

The Effectiveness of Legal Protection for the Victims of Violence Due to the Criminal of Mishandling

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ABSTRACT

This study aims to determine the effectiveness of legal protection for the victims of violence due to the criminal of mishandling in Bone Regency and the factors that influence it. In this study the researcher uses normative and empirical research which is descriptive and prescriptive. The process of collecting data in this study were through by interview, documentation, and also literature study. The analysis method is carried out by systematically identifying and connecting the primary data with the primary legal materials. The result of this study indicates that legal protection for the victim of violence due to criminal of mishandling in Bone Regency is still running less effective. In this point, mishandling case is tend to increase every day. In other hand there are still several cases that have not been completely resolved, which is by the police considered as lack of solid evidences. Likewise, there are still mishandling cases in the court that have not been resolved because they are still in process. In addition, the fulfillment of victims' rights has not been fully implemented, such as the right to receive spiritual guidance services. So, even though the implementation of government's obligation and law enforcement has been effective, it still needs to be improved in order to achieve the effectiveness of legal protection for the victims of mishandling criminal under the jurisdiction of Bone subregional police. The factors that influenced the effectiveness of legal protection for the victims of mishandling criminal in Bone Regency, namely the legal substance factor, legal structure factor, legal culture factor, facilities and infrastructure factor, legal knowledge factor, and legal awareness factor. Therefore, it is necessary to increase the professionalism of law enforcement towards officers, and fulfil the rights of the victims. In addition, the government and law enforcement must be maximized the providing of legal protection, especially by considering the factors that affect the effectiveness, so that legal protection can be optimally realized in the future.

Keyword: *Legal Protection; Mishandling; Victim of Violence.*

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INTRODUCTION

The development of science and technology has many positive and negative impacts towards people's lives.¹ The positive impacts includes the increasing of economic development in Indonesia, where this development cannot be separated from the role of the community.² The participation of community in development requires a safe and orderly situation and condition.³ If community members felt peace in their lives, they will no longer be awkward to participate in the success of government programs. While in the other hand, the negative impact caused the increase of crime, both in quantity and quality.

The enforcement of the law supremacy is an absolute requirement for the continuity and the success of national development implementation with the spirit of reform. In order to achieve this, it is necessary for us to increase efforts to maintain order, security, peace, and legal certainty which could protect the community.⁴

The development of civil society is the order of people's lives that have adherence toward legal values.⁵ However, on the way (transition) of this changes, there are many legal inequalities carried out by various levels of society.⁶ As a social reality, crime is unavoidable and has always existed, and shows an increasing trend. Crime grows and develops among the community and it is a form of human behavior that parallel to the development of society itself.

Crime is a complex phenomenon and can be understood from many different perspectives. Therefore, various comments in social reality are often heard different from one another about a criminal incident. The problem of crime is an eternal problem in human life because it develops in line with the development of human civilization.⁷

The facts shows that crime rate in society are increasing. The types of crime are increasing along with industrialization and urbanization.⁸ One type of crime is physical

¹Jamun, Yohannes Marryono. (2018). Dampak Teknologi terhadap Pendidikan. *Jurnal Pendidikan dan Kebudayaan Missio, Universitas Katolik Indonesia Santu Paulus Ruteng*, 10(1), pp. 51-52.

²Muzdalifa, Irma., et al. (2018). Peran *Fintech* dalam Meningkatkan Keuangan Inklusif pada UMKM di Indonesia (Pendekatan Keuangan Syariah). *Jurnal Masharif al-Syariah: Jurnal Ekonomi dan Perbankan Syariah, Universitas Muhammadiyah Surabaya*, 3(1), p. 18.

³Sari, Puput Purnama & Basit, Lutfi. (2018). Komunikasi Organisasi Kepala Desa dalam Membangun Kesadaran Masyarakat Desa terhadap Pembangunan Desa. *Jurnal Interaksi: Jurnal Ilmu Komunikasi, Universitas Muhammadiyah Sumatera Utara*, 2(1), p. 50.

⁴Fahmi, Ismail. (2013). Peranan Slogan Anti Korupsi terhadap Pencegahan Korupsi (Studi Kasus Kantor BPN Kota Medan). *Perspektif, Universitas Medan Area*, 2(1), p. 22.

