

## An Examination of Domestic Violence Leading to Death: A Case Study from Palembang 2023

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### Abstract

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This study analyzes the Palembang High Court Decision No. 247/PID/2023/PT PLG concerning Domestic Violence (DV) resulting in death. The study aims to evaluate the extent to which the legal application in the verdict aligns with the principles of substantive justice and to assess the legal considerations used by the judges. The methodology employed includes normative juridical and case approaches, with data analyzed from court decisions, legal literature, and other secondary sources. The findings reveal that the judges' legal considerations comply with existing regulations, although challenges remain in integrating gender perspectives and protecting victims' rights. The study recommends enhancing gender understanding within the judicial system and improving psychological rehabilitation for DV victims.

### 1. Introduction

Domestic violence cases have become one of the most complex legal issues and continue to receive special attention in the Indonesian criminal justice system. The crime of domestic violence includes not only physical acts, but also psychological, sexual, and domestic neglect, which have the potential to cause serious consequences, even death.<sup>1</sup> This study raises the topic of analyzing Decision Number 247/Pid/2023/PT PLG relating to the crime of domestic violence causing death, with the aim of understanding in more depth the legal aspects, the facts revealed at trial, and the judge's reasoning in handing down the decision.

The background of this research is based on the high number of domestic violence cases in Indonesia which require firm and fair legal handling. Based on data from the National Commission on Violence Against Women (Komnas Perempuan), in 2022 there was an increase in reports of domestic violence cases compared to the previous year, which shows an increasing trend of domestic violence.<sup>2</sup> This phenomenon is a serious warning for policy makers and law enforcement an increasing trend of domestic violence.<sup>3</sup> This phenomenon is a serious warning for policy makers and law enforcement officials to continue to evaluate the effectiveness of the justice system in providing protection for victims of domestic violence.

This research refers to various previous studies to provide an overview of the existing problems. The study by Alwadipa & Zulfahmi (2024) states that one of the main obstacles in handling domestic violence cases is the discrepancy between the legal facts revealed at trial

<sup>1</sup> Ginting et al., "Restorative Justice Sebagai Mekanisme Penyelesaian Tindak Pidana Kekerasan Dalam Rumah Tangga," *JURNAL RECTUM: Tinjauan Yuridis Penanganan Tindak Pidana* 1, no. 2 (2019): 180–87, <https://doi.org/http://dx.doi.org/10.46930/jurnalrectum.v1i2.225>.

<sup>2</sup> HESRI MINTAWATI, "Manajemen Strategi Pencegahan Kasus Kekerasan Seksual Pada Perempuan Dan Anak," *KNOWLEDGE: Jurnal Inovasi Hasil Penelitian Dan Pengembangan* 2, no. 2 (2022): 62–71, <https://doi.org/https://doi.org/10.51878/knowledge.v2i2.1212>.

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and the judge's consideration in deciding the case, which often does not provide a deterrent effect for the perpetrator.<sup>4</sup> Meanwhile, Eko Soponyono's research (2017) highlighted the lack of attention to victims' justice perspectives in court decisions.<sup>5</sup> This is reinforced by the findings of Dwianisa (2024) who identified inconsistencies in the use of evidence presented during the trial, which led to decisions that were considered to reflect less justice for victims.<sup>6</sup>

Although the law has clearly regulated the protection of victims of domestic violence, implementation in the field still faces many obstacles. One of the main obstacles is the lack of consideration of the psychological dimension of victims in the decision-making process by judges. This study also noted that the justice system often focuses on legal formalities, without considering the psychological and social conditions of victims who are directly affected by criminal act. These findings indicate that there is a gap between ideal legal theory and practice in the field, which impacts on the quality of court decisions in domestic violence cases.

In addition, this research also highlights the importance of integrating a gender perspective in the judicial process. A gender perspective can help ensure that the needs and experiences of victims, particularly women who are often the primary victims of domestic violence, receive adequate attention in the legal system. The legal system in Indonesia still tends to be gender biased, which can hinder justice for victims of domestic violence. For example, there is a tendency to underestimate the psychological and emotional impact experienced by victims, which ultimately affects the outcome of the verdict.

