

Juridical Analysis Of Criminal Activities Of Criminal Violence In Household In Justice Perspective

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Abstract

Domestic Violence or what we often know as domestic violence is a crime that is very worrying. Based on Law Number 23 of 2004 concerning the Elimination of Domestic Violence, domestic violence causes physical, sexual, emotional misery and misery and/or domestic violence, intimidation, coercion against people, especially women.

In cases of criminal acts of domestic violence that have been reported to the court, the judge must treat the case fairly in accordance with the applicable rules for criminal acts of domestic violence. In fact, whether the judge decided the case in accordance with the applicable rules and whether the judge's decision brought justice to the victim, especially with regard to cases of criminal acts of domestic violence.

This study uses a normative juridical method, carried out by collecting data in the form of primary data and secondary data. Primary data were obtained from interviews with judges who handled cases of domestic violence in case number: 68/Pid.Sus/2021/PN Pkl. While the secondary data, obtained from the literature study.

Based on the results of this study, that the case in case number: 68/Pid.Sus/2021/PN Pkl stated, From the chronology of what happened and equipped with evidence, the defendant legally committed a crime of domestic violence against the victim, namely his wife. Thus, the judge handed down witnesses to the defendant in case number 68/Pid.Sus/2021/PN Pkl was a logical and appropriate decision. The reason is that the defendant committed an act that injures, inflicted pain on a wife, causing injury as evidenced by the results of the Visum Et Repertum.

Keywords: *Juridical Analysis of Sentencing, Perpetrators of Domestic Violence, Justice Perspective*

A. Introduction

Crime is the act of a person or group that can harm other people, so that the perpetrator is sentenced or sanctioned in accordance with the law. Various crimes have been grouped together and occurred in various countries, especially Indonesia.

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Domestic Violence or what we often know as domestic violence is a crime that is very worrying. Based on Law Number 23 of 2004 concerning the Elimination of Domestic Violence, domestic violence causes physical, sexual, emotional misery and misery and/or domestic violence, intimidation, coercion against people, especially women, as well as unlawful deprivation of liberty within the household. . It is contained in Article 1 number 1.

According to Article 1 of Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage, it is stated that the husband-wife bond is based on the One Godhead, marriage is a sacred bond, coexistence with husband and wife is not only sexual relations, but to create a happy, safe and harmonious family between husband and wife. Often encounter some household conditions that are not in accordance with what is desired. The emergence of conflict between husband and wife is often the beginning of criminal acts of domestic violence. Whereas marriage is one of the sacred promises between the two sides of a man and a woman to form a happy family.

Integrity and family harmony are disturbed if the quality and self-control cannot be controlled so that domestic violence can occur, resulting in feelings of insecurity and injustice to people who are in household conditions.⁴

Victims of domestic violence are often silent, even though these acts of violence require special handling from the authorities. Victims must report to the police so that the government can provide legal protection. In addition, the Police can work together with parties who can provide protection for victims of domestic violence such as LPPAR (Institution for the Protection of Women, Children and Youth) and other parties who take part in protecting cases of domestic violence.

In cases of criminal acts of domestic violence that have been reported to the court, the judge must treat the case fairly in accordance with the applicable rules for criminal acts of domestic violence. This is Law Number 48 of 2009 concerning Judicial Power which is regulated in Article 4 paragraphs (1) and (2) namely, in paragraph (1) it states, the Court judges according to law without discriminating against people and while in paragraph (2) stated that the Court helps seek justice and tries to overcome all obstacles and obstacles to achieve the value of justice between the defendant and the victim of a crime. In addition to

⁴Guse Prayudi, “Various Aspects of Domestic Violence”, Merkid Press, Yogyakarta, 2015, p. 9.

that article, article 8 paragraph (2) states the severity of the crime, so the judge must consider the good and evil nature of the defendant.⁵

In the PKDRT Law contained in Article 55, the procedure for proving whether or not the perpetrator (the defendant) has committed a crime of domestic violence is that the witness of the victim commits domestic violence. If there is further evidence.

Court judges are people who carry out judicial duties, investigate and decide cases, and resolve criminal cases and civil cases at the first level. In fact, whether the judge decided the case in accordance with the applicable rules and whether the judge's decision brought justice to the victim, especially with regard to cases of criminal acts of domestic violence.

