

Research Horizon

ISSN: 2808-0696 (p), 2807-9531 (e)

Research Horizon

Volume: 05

Issue: 06

Year: 2025

Page: 3269-3276

Citation:

Bawole, H. Y. A., Karwur, G. M. F., & Bawole, G. Y. (2025). Legal regulations for victims and perpetrators of psychological violence by the Bitung Police Department. *Research Horizon*, 5(6), 3269-3276.

Article History:

Received: September 30, 2025

Revised: November 10, 2025

Accepted: December 23, 2025

Online since: December 31, 2025

Legal Regulations for Victims and Perpetrators of Psychological Violence by the Bitung Police Department

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Abstract

Psychological violence is a form of non-physical harm that causes serious mental suffering and requires strong legal protection within a just and recovery-oriented criminal justice system. This research aims to examine how legal protection is provided by the Police to victims of psychological violence crimes. Using a library research method, the study analyzes literature, legislation, and other written legal materials related to victim protection. The findings indicate that legal protection for victims of psychological violence is a state obligation implemented through law enforcement agencies, including the police, prosecutors, and courts, and covers legal, psychological, and social aspects. In Indonesia, psychological violence has been legally recognized as a criminal act, particularly in the domestic sphere under Law Number 23 of 2004 concerning the Elimination of Domestic Violence and is further reinforced by Law Number 13 of 2006 as amended by Law Number 31 of 2014. In conclusion, police-provided legal protection is essential not only to guarantee victims' rights during the legal process but also to ensure state recognition of the suffering experienced by victims of psychological violence.

Keywords

Domestic Violence, Indonesian Criminal Law, Legal Protection, Police Role, Psychological Violence, Victims of Crime.

1. Introduction

In general, legal protection for victims of psychological violence can be categorized into two main types: preventive protection and repressive protection (Igrački et al., 2022; Andrusiak et al., 2024). Preventive protection aims to reduce the risk of further or repeated harm to the victim and is implemented at the very beginning of the legal process (Zlate, 2023). This includes measures such as issuing protection orders by the police or courts to ensure perpetrators cannot approach or intimidate victims, as well as providing safe shelters or temporary housing through collaboration among local governments, social institutions, and law enforcement agencies. Additionally, preventive measures involve offering psychological and legal support from the initial reporting stage to help victims feel supported and empowered, and providing clear and accurate information regarding their legal rights, the procedures to be followed, and the types of legal assistance available, thereby reducing feelings of intimidation or isolation (Soerjono, 2011).

On the other hand, repressive legal protection is applied after the act of psychological violence has occurred and focuses on law enforcement and the pursuit of justice against the perpetrator. This includes investigations, prosecution, and court proceedings, ensuring that criminal sanctions are imposed appropriately (Widyantara et al., 2023). In addition, repressive measures include ensuring victims' safety during examinations or trials, providing psychological recovery services such as counseling or rehabilitation, and offering compensation for victims' suffering, which can be requested through the Witness and Victim Protection Agency (*Lembaga Perlindungan Saksi dan Korban/LPSK*). Moreover, the protection of victims' identities throughout the legal process is critical to prevent social stigma, harassment, or re-victimization, ensuring that justice is administered while prioritizing the victims' dignity, psychological well-being, and full recovery (Law Number 23 of 2004; Law Number 13 of 2006 as amended by Law Number 31 of 2014). In practice, these protections demonstrate that legal enforcement is not merely about punishing the offender but also about comprehensively safeguarding the victim's rights, integrating preventive, repressive, legal, and psychosocial measures to create a victim-centered approach to justice (Tuliakov, 2023).

However, despite the existence of comprehensive normative regulations, empirical studies examining how such legal protection is implemented by the police at the local level, particularly in cases of psychological violence, remain limited. This issue is urgent given the central role of the police as the first point of contact for victims, where inadequate protection may hinder access to justice and recovery. Therefore, this study addresses the research question: What legal protection does the police provide to victims of psychological violence at the Bitung Police? The purpose of this research is to analyze and describe the forms and implementation of legal protection provided by the police to victims of psychological violence at the local level.