Through an analysis of Decision No. 247/Pid/2023/PT PLG, this research seeks to identify the extent to which the legal process has been carried out in accordance with applicable laws and regulations, and whether the judge's considerations have reflected substantive justice. This research also aims to uncover the factors that influenced the judge's decision, including the evidence presented, legal interpretation, and the influence of a gender perspective in decision-making. Thus, this research can provide a more comprehensive picture of how the justice system handles domestic violence cases, especially those that cause death.

From a scientific point of view, this research is expected to make a significant contribution to the development of legal science, especially in the fields of criminal law and the protection of victims of domestic violence.<sup>7</sup> By deeply analyzing the court decisions that are the focus of the research, it is hoped that this research can provide relevant

<sup>4</sup> Alwadipa, Bagus Pria, and Zulfahmi Zulfahmi, "Pertimbangan Hakim Dalam Penanganan Kekerasan Dalam Rumah Tangga: Tinjauan Yuridis Atas Putusan Nomor 339/Pid. Sus/2023/Pn Bgr," *Intelek Dan Cendikiawan Nusantara* 1, no. 4 (2024): 6203–17.

<sup>5</sup> Purwoto Eko Soponyono, "Kebijakan Perlindungan Hukum Terhadap Anak Sebagai Korban Kekerasan Seksual (Studi Putusan No. 76/Pid. Sus. Anak/2013/Pn. Smg) Ditinjau Dari Perspektif Keadilan," *Diponegoro Law Journal* 6, no. 2 (2017): 1–18, [https://doi.org/https://doi.org/10.14710/dlj.2017.19557](https://doi.org/10.14710/dlj.2017.19557).

<sup>6</sup> Shindy Dwianisa, "ANALISIS UPAYA HUKUM BANDING DALAM MENJAMIN KEADILAN TERHADAP PROSES PERADILAN PIDANA DI INDONESIA 7, No. 9 (2024): 81–90. [Https://Doi.Org/10.3783/Causa.V7i9.7063](https://doi.org/10.3783/Causa.V7i9.7063)," *Causa: Jurnal Hukum Dan Kewarganegaraan* 7, no. 9 (2024): 81–90, <https://doi.org/https://doi.org/10.3783/causa.v7i9.7063>.

<sup>7</sup> Tobing et al., "Efektivitas Pelaksanaan Pembinaan Terhadap Narapidana Wanita Dilapas Kelas IIA Tanjung Gusta Medan," *Jurnal Hukum To-Ra: Hukum Untuk Mengatur Dan Melindungi Masyarakat* 8, no. 2 (2022): 226–44, <https://doi.org/https://doi.org/10.55809/tora.v8i2.136>.

recommendations to improve the quality of court decisions, overcome obstacles in the implementation of the law, and offer solutions oriented towards victim justice.

At the end of the research, the significance of the analysis of the decision will be concluded, including the resulting legal implications and recommendations for legal reform related to criminal act. This research aims not only to understand the weaknesses in the existing legal system, but also to provide concrete solutions that can help prevent similar cases from occurring in the future. Thus, this research is expected to be an important reference for legal practitioners, policy makers, and academics who have an interest in the issue of domestic violence and victim protection.

## 2. Methods

The research method in this study uses a normative juridical approach combined with a case approach. The normative juridical approach was used to analyze the application of relevant legal norms in cases of domestic violence causing death. The case approach is used to focus the analysis on Decision Number 247/Pid/2023/PT PLG, so as to provide a deeper understanding of the legal facts, judges' considerations, and the relevance of the laws and regulations used in the decision.

This research utilizes two main types of data, namely primary data and secondary data. Primary data in this research consists of official court decision documents, namely Decision Number 247/Pid/2023/PT PLG, which are systematically analyzed to identify legal facts, judges' considerations, and the application of applicable laws and regulations. Secondary data includes various legal literature such as scientific journals, legal textbooks, research reports, as well as other official documents relevant to the topic of this research. Some of the main sources in this research include legal journals that discuss the application of law in domestic violence cases, annual reports of the National Commission on Violence Against Women (Komnas Perempuan), and academic studies relevant to victim protection and justice in criminal cases.

