



The Role of Legal Aid And Consultation Agencies Faculty of Law University of Muhammadiyah Sukabumi to Prevent Domestic Violence

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Abstract

This research was motivated by the ineffectiveness of the efforts of the government and social institutions, law enforcement agencies in reducing the number of domestic violence that occurs in the community, and especially for the role of legal aid institutions that provide legal assistance in assisting domestic violence cases is still ineffective, because people who need legal assistance in accessing legal aid in domestic violence cases are still low, especially people in the Sukabumi Regency area in terms of prevention and Legal assistance in domestic violence cases by Legal Aid Providers is still not well coordinated. Therefore, research was conducted with concrete objectives on how to step the strategy pattern of the role of the Legal Assistance and Consultation Institute (LBKH) Faculty of Law, University of Muhammadiyah Sukabumi, in tackling domestic violence crimes in Sukabumi. The research method used is descriptive-analytic, that is, explaining existing data from relevant materials and analyzing them with reference to juridical foundations. The wrong approach that will be taken is to make observations in advance of an existing problem by being studied qualitatively and quantitatively, making a pattern the concept of handling the provision of legal assistance between LBKH and the Local Village Area. The results showed that with a pattern of strategic concepts applied between the cooperation of LBKH and the local village government, it can be possible to emphasize domestic violence cases in Sukabumi Regency by also focusing on the concept of



domestic violence together with social institutions, law enforcement, and other institutions. With legal aid institutions in the regions tackling domestic violence cases in the community, solutions can be found by forming a pattern of joint handling concepts both in terms of prevention and legal assistance can run effectively, especially so that the role of legal aid institutions in providing legal assistance for domestic violence cases is maximized, especially in terms of prevention and legal assistance.

A. Introduction

Domestic violence is a longstanding social phenomenon in several households around the world, including Indonesia. If so far the incident has hardly been heard, this is more due to the assumption in society that domestic violence is a taboo event to be discussed openly. Domestic violence cases dominate cases against women in Sukabumi. This is especially experienced by married couples who are beset by problems in their household. From forwa (Women's Forum) data, throughout 2019, there were nearly 40 cases of domestic violence reported to the institution.

In legal terms, what is meant by domestic violence is all acts or acts that cause physical, psychological, sexual, and economic suffering and misery to victims, the majority of whom are women. However, not all cases of domestic violence make women victims. But in human history, the phenomenon of violence against women is an undeniable reality. As vulnerable victims, women (including children) will be powerless in the face of individual situations of violence.¹ Domestic violence is often referred to as hidden crime because perpetrators and victims keep the act or violence secret from public view." Perpetrators of violence usually have a greater status of power, both in terms of economic, physical power, and social status in the family, "in its development some victims of domestic violence find it difficult to file or complain violence committed by their own husbands to law enforcement officials, because domestic violence itself is often seen as a private part or domestic affairs, so it cannot be reported to the police."²

According to the United Nations defines violence against women as acts of gender-based violence that cause or are likely to cause physical, sexual, or mental injury or suffering to women, including threats of arbitrary action, coercion, or deprivation of liberty, whether occurring in public or private life.³

Based on data, the problem of domestic violence (KDRT) dominates from 27 cases of violence against women and children in Sukabumi during 2022 with 32 victims. This was revealed by the Head of P3A of the Office of Population Control, Family Planning, Women's Empowerment and Child Protection (DP2KBP3A), Wiwi Edhi Yulaviani. "At most domestic violence until today, there are 10 cases. The rest are variations of cases, such as bullying at school and others. Wiwi said the 32 victims during 2022 consisted of children and adults. The details, 21 children and adults 11 people. "The details are seven boys, 14 girls and 11 adult women", he said. According to Wiwi, the factors causing the most domestic violence cases in Sukabumi this year began to be triggered by problems of economic difficulties, education, and

¹ Muklir Muklir, "Penanganan Korban KDRT Oleh Pusat Pelayanan Terpadu Pemberdayaan Perempuan Dan Anak (P2TP2A) Kabupaten Aceh Utara," *RESAM Jurnal Hukum* 7, no. 1 (2021): p. 10.

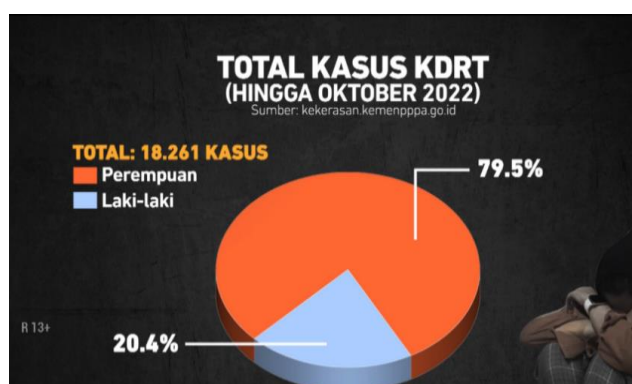
² Moerti Hadiati Soeroso, *Kekerasan Dalam Rumah Tangga Dalam Perspektif Yuridis - Viktimologis*, 1st ed. (Jakarta: Sinar Grafika, 2011).