⁵Ekawati, Esty. (2016). Nahdlatul Ulama (NU) sebagai *Civil Society* di Indonesia. *Nuansa: Jurnal Penelitian Ilmu Sosial dan Keagamaan Islam, Sekolah Tinggi Agama Islam Negeri Pamekasan*, 13(2), p. 247.

⁶Akbar, Idil. (2016). Demokrasi dan Gerakan Sosial (Bagaimana Gerakan Mahasiswa terhadap Dinamika Perubahan Sosial). *JWP: Jurnal Wacana Politik, Universitas Padjadjaran*, 1(1), p. 113.

⁷Erlina, E. (2014). Analisa Kriminologi Terhadap Kekerasan dalam Kejahatan. *Al Daulah: Jurnal Hukum Pidana dan Ketatanegaraan, Universitas Islam Negeri Alauddin Makassar*, 3(2), p. 227.

⁸Harahap, Fitri Ramdhani. (2013). Dampak Urbanisasi bagi Perkembangan Kota di Indonesia. *Society, Universitas Bangka Belitung*, 1(1), p. 45.

act which is directed at one's body, commonly known as mishandling. In simple terms, mishandling is defined as an act carried out intentionally aimed to causing pain or injury to another person's body, which the result of it is solely the purpose of the perpetrator.⁹ It means that every act that fulfills the element of mishandling can be called as a crime or a criminal act, which can be charged with the Law of the Republic of Indonesia Number 1 of 1960 on Amendment of the Criminal Code (hereinafter referred to as Law No. 1 of 1960).¹⁰

Bone Regency is one of the largest regency in South Sulawesi. The community in this regency still strongly hold the stance of self-esteem, which is always highly respected, so that for those who violates it will get mishandling. The occurrence of mishandling criminal causes economic and social problems among the community of Bone Regency. This kind of behavior is very disgraceful because, in addition to violating the law, it also causes harm and can even threaten the safety of the victim's life.

The criminal of mishandling is generally triggered by the causal factors of the victim itself. In other words, the victim plays a role in the occurrence of the crime which afflict him. Other crimes can also generate mishandling criminal and occur by and against anyone in any situation.

The criminal of mishandling or crimes against the body is automatically included in the scope of criminal act whose the elements and the sanctions for the perpetrator have been regulated in Article 351 to Article 358 of Law No. 1 of 1960.¹¹ Crime against "person" in Law No. 1 of 1960 include dignity (humiliation), disclosure of secrets, freedom/independency, personal, life, body, property/wealth. However, experts generally combine these things into "criminal act against the soul and body". In this case, it is systematically regulated in Law No. 1 of 1960 as a criminal act of mishandling.¹²

The victim of violence against mishandling is an act that violates the rules of law and considered as inhumane, as reflected in the basic philosophy of Pancasila.¹³ The form and commitment of government to eliminate various forms of violence that is contrary to human rights, is regulated in Article 28 section (2), Article 28A, Article 28B section (2), dan Article 28I section (1) of the 1945 Constitution of the Republic of Indonesia

⁹Irsan, Koesparmono. (2015). Polisi, Kekerasan dan Senjata Api: Tantangan Pemolisian di Era Demokrasi. *Jurnal Keamanan Nasional, Universitas Bhayangkara Jakarta Raya*, 1(5), p. 298.

¹⁰Guna, Rino Adi & Martana, Nyoman A. (2015). Tinjauan Yuridis terhadap Kasus Pieter Rumaropen Terkait Pertanggungjawaban Atlet dalam Cabang Olahraga Sepak Bola. *Kertha Wicara: Journal Ilmu Hukum, Universitas Udayana*, 5(2), p. 4.

¹¹Lenti, Glenda Magdalena., et al. (2018). Kejahatan terhadap Tubuh dalam Bentuk Penganiayaan Menurut Pasal 351 Ayat 1-5 Kitab Undang-Undang Hukum Pidana. *Lex Crimen: Jurnal Elektronik Bagian Hukum Pidana, Universitas Sam Ratulangi*, 7(4), p. 61.

¹²Haq, Islamul. (2017). Jarimah terhadap Kehormatan Simbol Simbol Negara (Perspektif Hukum Pidana Indonesia dan Hukum Pidana Islam). *Diktum: Jurnal Syariah dan Hukum, Institut Agama Islam Negeri Parepare*, 15(1), p. 12.

¹³Sandi, S. (2019). Penegakan Hukum terhadap Kekerasan Penganiayaan Mengakibatkan Matinya Orang: Studi di Pengadilan Negeri Sungguminasa. *Al Hikam, Universitas Muslim Indonesia*, 6(1), p. 133.

