

Gender Bias of Law Enforcement Officials

**Hendro Widodo¹, Andhika Yuli Rimbawan², Moh. Nurul Huda³,
Dzaka Imtiyaz Iqbal⁴, Lutter Ariestino⁵**

^{1,3,4,5} Faculty of Law, Universitas Sultan Agung Islamic, Semarang, Indonesia

² Faculty of Law, Universitas Patria Artha, Makassar, Indonesia
hendro.w@unissula.ac.id

Abstract

This study aims to examine and analyze gender disparities in the handling of female victims of domestic violence (DV) within Indonesia's law enforcement system and to identify the normative factors that contribute to unequal access to justice. The issue is urgent because, despite the protective framework established by UU PKDRT, female victims may continue to encounter patriarchal assumptions, victim-blaming attitudes, and institutional responses that frame DV as a private marital dispute. This study employs normative-juridical legal research using statutory, conceptual, and case approaches, with legal materials analyzed descriptively and qualitatively. The findings demonstrate that gender bias among law enforcement officials can influence the assessment of victims' complaints, the interpretation of repeated violence, the evaluation of evidence, and the prioritization of reconciliation without adequate consideration of victim safety. These practices create a normative implementation gap between the protective objectives of UU PKDRT and its application in practice, potentially allowing escalating patterns of violence to remain inadequately recognized. The novelty of this study lies in conceptualizing gender bias in law enforcement as a normative implementation problem that directly affects the fulfillment of victims' legal protection, rather than treating gender disparity merely as a social or cultural phenomenon. The study proposes a victim-centered and gender-sensitive enforcement model emphasizing risk assessment, early protection, recognition of recurring violence, and institutional coordination to strengthen substantive justice for female victims.

Keywords: Domestic Violence; Victims; Women

1. INTRODUCTION

The construction of a state is an identity of a state, so that this construction of the state needs to be clearly stated in the state constitution. The context of the State of Indonesia through its constitution, namely the 1945 Constitution of the Republic of Indonesia or abbreviated as the 1945 Constitution of the Republic of Indonesia, confirms that Indonesia is a state of law; this is clearly stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

There is a contradiction between formal equity and substantive equity in this field. The essence of the rule of law in formal equity can be seen in the Constitution, which emphasizes justice, equality for every citizen, protection of human rights, limiting government power, and emphasizing government transparency.¹ This is also emphasized in the Indonesian Constitution regarding the legal equality of all citizens, which states that everyone is equal before the law and has the right to equal legal protection without discrimination. This statement is a fundamental and formal principle of law and human rights. Fair legal protection and certainty, and equal treatment before the law are also among the things guaranteed in the Constitution of the Republic of Indonesia, as regulated in Article 28 letter D paragraph (1).

¹ Diya Ul Akmal, "Legal Ideals: Mewujudkan Perlindungan Hukum Dalam Kerangka Negara Hukum," *Jurnal Esensi Hukum* 7, no. 1 (2025): 20, <https://doi.org/10.35586/esensihukum.v7i1.417>.

Despite the existence of legal guarantees that protect women, there is an emphasis on the state's obligation to ensure that women have access to justice and to ensure that women are free from discrimination in the justice system. In reality, achieving equality before the law and access to justice for women is not an easy thing, especially in cases of domestic violence.²

Domestic violence (DV) is a human rights violation that often occurs behind closed doors but has severe consequences, especially for women. Normatively, legal legitimacy to protect female victims of domestic violence has been accommodated through Law No. 23 of 2004 concerning the Elimination of Domestic Violence. However, inequality in justice for female victims of DV often occurs due to the dominance of patriarchal culture, disparate gender perspectives biased by law enforcement officials, and societal stigma that often blames the victim (victim blaming). This causes female victims of DV to face multiple obstacles in obtaining justice.³

One of the most common examples of cases and forms of inequality found is the 2017 case where DP and her child were victims of domestic violence and had been seeking justice for over three years. They were victims of physical violence perpetrated by DP's husband, HH, in August 2017. DP reported the case to the Pulo Gadung Police and underwent a medical examination at Persahabatan General Hospital. The medical examination results showed that DP and her child suffered blunt force trauma to the head. As a result, DP's child was unable to attend school for four days, and she also had a fever and jaw pain. Despite having reported the case to the police, HH did not stop the violence against DP and her child. In November 2017, DP experienced domestic violence again, then reported it and underwent a medical examination. However, this time the medical examination results were negative. This is an oddity; even though HH was eventually named a suspect, the victim felt that the local police were not taking her case seriously. HH was not detained and had been away from home for over two months since February 2018.

Women often face multiple obstacles in achieving their rights due to discrimination and negative stereotypes based on sex and gender. In the context of domestic violence (KDRT) cases, re-victimization of victims can occur through criminalization. Furthermore, the National Commission on Violence Against Women (Komnas Perempuan) has noted that some decisions fall into the stereotype of wives as obedient and submissive to their husbands. These cases demonstrate that law enforcement is still unable to provide justice for female victims of domestic violence.

