

Juridical Review of Criminal Acts Domestic Violence

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Abstract. This research aims to determine the application of material criminal law provisions to criminal acts of domestic violence in the Slawi District Court decision and to determine the legal considerations in imposing criminal sanctions on perpetrators of the crime of psychopathic murder in the Slawi District Court decision. This research was carried out at the Slawi District Court. The data collection methods used were the Library Method and Interview Method, then the data obtained was analyzed qualitatively. The results of the research show that (1) the application of material criminal law to criminal acts of domestic violence in the decision of the Slawi IB District Court, when making an indictment, prosecutors should not only apply Article 44 paragraph (1) of the Law of the Republic of Indonesia Number: 23 of 2004 concerning elimination of Domestic Violence but also implementing article 44 paragraph 4 concerning domestic violence, (2) Legal considerations in imposing criminal sanctions on perpetrators of criminal acts of domestic violence in the decision of the Slawi District Court should the judge give a decision not only 4 (four) months 15 (fifteen) days in prison if based on the minimum prison sentence as regulated in article 44 paragraph 4 concerning domestic violence.

Keywords: Diversion; Domestic Violence Crime Verdict; Domestic Violence Criminal Justice System.

Introduction

The family is the smallest social unit in society which plays a huge role and influence on the social development and personality development of each family member. Families need their own organization and need the head of the household as an important figure who leads the family alongside several other family members. Family members consisting of father, mother and children are a unit that has a very good relationship. This good relationship is characterized by harmony in the reciprocal relationships between all members or individuals in the family. The 1945 Constitution of the Republic of Indonesia, along with its amendments. Article 28 G paragraph (1) of the 1945 Constitution of the Republic of Indonesia stipulates that "Every person has the right to protection of himself, his family, honor, honor and property under his control, as well as the right to the feeling of a man and protection from the threat of fear of Physical, psychological, sexual violence and domestic neglect actually occur, so adequate legal instruments are needed to eradicate domestic violence. Even though there is already a law (UU) that regulates acts of domestic violence, in fact there are still many cases that occur in society. Therefore, broader insight into these acts of violence is needed to prevent and minimize future cases. Every family can build a harmonious, happy and loving family, but in reality many families feel uncomfortable, depressed and unfortunately because violence occurs in the family, whether physical, psychological, sexual, emotional or neglect. Domestic Violence (KDRT) can be caused by internal and external factors, both individually and together, especially in the era of open and information where sometimes the culture of violence that emerges through information cannot be filtered, its negative influence on the comfort of living in household.

The existence of violence within the family can provide a significant impact on the survival of the victim. The 1945 Constitution of the Republic of Indonesia along with amendments to Article 28 G paragraph 1 of the 1945 Constitution of the Republic of Indonesia stipulate that "every person shall have the protection of himself, his family, honor, respect and property under his control, as well as the right to a person's sense of manhood and protection from the threat of fear of doing or not doing something that is a human right." Article 28 paragraph 2 of the 1945 Constitution of the Republic of Indonesia states that "everyone has the right to receive special facilities and treatment to obtain the same opportunities and benefits to achieve the goals of justice". Current developments show that acts of physical, psychological, sexual violence and domestic abuse actually occur, so that legal instruments are needed that cover the need to eradicate domestic violence. Even though there is already a law (UU) that regulates acts of domestic violence, in fact there are still many cases that occur in society. Therefore, broader insight into these acts of violence is needed to prevent and

minimize future cases. Human rights are a very sensitive matter. In human life, almost all countries have their own regulations. However, it is often overlooked, especially when it comes to gender differences between men and women. Women are often considered inferior to men, so cases of human rights violations often arise, especially women in cases of domestic violence (KDRT).

