

IMPLEMENTATION OF LAW IN THE RESOLUTION OF DOMESTIC VIOLENCE CASES IN MEDAN: A CASE STUDY OF DECISION NUMBER 1450/PID.SUS/2025/PN MDN

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Abstract

This study aims to analyze the process of legal implementation, the obstacles to legal enforcement, and the legal protection afforded to victims in the resolution of domestic violence cases at the Medan District Court based on Decision Number 1450/Pid.Sus/2025/PN Mdn. The results of the study indicate that the implementation of law in domestic violence cases at the Medan District Court has been carried out in accordance with the provisions of the Criminal Procedure Code and Law Number 23 of 2004 on the Elimination of Domestic Violence. Nevertheless, in practice there are still various obstacles, including limitations of evidence due to the fact that the incidents occur in the private sphere, psychological pressure experienced by victims, power relations within the household, and cultural factors that perceive domestic violence as a domestic or private matter. Legal protection for victims has been realized through judicial considerations that emphasize the safety, dignity, and rights of victims, both during the trial process and through the imposition of criminal sanctions aimed at preventing the recurrence of violence.

Keywords: Legal Implementation, Domestic Violence, Victim Protection, Court Decision

1. INTRODUCTION

Domestic Violence cannot simply be carried out easily. The state has provided legal protection for victims of Domestic Violence and will impose sanctions on perpetrators in accordance with the applicable legal provisions. This indicates that Domestic Violence is no longer considered merely a domestic or personal issue but has become a matter of the state as it involves violations of human rights and is categorized as an unlawful act. In the context of combating domestic violence (DV), the Republic of Indonesia Law Number 23 of 2004 concerning the Elimination of Domestic Violence plays a very important role as the legal basis for providing protection to victims while also taking action against perpetrators of violence. This law explicitly contains structured objectives as stipulated in Article 4, namely:

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(a) preventing all forms of domestic violence, (b) protecting victims of domestic violence, (c) taking action against perpetrators of domestic violence, and (d) maintaining the integrity of a harmonious and prosperous household. In its implementation, Article 16 stipulates the obligation of the police to provide temporary protection to victims within 1 x 24 hours from the receipt of the violence report. This form of protection can be granted for a maximum period of 7 days from the time the victim is handled. At the same time, the police are also obliged to submit a request for a protection order to the court to ensure continuity between administrative protection and formal legal instruments with binding power. One example of a DV case that is the object of study in this research is Decision Number 1450/Pid.Sus/2025/PN Mdn. The chronology of the case is as follows: On Wednesday, January 31, 2024, at approximately 12:00 PM WIB, at Jalan Nusa Indah Raya No. 11, Helvetia Tengah Village, Medan Helvetia Subdistrict, Medan City, the Defendant, together with the victim witness Man Warjit Kaur and her child, was at home. At that time, the Defendant was on the second floor, while the victim witness Man Warjit Kaur and her child were on the first floor. Then the Defendant heard the sound of her child crying. Upon hearing this, the Defendant immediately went down from the second floor to meet the victim witness Man Warjit Kaur.

2. METHODOLOGY

The data collection location for this research is at the Medan District Court. In this study, the data sources used are secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Data collection techniques were conducted through library research and field studies. Library research was carried out to obtain secondary data from laws and regulations, court decisions, and relevant legal literature. Meanwhile, field studies were conducted through interviews with parties directly involved or knowledgeable about the handling of domestic violence cases. The data analysis technique in this research was carried out descriptively and qualitatively.

3. RESULTS/CASE STUDY/EXPERIMENT/APPLICATION FUNCTIONALITY

The legal process in the resolution of domestic violence (DV) cases is a series of criminal law enforcement activities carried out based on the provisions of the Criminal Code (KUHP) as substantive criminal law and the Criminal Procedure Code (KUHP) as procedural criminal law, as well as special regulations governing the elimination of domestic

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violence. DV is considered an act that violates criminal law and human rights, so the state is obliged to take action against the perpetrators and provide protection to victims.

The initial stage of the legal process begins with a report or complaint regarding the occurrence of DV to the police. Based on Article 108 paragraph (1) of the KUHP, any person who experiences, witnesses, or knows of the occurrence of a criminal act has the right to report it to the investigator. The police, as investigators, according to Article 1 number 1 and Article 6 paragraph (1) letter a of the KUHP, are authorized to receive reports and take initial actions to follow up on alleged DV crimes.

