

## Restorative Justice Approach in Order to Resolve Physical Violence Committed by Husbands Against Wives In Maluku Regional Police

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**Abstract:** This paper examines the effectiveness of resolving physical violence against wives at the investigation stage carried out by investigators from the Women and Children Protection Unit (UPPA) of the Maluku Regional Police (Polda) through a restorative justice approach. This research is a sociological juridical (empirical) research. Efforts to resolve physical violence against wives at the investigation stage are carried out by UPPA investigators of the Maluku Regional Police (Polda) through restorative justice in the form of; (1) Involve all parties interested in the problem of crime (violence) to participate in solving collectively together; (2) The perpetrator does not refuse and is willing to commit and is voluntarily responsible for compensating for the violence committed; and (3) Provide opportunities to the perpetrator in terms of reaching a resolution to the violence committed against his wife. The resolution of physical violence against wives at the investigation stage carried out by investigators from the Women and Children Protection Unit of the Maluku Regional Police based on the resolution efforts described above through a restorative justice approach has been effective, this is because the victim does not want to continue the case to the court stage which will lead to divorce.

**Keywords:** *effectiveness, physical violence, restorative justice*

### 1. Introduction

Indonesia, as a developing country, has a poor reputation towards the issue of human rights violations, one of which is the violation of women's rights. Furthermore, violations of women's rights can be classified as acts of violence against women. Philosophically, the establishment of the Elimination of Domestic Violence Law is to protect women as housewives from domestic violence, this is as stated in legal considerations that read: "that every citizen has the right to get a sense of security and freedom from all forms of violence in accordance with the philosophy of the Pancasila and the 1945 Constitution". In this case the protected ones are citizens. Citizens including women as housewives. The right of citizens is to get a sense of security and be free from all forms of domestic violence. In juridical basis, the establishment Law of Elimination of Domestic Violence is referring to all forms of violence, especially domestic violence, which is a violation against human rights and crimes against human dignity. This can be seen as forms of discrimination that must be eliminated. While in sociological foundation, the establishment of the this law is due to the high frequency of occurrences of this type of violence in society, while Indonesian legal system had not guaranteed the protection of victims of domestic violence at that time.<sup>1</sup>

<sup>1</sup> Margie Gladies Sopacua, "Legal Politics and Strategy on Protection of Women from Violence in Human Rights Context," *Research on Humanities and Social Sciences* 9, no. 4 (2019): 34–40, <https://doi.org/10.7176/RHSS/9-4-04>.

A harmonious family is the most beautiful, safe, and pleasant place for family members, where we love and protect each other. Every person in their marriage wants to build a harmonious, peaceful, and happy family because they love each other. However, in reality not all families can run peacefully and harmoniously as most people expect, where family members can feel happiness, love and warmth. Instead, what is felt is the opposite condition, namely the absence of a sense of happiness due to feelings of pressure, fear, discomfort, sadness and so on, because the disharmony in the family is the existence of domestic violence.<sup>2</sup>

Domestic violence, especially against wives, is a legal event that we often encounter in Indonesian society. Violence against wives that occurs in the household is not only experienced and found in the public area, but is also very popular in the domestic area which is categorized as one of the forms of violence contained in the Law on the Elimination of Domestic Violence (PKDRT Law). The occurrence of various cases of domestic violence, especially against wives, can be classified in this case as victims. The relationship between husband and wife should be a role model and example for their children and the relationship can be based on harmonious and happy nuances, but in reality the wife in her position faces many acts of violence from her husband, including physical, psychological, sexual violence and household neglect (economic).

Domestic violence as a social phenomenon is a serious problem. Domestic violence can destroy the harmony and integrity of the household. The household is no longer a shelter or protection from the outside world, but a hell for family members. Violence on a personal level has a long-term psychological impact on its victims.<sup>3</sup>

Domestic violence, especially against wives, which occurs in Ambon continues to increase, based on the author's findings contained in the Maluku Regional Police (POLDA) from 2021 to 2023 there were 29 cases of physical violence experienced by wives and also those reported and have received treatment. Based on the case data taken, it shows that there is an increase in the number of cases of physical domestic violence that occur against wives.

