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The Role Of Village Government Officials (Village Head) In Addressing Domestic Violence Crimes

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Article

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Abstrak

Penelitian ini mengkaji peran kepala desa dalam menangani tindak pidana kekerasan dalam rumah tangga (KDRT) di tingkat lokal. Meskipun Undang-Undang Nomor 23 Tahun 2004 telah menyediakan kerangka hukum formal, kasus KDRT masih marak di masyarakat pedesaan seperti Desa Ngarum, Kabupaten Lamongan. Dengan menggunakan penelitian hukum normatif melalui pendekatan perundang-undangan dan konseptual, studi ini menganalisis KDRT sebagai *lex specialis* yang berbeda dari penganiayaan umum dalam KUHP serta mengevaluasi kontribusi kepala desa dalam mediasi awal dan rekonsiliasi masyarakat. Temuan menunjukkan bahwa kepala desa berperan strategis dalam memfasilitasi mekanisme preventif dan restoratif, sehingga memperkuat tata kelola lokal dalam menangani isu hukum yang sensitif. Hal ini menegaskan pentingnya integrasi pendekatan berbasis komunitas dengan perlindungan hukum formal guna meningkatkan keadilan dan perlindungan bagi korban.

Abstract

*This study examines the role of village heads in addressing domestic violence (DV) at the local level. Although Law No. 23 of 2004 provides a formal legal framework, DV cases remain prevalent in rural communities such as Ngarum Village, Lamongan. Using normative legal research with statutory and conceptual approaches, this study analyzes DV as a *lex specialis* distinct from general assault under the Penal Code and evaluates the contribution of village heads in early mediation and community reconciliation. Findings show that village heads act as strategic actors in facilitating preventive and restorative mechanisms, thereby strengthening local governance in handling sensitive legal issues. This highlights the importance of integrating community-based approaches with formal legal protections to enhance justice and victim protection.*

INTRODUCTION

Domestic violence (DV) is a serious violation of human rights that occurs in the private sphere but has extensive consequences on the social structure of society. The National Commission on Violence Against Women (Komnas Perempuan) reported that in 2021 alone, there were 2,527 cases of domestic violence, of which 771 cases (or 31%) involved violence against wives, indicating a worrying upward

trend in DV cases in Indonesia, including rural areas.¹ While Law No. 23 of 2004 concerning the Elimination of Domestic Violence provides a legal foundation for victim protection and offender prosecution, its implementation at the village level remains limited. Prior studies also confirm that domestic violence in Indonesia is not merely a legal matter but is deeply rooted in social, cultural, and patriarchal structures that shape community responses to violence.²

Meanwhile, the Indonesian Penal Code (KUHP) has long regulated general physical violence under its provisions on assault. However, in the context of domestic violence, applying general assault provisions often falls short in addressing the unique relational dynamics between perpetrator and victim. As a result, there is a pressing need to explore the role of local actors, especially village heads, in responding to DV cases within their communities, such as in Ngarum Village, Sekaran District, Lamongan Regency.

This article focuses on two main problems. First, it examines how domestic violence qualifies as a *lex specialis* in relation to the general crime of assault under the KUHP. Second, it investigates how the village head performs conflict resolution roles in DV cases, especially through non-litigation methods such as mediation and community-based reconciliation.

The purpose of this study is to analyze the legal status and practical approaches of village heads in handling DV cases. It also aims to demonstrate the significance of local governance in building responsive and context-sensitive legal mechanisms for addressing sensitive family-based crimes, thereby contributing to both community justice and victim protection.

Previous studies have primarily examined DV from formal legal or restorative justice perspectives. For instance, Munir (2024) explored restorative justice mechanisms in DV cases handled by the police, specifically within the framework of *fiqh jinayah*.³ Similarly, Melisa (2016) assessed the legal implementation of Article 44(1) of Law No. 23/2004 in court decisions involving husbands as perpetrators of DV.⁴ However, these studies did not explore the early intervention role played by village heads in rural Indonesia. There is a distinct lack of empirical and normative research focused on the contribution of village officials as informal justice actors in DV resolution.

