

The Urgency of Implementing Absolute Complaint-Based Criminal Offenses for Domestic Violence in the New Criminal Code: A Study in the Jurisdiction of the Pinrang Police Department

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Abstract

This study aims to analyze the regulation of absolute complaints for domestic violence crimes (KDRT) in the New Criminal Code and its implementation in the jurisdiction of the Pinrang Police. The research uses empirical juridical methods with a legislative approach, a case approach, and a sociological approach. Data was obtained through interviews with investigators of the Pinrang Police PPA Unit and Pinrang District Court Judges as well as case document studies. It was found that the placement of violence within the scope of marriage as an absolute complaint offense through Article 473 paragraph (6) of the New Criminal Code was followed by a decrease in the number of domestic violence reports, as well as giving rise to new obstacles in the form of pressure on victims to withdraw complaints before the case is completed. This study is one of the initial studies on the work of the provisions of the absolute complaint of domestic violence in the New Criminal Code in the South Sulawesi region.

INTRODUCTION

A home is often imagined as the safest space for each of its occupants. National data show the opposite picture. The Komnas Perempuan Annual Record, which was launched in March 2026, collected 376,529 cases of gender-based violence against women throughout 2025, an increase of 14.07 percent compared to the previous year, and 337,961 cases or 89.76 percent occurred in the personal realm, namely in marriage, family, and intimate relationships (Komnas Perempuan, 2026). South Sulawesi is recorded as one of the provinces with the highest number of reports outside Java (Komnas Perempuan, 2025). These figures confirm one thing: domestic violence (KDRT) is not a sporadic event, but a social problem that recurs and spreads to the district level, including Pinrang Regency.

Pinrang Regency presents a unique setting to test this problem. Most of the population lives off agriculture and fisheries with close ties to Bugis kinship. In this kind of social order, domestic affairs are usually met first in the scope of the extended family, and the concept of *siri'* or family self-esteem makes reporting the husband to the police often seen as exposing disgrace. Women who are victims of violence therefore face not only the perpetrator, but with all social networks that want the case to be resolved secretly. When criminal law then hands

over the life and death of the case to the victim's complaint, this kind of social order determines whether the complaint is filed, maintained, or revoked.

Theoretically, domestic violence cannot be treated as an ordinary private conflict. Finn (2013) places domestic violence as a public problem as well as a crime born from gender-based power relations, so that the state's response to it should not stop at the logic of family harmony. Ailwood et al. (2022) added that the way the justice system treats victims of domestic violence also determines whether the victim will survive the legal process or surrender in the middle of the road. A victim-centered perspective of justice then requires the authorities to listen to the victim's experience, open up space for participation, assess the safety and risk of repeated violence, without releasing the perpetrator's accountability (Hester, 2021; Hesterly & Barney, 2014). This framework is used by the author to consider whether the absolute complaint really strengthens the victim's autonomy, or even depends on the fate of the case on the party whose position is most vulnerable.

The problem becomes more complicated because domestic violence has a character *Hidden Crime*. Violence takes place behind the door, witnessed at best by children or relatives of the house, and is often considered a disgrace that must be kept (Martitah et al., 2024). As a result, many events are never reported or only processed after years of repeated violence. Victims are faced with extended family pressure, social stigma, economic dependence on the perpetrator, fear of reprisals, limited access to services, and concerns about the psychological burden of the judicial process itself (Choirinnisa, 2022; Kadir et al., 2021). In such conditions, Ibbar (2024) reminded that the case mechanism that is completely dependent on complaints and consistency of victims' attitudes has the potential to close access to justice if it is not accompanied by adequate assistance and protection.

In terms of regulations, Indonesia has actually had Law Number 23 of 2004 on the Elimination of Domestic Violence (PKDRT Law) for more than two decades. This law provides the basis for temporary protection, legal aid, health services, social assistance, psychological recovery, as well as action against perpetrators (Kadir et al., 2021; Putri, 2024; Republik Indonesia, 2004). The practice is not as beautiful as the text. Bachtiar and Abadi (2024) found differences in understanding between the authorities in reading protection norms, while coordination between agencies and victim recovery services is still weak (Wattimena & Pikahulan, 2024). Case settlement also tends to emphasize peace and domestic integrity rather than the safety of the victim (Chrisbiantoro & Yusuf, 2023; Dula, 2022). This kind of gap requires that complaints be evaluated not only from a procedural aspect, but from the effectiveness of the protection that the victim actually receives.

