the Deli Serdang Police

One of the interesting aspects of this study is the use of mediation channels in the initial handling of domestic violence cases. Mediation is not explicitly regulated in the PKDRT Law, but is still practiced under the pretext of maintaining the integrity of the household or at the insistence of the family. In the context of criminal law, mediation in domestic violence cases can be counter-productive because it ignores the aspect of justice for the victim and removes the deterrent effect for the perpetrator. In the perspective of legal certainty theory, as stated by Roscoe Pound, law must provide "predictability" or certainty for citizens in knowing their rights and obligations (Ariza, 2022). Mediation practices that are inconsistent with positive legal provisions actually create legal uncertainty, both for victims and perpetrators. The law has become so overly flexible that substantive justice is difficult to achieve.

Thus, the handling of domestic violence cases that are inconsistent with the PKDRT Law shows the weak legal certainty. Law enforcement, which should be firm and provide a deterrent effect, is actually distorted by compromise and social pressure.

**Obstacles in the Implementation of Law No. 23 of 2004 by the Deli Serdang Police**

In the implementation of this law, there are several obstacles faced by the police, including:

**Victim Factors**

Many victims are reluctant to continue legal proceedings for reasons of shame, fear of threats from perpetrators, or economic dependence. Most victims eventually chose to retract the report and reconcile.

**Lack of Evidence and Witnesses**

Domestic violence generally occurs in private spaces, so witnesses are difficult to find. Physical evidence is also often lost when the report is made.

**Family Intervention and Patriarchal Culture**

Extended families often encourage family settlements and refuse to bring problems to the legal realm because they are considered disgraceful.

### ***Limitations of Victim Protection Facilities***

Not all cases are accompanied by professional companions or receive referrals to safe houses (shelters), which causes victims to feel unprotected as a whole.

### ***Mediation as an Obstacle to Law Enforcement***

The practice of mediation in the early stages is often a shortcut that is not in line with the purpose of the law, which is to provide a deterrent effect and maximum legal protection.

Data from the last five years in the jurisdiction of the Deli Serdang Police shows that physical violence is the most widely reported form of domestic violence. This can be explained because this form of violence is easier to identify and prove through visum. Meanwhile, psychological and sexual violence is still very low in reporting, which indicates an underreporting factor because victims are afraid, ashamed, or don't know how to prove it. The high rate of physical violence, which reached 209 out of 294 cases in five years, shows that the handling and prevention system is still weak. In this case, the role of the police as a legal structure, according to Friedman's theory, is vital. However, its effectiveness will be low if it is not supported by a progressive legal culture and public awareness of the importance of reporting and taking action against domestic violence (Romiko, 2024; Lin et al., 2021; Kanougiya et al., 2022; Bazaanah & Ngcobo, 2024).

## **CONCLUSION**

Based on the results of the research and analysis that has been carried out, it can be concluded that the implementation of Law Number 23 of 2004 concerning the Elimination of Domestic Violence by the Deli Serdang City Resort Police has run in the legal corridor, but it has not been optimal in providing maximum protection to victims and in upholding justice as a whole. The police as law enforcement officers have carried out basic procedures as mandated by law, such as receiving reports, conducting visum, investigations, and forwarding cases to the prosecutor's office. However, in practice, there are still irregularities in the form of the use of informal mediation channels that are not actually regulated in the law, and have the potential to weaken the deterrent effect on domestic violence perpetrators. Case data for the past five years show that the most commonly reported forms of violence are physical violence, while psychological, sexual and domestic neglect are still very minimal. This reflects the low level of reporting of invisible forms of violence, and shows the psychological and social barriers experienced by victims. This is reinforced by findings on the ground that most victims feel afraid, ashamed, or economically dependent on the perpetrator, so they do not continue with the legal process. From the perspective of legal theory, as stated by Lawrence Meir Friedman, the success of law enforcement is largely determined by three elements: substance, structure, and legal culture. In this context, although the substance of the law has been made available through Law No. 23 of 2004, the weakness is still visible in the structural side, namely the law enforcement apparatus that has not been completely consistent and firm in cracking down on perpetrators of violence. On the other hand, the legal culture of the community also still views domestic violence as a private matter, so it is reluctant to bring this case to the public or legal realm. The theory of legal protection as formulated by Satjipto Rahardjo also emphasizes that the law should be present to provide a sense of security, especially to the weak and vulnerable. In reality, the victim protection system in the jurisdiction of the Deli Serdang Police has not run optimally. The absence of adequate psychological companions, safe houses, and integrated protection mechanisms cause victims to feel not safe and protected enough.

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