³ Dikdik M. Arief Mansur and Elisatris Gultom, *Urgensi Perlindungan Korban Kejahatan Antara Norma Dan Realita*, I (Jakarta: RajaGrafindo Persada, 2007).

communication problems between couples. Wiwi said of the 27 cases, about 50 percent went to legal channels, and the rest were resolved outside the legal process. In 2021, there were 41 cases of violence against women and children, with 57 victims.⁴

From the final records of 2021 (Catahu) from Komnas Perempuan shows that the level of Domestic Violence (KDRT) in Indonesia is still relatively high. From the data released by Komnas Perempuan, various forms of violence that occurred in the domestic sphere were identified. Komnas Perempuan provides data on domestic violence cases based on the forms of violence committed, namely first is physical violence with a total of 2,025 cases, second is sexual violence cases with a total of 1,938 cases, third is paranormal violence with a total of 1792 cases, and fourth is violence in economic form with a total of 680 cases.³ With the high rate of domestic violence, the Government and society must make the phenomenon of domestic violence as a serious problem that should receive special attention to get an immediate solution.⁵

When viewed on a national scale, according to data from the Ministry of PPPA Data Release, the number of domestic violence cases in Indonesia until October 2022 can be seen according to the image diagram below:⁶



According to the data above from the Ministry of PPPA, as of October 2022, there have been 18,261 cases of domestic violence throughout Indonesia, 79.5% or 16,745 victims are women. In addition to these data, what we can highlight from the Ministry of PPPA data is that domestic violence also affects men, as many as 2,948 victims. So, men and women should not be ignored because each has a risk of becoming victims of domestic violence.

The number of domestic violence from year to year shows an increasing increase, the efforts of the government and social institutions, law enforcement agencies to reduce the number of domestic violence are currently only up to the stage of the term domestic violence becoming a term that is quite familiar used by the community, although public understanding of domestic violence is still limited to physical violence, Some people still consider that domestic violence is not a form of crime, it is still considered taboo, and it is a personal matter that should not be told. It is a matter of being able to punish perpetrators of domestic violence.

According to Harruma, (2021) domestic violence cases continue to occur and not only against children and women, but sometimes also occur in men. Some factors that often cause domestic violence include economic problems, the presence of a third person, and socio-cultural factors. The assumption that violence is commonplace in the household is a socio-

⁴ Oksa Bachtar. Chamsah, "KDRT Mendominasi, Ada 27 Kasus Kekerasan Perempuan Dan Anak Di Kota Sukabumi," 2022, <https://www.sukabumiupdate.com/peristiwa/106816/kdrt-mendominasi-ada-27-kasus-kekerasan-perempuan-dan-anak-di-kota-sukabumi>. diakses pada 25 Maret 2023

⁵ Riza Priyadi, Surastini Fitriasi, "Pemidanaan Terhadap Pelaku Pengulangan Tindak Pidana Kekerasan Dalam Rumah Tangga," *Jurnal Salam* 10, no. 3 (n.d.): 699–712, <https://journal.uinjkt.ac.id/index.php/salam/article/view/31810>.

⁶ -, "KemenPPPA Rilis Data Jumlah Kasus KDRT Di Indonesia Hingga Oktober 2022," MetroTVNews.Com, 2022, <https://www.metrotvnews.com/play/b2lCrdXL-kemenpppa-rilis-data-jumlah-kasus-kdrt-di-indonesia-hingga-oktober-2022>.

cultural factor that can make domestic violence problems difficult to overcome. One of the tools to regulate domestic violence is Law Number 23 of 2004 concerning the Elimination of Domestic Violence. In this law, there are a number of prohibitions and sanctions that will be imposed on perpetrators of domestic violence, who settled in the household.⁷

The many considerations of women in dealing with the problem of domestic violence (KDRT) in their families make some victims feel hesitant to immediately report the perpetrator to law enforcement and take legal action as a solution. Many victims do not want their perpetrators to be imprisoned or end up in divorce, but also feel that they are not strong enough to bear the psychological burden and physical violence that continues to be experienced and will continue if action is not given immediately.⁸

Many countries enact specific laws to protect women from domestic violence based on the United Nations Declaration on the Elimination of Violence Against Women (CEDAW). Indonesia adopted a convention based on Law of the Republic of Indonesia No. 7 of 1984 concerning the Convention on the Elimination of All Forms of Discrimination against Women, and issued Presidential Decree No. 9 of 1998 concerning the Commission on Anti-Violence against Women. Indonesia then enacted a special law on domestic violence in 2004, namely the Law on Domestic Violence No. 23 Year 2004.⁹

In Law No.23 of 2004, aspects of criminal acts and the scope of criminal acts include (Article 2 paragraph 1):¹⁰

- a. Husband, wife, and children (including adopted and stepchildren);
- b. Persons related to the person referred to in letter a by blood, marriage, milk, upbringing, and guardianship, who live in the household (in-laws, sons-in-law, brother-in-law, and besan); and/or,

People who work to help the household and live in the household (PRT).

As for the forms of domestic violence according to this Law, there are four types, namely:¹¹

1. Physical violence is an act that results in pain, falling ill or being seriously injured. In the context of personal relationships, forms of physical violence experienced by female victims include slapping, hitting, grabbing, stomping, kicking, strangling, throwing hard objects, torturing using sharp objects, such as knives, scissors, iron and arson. Meanwhile, in the context of public relations, physical violence against women can be in the form of confinement or rape of female domestic servants by employers or genital mutilation carried out in the name of certain cultures or beliefs.

