

Violence Against Husbands in Domestic Life

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ABSTRACT

Domestic violence is a topic that has recently been discussed extensively, from ordinary people to public figures, becoming a trending topic on social media and national television. Victims of domestic violence also include husbands, with forms of violence that can be physical or psychological. However, the laws that have been formed are often understood by the general public as only providing legal protection to wives who are victims of domestic violence, leading to misunderstandings regarding husbands' rights to legal protection. This research aims to determine the regulation and protection of husbands who experience domestic violence. This research employs normative legal research methodology, using statutory and conceptual approaches. The legal materials consist of primary and secondary sources, analyzed through various legislative sources and legal expert references. The research results indicate that legal arrangements for wives who commit domestic violence against husbands according to Law Number 23 of 2004 concerning the Elimination of Domestic Violence consist of two forms: (1) prison sentences and fines, specifically regulated in Articles 44 to 49, with Article 44 specifically addressing physical violence; and (2) additional punishment, which shows that the form of punishment for perpetrators of domestic violence in positive law is regulated in separate regulations outside the Criminal Code.

Keywords: *Domestic Violence, Husband, Legal Protection, Law Number 23 of 2004*

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INTRODUCTION

The phenomenon of gender-based crime often focuses on the position of women as victims (Abdullah, Hanafi, Khalid, Wardiansyah, & Riinawati, 2022; Mulvihill, Walker, Hester, & Gangoli, 2018). This perspective stems from the idea of the inferior position of women compared to men (Altay, 2019). This violence is understood as gender-based violence or gender violence (Cook, Wilson, & Thomas, 2018; Graaff, 2021). This concept basically refers to the subordinate position of women because the relationship between the two reflects powerless and powerful; in other words, there is an imbalance of power between women and men (Pick, 2024). Women are seen as having a compassionate nature, so it is assumed impossible for them to commit crimes, but in reality, this assumption cannot be justified. Along with the times, there has been an evolution of perpetrators of crimes, where women often become perpetrators, even perpetrators of domestic violence (Christaki et al., 2023; de Lucena et al., 2016; Jahromi, Jamali, Koshkaki, & Javadpour, 2015; Ostadhashemi, Khalvati, Seyedsalehi, & Emamhadi, 2015; Vignansky & Timor, 2017).

Domestic violence has become a topic that has been hotly discussed lately, from ordinary people to artists in the capital, and even the news has become a trending topic on social media and national television (Alexander, 2020; Finley, 2016; Lloyd, 2020a, 2020b). Of the many cases of domestic violence experienced, most of the victims are wives or women (Avdibegović, Brkić, & Sinanović, 2017; de Oliveira, Viegas, Santos, da Silveira, & Elias, 2015; Nilgün & Karaman, 2016; Tsirigotis & Łuczak, 2018). But in reality, both men and women have the opportunity to become victims and perpetrators of domestic violence.

The emergence of Law Number 23 of 2004 concerning the Elimination of Domestic Violence (UUPKDRT) is expected to be used as an adequate legal tool, which among other

things regulates the prevention, protection of victims, and enforcement against domestic violence perpetrators, while maintaining integrity for the sake of family harmony. Thus, domestic violence is no longer something considered private but has become a public issue, so in its handling, it is expected to be carried out proportionately as efforts to protect victims and handle perpetrators.

The 1945 Constitution Article 28A states that everyone has the right to defend their life and livelihood, as well as Article 28G paragraph 1, which reads that everyone has the right to the protection of personal self, family, honor, dignity, and property under his or her control, and has the right to a sense of security and protection from the threat of fear to act or not to do something that is a human right.

The scope of the household contained in Article 2 paragraph 1 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT) consists of:

- a) Husband, wife, and children.
- b) People who have a family relationship with the person referred to in letter a, because of blood relations, marriage, parenting, and guardianship that reside in one household.
- c) People who work help the household and settle in the household.

As for the household coverage in Article 2 of the Law on the Elimination of Domestic Violence, namely:

- a) Husband, wife, and children (including biological children, adopted children and stepchildren).
- b) Persons who are related by blood, marriage (e.g. in-laws, daughters-in-law, brothers-in-law, and guardianship), who reside in the household, and persons who work to assist the household, for a period of time during the household.

According to data from the Ministry of PPPA, as of October 2022, there have been 18,261 cases of domestic violence throughout Indonesia, with 79.5% or 16,745 victims being women. In addition to this data, what we can highlight from the Ministry of PPPA data is that domestic violence also affects 2,948 men as victims. Therefore, men and women should not be ignored because each has a risk of becoming a victim of domestic violence.

Perpetrators and victims of domestic violence can occur in both men and women, but according to the Ministry of PPPA data, women are more vulnerable to experiencing domestic violence because of the patriarchal culture that is still very strong in Indonesia, including within the household scope.