(hereinafter referred to as the 1945 Constitution). The implementation of these constitutional provision is described in various laws and regulations such as Law No. 1 of 1960, Law of the Republic of Indonesia Number 39 of 1999 on Human Rights, and many other laws that regulate violence, including the victim of mishandling.

The criminal act of mishandling, whether it is intentional or mistakes and negligence, will undoubtedly cause fidgetiness in community. For this reason, in realizing peace and welfare of the community in Bone Regency, in order to enjoy legal certainty, law order, and legal protection, which are based on justice and truth. In this case, the local government strive to guarantee the rule of law, legal services, and legal certainty, especially the application of legal rules and sanctions for the perpetrators according to the form of crime they have committed, as regulated in Law No. 1 of 1960. Everyone who commits an act that fulfills the element of crime will be sentenced to criminal law in this context, no exception to anyone and any form of action as long as it fulfills the element of a criminal act. In this case, they will be held responsible under criminal law.

The criminal act of mishandling occurs a lot among community which sometimes the victim does not receive legal protection. Therefore it is necessary to held a study about how to protect the people who are mistreated by others, such as mishandling. As we can see in daily life, there are still many acts that harm other person, so that social interaction and social order among the community are disrupted. On the other hand, it has been realized that social interaction occurs is caused by a meeting of interests. It is frequently occurs among the community, which in the end leads to unrest over mishandling incident.

Based on the description above, this study aims to determine the effectiveness of legal protection against the victim of violence in the criminal of mishandling in Bone Regency and what factors that influence it.

METHODS

This study uses two types of research, namely normative research, and empirical research. Normative legal research is legal research that includes research on legal principles, research on legal systematics, research on legal history, and research on comparative law. While, empirical legal research is research that sees the law in its social context.¹⁴ The nature of this research is descriptive and prescriptive (what should be), where the combination of these types aims to support each other and synergize to reveal empirically about legal protection for the victim of violence due to the criminal act of mishandling in Bone Regency and the factors that influence it. In other hand the normative is determines what is allowed and what is not as regulated

¹⁴Rahman, Sufirman., *et al.* (2020). Efektivitas Pembagian Harta Bersama Pasca Perceraian: Studi Kasus Perkawinan Poligami. *SIGn Jurnal Hukum, CV. Social Politic Genius (SIGn)*, 1(2), p. 107.

in Law No. 1 of 1960. This research was conducted in Bone Regency. The types and sources of data used in this study are as follows:¹⁵

1. Primary Data is the data which obtained directly from respondents in the field through interview.
2. Secondary data is the data which obtained from a literature study consisting of primary legal materials, secondary legal materials, and tertiary legal materials.

Meanwhile, to obtain the data needed in this study, data collection techniques were used, namely as follows:¹⁶

1. Interview, conducted by asking directly to informants related to the problems studied in this study;
2. Documentation, carried out by way of a formal request to the relevant institutions;
3. Literature study, carried out by taking inventory, reading, and analyzing primary legal materials.

The data that has been collected then processed descriptively and prescriptively. The analysis method is carried out by systematically identifying and connecting primary data with primary legal materials.

RESULT AND DISCUSSION

A. The Effectiveness of Legal Protection for The Victims of Violence due to the Criminal Act of Mishandling at Bone Subregional Police Jurisdiction

This far, the victims of domestic violence are primarily women and children. In this case, it is necessary for them to get a protection from the state and/or society to avoid and be free from violence, torture, or treatment that degrades the moral, degree, and dignity of humanity.¹⁷ To prevent, protect the victim and take action against perpetrator of domestic violence, the state and society are obliged to carry out efforts to protect the victim and take action against perpetrators based on the philosophy of Pancasila and the 1945 Constitution. The State believes that all forms of violence, especially domestic violence perpetrated by a husband against his wife, is a constitute violation of human rights and a crime against human dignity.¹⁸

¹⁵Budify, Alyatama., *et al.* (2020). Pembatalan Akta Hibah di Pengadilan Negeri Pematangsiantar: Kajian Putusan Nomor 33/Pdt.G/2019/PN.Pms. *SIGn Jurnal Hukum, CV. Social Politic Genius (SIGn)*, 2(1), p. 75.