In the Criminal Code, the term domestic violence is not known, as well as violence against women. There are several criminal provisions that specifically mention women as victims, but in addition to that a number of other physical violence are not criminally sanctioned, and the result is, even if there is victimization of women, no legal action can be taken against the perpetrators, for example: incest, marital rape, and sexual harassment.¹²

⁷ Rochani Nani Rahayu, "Kekerasan Dalam Rumah Tangga Di Indonesia Sebuah Narrative Literature Riview," *Intelektiva: Jurnal Ekonomi, Sosial & Humaniora* 4, no. 6 (2023), <https://jurnalintelektiva.com/index.php/jurnal/article/view/936/693>. p.40

⁸ Margie Gladies Sopacua, "Konsep Ideal Pencegahan Kekerasan Dalam Rumah Tangga Terhadap Perempuan," *Jurnal Pembangunan Hukum Indonesia* 4, no. 2 (2022), <https://doi.org/10.14710/jphi.v4i2.213-226>.

⁹ Hanafi Arief, "Legal Protection Against Women Victims by The Indonesian Domestic Violence Act 23, 2004," *Sriwijaya Law Review* 1, no. 1 (2017): 110–21, <https://doi.org/10.28946/slrev.Vol1.Iss1.12.pp110-121>.

¹⁰ Enny Puji Lestari, Eka Yuli Astuti, "Aspek-Aspek Tindak Pidana Kekerasan Dalam Rumah Tangga," *SETARA: Jurnal Studi Gender Dan Anak* 1, no. 1 (2019), <https://e-journal.metrouniv.ac.id/index.php/jsaga/article/view/2187>.

¹¹ Government department Women's Empowerment of the Republic of Indonesia, Law Number 23 of 2004 concerning the Elimination of Domestic Violence, pp. 1-5.

¹² Harkristuti Harkrisnowo, *Hukum Pidana Dan Kekerasan Terhadap Perempuan, Dalam Memahami Bentuk-Bentuk Tindak Kekerasan Terhadap Perempuan Dan Alternatif Pemecahannya*, ed. Achie Sudiarti Luhulima (PT. Alumni Jakarta, 2000).

Violent crimes according to Arif Gosita, are acts that are against the law, committed intentionally by someone against others either for the benefit of themselves or others, and which cause mental, physical, and social suffering.¹³

2. Psychic violence is an act that results in fear, loss of confidence, loss of ability to act, a sense of helplessness, and/or severe psychological suffering in a person. Forms of psychological violence experienced by women include curses, continuous insults to downplay the victim's self-esteem, shouting and threats given to cause fear. In general, this psychological violence occurs in the context of personal relationships.
3. Sexual Violence is the coercion of sexual relations committed against people living in a household or forced sexual relations against one person within the scope of his household with another person for commercial purposes and / or certain purposes. Sexually nuanced violence includes various unwanted behaviors that have sexual meaning or often called "sexual harassment", as well as various forms of forced sex which are often referred to as rape.
4. Domestic neglect is a person who does not carry out his legal obligations to a person within the scope of the household in the form of negligence to give life, care or maintenance obligations to that person. Included in the category of household neglect is giving.

All forms of violence, whoever the perpetrators and victims are, can be grouped into major classifications, namely:¹⁴

1. Violence in the domestic/intimate-personal sphere: various forms of violence in which the perpetrator and victim are related to other families/close relationships.
2. Violence in the public sphere: various forms of violence that occur outside of family relationships or other personal relationships.
3. Violence committed by/within the scope of the state: physical, sexual and/or psychological violence committed, persecuted

According to the division of the World Health Organization, the nature and essence of certain forms of violent behavior are manifested through (World Health Organization, 2002):

- a. physical violence,
- b. sexual violence,
- c. psychological violence, and
- d. negligent or negligent



From the picture above can be described as follows:¹⁵

¹³ Learned Gosita, *Memahami Perempuan Dan Kekerasan Berdasarkan Viktimologi, Dalam Masalah Korban Kejahatan* (Jakarta: CV Akademika Pressindo, 1993).

¹⁴ E. Kristi Poerwandari, *Kekerasan Terhadap Perempuan: Suatu Tinjauan Psikologi Feministik, Dalam Memahami Bentuk-Bentuk Kekerasan Terhadap Perempuan Dan Alternatif Pemecahannya* (PT. Alumni Jakarta, 2000).

¹⁵ Nada Naurah, "Menilik Statistik Kekerasan Terhadap Perempuan Pada Tahun 2022," *GoodStats*, 2023, <https://goodstats.id/article/menilik-statistik-kekerasan-terhadap-perempuan-pada-tahun-2022-0MS0Y>. diakses pada 28 Maret 2023

Physical violence is the next most common type of violence experienced by victims with 9,545 cases in 2022. This was followed by a total of 9,020 complaints of psychic violence, 3,319 others, 2,884 reports of neglect, 476 cases of trafficking, and 290 cases of exploitation. Most of the victims also claimed to have experienced one type of violence with the number of victims reaching 23,361 victims. Furthermore, victims who received two types of violence reached 5,175 victims and three types of violence were recorded as many as 1,093 victims. Another 55 victims said they experienced more than three types of violence throughout 2022.

From the forms of domestic violence are very influential how the psychological condition of victims of domestic violence, According to Maiuro (2001, p.ix) outlines four dimensions of psychological violence:¹⁶

1. Damage to the self-image or self-esteem of the partner.
2. Containment of passive-aggressive support and emotional nurturing.
3. Threatening behavior: explicit and implicit.
4. Restricting territory and personal freedom.

In the implementation of the Law on the Elimination of Domestic Violence, there are often obstacles, both from the community, law enforcement and even from the victim. Obstacles encountered from the victim are as follows:¹⁷

1. The victim is embarrassed and does not even want to report, because it is related to family.
2. The victim does not understand if the perpetrator's actions are a criminal act or violation of the law.
3. The victim is hesitant to contact or report to the police
4. Grace period of violence by reporting to the old police, so that it cannot be done visum et repertum.
5. The victim is afraid of retaliation with the perpetrator.
6. The victim is afraid if the condition of his household suffers more with the abstinence or conviction of the perpetrator.