Domestic violence is a form of crime and has been specifically regulated in the law, namely Law Number 23 of 2004 concerning the Elimination of Domestic Violence, in Chapter VIII of the law, precisely Article 44 paragraph (1), which states that every person who commits an act of physical violence within the scope of the household as referred to in Article 5 letter a is sentenced to a maximum of 5 (five) years in prison or a maximum fine of Rp. 15,000,000 (fifteen million rupiah). Domestic violence crimes that can be punished are not only in the form of physical violence; perpetrators of psychological violence are also punished, as mentioned in Article 45, where the perpetrator can be sentenced to 3 (three) to 4 (four) months in prison.

Domestic violence is generally experienced by women and children, where the perpetrators are men (husbands). Men (husbands) are perceived as the actors who commit the most domestic violence, but that does not mean that domestic violence has never been committed by women (wives) against other family members, especially against their husbands.

The community considers that violence committed by wives against their husbands in the domestic sphere is a natural occurrence as part of the dynamics of domestic life, and believes that husbands will be able to face and overcome it (Gilang Kusuma Hadi, 2015: 3).

Previous research has predominantly focused on women as victims of domestic violence. Studies such as those by Muhammad Yusuf (2019) and Hana Fairuz Mestika (2022) extensively discuss legal protection for female victims, emphasizing the role of Law No. 23 of 2004 and its implementation challenges. Research by Emy Rosna Wati (2017) highlighted post-legislation protection efforts in Sidoarjo Regency, yet still centered on female victims. Conversely, exploration of men, specifically husbands, as victims remains significantly underrepresented. Gilang Kusuma Hadi (2015) initiated the discourse by identifying the legal protection gap for husbands as victims, though the study was limited in scope. Similarly, research by Herawati (2022) and Nahdia Nazmi (2023) began to touch upon wives as perpetrators but did not comprehensively analyze the legal arrangements and protection mechanisms for male victims within the integrated framework of witness and victim protection laws (Law No. 31 of 2014) and victim recovery regulations (Government Regulation No. 4 of 2006). This research aims to fill that gap by specifically focusing on the legal framework and protection for husbands as victims, building upon and extending the preliminary findings of these earlier studies.

Victims of domestic violence also include husbands, with the forms of violence experienced by husbands being either physical or psychological. Regarding husbands who are victims of domestic violence, reference is generally made to the provisions of Article 10 of the Law on the Elimination of Domestic Violence, which states that the victim has the right to receive protection from the family, the police, the prosecutor's office, the court, advocates, social institutions, or other parties, either temporarily or based on government protection determined by the court.

However, so far, the laws that have been formed are only understood by the general public to provide legal protection to wives who are victims of domestic violence, leading to misunderstandings about husbands' rights to legal protection. In fact, the position of the husband in the household as a victim of domestic violence is the same as the position of the wife (woman) in the eyes of the law (equal before the law).

Based on this background, the researcher wants to explore the topic titled "Violence Against Husbands in the Household." The formulation of the problem in this study includes two aspects: how the law regulates wives who commit domestic violence against their husbands according to Law Number 23 of 2004 concerning the Elimination of Domestic Violence, and how legal protection is provided for husbands who are victims of domestic violence under this law. The purpose of this study is to understand the legal arrangements for wives as domestic violence perpetrators and the forms of legal protection for husbands who are victims in accordance with Law Number 23 of 2004.

This research has theoretical benefits, namely to apply theories obtained during lectures and expand knowledge and the treasury of legal science, especially in the field of criminal law. Meanwhile, the practical benefits are expected to be a consideration for law enforcers in providing legal protection to victims of domestic violence committed by wives, to apply sanctions according to applicable legal norms, and to contribute to the understanding of

practitioners and the general public regarding appropriate regulations related to legal protection for victims of domestic violence.

METHOD

This study uses a type of normative legal research because the researcher conducts the study through literature reviews by utilizing two types of legal materials, namely primary and secondary legal materials. The focus of this research lies in the analysis of applicable legal rules by examining various relevant legal sources. The approach used in this study includes a legislative approach, which examines the legal basis, rules, laws, as well as related legal documents and sources, and a conceptual approach that examines literature related to the problems studied. The sources of legal materials consist of primary legal materials, including the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 1946 concerning the Criminal Code (KUHP), and Law Number 23 of 2004 concerning the Elimination of Domestic Violence; as well as secondary legal materials in the form of literature such as books, magazines, and writings by legal scholars related to the topic of domestic violence. The technique of collecting legal materials is carried out through gathering various literature relevant to the discussion, while the processing and analysis of legal materials are conducted by compiling the data collected in accordance with the research problem, then analyzing it to draw conclusions that answer the main problem discussed.