¹⁶Sayful, M. (2020). Strategi Penghidupan Nelayan Pedagang di Tempat Pelelangan Ikan (*Lelong*). *SIGn Journal of Social Science, CV. Social Politic Genius (SIGn)*, 1(1), p. 4.

¹⁷Karya, Dewi. (2013). Tindak Pidana Kekerasan dalam Rumah Tangga yang Dilakukan Suami terhadap Istri. *DIH: Jurnal Ilmu Hukum, Universitas 17 Agustus 1945 Surabaya*, 9(17), pp. 38-39.

¹⁸Santoso, Lukman & Arifin, Bustanul. (2016). Perlindungan Perempuan Korban Kekerasan Perspektif Hukum Islam. *De Jure: Jurnal Hukum dan Syar'iah, Universitas Islam Negeri Maulana Malik Ibrahim*, 8(2), p. 123.

That State's view, as based on Article 28G section (1) of the 1945 Constitution, which regulates that:

"Every person has the right to protection of self, family, honor, dignity, and their property, and has the right to security and protection from threats of fear to exercise or not to exercise his human rights."

Furthermore, based on Article 28H section (2) of the 1945 Constitution, it regulates that:

"Every person has the right to receive ease and special treatment to obtain the same opportunity and benefit in order to achieve equality and fairness."

In connection with mishandling as a criminal act in Bone Regency, the mean mishandling in this study is based on Article 351 of Law No. 1 of 1960, which regulates that:

- (1) Mishandling shall be punished with a maximum imprisonment of two years and eight months
- (2) If the act results in a serious physical injury, the offender shall be punished with a maximum imprisonment of five years.
- (3) If the fact results in death, he shall be punished by a maximum imprisonment of seven years.
- (4) With mishandling shall be identified intentional injury to the health.
- (5) Attempt to this crime shall not be punished.

Every mishandling criminal case will be processed at the local Police under its jurisdiction as based on Article 1 point 8 of Law of the Republic of Indonesia Number 2 of 2002 on the State Police of the Republic of Indonesia, explaining that:

"Junior Investigator is an official of the State Police of the Republic of Indonesia who is granted authority by the law to perform a preliminary investigation."

For example, when the criminal case file is complete, meets the inspection requirements, and has sufficient evidences. In this stage, the Police officer then will submit the case file to the next level, to Bone Attorney office.

The condition of mishandling criminal in Bone Regency can be known more clearly based on the following table below.

Table 1. The Case of Criminal Act of Mishandling in Bone Regency in 2017-2019

Year	Mishandling Result in Minor Injury	Mishandling Result in Serious Injury	Mishandling Result in Death	Total	Percentage
2017	25	3	3	31	23.48%
2018	32	7	2	41	31.06%
2019	47	9	4	60	45.46%
Total	104	19	9	132	100.00%

Source: Bone Subregional Police, 2020.

Based on the data from the table, it can be seen that the criminal of mishandling in Bone Regency from 2017 to 2019 amounted to 132 cases. There were 104 cases of mishandling result in minor injuries, 19 cases of mishandling result in serious injuries, and 9 cases of mishandling result in deaths. Furthermore, mishandling in 2017 amounted to 31 cases or 23.48%, in 2018 there were 41 cases or 31.06%, and in 2019 there were 60 cases or 45.45%.

An increase in mishandling criminal from 2017 to 2019 indicates that law enforcement in Bone Regency is less effective in overcoming or suppressing these criminal act.

Meanwhile, mishandling results in minor injuries as based on Article 352 section (1) of Law No. 1 of 1960, which regulates that:

"... mishandling that does not result in an illness or obstacle in the performance of official or professional activities, shall, as light mishandling, be punished with a maximum imprisonment of three months This sentence may be enhanced with one third in respect of the offender, who commits the crime against a person who is in service with him or who is his subordinate."

The elements of mishandling result in minor injuries, including:

1. Does not result in an illness or obstacle in the performance of official or professional activities, as regulated in Article 352 section (1) of Law No. 1 of 1960;
2. Not planned, as regulated in Article 353 section (1) of Law No. 1 of 1960;
3. Not intended, as regulated in Article 356 of Law No. 1 of 1960.

The types of mishandling criminal in Bone Regency from 2017 to 2019 were generally mishandling result in minor injuries. Meanwhile, the number of mishandling result in serious injuries and mishandling results in deaths is still relatively small. However, even though the number is still relatively small, but it

results in death. Thus, law enforcement efforts must continue effectively so that the criminal of mishandling in Bone Regency can be suppressed as low as possible.