The weak protection of victims is also not solely due to a lack of regulation. Patriarchal culture, low legal awareness, economic dependence, and inter-institutional fragmentation are equally influential (Asya, 2025; Samsidar, 2025). The paradigm of law enforcement officials themselves still often dwell on the perpetrators and the formalities of the case, not on the needs of the victims (Irawan et al., 2025). Rahmadani et al. (2026) therefore encourage a victimological orientation in every legal decision: criminalization, termination of cases, and peace must always be associated with victim safety, compensation, psychological recovery, and prevention of recurrent violence.

In the midst of this situation, Indonesia's criminal law has undergone major changes. Law Number 1 of 2023 concerning the Criminal Code was promulgated on January 2, 2023 and

came into effect on January 2, 2026 (Republik Indonesia, 2023). The New Criminal Code carries a different orientation from its predecessors: the recognition of the law that lives in society, the affirmation of corrective, restorative, and rehabilitative justice, and the placement of punishment as a last resort (Tumengkol et al., 2025; Widodo et al., 2026). One of the provisions that directly touches household relations is Article 473. Paragraph (1) formulates gender-neutral rape as the act of forcing a person to have sexual intercourse with violence or threats of violence, while paragraph (6) emphasizes that if the criminal act is committed in a marital bond, prosecution is not carried out except on the complaint of the victim (Republik Indonesia, 2023). This formulation makes sexual violence in marriage, one of the most serious forms of domestic violence, an absolute complaint. This policy direction continues and emphasizes the pattern of the PKDRT Law which first places mild physical violence, mild psychological violence, and sexual violence by husbands against wives as complaints (Republik Indonesia, 2004).

The retention of the nature of complaints on certain forms of violence in marital relationships raises serious questions about the effectiveness of protection for victims in unequal power relations. The expansion of the complaint-based offense concept in the new Criminal Code represents a significant step forward, but one that also presents complex normative and structural challenges. Does the policy give victims greater control over their cases, or does it narrow the path to justice, especially in areas with strong kinship ties such as Pinrang Regency? The transformation from the old Criminal Code to the new one underscores a paradigm shift—from a framework primarily focused on state control over morality to one that prioritizes the needs, experiences, and dignity of victims.

This study also has a broader practical meaning. Pinrang can be read as a portrait of an agrarian district outside Java with limited victim support services, a type of area that is much more numerous than the big cities that are usually the location of legal studies. If absolute grievance is problematic in this kind of area, the problem is almost certainly not a local deviation, but an inherent defect in policy design that demands improvement at the national level. The findings from Pinrang can thus be material for a larger policy evaluation in the direction of Indonesia's criminal law reform.

Departing from the description above, the formulation of this research problem is: (1) how to regulate the absolute complaint for domestic violence crimes in the New Criminal Code; and (2) how to implement and enforce the law enforcement of absolute domestic violence complaints in the jurisdiction of the Pinrang Police.

METHOD

This research was an empirical juridical law research, which is a study that examines positive legal norms as well as the work of these norms in the reality of law enforcement. Three approaches are used in layers. The legislative approach was used to study Law Number 1 of 2023 concerning the Criminal Code, the Law on Domestic Violence and Domestic Violence, Law Number 12 of 2022 concerning the Crime of Sexual Violence, and Police Regulation Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice. The case approach is directed to domestic violence cases handled by the Pinrang Police and examined by the Pinrang District Court after the New Criminal Code came into effect. A sociological

approach is used to understand the social factors that affect the victim's decision to complain or withdraw his complaint.

The location of the research is the Pinrang Police and the Pinrang District Court. Primary data was collected through a semi-structured interview with one Investigator of the Women and Children Protection Unit (PPA) of the Pinrang Police Satreskrim, coded Informant P-1, and one Judge of the Pinrang District Court, coded Informant H-1. The coding is carried out to maintain the confidentiality of the informant's identity. Secondary data was obtained from the PPA Unit's case register, copies of decisions, and library materials in the form of laws and regulations and journal articles. The analysis was carried out in a qualitative descriptive manner through data reduction, presentation of data in the form of narratives and excerpts of verbatim interviews, and drawing conclusions. The validity of the data was tested by triangulating sources, namely comparing investigator statements, judges' statements, and case documents.