Research from Lockwood and Prohaska (2015) found that the victimization of women by their intimate partners is common worldwide. According to the World Health Organization, the prevalence of physical and/or sexual intimate partner violence is highest in the African, Eastern Mediterranean, and South-East Asia regions and second-highest in the Regions of America (including North and South America), where approximately 30% of women report lifetime exposure to intimate partner violence (IPV). 'Wife beating' has become 'domestic violence'

² Tria Putri Kismala et al., "Why Economic Domestic Violence Remains Underenforced in Indonesian Criminal Law?," *UIR Law Review* 10, no. 1 (2026): 159–198, [https://doi.org/10.25299/uirlrev.2026.vol10\(1\).25734](https://doi.org/10.25299/uirlrev.2026.vol10(1).25734).

³ Hendro Widodo, "The Convergence of Legal Frameworks for Domestic & Sexual Violence: Towards Holistic Victim Protection in Indonesia," *Jurnal Daulat Hukum* 9, no. 1 (2026): 113, <https://doi.org/10.30659/jdh.v9i1.51282>.

and often gets wide publicity; law enforcement experts believe that ‘wife abuse is the most unreported crime in the United States’ (p.570). IPV remains a serious problem in the U.S. and abroad despite increasing public awareness and law enforcement response. In terms of police response to IPV (e.g., arresting abusers and informing victims of the services available to them), past research has focused primarily on how characteristics of the victims, such as age, race, socio-economic status (SES), and location, affect arrest rates of the abuser, or how police officers’ policing philosophy, location, and attitudes regarding women and their own roles in relationships affect officer response.⁴

Research conducted by Fekri⁵ showed that the age range of participants was 15–45 years, with an average age of 30.65 years, and their educational level ranged from elementary school to postgraduate. The educational background of their partners varied from elementary school to doctoral degrees. Data analysis resulted in three main categories and twelve Subcategories. These categories include “structural and economic barriers to empowerment,” “ineffective support providers,” and efforts and struggles to preserve the family.

Research conducted by Dobonsolo⁶ shows that "victims of domestic violence experience various forms of violence, including physical, sexual, psychological, economic, verbal, and spiritual violence, which are influenced by factors such as patriarchal culture, misguided religious understanding, and personal problems in the household such as infidelity and economic difficulties. This study concludes that although legal protection for women victims of domestic violence already exists, there are still many factors that hinder its effective implementation, especially those related to social stigma, legal ignorance, and limited access to legal and psychosocial services."

This previous research, based on its focus, notes that studies on domestic violence have predominantly addressed victim protection, reporting barriers, and implementation shortcomings; in contrast, this article aims to examine how the gender perspectives of officials influence the legal framing of victims and the initial response to cases. This approach is significant because this research, which is normative research, does not stop at identifying implementation gaps but must also articulate the legal norms or principles that should serve as the standard for rectifying those disparities. Authors also use research approaches such as the statutory, conceptual, and case approaches to strengthen the argumentation in doctrinal legal research.

A research gap lies in the normative implementation gap and, specifically, the discrepancy between the victim protection obligations established by the Law on the Elimination of Domestic Violence (UU PKDRT) and case handling practices that remain influenced by patriarchal constructs. By addressing this construct, the article will offer a clearer legal contribution, moving beyond a mere discussion of gender bias from a social perspective. This article also highlights the failure of officers to recognize patterns of repeated violence that can

⁴ Daniel Lockwood and Ariane Prohaska, “Police Officer Gender and Attitudes toward Intimate Partner Violence: How Policy Can Eliminate Stereotypes,” *International Journal of Criminal Justice Sciences* 10, no. 1 (2025): 77–90.

⁵ S. D. Fekri et al., “Breaking the Silence: Barriers to Help-Seeking among Female Victims of Domestic Violence in Ardabil, Iran—A Qualitative Study,” *PLoS One* 20, no. 7 (2025), <https://doi.org/10.1371/journal.pone.0326998>.

⁶ Natalia Putri Dobonsolo, Hadi Tuasikal, and Dwi Pratiwi Markus, “Legal Protection for Women As Victims of Domestic Violence,” *Journal of Law Justice (JLJ)* 3, no. 3 (2025): 190–201, <https://doi.org/10.33506/jlj.v3i3.3899>.

escalate into femicide, thus directing the discussion to the need for more gender-sensitive legal handling, which prioritizes victim safety and can prevent the escalation of violence against women. Based on this, the research aims to find out and analyze the problems in handling female victims of domestic violence who are vulnerable to disparities in gender perspective.

2. METHOD

This study employs a normative legal research method (juridical-normative), which treats law as a set of norms or rules guiding human behavior. This approach is adopted because the research focuses on analyzing legal provisions, principles, theories, and normative constructs regarding the legal protection of female victims of domestic violence and the integration of a gender perspective into law enforcement processes. Normative legal research is conducted primarily through the study of library-based legal materials.