Furthermore, the tendency of mishandling criminal in Bone Regency is caused by the revenge factor; it is in line with the opinion of Immanuel Kant, that “the relationship between the perpetrator and the victim, where whoever kills must be killed as well”.¹⁹ The people who do evil must be punished by torturing them physically so that he will be deterred. Initially, the aggrieved party (the victim) was allowed to avenge for every cruel treatment that they received. However, this right was later taken over by the State (the theory of retaliation/*vergelding theory*/retribution). This researcher considered that this condition is a factor that causes mishandling by perpetrator in Bone Regency. In addition, another factor is the fading of individual personality patterns which are strongly related to the patterns of traditional social control, so that community members, especially teenagers, faced “disobedience to patterns” to determine behavior.²⁰ This condition also causes the tendency of an increase of mishandling criminal in Bone Regency.

Concerning about the reports of mishandling criminal which received by the Bone subregional police, most of it were handled properly and transferred to Bone Attorney’s Office to make an indictment for the perpetrator of the mishandling criminal. In other hand, there are several cases that were received or reported but not forwarded to the attorney office due to lack of solid evidence.

Bone subregional police officer states that:²¹

“The cause of the discrepancy between the number of reported cases which cannot be resolved with the number of cases that received and transferred to the attorney office is due to the existence of two types of case settlement systems which often used, namely ‘pure settlement’ and ‘impure settlement’. Pure settlement is the settlement of case that end in court. In contrast, impure case settlements are settlements that only end in Police office due to lack of solid evidence or can be resolved by reconciling amicably before the case is transferred to Attorney office.”

The information above explains that based on Law of the Republic of Indonesia Number 8 of 1981 on the Code of Criminal Procedure after the Investigator completes the investigation and the preliminary investigation results have sufficient evidence, then it is transferred to the attorney as the Public Prosecutor. In this case, based on Law of the Republic of Indonesia Number 16 of 2004 on the

¹⁹Syarifin, Pipin. (2008). *Immanuel Kant dalam Buku Hukum Pidana di Indonesia*. Bandung: CV. Pustaka Setia, p. 46.

²⁰Yustia, Rd. Dewi Asri., et al. (2015). Mendobrak Kelemahan Litigasi Konvensional Melalui Model Advokasi Mandiri dalam Rangka Pembaharuan Proses Peradilan. *Jurnal Litigasi, Universitas Pasundan*, 16(1), p. 2671.

²¹Interview result with Police officer at Bone Subregional Police Office. July 9, 2020.

Attorney General's Office of the Republic of Indonesia, the public attorney then prepares an indictment and then transferred the case file which have fulfill the formal requirements and material requirements to the district court for the trial process.

The respondents' inference about the effectiveness of legal protection against victim of violence due to mishandling criminal in Bone Regency can be seen in the following table.

Table 2. The Effectiveness of Legal Protection against Victims of Violence due to Mishandling Criminal in Bone Regency

No.	Indicator(s)	Frequency	Percentage
1.	Effective	16	32.00%
2.	Less Effective	23	46.00%
3.	Ineffective	11	22.00%
Total		50	100.00%

Source: Primary Data, 2020.

The data in the table above shows that the respondents' inference about the effectiveness of legal protection against victim of violence due to mishandling criminal in Bone Regency responded with various answers. In this case, there were 16 respondents or 32.00% who answered 'effective', 23 respondents or 46.00% who answered 'less effective', and 11 respondents or 22.00% who answered 'ineffective'. The data show us that respondents generally answered 'less effective', in other words it can be said that the law enforcement in Bone Regency is less effective. The reason is, there are still unresolved cases, considering that these cases still lack in solid evidence. Therefore, the law enforcement against the victim of violence due to the criminal act of mishandling is still need to be improved. In other hand, the community is also still disturbed by the perpetrator of the mishandling criminal which later get free from penalty due to a lack of solid evidence.

Furthermore, the respondent's inference of the implementation of the victim's rights of mishandling criminal in Bone Regency can be seen in the following table.

