

# Criminal Law Enforcement and Countermeasures Policies Against Violence Against Women in Dating Relationships in Indonesia

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**Abstract-** This study aims to examine criminal law enforcement and countermeasures policies against violence against women in dating relationships. This is because humans are essentially social creatures who cannot live alone but need other humans to interact with each other. Especially humans who are teenagers tend to want to have a relationship with the opposite sex or commonly called dating. Dating according to the Big Dictionary Indonesian is a constant friend of the opposite sex and has a relationship based on love. There are several positive things when someone is dating, namely tend to be more enthusiastic about living life, increase self-confidence, and increase productivity in school, college and work. However, not a few also in dating relationships also have negative sides such as the existence of an act of violence both verbally and non-verbally. The issue of violence against women in dating relationships is a deep problem in Indonesia. The research method used in this study is a normative research method using a statutory approach and will be analyzed using related analysis content Enforcement of criminal law and countermeasures against violence against women in dating relationships.

**Index Terms:** Law Enforcement, Violence, Dating

## I. INTRODUCTION

Humans are social creatures who cannot live alone but need other humans to interact with each other and meet each other's needs. From these interactions cause a special relationship or called courtship between men and women. Dating is a relationship between a man and a woman who have an emotional attachment, it is caused by a special feeling. Feelings are synonymous with mutual affection and a sense of belonging to each other. That statement is that some argue that courtship will not occur violence. But in fact, in the 2023 National Commission for Women's Annual Meeting, the number of dating violence cases dominated by female victims ranks first in the personal sphere reported to law enforcement service agencies during 2022. This is reinforced by a statement from National Commission on Women Member Theresia Iswarini, namely "Service institution data shows the highest number of dating violence with 3,528 cases, followed by violence against wives 3,205 cases, and violence against girls 725 cases". Violence is an act that causes suffering, physical injury or psychological injury to others. Acts of dating violence against women involve the use of force, threats and aggressive acts aimed at intimidating, controlling, and hurting the victim. So it can be concluded that dating violence is behavior that deliberately uses criminal means through coercion to gain control or maintain power over a partner. In the personal realm, violence against women most often occurs is that the perpetrator has a blood relationship, such as father, brother, sister, uncle, grandfather, marriage or special relationship (dating) with the victim. Forms of violence against women in dating relationships can vary, namely physical violence, psychological violence, sexual violence, and economic violence.

Various efforts have been made by law enforcement officials and the government in tackling cases of dating violence. However, in law enforcement efforts, especially criminal law, there are many challenges in the field in overcoming dating violence. One of the main challenges is that many female victims do not want to report or seek help from those closest to them or law enforcement officials. Factors causing victims not to report to the closest people, especially law enforcement officials, are shame, intimidation from perpetrators, fear, economic and psychological dependence, social pressure from the victim's environment, and distrust of the legal system which is an inhibiting factor for victims to report violent events they experience. Not only that, there are still many practices and social norms that justify violence and justify violence as normal, because violence can disseminate and control partners for good reasons. This is due to a lack of awareness about women's rights and education about the importance of maintaining healthy and good relationships. Knowing this social phenomenon, concrete steps are needed from the government and law enforcement officials in improving law enforcement, especially criminal law and prevention policies, combating violence against women in dating relationships and strengthening collaboration between the government, law enforcement officials, and the community to expand the effectiveness of criminal law in efforts to overcome violence in dating relationships in Indonesia. By taking into account the description above, the problems that arise in this legal research, which include What are the factors that influence perpetrators to commit violent crimes against women in dating relationships and How is criminal law enforcement against perpetrators of female violence in dating relationships.

## II. METHOD

The research method used is a normative research method, using a statute approach related to examining criminal law enforcement and countermeasures policies against violence against women in dating relationships. The statute approach examines matters concerning legal principles, legal views and doctrines, and related laws and regulations examining criminal law enforcement and

countermeasures policies against violence against women in dating relationships, with accurate and accountable data. In addition, an in-depth examination of the legal facts is also held to then seek solutions to the problems that arise in the symptoms concerned.