3. Methods

This study employs a library research method to gain an in-depth understanding of the legal protection for victims of psychological violence. The research examines various primary and secondary legal materials, including statutes and regulations, legal doctrines, scholarly books, journal articles, and official documents from law enforcement agencies such as the Indonesian National Police and the Witness and Victim Protection Agency. Specifically, the materials analyzed include Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Law Number 13 of 2006 concerning Witness and Victim Protection, and regulations related to police procedures in handling victims of violence.

The study applies a normative legal interpretation method, systematically analyzing legal texts to interpret the meaning, objectives, and scope of legal protection provisions (Negara, 2023). This approach allows the researcher to understand how legal principles are implemented by police officers in practice, particularly within the Women and Children Service Unit (PPA) of the Bitung Police. In addition, legal doctrines and scholarly literature are reviewed to assess the alignment between statutory law and field practices, including challenges faced by victims in accessing protection, such as limited police capacity, inadequate facilities, and the complexity of proving psychological violence.

The findings indicate that legal protection provided by the Bitung Police includes preventive measures, such as issuing protection orders, providing safe shelters, and offering psychological and legal assistance, as well as repressive measures, which cover investigation, prosecution, psychological rehabilitation, and access to compensation through LPSK. Normative analysis highlights that, although the legal framework is comprehensive, its implementation still encounters several obstacles. Therefore, this study emphasizes the need to enhance police capacity, provide public legal education, and adopt a victim-centered approach in law enforcement to ensure effective protection for victims of psychological violence.

4. Results and Discussion

4.1. Forms of Legal Protection for Victims of Psychological Violence

According to the Big Indonesian Dictionary (*Kamus Besar Bahasa Indonesia*/KBBI), law enforcement is defined as the act of applying or implementing the law. In line with this, Trisno et al. (2017) explain that enforcement refers to the process of putting a theory, method, or concept into practice in order to achieve predetermined goals for the benefit of a particular group or society. From a classical perspective, John Austin views law as a set of rules established by rational beings to guide other rational beings who are subject to their authority. Furthermore, Rasjidi et al. (1993) argue that law enforcement is a continuation of the law-making process, encompassing institutions, law enforcement apparatus, facilities, and procedures necessary for the effective implementation of law, a view also supported by Satjipto Rahardjo (2019). Meanwhile, Rahardjo (2010) emphasizes that the function of law in society includes organizing social life, regulating interactions, resolving disputes, maintaining order and rights if necessary, through coercive measures, and adapting legal order to social change.

In criminal law, the term “criminal act” is derived from the Dutch concept of *strafbaar feit*, which is not explicitly defined in the Indonesian Criminal Code (KUHP) but is often equated with the term *delik*, originating from the Latin word *delictum*. KBBI defines a crime as an act that is punishable by law due to its violation of criminal norms, a view echoed by Teguh Prasetyo (2014). From a normative standpoint, Hans Kelsen defines a criminal act as a condition in which sanctions are imposed in accordance with applicable legal norms, as elaborated by Asshiddiqie and Safa’at (2006).

According to Moeljatno (2016), the term “*strafbaar feit*” refers to criminal conduct. According to him, a “criminal act” is any human conduct that results in specific outcomes that are forbidden by law and for which the offender may face criminal penalties. A criminal act is defined as an act that is forbidden by law and is subject to penalty. In this context, the term “act” refers to both an active act (doing something that is actually forbidden by law) and a passive act (not doing something that is actually required by law). Without defining the phrase “*strafbaar feit*,” our legislators have used it to refer to what is known as a crime under the Criminal Code. According to Moeljanto (2016), *strafbaar feit* is an illegal behavior (*handeling*) that involves mistakes and is committed by someone who is capable of being accountable.

In the meantime, Van Hamel also developed the concept of strafbaar feit, which is defined as an individual's actions (menselijk gedraging) that violate the law, are punishable by law, and involve errors. According to Arief (2003), a crime is the act of doing or failing to do something that is prohibited and punishable by law. Therefore, a crime is an act that fulfills the elements of wrongdoing and is committed by one or more individuals who are capable of being held responsible for their actions.