Data collection was conducted through a document study that involved the identification, selection and collection of legal materials relevant to the research topic. This process involved searching various scholarly sources, including indexed law journals, previous research reports, and court decision documents. The data collected was then analyzed qualitatively using the content analysis method to identify legal patterns, the suitability of the application of regulations, and the relevance of judges' considerations to the principles of substantive justice.

This research also conducted a comparative study with the results of previous research to identify gaps between ideal legal theory and legal practice applied in domestic violence cases. These studies provide a basis for evaluating the extent to which court decisions in the analyzed cases have met the principles of substantive justice and protection of victims.

The stages of analysis in this research include data collection, data categorization based on relevant legal themes, interpretation of analysis results, and evaluation of decisions that are the focus of research. In each stage, this research considers the relevance of the data to the research objectives to produce a focused and in-depth analysis. In addition, this research also

evaluates the legal implications of the analyzed decisions, including their potential impact on victim protection and criminal law reform in Indonesia.

By using a systematic and data-driven approach, this research is expected to make a significant contribution in understanding the dynamics of criminal law related to domestic violence cases that cause death. This research method is also designed to provide relevant recommendations for the development of a justice system that is more just and responsive to the needs of victims of domestic violence.

### 3. Results and Discussion

#### 3.1. Legal Fact Revealed in the Decision

The legal facts revealed in Decision No. 247/Pid/2023/PT PLG reveal that the crime of Domestic Violence committed by the defendant had a background of longstanding and intense domestic conflict. The conflict was triggered by disharmony in the relationship between the defendant and the victim that had occurred for many years.<sup>8</sup> During the trial, it was revealed that the defendant not only committed direct physical violence against the victim, but also created a household environment that was full of psychological pressure, resulting in the victim suffering physical and mental trauma.

Based on the testimony provided by the witnesses, it was revealed that the violence committed by the defendant often occurred without a clear reason and took place repeatedly. This testimony was corroborated by evidence presented at trial, including a medical report detailing the physical injuries to the victim's body, evidence in the form of photographs of the victim's injuries, as well as expert witness testimony supporting the pattern of violence. The medical report showed that the victim suffered serious injuries, such as bruises on several parts of her body, lacerations, and significant psychological impacts as a result of the violence she experienced.

The victim's testimony was also an important part of uncovering these legal facts. The victim provided consistent testimony about the pattern of violence that occurred, including the chronology of events and the types of violence she experienced during the years of marriage. In her testimony, the victim explained that the violence committed by the defendant often occurred in front of their child, which had a negative impact on the child's psychological condition. The Panel of Judges noted that this was one of the important factors that demonstrated the seriousness and widespread impact of the criminal acts committed by the defendant.

In addition, the trial also revealed that The defendant in the trial did not provide consistent information or demonstrate an attitude that reflects remorse as expected in the legal process. Throughout the legal process, the defendant tended to be defensive and did not fully admit his actions, even though the evidence presented by the public prosecutor clearly showed his involvement in the violence. The defendant even tried to justify his actions with reasons that were irrelevant or not supported by the legal facts.

<sup>8</sup> Pakpahan et al., "TINJAUAN YURIDIS TERHADAP PERJANJIAN KAWIN YANG DIBUAT PASCA PERKAWINAN SETELAH DIKABULKANNYA PUTUSAN MK NO. 69/PUU/XIII-2015 (Analisis Penetapan Nomor 80/Pdt. P/2020/PN. Ptk)," *IBLAM LAW REVIEW* 3, no. 3 (2023): 232–46, <https://doi.org/https://doi.org/10.52249/ilr.v3i3.156>.

The Panel of Judges also considered the aggravating factors that strengthened the charges against the defendant. One of the main aggravating factors was the fact that the violence was committed repeatedly over a long period of time, creating a systematic pattern of violence. This shows an element of intentionality and disregard for the rights of a spouse in a household.<sup>9</sup> In addition, the violence committed in the presence of the victim's child is one of the crucial points that has a long-term negative impact, not only on the victim, but also on the child as a vulnerable party.<sup>10</sup>

In addition to the legal considerations regarding the defendant's culpability, the analysis can be expanded to address the implementation of Article 10 of the Domestic Violence Law (UU KDRT), which specifically guarantees the victim's right to protection and recovery. This aspect is crucial, as the legal facts revealed in the case indicate that the victim suffered not only physical injuries but also long-term psychological trauma.