Transition-related factors affecting domestic violence can be classified into two groups: ¹⁸

1. Factors affecting exposure to violence in the family.
2. Factors that prevent the victim from leaving the perpetrator.

In general, the impact of violence on victims can be categorized into: ¹⁹

1) Direct impact

The direct impact of violence on victims relates to the physical and financial impacts, which occur both at the time of violence and when the violence has ended, as well as the psychological impact and social costs.

2) Indirect Impact

The indirect impact on victims is related to the response of social and community institutions or institutions to the justice system for crimes committed. According to a criminologist, domestic violence in the form of sexual violence can occur due to several factors including: a. The influence of cultural developments that increasingly disrespect the dress etiquette that covers the aurat, which can stimulate others to act indecently and maliciously; b. Lifestyles between men and women that are increasingly free, are not or are less able to distinguish between what should be done and what is forbidden in relation to the moral rules of relations between men and women so that seductive rape occurs; c. low experience and

¹⁶ Geir Aas, "Policing Criminal Provisions on Repetitive and Severe Domestic Violence", Nordisk politiforskning, Årgang 6, nr. 2-2019, s. 93–110.

¹⁷ Bambang Waluyo, *VIKTIMOLOGI, Perlindungan Korban Dan Saksi*, 6th ed. (Jakarta: Sinar Grafika, 2018).

¹⁸ Nikolić-Ristanović, V. Criminal acts of domestic violence in the social context and legal systems of Serbia and Montenegro, Temida, vol. 6, no. 2. (2003). p. 6.

¹⁹ Fauzan Nur. Adima, "Tindak Pidana Kekerasan Psikis Dalam Rumah Tangga Anak Kepada Orang Tua, Dan Perbedaan Dengan Penghinaan Menurut KUHP (Studi Putusan Pengadilan Tinggi Jakarta Nomor: 168/PID/2020/PT. DKI)," *Al-Qisthu: Jurnal Kajian Ilmu-Ilmu Hukum* 18, no. 1 (2020).

appreciation of religious norms that are increasingly eroded in society or horizontal relationship patterns that tend to increasingly negate a person from doing evil and harming others; d. Low level of social control, meaning that various behaviors are suspected of deviating, violating laws and religious norms lack response and supervision from elements of society;

Domestic violence is a problem that is difficult to solve, one of the reasons is that perpetrators of domestic violence often do not realize that what they are doing is a criminal act of domestic violence or perpetrators of domestic violence realize that what they are doing is an act of domestic violence but perpetrators ignore it because they take refuge in certain norms that apply in society, so they consider domestic violence crimes that occur are normal and feel as personal problems.²⁰ Therefore, the problem of domestic violence cases is a serious problem that cannot be allowed that needs the involvement of parties, both law enforcement, social institutions, and legal aid institutions, especially those who independently blend directly with the community in terms of providing legal aid, both prevention and legal assistance ,

Legal aid institutions that provide legal assistance also have a very important role in efforts both in prevention and in assisting the legal process for people who need legal assistance, especially in handling domestic violence cases, because in addition to the lack of existence of LBH-LBH in the regions, there is also still a lack of attention in providing socialization about domestic violence itself and its understanding, and more only providing legal assistance in other cases that have entered into legal process.

Legal aid is a right of the poor that can be obtained without pay (*pro bono publico*) as an illustration of equal rights before the law. This is in accordance with the provisions of article 34 of the 1945 Constitution, in which it is affirmed that the poor are the responsibility of the state. In addition, the principle of equality before the law and the right to *legal counsel* are human rights that need to be guaranteed in order to achieve the alleviation of Indonesian people from poverty, especially in the field of law. Article 34 paragraph (1) of the 1945 Constitution states that the poor and abandoned children are taken care of by the state. Extensively this article also means that the state is responsible for guaranteeing economic, social, political, cultural and legal rights to the poor, including the right to legal aid. In addition, article 28D states that everyone has the right to recognition, guarantees of protection and fair legal certainty and equal treatment before the law. The International Covenant on Civil and Political Rights which²¹ Indonesia has ratified by Law Number 12 of 2005 in article 14 also protects the right of everyone to receive equal legal treatment without discrimination.

Furthermore, Article 3 of the Legal Aid Law states that the implementation of legal aid aims to: guarantee and fulfill the rights of Legal Aid Recipients to access justice; realizing the constitutional rights of all citizens in accordance with the principle of equality before the law, ensuring the implementation of Legal Aid that is implemented equally throughout the territory of the Republic of Indonesia; and realizing effective, efficient and accountable justice. Handayani (2015, p. 15) that legal aid is "an attempt to fill human rights, especially for the poorest sections of society Thus, the right to legal aid is a constitutional right for the people in this country, without exception also for the poor. Because, "every legal aid has an important role in access to justice so that it can't only foster new hope in the judicial world but also evidence of equal justice for anyone in legal standing".²²

The application of legal aid for the community in domestic violence problems by social institutions, law enforcement agencies, and legal aid institutions is still not optimally handled,

²⁰ Syarifuddin, Syarifuddin. "Penanganan dan Pencegahan Kekerasan Dalam Rumah Tangga (KDRT) Terhadap Perempuan dan Anak." *Jurnal Hukum Al-Hikmah: Media Komunikasi dan Informasi Hukum dan Masyarakat* 2, no. 4 (2021): p. 623-634.