Many cases of mild physical violence experienced by the wife have not been reported and received handling from the authorities (Police), this is because the wives are still afraid and have the thought that the violence that occurs against them is a tabu thing and is a problem in the realm of the household to tell the family in order to get a solution to the mild physical violence experienced by them and not even reported to the authorities (Police). Violence that occurs especially to women, especially in this case the wife, the Indonesian government passed Law Number 7 of 1984 concerning the Convention on the Elimination of All Forms of Discrimination Against Women (Cedaw), and through this Cedaw, legislation Number 23 of 2004 concerning the Elimination of Domestic Violence (Hereinafter referred to as the PKDRT Law) was enacted. Based on the Law on the Elimination of Domestic Violence, acts of violence within the scope of the household that occur against wives have become the public domain, because in the PKDRT Law, families and communities who know of incidents of physical violence that occur against wives can take precautions.

Prevention of domestic violence is a situational action that aims to eliminate opportunities for domestic violence, more specifically physical and psychological violence. Prevention in this case is mandatory in order to protect against domestic violence against wives. Prevention in this case is mandatory in order to protect against domestic violence against

<sup>2</sup> Qori Rizqiah H Kalingga, "Program Pendampingan (Paralegal) Dalam Memberikan Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga Di Kecamatan Percut Sei Tuan," *Jurnal Penelitian Pendidikan Sosial Humaniora* 5, no. 1 (2020): 50–57, <https://doi.org/https://doi.org/10.32696/jp2sh.v5i1.417>.

<sup>3</sup> Margie Gladies Sopacua, "Konsep Ideal Pencegahan Kekerasan Dalam Rumah Tangga Terhadap Perempuan," *Jurnal Pembangunan Hukum Indonesia* 4, no. 2 (2022): 213–26, <https://doi.org/10.14710/jphi.v4i2.213-226>.

wives. For example, the act of stopping consciously and spontaneously by someone when they see a difference of thought or difference of will between men (husbands), and another example is the act of preventing physical harm to women (wives). To avoid the occurrence of violence in certain situations, those who directly see or are directly asked for help to prevent domestic violence are given the obligation to protect women who will become victims of domestic violence.<sup>4</sup>

Women as wives who are victims of physical violence in the household will experience adverse effects on their psychology, one of which is in the form of severe depression, which requires treatment and supervision from a psychologist. For this reason, physical violence against wives needs to be handled properly. One form of handling of wives who experience physical violence at the police level is to provide legal protection when the wife reports the incident of mild physical violence she has experienced, then at the level of settlement at the police, usually the wives still maintain the harmony of their households so that the settlement of cases of mild physical violence is carried out through a restorative justice approach.

Restorative justice is an approach to justice that focuses on the needs of victims and offenders, and involves community participation, rather than the principle of punishing offenders with judicial discretion. The Restorative Justice process has the following objectives:

1. Take responsibility for the consequences of their actions and commit to repair or reparation;
2. Victims agree to engage in a process that can be conducted safely, understanding that their actions have affected the victim and others, and resulting in satisfaction;
3. Flexible breach agreed by the parties that emphasizes repairing the damage done and as soon as possible also preventing the breach;
4. Offenders make their commitment to repair the damage and undertake and attempt to address their behavioral factors; and
5. Victims and offenders both understand the dynamics leading up to the particular incident obtaining a final outcome and integration or reintegration into society.

Based on the description that has been stated first, the problem studied in this paper is whether the settlement of criminal acts of physical violence against wives committed by husbands at the investigation stage at the Maluku Regional Police (POLDA) through a restorative justice approach has been effective. The purpose of this study is to examine and discuss the settlement of criminal acts of physical violence against wives committed by husbands at the investigation stage at the Maluku Regional Police (Polda) through a restorative justice approach. The search for this writing is different from previous research and there are three authors who have conducted research first, namely first, Dheny Wahyudhi, Herry Liyus, 2020 "Restorative Justice Approach in Resolving Criminal Acts of Domestic Violence" where this research discusses (1) The restorative justice approach can be applied in resolving criminal acts of domestic violence and (2) Limitations on acts of domestic violence that can be resolved through a restorative justice approach, second. Kedua, Margie Gladies Sopacua, 2023 dengan title "Perception of Indonesia and Afghanistan in Preventing Psychic Violence Against the Household Women", This writing discusses "Efforts to prevent psychological violence against women in the household as a form of human rights enforcement dan ketiga Fauziah Lubis 2023