This gap indicates an urgent need to investigate the local-level mechanisms employed by village governments in dealing with domestic violence. Often, village heads are the first point of contact for victims seeking help, yet their role remains under-researched. This study seeks to fill that gap by highlighting how grassroots leadership can prevent the escalation of domestic violence and reduce the burden on formal legal institutions.

¹ Komnas Perempuan, *Catatan Tahunan Kekerasan Terhadap Perempuan 2022* (Jakarta, 2022).

² Sigit Riyanto Widodo, 'Legal Protection for Women Victims of Domestic Violence in Indonesia: Between Norms and Practice', *Journal of Indonesian Legal Studies*, 4.1 (2022), pp. 43–59.

³ Ummu Salamah. Munir, 'Penyelesaian Tindak Pidana Kekerasan Dalam Rumah Tangga Melalui Restorative Justice Perspektif Fiqh Jinayah' (Institut Agama Islam Negeri (IAIN) Parepare, 2024).

⁴ Melisa, 'Tinjauan Yuridis Terhadap Tindak Pidana Kekerasan Dalam Rumah Tangga Yang Dilakukan Oleh Suami Terhadap Istri (Studi Kasus Putusan Nomor 17/Pid.Sus/2015/PN.Mrs)' (Universitas Hasanuddin, 2017).

The novelty of this research lies in its interdisciplinary approach, which bridges criminal law, village governance, and socio-cultural realities. Unlike previous legal studies that focus solely on positive law and jurisprudence, this research explores how village heads apply preventive, reconciliatory, and restorative strategies to address DV cases. Therefore, this article contributes to developing a community-based legal model that does not merely punish but also aims to heal and restore social relations.

In addition, this study supports the broader development of a justice system that is fair and inclusive by recognizing the village government as a strategic legal actor in addressing DV. As such, it is highly relevant to scholarly discussions on criminal law reform, legal pluralism, gender justice, and decentralized governance.

METHODS

This study employs normative legal research, which focuses on examining legal norms, principles, and doctrines relevant to domestic violence (DV) and the role of village heads in addressing such cases. The research adopts both a statute approach and a conceptual approach. The statute approach is applied to analyze the hierarchy and relationship between the Indonesian Penal Code (KUHP), Law No. 23 of 2004 on the Elimination of Domestic Violence, and Law No. 6 of 2014 on Villages. The conceptual approach is used to explore legal ideas and doctrines such as the *lex specialis derogat legi generali* principle, restorative justice, and legal pluralism in the context of local governance. The normative method is appropriate in this research because the issues under study emphasize legal interpretation and doctrinal analysis rather than empirical data collection.⁵

The legal materials examined consist of primary, secondary, and tertiary sources. Primary sources include statutory regulations directly governing DV, the Constitution, and criminal law provisions in both KUHP and the Domestic Violence Law. Secondary materials consist of legal commentaries, scholarly writings, and peer-reviewed journal articles, which provide theoretical perspectives and doctrinal analysis. Tertiary materials, such as legal dictionaries and encyclopedias, are used to clarify terminology. Data were collected mainly through library research, drawing on credible print and digital resources, including official government portals and academic databases. Scholarly journals were especially important to contextualize the contrast between formal legal mechanisms and informal dispute resolution practices at the village level.⁶

The analysis is carried out through a qualitative juridical method, employing grammatical, systematic, and comparative interpretations. Grammatical interpretation is applied to examine the textual meaning of legal provisions, while systematic interpretation situates DV legislation within the broader framework of

⁵ Desy Anwar Tjandra, 'Restorative Justice Approach in Domestic Violence Cases in Rural Indonesia', *Jurnal Hukum Dan Pembangunan*, 52.1 (2022), pp. 77–95.

⁶ Siti Wahyuni, 'Village Governance and Legal Pluralism: A Study of Informal Dispute Resolution in East Java', *Indonesian Journal of Legal Studies*, 8.2 (2023), pp. 112–30.

