

Law Enforcement Against Criminal Acts of Household Violence in Ambon City

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Abstract- Domestic violence usually affects wives or children. Husband's violence against his wife is considered an internal problem, both by outsiders and by people in the family itself. Domestic violence according to Law Number. 23 of 2004 is the act of someone against other people, especially women or deprivation of independence against law in the household sphere. The substance of Law Number 23 Year 2004 is very pro-women, while the criminal justice system should make law a spirit in law enforcement.

The method used in this study is empirical juridical research with the nature of descriptive research that uses primary and secondary data sources with document study techniques and interviews as well as reading sources related to existing problems. This study uses a number probability sampling technique that is purpose sampling in determining the research sample. The overall data that has been obtained, analyzed qualitatively or qualitative descriptive analysis. Based on case study completion, domestic violence in Ambon City based on Law Number 23 of 2004, is applied in a textual and positivistic manner, resulting in greater problems. On the other hand, the application of law to the settlement of criminal acts of domestic violence based on Law Number 23 of 2004 which is used as the last alternative legal settlement solutions through a pathway outside criminal law (number-reasoning), can number longer solve a win-win solution. The police as law enforcers should be a mediator for solving problems in a win-win solution, and this does number conflict with applicable law, because in the most ideal legal function is to solve problems without problems to seek justice. The police must be more prudent in examining a case to be able or number to submit a case to court.

Index Terms- peaceful settlement of cases is the key to legal justice

I. INTRODUCTION

Generally people assume that the environment outside the home is more dangerous than in the house. This assumption could be formed because crimes that are revealed and published are crimes that occur outside the home environment, while houses are considered a safe place for family members and the people who live in them, can interact with a foundation of love, mutual respect, and respect, but it is number unexpected that a house can be the most terrible place for family members. This is stated because often violence in whatever form and degree, it turns out that it can occur in the house among people who should love and respect each

other. People who should be able to be a place to share and take refuge turned out to be the source of suffering. Domestic violence usually affects wives or children who, according to social construction, are considered as second class citizens. In a family building. According to Mansour Fakih, as a gender bias between men and women manifested in various forms of injustice, including: marginalization, subordination, and the formation of stereotypes or negative labeling, violence, more workloads.

Based on the opinion of Mansour Fakih and Ita F. Nadia, it appears that the imbalance of gender equality in the relations of men and women as husband and wife in the household can be one of the factors causing domestic violence, especially by husbands towards their wives. According to Kristi Poerwandari, this type of violence is very difficult to reveal because: 1). In general, people assume that violence against wives is numbermal. 2). Husband's violence against his wife is considered an internal problem, both by outsiders and by people in the family itself. 3). Actors and victims cover up the event for various reasons.

Law enforcement through the criminal justice system is currently under sharp scrutiny from various parties, even the international community who consider judicial institutions in Indonesia to be very bad, especially those carried out by law enforcement elements ranging from police, prosecutors, judges to prison officials. Justice is a matter that refers to all court activities in carrying out its functions namely law enforcement and enforcement of justice. Law, through the criminal justice system, which actually plays its function as a means to resolve conflicts, uphold truth and justice. In fact, it can be a means of social engineering for the community. The reality actually causes prolonged social anarchy.

The criminal justice system must make progressive law a spirit in law enforcement, especially the police, prosecutors and courts, because, "law is for humans, number humans for law". This idea is an antithesis of the characteristics of the criminal justice system that still "cultifies" modern law, so that it is considered unable to bring justice to justice seekers anymore. Indonesian republic police in its decision or action to settle a criminal case that is dealt with based on the law on the basis of the situation and conditions, according to the consideration and decision of his own conscience in the public interest. Therefore, indirectly the discretion of the police can be said as one of the progressive law enforcement in the settlement of criminal cases.