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<sup>4</sup> Sopacua.

which is titled “Implementation Of Restorative Justice, The Intent Of Punishment, And Legal Clarity In Indonesia” dimana penelitian ini membahas tentang “Restorative justice is crucial to do research on the use of restorative justice in Indonesia in order to achieve justice, serve the intended goal of punishment, and provide legal certainty for those who commit crimes in order to address the issues with crime and the justice system”. The author's research contribution is different from previous research, the novelty of the author's research results (State of the Art) is related to the “effectiveness of resolving domestic violence committed by husbands against wives, especially physical violence at the investigation stage through a restorative justice approach”.

## 2. Method

The research used in this study is juridical sociological (empirical). Ronny Hanitijo Soemitro *Yuridis Sociologis* is a type of research that aims to describe a statement that exists in the field based on legal principles, legal rules or legislation that applies and has to do with the problems that occur. Meleong states that qualitative research is research that intends to understand phenomena about what is experienced by the subject of research, for example behavior, perceptions, motivations for action and others, holistically, and by means of description in the form of words and language, in a special natural context by utilizing various natural methods.<sup>5</sup> Steps in analyzing the data include:<sup>5</sup>

- 1) Collecting case data related to the writing under study at the agency that is the target of this research;
- 2) Interviews are conducted to collect the necessary data in accordance with the problems studied and through interviews between researchers and parties related to the substance of the problem; and
- 3) The data analysis used in this research is using descriptive-qualitative method. Qualitative data analysis is a way of analyzing data in the form of words and sentences, which is done by analyzing, interpreting, describing and interpreting information or data obtained orally or in writing in accordance with the explanation to draw conclusions.

## 3. Results and Discussion

### 3.1 Physical Violence in the Household

The Law of the Republic of Indonesia on Human Rights provides an affirmation that what is meant by human rights are all rights that are inherent and contained in humans as creations of God Almighty. The rights regulated in the Human Rights Law must be respected, protected, and maintained by the state through various positive legal regulations. Human rights originate from God Almighty as the creator. The state must protect them as the holder of the power to make legal regulations to protect the human rights of each human being.<sup>6</sup>

<sup>5</sup> Meleong Lexy. J, *Metodologi Penelitian Kualitatif* (Bandung: PT Remaja Rosdakarya, 2011).

<sup>6</sup> Margie Gladies Sopacua, “Perception of Indonesia and Afghanistan in Preventing Psychic Violence Against the Household Women,” *Jarlev: Jambura Law Review* 5, no. 2 (2023): 251–77, <https://doi.org/10.33756/jlr.v5i2.18529>.

Domestic violence as a social phenomenon is a serious problem. Domestic violence can destroy the harmony and integrity of the household. Households are no longer a sanctum (sanctuary) or safe haven from the outside world, but instead a hell for family members. On a personal level, violence has a permanent psychological impact on the victim. Victims when forming their own families, because they have internalized the value of violence as a normal thing, tend to do the same thing. Even if they have the knowledge and understand that the act is reprehensible. In addition, due to the violence experienced, victims can be triggered to commit other crimes in the community, with the tendency for one violence to perpetuate and trigger other violence.<sup>7</sup>

Any violence that occurs in society actually departs from a certain ideology that legitimizes the oppression on one side of both individuals and groups towards other parties that caused by inequalities that exist within the community. The position of women (as wives) is subordinate to husbands, where a woman must always submit and obey her husband.<sup>8</sup>

Preventing violence against women is a shared responsibility between the government and the community, this can be seen in Chapter V concerning the obligations of the government and society in Article 12 and Article 15 of Law on the Elimination of Domestic Violence. Therefore it is our responsibility to prevent and eliminate all forms of violence that occur within the household. <sup>9</sup>In addition, to avoid the occurrence of domestic violence, it is necessary ways to overcome it, namely:<sup>10</sup>

- 1) The need for strong faith and sticking to one's religion so that domestic violence does not occur and can be handled properly and with patience;
- 2) There must be harmony and peace in a family, because in religion it teaches about love for mothers, fathers, brothers, and others. So that family members can respect each other's opinions;
- 3) There must be good communication between husband and wife, in order to create a harmonious and harmonious household. If in a household there is no harmony and harmony between the two parties, it can also be a trigger for domestic violence;
- 4) Need mutual trust, understanding, mutual respect and so on between family members. So that the household is based on mutual trust. If there is mutual trust, then it is easy for us to carry out activities. If there is no sense of trust then what arises is jealousy which is sometimes excessive and suspicion which is sometimes excessive; and
- 5) A wife must be able to coordinate whatever finances are in the family, so that a wife can cope if there is a minimal income, so that economic deficiencies in the family can be overcome properly.