The interview will be held in January 2026 at the office of each informant with guidelines that contain the main questions about the flow of case handling, changes after the New Criminal Code takes effect, the practice of revoking complaints, and the need for institutional strengthening. Each interview is recorded with the consent of the informant, transcribed, and then returned to the informant for *member checking*. Interview excerpts are presented verbatim with informant code in order to maintain confidentiality in accordance with qualitative research ethics. The study has limitations on the number of informants, so its findings are intended to illustrate the depth of practice at the research site, rather than statistical generalizations.

RESULTS AND DISCUSSION

Regulation of Absolute Complaints of Domestic Violence in the New Criminal Code

In the doctrine of criminal law, criminal acts are divided into ordinary offenses and complaint offenses. In ordinary crimes, the authorities are obliged to process the case as soon as they know of the occurrence of a criminal act, with or without the consent of the victim. On the complaint (*Complaint Crime*), the prosecution is dependent on the existence of a complaint from the right party. The complaint itself is divided into two. Absolute complaint deliction makes a complaint an absolute condition for prosecution for his actions, regardless of who the perpetrator is, while the complaint deliction relatively only requires a complaint if the perpetrator has a certain relationship with the victim, such as theft in the family. The practical consequences are great: in the case of an absolute complaint, the victim holds the key to the start and termination of the case, because the complaint that is withdrawn closes the path of prosecution (Zurnetti & Muliati, 2022).

The difference has technical consequences at the investigation stage. Ordinary crimes are quite driven by reports, which can be submitted by anyone who sees, hears, or experiences criminal events, even known to the authorities. The complaint is only driven by a complaint, namely a notification accompanied by a request from an interested party for the perpetrator to be processed by law. In the case of an absolute complaint, the request is inherent in his act and cannot be broken: the victim cannot ask only a part of the criminal act to be prosecuted. Another very decisive feature of domestic matters is the position of the complaint as a condition of prosecution that can be revoked. Once withdrawn within the permissible grace period, the matter stops, and the complaint over the same event can no longer be filed (Republik Indonesia,

2023). It is this one-way nature that makes any pressure on the victim at the time of withdrawal so dangerous.

The PKDRT Law since 2004 has actually used a mixed pattern. Physical violence, psychological violence, sexual violence, and domestic neglect are basically formulated as ordinary offenses. Three exceptions are made through Articles 51 to 53: minor physical violence that does not cause illness or obstruction of carrying out activities, minor psychological violence, and sexual violence committed by the husband against his wife or vice versa, all of which are complaints (Republik Indonesia, 2004). The reason for the lawmakers at that time was to maintain space for domestic recovery in cases where the impact was considered light, while still opening the criminal door if the victim wished. The problem is, as various studies have shown, the existence of protection norms does not automatically result in effective protection because of the understanding of the various authorities and limited victim support services (Bachtiar & Abadi, 2024; Wattimena & Pikahulan, 2024).

The New Criminal Code strengthens the position of complaints in the national criminal law system. The First Book regulates the general provisions of the criminal act of complaint, including who has the right to complain, the grace period for filing a complaint for six months from the time the victim learns of the crime, the possibility of withdrawing the complaint within a certain grace period, and affirmation that the complaint that has been withdrawn cannot be filed again (Republic of Indonesia, 2023). This general provision is the framework for all complaint offenses in the Second Book, including offenses that come into contact with households.

The most important provision for this study is Article 473. Paragraph (1) states that any person who by force or threat of violence forces a person to have sexual intercourse with him shall be convicted of rape, with a maximum penalty of imprisonment of twelve years. The formulation no longer limits the victim to women who are not the wife of the perpetrator as per Article 285 of the old Criminal Code, so that marital rape (*Marital Rape*) is expressly recognized. Paragraph (6) then stipulates that in the event that the criminal act is committed in a marital bond, no prosecution will be carried out except on the victim's complaint (Republik Indonesia, 2023). Because complaint is an absolute requirement regardless of who the perpetrator is in the marriage bond, this provision is classified as an absolute complaint. This is where the shift that is being studied lies: the most severe forms of domestic violence depend on the victim's attitude.