RESULTS AND DISCUSSION

Legal Regulation of Wives Who Commit Domestic Violence to Husbands According to Law Number 23 of 2004 concerning the Elimination of Domestic Violence

The legal basis for the prohibition of domestic violence from a positive legal perspective aims to provide an overview of how positive law regulates this prohibition. In a positive legal perspective, domestic violence (hereinafter referred to as domestic violence) is classified as a special crime. It is considered a "special criminal act" because the regulation is not found in the Criminal Code (KUHP), which serves as the foundation for general criminal acts, but is regulated in a separate regulation. The legal basis for the crime of domestic violence refers to the provisions of the Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence (hereinafter abbreviated as Law No. 23 of 2004 concerning PKDRT). This law is the sole basis and foundation.

However, the enactment of Law Number 23 of 2004 concerning the Elimination of Domestic Violence is inseparable from the mandate of the 1945 Constitution, where every citizen has the right to a sense of security from violence. In the preamble (Mukaddimah) of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, it is clearly stated that every citizen has the right to a sense of security and freedom from all forms of violence in accordance with the philosophy of Pancasila and the 1945 Constitution of the Republic of Indonesia. All forms of violence, especially domestic violence, are violations of human rights and crimes against human dignity, as well as forms of discrimination that must be eliminated.

The enactment of Law Number 23 of 2004 concerning the Elimination of Domestic Violence recognizes that victims of domestic violence, most of whom are women, must receive protection from the state and/or society to avoid and be free from violence or the threat of violence, torture, or treatment that degrades the dignity and status of humanity. In reality,

domestic violence cases are common, while the legal system in Indonesia does not guarantee protection for victims of domestic violence.

Based on this consideration, a special law was formed, namely Law Number 23 of 2004 concerning the Elimination of Domestic Violence. This aligns with Amran Suadi's view that the enactment of this law stemmed from the concern of the Indonesian people over rampant domestic violence, which lacked specific regulation in the Criminal Code (KUHP), making it difficult to handle legally. On the one hand, the absence of such regulation failed to provide legal guarantees for actual victims of domestic violence in society. This condition was the initial reason for the enactment of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

The enactment of Law Number 23 of 2004 concerning the Elimination of Domestic Violence considers that victims of domestic violence must receive protection from the state and/or society to avoid and be free from violence or the threat of violence, torture, or treatment that degrades the dignity and degree of humanity. In reality, domestic violence cases are common, while the legal system in Indonesia does not guarantee protection for victims of domestic violence. Based on these considerations, a special law was established, namely Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

This aligns with Amran Suadi's view that the enactment of Law Number 23 of 2004 concerning the Elimination of Domestic Violence arose from the concern of the Indonesian people over rampant domestic violence, which lacked specific regulation in the Criminal Code (KUHP), making the issue difficult to handle legally.

On one hand, the absence of domestic violence regulation failed to provide legal guarantees for actual victims in society. This condition was the initial reason for the enactment of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

Article 1 number 2 states that the Elimination of Domestic Violence is a guarantee provided by the state to prevent domestic violence, take action against perpetrators, and protect victims. This shows clearly that positive law prohibits acts of domestic violence and seeks to abolish them, with perpetrators threatened with punishments proportionate to the violence committed. The principles used in Law Number 23 of 2004 concerning the Elimination of Domestic Violence include respect for human rights; gender justice and equality; non-discrimination; and victim protection

Interestingly, Law Number 23 of 2004 concerning the Elimination of Domestic Violence not only addresses sanctions threatening perpetrators but also regulates several rights of victims. Article 10 states that there are five rights of victims of domestic violence, namely:

1. Protection from the family, police, prosecutor's office, court, advocate, social institution, or other parties either temporarily or based on the determination of a protection order from the court
2. Health services are in accordance with medical needs.
3. The handling is specifically related to the confidentiality of the victim.
4. Assistance by social workers and legal assistance at each level of the examination process in accordance with the provisions of laws and regulations.
5. Spiritual guidance ministry

The issuance of Law Number 23 of 2004 concerning the Elimination of Domestic Violence or commonly called the Domestic Violence Law is a positive legal breakthrough.

This law is also a form of state attention and legal protection for victims by providing criminal sanctions to the perpetrators. Not only the state, but everyone who hears, sees, and knows about acts of domestic violence is obliged to make protection efforts according to the limits of their ability. This effort can be in the form of providing emergency help or assisting victims in making reports of domestic violence cases to law enforcement officials.

Referring to the Domestic Violence Law, acts of domestic violence can be categorized as Ordinary Delik and Delik Complaint. This depends on the consequences arising from the violence. Ordinary Delik applies if the act of violence causes the victim to fall ill, become seriously injured, or become mentally disturbed for at least four weeks continuously or one year non-consecutively; death of the fetus/miscarriage; malfunction of the reproductive organs; or loss of the victim's life.