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<sup>7</sup> Sopacua.

<sup>8</sup> Margie Gladies Sopacua and Iin Karita Sakharina, "The Legal Protection of Women from Violence (Human Rights Perspective)," *Journal International Affairs and Global Strategy* 67, no. 8 (2018): 44–52.

<sup>9</sup> Margie Gladies Sopacua et al., "Preemptif and Preventive Measure in Combating Domestic Violence," *Journal of Law, Policy and Globalization* 80, no. 12 (2018): 211–22.

<sup>10</sup> Margie Gladies Sopacua, "Prevention of Violence Against Wife In The Household (Human Rights Perspective)," *Jurnal Sasi* 27, no. 3 (2021): 356–62, <https://doi.org/https://aibudo.org/10.47268/sasi.v27i3.588>.



Preventing domestic violence will be achieved starting from fighting the causes, factors and elements that trigger it. This at least consists of sharing efforts that must be carried out with the aim that domestic violence at least occurs again than before. In the following, the authors find some new ideas or thoughts in an effort to prevent the occurrence of domestic violence against the wife, including: 1) As part of a legal society we must help each other in creating a “harmonious household” where life respects, respects, and protects and is developed with love so that family members will feel comfortable and peaceful;<sup>11</sup>

- 1) Provide understanding to the husband that the act of domestic violence against the wife is a crime that must be handled immediately and subject to legal sanctions and for that this domestic violence act must be abolished;
- 2) We must help instill good religious values for men, in this case the husband, that violence against the wife is forbidden by God Almighty;
- 3) Build a positive mindset for men as husbands to fight selfishness and believe that violence against wives is something that is prohibited because it will have legal repercussions for them;
- 4) The role of religious leaders in this case is that every couple who is getting married must at least carry out premarital counseling for 3 (three) months, this needs to be done so that each partner realizes that the household to be fostered should not be based on violence because many couples are divorced as a result of violence by husbands against their wives; and
- 5) Make the husband aware that domestic violence committed to the wife will have a psychological impact that is not good for the wife, especially for the child's psychology.

Domestic violence can take many forms, from physical violence or abuse, exploitation, neglect to sexual violence experienced by wives or husbands, children or domestic workers. The number of domestic violence cases, both reported and unreported, is often encountered in our daily lives. Violence against women is basically a form of discrimination and is a form of violation of fundamental human rights, namely the right to live in security and free from all forms of threat and fear. Violence against women that results in physical, sexual, psychological, and or domestic neglect including threats to commit acts, coercion, or unlawful deprivation of liberty within the scope of the household. This action is often associated with torture, both physical and psychological, committed by people who have a close relationship. Physical violence is the easiest type of violence to prove, whereas sexual violence is not easy to collect evidence.<sup>12</sup> Physical violence is an act that causes pain, illness or serious injury, physical violence in the form of ;

- 1) Severe physical violence; in the form of serious maltreatment such as kicking, beating, shoving, attempted murder or murder, and all other acts that can result in:
  - a. Serious injury;
  - b. Inability to carry out daily tasks;
  - c. Fainting;
  - d. Severe injuries to the victim's body and or injuries that are difficult to heal; or that pose a danger of death;
  - e. Loss of one of the five senses;

<sup>11</sup> Sopacua.

<sup>12</sup> Erwin Asmadi, “Peran Psikiater Dalam Pembuktian Kekerasan Psikis Pada Korban Tindak Pidana Kekerasan Dalam Rumah Tangga,” *De Lega Lata: Jurnal Ilmu Hukum* 3, no. 1 (2018): 39–51, <https://doi.org/https://doi.org/10.30596/dll.v3i1.3136>.

