

Law Enforcement Against Domestic Violence in the Gorontalo Police Area

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Abstract

Domestic violence (KDRT) is a human rights violation that has a serious impact on victims, especially women and children. Although it has been regulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence, the implementation of law enforcement in various regions still faces various challenges. This study aims to analyze the form of law enforcement for domestic violence cases in the jurisdiction of the Gorontalo Police, as well as identify the inhibiting and supporting factors in the law enforcement process. The research method used is empirical juridical, with a qualitative approach involving interviews with law enforcement officials, victims, and accompanying institutions. The results of the study show that although the Gorontalo Police have tried to handle domestic violence cases seriously, there are still obstacles such as lack of reports from victims, patriarchal culture, limited resources, and lack of public understanding of victims' rights. This study recommends increasing the capacity of law enforcement officials, cross-sectoral cooperation, and legal education to the public to realize more effective protection for victims of domestic violence.

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1. INTRODUCTION

Domestic violence (KDRT) is a serious legal and social problem, not only impacting the individual victim, but also on the stability and harmony of the family and society at large. Domestic violence can be in the form of physical, psychological, sexual, or economic neglect carried out within the scope of domestic relations. Indonesia has recognized the importance of protecting victims of domestic violence through the enactment of Law No. 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law), which is the legal basis for prevention, prosecution, and victim protection.

Domestic violence usually starts from a dispute between a husband and wife. If the dispute is not resolved, it can lead to physical, psychological, sexual, or even economic violence. The treatment given by men in the household is often different from that of women, which causes an imbalance in domestic relationships, both directly and indirectly.

Domestic violence not only has a physical impact, but can also cause deep psychological wounds and have a long-term impact on family stability and child growth and development in an environment that should be a safe and supportive place.

The Government of Indonesia has responded to this problem through the enactment of Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT

Law), which normatively aims to prevent, protect, and crack down on all forms of domestic violence, as well as provide adequate legal protection for victims.

However, the reality of law implementation in various regions, including in the jurisdiction of the Gorontalo Regional Police (Polda), shows that law enforcement against domestic violence still faces challenges that are not simple, both from structural, cultural, and instrumental aspects. Structurally, there are limitations in the resources of law enforcement officials, the lack of professional women and child service units, and weak coordination between relevant agencies in handling domestic violence cases comprehensively.

From a cultural perspective, the people of Gorontalo, like people in many other regions in Indonesia, still view domestic affairs as a private realm that should not be interfered with by outside parties, including law enforcement officials, so victims often choose not to report because of social pressure, shame, or economic dependence on the perpetrator.

Furthermore, in practice, the process of handling domestic violence cases at the police level is also often colored by informal mediation that is not in accordance with the principles of victim protection, where the victim is instead encouraged to reconcile with the perpetrator in order to maintain domestic harmony, without considering the aspects of justice and recovery of the trauma experienced.

In fact, a gender-neutral and victim-friendly approach to law enforcement is very important so that the PKDRT Law is not only a normative instrument, but also a real tool for social transformation in realizing substantive justice for women and children.

Based on this background, this study aims to examine in depth how law enforcement against domestic violence is carried out by police officers in the jurisdiction of the Gorontalo Police, including the forms of legal intervention carried out, the obstacles faced, and efforts that have been or can be made to increase the effectiveness of legal protection for victims of domestic violence in the area.

2. RESEARCH METHODS

This type of research is empirical research, which is research with field data as the main source of data, such as interviews and observations. Empirical research is used to analyze the law which is seen as a patterned community behavior in the lives of people who are always interacting and related in social aspects. Empirical legal research is legal research on the enactment or implementation of normative legal provisions in action on every specific legal event that occurs in society.

3. RESULTS OF RESEARCH AND DISCUSSION

a. Law enforcement against perpetrators of domestic violence crimes

Law enforcement against perpetrators of domestic violence is a form of state responsibility in protecting the rights of citizens, especially women and children, from acts of violence that occur in the domestic realm which have often been considered private affairs, so that they escape the reach of the law.

Law Number 23 of 2004 concerning the Elimination of Domestic Violence has provided a firm legal basis to ensnare domestic violence perpetrators with criminal sanctions, which includes various forms of violence, such as physical, psychological, sexual, and neglect in the domestic sphere, and states that the crime of domestic violence is an ordinary offense for certain types of violence, which means that it can be processed without having to wait for a report from the victim.

However, in law enforcement practice, especially in the jurisdiction of the Gorontalo Police, the implementation of the PKDRT Law is still not running optimally, which is characterized by the still minimal number of domestic violence cases processed to the judicial stage, although empirically data shows that these cases continue to occur every year.

