



Legal Protection Efforts Against Domestic Violence Victims

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ABSTRACT

This study aims to determine Legal Protection Efforts Against Victims of Domestic Violence. The author uses sociological and victimological juridical-normative research methods. The results of this study are regulations that regulate acts of domestic violence that occurred in Sleman Regency, Special Region of Yogyakarta, namely at the Police level, at the Prosecutor's Office level and at the Court level, the legal basis used to ensnare perpetrators of domestic violence, namely those regulated in the Criminal Code (KUHP) Article 351 paragraph (1) in conjunction with Article 356 1 of the Criminal Code and/or in Article 44 paragraph (1) of the Law Number 23 of 2004 concerning the Elimination of Domestic Violence. The practice of law enforcement officials in cases of domestic violence in Sleman Regency, Special Region of Yogyakarta, is focused on the process of handling cases. There are 3 (three) criminal case examination processes, namely at the Police, Prosecutor and Court levels. Legal protection efforts are viewed from the perspective of law enforcement officials, namely the Police (Investigators), Public Prosecutors and Judges in rendering court decisions. Obstacles in providing legal protection for victims of domestic violence, at the level of the Police, Prosecutor's Office and at the Court level. Attorney and Court level. Legal protection efforts are viewed from the perspective of law enforcement officials, namely the Police (Investigators), Public Prosecutors and Judges in rendering court decisions. Obstacles in providing legal protection for victims of domestic violence, at the level of the Police, Prosecutor's Office and at the Court level. Attorney and Court level. Legal protection efforts are viewed from the perspective of law enforcement officials, namely the Police (Investigators), Public Prosecutors and Judges in rendering court decisions. Obstacles in providing legal protection for victims of domestic violence, at the level of the Police, Prosecutor's Office and at the Court level.

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1. INTRODUCTION

Cases of domestic violence are now starting to receive special attention, both in terms of the legal regulations governing domestic violence, law enforcement officials, and the implementation of legal protection for victims of domestic violence in Indonesia.

Lately, cases of domestic violence in various regions, especially in Yogyakarta and its surroundings, tend to increase. In the author's observation of previous cases, what often happens is abuse or violence perpetrated by husbands against wives. However, that doesn't mean there aren't

cases of wives committing violence against their husbands. In the household, tension and conflict are common. However, if the tension results in violence, such as abusing, slapping, kicking, cursing, neglecting both material and non-material aspects and so on, this is an unusual thing. Such is the portrait of KDRT (Domestic Violence).

A case of abandonment against a wife, neglecting a wife for months, a husband being dragged to the court's defendant seat. Special Capital Region of Jakarta, a case involving domestic violence was revealed. This problem befell R. Ronny Tugonggo, a man born on September 13, 1965. Since June 25, 2005, he has had to go back and forth to the South Jakarta District Court to face the prosecutor's charges. According to case file No. 1428/Pid.B/2005, Ronny was accused of committing domestic violence. Prosecutor Hj. Siti Hasnah charged Ronny with Article 49 letter a in conjunction with Article 9 of Law 23 Number 2004 concerning the Elimination of Domestic Violence (UUPKDRT).

Ronny's case is the first domestic violence case to use the Law on the Elimination of Domestic Violence. This was also acknowledged by Asnifriyanti Damanik, Director of LBH APIK Jakarta, an institution concerned with women's issues. The case itself occurred due to household neglect since September 2004.

Cases of domestic violence were also revealed in Sleman (Special Region of Yogyakarta) on December 15 2005. To be precise, in Karangan Hamlet RT.03 RW.11 Jogotirta Berbah Sleman Village with the perpetrator Panji Genta Persada Bin Lilik Riswanto having committed acts of physical violence within the scope of the house household towards his wife, namely Wisu Merta Tri Ratna Sari in his house. The violence occurred because the husband's (Panji Genta Persada) emotion towards his wife (Wisu Merta Tri Ratna Sari) when his wife tried to advise her husband not to drink and gamble anymore. As a result of this incident, the husband deliberately threw objects towards the face and hit the nose and pushed, hit the face on the right and left cheeks followed by kicking his wife who hit the chest.

In the case of domestic violence above that happened to Wisu Merta Tri Ratna Sari, revealed when the husband was considered unappreciated and belittled by his wife based on a lack of good communication in the household between husband and wife as well as alcoholic and psychotic factors in the husband (perpetrators of violence) so that violence is inevitable. The wife as a victim can only be silent and surrender without fighting what her husband did to her.

