

## **POSITION OF VICTIM WITNESS AS EVIDENCE IN THE PROOF OF DOMESTIC VIOLENCE CASES**

By:

Emei Dwinanarhati Setiamandani<sup>1</sup>, Sigid Riyanto<sup>2</sup>

Legal Studies Program

Graduate Program of Gadjah Mada University

### **ABSTRACT**

Domestic violence as a domestic problem, it will cause problems related to the position of victim witness who was the only witness in a domestic violence incident. Therefore, the focus of this research is related to the position of victim witness as evidence in the proof of domestic violence cases, the obstacles faced by law enforcement officers in the conduct of proof of domestic violence cases, and the solution to the problem of the existing barriers.

The research method used in this research is normative and empirical, using the data in the field as the primary data to address existing problems, along with secondary data such as regulatory legislation and the literature of library research. Techniques of data collection using interviews with respondents selected by purposive sampling technique. Descriptive analysis is used in analyzing the data in this study.

The results of this study indicate that the status of victim witnesses as evidence in domestic violence cases are considered sufficient proof if accompanied by other evidence, in accordance with Article 184 Criminal Procedure code. Law enforcement officers early ratification of the Act No. 23 of 2004 on the elimination of domestic violence finds obstacles namely, the existence of multiple interpretive about the victim witnesses. In addition, arise because of cultural barriers in society that do not yet have legal awareness to the commission of criminal acts within the scope of the household. These obstacles can be overcome through coordination between law enforcement agencies so that cases of domestic violence can still go to trial.

**Keywords:** Victim Witness, Evidence, Domestic Violence

---

<sup>1</sup> Law Faculty, Muhammadiyah University of Malang

<sup>2</sup> Law Faculty, Gadjah Mada University of Yogyakarta