²¹ Law Basic 1945

²² Handayani, Tri Astuti. "Bantuan hukum bagi masyarakat tidak mampu dalam perspektif teori keadilan bermartabat." *Refleksi Hukum: Jurnal Ilmu Hukum* 9, no. 1 (2015): 15-24.

because many people who seek justice, especially for people in the regions, do not know and or even do not understand the understanding of the implementation of the Domestic Violence Law, especially for people in the Sukabumi area itself where there are still people who experience obstacles, Especially if domestic violence occurs.

The obstacles in the process of implementing legal aid in the regions, especially in the Sukabumi region regarding domestic violence problems, namely related to problems in the field, in practice there are still many neglects from legal aid institutions in helping and accompanying domestic violence problems, so many people feel confused about what to do, especially people who are laymen and do not understand the law. From these things, it shows that the role of legal aid institutions is still low in handling domestic violence cases.

In practice, the application of legal aid to communities who need to be assisted in fulfilling their rights to legal aid still has obstacles and obstacles, including problems related to access to legal aid for local communities, especially in cases of domestic violence that cannot be accommodated, the role of Law Enforcement to provide legal aid access services for the community is not optimal, and other obstacles related to the understanding of the community itself that needs legal assistance Because access to legal aid organized by the government has not been good. There are other obstacles in accessing legal aid in carrying out legal process efforts that are still not optimal, so that people who are victims of domestic violence get better justice, especially in terms of legal protection of their rights.

Likewise, the Legal Assistance and Consultation Institute (LBKH) of the Faculty of Law, University of Muhammadiyah Sukabumi itself, which was formed in 2015, has received several complaints of domestic violence cases that occurred in the Sukabumi area, where the information was obtained from village government agencies, which then the village government conveyed it to LBKH FH UMMI, where there are still people who do not understand that domestic violence is a criminal act/crime.

The Legal Assistance and Consultation Institute (LBKH) of the University of Muhammadiyah Sukabumi itself is an institution that is a supporting unit for the implementation of education at the Faculty of Law, University of Muhammadiyah Sukabumi to the community. This institution was formed to provide legal assistance as an implementation of Equality before the law, in the State of law. The State recognizes and protects the rights of individuals. Recognition of individual rights is guaranteed on the principle of equality before the law and equal treatment for all. Equality before the law guarantees access to justice.²³

Based on the data above, the direction of this research is to formulate a strategy pattern on how the Role of the Legal Assistance and Consultation Institute (LBKH) Faculty of Law, University of Muhammadiyah Sukabumi in Overcoming Domestic Violence Crime in Sukabumi? so that a descriptive picture of the Role of the Legal Assistance and Consultation Institute (LBKH) Faculty of Law, University of Muhammadiyah Sukabumi in Tackling Domestic Violence in Sukabumi was obtained.

With the pattern of strategies in overcoming domestic violence, it is hoped that what is the essence of the main problem that becomes an obstacle related to optimizing the provision of legal assistance to the community, especially cases of domestic violence, is still weak, so that with a concept of a pattern of case handling strategies, especially domestic violence, it can be realized properly for the prevention that occurs in the community.

This research is a type of analytical descriptive research, which describes existing data from relevant materials and analyzes them with reference to juridical foundations. This research method is an empirical juridical approach method. This approach is intended to examine laws and regulations that are closely related to the central theme of research. The data collection process includes: (1) Literature Study to obtain or seek conceptions, opinions or findings related

²³ Pujiono. 2010. " Bantuan Hukum dalam Perspektif Tanggung Jawab Negara." <http://www.mitra-hukum.org/public-kasi/opini/bantuan-hukum-dalam-perspektif-tanggung-jawab-negara>.

to the subject matter of laws and regulations, national policies for the development of disadvantaged areas, legal expert opinions or the like. (2) Field studies to obtain primary data through interviews or questionnaire dissemination, conducted in the jurisdiction of the Sukabumi Regency government. The collected data will be qualitatively analyzed to interpret, describe it, and analyze to reveal the truth and understand the truth.²⁴

Data collection in the field is carried out by means of in-depth interviews for 2 months which are carried out in stages with different times, dates and months in each institution, both Police and Prosecutors, Villages, Government, and P2tp2a Sukabumi. This aims to compare various sources' points of view on "how the role of institutions in tackling domestic violence crimes in the Sukabumi Region" is seen from the point of view of each institution". This research is different from previous studies, such as Indah Parinda's research entitled "Law Enforcement Against Victims of Domestic Violence in Indonesia and Cokorda Istri Dharmasatyari, I Nyoman Gede Sugiarta, Ni Made Sukaryati Karma's research entitled "Legal Protection for Women Victims of Domestic Violence": The difference is that the research is related to law enforcement and legal protection carried out by the authorities law enforcement and Legal Aid Institutes, while this research is related to how the pattern of strategic efforts that can be carried out by Legal Aid Institutions in providing access to legal assistance in handling domestic violence cases can be accommodated for the fulfillment of their rights to legal aid²⁵. This research must be carried out, because from the observations there has been research related more only to the general role carried out by legal aid institutions in providing legal aid.

The novelty of this research is focuses on how the concept of strategies that must be carried out by legal aid institutions in preventing domestic violence cases, so that with the steps taken by LBKH FH UMMI with the pattern of strategic concepts in providing legal assistance, especially in the prevention of domestic violence, it can also be minimized, also hopefully the pattern The concept of strategy carried out by LBKH FH UMMI can be applied by other legal aid institutions, especially those in the regions.