The legal process in this case has proceeded in accordance with the provisions. The panel of judges applied procedural and substantive law appropriately. The decision reflects justice, legal certainty, and usefulness. Protection of the victim becomes a primary concern. Thus, the first problem formulation has been comprehensively addressed.

Obstacles in the implementation of law in domestic violence cases cannot be separated from the characteristics of the offense. Domestic violence generally occurs in a private space. This situation causes a limitation of witnesses who can directly observe the criminal event. Law enforcement officers face difficulties in openly uncovering the facts. This condition becomes an initial barrier in the law enforcement process.

4. DISCUSSION

The legal process in the resolution of domestic violence (DV) cases at the Medan District Court based on Decision Number 1450/Pid.Sus/2025/PN Mdn is carried out in accordance with the provisions of substantive and procedural criminal law, namely the KUHP, KUHP, and Law Number 23 of 2004 concerning the Elimination of Domestic Violence. The legal process begins with the victim's report to the police, followed by investigation and inquiry, prosecution by the public prosecutor, and examination in court. During the trial, the judge examines the case based on the indictment and valid evidence, such as witness testimony, defendant's testimony, and visum et repertum, to obtain certainty regarding the occurrence of the criminal act and the defendant's culpability. All stages are conducted while guaranteeing the defendant's rights in accordance with the principle of due process of law.

In the case examination, the panel of judges carefully assesses the evidence and relates it to the elements of DV crimes as regulated in the law. The victim's testimony plays an

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important role considering that DV occurs in the private sphere, but it is still verified with other evidence to maintain the objectivity of the decision. In sentencing, the judge considers aggravating and mitigating factors and emphasizes that criminal penalties are not only repressive but also aim for rehabilitation and victim protection. This decision reflects the application of the principles of justice, legal certainty, and usefulness, while also demonstrating the court's role in providing effective legal protection for victims of domestic violence.

The implementation of law in resolving DV cases at the Medan District Court faces various obstacles originating from the characteristics of DV itself. Violence occurring in private spaces limits witnesses and evidence, so proof often relies on the victim's testimony. This is exacerbated by psychological pressure, trauma experienced by the victim, and power and economic dependency relations on the perpetrator, which often affect the consistency of the victim's report and testimony. Additionally, cultural factors that still regard DV as a domestic matter hinder victims' courage to report and strengthen social pressure to resolve the matter within the family.

On the other hand, obstacles also arise from institutional and procedural aspects, such as limited medical evidence due to delayed visum, prolonged trial processes, lack of victim assistance, and under-optimal supportive facilities that are victim-friendly. Law enforcement officers also face challenges due to differing perspectives and limited resources, so handling DV requires caution and high sensitivity. Nevertheless, based on Decision Number 1450/Pid.Sus/2025/PN Mdn, the court still strives to overcome these obstacles through comprehensive assessment of evidence and a humanistic approach, so that existing challenges do not hinder law enforcement and protection for DV victims.

Legal protection for victims of domestic violence (DV) is an essential part of criminal law enforcement oriented towards respect for human rights. DV victims, especially wives and children, are often in physically, psychologically, and socially vulnerable positions, so the state is obliged to provide effective protection from the reporting stage to the trial. Protection is not only realized through prosecution of perpetrators but also through guarantees of safety, legal and psychological assistance, and opportunities for victims to testify without pressure. In Decision Number 1450/Pid.Sus/2025/PN Mdn, the court places the victim as the main subject that must be protected by creating a safe trial process, respecting the victim's dignity, and avoiding revictimization.

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Legal protection for victims is also reflected concretely in the judges' considerations and verdict. The panel of judges seriously assesses the physical and psychological impact experienced by the victim, considers repeated acts of violence, and rejects the view that DV is a private matter. Sentencing of the perpetrator is regarded as a form of long-term protection to prevent further violence and provide legal certainty for the victim. Thus, through Decision Number 1450/Pid.Sus/2025/PN Mdn, the court demonstrates the active role of the state in protecting DV victims, upholding substantive justice, and providing a preventive effect for society so that domestic violence is not tolerated.