Based on the description above, it is very interesting to conduct a research with the title "Juridical Analysis of Criminalization Against Criminals of Domestic Violence (Case Study at the Pekalongan City District Court)". The case of the Pekanbaru District Court Decision Number 192/Pid.B/2009.⁶

In the application of criminal sanctions against perpetrators of criminal acts of domestic violence in case number: 192/Pid.B/PN.Pbr where the Panel of Judges tried the case by presenting witness statements of 7 (seven) people consisting of 6 (six) co-defendants, 1 (one) expert witness and 2 pieces of evidence. The perpetrator violates Article 306 paragraph (2) and is sentenced to 2 (two) years and 6 (six) months in prison.

After considering and obtaining legal facts in court and observing the chronology of events until the death of the victim Ermawati (the defendant's wife), several considerations were made by the judge in deciding the case Number: 192/Pid.B/2009/PN.Pbr, namely the panel of judges had carried out construction in article 306 paragraph (2) the Criminal Code and does not make Law no. 23 of 2004 concerning domestic violence as a benchmark in resolving the main case.⁷ Proof of the element of offense is carried out by connecting the rule of law with legal facts related to the element of the offense.

FactThe law is obtained from witness testimony, expert testimony, letters, instructions and statements of the defendant. And the panel of judges using a syllogistic

⁵Law Number 48 of 2009 concerning Judicial Power

⁶Nuroso, "Criminalization of Criminal Acts of Domestic Violence (Case Study of the Decision of the Pekanbaru District Court Number: 192/Pid.B/2009", JOM Faculty of Law, Vol. II No. 1 (February, 2015), 4.

⁷Ibid, p.13

thought process and legal facts have fulfilled the elements of the offense formulated in the law so that the final decision completely depends on the judge's belief and is added with other aggravating considerations and lightens the defendant's sentence.⁸

B. Problem

1. What is the Judge's Consideration in Sentencing Criminal Acts of Domestic Violence Perpetrators in Case Number: 68/Pid.Sus/2021/PN Pk1?
2. How are Judges Consideration in Sentencing Criminals Against Criminals of Domestic Violence in terms of Justice Perspective?

C. Research methods

1. Approach Method

The method used in this research is normative juridical or also known as library law research. This is done by using library materials or secondary data. This research is a normative juridical research on the issue of punishment for perpetrators of criminal acts of domestic violence (a case study at the Pekalongan City District Court).

2. Research Specification

The specifications carried out by the author are descriptive analytical research. Analytical descriptive research means that it is a research that seeks to describe legal problems, the legal system, and examines them or analyzes them according to the needs of the relevant research regarding the Juridical Analysis of Sentencing Against Perpetrators of Criminal Acts of Domestic Violence (Case Study at the Pekalongan City District Court).

3. Research Location

The research was conducted by the author in Pekalongan City, Central Java.

4. Types and Sources of Data

In every research using the right method, it is also necessary to be able to choose the relevant data collection method. Data is an important factor in research because every research requires data. The data sources used are:

- a. Primary data

The primary data used by the author is data taken directly during the research, which is obtained from research activities at the Pekalongan City District

⁸Ibid, p. 14

Court.

b. Secondary Data

The secondary data used by the author is to collect data sourced from library research, in the form of research journals according to the author's title, as well as sources from books related to the author, as well as sources from research methodology books and other book sources according to the material covered. discussed by the author.

5. Data Collection Method

Data collection method is a technique or method used to collect data. The author uses the following data collection methods:

a. Primary Data:

Obtained by means of interviews, namely the acquisition of sources obtained from respondents are Judges of the District Court of Pekalongan City.

b. Secondary Data:

➤ Library

Writing namely by studying literature books on legal materials in the form of legislation, books, journals, articles or newspapers as well as other materials related to national law and the punishment of perpetrators of criminal acts of domestic violence.

➤ Documentation Study

Retrieval of data in the form of images obtained directly at the time of research at the District Court of Pekalongan City.

6. Data Analysis

The data analysis used by the author in this research is by examining legal cases that are currently and have been carried out by a study.⁹In addition, it can be done by collecting data sources from the library, both primary and secondary data, then processed and analyzed.