Table 3. Matrix of the Implementation of the Victim's Rights of Mishandling Criminal in Bone Regency

Victim's Right(s)	Accomplished	Not Accomplished
a. Protection from the Family, Police, Attorney Office, Court, Advocate, Social Institution or other parties, either temporarily or based on a protection order from the Court.	√	-
b. Health service according to medical needs.	√	-
c. Handling specifically related to the confidentiality of the victim.	√	-
d. Assisting or mentoring by social worker and legal assistance in every level of investigation process under the provision of the legislation.	√	-
e. Spiritual guidance services.	-	√

Source: Questionnaire Data Processing Result, 2020.

Based on the data above, it can be explained that victim's rights have not been fully accomplished. The reason is that the government does not provide spiritual guidance service to victim of mishandling criminal in Bone Regency. The government only expects the guidance service to be carried out by kindred of the mishandling's victim.

In providing of service upon the victim, the central and regional Government, under their respective functions and duties can make several efforts as follows:

1. Providing a special service room at the police office;
2. Providing apparatus, health care workers, social workers, and spiritual guides;
3. creating and developing of systems and mechanisms for service program cooperation which involving several parties that are easily accessible to victim; and
4. Giving protection to assistance, witness, family and victim's friend.

Effort in providing legal protection upon the victim of mishandling criminal, the central and regional Governments under their respective functions and duties, can cooperate with the community or other social institutions. Likewise, every person who hears, sees, or knows the occurrence of mishandling criminal is compulsory to make several efforts within the limit of their ability to:

1. Prevent the occurrence of mishandling criminal;
2. Protect the victim;
3. Provide emergency assistance to victim; and
4. Assist the process of submitting applications for placement of legal protection for victim.

Furthermore, respondents' inference upon the effectiveness of implementing government and community obligation related to legal protection for the victim of violence due to mishandling criminal in Bone Regency can be seen in the following table.

Table 4. The Effectiveness of Implementing Government and Community Obligation Related to Legal Protection for The Victim of Violence due to Mishandling in Bone Regency

No.	Indicator(s)	Frequency	Percentage
1.	Effective	24	48.00%
2.	Less Effective	20	40.00%
3.	Ineffective	6	12.00%
Total		50	100.00%

Source: Primary Data, 2020.

The data in the table above shows that the respondents' answers about the effectiveness of implementing government and community obligations related to legal protection for the victim of violence due to mishandling in Bone Regency were responded with various answers. In this case, there were 24 respondents or 48.00% who answered 'effective', 20 respondents or 40.00% who answered 'less effective', and 6 respondents or 12.00% who answered 'ineffective'. From these data, it is shown that generally the respondents answered effective. However, the implementation of government and community obligations still need to be improved, especially about the spiritual guidance services upon the victim of violence due to mishandling criminal in Bone Regency.

B. The Factors that Affecting the Effectiveness of Legal Protection upon The Victim of Violence due to Mishandling in Bone Regency

Legal protection is all of effort to provide a sense of secure to victim which carried out by the family, advocate, social institution, police, court, or other parties, either temporarily or based on court verdict.²² In connection with the effectiveness of law enforcement on legal protection for victim of violence due to the criminal of mishandling in Bone Regency, it is determined by several factors, including legal substance, legal structure, legal culture, facilities, legal knowledge, and legal awareness. The influence of these factors will be described below.

²²Kaawoan, Gabriela K. (2017). Perlindungan Hukum terhadap Terdakwa dan Terpidana sebagai Pelaku Tindak Pidana Pembunuhan. *Lex Administratum, Universitas Negeri Semarang*, 5(1), p. 130.

1. Legal Substance

The legal substance is the entire legal principle, legal norm, and law rule, both written and unwritten, including court verdict.²³ This substance of the law is a resource of legislation to determine the effectiveness of legal protection for the victim. The legislation, in this case, is a manifestation of the provision in law which related to domestic violence. If the provision in the legislation is imperfect or incomplete, this will undoubtedly affect the decision of law enforcement in making adequate legal protection for the victim of domestic violence.

2. Legal Structure

The legal structure is the entire law enforcement institution, along with its apparatus. In this case, including the police with their officers, the attorney institution with their attorney, lawyer's office with their advocates, and court with their judges. The professionalism of law enforcement is vital in legal protection, especially regarding the quality and expertise of law enforcer in conducting accurate analysis. In this case, to enforce the law related to legal protection for the victim of violence in the criminal of mishandling in Bone Regency.