- f. Receiving disability
  - g. Suffering from paralytic pain;
  - h. Impairment of thinking for more than 4 weeks;
  - i. The loss or death of a woman's pregnancy;
  - j. Death of the victim.
- 2) Mild Physical Violence; in the form of slapping, grabbing, pushing, and other actions that result in:
- a. Minor injury
  - b. Physical pain and injury that is not categorized as serious
  - c. Repetition of minor physical violence can be categorized as serious violence.

### **3.2 Settlement of Physical Violence Against Wife, Conducted by the Maluku Regional Police Through Restorative Justice Approach**

The Indonesian government has responded to the form of protection of domestic violence by making a policy in the form of statutory provisions, namely Law of the Republic of Indonesia Number 23 Year 2004. Even in this law, it is also mentioned about temporary protection. Temporary protection is protection provided by the police and/or social institutions or other parties, before the issuance of a court protection order. While on the other hand the protection orders contained in the Elimination of Domestic Violence Law in Article 1 No. 6 states that the protection order is a stipulation issued by the court to provide protection to anyone, including victims, witnesses, escorts and friends of victims for the longest time period 1 (one) year and can be extended by court.<sup>13</sup>

Acts of violence is also not a stand-alone criminal phenomenon, but a phenomenon that crosses the legal, ethical and health spheres and is closely related to moral, cultural, political and personal backgrounds<sup>14</sup>. Law that lacks certainty value will be meaningless and worthless. Legal certainty is necessary to carry out beneficial actions in society and to establish order.<sup>15</sup>

Justice, expediency and legal certainty are three basic concepts of law. A good law is a law that can combine these three elements according to individual welfare and community welfare in terms of the basic legal concept of justice. The benefits obtained from the contents of the law are in accordance with the intended purpose, and legal certainty is described as a situation where the law can function as a rule that must be followed. This means that the law gives equal rights to everyone.

Environmental pressure to stay in the relationship and the assumption that the violence is the result of her fault. the above reasons are termed Hostage Syndrome, which is a description for women who are physically and psychologically entangled by cultural and societal norms. This entanglement can occur in the family, such as women having to take care of children and husbands, and taking their husbands' harsh treatment for granted. In society,

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<sup>13</sup> Sopacua and Sakbarina, "The Legal Protection of Women from Violence (Human Rights Perspective)."

<sup>14</sup> Sopacua et al., "Preemptif and Preventive Measure in Combating Domestic Violence."

<sup>15</sup> Fauziah Lubis, "Implementation Of Restorative Justice, The Intent Of Punishment, And Legal Clarity In Indonesia," *Russian Law Journal* XI, no. 3 (2023): 813–23, <https://doi.org/https://doi.org/10.52783/rlj.v11i3.1275>.

women do not have the right to determine a mate, so the psychological condition of women experiences dependency syndrome with the male value system. Initially, the concept of captive syndrome was developed to understand the paradoxical entanglement of the captive (woman) in her captors (husband, society, and culture), and then applied in an effort to understand the situation of women as victims.<sup>16</sup>

Women as wives are often victims of mild physical violence from their husbands, this is due to a lack of good communication between the two parties (husband or wife, for example, arguing about salary or the behavior of their children, causing the husband to get angry and take mild physical action such as slapping but not causing the wife to experience bruises or others, and pinching. The settlement of cases of domestic violence committed by husbands against wives can be done in two ways, namely through the penal route known as settlement through the court and the non-penal route, namely settlement outside the court through mechanisms such as mediation between the two parties. Many cases of physical violence experienced by wives are found with out-of-court settlements using a restorative justice approach.

The restorative justice approach is an approach that has developed in the criminal justice system recently restorative justice is also known as a family settlement involving victims, perpetrators and other related parties to jointly with full awareness and responsibility to find the best solution in resolving the case at hand, the use of a restorative justice approach in resolving criminal acts of domestic violence is because the use of criminal legal means so far still causes problems so that penal efforts are more appropriately placed as a last resort or *ultimum remedium*, in resolving criminal acts of domestic violence.<sup>17</sup>