The study utilizes several legal approaches: the statute approach, the conceptual approach, and the case approach. The statute approach is used to examine regulations concerning the elimination of domestic violence, victim protection, and gender equality principles within the Indonesian legal system. The conceptual approach is employed to analyze legal concepts such as gender justice, victim protection, victim blaming, and victim-oriented legal perspectives. Meanwhile, the case approach is used to observe the application of legal norms in the handling of domestic violence cases and to identify potential gender bias in law enforcement. These approaches are also utilized within the normative framework to strengthen legal arguments when analyzing the gap between legal norms and actual law enforcement practices.

The legal materials utilized in this study comprise primary, secondary, and tertiary legal sources. Primary legal materials consist of legislation directly relevant to the research subject,⁷ such as Law Number 23 of 2004 concerning the Elimination of Domestic Violence, the 1945 Constitution of the Republic of Indonesia,⁸ and other regulations about the protection of women and victims of criminal acts. Secondary legal materials include legal literature, books, scholarly journals, findings from previous research, and expert legal opinions relevant to issues of gender-based violence and victim protection. Tertiary legal materials encompass legal dictionaries, encyclopedias, and other supporting sources that assist in clarifying the legal concepts employed in the study.⁹

The retrieval of legal materials was conducted through library research, involving the inventory, identification, and examination of various legal materials relevant to the research problem. Searches covered legislation, legal documents, books, scholarly journal articles, and other academic sources related to the research topic. All acquired legal materials were

⁷ P. M. Marzuki, "Penelitian Hukum Normatif Dalam Pengembangan Ilmu Hukum," *Jurnal Yuridika* 37, no. 1 (2022): 1–18.

⁸ Beni Ahmad Saebani, *Metode Penelitian Hukum Pendekatan Yuridis Normatif*, ed. Tim Redaksi Pustaka Setia, Tim Redaks (Bandung: CV PUSTAKA SETIA, 2021); Muhaimin, "Metode Penelitian Hukum Normatif Sebagai Pendekatan Dalam Pengembangan Ilmu Hukum," *Jurnal RechtsVinding* 12, no. 1 (2023): 45–62.

⁹ E. Sutrisno and M. Fajrin, "Metode Penelitian Hukum Normatif Dalam Perspektif Ilmu Hukum," *Jurnal Hukum Dan Peradilan* 11, no. 2 (2022): 215–230.

subsequently classified based on their relevance to the research problem formulation to facilitate the analysis process.¹⁰

The analysis of legal materials employed a descriptive-analytical and qualitative approach, involving the elaboration, interpretation, and analysis of legal norms found in both primary and secondary sources.¹¹ The analysis linked positive legal provisions with relevant legal concepts and theories to identify consistencies or discrepancies between legal norms and the actual practices of handling victims of domestic violence. Through this method, the study aims to develop legal arguments regarding the factors contributing to gender bias in law enforcement processes and to formulate the need for a legal approach that is more responsive to victims.

3. RESULTS AND DISCUSSION

3.1 Handling of Domestic Violence Crimes in Positive Law

The legal framework for addressing domestic violence in Indonesia is principally established through Law Number 23 of 2004 concerning the Elimination of Domestic Violence (UU PKDRT), which fundamentally repositions domestic violence from a private family matter to a legally actionable form of violence requiring state intervention. The Law provides a comprehensive normative framework for protecting victims, preventing the recurrence of violence, and imposing criminal sanctions on perpetrators, while recognizing physical, psychological, sexual, and domestic neglect as legally relevant forms of violence. More importantly, its regulatory framework establishes the state's responsibility to ensure that victims have access to legal protection and appropriate assistance. Accordingly, the effectiveness of the UU PKDRT should not be assessed solely from the existence of substantive prohibitions and sanctions, but also from the extent to which its protective norms are translated into victim-centered law enforcement practices. This distinction is particularly important in examining whether law enforcement officials apply the statutory framework consistently and without gender-based assumptions that may undermine victims' access to justice.¹²

UU PKDRT not only legitimizes a victim's right to protection but also establishes a legal obligation for the state and society to take measures to prevent and address violence occurring within the domestic sphere.¹³ Article 15 of the Law stipulates that anyone who knows of, witnesses, or hears about an act of domestic violence is obliged to take action within the limits of their capabilities, including preventing the criminal act, providing protection to the victim, offering emergency assistance, and aiding in the process of applying for a protection order.¹⁴ This provision reflects a paradigm shift: domestic violence is no longer viewed merely as a private matter or an internal family affair, but rather as a public issue demanding state

¹⁰ Kornelius Benuf and Muhamad Azhar, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Gema Keadilan* 7, no. 1 (2020): 20–33, <https://doi.org/10.14710/GK.7.1.20-33>.

¹¹ N. Qamar and F. S. Rezah, "Metode Penelitian Hukum: Doktrinal Dan Non-Doktrinal," *Jurnal Ilmu Hukum Amanna Gappa* 29, no. 1 (2021): 1–15.