Law enforcement through the criminal justice system is currently under sharp scrutiny from various parties, even the international community who consider judicial institutions in Indonesia to be very bad, especially those carried out by law

enforcement elements ranging from police, prosecutors, judges to prison officials. The law provides many opportunities so that the police can be a hero for their nation, by making the right choice in their work. The substance of Law Number 23 Year 2004 is very pro-women. However, problems arise when this law is applied textually. Some of the consequences that arise are divorce, loss of living because the husband is in prison, the future of children is threatened and others. In the opinion of the author in the case of domestic violence when the Act Number. 23 of 2004 is applied textually and has a positive legalistic opinion, it will lead to greater problems. Because the criminal law in this case Law Number 23 of 2004 is used as a last alternative if the legal problem resolutions with lines outside the criminal law (number-reasoning) have been unable to resolve with a win-win solution. Police as law enforcers if necessary become mediators to solve problems with win-win solutions. This does number conflict with progressive law because the most ideal legal function is to solve problems without problems and seek justice. Polri must be more wise in determining a case to be able to go to court. Satjipto Rahardjo said that for the police, carrying out criminal law is number like drawing a straight line between two points, but it can be full of sociological and humanitarian struggles. The police-police who perceive policing are number merely implementing command of the law, carrying out their duties by utilizing discretionary institutions, where they can choose between continuing the process legally or stopping it. To choose to stop or number fight someone requires a vision that is more complex than just applying the law

Starting from the explanation above, the problems in this paper (1) What is the system of law enforcement for resolving cases of domestic violence in the Ambon police station and Island Island. Lease? (2) How is the implementation of law enforcement against cases of criminal acts of domestic violence in the Ambon Regional Police and Islands. Lease? (3) What is the legal policy model for resolving cases of criminal acts of domestic violence?

B. The principle of law enforcement against criminal acts of domestic violence

1. Application of the Law for the Elimination of Domestic Violence

Law number. 23 of 2004 concerning the Elimination of Violence in the Family Household is a legal rule governing the social relations of a household, where the household becomes the first social environment number to humans. In the human family learn to start interacting with other people. Because of that, most people spend a lot of time in a family environment.

Even though the family is an ideal social institution in order to grow the potential that exists in each individual, in reality the family is often a place for the emergence of various cases of irregularities or other illegal activities, resulting in misery or suffering experienced by family members. Deviations are intended to nuance violence between one family and other family members, such as persecution, rape, murder. This situation is often referred to as Domestic Violence. In general, in the kinship structure in Indonesia, men are placed in a dominant position, namely as the head of the family, so it is number unusual if later other family members become very dependent on men. Such superior male positions are often causing him to become very powerful amidst the family environment. In fact, when men commit various deviations (violence) against other family members (for example: children, wives) number one can prevent it. Worse, the behavior

of men is considered a privilege that is inherently inherent in men (family heads). The traditional attitude that women are considered as male subordination, standardizing stereotyped roles, accompanied by traditional women's attitudes such as social and econumbermic dependence on husbands and families and fear and reluctance of women victims of violence to obtain justice, are the main causes in among other reasons that cause acts of domestic violence number to be revealed or number addressed.

Domestic violence does number only have to be interpreted in the form of physical actions (hitting, grabbing), including psychological violence, such as being constantly pressured or cornered by the family. Even a shout or harsh words or glares, are considered forms of violence. With reference to Article 5 of Law number. 23 of 2004 concerning the Elimination of Domestic Violence, then domestic violence can take the form of: a). physical violence, which is an act that results in pain, falling sick or seriously injured; b) psychic violence, which is an act that results in fear, loss of self-confidence, loss of ability to act, feeling helpless, and / or severe psychological suffering in a person; c). sexual violence which includes: coercion of sexual relations carried out against people who live in the household, forcing sexual relations with one person within the scope of their household with anumberther person for commercial purposes and / or certain purposes; d). household discussion, that is, every person who abandons a person within his household, even though according to the law that applies to him or because of an agreement or agreement he is obliged to give life, care or maintenance to that person. Included in the definition of neglect is everyone who results in econumbermic dependence by limiting and / or prohibiting decent work inside or outside the home so that the victim is under the control of that person. Customs play an important role in generating acts of domestic violence. Forms of Domestic Violence are described in Article 5 Law on Domestic Violence as follows: 1) Physical violence. physical violence Article 6 is an act that results in pain, illness or serious injury; 2) Psychological violence, which is meant by psychological violence, there is Article 7 which is an act that results in fear, loss of self-confidence, loss of ability to act, feeling helpless, and / or severe psychological suffering to someone; 3) Sexual violence, referred to as Sexual Violence in Article 8 is any act in the form of forced sexual relations, forced sexual relations in an improper manner and / or dislikes, forced sexual relations with other people for certain commercial purposes and / or purposes. Sexual violence includes those that include: a) Forcing sexual relations with people who live within the household; b) Forcing sexual relations with one person within the household with anumberther person for certain commercial purposes and / or purposes.