5. CONCLUSION

The legal process in resolving domestic violence cases at the Medan District Court has been carried out in accordance with the provisions of criminal procedure law and Law Number 23 of 2004 concerning the Elimination of Domestic Violence. The trial process, from case acceptance, witness examination, evidence assessment, to sentencing, is conducted systematically and procedurally. In the implementation of DV case resolution, there are various juridical, sociological, and psychological obstacles. The main obstacles include limited evidence due to incidents occurring in private spheres, psychological pressure experienced by victims, power relations in the household, and family pressure to reconcile. In addition, there are still cultural obstacles that view DV as merely a domestic matter. Legal protection for victims in this case has been realized through judges' considerations that emphasize the safety, dignity, and rights of victims. Protection is provided through a fair trial process, serious assessment of victim testimony, and sentencing aimed at preventing repeated violence. The court decision serves as indirect legal protection for victims and their children.

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realizes that this research still has limitations; therefore, any constructive criticism and suggestions are highly expected for the improvement of future research.

REFERENCES

- Al-Qur'an, Surah Al-Baqarah verse 179.
- Al-Qur'an, Surah An-Nur verses 4–5.
- Abidin Farid, Andi Zainal. Criminal Law I. Jakarta: Sinar Grafika, 2010.
- Ali, Achmad. Unveiling Legal Theory. Jakarta: Kencana, 2015.
- Ali, Mahrus. Fundamentals of Criminal Law. Jakarta: Sinar Grafika, 2015.
- Ali, Zainuddin. Sociology of Law. Jakarta: Sinar Grafika, 2016.
- Amrani, Hanafi, and Ali, Mahrus. Criminal Liability System. Jakarta: Rajawali Pers, 2015.
- Arief, Barda Nawawi. Anthology of Criminal Law Policy. Jakarta: Kencana, 2016.
- Arikunto, Suharsimi. Research Procedure: A Practical Approach. Jakarta: Rineka Cipta, 2006.
- Atmasasmita, Romli. Contemporary Criminal Justice System. Jakarta: Kencana, 2019.
- Bonger, W.A. Introduction to Criminology. Jakarta: Ghalia Indonesia, 1982.
- Budiardjo, Miriam. Fundamentals of Political Science. Jakarta: Gramedia Pustaka Utama, 2015.
- Chazawi, Adami. Lessons in Criminal Law Part 1. Jakarta: RajaGrafindo Persada, 2011.
- Ciciek, Farha. Violence Against Women in Intimate Relations. Jakarta: Center for Women's Studies UIN, 2012.
- Diantha, I Made Pasek. Normative Legal Research Methodology. Jakarta: Prenada Media Group, 2016.
- Dicey, A.V. Introduction to the Study of the Law of the Constitution. London: Macmillan, 1959.
- Dwiyanto, Agus. Public Service Management. Yogyakarta: Gadjah Mada University Press, 2018.
- Dwiyanto, Agus. Realizing Good Governance Through Public Service. Yogyakarta: Gadjah Mada University Press, 2006.
- Fakih, Mansour. Gender Analysis and Social Transformation. Yogyakarta: Pustaka Pelajar, 2013.
- Farid, Andi Zainal Abidin. Criminal Law I. Jakarta: Sinar Grafika, 2010.
- Gosita, Arief. Victim Problems. Jakarta: Akademika Pressindo, 2004.

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Link: <https://e-journalbarokahpublisher.com/index.php/jihuk>