B. Discussion

1. Obstacles and Obstacles in the Provision of Legal Aid by social institutions, law enforcement agencies, and legal aid institutions for people who experience domestic violence cases.

Local communities, especially those in rural communities, have obstacles, especially in terms of understanding domestic violence in the perspective of legal protection, this is due to the main factors, especially regarding low levels of education, which implicates their lack of knowledge about legal issues so that when experiencing domestic violence and becoming victims of domestic violence they are confused about what steps to take to get protection, They as victims can only keep quiet and close it because domestic affairs are privacy matters that people don't need to know. The implication is often that cases of domestic violence go unresolved. Domestic violence problems are sometimes known when the case is in a very serious state so that there is a legal process, but there are also cases of domestic violence that occur only left silent over time the case just disappears and is considered normal. From the results of research conducted by the research team by observing through interviews with village governments in the Sukabumi Region by taking information from 1 village that became a reference sample of frequent occurrences of domestic violence, namely Padaasih Village in the Sukabumi Regency Area stated that there were several cases of domestic violence that occurred in its residents because on average in addition to economic factors, low education factors that affect their understanding of domestic violence are still low, so that if there are cases of

²⁴ Johnny Ibrahim. 2008. *Teori dan Metodologi Penelitian Hukum Normatif*. Malang: Bayumedia Publishing, p. 285

²⁵ Marzuki, Peter Mahmud. 2005. *Penelitian Hukum*. Cetakan ke-2. Surabaya: Kencana, p. 35.

domestic violence in the community, not many complain to legal channels even the village only gets information from residents, as well as when the village will help complete the first step that must be done to help its residents, because the victims themselves who experience domestic violence cover it up and do not want to stir it. And also from the results of observations through the distribution of questionnaires distributed by the research team to 50 people divided in 2 villages about domestic violence, it can be concluded that on average almost 85% of them do not understand the content of the rules governing domestic violence, they are still confused about what steps to take When domestic violence occurs, Domestic violence is a family disgrace that does not need to be publicized, and other things.²⁶

Based on the results of these data, it is necessary to play a role in addition to the role of social institutions, law enforcement, and especially legal aid institutions in the regions, that there is a need for improvement efforts in terms of legal aid in addition to assistance in the legal process, but also need to play a role in prevention to realize the occurrence of domestic violence cases that occur in the community. And the most important thing to do besides the community needs to be educated so that they are enlightened about their understanding of domestic violence and also must be given direction on what efforts and steps to take in case of domestic violence.

Law enforcement officials have a very important role in law enforcement, because law enforcement officials have the authority to enforce the law in accordance with their respective authorities. In the hands of law enforcement officials, abstract legal provisions will become something concrete in people's lives. Whether good laws can be enforced well, and bad laws can be better enforced or vice versa, it all depends on the law enforcement officials themselves.²⁷

Both the Police, the Prosecutor's Office, and the District Court as law enforcement officers have a very important role in the law enforcement process in order to uphold justice for people who have violated the law. In addition to the three law enforcement agencies tasked with representing the state, other law enforcers are advocates, namely free and independent law enforcers who are tasked with representing the interests of the community in accordance with what is mandated in Law Number 18 of 2013 concerning Advocates, who are tasked with assisting the community in fulfilling their right to obtain legal assistance.

The role of social institutions in solving domestic violence in Indonesia has an important position, especially in Sukabumi Regency itself has social institutions that focus on solving cases of violence, namely Social Institutions such as the Center for Integrated Services for Women and Children (P2PT2A) which is an extension of the government in providing integrated and excellent services to the community, this is what makes the base of non-governmental organizations (NGOs) grow a lot in the community. NGOs are one of the legal institutions that have a role in handling domestic violence cases. The role of this social institution can be in the form of helping victims demand what is rightfully theirs, namely compensation and restitution, helping motivate victims to restore their confidence so that they can socialize again in themidst of societyand helping prepare victims to be able to help or report domestic violence to other victims. So that the main purpose of the role of this social institution can strengthen victims of domestic violence to be more empowered both physically and psychologically and social skills and be able to receive compensation that has been experienced by victims.

Authorities such as social institutions such as the Center for Integrated Services for Women and Children Development (P2PT2A) are expected to be a driving force in protecting the rights of victims of domestic violence in the Sukabumi Regency area. There have been many social institutions that have tried to help victims of domestic violence, one of which is through persuasive approaches and moral assistance, because of the increasing role of social institutions

²⁶ Result interview with Padaasih Village, Sukabumi Regency.

²⁷ Law Number 48 of 2009 concerning Judicial Power

in handling domestic violence cases in applicable laws and regulations in Indonesia. Even the sound of article 10 letter a of PDKRT Law Number 23 of 2004 states that the social institutions referred to in the Law here are social institutions or organizations that care about the problem of violence that occurs in the household, such as legal aid institutions.

In practice, the application of legal aid to the poor who need to be assisted in fulfilling their rights in fulfilling legal aid still has obstacles and obstacles, including those that are still problems related to access to legal aid for local communities, especially in cases of domestic violence, the role of social institutions, law enforcement agencies, and legal aid institutions to provide legal protection services and also in access to legal aid in domestic violence cases has not been optimal, related to the handling system, especially in terms of prevention by LBH has not been maximized, and other obstacles related to the understanding of the community itself that needs legal assistance for access to legal aid in domestic violence cases organized by the government, in this case represented by social institutions and law enforcement agencies are still not optimal

2. The Steps Of LBKH FH Universitas Muhammadiyah Sukabumi In Overcoming Domestic Violence Cases

Usually, LBKH FH Universitas Muhammadiyah Sukabumi knows about the occurrence of domestic violence cases after a report from the village government apparatus complaining if there are residents who are hit by problems experiencing domestic violence cases, this is because LBKH FH Universitas Muhammadiyah Sukabumi already has a good relationship as a partner in terms of community service activities.