The crime of domestic violence is very concerning among the community, especially those who are building a household. Even though there have been threats of sanctions against perpetrators of acts of violence in the household sphere, ironically these cases still continue to occur with various background problems so that the community feels there is still a lack of socialization and information about the legal rules governing the prohibition of acts of violence in the household sphere and the lack of responsiveness to supremacy law against acts of violence that occur within the scope of the household. This is based on the real conditions that occur, where there are many cases of domestic violence that have not been revealed.

Domestic violence is essentially a very insignificant problem in human life. The purpose of forming a household or family is to achieve the unity and harmony of a happy, safe, secure and peaceful household in accordance with what is mandated in Article 29 of the 1945 Constitution of the Republic of Indonesia. So that everyone within the household sphere to exercise their rights and obligations must be based on the teachings of their respective religions. On this basis, the problem of domestic violence should not exist and have meaning in human life.

Related to the large number of victims of violence against women and social upheaval through movements that want legal rules regarding the protection of victims of violence, especially against violence in the household sphere, is one of the bases that can influence the government to form a law to prevent, protect victims and take action against perpetrators of violence. The state is of the view that all forms of violence, both gender-based violence and domestic violence, are violations of human rights and crimes against human dignity and constitute a form of discrimination. This view is based on Article 28 of the 1945 Constitution of the Republic of Indonesia, and its amendments.

2. RESEARCH METHOD

The author uses a sociological and victimological juridical-normative research method, while the steps taken are:

2.1 Research Object

- a. Criminal law provisions related to Law Number 23 of 2004 concerning the Elimination of Domestic Violence against criminal acts of domestic violence that occurred in Sleman Regency.
- b. The practice of law enforcement officers in handling criminal acts of domestic violence that occurred in Sleman Regency before and after the enactment of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.
- c. Decision of the Judge of the Sleman District Court before and after the enactment of Law Number 23 of 2004 concerning the Elimination of Domestic Violence in Sleman Regency.

2.2 Research Subjects

Subjects in this study include: Police (Resort Sleman); Prosecutor; Sleman District Court Judge; Victims (Domestic Violence).

2.3 Data source

- a. Primary Data Is original basic data obtained by researchers from first-hand, from the first source of origin that has not been processed and described by others. In general, primary data contains actual data obtained from field research. In this case the data will be obtained from the results of interviews with research subjects in the form of interviews with respondents (Victims, Police, Prosecutors, and Sleman District Court Judges).
- b. Secondary Data Is data obtained from legal materials consisting of:
 - a) Primary legal materials, namely binding legal materials which can be in the form of the 1945 Constitution, the Criminal Code (KUHP), the Criminal Procedure Code (KUHP), court decisions in criminal cases involving domestic violence.
 - b) Secondary legal materials, namely legal materials that provide explanations regarding primary legal materials, for example the author conducts literature research, namely collecting data obtained from written sources in the form of books, documents, journals, and scientific work results from legal circles as well as the results of legal research.
 - c) Tertiary legal materials, namely materials that provide instructions and explanations of primary legal materials and secondary legal materials, for example legal dictionaries, Dictionary of Social Sciences, General Indonesian Dictionary, Encyclopedias or from electronic media.

2.4 Data collection technique

- a. Interviews In field research the authors used direct interview techniques with related agencies or institutions, namely the Police, Prosecutors, Judges at the Sleman District Court, legal experts or experts, Non-Governmental Organizations (NGOs), and victims of domestic violence.
- b. Literature study This method is carried out by reading and understanding literature books, the provisions that are still valid as well as the problems that exist in print media (newspapers), and regulations that are still related to becoming guidelines in thesis writing.

2.5 Approach Method

In this study, research uses the following approach:

- a. Normative juridical, namely studying problems from the point of view according to statutory regulations, court decisions, opinions of scholars or legal experts. The method that sees law as an abstract system of rules
- b. Juridical Sociology, namely analyzing problems from the point of view of criminal law enforcement in the field by law enforcement officials. The method starts from a view that sees law as a tool to regulate society.
- c. Victimology, namely examining the problem by using theories of victimology about the causes of the occurrence of victims or the emergence of victims and the consequences of causing victims. In this case more emphasis on the juridical-normative aspect (the influence of laws and regulations on court decisions). The method studies victimization (crime) as a human problem which is a social reality.