Delik Complaint applies if the violence is committed by the husband against his wife or vice versa and does not cause illness or obstruction to carrying out a job or daily activity, as stipulated in Articles 51 to 53 of the Law on the Elimination of Domestic Violence (PKDRT). This delik can only be complained about by the victim or his legally appointed attorney based on regulations and laws. The Law on the Elimination of Domestic Violence expressly regulates criminal sanctions for perpetrators of domestic violence, ranging from imprisonment, fines, and additional penalties in the form of distancing the perpetrator from the victim within a certain distance and time; restriction of certain rights of the perpetrator; and requiring the perpetrator to participate in counseling programs under the supervision of certain institutions. The following are the prison penalties for perpetrators of domestic violence regulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence;

1. Criminal sanctions against perpetrators of physical violence are punishable by imprisonment for a maximum of 5 (five) years, in the event that the victim gets sick or seriously injured, it can be punished with a maximum prison sentence of 10 (ten) years, or if the act results in the death of the victim, it can be sentenced to a maximum of 15 (fifteen) years in prison. Meanwhile, if the act is committed by the husband against his wife or vice versa which does not cause illness or obstacles to carrying out work or livelihood or daily activities, then he can be sentenced to imprisonment for a maximum of 4 (four months).
2. Criminal sanctions against perpetrators of psychological violence are punishable by imprisonment for a maximum of 3 (three) years, in the event that the act is committed by the husband against his wife or vice versa that does not cause illness or obstruction to carry out work or livelihood or daily activities, then he can be sentenced to imprisonment for a maximum of 4 (four months).
3. Criminal sanctions against perpetrators of sexual violence within the scope of the household are punishable by imprisonment for a minimum of 4 (four) years and a maximum of 15 (fifteen) years.
4. Criminal sanctions against perpetrators of psychological violence and sexual violence that result in the victim getting injuries that do not give hope of recovery at all, experiencing mental or psychiatric disorders for at least 4 (four) weeks continuously or 1 (one) year non-consecutively, miscarriage or death of the fetus in the womb, or resulting in the

malfunction of the reproductive organs, can be sentenced to imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years.

5. Criminal sanctions against perpetrators of domestic neglect are imprisonment for a maximum of 3 (three) years.

In the process of proof, the presence of the victim's witness statement accompanied by a valid piece of evidence is enough to prove that the perpetrator of domestic violence is guilty. With legal protection for victims of domestic violence, it is hoped that victims will not hesitate to report the acts of violence they suffer to the police. This is important to recover the victim's physical or psychological condition so that dia dapat melanjutkan kehidupannya dengan layak.

A positive law that specifically regulates the form of punishment for perpetrators of domestic violence is Undang-Undang Republik Indonesia Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan Dalam Rumah Tangga. The punishment provisions for violent offenders in this law are mentioned in Chapter VIII of the Criminal Provisions, precisely from Article 44 to Article 50. The punishment in these provisions is generally in the form of imprisonment and a fine as the main punishment.

However, the amount of imprisonment and fines is differentiated according to the type of violence committed and the consequences experienced by the victim. Interestingly, the law also stipulates additional punishment if it is deemed necessary on the basis of the judge's consideration.

Legal Protection of Husbands Who Suffer from Domestic Violence Law Number 23 of 2004 concerning the Elimination of Domestic Violence

This discussion wants to describe the form of legal protection sought for husbands as victims of domestic violence in accordance with Law Number 23 of 2004 concerning the Elimination of Domestic Violence. Regarding legal protection for husbands as victims of violence, positive law mentions several victims' rights that are directly intersecting with legal protection. In general, the husband's rights as a victim of violence refer to the provisions of Chapter IV regarding the rights of victims in the Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence. Article 10 states that the victim has five rights:

1. Protection from the family, police, prosecutor's office, court, advocate, social institution, or other parties either temporarily or based on the determination of protection orders from the court.
2. Health services are in accordance with medical needs.
3. The handling is specifically related to the confidentiality of the victim.
4. Assistance by social workers and legal assistance at each level of the examination process in accordance with the provisions of laws and regulations.
5. Spiritual guidance services.

These five rights are in principle part of the government's realization of providing protection for victims, including for husbands who are victims of violence. The realization of this protection can be in the form of health services, legal services, or psychological services. Furthermore, the form of protection is set out in Chapter VI on Protection. According to Article 16 paragraph (1), it is stated that the form of protection is in the form of temporary protection carried out by the police immediately when receiving reports of violence from the victim.

Article 17 states that the police can also cooperate with health workers, social workers, accompanying volunteers, or spiritual advisors to accompany victims as part of a form of protection for victims.