- Gultom, Maidin. Legal Protection for Children and Women. Bandung: Refika Aditama, 2018.
- Hadjon, Philipus M. Administrative Law and Good Governance. Jakarta: Trisakti University, 2016.
- Hamzah, Andi. Indonesian Criminal Procedure Law. Jakarta: Sinar Grafika, 2016.
- Hart, H.L.A. The Concept of Law. Oxford: Oxford University Press, 1994.
- Hiariej, Eddy O.S. Principles of Criminal Law. Yogyakarta: Cahaya Atma Pustaka, 2016.
- Huda, Chairul. No Crime Without Fault. Jakarta: Kencana Prenada Media Group, 2006.
- Ibrahim, Johnny. Theory and Methodology of Normative Legal Research. Malang: Bayumedia Publishing, 2006.
- Indrati, Maria Farida. Legislation Science Vol. I. Yogyakarta: Kanisius, 2017.
- Irianto, Sulistyowati. Women and Law. Jakarta: Obor Foundation Indonesia, 2006.
- Kelsen, Hans. General Theory of Law and State. Cambridge: Harvard University Press, 1945.
- Kusumaatmadja, Mochtar. Introduction to Law. Bandung: Alumni, 2009.
- Lamintang, P.A.F. Fundamentals of Indonesian Criminal Law. Bandung: Citra Aditya Bakti, 2013.
- Lamintang, P.A.F. Crimes Against Life, Body, and Health. Jakarta: Sinar Grafika, 2010.
- Lotulung, Paulus Efendi. State Administrative Law and Authority. Jakarta: Salemba Humanika, 2013.
- Manan, Abdul. Reform of Islamic Law in Indonesia. Jakarta: RajaGrafindo Persada, 2018.
- M. Guffar Harahap. (2026). PERLINDUNGAN HUKUM TERHADAP KORBAN KEKERASAN DALAM RUMAH TANGGA. *Jurnal Ilmu Hukum Dan Keadilan*, 1(1), 4–6. Diambil dari <https://e-journalbarokahpublisher.com/index.php/jihuk/article/view/252>
- Marpaung, Leden. Principles of Criminal Law Theory and Practice. Jakarta: Sinar Grafika, 2012.
- Marzuki, Peter Mahmud. Legal Research. Jakarta: Kencana, 2017.
- Mertokusumo, Sudikno. Introduction to Law. Yogyakarta: Liberty, 2010.
- Moeljatno. Principles of Criminal Law. Jakarta: Rineka Cipta, 2008.
- Moeljatno. Criminal Acts and Responsibility in Criminal Law. Jakarta: Bina Aksara, 1987.
- Muladi. Selected Topics in Criminal Justice System. Semarang: UNDIP Publishing, 2012.
- Muladi, and Arief, Barda Nawawi. Theories and Criminal Policy. Bandung: Alumni, 2010.
- Mulyadi, Lilik. Legal Protection for Crime Victims. Bandung: Alumni, 2007.

Journal of Law and Justice

ISSN: 3124-419X (Online Media) Vol: 1, No: 1, Page: 16 -23

Link: <https://e-journalbarokahpublisher.com/index.php/jihuk>

- Muslich, Ahmad Wardi. Islamic Criminal Law. Jakarta: Sinar Grafika, 2018.
- Nurjaya, I Nyoman. Law and Domestic Violence. Malang: UB Press, 2017.
- Rahardjo, Satjipto. Legal Science. Bandung: Alumni, 2012.
- Rahardjo, Satjipto. Law and Society. Bandung: Angkasa, 2009.
- Saleh, Roeslan. Capital Punishment. Jakarta: Aksara Baru, 1978.
- Santoso, Topo, and Zulfa, Eva Achjani. Criminology. Jakarta: RajaGrafindo Persada, 2017.
- Soekanto, Soerjono. Factors Influencing Law Enforcement. Jakarta: RajaGrafindo Persada, 2014.
- Soeroso, Moerti Hadiati. Domestic Violence from a Victimological Juridical Perspective. Jakarta: Sinar Grafika, 2019.
- Soemiyati. Islamic Marriage Law and Marriage Law. Yogyakarta: Liberty, 2018.
- Tongat. Substantive Criminal Law. Malang: UMM Press, 2006.
- Waluyo, Bambang. Evidentiary System in Indonesian Judiciary. Jakarta: Sinar Grafika, 2016.
- Yulia, Rena. Legal Protection for Crime Victims. Yogyakarta: Graha Ilmu, 2010.
- Laws
- The 1945 Constitution of the Republic of Indonesia.
- Law Number 1 of 1974 concerning Marriage.
- Law Number 23 of 2004 concerning the Elimination of Domestic Violence
- Law Number 2 of 2002 concerning the Indonesian National Police.
- Law Number 25 of 2009 concerning Public Service.
- Law Number 30 of 2014 concerning Government Administration.
- Criminal Code (KUHP).
- Criminal Procedure Code (KUHAP).
- Kisaran District Court Decision Number: /96/Pdt.G/2024/PN Kis.