2.6 Data analysis

To analyze the data in this study, the writer will use descriptive qualitative. Initially, the data was arranged and arranged systematically so that it became a unified whole. So that it can be studied in

depth. The results of data analysis are systematic descriptions and explanations about data or information about the object of research, then the results of data analysis will be in the form of in-depth conclusions that can be described about the object of research.

3. RESULTS AND DISCUSSIONS

3.1 Criminal Law Provisions Against Domestic Violence Crimes That Occurred in the Sleman District Court Area

Domestic violence is a problem that is considered to be very complex, which requires an approach from various sides. In this case legislators must be urged to critically examine national laws or laws, with the intention of strengthening or complementing existing laws, in such a way that these laws will form a form of legislation capable of protecting victims of violence. both physical, psychological, sexual violence and neglect of the household or economic neglect within the household sphere.

Based on the results of research conducted by the author on cases of Domestic Violence Crimes that occurred in Sleman Regency, Special Region of Yogyakarta, where the research was carried out in law enforcement agencies and related institutions in the Sleman District Court area, Special Region of Yogyakarta. Where is the matter regarding the provisions of criminal law against the Crime of Domestic Violence that occurred in Sleman Regency, Special Region of Yogyakarta, which includes:

a. At Police Level

At the police level in the Sleman District Court, Special Region of Yogyakarta, the authors in this study were at the Sleman Resort Police office, Yogyakarta. Results of interviews conducted by the author with Mr. Pitoyo Agung Juwono, Sik, as an investigator on the handling of cases of violent crimes who served at the Sleman Resort Police, Special Region of Yogyakarta. At the Sleman Resort Police Office there are many cases relating to cases related to the Crime of Domestic Violence. The conclusion of the author's interview with Mr. Pitoyo Agung Juwono, Sik. among other things: Actions that can be referred to as Violent Crimes, especially in the household sphere, namely if they fulfill the elements regulated in the Criminal Code (KUHP) Article 351 paragraph (1) in conjunction with Article 356 1st Criminal Code and/or in the Criminal Code -Law Number 23 of 2004 as regulated regarding the Elimination of Domestic Violence. Adequate elements so that law enforcement officials can ensnare perpetrators of violence, namely anyone who commits acts of violence or abuse, whether carried out physically, psychologically, sexually, and/or neglect of the household by the perpetrator against people within the scope of his household.

b. At the Attorney Level

At the Prosecutor's Office level, the author conducted an Interview with Mr. B. Sudiro Husodo, SH., Associate Attorney who served at the Sleman Yogyakarta District Attorney's Office: The Crime of Domestic Violence is related to the laws and regulations in Article 351 paragraph (1) in conjunction with Article 356 ke -1 Criminal Code, and Articles 44, 45, 46, 47, 48, and 49 in the criminal provisions of Law Number 23 of 2004 concerning the Elimination of Domestic Violence and provisions in other relevant regulations governing violence committed in the household, such as Government Regulation Number 4 of 2006 concerning Implementation and Cooperation in the Recovery of Victims of Domestic Violence as well as in the Special Region of Yogyakarta regarding cases involving violence in the home so that it is considered necessary to exist in the regulation of the Mayor of Yogyakarta Number 16 of 2006 concerning Provision of Services Integrated for Victims of Gender Based Violence Yogyakarta Mayor.

c. At Court Level

The interview was conducted by the author with Mr. Muslim SH., who served at the Sleman District Court in Yogyakarta, where he was the judge handling cases of domestic violence crimes that occurred in the Sleman District Court: From the results of the interviews, the authors concluded that "not all officers Law enforcers such as legal advisors, public prosecutors, police officers, and court processes carry out their duties in a deviant manner, only certain individuals carry out their duties in a deviant manner. This is supported by the weak sanctions applied to law enforcement officials who carry out their duties improperly. And this is what supports the lack of professionalism

in the performance of law enforcement officials. In addition, it should be noted that at the court level,

3.2 Factors Causing the Occurrence of Domestic Violence Crimes that Happened in Sleman Regency

Based on the results of research conducted by the author on cases of domestic violence that occurred in Sleman Regency, Special Region of Yogyakarta, where the research was conducted at the Rifka Annisa Women's Crisis Center (WCC) Non-Governmental Organization in Sleman Regency, Special Region of Yogyakarta. Where is the matter regarding the factors that cause victims of cases of criminal acts of domestic violence that occurred in the Sleman District Court, Special Region of Yogyakarta.