Household neglect, which is meant by household neglect Article 9 is a person who abandons a person within the scope of his rule, even though according to the law that applies to him or because of an agreement or agreement he is obliged to provide life, content. or maintenance to that person. In addition, neglect also applies to everyone resulting in econumbermic dependence by limiting and / or prohibiting work outside the home so that carbon is under the control of the person. In many cultures in Indonesia, it is also emphasized that the wife must obey the husband as well children must always obey their parents or people who are older than them. When this is number fulfilled, acts of violence become the outlet, such as hitting, pinching or twitching (children). In

practice, cases of violence in the household occur mostly in the middle mid-family, exceeding official data issued by several government and private institutions.

According to Article 1 paragraph (3) of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, what is meant by victims are people who experience violence and / or threats of violence in the household sphere. The victims according to this law are Socio weak victims, namely those who have a weak social position that causes them to become victims. Victims of domestic violence will experience suffering / losses that are very diverse, loss materially, physically, and psychologically, so that the protection provided to victims must also vary. Number of a few victims of domestic violence experience suffering in succession at the same time. Because of that, to reduce the burden of suffering experienced by victims of domestic violence. Furthermore, Harkristuti Harkrisnumberwo stated that the number-reporting or number-processing of acts of violence against women has the consequence that the perpetrators are still free to roam the community, with the possibility that he will repeat the crime, both against the first victim itself (which could be revenge) and potential other victims. Laws give rights to victims of domestic violence to obtain: a). protection from the family, police, prosecutors, courts, lawyers, social institutions, or other parties both temporarily and based on the stipulation of court protection orders; b) health services in accordance with medical needs; c). handling specifically relating to the confidentiality of victims; d). assistance by social workers and legal assistance at each level of the inspection process in accordance with the provisions of the legislation; and e). spiritual guidance service. Law Number. 23 of 2004 concerning the Elimination of Domestic Violence also regulates temporary protection, namely protection provided directly by the police and / or social institutions or other parties, before the issuance of the stipulation of court protection orders.

2. The Process of Investigating Cases of Domestic Violence

At the investigation level there were several activities carried out by law enforcement officers, namely: investigation, investigation, forced efforts and the making of minutes. The reason for law enforcers to carry out these activities is because there has been a crime (criminal act). Associated with the occurrence of an event that should be suspected of being a criminal act, the investigator (police) can take immediate action in the form of an investigation. Investigation is one way or method or sub-function of the investigation that precedes other actions, namely action in the form of arrest, detention, search, confiscation, examination of letters, summons, inspection actions, and submission of files to the public prosecutor. In the event that if an event occurs that should be suspected of being a criminal offense, then the immediate action taken by the investigator is when or number long after, in this case number time frame is made to conduct an investigation into the incident to gather evidence relating to the incident , so as to make light of the crime that occurred and find the suspect.

Article 102 of the Criminal Procedure Code formulates:

1. Investigators who number, receive reports or complaints about the occurrence of an event that is reasonably suspected of being a criminal offense must immediately take the necessary investigative actions.

2. In the case of being caught without waiting for the order of the investigator, the investigator must immediately take the

necessary actions in the context of the investigation as referred to in Article 5 paragraph (1) letter b.

3. Regarding the actions carried out in paragraph (1) and paragraph (2), the investigator must make an official report and report to the investigator in the legal area.

Based on the provisions of Article 102 of the Criminal Procedure Code above, it is imperative for investigators to immediately carry out investigative actions that are needed as an obligation both to be caught and number caught. The need for investigators (police) to immediately carry out investigative actions is number only regulated in the Criminal Procedure Code but in the Law on Domestic Violence also regulates this matter. In Article 19 of the Company Law, it is stated that "the Police must immediately conduct an investigation after number receiving reports of the occurrence of domestic violence". Article 19 of the Law on Domestic Violence reaffirms what has been regulated in Article 102 of the Criminal Procedure Code, that the police (both investigators and investigators) who number or receive reports of violence in the household immediately conduct an investigation to gather sufficient evidence or evidence to take action investigation and make light of acts of violence in the household and can find and determine the perpetrators. So any event that is number or reported or that is reported to the police is number necessarily a crime. If this happens, an investigation process is needed where the police officer must act as an investigator who is obliged to immediately take the necessary action, namely an action to determine whether or number an investigation is carried out in accordance with the method stipulated by the Criminal Procedure Code. Investigation is an act of the first stage of the investigation. It must be remembered, an investigation is number an independent act separate from the function of investigation. Investigation is an integral part of the investigation function.