A family is called harmonious if all family members feel happy, which is characterized by the absence of conflict, tension, disappointment and satisfaction with the condition (physical, mental, emotional and social) of all family members. A family is said to be harmonious if the opposite occurs. Every family has its own way of solving a problem. If the problem is resolved well and healthily then each family member has access to a valuable lesson, namely being aware of and understanding the feelings, personality and emotional control of each family member so that happiness can be realized in the family. Healthy conflict resolution occurs when each family member does not prioritize personal interests, looks for the root of the problem and creates solutions that are mutually beneficial to family members through good and smooth communication. On the other hand, if conflict is resolved unhealthy, conflict will occur more frequently in the family. such as the guidelines contained in the provisions which state that protecting the child's mental system is carried out by paying attention to the following principles:

- a. "Protection Principle, this principle is an activity that requires law enforcers to keep children away, either directly or indirectly, from various actions that endanger children physically and/or psychologically";
- b. "The Principle of Justice, this principle requires that every resolution of a child's case must reflect a sense of justice for the child";
- c. "The principle of non-discrimination is the absence of different treatment based on ethnicity, religion, race, class, gender, ethnicity, culture and language, legal status of the child, birth order of the child, and physical and/or mental condition";
- d. "The best interest of the child is that all decision making must always consider the child's survival and growth and development";
- e. "Respect for children's opinions is respect for children's rights to participate and express their opinions in decision making, especially when it concerns matters that affect children's lives."
- f. "Children's survival and growth and development are the most basic human rights for children which are protected by the state, government, society, family and parents."
- g. "Development is an activity to improve the quality, devotion to God Almighty, intellectual, attitude and behavior, skills training, professionalism, as well as physical and spiritual health of children both inside and outside the criminal justice process";
- h. "Guidance is providing guidance to improve the quality of devotion to God Almighty, intellectual, attitude and behavior, skills training, professionalism, as well as the physical and spiritual health of correctional clients";
- i. "Proportional means that all treatment of children must take into account the needs, age and condition of the child";
- j. "Deprivation of liberty is a last resort because basically children cannot be deprived of their liberty, unless forced to do so in the interest of resolving the case";
- k. "Avoiding retaliation is the principle of avoiding attempts at retaliation in the criminal justice process";
- l. "Needs according to their age include performing worship according to their religion or beliefs, receiving visits from family and/or companions,
- m. receive spiritual and physical care, receive education and instruction, receive health services and adequate food, receive reading materials, submit complaints, and follow mass media broadcasts."

Households are the smallest community of a society. A happy, safe and peaceful household is everyone's dream. The Republic of Indonesia is a country based on the belief in One Almighty God (Ulin, 2014:3). Thus, every person within the household sphere must carry out their rights and obligations based on religion and humanitarian theology. This is important to develop in order to build household integrity. To make this happen, it depends on each person in the household, especially in the attitudes, behavior and self-control of each person in the household (Jupri, 2012:14). The Criminal Code has regulated criminal acts which are differentiated. into 2, namely crimes (set out in the second book) and violations (set out in the third book). Violations are not punishable by imprisonment (Hamzah, 2017). However, criminal offenses are regulated and punishable by imprisonment or fines. One of the criminal acts is the crime of assault.

According to Mr. M. H. Tirtaamidjaja "Persecution" is defined as "mistreating", namely intentionally causing pain or injury to another person, but an act that causes pain or injury to another person cannot be said to be abuse if the act is carried out to maintain bodily safety (Marpaung, 2002: Persecution is what the Criminal Code (KUHP) uses for criminal acts against the body. However, the Criminal Code (KUHP) itself does not contain this meaning of abuse. Meanwhile, the abuse referred to in criminal law does not involve the body but humans. (Anwita, 2017: 32). Persecution is an act by the perpetrator which is caused by several supporting factors ranging from revenge, displeasure with other people, and intentional elements, this act of abuse is the easiest act to occur in a social environment (David, 2018: 159) .