7. Data Presentation

A data presentation is an organizational assembly that allows research conclusions to be made. By looking at a presentation of data, researchers will

⁹Peter Mahmud, 2016, Legal Research, Kencana, Jakarta Page 244

understand what will happen and make it possible to do something on the analysis or other actions based on that understanding. After that, conclusions are drawn. Drawing conclusions, namely conclusions drawn with all the things contained in data reduction and data presentation. Basically the meaning of the data must be tested for validity so that the conclusions drawn are better.

D. Research Results and Discussion

a. Judges' Considerations in Sentencing Crimes Against Violent Criminals In the House hold in Case Number 68/Pid.Sus/2021/PN Pkl

An Indonesian criminal law contains important things in determining the things that give rise to a criminal act, whether carried out in a planned or unplanned manner. This can be accounted for and how the sanctions are imposed for a criminal act committed. As in the case of domestic violence in case number 68/Pid.Sus/2021/PN Pkl, what factors caused domestic violence to occur. Then what are the legal events in case number 68/Pid.Sus/2021/PN Pkl.

Sometimes in an event a criminal act experiences several obstacles in determining who should be responsible for all actions that have occurred because basically the key to determining who the perpetrator or mastermind is from the cause of the occurrence of a criminal act can be seen from the cause of an act. itself, as in the case of case number 68/Pid.Sus/2021/PN Pkl. In it there are causes for the occurrence of a criminal act, namely a criminal act of domestic violence.

Judgein considering a case based on the facts in the trial first. Then in the facts in the trial whether it fulfills the elements of the article indicted. If it does not fulfill then the defendant is acquitted and if it fulfills then the defendant is proven guilty.¹⁰

Judge tooit is necessary to look at the good and bad sides of the perpetrators of criminal acts of domestic violence to determine the verdict or punishment to be imposed on the defendant. The decision on the results of the trial is based on confidential negotiations carried out by judges consisting of the Chief Judge, Member Judge 1 and Member Judge II. At trial, the judge is obliged to express written arguments against the

¹⁰Interview with Judge Hilarus GrahitaSetyaAtmaja, SH

case being examined and become an integral part of the decision. If there is a difference of argument between the judges, then the argument must be stated in the decision.¹¹

Court decisions must not only contain the reasons and basis for the decision, but also contain certain articles from the relevant laws and regulations or unwritten legal sources based on trying the perpetrators or defendants in a criminal act.¹² The proof system for a criminal act of domestic violence is based on the judge's belief in the mistakes made by the perpetrator with a minimum of 2 valid pieces of evidence, contained in Article 184 of the Criminal Procedure Code.¹³

(a) Toolvalid evidence is:

1. Witness testimony;
2. Expert testimony;
3. Letters;
4. Instruction;
5. Defendant's statement.¹⁴

(b) Things that are generally known do not need to be re-proven.¹⁵

The court is obliged to provide knowledge regarding the decision and the cost of the trial in the course of a trial to the public, so that the public knows the outcome of a case that is submitted. In deciding a case the judge is responsible for all decisions that are charged to the perpetrators of a criminal act based on a proper and correct legal basis by taking into account the values of humanity and justice based on the point of view of the judge handling the case or the course of the trial.

To see how the Sentencing of Criminal Acts of Domestic Violence Perpetrators in Case Number 68/Pid.Sus/2021/PN Pkl is as follows:

Based on the results of research conducted at the District Court of Pekalongan City in case number 68/Pid.Sus/2021/PN Pkl, it was found that domestic violence in the form of abuse was carried out by the husband and caused injuries to the victim, namely the wife.

¹¹Personal Interview with Hilarus Grahita Setya Atmaja, SH, Judge of the Pekalongan City District Court, Thursday, November 25, 2021, 15.00 WIB.

¹²Law Number 48 Year 2009

¹³Guse Prayudi, "Various Aspects of Domestic Violence", Yogyakarta, 2015, p. 134.

¹⁴Ibid, p. 134.

¹⁵Ibid, p. 134.

The picture is obtained, in accordance with Law Number 23 of 2004 concerning the Elimination of Domestic Violence, the defendant if he commits physical violence in the household is threatened with a maximum sentence of 10 years or a maximum fine of 30,000,000 (thirty million rupiah) and in the case of case number 68/Pid.Sus/2021/PN Pkl the defendant Tarjuki Bin Ranyan has committed physical violence in the household.