### III. RESULT AND DISCUSSION

#### A. Factors influencing perpetrators to commit criminal acts of violence against women in dating relationships

One of the bad effects of dating is that there is a relationship and violence. Dating violence against women can be in the form of physical or non-physical violence. Dating violence is one of the ways a person expresses himself while dating. Acts of violence in courtship such as hitting, kicking, slapping, and cursing in the form of abusive words usually occur during courtship. There are several factors behind cases of violence against women in dating relationships, one of which is because they gain control over their love or because they are too bucin (love slaves). So if someone can't control themselves while in a relationship, they can become too loving. It's not good to love too much, because, that's why many people don't realize that they are involved in an unhealthy relationship cycle because of over-loving or obsession with each other. The factors that cause violence against women in dating relationships include:

1. Excessive jealousy towards your partner

Excessive jealousy is one of the triggers of violence against women in dating relationships,

2. There Are Incidents of Infidelity

Infidelity is one of the causes of cases of dating violence. This happened because one of them betrayed and destroyed their relationship, so one of them became dark-eyed shrouded in anger, so violence ensued.

3. Defiance or disobedience to the spouse

This happens, because there are demands or prohibitions from one of the partners that are not met and violated. Thus resulting in violence in dating relationships.

4. Inadequate Environment

Environmental factors are one of the main causes because they are influenced by the association of one partner. So if one grows out of an environment filled with violence, it is likely to be imitated by the perpetrator of violence

5. Drug Abuse

Perpetrators who consume illegal drugs, such as drugs, alcohol, alcohol, and the like tend to act aggressively or violently towards their partners.

6. Inability to resolve conflicts

Some people lack the ability to resolve conflicts in their relationships. Thus allowing turning to violence as a way to resolve their conflicts. Know the factors that cause perpetrators to commit violence against women in dating relationships. Then there must be legal remedies, especially criminal law to overcome violence against women in dating relationships. So as to create an atmosphere of a safe environment and healthy relationships without any violence towards women.

#### B. Law Enforcement of Women's Violence in Dating Relationships

In today's modern era, violence against women is increasing. This is inseparable from weak law enforcement and the lack of threat of punishment. The procedures used in handling cases from beginning to end tend to be disproportionate when compared to the consequences experienced by victims of violence. In handling such cases, the use of laws that can provide legal protection to women victims of dating violence must be based on the age of the victim. If the victim is under 18 years old, Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection will apply:

1. Article 76 D which reads:

Everyone is prohibited from violence or threats of violence to force children to have intercourse with him or others.

2. Article 76E which reads:

Everyone is prohibited from committing violence or threatening violence, coercing, deceit, committing a series of lies, or inducing a child to commit or allow obscene acts to be done.

In general, the criminal code that is often used in dating violence is only applied according to the criminal acts committed such as in violence and persecution can be seen in Article 351 of the Criminal Code, Article 352 of the Criminal Code, and Article 354 of the Criminal Code. Experiencing violence and persecution will be charged based on the Second Book of the Criminal Code. It can be seen that there are 3 (three) types of persecution and violence, namely **Ordinary Persecution**. Article 351 of the Criminal Code explains that persecution is punishable by imprisonment for a maximum of two years and eight months or a maximum fine of three hundred rupiah. If the act results in serious injury, the guilty person is punishable by imprisonment for a maximum of five years. If it results in death, it is subject to imprisonment for a maximum of seven years. With persecution is equated deliberately damaging health. Attempts to commit this crime are not criminalized. **Minor Mistreatment** Article 352 of the Penal Code explains that except as provided in articles 353 and 356, persecution that does not cause disease or hindrance to carry out office work or search, is threatened, as a misdemeanor, with imprisonment for not more than three months or a fine of not more than three hundred rupiah. The penalty may be increased by one-third for the person who commits the crime against the person who works for him, or becomes his subordinate and Attempts to commit this crime are not criminalized. **Article** 354 of the Penal Code explains that whoever intentionally seriously injures another person shall be punished, for committing severe maltreatment, with a maximum imprisonment of eight years. If the act results in death, the guilty person is subject to imprisonment for not more than ten years.

Physical violence can be prosecuted under Articles 351-358 of the Criminal Code. The legal basis for violence and maltreatment of children can be seen in Article 351 of the Criminal Code and Article 352 of the Criminal Code. Meanwhile, if the victim is over 18 years old or can be said to be a legally capable adult, it will be processed in accordance with the criminal act, if experienced: violence and persecution it will be charged based on the Second Book of the Criminal Code. If the victim experiences verbal abuse, the perpetrator will be subject to Chapter XVI on Insult, Criminal Code. Article 310 of the Criminal Code explains that whoever

deliberately attacks the honor or good name of a person, by accusing something, which has the express intention of making it public, is threatened, for defamation, with imprisonment for not more than nine months or a fine of not more than three hundred rupiah. If this is done with writings or images broadcast, performed or posted in public, then those guilty, for defamation, shall be punished with imprisonment for a maximum of one year and four months or a fine of not more than three hundred rupiah. It does not constitute defamation or libel, if the act is clearly done in the public interest or because it is compelled to defend itself.