Furthermore, the analysis does not discuss whether the judge considered compensation or restitution for the victim, despite the fact that Article 50 of the Domestic Violence Law explicitly recognizes restitution as a right that can be granted to victims. Incorporating this aspect would strengthen the argument that justice should not only focus on punishing the perpetrator but also on ensuring adequate reparation for the victim.

Additionally, from a broader legal perspective, the analysis can benefit from incorporating human rights and restorative justice principles, which emphasize victim protection, recovery, and compensation. This approach would align with international human rights standards and underscore the importance of a legal framework that prioritizes victim-centered justice rather than solely focusing on punitive measures against the offender. Strengthening the victim-centered approach in legal decisions is essential, ensuring that court rulings serve not only as a means of punishment but also as a mechanism for victim protection and rehabilitation.

All of these revealed legal facts became the main basis for legal considerations by the Panel of Judges to reach a verdict.<sup>11</sup> By considering the strong evidence, the consistency of the victim's testimony, and the serious impact caused by the defendant's actions, the Panel of Judges finally handed down an appropriate sentence against the defendant. It is hoped that this decision will not only provide justice for the victim, but also serve as a lesson for the community about the importance of stopping domestic violence.

### 3.2. Legal Considerations Used by Judges

The legal considerations used by the judge in deciding this case include various aspects, namely juridical, sociological, moral, and psychological.<sup>12</sup> Each of these aspects is

<sup>9</sup> Thalliwal et al., "Dampak Pernikahan Dini Terhadap Meningkatnya Angka Perceraian Pada Masa Pandemi Di Sumatera Utara," *Al-'Adalah: Jurnal Syariah Dan Hukum Islam* 7, no. 2 (2022): 273–92, <https://doi.org/https://doi.org/10.31538/adlh.v7i2.2787>.

<sup>10</sup> Sunarto et al., "Pandangan Hukum Islam Terhadap Progam Keluarga Berencana," *Jurnal Mutiara Hukum* 3, no. 2 (2020): 65–73.

<sup>11</sup> Arianus Harefa, "Analisis Hukum Terhadap Penjatuhan Pidana Di Bawah Ancaman Minimum Kepada Pelaku Tindak Pidana Korupsi," *Jurnal Education and Development* 8, no. 1 (2020): 434.

<sup>12</sup> Wijaya et al., "Dasar Pertimbangan Hakim Dalam Menjatuhkan Putusan Kasus Anak Yang Berkonflik Dengan Hukum (Studi Kasus Putusan Nomor. 14/PID. SUS. ANAK/2015/PN SMG)," *Diponegoro Law Journal* 5, no. 4 (2016): 1–12, <https://doi.org/https://doi.org/10.14710/dlj.2016.13300>.

used thoroughly to ensure that the decision taken is not only based on the applicable legal rules, but also considers the social and moral impacts caused by the crime of Domestic Violence (KDRT). From a juridical perspective, the judge specifically referred to Law No. 23/2004 on the Elimination of Domestic Violence (PKDRT Law) as the main legal basis in this case. The relevant articles in this case were Article 44 paragraph (1), which regulates the criminal offense of physical violence that causes suffering to the victim, and Article 45, which guarantees legal protection to victims of domestic violence. The judge also considered the provisions of the Criminal Code (KUHP), particularly articles relating to intentional serious maltreatment.

The legal reasoning presented in the analysis does not explicitly clarify how Articles 44(1) and 45 of the Domestic Violence Law (UU KDRT) are connected to the proven elements of the criminal offense in this case. A more detailed examination of the evidentiary aspects and how these legal provisions were applied would enhance the legal framework of the decision. Establishing a clear connection between the statutory provisions and the facts of the case is crucial to ensuring that the ruling is firmly grounded in substantive legal principles.