In this case, the judge has imposed a sanction in the form of imprisonment for 1 (one) year and 3 (three) months and charged the defendant to pay court fees of Rp. 5,000.00 (five thousand rupiah). From this research, several things were considered by the judge in case number 68/Pid.Sus/PN Pkl during the trial process at the Pekalongan City District Court, namely:

In the process of examination, several pieces of evidence were found, namely 1 (one) piece of blue jacket with the words "Fila" in it and 1 (one) piece of green floral-print negligee. In addition, it is proven by Visum Et Repertum number: 2050/IV.6.AU/I/2020, October 30, 2020 RSI PKU Muhammadiyah, Pekalongan Regency signed by dr. Widjdan Kadir as the Director of RSI PKU Muhammadiyah who explained, Yeni Reza Zelfia is a doctor who examines the victims of criminal acts of domestic violence case number 68/Pid.Sus/2021/PN Pkl.

From the entire evidence attached to the trial examination took place, legal facts were found that could reveal criminal acts of domestic violence in accordance with the article indicted, namely article 351 paragraph (1) of the Criminal Code as well as the provisions of the articles in the Criminal Procedure Code and the laws and regulations - other laws related to the case.

Defendant Tarjuki bin Ranyan on Thursday, October 22, 2020 at 22.00 WIT located in front of a shop located in a rice mill (Paddy Mill) having its address at Hamlet Karyomukti, Karyomukti Village, Kesesi District, Pekalongan Regency, has assaulted the victim witness, namely brother of Nur Hidayah bint Moharis.

Witness Nur Hidayah bint Moharis and his nephew, witness Yusuf Afidz Maulana Bin Sobirin, will buy rice in the area of Watu Gajah Village, Kesesi District, Pekalongan Regency, Then witness Nur Hidayah and Yusuf Afidz Maulana arrived in

Mbukur Village, then witness Nur Hidayah was stopped by the defendant at Gembiro Bridge, District session.

The defendant at that time drove 1 (one) unit of Yamaha Mio Soul vehicle (DPB/8/II/2021/Reskrim) and then chased and stopped witness Nur Hidayah and said, "arepnangndikowe?" (Where are you going?) Then witness Nur Hidayah stopped and answered "areptuku nasi" (want to buy rice), then the defendant asked the witness Nur Hidayah to bring the defendant together with witness Sukron Bin Musa.

Witness Nur Hidayah andThe defendant argued because the defendant suspected that witness Nur Hidayah would stay at the place of witness Sukron bin Musa. The accusations made by the accused's brother, Tarjuki bin Ranyan, were not true, so witness Nur HidayahbintMoharis asked the defendant to follow the witness' brother, Nur HidayahbintMoharis, to buy rice. Witness Yusuf Maulanatogether with witness Nur Hidayah walked on a motorbike and the defendant Tarjuki Bin Ranyan followed behind to the rice mill. After arriving at the gembiro dam area, witness Nur Hidayah was kicked by the defendant Tarjuki Bin Ranyan on the left buttocks of witness Nur Hidayah. Then witness Nur Hidayah asked the defendant Tarjuki Bin Ranyan not to argue. However, the defendant still asked that witness Nur Hidayah show the destination of witness Nur Hidayah. Then witness Nur Hidayah continued his journey back. Then the defendant Tarjuki Bin Ranyan again argued with witness Nur HidayahbintMoharis.

Tarjuki Bin Ranyan Asked witness Nur HidayahbintMoharis to call witness Sukron bin Musa to meet the witness' brother Nur Hidayah bin Moharis at the rice mill. When the witness Sukron bin Musa arrived at the place, an argument broke out between Tarjuki bin Ranyan and the witness Sukron bin Musa, saying, "By the way, you're demenibojone, I'm ki opo less wong, wong ono thousands of wongkenopobojone me?" (Do you like the defendant's wife, do you lack people?, there are thousands of people, why is the defendant's wife?) The defendant then said "please let go, my family is disturbing me", (please let go, don't disturb the defendant's family).