One form of abuse that exists is domestic violence. Domestic violence (KDRT) is any act against someone, especially women, which results from physical, sexual, psychological or domestic abuse, including threats to commit acts, coercion or unlawful deprivation of liberty within the household (Law No. 23 of 2004 Article 1 paragraph 1 concerning Domestic Violence). Domestic violence is also known as hidden crime because both victims and perpetrators try to hide it from the public (Erman, 2021: 462). In addition, the relationship between husband and wife is characterized by verbal abuse, lack of emotional warmth, infidelity and using power to control the wife. Violence against wives is not only manifested in physical torture, but also verbal torture which is often considered trivial but will have more fatal consequences in the future (Yuliani, 2015).

Domestic violence is within the family. Domestic Violence (KDRT) can happen to anyone, including husbands, wives and children. In this thesis, we will only discuss in general the definition of Domestic Violence (KDRT) which is narrowed down to 3 abuses by husbands against wives. This is understandable because most victims of Domestic Violence (KDRT) are wives. If we look further, there are many unhappy families, households that are always blown by storms of quarrel and strife. In this kind of situation, any wife will not be comfortable in living her life

Problem Formulation

The problem formulation in this thesis is as follows:

- 1 How are the provisions of material criminal law applied to criminal acts of domestic violence in decision Number 78/Pid.Sus/2020/PN Slw?
- 2 What are the legal considerations in imposing criminal sanctions for criminal acts of domestic violence in Decision Number 78/Pid.Sus/2020/PN Slw?

Research Methods

This research uses empirical juridical research methods. The qualitative method approach is a research procedure that produces descriptive data in the form of spoken written words from people and observable behavior. The data obtained from the sources is direct interviews with the sources so that natural answers and theories are obtained that are in accordance with the data obtained in the field.

The research focus in this study is based on the results of the author's research, both through interviews with judges related to the case in this paper, as well as through literature study of related documents, the author concludes that before handing down or determining a decision against the perpetrator of a criminal act, the judge first consider the facts at the trial, juridical and non-juridical considerations, the condition and background of the defendant's family, as well as other matters related to the criminal act committed by the defendant. Judicial consideration is a consideration of the elements in Article 44 paragraph (1) of Law of the Republic of Indonesia Number: 23 of 2004 concerning the elimination of the Crime of Domestic Violence which according to the judge is in accordance with what was charged by the Public Prosecutor and must be based on facts the judge. In this research, the main data collection techniques are participant observation, in-depth interviews, documentation studies, and a combination of the three or triangulation. The types and sources of data used in this research are data obtained from several literatures, official documents, statutory regulations and other supporting library sources. The data source is in the form of documents regarding the process for the rights of wives of victims of domestic violence (KDRT) that have been achieved by the Technical Implementation Unit of the Integrated Service Center for the Empowerment of Women and Children (UPT P2TP2A) of Slawi Regency.

Discussion

That it started on Saturday 23 May 2020 at around 20.00 WIB the defendant asked the witness UPH BINTI ROP for Rp. 135,000 (one hundred thirty-five thousand rupiah) to pay zakat fitrah at the mosque in the neighborhood of the house, then the witness UPH BINTI ROP gave the money and it was accepted by the defendant. After that the defendant invited the defendant's son, Mr. NSA OKTNI BINTI SO (the defendant's biological daughter from a previous marriage), but the witness UPH BINTI RO said "BAPAKNE PAN FITRAH RASAH MELU" (FATHER WANT FITRAH TO PARTICIPATE) in a loud tone then the defendant returned the money to the witness UPH BINTI RO by saying " FITRAH WONG WADON ORA PATUT" (A WOMAN'S FITRAH IS NOT APPROPRIATE) then the witness UPH BINTI RO said "BEN INYONG BAE SING FITRAH" (LET ME JUST DO THE FITRAH) in a loud tone so that the defendant was offended by the words of the witness UPH BINTI RO then the defendant strangled her by wrapped his right hand around the neck of witness UPH BINTI RO and pressed and dragged from the kitchen to the back door of the house at a distance of approximately 2 meters. After reaching the door the defendant released the stranglehold then hit with his powerful right hand once, hitting the temple of the right eye, then hit with The right hand was powered once but was successfully parried and hit witness UPH BINTI RO's left arm, after that witness UPH BINTI RO lost balance and fell then the defendant kicked using his powerful right foot once hitting the right buttock and kicked using the left foot then came back. witness NURSYH and said "AJA RIBUT MALEM LEBARAN ISIN KARO TANGGA" (DON'T RIBUT MALEM LEBARAN ASHAMED BY YOUR NEIGHBORS) then the defendant remained silent and went into the house in the front room