The question that arises then is why, despite the penal and non-penal approaches, domestic violence is still ongoing, and even from year to year, it has increased. From the fact that there has been an increase in domestic violence actions, the government must evaluate the KDRT prevention program.<sup>18</sup> One of the factors that causes most wives not to continue cases of physical violence experienced by them is because they still want to repair and maintain their households on the grounds of their children and avoid divorce, so the police as mediators, in this case specifically the Women and Children Protection Unit (UPPA), try to make efforts to resolve between the two parties through a restorative justice approach. The role of restorative justice in criminal justice used to handle domestic violence cases prioritizes the integration of perpetrators and victims or the community as one unit to find solutions and return to a pattern of good relations between perpetrators of criminal acts. In principle, restorative justice can be used at every stage of the criminal justice system and will be implemented properly, if it meets the conditions, namely; first, the perpetrator must confess or declare guilt; second, the victim must agree that the criminal offense is resolved outside the criminal justice system; third, the police or prosecutor's office as an institution that has

<sup>16</sup> Pinondang Pinondang, "Kajian Hukum Mengenai Tindak Pidana Kekerasan Yang Dilakukan Oleh Isteri Terhadap Suami," *Jurnal Rectum* 3, no. 2 (2021): 426–36, <https://doi.org/http://dx.doi.org/10.46930/jurnalrectum.v3i2.1954>.

<sup>17</sup> Herry Liyus Dheny Wahyudhi, "Pendekatan Restorative Justice Dalam Penyelesaian Tindak Pidana Kekerasan Dalam Rumah Tangga," *Jurnal Sains Sosio Humaniora* 4, no. 2 (2020): 459–509, <https://doi.org/10.22437/jssh.v4i2.10997>.

<sup>18</sup> Didin Muhafidin, "Local Government Policies in Handling Domestic Violence (KDRT) During Pandemic COVID-19," *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* 4, no. 1 (2021): 541–551, <https://doi.org/https://doi.org/10.33258/birci.v4i1.1637>.



discretionary authority must agree to the implementation of restorative justice; and fourth, the implementation of settlements outside the criminal justice system must be supported by the local community.<sup>19</sup>

The main objective of restorative justice itself is to achieve justice that is as fair as possible, especially for all parties involved, and not just prioritizing punishment. The implementation of restorative justice in the Criminal Justice System (CJS) is in line with the 2000 UN Declaration on "Basic Principles on the Use of Restorative Justice Programs in Criminal Matters", which is also affirmed by the Vienna Declaration on "Crime and Justice". Restorative forms of punishment were introduced because the current SPP and sentencing programs were causing problems. In the current prison system, the purpose of punishment is deterrence, revenge, and the infliction of suffering as a consequence of one's actions. Indicators of punishment are measured by the extent to which prisoners comply with prison rules. Thus, the approach is more of a security approach. In addition to imprisonment which has consequences for the families of prisoners, the current system is considered not to relieve or heal victims. Moreover, the legal process takes a long time. Restorative justice will involve the victim, family and other parties in solving the problem. In addition, this requires the perpetrators of criminal acts to be responsible for repairing the harm caused by their actions, and its application is not easy. If it is only applied in the prison environment, the results will not be maximized. So, the restorative model must start from the police, when the case is first investigated. In the prosecutor's office and the courts as well. Another difficult thing is to restore the victim's suffering, both physical and psychological.<sup>20</sup>

One application of legal reform in the resolution of domestic violence cases is the use of a restorative justice approach. Literally, restorative justice can be interpreted as the restoration of justice for victims and perpetrators of crime. However, this understanding is formed when the perspective of restorative justice is integrated into the legal system so that the concept of restorative justice is a systematic process of solving crimes, where the process emphasizes compensation for the losses suffered by victims and/or the community due to the actions of the perpetrator and the active and direct involvement of the perpetrator and victim in mediation.

The consolidative nature of restorative justice settlement is embodied in the dialogue between the parties involved, which in Indonesian society is better known as "deliberation to reach a consensus". Deliberation is a form of customary values that live within Indonesian society, therefore it is not surprising that the founding fathers of Indonesia included deliberation as part of the noble values of Pancasila as the foundation of the state. Pancasila is a reflection of the habits that exist in society, which are then poured into a form of state foundation. Likewise, with the habits of the Indonesian people from various tribes, deliberation seems to be the way to resolve all disputes between them. Given that culturally, deliberation has become a common practice among Indonesians, it should be included as part of the Indonesian Criminal Justice System, especially in the resolution of domestic violence cases

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<sup>19</sup> I Made Tambir, "Pendekatan Restorative Justice Dalam Penyelesaian Tindak Pidana Di Tingkat Penyidikan," *Jurnal Magister Ilmu Hukum Udayana* 8, no. 4 (2019): 549-74, <https://doi.org/10.24843/JMHU.2019.v08.i04.p09>.