From the results of initial conservation carried out that often the occurrence of domestic violence cases occurs in the Sukabumi Regency area, therefore from several existing villages, researchers took sample samples as a reference to apply the pattern of strategy efforts made in terms of handling domestic violence cases in Padaasih village, Cisaat District, Sukabumi Regency, in this case researchers tried to apply what steps were taken in handling domestic violence cases, Especially for victims who experience domestic violence cases where there needs to be legal protection, researchers have also shared discussions with village governments to cooperate in handling domestic violence cases for their residents if there are case problems, especially in domestic violence cases.

The implementation of the efforts made by researchers has conveyed the concept to the Padaasih Village Government, Cisaat District, Sukabumi Regency by forming a legal aid service post along with a legal aid service team both from the village level to the RW level to become a member team in legal aid services as the main gate if there are residents who experience domestic violence cases, where at the village level 1 or 2 people will be appointed who receive complaints from more RW levels low, and in each RW will be appointed 1 representative with RT who will first receive initial complaints from its citizens. So from the RT level, complaints to RW and complaints to RW level to villages, and from the village directly provide information to LBKH FH Universitas Muhammadiyah Sukabumi. In addition to the establishment of legal aid service posts, teams at the village level and at the RW level will be given understanding and knowledge for the main steps that must be taken if there are cases that occur in their residents, also especially in the case of victims of domestic violence that must be handled immediately, so that domestic violence problems in the community can be minimized. Likewise, in addition, LBKH FH Universitas Muhammadiyah Sukabumi together with the village government will make efforts by providing regular education to provide legal counseling to its residents.

The concept of the flow that has been prepared by researchers in the mechanism for handling domestic violence cases between the collaboration of LBKH FH Universitas

Muhammadiyah Sukabumi and the village government can be seen from the process flow below:²⁸

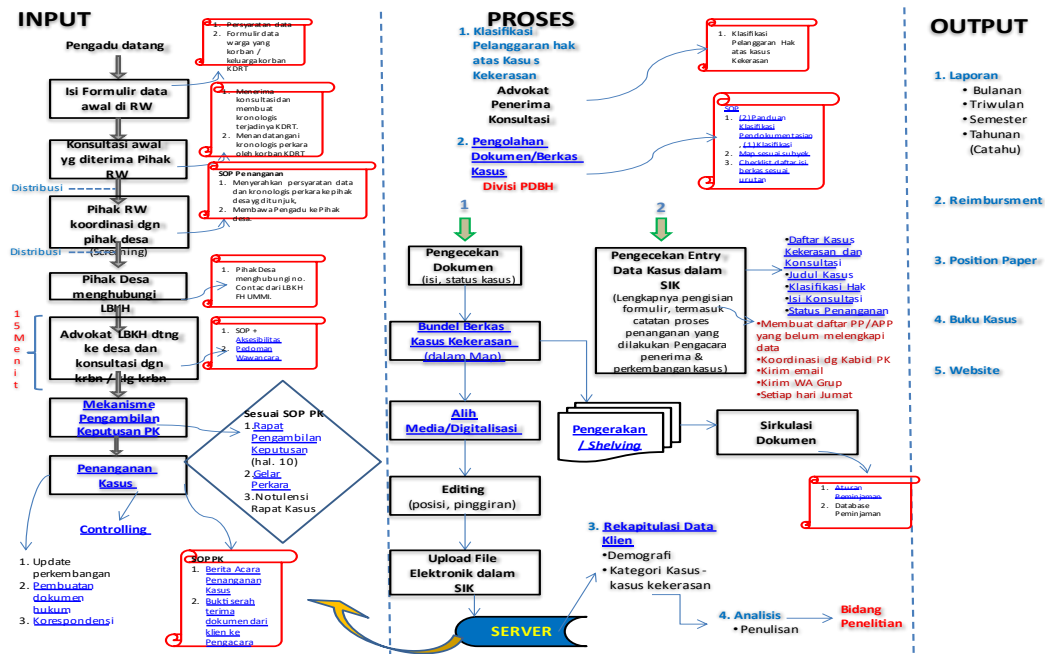


Figure 1: The concept of mechanism flow in handling violence cases.