It should be emphasized that the nature of the absolute complaint does not cover the entire spectrum of domestic violence. Physical violence that causes injury or obstruction of carrying out work can still be processed as persecution with an ordinary criminal nature, both through the New Criminal Code and the PKDRT Law which is still in force as a special provision (Republik Indonesia, 2004, 2023). Problems actually arise in the gray area among them. Authorities in the field are faced with a choice of legal basis that carries different consequences: using ordinary criminal provisions that allow cases to proceed without dependence on the victim, or complaint provisions that hand over control to the victim and all his vulnerabilities. The choice of qualifications is rarely discussed openly, even though that is where the fate of many domestic violence cases is actually determined.

The confession itself is a long leap. For almost a century, Article 285 of the old Criminal Code has closed the possibility of a husband becoming a perpetrator of rape of his wife through

a female element who is not his wife. The gap is only partially closed by Article 46 juncto Article 53 of the PKDRT Law which criminalizes sexual violence in the domestic as a complaint offense (Republik Indonesia, 2004), then expanded by the TPKS Law which formulates various forms of sexual violence (Republik Indonesia, 2022). The New Criminal Code resolves the normative recognition at the codification level, but at the price of the nature of an absolute complaint that is maintained. The law eventually recognized that rape could occur within marriage; It's just that the confession only has teeth if the victim is able to complain and persist in his complaint.

The arguments that support the policy choice can be understood from the general orientation of the New Criminal Code. Tumengkol et al. (2025) note that the reform of the Criminal Code aims to present a criminal law that recognizes the value of national law, gives place to restorative justice, and places criminalization as a last resort. Widodo et al. (2026) added that the involvement of the community and parties in resolving cases is a new feature of this system. From that perspective, the nature of the complaint gives the victim control over her private space: the state does not break into the domestic room without the victim's will, and the victim who chooses to restore her marriage is not forced to see her partner imprisoned. Similar considerations can be seen in the offense of adultery and cohabitation, which is also formulated as a complaint offense in order to limit the interference of third parties in private affairs (Republic of Indonesia, 2023).

There are also more pragmatic considerations behind the nature of complaints. Some policymakers depart from the assumption that imprisoning the breadwinner actually impoverishes the victim and his children, so the door to peace needs to be opened wide (Widodo et al., 2026). That assumption is not entirely wrong. However, it only makes sense if the state prepares other solutions for victims who are economically dependent, such as a guarantee of alimony during the process and social assistance after the case is completed. Without such support, the economic argument turns into a tool of suppression: the victim is forced to choose between justice and the survival of his kitchen.

The other side of the coin is much darker. Rahmadianto (2024) assesses that the suspension of the case on complaints ignores the fact that victims of domestic violence are generally in an unequal power relationship economically, psychologically, and socially, so that the free will to complain or maintain complaints is difficult to ascertain. Flora et al. (2023) show that in such relationships, the legal decisions of vulnerable victims are shaped by the pressure of the perpetrator and family, not by the assessment of his own safety. This criticism is connected to the nature of domestic violence as a hidden crime: if reporting is already heavy, requiring the victim to also maintain his complaint until the case is decided means doubling the burden (Choirinnisa, 2022; Martitah et al., 2024). Tensions are even more pronounced when Article 473 paragraph (6) is juxtaposed with Law Number 12 of 2022 which formulates sexual violence, including in marital relationships, with a paradigm that is more in favor of prosecution (Republik Indonesia, 2022). These two norm regimes that are not in harmony leave harmonization work for the apparatus in the field.

Thus, the regulation of absolute domestic violence complaints in the New Criminal Code is ambivalent. It promises victim autonomy and respect for private space, but at the same time opens a gap for impunity when victims are under pressure. The true value of this provision

cannot therefore be read from the text alone; It must be tested in the practice of investigation and examination of cases, as described in the following section.

Implementation and Constraints on Law Enforcement of Absolute Domestic Violence Complaints in the Jurisdiction of the Pinrang Police

The registration data of the PPA Satreskrim Unit of the Pinrang Police shows that changes are quite noticeable after the New Criminal Code came into effect. Throughout 2024, there will be 41 reports of domestic violence and in 2025 there will be 37 reports. In the period from January to May 2026, or the first five months of the enactment of the New Criminal Code, only 11 reports came in, down about 30 percent compared to the same period in 2025 as many as 16 reports. The decline does not necessarily mean less violence. As will be seen from the informant's statement, some victims chose not to complain or retract their intentions after knowing the legal consequences of the complaint.