The above provisions are part of victim protection in the form of legal services. The legal protection can be by the police arresting or detaining the perpetrator; this is explicitly mentioned in Article 35 juncto Article 36. It is stated that the police can arrest and further detain without a warrant against perpetrators who are believed to have violated protection orders. It is also stated that to provide protection to the victim, the police can arrest the perpetrator with sufficient preliminary evidence for violating the protection order. So, the arrest of the perpetrator is also part of the legal remedies regulated in positive law in order to provide legal protection to the victim.

Legal protection is not only provided by the police, but also by advocates. Article 25 states that legal services through advocates are in the form of:

1. Provide legal consultation that includes information on victims' rights and the judicial process.
2. Assisting victims at the level of investigation, prosecution, and examination in court hearings and assisting victims to fully explain the domestic violence they experienced.
3. Coordinate with fellow law enforcers, accompanying volunteers, and social workers so that the judicial process runs as it should.

The next form of protection of husbands as victims of violence is in the field of health services. In providing health services to victims, health workers must check the victim's health in accordance with their professional standards, make a written report on the results of the examination of the victim and visum et repertum. The term visum et repertum comes from the words visual and repertum. The word visual means to see, while repertum means to report.

So, it can literally be interpreted that visum et repertum is reporting the results of observations. Meanwhile, according to the term, visum et repertum means a written report from an expert doctor made on oath about what was seen and found.

The written report is at the request of the police investigator or a medical certificate that has the same legal force as evidence. This is in accordance with the provisions of Article 21 paragraph (1) of the Law on the Elimination of Domestic Violence. Visum et repertum in the provision is a written statement from an expert (forensic doctor) about things seen and found in the examination of a person's wound or the cause of a person's death. The results of the autopsy can be used as evidence in court to help uncover a case.

So, the form of health protection in the context of fulfilling the visum et repertum report is a stage of protection that is carried out when the victim suffers bodily injury or death. Therefore, it tends to be enforced in the context of protecting victims of physical violence, not psychological and economic violence.

The last form of protection is in the field of psychological services. Article 23 of the Law states that the companion does several things, including informing the victim of his right to get one or several companions, accompanying the victim at the level of investigation, prosecution, or court examination level by guiding the victim to objectively and completely explain the domestic violence he experienced, listening empathically to all the victim's stories so that the victim feels safe to be accompanied by companions, and actively providing psychological reinforcement.

Observing the information above, it can be seen that the form of legal protection for the husband as a victim of domestic violence is in the form of protection by providing legal services, health, and psychological services for the victim.

The forms of legal protection for husbands who are victims of domestic violence committed by the wife according to the Criminal Law in Indonesia are:

1. Reviewed from Law Number 23 of 2004 concerning the Elimination of Domestic Violence

Domestic violence can occur not only against women and children, but men (husbands) can also be victims of domestic violence even though it is not as dominant as experienced by women so that husbands need protection due to domestic violence they experience. The Law on the Elimination of Domestic Violence is a legal breakthrough that is very important for efforts to uphold human rights, especially in providing protection to those who have been harmed in a family or household order.

An important legal breakthrough contained in the Law on the Elimination of Domestic Violence In addition to efforts to enforce human rights, it also regulates the identification of parties who have the potential to be involved in domestic violence so that victims need to get protection.

In Article 2, it is stated that the scope of the household includes:

- a. Husband, wife, and children,
- b. Persons who have a family relationship with a person by blood, marriage, lactation, parenting, and guardianship, who reside in the household and or
- c. People who work help the household and settle in the household are therefore seen as family members.

The definition of household in this Law is very broad in scope so that it is not only to protect women/wives but also other family members, even those who are not related by blood but have lived with the family for a long time or worked in the household and husbands are no exception. Because, facts in the field show that husbands, children, or domestic helpers can also experience domestic violence.

So that if a man (husband) is mistreated by his wife, he can get protection for his rights under this Law if he reports to the authorities.

Law Number 23 of 2004 concerning the Elimination of Domestic Violence in addition to regulating the existence of criminal sanctions, also regulates the state's obligation to provide legal protection to husbands who are victims and then report. The definition of Victim according to this Law as described in Article 1 number 2 is:

"People who experience violence and/or threats of violence within the scope of the household. Victims according to this law are socially weak victims, namely those who have a weak social position that causes them to become victims of domestic violence. Husbands who are victims of domestic violence must experience very diverse suffering/losses, such as material, physical and psychological related so that the protection provided to the husband is also in various forms".

After the issuance of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, there was awareness from victims to report to the authorities if an act of domestic violence occurred. In this Law, victims are guaranteed protection in accordance with Article 1 number 4:

"Protection is all efforts aimed at providing a sense of security to the victim carried out by the family, advocates, social institutions, police, prosecutor's office, courts or other parties either temporarily or based on court determination".