¹² Andriani Adnani, "Penegakan Hukum Terhadap Tindak Kekerasan Psikis Dalam Rumah Tangga," *Ensiklopedia of Journal* 5, no. 2 (2023): 9–19.

¹³ Damara Wibowo, "Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga Menurut Hak Asasi Manusia Selama Proses Penyidikan," *Jurnal USM Law Review*, 4, no. 2 (2021): 818–27, <https://doi.org/10.26623/julr.v4i2.4187>.

¹⁴ Ani Agus Puspawati, Bambang Utoyo, and Yudha Suchmasasi, "Analysis of the Implementation of Domestic Violence Prevention in Indonesia," *Sosiohumaniora* 25, no. 3 (2023): 379–392, <https://doi.org/10.24198/sosiohumaniora.v25i3.42362>.

intervention.¹⁵ Consequently, the protection obligations under the Law are both preventive and responsive in nature; the state is required not only to act after violence has occurred but also to establish a system capable of preventing the continuation of violence and protecting victims from the risk of recurring abuse.

Furthermore, Article 26 of the Domestic Violence Law strengthens the victim's position by granting them the right to report the violence they have experienced directly to the police, whether from their current location or at the scene of the incident.¹⁶ Victims are even empowered to authorize family members or other individuals to file the report on their behalf. This provision demonstrates that the legal system affords victims the agency to determine their legal course of action without being entirely dependent on others. However, this right to report should not be viewed merely as an administrative procedure; rather, it represents a fulfillment of the state's obligation to guarantee access to justice.¹⁷ Through law enforcement agencies, the state bears the responsibility of ensuring that a victim's report is not dismissed as a routine domestic dispute but is instead treated as an alleged criminal offense requiring serious handling and protection. Consequently, a failure by officials to respond to a victim's report, a push for resolution solely through reconciliation, or the disregard of patterns of recurring violence may be viewed as a failure by the state to uphold its obligation to provide legal protection.¹⁸

In practice, domestic violence, particularly violence perpetrated by husbands against their wives, remains difficult to detect and address because it frequently occurs within the private sphere of the household, where unequal power relations may remain concealed from external scrutiny. The characterization of the husband as the primary authority within the family can normalize controlling or abusive behavior and, consequently, blur the distinction between marital authority and unlawful violence. From a legal perspective, however, the private nature of the household cannot justify the toleration of conduct that violates the physical integrity, dignity, autonomy, or security of women. This situation demonstrates that the persistence of domestic violence cannot be explained solely by individual behavior, but must also be understood in relation to structural and cultural conditions that shape the interpretation and exercise of power within intimate relationships. Patriarchal norms, in particular, may construct men as dominant decision-makers while positioning women as subordinate parties, thereby creating conditions in which violence can be normalized, minimized, or concealed. Consequently, effective enforcement of the Domestic Violence Law requires law enforcement officials to recognize these unequal power relations and to assess domestic violence from a gender-sensitive and victim-centered perspective rather than treating it merely as an internal marital dispute.¹⁹

¹⁵ Widodo, "The Convergence of Legal Frameworks for Domestic & Sexual Violence: Towards Holistic Victim Protection in Indonesia."

¹⁶ Putri Ayu Wulandari, "Ketimpangan Akses Terhadap Keadilan Bagi Perempuan Korban Kdrts," *Jurnal Ilmiah Wahana Pendidikan* 11, no. 12A (2025): 195.

¹⁷ Kismala et al., "Why Economic Domestic Violence Remains Underenforced in Indonesian Criminal Law?"

¹⁸ Siti Aminah, Elizabeth Kristi Poerwandari, and Mariska Putri, "Children, Justice, and Femicide: Assessing Victim Rights in Indonesia's Legal System," *Unnes Law Journal* 11, no. 1 (2025): 1–26, <https://doi.org/10.15294/ulj.v11i1.22691>.

¹⁹ Catalina Andrea, "Effect of Gender-Sensitive Training on Police Response to Domestic Violence in Colombia," *International Journal of Gender Studies* 9, no. 3 (2024): 15–26, <https://doi.org/10.47604/ijgs.2877>.

Violence against women within the household constitutes a multidimensional form of violence that may manifest as physical, psychological, sexual, and economic abuse, as well as neglect, threats, coercion, or unlawful deprivation of liberty. Although domestic violence occurs across different social and economic groups, its consequences extend beyond immediate physical and psychological harm, as persistent violence can undermine women's autonomy and constrain their participation in economic and social life. The legal significance of such violence therefore lies not only in the harm caused by individual acts, but also in the unequal power relations that may enable violence to be sustained within intimate relationships. From this perspective, domestic violence should be understood as a violation of individual rights and dignity rather than merely as a private conflict within the family.