<sup>20</sup> Andro Giovani Ginting, Vici Utomo Simatupang, "Restorative Justice Sebagai Mekanisme Penyelesaian Tindak Pidana Kekerasan Dalam Rumah Tangga, Jurnal Rectum."

that require a private perspective in their resolution.<sup>21</sup> Crimes of domestic violence that occurred against wives from 2020-2023 can be seen in the data below:

**Tabel 1. Domestic Violence Against Wife Year 2021-2023**

No	Types of Violence	Year	Number of Cases
1	Physical Violence	2021	12
2	Physical Violence	2022	13
3	Physical Violence	2023	4
<b>Total</b>			<b>29</b>

**Source: Maluku POLDA Statistical Data 2021-2023**

The case data in table 1 above shows that the number of cases of physical violence experienced by women as wives from 2021 to 2023 totals 29 cases of physical violence, with the following description in 2021 there were 12 cases of physical violence, an increase to 13 cases of physical violence in 2022 and in 2023 physical violence against wives decreased to 4 cases. In addition, from the data in the table above, it can be seen that women as wives who get physical violence are no longer afraid in terms of reporting the treatment they should not get in the household, this is because with the PKDRT Law, the wives already understand and know about the legal norms relating to acts of violence experienced by them and if they occur, the perpetrators (husbands) will get criminal sanctions.

The restorative justice approach seeks peace outside the court involving the perpetrator of the crime against the victim. Restorative justice prioritizes the resolution of legal issues that occur between the perpetrator and the victim can be realized if the agreement between the two parties, so that the perpetrator has the opportunity to take responsibility for all his actions by compensating for the losses caused by the criminal incident committed against the victim. Based on an interview with one of the police investigators from the Women and Child Protection Unit, there are efforts to resolve physical violence against wives, which are carried out by the Maluku regional police (Polda) through a restorative justice approach, including the following;

- 1) Involve all parties who have an interest in the problem of crime (violence) to come together to resolve collectively or jointly.
- 2) The perpetrator does not refuse and is willing to commit and take responsibility voluntarily for compensation for the violent act he/she committed.

<sup>21</sup> Anwar Rabbani, "Penyelesaian Tindak Pidana Kekerasan Dalam Rumah Tangga Dalam Perspektif Restorative Justice," *Al Adl: Jurnal Hukum* 12, no. 2 (2020): 358-72, <https://doi.org/http://dx.doi.org/10.31602/al-adl.v12i2.4322>.

- 3) Provide an opportunity for the perpetrator in terms of reaching a settlement of the violence committed against the wife. This is done to create a decision that can be accepted by all parties involved in restorative justice.

The author concludes that the restorative justice approach in resolving criminal acts of domestic violence experienced by wives provides an opportunity for the parties involved, especially the perpetrators and victims, to participate in resolving the case in such a way that the role of the perpetrators and victims here only acts as a witness when the case of violence is resolved by the police, especially in the UUPA.

The settlement of cases of physical violence against wives, carried out by the UUPA Maluku Regional Police (POLDA) based on the settlement efforts described above through a restorative justice approach has been effective, this is because the victim does not want to continue the case until the court stage which will have an impact on divorce.

#### **4. Conclusion**

Efforts to resolve physical violence against wives at the investigation stage carried out by UUPA investigators of the Maluku Regional Police (Polda) through a restorative justice approach, including the following; (1) Involve all parties who have an interest in the problem of crime (violence) to come together to resolve collectively or jointly; (2) The perpetrator does not refuse and is willing to commit and take responsibility voluntarily for compensation for the violent act he/she committed; (3) Provide an opportunity for the perpetrator in terms of reaching a settlement of the violence committed against the wife. This is done to create a decision that can be accepted by all parties involved in restorative justice. The settlement of physical violence against wives at the investigation stage carried out by investigators of the Maluku Regional Police Women and Children Protection Unit based on the settlement efforts described above through a restorative justice approach has been effective, this is because the victim does not want to continue the case to the court stage which will lead to divorce.

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