Seeing this incident, witness Nur Hidayah tried to separate the two and asked to solve the problem at home. However, the defendant did not accept it. Then the

defendant again argued with witness Sukron bin Musa. Seeing this incident, witness Nur Hidayah who felt weak finally sat in front of the shop.

On At that time, Yusuf Maulana's brother called witness Candra AprilianbintTariin to approach witness Nur Hidayah at the rice mill. After 20 minutes, witness Candra AprilianbintTariin came to witness Nur Hidayah but was silent.

Witness Nur Hidayahagain argued with the defendant Tarjuki bin Ranyan. Because the defendant Tarjuki bin Ranyan was emotional, the defendant immediately headed 1 (one) sriwedari cigarette (DPB/6/I/2021) which was still burning into the face of witness Nur Hidayah, hitting the victim's left eye once with the defendant's hand slapping witness Nur's right cheek. Hidayah used the defendant's left hand.

The defendant also pushed the head of witness Nur Hidayah until it hit the wall/door of the shop made of wood. Then the defendant poked the eye of witness Nur Hidayah on the right with the two fingers of the defendant's right hand while the defendant insulted witness Nur Hidayah with harsh words. The defendant was then separated from the witness Yusuf Afidz Maulana until finally, the witness' brother, Nur Hidayah, and the defendant returned home.

Fromchronology of what happened and equipped with evidence, the defendant legally committed a crime of domestic violence against the victim, namely his wife. Thus, the judge handed down witnesses to the defendant in case number 68/Pid.Sus/2021/PN Pkl was a logical and appropriate decision.

The reason is, the defendant committed an act that injured, caused pain to a wife, causing injury as evidenced by the results of Visum Et Repertum number: 2050/IV.6.AU/I/2020, October 30, 2020 RSI PKU Muhammadiyah, Pekalongan Regency which signed by dr. Widjdan Kadir as Director of RSI PKU Muhammadiyah who explained Yeni Reza Zelfia.

Looking at the legal facts revealed at the trial, the unregistered marriage carried out by the defendant Tarjuki bin Ranyan and witness Nur HidayahbintMoharis cannot be imposed on Article 44 paragraph (1) of Law Number 23 of 2004, because the defendant and the victim witness cannot show their marriage certificate. or the marriage between the defendant Tarjuki Bin Ranyan and witness Nur

HidayahbintMoharis is not legally registered. Therefore, the defendant must be subject to Article 351 paragraph (1).

Judge InSentencing against perpetrators of criminal acts of domestic violence must cover all aspects, both from the victim's side and from the perspective of the perpetrator's motive for committing the act.

Further more, the consequences of criminal acts of domestic violence are also seen. Has the victim suffered any injuries (either ordinary, light or serious injuries), is there psychological trauma with mild or severe parameters, is there peace between the victim and the perpetrators of domestic violence. If all aspects have been considered then the Public Prosecutor representing the state, the victim filed a claim. In Case number 68/Pid.Sus/2021/PN Pkl the demands are 1 (one) year and 3 (three) months. After being fully considered, the Panel of Judges assessed what demands were put forward by the Public Prosecutor. Then reconsidered, so that the defendant was sentenced to imprisonment for 1 (one) year and 3 (three) months.

b. Judges' Considerations in Sentencing Crimes Against Violent Criminals In the Household in Case Number 68/Pid.Sus/2021/PN Pkl in terms of Justice Perspective

In Judge's consideration, the policy in deciding a case is "fair according to the judge". Justice is subjective. So the judge judges based on the knowledge learned, based on what has been considered entirely. From all aspects that have been considered, the value of justice emerges. The fair value emphasizes more if the victim gets protection from the judge and from the defendant's side he gets sanctions in accordance with the actions that have been carried out without degrading the degree or dignity of the defendant himself.