The reality that occurs in society in Sleman Regency, Special Region of Yogyakarta, regarding household life is that there are many deviations, both in terms of religious norms and societal norms, which are carried out by individuals in the family. As for the factors that cause victims of domestic violence cases, as the results of the author's research in the field show that wives (respondents from the author) often experience acts of domestic violence committed by their own partners (husbands). According to information from respondents, they experienced domestic violence for several reasons, including:

a. **Affair**

The results of research conducted by the authors in the field showed that the victims (respondents: Atik, Aseh and Fad) who experienced domestic violence in Sleman Regency, Special Region 191 Yogyakarta were mostly caused by husbands who had an affair.

b. **Lack of Communication between Husband and Wife**

In the Big Indonesian Dictionary, it is stated that communication has the meaning of relationship or contact, contacting each other. In the household, communication means the relationship between one individual and another individual, in this case, the communication between husband and wife. Based on research in the field, it shows that the phenomenon of domestic violence is caused by the lack of communication between husband and wife. can be triggered by a number of things such as: long distances, a husband or wife who is quiet, thoughts that are not in the same direction between husband and wife, and circumstances that resemble it. This kind of situation makes husbands and wives often feel bored which leads to fights (Moxin. WCC respondent Rifka Annisa).

c. **Alcohol and or Drug Addicts**

Domestic violence caused by husbands frequently consuming alcoholic beverages is generally influenced by the association and environment in which they live. Fad (the author's respondent) experienced a breakdown in the household due to the presence of alcohol influence, namely Fad's husband. Habits that are often carried out by Fad's husband are drinking, playing gambling and betting with money and playing women. This caused Fad's husband to sometimes be cruel, quick-tempered and angry and rarely sleep at home.

d. **Authoritarian Husband or Abnormalities in Husbands**

Husbands who are authoritarian according to Stendeur and Stlle, because husbands feel they own and control their wives and children so that husbands feel entitled to do whatever they want with them. In this concept of ownership then the husband has the right to regulate, determine what is good and appropriate for his wife, children and family. This also relates to the aspect of sexual relations between husband and wife, where the sexual instinct is a need and desire that must be fulfilled, if the wife refuses what the husband wants, the husband has the right to determine various ways to fulfill and even force his needs, desires or desires. Based on the results of research conducted by the authors in the field, it shows that the victims (respondents: Pied and Mia) who experienced domestic violence because of an authoritarian husband. According to their accounts, the husband often forces orders, determines a problem unilaterally without involving the role of the wife and other parties, places the wife as the husband's servant and forces her will on the wife. Because of the nature of such a husband makes a problem that occurs in the household.

e. **Economic Factors or Poverty**

If one looks at the phenomenon of domestic violence perpetrated by a husband against his wife, it is necessary to know more about the background and social context of the occurrence of such violence. Domestic violence occurs because of gender and cultural biases that develop in society that has entered the family area. As a social group, men have greater economic, physical and political power. Some men then use it to be able to impose their will on their wives and children, so that men tend to be authoritarian. Meanwhile, on the other hand, women as wives make it difficult to get equal attention for all their interests.

f. Common Factors

Domestic violence does not just happen. There are general factors that lead to the occurrence of this violence. In general, domestic violence that occurs is caused by several things, namely the existence of a patriarchal culture, erroneous understanding of religious teachings, imitation and lack of morals. (Atik. WCC respondent Rifka Annisa).

3.3 Practices of Law Enforcement Officials Against Domestic Violence Crimes That Occurred in the Sleman District Court Area

Based on the results of research conducted by the author on cases of domestic violence that occurred in the Sleman District Court, Special Region of Yogyakarta, where the research was conducted in law enforcement agencies and related institutions in the Sleman District Court, Special Region of Yogyakarta. Where is the matter regarding efforts to protect the law against victims of cases of criminal acts of domestic violence by law enforcement officials that occurred in the Sleman District Court, Special Region of Yogyakarta, which includes:

a. Criminal Case Handling Process

The process of handling criminal cases is divided into 3 (three) levels of the examination process, namely: Case Examination Process at the Police Level, Case Examination Process at the Prosecutor's Office Level, Case Examination Process at the Court Level.

b. The Process of Handling Criminal Cases From Investigators to the Prosecutor's Handling.