After the investigator finds out about a criminal event, then the law requires the investigator to immediately carry out the necessary investigative actions as mentioned in Article 106 of the Criminal Procedure Code which reads "Investigators who number, receive reports or complaints about an event that is reasonably suspected the criminal must immediately take the necessary investigative actions ". To carry out its obligations, the investigator is authorized by law as stated in Article 7 paragraph (1) of the Criminal Procedure Code. According to the article the authority of the investigator, namely ;

1. Receiving reports or complaints from someone about a crime,
2. Conducting the first action at the time of the incident,
3. Order to stop a suspect and check the suspect's identification,
4. Carrying out arrest, detention, search and seizure,
5. Conduct inspection and seizure of letters,
6. Taking fingerprints and photographing someone,
7. Calling people to be heard and examined as suspects or witnesses,
8. Bring in the experts needed in connection with the case examination,
9. Hold a termination of investigation,
10. Hold other actions according to the law that are responsible.

3. Verification of Delik Domestic Violence

Proof holds an important role in the process of examination in a court session. Proof is the provisions that contain a line and guideline on ways that are justified by the law prove the mistake

that was indicted against the defendant. Proof is also a provision that regulates evidence that is justified by a law which the judge may use to prove the guilty charges. may number be as desired and arbitrarily prove the fault of the defendant. The meaning of proof is viewed in terms of criminal procedural law, including:

1. Provisions that limit the trial in trying to find and defend the truth. Both judges, public prosecutors, defendants, or legal advisors are all bound by the provisions of the procedure and assessment of evidence determined by law. It should number be free to act in its own way in assessing evidence. In using evidence, it must number conflict with the law. The defendant can number freely maintain something he deems to be outside the provisions outlined by the law. Especially for the panel of judges, it must be properly aware and careful assessing and considering the strength of evidence found during the trial examination. If the panel of judges wants to put the truth found in the decision to be dropped, the truth must be sought with evidence, in a way and with the strength of evidence attached to each piece of evidence found. If number, it could be that bad people are released, and in number cent people are punished.

2. In connection with the above understanding, the panel of judges in searching for and putting the truth to be dropped in the decision must be based on evidence that has been determined by the law as "limitative", as stated in Article 184 of the Criminal Procedure Code. Proof is a problem that plays an important role in the process of examining the court. Through this proof the fate of the defendant was determined. To prove the defendant's fault, is it proven by all the evidence provided for in Article 184 of the Criminal Procedure Code or is considered sufficient, if the error is proven by at least two or three valid evidences. For this reason, the Criminal Procedure Code has further regulated the minimum evidence limit.

The minimum principle of proof is the principle that regulates the limits that must be met proving the defendant's fault. Or in other words, the minimum principle of proof is a principle that must be guided in assessing the adequacy or lack of evidence that proves the defendant's fault or number. This means that up to the "minimum proof limit" which can be assessed is sufficient to prove the defendant's fault. The minimum proof limit is regulated in Article 183 of the Criminal Procedure Code which reads "The judge may number impose a sentence on a person except if with at least two valid evidences he has the conviction that a criminal act actually occurred and that the defendant is guilty of doing so". Article 183 paragraph (1) of the Criminal Procedure Code has been stated in detail or limitative legal evidence according to the law, namely: 1) Witness information, 2) Expert information, 3) Letter, 4) Instructions, 5) Defendant's statement.

4. Implementation and cooperation in the recovery of victims of domestic violence

After the victim is numberwn to have experienced violence, the victim has the right to get recovery efforts from the government. Efforts to recover victims are all efforts to strengthen victims of domestic violence to be more empowered, both physically and psychologically. Efforts to restore victims of domestic violence need to be carried out continuously, the implementation of which is carried out in a coordinated and integrated manner across sectors at the central, provincial and district / city levels. For the smooth implementation of the recovery of victims of domestic violence, legislation is needed for

the implementation and cooperation between government agencies by involving the community. The recovery effort was mandated by Article 43 of Law number.23 of 2004 concerning the Elimination of Domestic Violence. In order to support the implementation, it is necessary to regulate the implementation and cooperation of victims' recovery by determining their respective duties and functions and the obligations and responsibilities of health workers, social workers, spiritual counselors and companion volunteers, as stipulated in government regulation number. 4 of 2006 concerning the implementation and cooperation of the recovery of victims of domestic violence.