Indonesian criminal law. Comparative interpretation highlights the distinctions and advantages of DV as a *lex specialis* relative to the general provisions on assault in the Penal Code. Furthermore, the analysis integrates a socio-legal perspective to connect statutory frameworks with local practices, especially the mediatory role of village heads as informal justice actors. This method enables a comprehensive understanding of the intersection between positive law and grassroots governance in addressing DV in rural communities.⁷

RESULT AND DISCUSSION

Domestic Violence as a *Lex Specialis* of General Assault under the Indonesian Penal Code

Domestic violence (DV) is not simply a subset of criminal assault but represents a distinct legal phenomenon that involves specific relational, social, and psychological dimensions. Law No. 23 of 2004 concerning the Elimination of Domestic Violence regulates acts of violence occurring within the household that result in physical, psychological, sexual harm, or neglect. This statute departs significantly from the provisions of the Indonesian Penal Code (KUHP), which only regulates general physical assaults in Articles 351 to 358. Thus, DV is legally categorized as a *lex specialis*, displacing the general provisions of the KUHP in domestic contexts.

According to the *lex specialis derogat legi generali* principle, when two laws govern the same subject matter, the specific law overrides the general one in case of a conflict. In this context, DV is treated as a distinct category with its own classification and sanctions. For example, Article 44(1) of Law No. 23/2004 provides a penalty of up to 5 years for physical violence in the domestic sphere, which is harsher than the maximum penalty of 2 years and 8 months under Article 351(1) of the KUHP. The classification also includes non-physical forms of violence, such as emotional abuse (Article 45), sexual violence (Article 46), and economic neglect (Article 49), which are absent from the KUHP.

The following table demonstrates the comparison between the general assault provisions in the KUHP and the specific regulations in the Domestic Violence Law:

Table 1.

Comparison between the Indonesian Penal Code and Domestic Violence Law

Category of Crime	Penal Code (KUHP)	Domestic Violence Law (Law No. 23/2004)
Physical Assault	Article 351: max. 2 years 8 months	Article 44(1): max. 5 years
Severe Assault	Article 354: max. 8 years	Covered under Article 44(2): if serious injury
Assault Resulting in Death	Article 351(3): max. 7 years	Article 44(3): max. 15 years

⁷ Widodo, ‘Legal Protection for Women Victims of Domestic Violence in Indonesia: Between Norms and Practice’.

Category of Crime	Penal Code (KUHP)	Domestic Violence Law (Law No. 23/2004)
Psychological Violence	Not regulated	Article 45: max. 3 years or fine of IDR 9,000,000
Sexual Violence	Not regulated (in this context)	Article 46: max. 12 years or fine of IDR 36,000,000
Economic Neglect	Not regulated	Article 49: max. 3 years or fine of IDR 15,000,000

Source: Compiled from KUHP and Law No. 23/2004

The above table illustrates the legislative intent to treat domestic violence more seriously and holistically. This is consistent with Eddy O.S. Hiariej's argument that DV must be viewed as a "special criminal offense" due to the unique nature of the household relationship between perpetrator and victim, which distinguishes it from typical criminal assault cases.⁸

The Role of Village Heads in Addressing Domestic Violence Cases: A Socio-Legal Analysis

In rural Indonesia, village heads hold significant influence as both traditional leaders and legal administrators. Law No. 6 of 2014 on Villages grants village heads the authority to maintain order, resolve social conflicts, and provide initial responses to social issues. Findings from the field in Ngarum Village, Lamongan, indicate that village heads often act as first responders in DV cases, not as judges but as mediators and facilitators of informal resolution mechanisms. This aligns with restorative justice approaches widely adopted in community-based dispute resolution.⁹ Similar findings have been reported in other regions of Indonesia, where local leaders serve as important actors in ensuring access to justice in areas with limited state presence.¹⁰

Findings from the field in Ngarum Village, Lamongan, indicate that village heads often act as first responders in DV cases, not as judges but as mediators and facilitators of informal resolution mechanisms. Their role aligns with restorative justice principles, which focus on restoring relationships and repairing harm rather than imposing punitive sanctions.¹¹ Although village heads do not have criminal adjudication power, their authority is recognized locally and their intervention can de-escalate tensions, particularly when victims are reluctant to report cases to formal authorities.

This finding echoes Munir's 2024 study, which revealed that restorative justice in domestic violence cases relies heavily on community actors, especially when trust

⁸ Eddy O.S. Hiariej, *Prinsip-Prinsip Hukum Pidana* (Cahaya Atma Pustaka, 2016). 106-107

⁹ Tjandra, 'Restorative Justice Approach in Domestic Violence Cases in Rural Indonesia'.