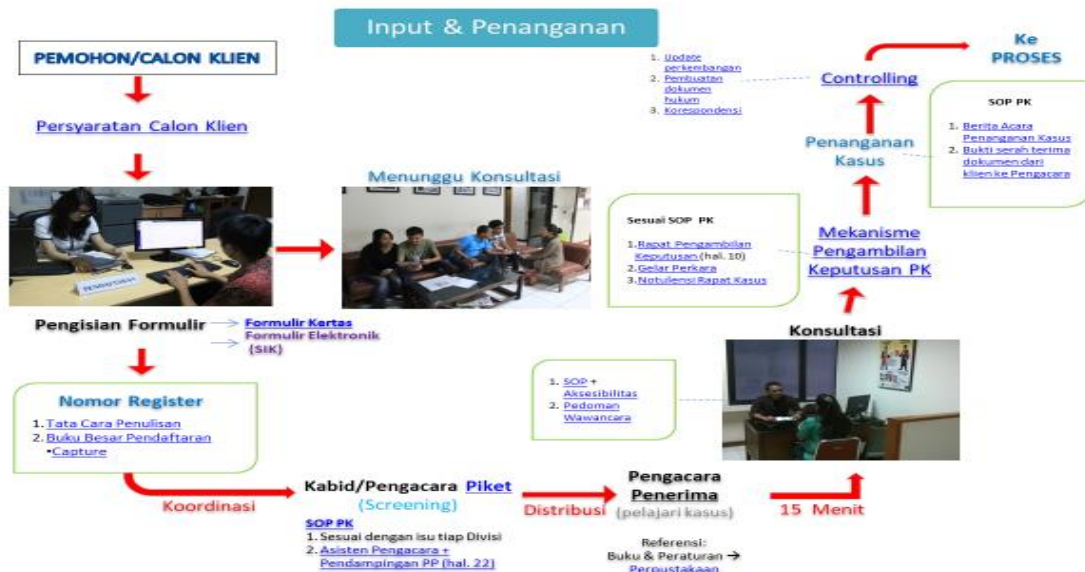


Figure 2: Input on the mechanism for handling cases in the internal LBKH FH Universitas Muhammadiyah Sukabumi.

The two images illustrate how the flow of the mechanism for handling cases of violence, especially related to domestic violence cases, between the cooperation of the Village and LBKH FH Universitas Muhammadiyah Sukabumi, which is expected to facilitate access to legal aid, especially related to domestic violence cases that will be applied in the Padaasih Village Area,

²⁸ Flow the process of handling cases of violence by LBKH FH Universitas Muhammadiyah Sukabumi in collaboration with partners.

Cisaat District, Sukabumi Regency (example), so that if it runs So that the concept can be applied in other village areas.

From the results of the researcher's interview with a Police investigator from the Sukabumi Resort Karya Gunawan, S.H, conveyed the essence of the conclusion of the answer considering that related to domestic violence cases that occurred in the Sukabumi community, most of them did not reach the legal process of reporting to the Police and most of the cases were resolved in the family environment itself because of disgrace so it was considered not a serious problem to be reported. Their inhibiting factors / obstacles as victims of domestic violence because educational factors will be reviewed in terms of understanding and no one to assist in solving domestic violence cases, and also economic factors because from a financial point of view that is not fixed so that there is an increase in domestic violence cases that occur. For this reason, the suggestion from Mr. Karya said that education must be done first to provide an understanding of the rules of domestic violence itself and what efforts must be made in the event of domestic violence. Pak Karya also agreed with the concept proposed by LBKH FH Universitas Muhammadiyah Sukabumi, and the National Police is ready to respond if there is a domestic violence case that requires assistance from his side and is ready to accept if they want to make a police report.²⁹

From the results of the researcher's interview with the District Attorney's Office, Sukabumi Rendy, S.H, conveyed the essence of the conclusion, the answer given was from the Prosecutor's Office in terms of handling domestic violence cases that were processed in court very little because in this case it was resolved at the police level and also the Prosecutor's Office through a restorative justice process / which was resolved familially so that the case was closed and resolved. In Mr. Rendy's view, Mr. Rendy said that the factors/obstacles that often occur domestic violence due to educational factors, the community needs to be given an understanding of the rules regarding domestic violence and what efforts must be made if domestic violence occurs in the community. Rendy also agreed on the concept proposed by LBKH FH Universitas Muhammadiyah Sukabumi, and the Prosecutor's Office is ready to help in case of domestic violence cases that require assistance from his side and will assist in terms of legal process.³⁰

From the results of the interviews between the two law enforcement agencies, it is hoped that in the opinion of researchers who are members of the team from LBKH FH Universitas Muhammadiyah Sukabumi, the concept of efforts to be implemented can be realized effectively with good commitment between the parties who help.

Likewise, LBKH FH Universitas Muhammadiyah Sukabumi will also cooperate with the Sukabumi Resort Police and the Sukabumi State Prosecutor's Office to ask for assistance if there are cases of domestic violence that occur in village communities that are victims of domestic violence cases to be followed up to the legal process. It is hoped that the efforts made by LBKH FH Universitas Muhammadiyah Sukabumi can realize the prevention of domestic violence cases in the community in the Sukabumi Regency Area.

With these efforts, it is hoped that the implementation of these efforts can be successfully applied in the pilot village, so that it can also be applied in other villages in the future.

C. Conclusion

Based on the discussion above, it can be concluded that the role of the Legal Assistance and Consultation Institute (LBKH) of the Faculty of Law, University of Muhammadiyah Sukabumi in Combating Domestic Violence Crimes in Sukabumi includes: (1) concern from the government, especially through law enforcement agencies, social institutions pay more

²⁹ Result interview with Karya Gunawan, S.H. from Investigator Resort Sukabumi.

³⁰ Result interview with Rendy, S.H. from the Sukabumi State Attorney's Office.

attention to prevention for realizing cases of domestic violence rather than acting if the case has already occurred; (2) routine socialization by LBKH FH UMMI in providing legal counseling/education to the community to be aware of the law, especially about domestic violence (3) LBKH FH UMMI applies the concept of strategy in the village environment so that legal aid complaint posts are formed with coverage in each RW area who represent as a team from the community if there is a legal case complaint; (4) the addition of paralegals to help prevent domestic violence cases; (5) Community awareness in preventing domestic violence cases in their areas is further increased, especially at the RT and RW levels as the front line if there is a domestic violence problem in the community.

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