A more concrete picture can be seen in one of the cases handled in early 2026. One wife complained about the violence she experienced after years of silence. The complaint was filed complete with a visum, neighboring witnesses were willing to be examined, and the perpetrator was designated as a suspect. Three weeks later, the victim came back accompanied by his brother-in-law and parents to withdraw the complaint on the grounds that they had reconciled. The minutes of the revocation contained a voluntary statement, but the investigator who handled it noted that the victim barely spoke during the revocation process. Things are stopped. According to the unit's records, the same victim had another consultation a few months later, but did not make a new complaint because the complaint over the first incident could no longer be filed.

In terms of procedures, the handling of domestic violence cases at the Pinrang Police follows the flow commonly found in other police institutions: receipt of reports or complaints, provision of temporary protection if the victim is threatened, examination of victims and witnesses, requests for visum et repertum, collection of evidence, case title, and the possibility of mediation between the parties (Nofianggira et al., 2024; Sebayang et al., 2021). When peace is achieved, victims generally file for the withdrawal of the complaint and the investigation is stopped through the restorative justice mechanism (Huda et al., 2024).

Informant P-1 confirmed the flow for his unit. Reports or complaints are received through the Integrated Police Service Center, delegated to the PPA Unit for initial assessment, then the victim is examined in a special service room and referred for visum. The title of the case determines whether the investigation is continued, stopped, or directed to an out-of-court settlement. According to the informant, what changed after the New Criminal Code came into effect was not the flow, but the weight:

"Before the New Criminal Code takes effect, if there is a report of physical domestic violence, we immediately process it because it is an ordinary crime. Now for violence in the marriage bond that falls into the category of complaint articles, we must first make sure that the complaint comes from the victim himself. Many victims come for consultations, but once we explain that the case is only a way if the mother herself complains, and the complaint can be withdrawn, some go home first to think about it and never come back." (Interview of Informant P-1, Investigator of the PPA Unit of the Pinrang Police Satreskrim).

The information shows that the nature of the complaint works from the very front door of the criminal process. Investigators are no longer the main driving force in the case; The

position moved to the victim. For some victims, this control does provide a sense of security because the case does not go against their will. For others, the control turns into a burden, because the family and the perpetrator know exactly that the decision is in the hands of the victim. Informant P-1 describes the most common obstacles:

"The most difficult obstacle is the revocation of complaints. Of the reports that have been received since January 2026, more than half were revoked before we handed over the file. The reasons are almost uniform: the victim is pressured by the family so that the household does not break up, or the victim is economically dependent because the husband is the sole breadwinner. There was a victim who came accompanied by his in-laws, and we could see for ourselves that the victim kept lowering his head when declaring to revoke. As a rule we cannot withhold a case if a complaint is withdrawn, but in conscience we know that the withdrawal is not entirely voluntary." (Interview of Informant P-1).

This finding is in line with the study of investigators' discretion in domestic violence cases. Hapsari and Tresya (2023) map investigators' discretion into preemptive, preventive, repressive, and restorative efforts, and remind that restorative choices require more care, not just the formality of a peace letter. Dani and Setiyono (2024) emphasized that penal mediation can only be accounted for if the process considers the strength of evidence, victim recovery, the implementation of the perpetrator's obligations, the condition of the child, and the possibility of repeated violence. Sonia and Prakasa (2024) even put the peace letter only as a starting point, not proof of the resolution of the problem. Measured by this standard, the practice at the Pinrang Police still leaves a gap: the revocation of complaints tends to be accepted as long as the administrative requirements are met, while testing the victim's voluntariness has not become a standard procedure.

Even though normative instruments are available. Police Regulation Number 8 of 2021 stipulates general, material, formal, and special requirements for the termination of case handling based on restorative justice, including the requirement that peace be made without coercion and intimidation (Kepala Kepolisian Negara Republik Indonesia, 2021). Sihombing et al. (2025) noted that the implementation of the regulation is still diverse due to differences in investigators' understanding, and Susilawati et al. (2025) added the issue of limited resources and the competence of mediators. Conditions in Pinrang echo these findings. Informant P-1 admitted that his unit did not have a written instrument to assess whether the revocation of the complaint was taken by the victim freely, and that the assessment so far rested on the sensitivity of each investigator.