That as a result of the defendant's actions the victim witness UPH BINTI RO fell ill due to bruises on the right eye, bruises on the left arm, bruises on the left leg and bruises on the hip so that the witness was unable to carry out his daily activities as a household assistant.

Based on the Et Repertum Life post mortem No: 182.1/27/6034 dated 25 May 2020 which was signed by Dr. KRISSANTI EKOSARI SUFFANDI, as examining doctor at the Doctor Soeselo Slawi Regional General Hospital with the results:

- 1 The victim arrived at Dr. Soeselo Regional Hospital in a conscious state.
- 2 Head (right eyelid bruised (+), swollen (+))
- 3 Chest (No scars found)
- 4 Stomach (No scars found)
- 5 Extremities (upper left hand bruised (+) 4 cm. Left leg calf bruised (+) 3 cm.
- 6 There are no other changes.

The bruises above are thought to be the result of blunt force trauma. The defendant's actions are regulated and punishable by crime in Article 44 paragraph (2) of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

Due to these actions, the Public Prosecutor arrested the Defendant on 26 May 2020 based on arrest warrant Number Sp. Hood. /37/V/2020/ Criminal Investigation dated 26 May 2020, the defendant was detained in a detention center (State Detention Center) based on a Detention Order/Determination from:

Investigator from 27 May 2020 to 15 June 2020. Extension investigator by the public prosecutor from 16 June 2020 to 25 July 2020. Public prosecutor from 20 July 2020 to 08 August 2020. Panel of Judges at the Slawi District Court since August 22 2020 to October 20 2020.

The statements of witnesses and defendants in the trial are basically as follows:

1) Witness UPH BINTI RO

That the witness and the defendant have a domestic relationship, namely husband and wife, based on the excerpt from Marriage Certificate Number: 0011/015/I/2019. Then the Witness and the Defendant lived in the same house in Padasari Village, RT. 05 RW. 01 Jatinegara District, Tegal Regency.

That it started on Saturday 23 May 2020 at around 20.00 WIB the defendant asked the witness UPH BINTI ROP for Rp. 135,000 (one hundred thirty-five thousand rupiah) to pay zakat fitrah at the mosque in the neighborhood, then witness UPH BINTI ROP gave the money and it was accepted by the defendant. After that the defendant invited the defendant's son, Mr. NSA OKTNI BINTI SO (the defendant's biological daughter from a previous marriage), but the witness UPH BINTI RO said "BAPAKNE PAN FITRAH RASAH MELU" (FATHER WANT FITRAH, YOU DON'T HAVE TO PARTICIPATE) in a loud tone then the defendant returned the money to the witness UPH BINTI RO by saying " FITRAH WONG WADON ORA PATUT" (A WOMAN'S FITRAH IS NOT APPROPRIATE) then the witness UPH BINTI RO said "BEN INYONG BAE SING FITRAH"

(LET ME JUST DO THE FITRAH) in a loud tone so that the defendant was offended by the words of the witness UPH BINTI RO then the defendant strangled him by means of wrapped his right hand around the neck of witness UPH BINTI RO and pressed and dragged from the kitchen to the back door of the house at a distance of approximately 2 meters. After reaching the door the defendant released the stranglehold then hit with his powerful right hand once, hitting the temple of the right eye, then hit with The right hand was powered once but was successfully parried and hit witness UPH BINTI RO's left arm, after that witness UPH BINTI RO lost balance and fell then the defendant kicked using his powerful right foot once hitting the right buttock and kicked using the left foot then came back. witness NURSYH and said "AJA RIBUT MALEM LEBARAN ISIN KARO TANGGA" (DON'T RIBUT MALEM LEBARAN ASHAM YOUR NEIGHBOR) then left the house with her child.