Legal protection for victims of crime is a fundamental aspect of the modern criminal justice system, which places victims' rights within efforts to achieve substantive justice (Widijowati, 2023; Cassell, 2024; Kurniawan et al., 2025). In the context of psychological violence, the urgency of this protection becomes even more crucial because the violence is non-physical and often not immediately visible to the naked eye, yet it can have very serious long-term impacts on the victim's mental, psychological, and social well-being (Barda, 2018; Hermansyah et al., 2024). Psychological violence can occur in various forms, such as insults, threats, intimidation, emotional manipulation, social exclusion, restrictions on freedom, and repeated verbal abuse (Mikolajczuk, 2020; Koller & Darida, 2020). In Indonesian positive law, psychological violence has been recognized as a form of violence that can be prosecuted, especially in the domestic sphere, through Law Number 23 of 2004 concerning the Elimination of Domestic Violence (*Penghapusan Kekerasan Dalam Rumah Tangga*/PKDRT). Article 7 of the PKDRT Law explicitly states that psychological violence is an act that causes fear, loss of self-confidence, loss of ability to act, feelings of helplessness, or other severe psychological suffering (Law Number 23 of 2004).

Legal protection for victims of psychological violence encompasses various aspects, from protection during reporting, security during the legal process, to post-incident psychological recovery. This protection embodies the principle of justice, which not only punishes the perpetrator but also comprehensively rehabilitates the victim, ensuring that victims truly receive their rights as legal subjects protected by the state. The forms of legal protection include the right to identity protection, legal assistance, psychological support, and the right to obtain justice through a fair and transparent legal process. Legal protection also encompasses preventive and repressive measures taken by the police to prevent further violence against victims (Yustisianto et al., 2022; Saragih & Sembiring, 2024). This includes submitting a protection request to the LPSK, monitoring perpetrators to prevent intimidation, and providing safe havens for victims if necessary. In some cases, protection is also provided in the form of assistance when victims must face the perpetrator during questioning or trial.

3.2. Implementation of Legal Protection at the Bitung Police

In practice, legal protection for victims of psychological violence within the jurisdiction of the Bitung Police begins from the initial reporting process. The Women and Children's Service Unit (Pelayanan Perempuan dan Anak/PPA), which operates under the Criminal Investigation Unit (Satreskrim) of the Bitung Police, plays a central role in handling cases of violence against women and children, including psychological violence (Republic of Indonesia National Police). This PPA Unit serves as the frontline in handling victims of violence, including providing initial assessments of the victim's condition, assisting with evidence collection, and collaborating with relevant agencies such as the Witness and Victim Protection Agency (LPSK), the Social Services Agency, forensic psychologists, and legal aid institutions.

PPA officers are trained to adopt an empathetic, non-judgmental approach and understand the psychological well-being of victims. When victims of psychological violence report to the Bitung Police, the police have a legal and ethical obligation to

receive the report without prejudice and to ensure that the process is conducted in a safe, comfortable, and non-discriminatory manner. Victims must be clearly informed of their rights, including identity protection, legal assistance, psychological support, and the right to obtain justice through a fair and transparent legal process. The Bitung Police, as part of the Indonesian National Police, plays a crucial role in providing legal protection to victims of crime, including victims of psychological violence. This legal protection encompasses not only formal procedural aspects but also substantive and psychosocial aspects, which the police must strive to address optimally from the initial reporting stage through to the final legal decision.

Furthermore, PPA collaborates with external agencies, including social services, hospitals, legal aid institutions, and clinical psychologists. In the context of protection, one of the main challenges in addressing psychological violence is proving the elements of the crime. Unlike physical violence, which can be proven through a post-mortem examination or other visual evidence, psychological violence requires a more complex evidentiary approach, often involving expert testimony, such as a psychologist or psychiatrist, who can assess the psychological impact on the victim. Therefore, the Bitung Police need to closely coordinate with mental health professionals to support the investigation and inquiry process (Witness and Victim Protection Agency, 2020).

However, it must be acknowledged that current forms of legal protection still face various challenges. The reality on the ground shows that legal protection for victims of psychological violence has not been optimal. Obstacles persist, such as the limited number of personnel competent in handling cases based on psychological violence, the lack of supporting facilities (such as counseling rooms), and a lack of public and some officials' understanding of the importance of protecting victims of non-physical violence. Not all victims are aware of their rights or the legal mechanisms available to obtain protection (Hadjon, 1987; Ramadhani, 2021). Furthermore, not all law enforcement officers have an adequate understanding and skills in handling cases of psychological violence. Victims often feel distrusted, overreacted, or even re-victimized during the reporting process, leading them to choose not to pursue legal action (Powers, 2022).