Historically, the characterization of domestic violence as a private family matter contributed to the limited involvement of the state in protecting victims. Violence committed against wives was frequently treated as an internal marital issue whose resolution was expected to remain within the family, thereby restricting victims' access to formal legal protection and institutional intervention. Such a paradigm effectively obscured the legal character of domestic violence and could normalize abusive conduct as part of marital relations. The enactment of UU PKDRT represents a significant normative shift by recognizing domestic violence as conduct requiring legal intervention and victim protection. Nevertheless, the transformation of the legal framework does not automatically eliminate the social and institutional perceptions that previously treated domestic violence as a private matter. This creates an important implementation challenge: law enforcement officials must translate the statutory recognition of domestic violence into concrete protection for victims, particularly where patriarchal assumptions or victim-blaming attitudes may influence the assessment and handling of reported cases.²⁰

The historical development of domestic violence regulation demonstrates that the recognition of violence within intimate relationships as a matter of criminal law has not been uniform across legal systems. In jurisdictions where domestic violence or marital rape was historically excluded from the scope of criminal law, the absence of explicit legal recognition could reinforce the perception that violence within marriage was a private matter rather than a violation of individual rights. In the Indonesian context, similar limitations were evident before the enactment of UU PKDRT, when the general provisions of the Criminal Code did not specifically address the distinctive forms and relational context of violence occurring within households. Consequently, acts of violence committed by husbands against wives could be difficult to conceptualize and prosecute solely through general assault provisions, particularly where the marital relationship was treated as a legally relevant context. This normative limitation demonstrates the importance of a specific legal framework capable of recognizing the structural vulnerability of victims, the particular dynamics of domestic violence, and the state's responsibility to provide effective protection. The enactment of the Domestic Violence Law therefore constituted not merely an expansion of criminal prohibitions, but a significant

²⁰ Sneha Kadyana Jindal and N. Prabha Unnithan, "The Continuing Non-Criminalization of Marital Rape in India: A Critical Analysis," *Women & Criminal Justice* 35, no. 3 (2023): 205–218, <https://doi.org/10.1080/08974454.2023.2228790>.

transformation in the legal understanding of domestic violence from a private marital matter into an issue of public concern, human rights protection, and state responsibility.²¹

The terminology of "violence" according to the Big Indonesian Dictionary is: (1) Actions by a person or group of people that cause injury/death to another person or cause physical damage/damage to another person's property, (2) coercion. Domestic violence (DV) is any act against a person, especially a woman, that results in physical, sexual, or psychological misery or suffering, or neglect of the household. The scope of the household includes the husband, wife, children, other family members, and people who work to help with the household and reside in the household (household workers).²²

Domestic violence occurs in various forms, including physical, psychological, sexual, and economic violence.²³ Physical violence is the most common form, followed by psychological violence, which has long-term impacts on the victim's mental state.²⁴ Many victims experience repeated violence in a cycle known as the cycle of violence, which is a pattern of violence that begins with a phase of tension, a phase of violence, and a phase of pseudo-reconciliation (honeymoon phase).²⁵

The widespread occurrence of domestic violence in Indonesia, coupled with the limitations of the existing provisions of Article 89 of the Criminal Code in addressing the specific characteristics and relational dynamics of domestic violence, demonstrated the inadequacy of relying solely on general criminal-law provisions to protect victims. At the same time, Indonesia's commitment to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provided an important normative foundation for strengthening the legal protection of women against violence and discrimination.²⁶ However, the implementation of these general legal instruments was insufficient to comprehensively address domestic violence, particularly because such violence frequently occurs within unequal intimate relationships and may involve forms of psychological, sexual, and economic abuse that cannot be adequately captured through conventional notions of physical assault. This legal and institutional gap generated the need for a specific statutory framework that could recognize domestic violence as a distinct form of unlawful conduct and establish mechanisms for victim protection, prevention, and law enforcement. Against this background, the drafting of legislation on domestic violence was initiated with reference to the principles embodied in CEDAW and the need to translate Indonesia's international commitments into a more effective domestic legal framework. The legislative process subsequently involved the Indonesian

²¹ Diah Nurafifah Iskandar et al., "Handling Domestic Violence from the Perspective of Islamic Law and Positive Law in Indonesia," *Unifikasi: Jurnal Ilmu Hukum* 12, no. 1 (2025): 17–35, <https://doi.org/10.25134/unifikasi.v12i01.1183>.

²² Vasiliki Kravvariti and Kevin Browne, "Police Recognition of Gender Issues in Relation to Intimate Partner Domestic Violence and Abuse in Greece," *Policing: A Journal of Policy and Practice* 17 (2023), <https://doi.org/10.1093/policing/paad005>.

²³ Puspawati, Utoyo, and Suchmasasi, "Analysis of the Implementation of Domestic Violence Prevention in Indonesia."

²⁴ Ihsan Nasrudiansyah and Adudin Alijaya, "Kajian Yuridis Undang-Undang No. 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga Ditinjau Berdasarkan Hukum Islam," *MIM: Jurnal Kajian Hukum Islam* 1, no. 1 (2023): 39–59.