Additionally, the analysis references provisions of the Indonesian Penal Code (KUHP) regarding aggravated assault, but it does not specify whether the judge relied on Article 351 KUHP (general assault) or Article 354 KUHP (aggravated assault). Given that domestic violence cases fall under a *lex specialis* framework, it is essential to elaborate on why the PKDRT Law takes precedence over KUHP provisions and how its application reinforces a victim-centered approach to justice. While the principle of *lex specialis derogat legi generali* is acknowledged, the current argument remains descriptive. A deeper analysis is necessary to illustrate why the PKDRT Law is more relevant in addressing domestic violence compared to general provisions under the KUHP.

In his decision, the judge emphasized that the crime of domestic violence committed by the defendant fulfilled the elements stipulated in the PKDRT Law, including the existence of physical violence that caused physical and psychological injury and suffering to the victim. The judge also highlighted that the defendant's actions violated the principle of *lex specialis derogat legi generali*, where the PKDRT Law as a special regulation has primacy over the Penal Code in regulating criminal acts of domestic violence.

The text states that the judge's consideration refers to Article 28G paragraph (2) of the 1945 Constitution, which guarantees protection from torture or degrading treatment. However, it does not clearly explain how this article is concretely related to this case. Therefore, further clarification is needed regarding the relationship between this article and the rights of victims within Indonesia's criminal justice system.

Sociological considerations were also an important part of this decision. The judge considered the social impact arising from the defendant's actions, both on the victim directly and on the family environment as a whole. During the trial, it was revealed that the acts of violence committed by the defendant not only caused physical injury to the victim, but also created deep psychological trauma for the victim and their children. This trauma has the

potential to cause prolonged emotional distress, especially for children who are vulnerable to psychological trauma.<sup>13</sup>

The judge also noted that this type of violence has a wider impact on society.<sup>14</sup> Domestic violence cases often occur in the private sphere, so they are rarely revealed to the public. However, through strict law enforcement in this case, the judge hopes to provide a deterrent effect for other perpetrators of domestic violence, as well as a reminder that domestic violence cannot be tolerated in a civilized society. The judge also considered the psychological aspects of the defendant's actions, especially in relation to the pattern of repeated violence and its impact on the victim.<sup>15</sup> During the trial, medical evidence showed that the victim suffered from post-traumatic stress disorder (PTSD) as a result of the continuous physical and verbal violence committed by the defendant. This was reinforced by the testimony of a psychological expert presented during the trial, who stated that the psychological trauma experienced by the victim can have a long-term impact, including on the victim's ability to rebuild a sense of security in her life.

In addition, the judge observed that the defendant's actions were carried out consciously and with the same pattern in several incidents. This pattern indicates the presence of malicious intent (*mensrea*) and a lack of empathy for the victim. These were aggravating factors considered by the judge in reaching his verdict. However, the legal analysis does not elaborate on whether the defendant provided any justification or legal defense regarding his actions. It remains unclear whether the defendant attempted to argue mitigating circumstances, such as provocation or self-defense, and how the court evaluated these claims. A more detailed discussion on the defense strategy of the accused and how it was weighed in the judicial decision would provide a more balanced perspective on the ruling. From a moral perspective, the judge emphasized that domestic violence is a serious violation of human values, ethics and morality that should be upheld in a family.<sup>16</sup> The judge regretted that the defendant, who was supposed to be a protective figure in the family, had instead become the main threat to the victim and her children. In his moral reasoning, the judge emphasized that the family is the main pillar in building a healthy society. Violence not only damages the individuals involved, but also damages the social structure as a whole.<sup>17</sup>

The judge also noted that the defendant did not show genuine remorse for his actions during the trial. Instead, the defendant tried to justify his actions with irrelevant excuses. This attitude demonstrated the defendant's lack of moral responsibility as the head of the family. The judge considered that the defendant's unwillingness to admit his guilt was evidence that he did not understand the serious impact of his actions on the victim and their children.

<sup>13</sup> Mernan Sinaga, "Tinjauan Yuridis Terhadap Anak Sebagai Korban Pelecehan Seksual Menurut Undang Undang Nomor 35 Tahun 2014 (Studi Putusan: No. 64/Pid. Sus/2021/PNMdn)," *SUPREMASI: Jurnal Hukum* 5, no. 1 (2022): 1–13, <https://doi.org/10.36441/supremasi.v5i1.853>.