Law Number 23 of 2004 concerning the Elimination of Domestic Violence in Article 10 states that:

The State guarantees the protection of the rights of victims of domestic violence where the victim is entitled to:

- a. Protection from the family, police, prosecutor's office, court, advocate, social institution, or other parties either temporarily or based on the determination of protection orders from the court;
- b. Health services in accordance with medical needs;
- c. Handling is specifically related to the confidentiality of the victim;
- d. Assistance by social workers and legal aid at each level of the examination process in accordance with the provisions of laws and regulations; and
- e. Spiritual guidance services.

The Law on the Elimination of Domestic Violence selectively distinguishes the protection function from the service function where not all institutions and institutions referred to in this Law can provide protection by taking legal action in the context of sanctioning the perpetrator. Protection by non-law enforcement institutions and institutions is more in the nature of providing consulting, mediation, mentoring and rehabilitation services so that it is not at the litigation stage (court).

But the role of each institution and institution is very important in efforts to prevent and eliminate acts of domestic violence. The Law on the Elimination of Domestic Violence divides protection for husbands who are victims of domestic violence into temporary protection and protection with the determination of courts and services.

2. Reviewed from Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Juridical Protection of Witnesses and Victims

The definition of victim is described in Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, which states that:

"A victim is someone who has suffered physical, mental, and/or economic losses resulting from a criminal act".

With reference to this formula, the so-called victims are:

- a. Everyone;
- b. Experiencing physical, mental, and/or
- c. Economic losses;
- d. As a result of criminal acts.

Article 2 affirms that:

"This Law was established to provide protection to Witnesses and Victims in all stages of the criminal justice process in the judicial environment".

Related to Article 2, in the implementation of protection for husbands who are witnesses and victims of domestic violence, it is inseparable from several issues, namely the enforcement of the law on the protection of the husband who is a witness and victim, when is the protection of the husband who is a witness and victim, the form of protection for the husband who is a

witness and victim and the procedure for the protection of the husband who is a witness and victim in the process criminal justice.

One of the valid evidence in the criminal justice process is the testimony of witnesses and/or victims who hear, see, or experience the occurrence of a criminal act themselves in an effort to seek and find clarity about the criminal act committed by the perpetrator. Law enforcers in seeking and finding clarity about criminal acts committed by perpetrators often have difficulties because they cannot present witnesses and/or victims due to threats, both physical and psychological from certain parties.

Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims emphasizes the purpose of protection for husbands who are witnesses and victims of domestic violence, namely to provide a sense of security to husbands who are witnesses and/or victims in providing information in every criminal justice process. A sense of security is defined as being free from all threats, so that they do not feel threatened or intimidated by their rights, soul, body, property and family.

The rights that can be obtained by husbands who are witnesses and victims of domestic violence are outlined in Article 5 paragraph (1) so that they must be protected, including:

- a) Obtain protection for the safety of his personal, family, and property, and be free from threats with respect to testimony he will, is being, or has given;
- b) Participate in the process of selecting and determining forms of protection and security support;
- c) Provide information without pressure;
- d) Get a translator;
- e) Free from ensnaring questions;
- f) Obtain information about the development of cases;
- g) Obtain information about court decisions;
- h) Getting information in the event that the convict is released;
- i) His identity is kept secret;
- j) Gain a new identity;
- k) Getting a temporary place of residence;
- l) Getting a new place to live;
- m) Obtain reimbursement for transportation costs according to needs;
- n) Getting legal advice;
- o) Obtain temporary living expenses assistance until the protection deadline expires, and/or
- p) Get assistance.

Article 10 provides a guarantee of protection to citizens who have good faith to report criminal acts and also witnesses who give their testimony that based on their testimony, among others:

- 1) Witnesses, Victims, Perpetrator Witnesses, and/or Complainants cannot be prosecuted legally, either criminally or civilly, for the testimony and/or report that they will, are being, or provide, unless the testimony or report is given not in good faith.
- 2) In the event that there is a lawsuit against the Witness, Victim, Perpetrator Witness, and/or Reporter for testimony and/or report that will, is being, or has been given, the lawsuit must be postponed until the case that he reported or he testified about has been decided by the court and has obtained permanent legal force.

This is a form of protection of the human rights of a husband who is a witness and victim of domestic violence who is expected to provide information so that there is clarity in a case and keep him away from feelings of distress and fear.