The next obstacle is institutional and concerns the carrying capacity of services around the victims. Informant P-1 described the situation as follows:

"We always offer assistance, but the choice of victims here is limited. Psychological counselors must be brought in from outside the region, the UPTD PPA service will only run if the victim is proactive in coming, and for the victim's visum sometimes thinking about the cost and time because they have to go back and forth. So when the family offers a peaceful way, for the victim it is the cheapest and fastest option. We can't blame the victim for that." (Interview of Informant P-1).

The description points to a deeper problem than the formulation of the article. For victims, the legal path competes with the path of family peace, and the race is uneven as long as the legal path is more expensive, slower, and more socially painful. The limitations of

resources and supporting competencies noted by Susilawati et al. (2025) at the national level are felt to multiply in the districts. The fragmentation of services between the police, related services, and health facilities makes victims have to seek their own assistance, even though institutional integration is actually a prerequisite for the work of protection (Izzuddin & Alfikri, 2025).

The grace period for complaints adds a layer of problems. The First Book of the New Criminal Code limits the submission of complaints to six months from the time the victim learns of a criminal act (Republik Indonesia, 2023). For victims who need a long time to get out

What about cases that reach the courts? The examination of domestic violence cases requires judges to work in two layers at once. The juridical layer is related to proving the elements of a criminal act through witness statements, evidence, visum, and trial facts. The non-juridical layer concerns the social conditions of the family, the psychological impact, the relationship between the perpetrator and the victim, the interests of the child, and the risk of repeated violence (Pratama et al., 2025; Zanubiya & Miharja, 2023). A balance between the two is needed so that the verdict does not stop at formal legal certainty, but also presents substantive justice (Lukman et al., 2025). Informant H-1 explained how the court responds to domestic violence cases that are burdened with the withdrawal of complaints:

"If the revocation of the complaint is still within the legal deadline, we will first examine the victim in the courtroom, if necessary without the presence of the defendant. I always ask if this revocation is of my own volition, who takes it to court, and how to make a living during the process. There was once a victim who in front of his family said he was sincere in withdrawing, but when we checked separately he cried and told the story that he was threatened with denial. In such a situation, we convey all the consequences, even though in the end the law still gives the final word to the victim." (Interview of H-1 Informant, Pinrang District Court Judge).

This information shows the judge's awareness of the possibility of involuntary revocation, as well as the limitation of his movement space. Studies of verdicts in various courts show that judges' considerations in domestic violence cases are still often dominated by the fulfillment of formal elements, the confession and regret of the perpetrator, the status of the perpetrator as the first offender, or the existence of peace (Lubis et al., 2024). Such a pattern of consideration has the potential to give birth to a crime that is not proportional to the suffering of the victim (Papilaya et al., 2025; Tika et al., 2025). H-1 informants do not deny this tendency, but emphasize that there is room to put safeguards in the verdict:

"We usually place peace as a mitigating matter, not one that erases the case, unless indeed the complaint is legally revoked according to the law. If we impose a conditional sentence because the parties have reconciled, I try to have special conditions, for example, the defendant must not repeat the violence and must continue to provide for himself. The difficulty is in supervision, because after the verdict there is no mechanism that really monitors whether the conditions are implemented." (H-1 Informant Interview).

Such a practice has actually led to literature recommendations. Frederica et al. (2023) emphasized that peace and the revocation of complaints are not synonymous with the recovery of victims or the elimination of criminal responsibility. If the judge makes peace a reason for mitigating or a conditional criminal basis, the verdict should ideally contain special conditions in the form of a prohibition on repeating violence, counseling for the perpetrator, maintenance

guarantees, restitution, or certain forms of supervision (Pratama et al., 2025; Siregar & Hadjar, 2025). Who hasn't

In the courtroom, the hidden nature of domestic violence also becomes a matter of proof. Witnesses to the incident are generally family members who are reluctant to incriminate the defendant, while the visum is often made long after the incident so that the evidentiary value decreases (Zanubiya & Miharja, 2023). The H-1 informant said that the victim's information was practically the main focus of the examination. Precisely because of this, the pressure on the victim has a double effect: he can stop the case by withdrawing the complaint, or weaken the evidence through changing testimony before the assembly. Both of them lead to the same result, namely the escape of the perpetrator from accountability.