3. Legal Culture

Legal culture is the habits, opinions, ways of thinking, and acting, both from law enforcer and from citizen.²⁴ Legal culture is considered as vital to support the existence of a legal system. Cultural variation give rise to certain perceptions of the authority of law enforcement. Therefore, the pattern of law enforcement should always be adapted to local concept, thereby could strengthening the authority of law enforcement.²⁵

4. Facilities

Facilities are factors that affect legal protection for victim of violence due to mishandling in the Bone Regency. Facilities factors that support law enforcement include the availability of adequate facilities to conduct examination and proof of the case for the suspect and legal protection for the victim of mishandling.

²³Agus, Panji Adam. (2017). Kedudukan Sertifikasi Halal dalam Sistem Hukum Nasional sebagai Upaya Perlindungan Konsumen dalam Hukum Islam. *Amwaluna: Jurnal Ekonomi dan Keuangan Syariah, Universitas Islam Bandung*, 1(1), p. 155.

²⁴Negara, Purnawan Dwikora. (2018). Budaya Malu pada Masyarakat Tengger dan Pengaruhnya terhadap Budaya Hukum Penghindaran Konflik. *Widya Yuridika: Jurnal Hukum, Universitas Widyagama Malang*, 1(2), p. 145.

²⁵Usman, Atang Hermawan. (2014). Kesadaran Hukum Masyarakat dan Pemerintah sebagai Faktor Tegaknya Negara Hukum di Indonesia. *Jurnal Wawasan Yuridika, Sekolah Tinggi Hukum Bandung*, 30(1), p. 47.

5. Legal Knowledge

Legal knowledge is very essential for the community, so that when a case occurs, they can immediately understand the legal consequences of any unlawful action.²⁶ Even though the community is have no interest or not having legal problems, information about the law is also essential to keep, both for themselves, their family, and the surrounding environment.²⁷

6. Legal Awareness

Legal awareness is one of the factors that can obtain adequate legal protection for the victim of mishandling.²⁸ Legal awareness of every person is necessary, both in society and in the state. Without legal awareness, the community will not be possible to create peaceful life, where this condition is necessary to build the society to reach the State's goals. A person who commits a violation is in an uncontrolled condition, ignores awareness, or does not consider the legal consequences of his/her action. Therefore, legal awareness needs to be instilled among the community in order to avoid violating the law and obeying operative law.²⁹

CONCLUSIONS AND SUGGESTIONS

Based on the description of the results and discussion above, it can be concluded that legal protection for the victim of violence due to criminal act of mishandling in Bone Regency is still running less effective. In this case, mishandling cases is tend to increase every day, and there are still several cases that have not been entirely resolved, especially from the police because of the lack of solid evidence. Likewise, there are still mishandling cases in the court that have not been resolved because they are still in the process. In addition, the fulfilment of victim's rights has not been fully implemented, such as the right to receive spiritual guidance service. So, even though the implementation of government and law enforcer's obligations has been effective, it still needs to be improved in order to realize the effectiveness of legal protection upon the victim of mishandling criminal in the jurisdiction of Bone Subregional Police. The factors that influence the effectiveness of legal protection for victim of mishandling criminal in Bone Regency, namely the legal substance factor,

²⁶Ahmad, Ibrahim. (2018). Rencana dan Strategi Peningkatan Kesadaran Hukum Masyarakat. *Gorontalo Law Review, Universitas Gorontalo*, 1(1), p. 23.

²⁷Sulaiman, Eman. (2016). Problematika Penegakan Hukum di Indonesia. *Ash-Shahabah, Universitas Islam Makassar*, 2(1), p. 66.

²⁸Syah, Syamsoe Alam., et al. (2020). Efektivitas Fungsi Polri dalam Penanggulangan Tindak Pidana Kekerasan terhadap Anak: Studi di Kepolisian Resort Kota Makassar. *Al Hikam, Universitas Muslim Indonesia*, 7(1), p. 65.

²⁹Rosana, Ellya. (2014). Kepatuhan Hukum sebagai Wujud Kesadaran Hukum Masyarakat. *Jurnal Tapis: Jurnal Teropong Aspirasi Politik Islam, Universitas Islam Negeri Raden Intan Lampung*, 10(1), p. 2.

legal structure factor, legal culture factor, facilities factor, legal knowledge factor, and legal awareness factor. Based on these conclusions, as the suggestion, it is necessary to increase the professionalism of law enforcement officer and fulfill the rights of victim. In addition, the government and law enforcement officer in providing legal protection must be maximized their work, especially by considering the factors that affect the effectiveness, so that legal protection can be realized in the future.

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