Judge responsible to God Almighty in accordance with every decision that includes, *For Justice Based On The Almighty God*. Thus, judges can be said to be representatives of God who adjudicate a case based on God Almighty and judges must be accountable to God in the future. As a result, if there is no irrah *For Justice Based On Almighty God*, the decision read by the judge is null and void. Maybe justice according to the layman is not fair but justice in the trial. When the judge has tried, the

judge declares the decision to be fair. Therefore, justice is said to be subjective.¹⁶

In the processThe trial is carried out "for the sake of justice based on the One Supreme Godhead" contained in article 29 of the 1945 Constitution which determines a country based on the One Supreme Godhead and guarantees the independence of each occupation to embrace their respective religions and to worship according to their religion and the beliefs of the population. each.¹⁷

Justice can be defined as the restoration of conditions as before. Punishment for perpetrators of criminal acts of domestic violence can actually be said to be a restoration of conditions as before.¹⁸The realization of the value of justice in society must be returned to its original order. Justice deals with the state and is the responsibility of the state. Justice is not only interpersonal, but also with the state. Justice cannot be observed with only the eyes, but with the senses. Justice is divided into two, namely formal justice and substantial justice.

Formal justice is embraced by one of the legal experts, namely John Rawls, who he termed as Formal Justice or Regulatory Justice by stating the basis for the implementation of individual rights and obligations in interactions between communities with one another. This justice refers to the laws in force in Indonesia.

If the law is realized in society, then justice is also realized for every society. In society, it is organized according to what is planned so that justice and prosperity are realized in the conditions of the community.¹⁹Perpetrators and victims submit to each other a very large petition with different goals between perpetrators and victims. So that the realization of the concept of justice strengthens the bonds of togetherness in social life. The public design related to justice as a form of fundamental agreement of the human federation which is organized according to the desired design.²⁰

Justice is related to the main issue of the distribution of rights and obligations related to social issues between individuals as well as a wider range. So that the

¹⁶Personal Interview with Hilarus Grahita Setya Atmaja, SH, Judge of the Pekalongan City District Court, Thursday, November 25, 2021, 15.00 WIB.

¹⁷Law Number 48 Year 2009

¹⁸Personal Interview with Hilarus Grahita Setya Atmaja, SH, Judge of the Pekalongan City District Court, Thursday, November 25, 2021, 15.00 WIB.

¹⁹John Rawls, "Theory of Justice", Student Library, Yogyakarta, 2011, p. 5.

²⁰Ibid, p. 5.

realization of justice that can prosper society.²¹ The law and its supporting institutions regulate the existence of the community in a formal setting. Furthermore, the law also stipulates minimum equality for all citizens.

Substantial justice guarantees the rights of the parties, both the perpetrator and the victim. Not only that, but to restore harmony to the condition of society. So that in resolving a case, both parties are satisfied with the judge's decision. Justice must be realized in law enforcement. In substantial justice, it is known that Restorative Justice is an alternative dispute resolution which is more directed at crimes committed by fellow individuals or members of the community than crimes against the state.

Purpose Law is the achievement of the values of justice, legal certainty and expediency. In reality, legal certainty often clashes with the value of justice or even clashes with expediency. A fair decision according to the judge for the perpetrators and the victims, but in reality it is often detrimental to the wider community and if the wider community is given justice then justice for certain people is often sidelined.

Legal Expert, Radburch provides provisions for the priority principle, namely the first principle must be justice and the second principle is to use expediency and the third is legal certainty so that the value of justice is realized in social life.²²

Scholar of Law, Aristotle divides justice into two, namely distributive justice and corrective justice. Each section applies differently, namely distributive justice applies to public law, the most important thing in distributive justice is that equal rewards are given to equal achievements and while corrective justice applies to criminal and civil law, the most important thing that is the problem is the existence of inequality or balance between the parties.²³

John Rawls explains in the theory of justice that has principles as a way for utilitarianism as conveyed by Hume, Bentham and Mill, a society governed by utilitarianism means that people will lose self-respect, service for the common good will disappear and never come back again. Reaffirming that justice enforcement programs with a dimension of justice must pay attention to two principles of justice, namely being

²¹ Koerniatmanto Soetorawiro, 2010, "Justice as Justice", Pro Justitia Legal Journal, Vol, 28 number 2, p. 28.

²² Muhamad Taufiq, "Criminal Case Settlement with Substantial Justice", Surakarta, Yustisia Vol.2 No.1, p. 27.

²³ Ibid, p.27.

able to reorganize the socio-economic gaps that occur so that they can provide mutually beneficial benefits for everyone and for those who come from lucky and unlucky groups for each other. . (John Rawls, 2006)

Prosecutorit is not justified to propose parties who do not meet the requirements of both formal and material requirements to be sentenced as defendants in court. This statement is very contrary to the value of justice, the truth which includes facts and a sense of humanity in the Act.