Summarizing the findings of the field, the implementation of the absolute complaint of domestic violence in the jurisdiction of the Pinrang Police faces four main obstacles. First, the decrease in the number of reports is allegedly partly due to the victim's reluctance to bear the burden of complaints. Second, the high level of complaint withdrawals due to economic and family pressure, without a standard procedure to test their voluntariness. Third, the limited capacity and instruments of investigators in carrying out the termination of cases based on restorative justice in an accountable manner. Fourth, the absence of a supervision mechanism for special conditions in conditional criminal verdicts and peace agreements.

The four obstacles are locked to each other. The victim is reluctant to complain because he knows the process will depend on his own resilience; when complaining, it is faced with the pressure of retraction that is not filtered by any procedure; investigators who are aware of the problem do not have the instruments to detain them; and court decisions that have included safety teeth loss because no one is supervising. This series is not a failure of the individual individual, but rather a confluence of the design of norms that depend on the victim and the social structures that oppress the victim, exactly the combination that the literature warns about patriarchal culture and the formality-oriented paradigm of the apparatus (Asya, 2025; Irawan et al., 2025). Reading Pinrang's findings with glasses, the main problem is not the intention of the local authorities, but in the absence of a bridge between the victim's formal authority and his actual ability to use that authority.

These four obstacles are the basis for the juridical analysis in the following section, which reconsiders the urgency of the absolute complaint from the perspective of the victim's interests.

Juridical Analysis: Considering the Urgency of Absolute Complaints Oriented to Victim Protection

The findings in Pinrang bring back the original question of the study: is the absolute complaint deliction in line with the purpose of victim protection? The answer depends on how the victim's autonomy is interpreted. Zanubiya et al. (2025) distinguish the granting of formal authority to complain and withdraw complaints from the creation of conditions that allow the decision to be taken freely and safely. The delik of absolute complaints only fulfills its promise of protection in the second sense. Progressive victimology, feminist, and legal approaches alike demand that safety, dignity, mental health, economic conditions, and the risk of repeated violence be placed above the formal importance of maintaining the household (Labaka & Abas, 2025; Setiawan et al., 2025). The practice in Pinrang shows the distance between the two meanings: the victim holds formal authority, but his social environment does not allow him or her to exercise that authority for himself.

From this point of view, the decline in domestic violence reports after the enactment of the New Criminal Code cannot be read as a success. The number of reports that has decreased while violence in the personal realm nationally has actually increased (Komnas Perempuan, 2026). It makes more sense to interpret it as a partial return of violence to dark territory untouched by law. This is the risk that the literature on hidden crimes warned about from the beginning: any addition of procedural requirements to the victim will be met with a reduction in the number of cases coming to the surface, not a reduction in violence (Ibbar, 2024; Martitah et al., 2024).

Even so, reversing the policy direction by making all domestic violence ordinary is also not the only answer. The experience of the PKDRT Law shows that ordinary crimes without the support of the service still fail to protect victims who withdraw in the middle of the process (Chrisbiantoro & Yusuf, 2023; Dula, 2022). A more realistic path is to maintain the complaint framework while building on its protection prerequisites. Hamamah et al. (2025) detail the prerequisites for a proper restorative settlement: trained mediators, professional counselors, legal assistance, risk assessments, and assurance that the victim is not under perpetrator or family pressure. Sukendar et al. (2023) added the need to test the inequality of the position of the parties and the ability of peace agreements to prevent re-escalation. Translated to Pinrang's practice, that prerequisite means that any withdrawal of a complaint and any termination of a restorative case must pass a documented voluntary examination, including a separate examination of the victim from the perpetrator and his or her family, accompanied by a risk assessment of repeated violence.

The protection of victims must then be concrete, not stop at the rhetoric of the verdict. Widodo et al. (2025) mention restitution, medical and psychological rehabilitation, counseling or rehabilitation of perpetrators, protection orders, and social assistance as rehabilitation packages that should accompany the settlement of domestic violence cases. Such a package is impossible to run on its own; Integration of handling between the police, courts, health services, social workers, and companion institutions is needed (Izzuddin & Alfikri, 2025). Kasuma et al. (2022) reminded that without this integration, the victim will continue to bounce from one table to another until they run out of energy. For districts such as Pinrang, the simplest form of integration is a permanent referral forum between PPA Units, courts, social services, health centers, and integrated service centers for the protection of women and children, with an active referral flow running since the first report.