Application of Material Criminal Law Provisions to Crimes of Domestic Violence in Decision Number 78/Pid.Sus/2020/PN Slw.

Criminal Code (KUHP). In the Criminal Code (KUHP), the material aspect regulates general crimes, crimes and violations. Material sources of law are factors that influence the material or content of legal rules. It can also be said to be a place from which legal material is taken to help form the law. These factors are ideal factors and social factors. Ideal factors are fixed standards regarding justice that must be adhered to by law makers or other law makers in carrying out their duties. Social factors are things that actually live in society and are subject to the rules that apply as guidelines for the life of the society concerned.

Domestic Violence Crimes

Household Affairs at the Slawi IB State Court which examines and tries defendants of domestic violence in imposing criminal sanctions in case decision number: 78/Pid.Sus/2020/PN Slw based on the considerations of the Public Prosecutor and Judge, the sanctions imposed should not only be 4 (four) months 15 (fifteen) days in prison if applying article 44 paragraph 4 concerning domestic violence.

So that the Panel of Judges at the Slawi District Court who examined and tried this case decided:

- 1 Declare that the Defendant SO BIN SI has been legally and convincingly proven guilty of committing the crime of "committing physical violence within the domestic sphere" as stated in his subsidiary indictment by the Public Prosecutor.
- 2 Sentence the Defendant to prison for 4 (four) months, 15 (fifteen) days.
- 3 Determine that the period of arrest and detention that has been served by the defendant is deducted entirely from the sentence that has been imposed.
- 4 Decide that the defendant remains in detention.
- 5 Charge the Defendant to pay court costs of Rp. 3,000.00 (three thousand rupiah).

Announcement of Decision

Considering, that because the Defendant has been sentenced to a crime, he must also be burdened with paying the court costs:

Pay attention to Article 44 paragraph (1) of Law of the Republic of Indonesia Number: 23 of 2004 concerning the elimination of Domestic Violence and Law Number 8 of 1981 concerning the Criminal Procedure Code as well as other legal regulations relating to this case

JUDGE

- 1 Declare that the Defendant SO BIN SI has been legally and convincingly proven guilty of committing the crime of "committing physical violence within the domestic sphere" as stated in the Public Prosecutor's subside indictment.
- 2 Sentence the Defendant to prison for 4 (four) months, 15 (fifteen) days

Judge's Considerations in Handing Down Decision Number 78/Pid.Sus/2020/PN Slw.

The judge's consideration in handing down a decision is that the defendant can only be sentenced because it has been proven at trial that he has committed a criminal act as stated or stated by the prosecutor in the indictment.

The judge's consideration is a form of justice and certainty in deciding sanctions in court. Before handing down or determining a decision against the perpetrator of a criminal act, the judge first considers many things. For example, the facts at the trial, juridical and non-juridical considerations, the condition and background of the defendant's family, as well as other matters

related to the criminal act committed by the defendant. Judicial consideration is a consideration of the elements in Article 44 paragraph (1) of Law of the Republic of Indonesia Number: 23 of 2004 concerning the elimination of the Crime of Domestic Violence which according to the judge is in accordance with what was charged by the Public Prosecutor and must be based on facts the judge. The basis for the judge's consideration is considering that in this case the Defendant has been subject to lawful arrest and detention, then the period of arrest and detention must be deducted entirely from the sentence imposed considering that because the Defendant was detained and the detention of the Defendant was based on sufficient reasons. , it is necessary to determine that the defendant remains in custody.