<sup>14</sup> Ardini et al., "Analisis Penerapan Hukum Pidana Terhadap Pelaku Pengaroyakan (Nomor: 2651/Pid. B/2022/PN Mdn)," *UNES Law Review* 7, no. 1 (2024): 544–51.

<sup>15</sup> Fikri et al., "TINJAUAN PENEGERAKAN HUKUM TINDAK PIDANA PENCABULAN TERHADAP ANAK DI BAWAH UMUR DI KABUPATEN BUOL," *SINERGI: Jurnal Riset Ilmiah* 1, no. 6 (2024): 385–96, <https://doi.org/10.62335/nwq1am71>.

<sup>16</sup> Sunarto et al., "Pandangan Hukum Islam Terhadap Program Keluarga Berencana."

<sup>17</sup> Sormin et al., "Upaya Penanggulangan Kekerasan Seksual Terhadap Anak Di Sd Kota Medan," *Jurnal Interpretasi Hukum* 4, no. 2 (2023): 300–307, <https://doi.org/10.22225/juinhum.4.2.7597.300-307>.

Furthermore, judicial considerations should also include an analysis of the defendant's right to defend himself. The ruling does not sufficiently explain whether the judge considered and assessed any objections raised by the defendant regarding the allegations. A discussion on how the court addressed the defendant's arguments, especially concerning the proportionality of the sentence, would enhance the clarity of the legal reasoning used in this case.

### 3.3. Reflecting Substantive Justice for Victims of Domestic Violence

Decision Number 247/Pid/2023/PT PLG clearly and unequivocally illustrates efforts to realize substantive justice for victims of domestic violence. Substantive justice in this context is not only seen from the aspect of legal formalities that regulate judicial procedures, but furthermore, leads to the fulfillment of victims' rights in a comprehensive and holistic manner, which involves attention to their physical, psychological, and social conditions. In this case, the Panel of Judges did not only pay attention to the technical elements of the law, but also to the real impact experienced by the victim as a result of the defendant's actions.

Substantive justice focuses on applying the law in a way that goes beyond compliance.<sup>18</sup> It prioritizes the fulfillment of victims' basic rights and ensures that victims not only get justice in a formal sense (for example, punishment for the perpetrator), but also in broader aspects, such as their psychological and physical recovery after experiencing violence. In this decision, the Panel of Judges explicitly demonstrated its commitment to substantive justice by considering all factors affecting the victim and not just focusing on punishment for the accused.

The judge took steps that prioritized the recovery and protection of the victim by seriously considering the victim's right to receive proper psychological and physical care after experiencing violence. In his ruling, the judge decided to provide psychological rehabilitation for the victim and her children as a form of appreciation for the suffering they had experienced, as well as to help them recover from the trauma caused by the violence committed by the defendant. This reflects the understanding that justice can be seen not only from the punishment of the perpetrator, but also from efforts to restore the victim to her original state, or even better after experiencing severe trauma.

In addition to sentencing the defendant to a fairly severe prison sentence, which was in accordance with the severity of the violence committed, this decision emphasizes the need for comprehensive protection of victims, which includes not only physical but also psychological and social dimensions. In this case, the panel of judges considered that domestic violence does not only affect the victim's physical condition, but also damages the victim mentally and emotionally, and disrupts the stability of the family and society as a whole. Therefore, real justice must include efforts to restore victims, including through psychological rehabilitation that can help victims process and overcome the trauma they have experienced.

<sup>18</sup> Noviani, Aulia, and Anindi Yuli, "Transformasi Nilai Keadilan Hukum Pidana Islam Dalam Qanun Jinayah Dalam Undang-Undang No 11 Tahun 2006 Tentang Pemerintah Aceh," *Causa: Jurnal Hukum Dan Kewarganegaraan* 9, no. 8 (2024): 21–30, <https://doi.org/10.3783/causa.v9i8.8747>.