Outside of formal institutions, the layer of community assistance should be taken into account. The decision of the victim in Pinrang, as seen in the field findings, was formed in the family room long before touching the police station. The presence of trained companions at the village level, both paralegals, posyandu cadres, and female figures, can be a counterbalance at the most decisive moment, namely when the victim weighs to complain or when the family urges him to withdraw the complaint. This kind of approach is in line with the idea of victim-centered justice, which requires victims to be heard and accompanied throughout the process, not just when testifying (Hester, 2021; Hesterly & Barney, 2014). For areas with a strong kinship culture, support that grows from within the community is often more acceptable than institutional intervention from outside (Samsidar, 2025).

More technically, two steps can be taken immediately without waiting for a change in the law. First, the pause period before the complaint is revoked is executed. The revocation

should not be received on the same day as the submission, but rather given a few days of grace filled with separate victim examinations and assistance offers, so that the decision is not born from the hot atmosphere of family meetings. Second, the recording of disaggregated data in the PPA Unit which distinguishes incoming reports, complaints received, revocations and reasons, and restorative termination of cases. Without such data, the claim that complaint deeds strengthen victim autonomy can never be tested, and policy evaluation relies solely on impressions.

The larger agenda is the harmonization between norm regimes. As long as the TPKS Law, the PKDRT Law, and the New Criminal Code treat violence in marital relationships with different delicacies, regional officials will continue to improvise to choose the legal basis, and that choice will determine the fate of the victim (Republik Indonesia, 2022, 2023). The government, together with the Supreme Court and the police, need to issue handling guidelines that affirm the relationship between the three regimes. At the same time, socialization to the community must not stop at criminal threats. What the victim needs more is knowledge about his or her rights to temporary protection, assistance, and recovery that is still available even if he is not ready to take the criminal route (Setiawan et al., 2025).

The role of the public prosecutor must also not escape improvement. In complaints that have passed the prosecution stage, the prosecutor is the party who is directly confronted with the withdrawal of the complaint before or during the trial. The prosecutor's sensitivity to assessing the pressure on the victim, his willingness to request a separate examination of the victim, and his consistency in demanding protection conditions in the *requisitoir* will determine whether the security installed by the investigator and the judge is connected into a series of protections, or is actually broken in the middle.

At this point, the urgency of implementing the absolute complaint delik can be reformulated. The urgency is not just to give victims room to stop the case after peace, but to build a balance between the autonomy of the victim, the accountability of the perpetrator, and the state's obligation to prevent the recurrence of violence (Widodo et al., 2025). As long as the three elements are not balanced, Article 473 paragraph (6) will work as the cheapest exit for the perpetrator and the most expensive entrance for the victim. Legislative evaluation of these provisions, at least through implementing regulations that require testing the voluntariness of complaint withdrawal and victim assistance, should therefore be placed as an urgent agenda for criminal law reform.

CONCLUSION

Based on the results of the research, two things can be concluded. First, the New Criminal Code regulates violence within the scope of marriage, especially sexual violence against a partner, as an absolute complaint offense through Article 473 paragraph (6), which stipulates that prosecution can only be carried out on the victim's complaint. This provision continues the pattern of complaint deliction in Articles 51 to 53 of the PKDRT Law and is supported by the general provisions of complaints in the First Book, including the grace period for complaints and the possibility of withdrawing them. Normatively, this arrangement promises the victim's autonomy over his private space, but it contains ambivalence because it depends on the entire fate of the case on the party who is in an unequal power relationship. Second, the implementation in the jurisdiction of the Pinrang Police shows a decrease in the number of

domestic violence reports after the New Criminal Code comes into effect, accompanied by new obstacles in the form of high complaints revocations due to economic and family pressure on victims. Investigators do not yet have a standard procedure to test the voluntariness of withdrawing complaints, while judges who have tried to examine victims separately and impose special conditions in conditional sentences are constrained by the absence of a mechanism to supervise their implementation. This condition shows that the absolute complaint has not gone hand in hand with the goal of victim protection.

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