²⁵ Antory Royan Adyan and Ariesta Wibisono Anditya, "Legal Reforms on Femicide in Indonesia: The New Criminal Code, Victim Protection, and the Role of Islamic Law," *Journal of Law and Legal Reform* 6, no. 2 (2025): 617–658, <https://doi.org/10.15294/jllr.v6i2.18939>.

²⁶ Imroatus Sa'adah, "KDRT Dalam Prespektif Hadis," *El-Nubuwwah: Jurnal Study Hadis* 1, no. 1 (2023): 105–121.

House of Representatives and the Ministry of Women's Empowerment, with successive formulations and changes in the proposed title and substantive orientation, ultimately contributing to the development of the legal framework that culminated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence. This legislative development marked an important normative transition from treating domestic violence primarily as a private marital matter toward recognizing it as a public legal issue requiring state intervention, victim protection, and accountable law enforcement.²⁷

Following deliberations within the Indonesian House of Representatives, the proposed legislation was further refined and ultimately enacted on 22 September 2004 as UU PKDRT. The enactment of the UU PKDRT constituted an important legal and policy development in strengthening state protection for victims of domestic violence, particularly women who experience violence within intimate and family relationships. Before its enactment, victims were frequently confronted with social, cultural, and religious perceptions that could discourage disclosure, normalize abusive conduct, or encourage the resolution of domestic violence within the private sphere of the family. The UU PKDRT introduced a more explicit legal framework by recognizing domestic violence as conduct subject to state intervention and by establishing a basis for prevention, victim protection, law enforcement, and recovery. Accordingly, the significance of the UU PKDRT extends beyond the formal criminalization of domestic violence; it also reflects a normative transformation in the relationship between the state, the family, and victims of violence. Nevertheless, the enactment of legislation alone does not necessarily eliminate the social and institutional assumptions that may influence how domestic violence is reported, investigated, and adjudicated. The post-2004 legal framework therefore requires examination not only in terms of the existence of protective norms, but also in terms of how effectively those norms are implemented by law enforcement officials without reproducing gender stereotypes or treating domestic violence merely as a private marital dispute. This shift provides the basis for assessing whether the legal recognition of domestic violence has been accompanied by substantive changes in law-enforcement practices and effective access to justice for victims.²⁸

This law not only provides a firm legal basis, but also confirms that domestic violence is a serious violation of human rights that can no longer be considered a private matter or a family matter.²⁹ The recognition of domestic violence as a violation of human rights provides a fundamental basis for state intervention in protecting victims within the household. UU PKDRT is founded on the principle that every woman has the right to live safely and free from all forms of violence, including violence perpetrated by a husband or other household member.³⁰ Domestic violence is therefore not merely a private dispute, but a violation of

²⁷ Hesti Juli Yanti and Adang Muhamad Nasrallah, "The Problem of Domestic Violence in Indonesia and Effort to Overcome It," *Mawaddah: Jurnal Hukum Keluarga Islam* 2, no. 2 (2024): 125–139.

²⁸ Muhamad Kurniawan, Mustofa Kamil, and Putri Hafidati, "Sanksi Hukum Terhadap Pelaku Tindak Pidana Kekerasan Dalam Rumah Tangga Yang Dilakukan Suami Terhadap Istri Studi Kasus Putusan Hakim Nomor: 1914/Pid.Sus/2020/PN Tng," *Jurnal Pemandhu* 4, no. 2 (2023): 97–112.

²⁹ Anggi Pramita et al., "Femicide as an Extreme Form of Gender-Based Violence: Criminal Profiling and Prevention Efforts in Indonesia," *Jurnal Penelitian Humaniora* 31, no. 1 (2026): 27–34, <https://doi.org/10.21831/hum.v31i1.95839>.

³⁰ Razia Sultana et al., "A Systematic Review and Meta-Synthesis of Barriers and Facilitators of Help-Seeking Behaviors in South Asian Women Living in High-Income Countries Who Have Experienced Domestic Violence," *Trauma, Violence, & Abuse* 24, no. 5 (2023): 3187–3204, <https://doi.org/10.1177/15248380221126189>.

human dignity and a form of discrimination that requires effective legal intervention and institutional protection. From this perspective, victims of domestic violence, who are predominantly women, are entitled to protection from both the state and society against violence, threats of violence, torture, and other forms of treatment that undermine their dignity, bodily integrity, and personal security. The normative significance of the UU PKDRT consequently extends beyond the prohibition and punishment of violent conduct; it establishes a positive obligation for the state to ensure that victims can obtain protection and access to justice when violence occurs within the domestic sphere. This obligation is particularly significant because domestic violence has historically been situated within the private sphere, while the Indonesian legal framework had previously provided limited and fragmented protection specifically addressing violence within household relationships. The enactment of the UU PKDRT therefore represents a substantive shift toward a rights-based model of protection in which victim safety, human dignity, gender equality, and access to justice constitute essential considerations in law enforcement.³¹ Accordingly, the implementation of these principles requires law enforcement officials to treat reports of domestic violence as legally significant violations rather than as ordinary marital disputes, and to ensure that institutional responses do not reproduce gender stereotypes or expose victims to further harm.³²