The defendant, after being sentenced, then leaving the prison, he will become an ordinary human being, will not repeat the crime, become a useful human being. From the victim's point of view, while undergoing the trial process, he felt that it was fair if the perpetrator who had injured himself in accordance with case number 68/Pid.Sus/2021/PN Pkl was snared for a minimum of 1 (one) year 3 (three) months. Then there are also many things that are not paid attention to, for example in the juvenile justice system in the context of domestic violence.

There should be a post-traumatic recovery stage. The victim in case number 68/Pid.Sus/2021/PN Pkl, Witness Nur Hidayah, also needs protection from the family, police, court prosecutors, advocates, social institutions, LPPAR, so that witnesses can recover after the trauma of cases of domestic violence. what he experienced. Recovery of the condition as before is very necessary not only from the victim but also from the perpetrator to get psychological recovery. So that there is no continuous trauma and the creation of character from the side of the perpetrator/defendant to be better and not to repeat his actions.

The justice system must be built on an extraordinary basis with a strong and solid foundation. In prison, defendants of criminal acts of domestic violence will be equipped with good morals with the hope that when they leave prison they will become useful figures for the country and the surrounding community.

Indecide the judge's case must be fair and there is no sentence of opinion in the decision. Thus, in case number 68/Pid.Sus/2021/PN Pkl, it is appropriate and includes the value of justice from both the victim and the accused side.

The punishment is based on the psychology and psychology of the perpetrator or the defendant in the actions that have been committed in the crime of domestic violence.

In this case, the perpetrator must be held accountable for his actions against the victims of domestic violence and for his actions in the case number 68/Pid.Sus/2021/PN PKI. Witness Nur Hidayah is the wife of the Defendant Tarjuki bin Ranyan, so that in his sentencing there is no distinction, whether it is siri or legal. In fact, cases of criminal acts of domestic violence are measured by the actions of the defendant, namely psychological and physical.

Case The crime of domestic violence is a very sensitive case because this case is about privacy in one's household conditions where the slightest problem as much as possible, other people do not know about it. Therefore, in handling this case, it is necessary to have a special view from the authorities to protect the victim and provide sanctions for perpetrators of domestic violence.

In case number 68/Pid.Sus/2021/PN Pkl is a criminal case of domestic violence where this case was committed by a husband against his wife. This action is very detrimental to the victim, especially his wife. Where the victim experienced persecution with the proof of Visum Et Repertum number: 2050/IV.6.AU/I/2020, October 30, 2020 RSI PKU Muhammadiyah, Pekalongan Regency signed by Dr. Widjdan Kadir as the Director of RSI PKU Muhammadiyah who explained that Yeni Reza Zelfia was a doctor who examined the victims of the crime of domestic violence case number 68/Pid.Sus/2021/PN Pkl. The Visum stated that witness Nur Hidayah as a victim of a criminal act of domestic violence suffered injuries to the eyes and nose of the victim.

From the judge's decision number 68/Pid.Sus/2021/PN Pkl, the judge has done justice to the victim because the judge has imposed sanctions for perpetrators of domestic violence in the form of persecution. Although the decision resulted from a decision in the criminal justice process, the decision prioritized justice for all parties, both from the victim side, namely witness Nur Hidayah and from the perpetrator side, namely the defendant Tarjuki bin Ranyan.

In terms of justice, the judge gave criminal sanctions for perpetrators of domestic violence, namely 1 (one) year and 3 (three) months and the defendant had admitted all his actions at the Pekalongan City District Court.

Judge has proven the defendant's guilt based on valid evidence, namely the testimony of witnesses including Nur Hidayah and witness Sukron, expert testimony,

letters including post-mortem evidence from witness Nur Hidayah, instructions and statements of defendant Tarjuki Bin Ranyan. Thus, the judge has carried out in accordance with article 184 of the Criminal Procedure Code.