3.4 Obstacles Faced by Law Enforcement Officials in Realizing Legal Protection for Victims of Domestic Violence

The obstacles experienced in increasing law enforcement according to Mr. Pitoyo Agung Juwono, Sik, as an investigator for handling 220 cases of violent criminal acts on duty at the Sleman Resort Police, Special Region of Yogyakarta, include: Victims often do not report the acts of violence they experience to the authorities those in authority because they lack confidence in the professionalism of law enforcement officials; Lack of public awareness in combating acts of violence against women that often occur in daily life, so that there are still many victims of acts of violence; Law enforcement officials who do not take the problem of violence against women or in the household sphere seriously. This is supported by the lack of information and outreach about understanding the rule of law; Often victims of violence who file charges, drop their charges before being brought to court.

Obstacles that often arise in realizing legal protection for victims of domestic violence are motivated by several aspects, including: Victims do not understand that the perpetrator's actions are criminal acts so they hesitate to report it to the police, the time lag between the incident and when the victim makes a report It took a long time to go to the police, so that the scars or the results of the post mortem were not supportive. The victim felt the perpetrator was the backbone of the family, so if reported, no one would pay for survival and the victim was ashamed to report because it was a family disgrace. Law no. 23 of 2004 against law enforcers and the public.

3.5 Efforts to Realize Legal Protection for Victims of Domestic Violence

Efforts to enforce the law against cases of criminal acts of domestic violence that occurred in the Sleman District Court area, through in-depth studies to find out how efforts to realize legal protection are carried out by law enforcement officers in charge of the Sleman District Court, Special Region of Yogyakarta, where this research was conducted through Law enforcement institutions or agencies in the area of the Sleman District Court, Special Region of Yogyakarta, regarding cases of criminal acts of domestic violence that occurred in Sleman Regency.

The author in his research on efforts to realize legal protection for victims of domestic violence was conducted at the Rifka Annisa Women's Crisis Center (WCC) Non-Governmental Organization in Sleman Regency, Special Region of Yogyakarta.

The NGO Rifka Annisa Women's Crisis Center Yogyakarta is an institution that specifically concentrates on and handles the problem of acts of violence against women. Efforts made as a manifestation of legal protection for victims of domestic violence include: a. Opening a rubik to conduct a form of consultation on women who feel they are victims of violence and trying to provide suggestions for resolving it b. Providing assistance in court hearings which is divided into two parts, namely: (For victims who are able WCC Rifka Annisa only provides assistance in consultation, does not reach the stage of court hearings because they have been assisted by legal counsel, WCC Rifka Annisa in addition to providing assistance in the form of assistance and consultation, also provide assistance to court hearings free of charge, so that victims of violence who cannot afford to pay for legal counsel can still claim their rights as victims of violence they experience), c. Widely open for anyone who feels they are victims of violence to be able to consult either directly or through other media, such as by phone or letter. In addition to receiving consultations from the jurisdiction of Yogyakarta, the NGO Rifka Annisa Women's Crisis Center Yogyakarta also receives consultations from outside the city, but consultations for victims of violence (who are outside the jurisdiction of Yogyakarta) can only be limited to considerations that must be made, not to the trial stage. court because it is already outside the scope of his authority (Titin. Responden From WCC Rifka Annisa Yogyakarta).

4. CONCLUSION

Arrangements governing acts of domestic violence that occurred in Sleman Regency, Special Region of Yogyakarta, namely at the police level, at the prosecutor's level and at the court level, the legal basis used to ensnare perpetrators of crimes of domestic violence, namely those regulated in the Criminal Code (KUHP) Article 351 paragraph (1) in conjunction with Article 356 1 of the Criminal Code and or in Article 44 paragraph (1) of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

The practice of law enforcement officials in cases of domestic violence in Sleman Regency, Special Region of Yogyakarta, is focused on the process of handling cases. There are 3 (three) criminal case examination processes, namely at the Police, Prosecutor and Court levels. Legal protection efforts are viewed from the perspective of law enforcement officials, namely the Police (Investigators), Public Prosecutors and Judges in rendering court decisions.

Obstacles in providing legal protection for victims of domestic violence, at the level of the Police, Prosecutor's Office and at the Court level.

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