This is as explained in Article 15 of the UU PKDRT, which states that "everyone who hears, sees, or knows that domestic violence has occurred is obliged to make efforts according to the limits of his/her ability to: prevent the crime from taking place, provide protection to the victim, provide emergency assistance, and assist in the process of submitting an application for a protection determination." And also, Article 26 also states that victims have the right to report all forms of domestic violence directly to the police, either at the victim's location or at the scene of the incident. In addition, victims can also give power of attorney to family or others to report domestic violence to the police, either at the victim's location or at the scene of the incident. In this case, the UU PKDRT has regulated a number of rights that victims have, which can be used as a basis for demanding accountability from the perpetrator.³³

Radical feminist theory interprets domestic violence as inseparable from the unequal power relations between men and women, which are validated by patriarchal culture. In the context of Indonesia, traditional values and social structures that prioritize male dominance remain reinforcing factors in the occurrence of domestic violence.³⁴

The handling of domestic violence crimes under Indonesian positive law rests on Law Number 23 of 2004 concerning the Elimination of Domestic Violence as a specific basis outside the general provisions of criminal law.³⁵ This law positions physical, psychological, sexual

³¹ Louisa Pauline Witte and Aleya Flechsenhar, "'It's Your Own Fault': Factors Influencing Victim Blaming," *Journal of Interpersonal Violence* 40, no. 9–10 (2025): 2356–2380, <https://doi.org/10.1177/08862605241270030>.

³² Abdul Haq Syawq, "Hukum Islam Dan Kekerasan Dalam Rumah Tangga," *De Jure: Jurnal Syariah Dan Hukum* 7, no. 1 (2015): 68–77.

³³ Moh. Fahril Tuluki, Dian Ekawaty Ismail, and Julisa Aprilia Kaluku, "Penanggulangan Tindak Pidana Kekerasan Dalam Rumah Tangga," *Jurnal Hukum Egalitaire* 1, no. 2 (2023): 219–235, <https://doi.org/10.25072/jwy.v4i1.315>.

³⁴ Latipa Hanum Sitompul, "Kekerasan Dalam Rumah Tangga (KDRT)," *Jurnal Dialektika Hukum* 7, no. 1 (2025): 85.

³⁵ Marie-Helen Maras, "Technology-Facilitated Coercive Control: Response, Redress, Risk, and Reform," *International Review of Law, Computers & Technology* 38, no. 2 (2024): 174–194, <https://doi.org/10.1080/13600869.2023.2295097>.

violence, and domestic neglect as criminal acts that can no longer be considered merely private family matters. The direction of its regulations reflects a shift in the state's perspective, as household relations, which were previously often viewed as a domestic sphere, have been transformed into a legal space when attacks occur on the victim's body, honor, freedom, and sense of security. Therefore, reports of domestic violence should not be narrowed down to marital disputes, but rather viewed as alleged criminal acts that must be tested through mechanisms of inquiry, investigation, evidence, prosecution, and trial in court.³⁶

In the initial stages of handling cases, law enforcement officers have an obligation to carefully assess victims' reports because domestic violence often occurs repeatedly and does not always leave easily demonstrable physical wounds.³⁷ Victims can experience psychological stress, economic dependence, threats from the perpetrator, and family pressure, which can prevent reports from being filed immediately after the initial incident. Positive law already provides a basis for protection through protection orders, support services, post-mortem examinations, witness examinations, and the use of evidence in accordance with criminal procedure law. Obstacles arise when authorities only pursue physical evidence, while not thoroughly investigating psychological, sexual, and economic neglect. This approach can weaken the victim's position and reduce the criminal law's ability to prevent the cycle of domestic violence.³⁸

Law Number 23 of 2004 defines physical domestic violence as any act that causes physical pain, illness, or serious bodily injury to another person within the household.³⁹ This definition encompasses a wide range of intentional conduct, including slapping, punching, kicking, pushing, assault with blunt or sharp objects, and the use of technological instruments such as electricity to inflict bodily harm. May produce various degrees of injury, ranging from minor bruises and lacerations to severe trauma, permanent disability, or death.⁴⁰ In addition to direct physical attacks, threats of violence delivered through verbal statements, gestures, written communication, telephone calls, or intermediaries may also create fear of imminent physical harm and therefore constitute an integral component of violent conduct within domestic relationships.⁴¹

Physical domestic violence differs fundamentally from ordinary assault because it occurs within relationships characterized by emotional attachment, economic dependence, marital

³⁶ Aminah, Poerwandari, and Putri, "Children, Justice, and Femicide: Assessing Victim Rights in Indonesia's Legal System."

³⁷ Martitah Martitah, "Insufficient Criminal Justice System Response to the Severity of Domestic Violence during the Pandemic in Indonesia," *Heliyon* 10, no. 14 (2024), <https://doi.org/10.1016/j.heliyon.2024.e33719>.