If the victim experiences sexual violence then the perpetrator will be subject to Chapter XIV on Crimes Against Decency, Article 284 of the Criminal Code explains that Whoever by force or threat of violence forces a woman to have intercourse with him outside marriage, punishable by rape, carries a maximum prison sentence of twelve years. Article 289 of the Criminal Code explains that whoever by force or threat of violence forces a person to commit or allow obscene acts to be committed, shall be threatened with committing acts that attack the honor of decency, with a maximum imprisonment of nine years. As can be seen in full in the criminal code regarding sexual harassment, obscenity articles can be prosecuted ( Articles 289-296 of the Criminal Code), articles of obscenity relations (Articles 295-298, 506 of the Criminal Code), criminal acts against decency (Articles 281-283, 532-533 of the Criminal Code ), intercourse with underage women can be prosecuted under Articles 286-288 of the Criminal Code and rape can be prosecuted under Article 285 of the Criminal Code, each of these articles applies in accordance with the criminal act committed by the perpetrator against the victim. It is called light torture if the molester does not cause illness or hindrance to carry out work with a maximum prison sentence of 3 (three) months Article 352 of the Criminal Code. Ordinary persecution, if there is intentional conduct that causes pain or injury by getting a maximum prison sentence of 2 years and eight months Article 351 of the Criminal Code. While it is called severe persecution, if the act aims to seriously injure others by getting a maximum prison sentence of eight years (Article 354 of the Criminal Code). The most easily recognized verbal violence is defamation, yelling, scolding or yelling at someone who can indeed mentally traumatize the victim, including by threatening the victim, belittling and degrading, cursing and insulting, and accusing based on Article 310 of the Criminal Code and Article 315 of the Criminal Code.

One of the efforts made by Rifka Annisa *Women's Crisis Center* is to mediate the perpetrators and victims to find the bright spot before the case reaches the green table. Mediation aims to be resolved familiarly to both parties so that this problem does not need to drag on and if the perpetrator admits guilt and will be responsible, and / or cause pregnancy to the victim then it is advisable to marry her. If physical harm or damage health, the perpetrator must be responsible for medical expenses to his victim. This mediation effort if there is no agreement to reconcile, then the victim can report to the police according to the criminal act he experienced. The legal rules used are based on Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection Article 81 and Article 82 for victims under the age of 18 years and the Criminal Code Article 287 paragraph (1) and Article 292 of the Criminal Code, while for victims who are over 18 years old they will use Articles 351, 352 and 354 of the Criminal Code for violence and persecution, Articles 285, 289 of the Criminal Code on crimes against decency where the victim experiences sexual violence or obscenity and threatens the victim. If the perpetrator is a child over the age of 18 years, criminal sanctions are applied in accordance with the criminal acts committed. Legal rules that can be used to provide legal protection for women victims of dating violence are seen based on the age of the victim, if a child under the age of 18 years becomes a victim, it is subject to Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection in Articles 76 D and 76 E, and or if the victim is over 18 years old then use the Criminal Code and will be subject to Article 351 Criminal Code, 352 Criminal Code and 354 Criminal Code for the crime of persecution, Article 310 of the Criminal Code and 315 of the Criminal Code on verbal violence, Article 285 of the Criminal Code, 289 of the Criminal Code on sexual violence, and on Article 47 paragraph (1) of the Criminal Code. If the perpetrator is a minor, the criminal penalty can be reduced by one-third.

#### IV. CONCLUSION

Based on the explanation above, it can be concluded that dating has bad effects, one of which is the occurrence of violence in relationships. This violence can be physical or non-physical, such as hitting, kicking, slapping, or cursing in the form of abusive words. Some of the factors behind the occurrence of this violence are excessive jealousy, infidelity, defiance or disobedience to a partner, inadequate environment, drug abuse, and inability to resolve conflicts. Some people may become overly loving or obsessive towards their partner, making it difficult for them to control their emotions and behavior. This can lead to unhealthy relationships and lead to violence. To tackle violence against women in dating relationships, it is important that we raise public awareness about the issue and the importance of avoiding unhealthy relationships. In addition, legal efforts, especially criminal law, must also be carried out to uphold justice and protect women's rights.