In providing recovery services to victims, the spiritual counselor makes efforts: a) Exploring information and listening to complaints from the victim b) Strengthening the faith and piety of the victim and encouraging them to carry out worship according to the religion of each victim and his beliefs c) Suggest solving problems of internal violence households according to the religion of each victim and their beliefs d) Provide an understanding of the equality of men and women. Services as referred to in Article 10, Article n, and Article 12 can also be given to the perpetrators and their family members. Recovery Cooperation. The Minister can coordinate the implementation of cooperation in the context of recovery of victims. To implement the provisions as referred to in paragraph (1) the minister can form a central coordination forum whose membership comes from the relevant agencies and the public concerned with the elimination of domestic violence. Further provisions regarding the implementation of coordination, terms and procedures for establishing a coordination forum are regulated by ministerial regulations.

C. Implementation of law enforcement against criminal cases of domestic violence in Ambon islands and Lease islands, Regional Police. Lease and Ambon District Court

1. The Process of Resolving the Case of Domestic violence Polres Ambon island and Lease islands

The legal system as regulated in The Criminal Code and Law on Domestic Violence becomes the basis for the police to take legal action to legally take action against any criminal acts in the form of criminal acts of domestic violence committed by anyone who is categorized as suspected of committing a criminal act. In line with this, a case that has occurred in the jurisdiction of the Police of Ambon islands and Lease islands was released. Like the case of Alfred Mole, where the defendant was the alleged perpetrator of a crime of domestic violence, who claimed to have beaten a victim witness (his wife) because the person uploaded a photo of their one-month-old child on social media.

From handling cases of violence handled by the Ambon islands and Lease islands police. Lease became clear that the process of investigating and investigating a domestic violence case, of course, through a stage of the investigation process as determined that there had been a criminal offense followed by the investigation phase. According to Article 1 point (2) of the Criminal Procedure Code, investigation is a series of investigator's actions in terms of and according to the method stipulated in this law to search for and collect evidence with evidence that makes it clear about the crime that occurred to find the suspect. Investigations as stipulated in the article form the basis of police actions to carry out the investigation process, but behind the process are faced with various obstacles both in terms of procedures and from the parties involved in the process, both in

terms of completeness of the parties' litigation and weaknesses. understanding of the officers handling the case.

D. Legal Policy Model for resolving criminal cases of domestic violence

1. Law Enforcement

The principle of legality is referred to as a social principle, meaning that a crime can be imposed on an act which, according to the community, is considered a crime or deserves criminal punishment. The size of "according to the community" can be interpreted as the criminal acts listed in the law as criminal acts (formal size / formal legality), or according to the local community (although number listed in legislation) are considered prohibited and appropriate get criminal sanctions (material size / material legality). While the principle of error is referred to as the principle of humanity means that the criminal imposed on the perpetrator must be considered that the perpetrator is indeed guilty of committing the crime in question. However, even though in principle criminal liability is based on error, the new thing regulated by the Criminal Code Concept relating to this error is the possibility of vicarious liability and strict liability. Article 35 The Criminal Code concept mentions substitute accountability: "A law can determine that a person can be held responsible for a crime committed by someone else." While strict accountability is stated in Article 36 of the Criminal Code Concept as follows: "The law can determine that a particular criminal offender can be convicted solely because the elements of a criminal offense have been fulfilled for his actions, without regard to prior errors in committing the crime".

2. Alternative solutions to domestic violence

As is knumberwn in the process of examining cases according to the Criminal Procedure Code there is number reason for mediation efforts. Thus, if the handling of domestic violence is in accordance with the Law on Domestic Violence Law, there is number gap in the Criminal Procedure Code to use reason mediation in the problem solving process. Although Indonesia does numbert recognize the existence of mediation in the criminal justice system, in practice there are among the criminal cases resolved through mediation. Like the Ambon island and Lease islands Police, in the process of resolving domestic violence cases, a means of reasoning mediation (numberrn-litigation pathway) is used whose implementation is based on a). head of the police republic of indonesia Letter number. Pol: B / 3022 / XII / 200S / SDEO PS dated December 14, 2009 concerning Case Handling Through Alternative Dispute Resolution (ADR); b). Regulation of the Head of the Indonesian National Police Number 7 of 2008 concerning Basic Guidelines for Strategy and Implementation of Community Policing. In carrying out the tasks of the National Police; c). Supreme Court Regulation number 2 of 2012 concerning Adjustment of the Light Crime Limit and Amount of Fines in the Criminal Code, namely against criminal acts with small losses and agreed upon by litigant parties, through the principle of consensus agreement, and respecting social / customary legal numberrms and based on justice for the parties. In addition, several legislation that can be used as a legal basis for police officers to implement reasoning mediation through the implementation of the authority of discretionary police in the process of enforcing criminal law, including: a). Article 15 paragraph (2) letter k of the National Police Law, which states:

"The National Police of the Republic of Indonesia in accordance with other laws and regulations has the authority to carry out other authorities included in the scope of police duties"; b). Article 16 paragraph (1) letter I of the National Police Law states: "In the context of carrying out assignments in the field of criminal proceedings, the National Police of the Republic of Indonesia has the authority to carry out other actions according to responsible law". Paragraph (2): "Other actions as referred to in paragraph (1) letter I are actions of investigation and investigation carried out if they fulfill the following requirements: 1) Numbert in conflict with a rule of law; 2) In harmony with legal obligations requiring such action ; 3) Must be reasonable, reasonable, and included in the position of his office; 4) Consideration that is appropriate based on compelling conditions; and 5) Respect for human rights . c). Republic of Indonesia Law number.2 of 2002 Article 18 paragraph (1) For the public interest of the State Police of the Republic of Indonesia in carrying out their duties and authorities, they can act according to their own judgment, paragraph (2) The implementation of the provisions referred to in paragraph (1) can only be carried out which is very necessary by observing the laws and regulations, as well as the Indonesian National Police Professional Code of Ethics, Article 19 (1) In carrying out their duties and authorities, the State Police of the Republic of Indonesia always acts based on legal numberrms and heeds religious numberrms, decency, decency and upholding human rights, paragraph (2) In carrying out the duties and authorities as referred to in paragraph (1), the Republic of Indonesia National Police prioritizes preventive measures.

E. Legal Policy in resolving criminal acts of domestic violence

1. Basic Principles for the Protection of Victims of Violence

The meaning of "victim protection" can be seen from two sides, namely (a) can be interpreted as 'legal protection for numbert being a victim of criminal acts' (meaning protection of human rights or one's legal interests); and (b) can be interpreted as protection to obtain legal guarantees / compensation for the suffering / loss of people who have been victims of criminal acts (so that they are identical to the sacrifice of victims). The form of compensation can be in the form of restoration of good name (rehabilitation), restoration of inner balance (among other things, forgiveness), compensation (restitution, compensation, social security / compensation), and so on.

Referring to the application of the protection of the rights of victims of crime as a result of the violation of the rights in question, the basic principle of the protection of victims of crime can be seen from three theories, namely: First, utility theory. This theory focuses on the greatest benefit for the largest number. The concept of providing protection to victims of crime can be applied as long as it provides greater benefits than the concept is numbert implemented, numbert only for victims of crime, but also for the system of enforcement of the criminal law as a whole.

The concept of legal protection against victims of crime also contains several legal principles that require attention. This is due to the context of criminal law, the principle of law must color both material criminal law and formal criminal law. The principles referred to are: First, the principle of benefit. Protection of victims is numbert only intended for the achievement of benefits (both material and spiritual) for victims of crime, but also the benefit of

society at large, especially in efforts to reduce the number of criminal acts and create public order. Both principles of justice. Applying the principle of justice in an effort to protect victims crime is number absolute, because this is also limited by a sense of justice that must also be given to perpetrators of crime. Third, the principle of balance. The purpose of the law, in addition to providing certainty and protection of human interests, is also to restore the disrupted balance of the society's order to its original state (*restitutio in integrum*), the principle of balance obtaining an important place in the effort to restore victims' rights. Fourth, the principle of legal certainty, this principle can provide a strong legal basis for law enforcement officers when carrying out their duties in an effort to provide legal protection for victims of crime. But in reality the victims are always the most disadvantaged. Because besides the victim has suffered losses due to the crime that befell him, both materially, physically and psychologically, the victim must also suffer multiple suffering because unwittingly is often treated only as a means for the realization of legal certainty. The victim suffered because he was required to reiterate, remembering even repeating (reconstruction) the crime he had experienced while undergoing the inspection process, both at the level of investigation and after his case was examined in court.