Based on the testimony of the witnesses and the defendant's statement, it was revealed that the defendant admitted that he had committed domestic violence against the victim witness, the Public Prosecutor could also charge the defendant with Article 44 paragraph (4) concerning domestic violence. The provisions of article 44 paragraph (4) which reads: "Any person who commits an act of physical violence within the household as intended in Article 5 letter a shall be punished with imprisonment for a maximum of 5 (five) years or a fine of a maximum of Rp. 15,000,000.00 (fifteen million rupiah)".

The judge imposed criminal sanctions for the crime of domestic violence in this case, 5 (five) years in prison to deter perpetrators of domestic violence.

Researcher's Analysis of the Juridical Review of Domestic Violence Decision Number 78/Pid.Sus/2020/PN Slw.

That before handing down or determining a decision against the perpetrator of a criminal act, the judge first considers many things. For example, the facts at the trial, juridical and non-juridical considerations, the condition and background of the defendant's family, as well as other matters related to the criminal act committed by the defendant. The researcher's analysis is based on the results of research in this case regarding the decision in the case of criminal acts of domestic violence with number: 78/Pid.Sus/2020/PN Slw in considering and the public prosecutor of the case not only 4 (four) months 15 (fifteen) days by the judge if referring to Article 44 paragraph (1) of Law of the Republic of Indonesia Number: 23 of 2004 concerning the elimination of the crime of Domestic Violence. Judges are authorized by law to receive, examine and decide on criminal cases. Therefore, judges in handling a case must be able to act fairly. According to the author, judges should in handing down crimes against domestic violence pay attention to the consequences arising from the act, both psychological and psychological aspects of the victim, so that in their decision they can satisfy a sense of justice for the victim and the community. Seeing this reality, criminal law should provide appropriate sanctions for perpetrators of these crimes so that the supremacy of the law is truly upheld and order is created in society. Apart from that, it is hoped that these sanctions will provide a deterrent effect for perpetrators of crimes so that they will not repeat their actions in the future and prevent other people from committing these crimes because of the threat of quite severe sanctions. There should be no hesitation in imposing punishment, however a crime must be rewarded with appropriate punishment, because punishment, apart from being used as a retribution for a crime, can also act as a correction and prevention of the increasing prevalence of criminal acts.

Juridical Review of Domestic Violence In Decision Number 78/Pid.Sus/2020/PN Slw.

The success of a law enforcement process is very dependent on the application of criminal law, where the role of law enforcement is one of how to actualize it well in the real world. The indictment letter is the basic source and basis for the examination of the case in the court session, while the indictment letter is a letter containing the public prosecutor's demands for a criminal act. In essence, a public prosecutor makes it impossible for the perpetrator or defendant of a criminal act to escape the law. When examining a case, a judge must not deviate from what is formulated in the indictment. A defendant can only be sentenced because it has been proven at trial that he has committed a crime as stated and stated by the prosecutor in the indictment. The public prosecutor's indictment in this case technically meets the formal and material requirements for an indictment as intended in Article 44 paragraph (2) of Law of the Republic of Indonesia Number: 23 of 2004, namely that it must contain the date and be signed by the public prosecutor as well as the complete identity of the defendant, Apart from that, it must also contain a careful, clear and complete description of the criminal act charged by stating the time and place where the crime was committed. However, based on the statements of the witnesses and the defendant's statement, it was revealed that the defendant admitted that he had committed domestic violence against the victim witness.

According to the author, in this case the defendant was also charged with article 44 paragraph 4 concerning domestic violence as regulated in article 44 paragraph 4 which reads: Every person who commits an act of physical violence within the household as referred to in Article 5 letter a shall be punished with imprisonment for a maximum of 5 (five) years or a fine of a maximum of Rp. 15,000,000.00 (fifteen million rupiah). Based on the researcher's view, the application of criminal sanctions by the Public Prosecutor in this case should also include accusations and demands for violations of Article 44 paragraph 4 concerning domestic violence. So the researchers concluded that the judge imposed criminal sanctions for criminal acts of domestic violence in this case, 5 (five) years in prison to deter perpetrators of domestic violence.