The procedures for providing protection by LPSK to husbands who are victims and witnesses of domestic violence include:

- a. LPSK protection for Witnesses and/or Victims is provided with the following conditions (Article 28 paragraph (1)):
 - a) the importance of the testimony of the Witness and/or Victim;
 - b) the level of Threat that endangers the Witness and/or the Victim;
 - c) the results of the analysis of the medical team or psychologist on the Witness and/or Victim; and
 - d) track record of criminal acts that have been committed by the Witness and/or Victim.
- b. The procedure for obtaining protection as referred to in Article 5 is as follows (Article 29 paragraph (1)):
 - a) the witness and/or the victim concerned, either on his own initiative or at the request of the authorized official, submit a written request to LPSK;
 - b) LPSK immediately conducts an examination of the application as referred to in letter a; and
 - c) The LPSK decision is given in writing no later than 7 (seven) days after the application for Protection is submitted.

Article 29 paragraph (2) explains that in certain cases LPSK can provide protection without submitting an application, so that if further explained, for witnesses and/or victims who want protection from the Witness and Victim Protection Institution, witnesses and/or victims either on their own initiative or at the request of the authorized officials, submit a written application to the Witness and Victim Protection Institution. The Witness and Victim Protection Law more concretely emphasizes that in the event that the Witness and Victim Protection Institution receives a witness and/or victim application, the witness and/or victim signs a statement of willingness to follow the terms and conditions of witness and victim protection.

The statement of willingness to follow the terms and conditions of witness and victim protection contains:

- 1) the willingness of witnesses and/or victims to testify in the judicial process;
 - 2) the willingness of witnesses and/or victims to comply with rules relating to their safety;
 - 3) the willingness of the witness and/or victim not to have contact in any way with another person other than with the consent of the Witness and Victim Protection Agency, as long as he or she is under the protection of the Witness and Victim Protection Agency;
 - 4) the obligation of witnesses and/or victims not to inform anyone of their whereabouts under the protection of the Witness and Victim Protection Institution; and
 - 5) other matters deemed necessary by the Witness and Victim Protection Agency.
- c. Termination of Protection (Article 32A paragraph (1)) :

The rights granted as in Article 5 paragraph (1) are terminated if it is known that the testimony, report, or other information was given not in good faith.

In the event that the criminal act reported or disclosed by the Perpetrator Witness in the examination at the court hearing is not proven, it does not cause the cancellation of the Protection for the Perpetrator's Witness (Article 32A paragraph (2)).

The termination of the security protection of a witness and/or victim must be done in writing. The Witness and Victim Protection Law also regulates assistance for witnesses or victims as stipulated in Articles 33 to 36.

Assistance is provided to a witness and/or victim upon a written request from the person concerned or the person representing him or her to the Witness and Victim Protection Institution and determines the feasibility of providing assistance to the witness and/or victim. In the event that witnesses and/or victims deserve assistance, the Witness and Victim Protection Agency determines the period of time and amount of costs required. Further provisions regarding the feasibility as well as the duration and amount of fees are regulated in the Government Regulation. The decision of the Witness and Victim Protection Institution regarding the provision of assistance to witnesses and/or victims must be notified in writing to the person concerned within no later than 7 (seven) working days from the receipt of the request. In carrying out the provision of protection and assistance, the Witness and Victim Protection Agency can cooperate with relevant authorized agencies and carry out protection and assistance, relevant agencies in accordance with their authority are obliged to implement the decisions of the Witness and Victim Protection Agency in accordance with applicable regulations.

Article 36 paragraph (1) states that in carrying out the provision of protection and assistance, LPSK can cooperate with relevant authorized agencies. According to the lawmaker's explanation, the relevant agencies that are authorized are government and non-governmental institutions or non-governmental organizations that have the capacity and right to provide assistance, both directly and indirectly, that can support the performance of LPSK, which is required and approved by witnesses and/or victims. This statement emphasizes that LPSK in carrying out its duties and functions requires other institutions.

3. Reviewed from Government Regulation No. 04 of 2006 concerning the Implementation and Cooperation in the Recovery of Victims of Domestic Violence

Government Regulation of the Republic of Indonesia Number 04 of 2006 concerning the Implementation and Cooperation in the Recovery of Victims of Domestic Violence, has been in effect since February 13, 2006 after being promulgated in the Statute Book of the Republic of Indonesia Number 15 of 2006 which is a mandate of Article 43 of the Law on the Elimination of Domestic Violence.

What is meant by victim recovery is all efforts to strengthen victims of domestic violence to be more empowered, both physically and psychologically (Article 1 number 1). The implementation of Recovery is all actions that include service and assistance to victims of domestic violence (Article 1 number 2). Article 2 paragraph (1) states that:

"The implementation of recovery for victims is carried out by government agencies and local governments as well as social institutions in accordance with their respective duties and functions, including providing the necessary facilities for victim recovery".

Facilities that can be used for the recovery of husbands who are victims of domestic violence include:

- a. special service rooms in the ranks of the police;

- b. skilled and professional personnel;
- c. service centers and safe houses; and
- d. other facilities and infrastructure needed for the recovery of victims.
- e. The implementation of recovery activities for husband who is a victim includes:
- f. Service;
- g. victim assistance;
- h. Counseling;
- i. spiritual guidance; And
- j. resocialization.