It is important for the government, law enforcement officials, and communities to play an active role in creating a safe and healthy environment for women in dating relationships. By doing so, we can prevent violence from occurring and provide opportunities for women to live equal and respectful relationships. The high number of acts of violence against women in dating relationships in the modern era is linked to weak law enforcement and the lack of commensurate punishment. Procedures for handling cases of violence are often inadequate when compared to the consequences experienced by victims. To address this issue, it is important for the law to provide appropriate legal protection to female victims of dating violence, based on the age of the victim. If the victim is under 18 years old, Law Number 35 of 2014 concerning Child Protection becomes a reference, by stipulating articles that prohibit physical and non-physical violence against children. In addition, the handling of mediation by organizations such as the Rifka Annisa Women's Crisis Center can also help find solutions that benefit both parties. Meanwhile, for victims over the age of 18, the Criminal Code is used to prosecute perpetrators of violence. Various articles in the Criminal Code cover the criminal offenses of violence and persecution, such as articles prohibiting ordinary, light, and severe persecution, as well as crimes against decency and sexual violence. So it is important to implement appropriate and effective laws to protect women from dating violence. Legal protection must be aligned with the age of victims, so that justice can be realized and society is more aware of the importance of avoiding unhealthy relationships and respecting women's rights. Collaborative efforts from various parties, including strengthening law enforcement and public awareness, are essential in addressing this issue and creating a safe environment for all.

**REFERENCES:**

1. Iffah, F., & Yasni, Y. F. (2022). Man as a social being. *Lathaif: Tafseer Literacy, Hadith and Philology*, 1(1), 38-47.
2. Wahyuni, D. S., & Sartika, R. (2020). Analysis of the causative factors of violence in dating relationships in students of the Indonesian University of Education. *Sosietas*, 10(2), 923-928.
3. <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-tentang-peluncuran-catahu-2023-komnas-perempuan>, Last accessed: 3 Jul9 i 2023.
4. <https://news.republika.co.id/berita/rr9acx335/komnas-kekerasan-pacaran-dominasi-kekerasan-di-ranah-personal>, Last accessed: 29 Juli 2023.
5. Prasetyo, Y., & Haryadi, H. (2017). Violence against Female Characters in Novels Such as *Dendam Rindu Must Be Paid Thoroughly* and *Tiger Men* by Eka Kurniawan. *Seloka: Journal of Indonesian Language and Literature Education*, 6(2), 152-160.
6. Putriana, A. (2018). Anxiety and coping strategies in female victims of dating violence. *Psychoborneo*, 6(3), 453-461.
7. Anisah, L. N. (2021). Strengthening adolescent mental health as an effort to prevent online-based gender violence (KGBO). *Journal of Legal Dedication*, 1(2), 151-163.
8. Mesra, E. M., Salmah, S. S., & Fauziah, F. F. (2014). Dating violence among young women in Tangerang. *Journal of health science and technology*, 2(1), pp 1-8.
9. Dwiati, I. (2007). *Legal Protection for Victims of Rape in Criminal Justice* (Doctoral Dissertation, Diponegoro University Postgraduate Program).
10. Rusyidi, B., & Hidayat, E. N. (2020). Dating violence: Risk and protective factors and their implications for prevention efforts. *Socio Informa*, 6(2), 152-169.
11. Mayasari, A., & Rinaldi, K. (2017). *Dating Violence in Women (Study on Four Women Victims of Dating Violence at University X)*. *The Other Side of Reality*, 2(2), 76-89.
12. Anisak, U. N. (2021). *Description of Emotional Abuse in Adolescents in Dating (Case Study on IAIN Kediri Students)* (Doctoral dissertation, IAIN Kediri).
13. Dwijayani, N. K. K., & Wilani, N. M. A. (2020). *Bucin is not love: Mindful dating for flourishing relationship*. *Widya Cakra: Journal of Psychology and Humanities*, 1(1), 1-11.
14. Samsuarni, R. (2022). *Handling Cases of Violence Against Women in Dating Relationships (Study of Banda Aceh Police Department)* (Doctoral dissertation, UIN Ar-Raniry), p. 49.