Conclusion

Based on the results of the research and discussion described above, the author can draw the following conclusions:

The application of material criminal law provisions to decision case number: 78/Pid.Sus/2020/PN Slw should not only be based on Article 44 paragraph (1) of Law of the Republic of Indonesia Number: 23 of 2004 concerning the elimination of the crime of Domestic Violence However, article 44 paragraph 4 concerning domestic violence must also be applied. The success of a law enforcement process is very dependent on the application of criminal law, where the role of law enforcement is one of how to actualize it well in the real world.

The indictment letter is the basic source and basis for the examination of the case in the court session, while the indictment letter is a letter containing the public prosecutor's demands for a criminal act. In essence, a public prosecutor makes it impossible for the perpetrator or defendant of a criminal act to escape the law. When examining a case, a judge must not deviate from what is formulated in the indictment. A defendant can only be sentenced because it has been proven at trial that he has committed a crime as stated and stated by the prosecutor in the indictment.

The public prosecutor's indictment in this case technically meets the formal and material requirements for an indictment as intended in Article 44 paragraph (2) of Law of the Republic of Indonesia Number: 23 of 2004, namely that it must contain the date and be signed by the public prosecutor as well as the complete identity of the defendant, Apart from that, it must also contain a careful, clear and complete description of the criminal act charged by stating the time and place where the crime was committed.

The judge's legal considerations in imposing a criminal sanction decision in case number: 78/Pid.Sus/2020/PN Slw are based on the considerations of the Public Prosecutor and Judge, so the sanction imposed should not only be 4 (four) months or 15 (fifteen) days in prison if apply article 44 paragraph 4 concerning domestic violence. So the researchers concluded that before handing down or determining a decision against the perpetrator of a criminal act, the judge first considered many things. For example, the facts at the trial, juridical and non-juridical considerations, the condition and background of the defendant's family, as well as other matters related to the criminal act committed by the defendant.

Judicial consideration is a consideration of the elements in Article 44 paragraph (1) of Law of the Republic of Indonesia Number: 23 of 2004 concerning the elimination of the Crime of Domestic Violence which according to the judge is in accordance with what was charged by the Public Prosecutor and must be based on facts the judge. Considering that in this case the Defendant has been subject to lawful arrest and detention, the period of arrest and detention must be deducted in its entirety from the sentence imposed. Considering, that because the Defendant was detained and the detention of the Defendant was based on sufficient reasons, it is necessary to determine that the Defendant remains in detention. Considering, that the evidence in the form of 1 (one) piece of white short-sleeved collared t-shirt has the words "CENDITAMA 20 TH ANNIVERSARY JL. Veteran No. 44 Blitar Tel. (0324) 802113 www.cenditama.co.id" on the back of the t-shirt and 1 (one) piece of brown sarong, based on the results of the examination at trial, was proven to belong to Witness UPH BINTI ROP, so this evidence was returned to Witness UPH BINTI ROP. Considering, in order to impose a criminal offense, it is necessary to first consider the aggravating and mitigating circumstances of the Defendant. The researcher's analysis is based on the results and discussion of this researcher regarding the decision of the criminal case of domestic violence with number: 78/Pid.Sus/2020/PN Slw in considering and the public prosecutor of the case not only 4 (four) months 15 (fifteen) days by the judge if referring to Article 44 paragraph (1) of Law of the Republic of Indonesia Number: 23 of 2004 concerning the elimination of the crime of Domestic Violence.

Suggestions

Based on the conclusions above, the author proposes the following suggestions: The role of the police in the investigation stage and the prosecutor in preparing the indictment should be to dig deeper into the facts of a crime because the indictment is the basis for the judge in examining and deciding cases at trial.

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Interview with Eldi Nassali Hakim at the Slawi District Court on Wednesday, November 15 2023.