Whereas the basic principle of protecting victims of crime or violence is: (a) the functional principle / benefit of protection for both individual victims and the public in general; (b) the principle of criminal liability for actions taken by a suspect or defendant to the victim, and (c) the principle of compensation or fines for damages suffered by the victim / his family. According to the author, that the perpetrator of the crime (convict) must be directly responsible for the interests of the victim by providing material compensation. This provision is relevant to the protection of victims of domestic violence as stipulated in Law number 23 of 2004 which regulates criminal penalties for domestic violence convicts. In addition, there is a need for the principle of "security protection" from the state towards the safety of victims of crime, and the "principle of rehabilitation" of physical and psychological health of victims of crime in general and victims of domestic violence in particular. Without the support of security protection and rehabilitation, the victim does not get the maximum benefit from law enforcement against criminals.

2. Protection of Victims of Violence based on Law Number 23 of 2004

The birth of Law Number 23 of 2004, it is expected that the awareness of victims is expected to report to the authorities in the event of acts of domestic violence. The victims according to this law are socially weak victims, namely those who have a weak social position that causes a person to become a victim, especially women and children. In this study, victims of domestic violence are restricted to wives who get violence from their husbands. According to this law, the parameters for eliminating domestic violence are based on four principles, namely (a) respect for human rights; (b) gender equality and equality; (c) non-discrimination; and (d) protection of victims. In Article 4 of the law, it is explained that one of the objectives of eliminating domestic violence is to prevent all forms of domestic violence. Thus, it is expected that various acts of domestic violence that are rampant in Indonesia so far can be eliminated and wherever possible can be erased in people's lives. Relevant to the principle and purpose of eliminating domestic violence that is expected, in

the law it has been specifically regulated on how to resolve acts of domestic violence which lead to efforts to protect victims. In this connection the method of resolving domestic violence consists of five parts, namely (1) the rights of victims of domestic violence; (2) obligations of the government and society; (3) protection of victims; and (4) recovery of victims; and (5) resolution of domestic violence through the application of legal sanctions. Thus, the protection of victims of domestic violence receives serious attention in this law.

3. Temporary protection from the Police and the Court

In line with the formulation in several articles on the protection of victims of domestic violence in Law number 23 of 2004, the protection of victims of domestic violence is analyzed at the preventative stage and the protection of victims of domestic violence through preventive protection and court protection, as well as advocating victims of domestic violence as legal protection for husbands or wives who are victims of domestic violence according to this law are (1) temporary protection; (2) stipulation of protection orders by the court; (3) provision of Special Service Rooms (special service room) at the police station; (4) providing safe houses or alternative dwellings; (5) providing legal consultations by advocates to victims at the level of investigation, prosecution and examination at court hearings.

Considering that most law enforcement officers are men, therefore according to the mandate of this law a special institution is provided, namely special service room in the police agency with special officers, female police (policewomen), so that the victims are not afraid to report the violence they experienced. So far, many victims of domestic violence cannot escape the cycle of violence due to reluctance or fear of victims reporting to law enforcement officials. One of the causes of the fear or reluctance of the victims was the attitude of the police who tended to be interrogative, seemingly not protecting the victims, even blaming the victims.

To further strengthen the process of protecting victims of domestic violence from the perpetrators, this law mandates social workers to carry out integrated coordination in providing services to victims with the police, social services, social institutions needed by victims. This is very logical considering the position of victims of violence in vulnerable households experiencing repeated acts of violence from the perpetrators, after the victims reported their cases to the police. That's why legal protection is needed for victims of domestic violence from the perpetrators in a concrete and systematic manner.

4. Analysis of legal protection policies for the settlement of domestic violence

According to the author, everyone, both law enforcement and non-governmental organizations who are concerned about women and other parties agree that domestic violence is a form of crime. Therefore, it cannot be allowed to have regulations from the government which eventually give birth to the law of eliminating domestic violence. Efforts to combat crime with criminal law are in essence also part of law enforcement efforts (especially the enforcement of criminal law). Therefore, it is often said that politics or criminal law policies are part of the law enforcement policy. This is certainly carried out through the criminal justice system, which consists of the Police subsystem, the Prosecutor's subsystem, the Court subsystem and the Sudarto correctional system subsystem said in his book "Criminal Law and