E. Closing

1. Conclusion

AfterThe author conducts research on criminal acts of domestic violence in a case study at the Pekalongan City District Court, the authors draw the following conclusions:

- a. Judge's considerations in imposing criminal acts against perpetrators of violent crimes at home in case number: 68/Pid.Sus/2021/PN Pkl

Seeing that the defendant's actions have led to a criminal act of domestic violence against the victim, namely the wife of the defendant. Thus causing losses in the form of injuries to the eyes and nose as evidenced by Visum Et Repertum Number: 2050/IV.6.AU/I/2020, October 30, 2020 RSI PKU Muhammadiyah, Pekalongan Regency.

Judge InSentencing against perpetrators of criminal acts of domestic violence must cover all aspects, both from the victim's side and from the perspective of the perpetrator's motive for committing the act. Furthermore, the consequences of criminal acts of domestic violence are also seen.

Judge atin his trial seeing and hearing statements from witnesses, evidence and the motives of the perpetrators presented in the trial from the defendant's testimony, the defendant was sentenced to sanctions in accordance with article 351 paragraph (1), namely imprisonment of 1 (one) year and 3 (three) years. month.

- b. Judge's consideration in imposing criminal acts against perpetrators of domestic violence in terms of justice perspective

InThe judge's consideration in deciding a case is "fair according to the judge". Justice is subjective. So the judge judges based on the knowledge learned, based on what has been considered entirely. From all aspects that have been

considered, the value of justice emerges. The judge is responsible to God Almighty in accordance with each decision which includes, *For Justice Based On Almighty God*, Justice can be defined as the restoration of conditions as before.

From the judge's decision number 68/Pid.Sus/2021/PN Pkl, the judge has done justice to the victim because the judge has imposed sanctions for perpetrators of domestic violence in the form of persecution. Although the decision resulted from a decision in the criminal justice process, the decision prioritized justice for all parties, both from the victim side, namely witness Nur Hidayah and from the perpetrator side, namely the defendant Tarjuki bin Ranyan. In terms of justice, the judge gave criminal sanctions for perpetrators of domestic violence, namely 1 (one) year and 3 (three) months and the defendant had admitted all his actions at the Pekalongan City District Court.

2. Suggestion

Based on the above thesis, the author provides advice in sentencing perpetrators of criminal acts of domestic violence, so my suggestions are:

- a. By paying attention to the case that occurred against the defendant Tarjuki Bin Ranyan which resulted in the victim, namely Nur Hidayah Binti Moharis as Siri's wife causing losses in the form of injuries to the eyes and nose as evidenced by Visum Et Repertum Number: 2050/IV.6.AU/I/2020, October 30, 2020 RSI PKU Muhammadiyah, Pekalongan Regency in the District Court of Pekalongan City in particular and Indonesia in general.

It is hoped that all authorities such as the police, the prosecutor's office and the judiciary will make effective contributions such as socializing not to commit criminal acts of domestic violence and not being easily emotional in solving problems due to jealousy that causes misunderstandings so that it disturbs local residents.

- b. If there are problems in domestic relations and cause disputes, then it should be resolved properly without any acts of violence that can cause harm.
- c. The importance of good communication on the husband and wife relationship so that it does not lead to misunderstandings with one another.

To law enforcement officers and elements in society so that they can carry out their duties and functions so that the incidence of criminal acts of domestic violence stairs do not happen again, especially in the area of Pekalongan City.

- d. In terms of imposing a criminal offense against the perpetrator of a violent crime in the household as in the case number 68/Pid.Sus/2021/PN Pkl which was sentenced to imprisonment of 1 (One) Year 3 (Three) Months. the defendant will not repeat the crime of domestic violence against the victim Nur Hidayah bint Moharis.
- e. Judges in deciding cases of criminal acts of domestic violence must think carefully, not only legally but also think about the future fate of the victim, including the child in the serial representation between the defendant Tarjuki bin Ranyan and the victim Nur Hidayah bint Moharis.
- f. The judge in trying the defendant Tarjuki bin Ranyan and making a decision, should carry out supervision in the course of the decision up to the imposition of sanctions on the defendant Tarjuki bin Ranyan and must prioritize the value of justice.

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Interview result

Personal Interview with Hilarus Grahita Setya Atmaja, SH, Judge of the Pekalongan City District Court, Thursday, November 25, 2021, 15.00 WIB. Decision on Case Number 68/Pid.Sus/2021/PN Pkl.



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