¹⁰ R. Yulianti, 'Challenges in Implementing Law No. 23 of 2004 in Rural Areas: A Case Study of West Java', *Rechtsidee*, 10.1 (2023), pp. 55–70.

¹¹ Lilik. Mulyadi, *Tindak Pidana Kekerasan Dalam Rumah Tangga* (Citra Aditya Bakti, 2011).

in formal institutions is low.¹² While Melisa's 2016 study emphasized courtroom decision-making in DV cases, this article fills the gap by focusing on non-judicial conflict resolution carried out at the grassroots level.¹³

Village heads often face the challenge of balancing traditional authority, legal boundaries, and the urgent need for protection of victims. In some cases, village mediation results in reconciliation agreements; in others, it functions as a preparatory stage before victims report to the police. Thus, while their actions are not formally part of the criminal process, they have a substantial impact on legal outcomes and community well-being.

To ensure that village heads operate within legal parameters, their involvement must be framed by a rights-based approach and integrated with formal referral mechanisms. The village government should collaborate with police and women's shelters to ensure that informal resolution does not undermine the legal protection guaranteed by Law No. 23/2004. The effectiveness of village heads in DV resolution depends on their understanding of the law, their neutrality, and the support of community-based organizations.

Legal and Policy Implications

The dualism between formal criminal justice and informal community-based resolution requires clearer integration. While Law No. 23/2004 provides strong protection for victims, it does not regulate the role of village authorities in DV cases. Law No. 6 of 2014 acknowledges the village's autonomy in managing community welfare but lacks specific guidelines on DV intervention.

This normative vacuum can lead to varied interpretations and inconsistent practices. Therefore, legal reform should consider issuing technical guidelines under the Domestic Violence Law to clarify the permissible scope of village authority in mediation. Additionally, training programs for village heads on DV law, victim protection, and gender-sensitive approaches are essential to ensure that informal interventions uphold justice and do not perpetuate silence or victim-blaming.

CONCLUSION

Domestic violence in Indonesia has been recognized not only as a criminal act but also as a social problem that requires multi-level responses. Law No. 23 of 2004 functions as a *lex specialis* that provides a more comprehensive and victim-centered legal framework compared to the general provisions of the Indonesian Penal Code. This law accommodates the multidimensional nature of domestic violence, including physical, psychological, sexual, and economic abuse.

¹² Munir, 'Penyelesaian Tindak Pidana Kekerasan Dalam Rumah Tangga Melalui Restorative Justice Perspektif Fiqh Jinayah'.

¹³ Melisa, 'Tinjauan Yuridis Terhadap Tindak Pidana Kekerasan Dalam Rumah Tangga Yang Dilakukan Oleh Suami Terhadap Istri (Studi Kasus Putusan Nomor 17/Pid.Sus/2015/PN.Mrs)'.

The findings of this study affirm that village heads, as local government officials, play a significant role in responding to domestic violence cases in rural communities. Their involvement in mediation and early intervention reflects a form of community-based justice that aligns with restorative justice principles. Although they do not possess formal judicial authority, their actions are often decisive in determining whether a case proceeds to the formal justice system or is resolved informally through community reconciliation.

This article contributes to filling the gap in existing literature by focusing on the functional, rather than normative, role of village heads in handling DV cases. Prior studies have largely focused on the judicial system or on statutory interpretation, but this study highlights the importance of informal actors who operate at the community level and often become the first point of contact for victims.

For better integration between formal and informal mechanisms, policy reform is necessary. Legal guidelines should be developed to regulate the scope and limits of village officials' involvement in domestic violence resolution. Moreover, capacity-building programs are needed to ensure that village heads act in accordance with human rights principles, avoid re-victimization, and protect the dignity of all parties involved.

In conclusion, the village government, particularly the village head, should be recognized not only as an administrative authority but also as a strategic actor in the broader legal ecosystem for addressing domestic violence. Strengthening their role, within a clear legal and ethical framework, could improve access to justice and enhance the effectiveness of domestic violence prevention and resolution in rural Indonesia.

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