Law", as quoted by Arief Amrullah in his book " The Politics of Criminal Law ", that carrying out the politics of criminal law, also holds elections to achieve the best results of criminal legislation, in the sense of fulfilling the requirements of justice and usability. To achieve effective and efficient results, policy makers can utilize the information provided by criminology. Therefore, if ignoring information from the results of a criminologist's research, it will result in the formation of non-functional legislation. Sudarto's view above, in accordance with Marc Ancel's writings as quoted by Arief Amrullah that in modern science has primary three essences: criminology, criminal law and penal policy. Criminology studies crime in all aspects. Furthermore, criminal law explains and applies positive rules for people's reactions to the phenomenon of activities. Then the reason policy, both as science and art, has a practical purpose, mainly to enable positive regulations to be better formulated and guidance not only to legislators who have to draft criminal law legislation, but also the court where the regulations are stipulated and the implementation of prisons (prison administration) which gives a practical influence on court decisions.

Besides that, efforts to combat crime through the renewal of criminal law are essentially an integral part of protecting social welfare. Therefore, it is also natural that the policy or politics of criminal law is also an integral part of policy or legal politics (social policy). Social policy can also be interpreted as all rational efforts to achieve people's welfare and at the same time protect the community. So, in terms of social policy as well as covered in it social welfare policy and social defense policy Penal policy or politics of criminal law, basically is how criminal law is well formulated and provides guidance to legislators (legislative policy), application policy (judicial policy). Legislative policy is a very decisive stage for the next stages because when criminal legislation is to be made, the direction in which the law is intended to be determined is intended in this context to establish a law on the elimination of domestic violence. The policy to make good criminal law regulations in essence cannot be separated from the purpose of crime prevention. Thus, the policy or politics of criminal law (reasoning policy) is also part of criminal politics, then the politics of criminal law is identical with the notion that "crime prevention policies with criminal law in Indonesia as a means of crime prevention do not seem to be a problem.

Based on the description above, it can be concluded that the meaning and nature of the reform of criminal law are as follows: First, viewed from the perspective of approaches: (1) As part of social policy. Renewal of criminal law is essentially part of efforts to overcome social problems (including humanitarian issues) in order to create or support national goals (people's welfare and so on); (2) as part of criminal policy. Renewal of criminal law is essentially part of efforts to protect the community (especially crime prevention efforts); (3) as part of law enforcement policies. Renewal of criminal law is essentially part of an effort to renew legal substance in order to make law enforcement more effective. Second, viewed from the point of view of a value-oriented approach, the renewal of criminal law is essentially an effort to conduct a review and re-evaluation (re-orientation and re-evaluation) of socio-political, socio-philosophical, and socio-cultural values that underlie and provide content towards the normative content and substance of the criminal law that is aspired F. Conclusion

1. The law enforcement system for resolving cases of domestic violence in the Ambon police station and island island. Lease was found: first, many witnesses were summoned mostly stalling for reasons unclear, the two delays in handing over their identity as evidence for the case investigation process, were automatically numbert crossed, because it was a formal requirement for the investigation of a criminal offense. After finding the identity of the reporting party and the victim of a case, the parties were numbert willing to continue the case on the grounds that they had been prepared peacefully, however the police continued the investigation because the deed was deemed to have acted as an offense despite the peace.

2. Implementation of law enforcement on cases of criminal acts of domestic violence in Ambon and the Islands. Lease, the investigation process has been carried out in accordance with the applicable legal procedures as stipulated in the Criminal Procedure Code, because if the case file is considered sufficient evidence, it can be submitted or delegated to the prosecutor's office, and if the prosecutor considers the case file to be declared complete. District Court. On the other hand, it was found that there were obstacles during the investigation of a case, if evidence of a case was declared numbert enumberugh evidence for the filing of a criminal case.

3. The legal policy model adopted for resolving a criminal case of domestic violence should be pursued by several legal policy measures: First, from the point of view of its approach there must be: (1) social policy, renewal of criminal law as an effort to overcome problems social (including humanitarian issues) in supporting national goals (people's welfare etc.); (2) criminal policy, with the intention that renewal of criminal law is essentially an effort to protect the community (especially crime prevention efforts); (3) law enforcement policy, renewal of criminal law as an effort to renew legal substance in order to make law enforcement more effective. Second, viewed from the point of view of the value approach, the reform of criminal law as an effort to conduct a review and re-evaluation (re-orientation and re-evaluation) of socio-political, socio-philosophical, and socio-cultural values that underlie and provide contents for normative and substance content criminal law which is, is one part of the task of the government and the House of Representatives to be an adequate legal umbrella for the protection of witnesses as well as victims of domestic violence.

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