One factor that causes weak law enforcement against perpetrators is the tendency of law enforcement officials, especially at the police level, to prioritize mediation or family settlement approaches that are not in accordance with the principles of victim protection, where perpetrators often do not receive appropriate punishment and victims do not receive adequate justice and psychological recovery.

In addition, law enforcement against domestic violence perpetrators in Gorontalo is also hampered by cultural factors that are still very patriarchal, where men are positioned as the head of the family who has dominance over women, so that acts of violence committed by husbands are often considered as part of domestic discipline, not as criminal acts that violate the law. As a result, victims who actually have the right to be protected often choose not to report or retract reports due to social pressure, economic dependence, and fear of the reaction of the perpetrator and the surrounding environment.

Furthermore, from an institutional perspective, the constraints of law enforcement can also be seen from the lack of maximum function of the women and children protection unit (PPA) in the police environment, both in terms of the number of personnel, the quality of human resources, and the support of victim-friendly case handling facilities and infrastructure, so that the handling of domestic violence cases is often not carried out with the perspective of the victim and leads to the termination of investigations or diversions that are out of place. This has a low deterrent effect for perpetrators and has an impact on the high rate of repeated violence in the household.

In the context of an ideal law enforcement, law enforcement officials should not only act as formal law enforcers, but also as agents of social change capable of internalizing the principles of substantive justice and human rights protection into every legal process carried out. Therefore, it is necessary to strengthen the capacity of police, prosecutor's office, and judicial institutions in handling domestic violence cases seriously and from a gender perspective, including through continuous training, the provision of integrated service facilities, and close cooperation with companion institutions, psychologists, and community leaders who can help victims to obtain true justice.

b. Factors that hinder law enforcement against perpetrators of domestic violence crimes

Law enforcement against perpetrators of domestic violence (KDRT) cannot be separated from a number of inhibiting factors that significantly affect the effectiveness of the legal process, both in the reporting, investigation, prosecution, and court decision stages. In the jurisdiction of the Gorontalo Police, these various factors are present in a complex and interrelated manner between the legal, social, cultural, institutional, and psychological aspects of the victim, so that the settlement of domestic violence cases often stagnates, even ending without a complete legal process.

One of the main factors that is an obstacle is the lack of legal awareness of the community, especially among women as the most vulnerable group to become victims of domestic violence. Many victims do not understand that they have a legal right to protection and justice, so when they experience violence, they choose to remain silent

or resolve it informally, because they consider it to be part of the domestic dynamics that do not need to be brought into the legal realm. This low level of legal literacy is further exacerbated by limited access to information and legal aid services, especially for women living in rural or remote areas in Gorontalo Province.

In addition, the patriarchal culture that is still very strong in the people of Gorontalo is also a significant inhibiting factor. In a cultural value system that places men as absolute leaders in the household, violence committed by husbands against wives or children is often not considered an offense, but rather an act of education or discipline. This culture causes many victims to feel guilty, afraid, or ashamed to report acts of violence for fear of damaging the family's reputation or getting pressure from the surrounding environment.

From an institutional aspect, the limited capacity of law enforcement officials, especially in the Women and Children Protection (PPA) unit in the police environment, is an equally important obstacle. Many officers have not received adequate training in handling domestic violence cases professionally and on the side of the victim, so in practice, the approach taken tends to be formalistic and insensitive to the psychological condition of the victim⁶. In fact, there is a tendency to encourage the mediation or peace process, which can actually eliminate the victim's sense of justice and weaken the deterrent effect on the perpetrator, even though legally, mediation is not justified in cases of proven physical or psychological violence.

In addition, the limitations of facilities and infrastructure, such as victim-friendly counseling rooms, support staff, and safe house facilities (shelters), are also obstacles in the process of assisting victims to the recovery stage. Without adequate infrastructure support, victims often feel unsafe and end up withdrawing their reports due to the lack of protection guarantees from law enforcement officials.

No less important is the intervention of extended family members or community leaders who often pressure victims not to continue the legal process. In a society that upholds family values, legal proceedings are considered a disgrace that can embarrass both parties, so peaceful settlements are preferred, even though this sacrifices the victim's right to legal protection and justice.

4. CONCLUSION

Law enforcement against perpetrators of domestic violence in the Gorontalo Police area still faces various obstacles, both in terms of patriarchal culture, low public legal awareness, limited handling apparatus and facilities, and social interventions that prioritize family settlement. Although normatively it has been regulated in Law Number 23 of 2004, its implementation has not been carried out optimally, so it has not been able to provide a deterrent effect for perpetrators and comprehensive protection for victims.

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