Article 6 states that:

"For the sake of recovery, victims are entitled to receive services from health workers, social workers, accompanying volunteers, and/or spiritual guides".

Article 8 paragraph (1) describes that in providing services to victims (in this case husbands), health workers make efforts to:

- a) anamnesis to the victim;
- b) examination of the victim;
- c) treatment of diseases;
- d) health recovery, both physical and psychological;
- e) Counseling; and/or
- e. refers to more adequate health facilities when needed.

Article 8 paragraph (5) of the Government Regulation on the Implementation and Cooperation in the Recovery of Victims of Domestic Violence explains that for the purpose of investigation, authorized health workers must make a visum et repertum and/or visum et repertum psychiatricum or make a medical certificate. Social workers in providing services to husbands who are victims, can be done in safe houses, service centers or alternative residences owned by the government, local governments, or communities.

Article 11 of the Government Regulation on the Implementation and Cooperation in the Recovery of Victims of Domestic Violence states:

In providing recovery services to victims, social workers make efforts to:

- a. exploring the victim's problems to help solve the problem;
- b. recovering the victim from a traumatic condition through psychosocial therapy;
- c. making referrals to hospitals or safe houses or service centers or other alternative places according to the needs of the victim;
- d. assisting victims in recovery efforts through mentoring and counseling; and/or
- e. resocialize so that victims can return to carrying out their social functions in society.

Article 12 of the Government Regulation on the Implementation and Cooperation in the Recovery of Victims of Domestic Violence states:

In providing recovery services to victims, accompanying volunteers make efforts:

- a. build an equal relationship with the victim so that they are willing to open up to raising their problems;
- b. empathize and not blame the victim for or related to his or her problems;
- c. reassuring the victim that no one should commit acts of violence;
- d. asking what they want to do and what help is needed;

- e. provide information and connect with institutions or individuals who can help solve their problems; and/or f. To provide information about legal consulting services.

In Article 13 of the Government Regulation on the Implementation and Cooperation in the Recovery of Victims of Domestic Violence, it is explained that:

In providing recovery services to the victims, spiritual counselors make efforts to:

- a. digging up information and listening to complaints from victims;
- b. strengthen the faith and piety of the victim and encourage them to carry out worship according to the religion of each victim and his beliefs;
- c. suggest the solution of the problem of domestic violence according to the religion of each victim and his beliefs;
- d. provide an understanding of the equality of men and women.

Article 16 paragraph (1) states that:

"To carry out cooperation in the context of victim recovery, local governments can coordinate between agencies related to the community who care about the elimination of domestic violence".

Article 18 of the Government Regulation on the Implementation and Cooperation in the Recovery of Victims of Domestic Violence outlines:

In certain cases, health workers, social workers, volunteer companions and/or spiritual advisors can collaborate with:

- a. the police, to report and process perpetrators of domestic violence;
- b. advocates, to assist victims in the judicial process;
- c. other law enforcers, to assist victims in proceedings at court hearings;
- d. National Commission on Anti-Violence Against Women;
- e. the Indonesian Child Protection Commission (KPAI);
- f. Certain parties that are desired for the benefit of the victim.

For the implementation of recovery for husbands who are victims of domestic violence carried out by government agencies and local governments as well as social institutions in accordance with their respective duties and functions, they can cooperate with the community or social institutions, both national and international, whose implementation is in accordance with laws and regulations. From this provision, social institutions have the opportunity to play a role in recovering victims of domestic violence.

Before the husband who is a victim of domestic violence is returned to the community (resocialization), social institutions provide assistance to victims by coordinating and collaborating with other parties (health workers, spiritual advisors, advocates, psychologists, social workers, volunteer companions, and others) so that victims of domestic violence are able to socialize with the community.

CONCLUSION

Legal arrangements for wives who commit domestic violence against their husbands are regulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence, which is the main legal basis in providing guarantees of protection, prevention, and enforcement against perpetrators of violence. Based on Article 1 number 2 of the law, the state is obliged to protect victims and take action against perpetrators of domestic violence, which can be categorized as ordinary offenses and complaint offenses. Sanctions for perpetrators are

regulated in Articles 44 to 49, which include imprisonment, fines, and additional punishments according to the type and consequences of the violence committed. Legal protection for husbands as victims is also strengthened by Law Number 31 of 2014 concerning the Protection of Witnesses and Victims and Government Regulation Number 4 of 2006 concerning the Implementation and Cooperation of Recovery of Victims of Domestic Violence. Husbands who are victims have the right to receive protection from their families, law enforcement officials, social institutions, and advocates, either temporarily or based on court determinations, and have the right to recovery through health services, social assistance, and spiritual guidance.

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