In its efforts to improve victim protection, the Bitung Police have taken several steps, including personnel training in gender-based victim management, community outreach on the law, and developing cross-sectoral collaboration with victim service agencies. However, these steps need to be supported by stronger institutional policies, adequate budget allocation, and a strengthened victim-oriented perspective throughout the law enforcement process (Paterson, 2021). Therefore, legal protection for victims must be continuously improved through victim-friendly policies, increased officer capacity, and ongoing legal education for the public.

Despite the comprehensive statutory framework established by Law Number 23 of 2004 on the Elimination of Domestic Violence and Law Number 13 of 2006 concerning Witness and Victim Protection (as amended by Law Number 31 of 2014), the practical implementation of these provisions at the Bitung Police reveals several gaps. While the laws mandate preventive and repressive measures, including protection orders, safe shelters, and access to psychological and legal support, the effectiveness of these measures depends heavily on police capacity, inter-agency coordination, and victim awareness (Manyonge, 2021; Griffiths, 2022). Scholarly interpretations, such as those by Soerjono (2011) and Igrački et al. (2022), emphasize that legal enforcement is not only about procedural compliance but also about ensuring substantive justice, including psychosocial recovery. In practice, however, some victims experience delays, inadequate guidance, or limited access to supportive services, highlighting a divergence between normative law and field implementation.

Moreover, the evidentiary challenges in psychological violence cases further complicate enforcement. Statutory provisions recognize psychological harm as

prosecutable, but proving non-physical abuse requires expert testimony and careful documentation, which can be resource-intensive. Academic analyses by Hadjon (1987) and Andrusiak et al. (2024) note that law enforcement officers often lack sufficient training or experience in handling such cases, resulting in inconsistent application of the law and occasional re-victimization. This gap suggests that statutory recognition alone is insufficient; operationalizing victim protection requires specialized skills, inter-agency collaboration, and clear procedural guidelines that align with both legal norms and the victim-centered approach advocated in the literature.

The integration of preventive and repressive measures at the Bitung Police demonstrates progress but also underscores systemic limitations. While the PPA Unit provides frontline support and coordinates with external agencies such as LPSK and social services, institutional constraints including personnel shortages, limited counseling facilities, and insufficient public legal literacy hinder full compliance with statutory mandates. Comparative scholarly perspectives indicate that continuous capacity-building, victim-friendly protocols, and active community engagement are critical to bridging the gap between law on paper and law in practice. Therefore, improving legal protection for victims of psychological violence requires not only adherence to existing regulations but also proactive adaptation of policing practices to meet the holistic needs of victims.

4. Conclusion

Legal protection for victims is not merely a legal obligation but also reflects the state's commitment to upholding human dignity and fundamental rights. In cases of psychological violence, effective protection requires that victims are not only processed within the criminal justice system but also supported in their recovery. Therefore, the role of the police, including the Bitung Police, is essential in ensuring that legal enforcement is accompanied by humane and victim-centered treatment. Comprehensive legal protection must encompass a sensitive approach to victims, fulfillment of their rights throughout the legal process, and the provision of psychosocial support. Such an approach ensures that the criminal justice system does not focus solely on perpetrators but also delivers substantive justice to victims. In this context, the Bitung Police are expected to continuously enhance service quality to be more responsive, humane, and equitable.

Accordingly, this study recommends strengthening institutional policies and operational procedures, improving personnel capacity through specialized victim-sensitive training, and enhancing coordination with LPSK, social services, and mental health professionals. Expanding public legal education is also necessary to increase victim awareness of available legal protections and support mechanisms. However, this study is limited by its reliance on library research and secondary data, which restricts insight into actual policing practices. Future research should adopt empirical approaches, such as interviews or surveys with victims and police officers, as well as comparative studies across police units, to assess the effectiveness of victim protection measures and identify best practices for broader implementation.

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Acknowledgment

We gratefully acknowledge the contributions of individuals who supported the completion of this article.

Funding Information

This research did not receive any funding.

Conflict of Interest Statement

The authors declare that there is no conflict of interest.

Ethical Approval and Originality Statement

Ethical approval was obtained for this study. The manuscript represents original work and has not been previously published, nor is it under consideration by another journal.

Data Disclosure Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.



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