Thus, this decision reflects a clear alignment with the victim, who is the most disadvantaged party in domestic violence cases. The judge did not only assess the aspect of punishment for the defendant, but also assessed the victim's interest in obtaining adequate recovery. In addition, this decision emphasizes the need for attention to the victim's family, especially children who may also be witnesses or victims of the violence. The judge wisely remembered that the victims in this case were not only adults who experienced direct violence, but also children whose rights to grow and develop in an environment free from violence must be protected.

As part of reflecting substantive justice, providing psychological rehabilitation for victims and their children is a very important step.<sup>19</sup> This rehabilitation is expected to help them overcome the psychological impact of the violence experienced. By providing psychological support, victims are expected to recover and live a better life after this tragic incident. In this case, the verdict is not only concerned with punishment for the perpetrators, but also recovery for the victims, so that they can rebuild their lives, free from the disturbing trauma.

The judges recognized that the impact of domestic violence can be profound and long-lasting, and for this reason, post-violence recovery measures are a very important part of the legal process. With the provision of psychological rehabilitation, victims can feel that justice is not only in the form of punishment for the perpetrator, but also attention to their emotional and psychological needs.<sup>20</sup> This is a real step in realizing substantive justice that covers all aspects of the victim's life.

This decision also reflects the application of a victim-based approach in handling domestic violence cases. In this approach, the victim is placed as the main subject that must be protected and given special attention. This approach seeks to empower victims, not only in terms of legal settlements, but also in the aspect of restoring their lives after violence occurs. The victim-based approach emphasizes the protection of victims' rights, by paying attention to the various forms of impact experienced by victims, be it physical, emotional, or social. This approach does not merely punish the perpetrator, but also pays attention to the overall recovery efforts of victims, so that they can continue their lives better and not be trapped in haunting trauma.

This decision is expected to set a good precedent for the handling of domestic violence cases in the future. By prioritizing substantive justice, this decision sends a strong message that the justice system does not only focus on punishment for perpetrators, but also pays attention to the needs and rights of victims to obtain recovery. This victim-centered handling is expected to become a model in handling other domestic violence cases, which places victims as the main priority in the legal process.

Furthermore, this decision can also serve as a guideline for the community and law enforcement officials in responding to domestic violence cases more empathetically and thoroughly. Siding with victims, not only from a formal legal aspect, but also from a

<sup>19</sup> Kevin Reza Sukatendel, "Perlindungan Hukum Terhadap Korban Pencabulan Anak Di Bawah Umur (Studi Di Kabupaten Langkat)," 2020.

<sup>20</sup> Ermanita Permatasari, "Perlindungan Terhadap Anak Korban Eksplorasi Seksual Dalam Perspektif Yuridis-Normatif Dan Psikologis (Studi Kasus Wilayah Hukum Polres Lampung Timur)," *Al-'Adalah* 13, no. 2 (2017): 215–26, <https://doi.org/https://dx.doi.org/10.24042/adalah.v13i2.1860>.

humanitarian and human rights perspective, is important to reduce and eventually eliminate domestic violence from society. changes will be made in society that respect the rights of victims, especially women and children, who are often the most vulnerable parties in a relationship.<sup>21</sup>

#### 4. Conclusions

Palembang High Court Decision Number 247/PID/2023/PT PLG has applied the law in accordance with Law Number 23/2004 on the Elimination of Domestic Violence (PKDRT Law) and the principles of substantive justice. In the decision, the judge comprehensively considered juridical, social, moral, and psychological aspects to provide protection and justice for the victim. However, this research identified several challenges, such as gender bias in the justice system and a lack of attention to victims' psychological rehabilitation. Therefore, it is important to strengthen the integration of gender perspectives in the judicial process and ensure that victims of domestic violence receive adequate rehabilitation support to recover from the trauma they have experienced.

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#### 6. Reference

Alwadipa, Bagus Pria, and Zulfahmi Zulfahmi. "Pertimbangan Hakim Dalam Penanganan Kekerasan Dalam Rumah Tangga: Tinjauan Yuridis Atas Putusan Nomor 339/Pid. Sus/2023/Pn Bgr." *Intelek Dan Cendikiawan Nusantara* 1, no. 4 (2024): 6203–17.

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