³⁸ Wibowo, "Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga Menurut Hak Asasi Manusia Selama Proses Penyidikan."

³⁹ Mandeep Masih, Christopher Wagstaff, and Harpreet Kaur-Aujla, "The Global Psychological and Physical Effects of Domestic Abuse and Violence on South Asian Women: A Qualitative Systematic Review," *Frontiers in Global Women's Health* 5 (2024), <https://doi.org/10.3389/fgwh.2024.1365883>.

⁴⁰ Patricia C. Lewis et al., "Femicide in the United States: A Call for Legal Codification and National Surveillance," *Frontiers in Public Health* 12 (2024), <https://doi.org/10.3389/fpubh.2024.1338548>.

⁴¹ Martitah, "Insufficient Criminal Justice System Response to the Severity of Domestic Violence during the Pandemic in Indonesia."

ties, unequal power relations, and strong social expectations to preserve family unity.⁴² These conditions frequently discourage victims from reporting abuse or pursuing legal proceedings, thereby limiting their access to justice and effective protection. Consequently, the regulation of criminal sanctions for domestic violence should extend beyond formal punishment by recognizing the structural vulnerability of victims and ensuring comprehensive legal protection, recovery, and substantive justice.⁴³

Law enforcement against domestic violence must also be integrated with the principle of victim protection. While criminalizing perpetrators is necessary to affirm the prohibition of violence, the criminal process must not disregard the safety, recovery, and dignity of victims. Victims have the right to a sense of security during the legal process, access to information on case developments, legal aid, medical services, psychological support, and access to social recovery. In certain cases, encouraging reconciliation can benefit the perpetrator if it is carried out without a risk assessment and without ensuring that the victim is truly free from pressure. Forced reconciliation risks placing the victim back in the same relationship, while the perpetrator does not receive adequate legal consequences. Therefore, a positive legal approach needs to combine the certainty of the criminal process with concrete victim protection.⁴⁴

The main weakness in handling domestic violence under positive law lies not solely in the absence of norms, but rather in the implementation of these norms by law enforcement officials and service institutions. Women and Children Protection Units, investigators, public prosecutors, judges, witness and victim protection agencies, health workers, and social workers need to work in a connected way. Disconnected handling will cause victims to repeat their stories of violence repeatedly, lose the courage to pursue their case, or return to the perpetrator due to a lack of support. In cases of escalating violence, failure to recognize threat patterns can lead to serious injury or even death for women. Therefore, strengthening positive domestic violence law needs to be directed at rapid response, risk assessment, temporary protection, evidence that does not rely solely on physical injuries, and victim recovery from the outset of the case process.⁴⁵

The foregoing analysis demonstrates that the principal challenge in addressing domestic violence under Indonesian positive law does not lie exclusively in the absence of legal norms, but increasingly in the manner in which those norms are interpreted and operationalized by law enforcement institutions. Law Number 23 of 2004 has established a rights-based legal framework that recognizes domestic violence as a violation of human dignity, provides victims with rights to protection and reporting, and imposes responsibilities on the state and society to prevent and respond to violence. Nevertheless, the existence of these protective norms does not

⁴² Gregorius Widiartana, Vincentius Patria Setyawan, and Ariesta Wibisono Anditya, "Exploring Restorative Justice in Domestic Violence Cases," *Journal of Sustainable Development and Regulatory Issues (JSDERI)* 3, no. 3 (2025): 641–666, <https://doi.org/10.53955/jsderi.v3i3.87>.

⁴³ Hendro Widodo, "A Model for Preventing Domestic Violence Using an Early Warning System in Criminal Law Policy," *Nusantara: Journal of Law Studies* 5, no. 1 (2025): 147–170, <https://doi.org/10.66325/nusantaralaw.v5i1.184>.

⁴⁴ Tuti Susilawati, Edi Setiadi, and Yoyon Darusman, "Restorative Justice in Domestic Violence Cases: Law Implementation and Challenges in Indonesia," *Sinergi International Journal of Law* 3, no. 3 (2025): 172–184, <https://doi.org/10.61194/law.v3i3.797>.

⁴⁵ Ica Karina and Mexi Melianus S. Sinuhaji, "Peranan Unit Perlindungan Perempuan Dan Anak (PPA) Dalam Memberi Advokasi Kepada Korban Kekerasan Dalam Rumah Tangga (KDRT) Di Polrestabes Medan," *Fiat Iustitia: Jurnal Hukum* 4, no. 2 (2024): 142–56.

automatically guarantee substantive justice when their implementation remains influenced by perceptions that domestic violence is a private marital matter, by patriarchal assumptions concerning the roles of husbands and wives, or by approaches that prioritize family reconciliation without adequately assessing the victim's safety and vulnerability. From a normative perspective, such practices create a gap between the protective purpose of the law (*das sollen*) and its potential implementation in law enforcement (*das sein*). This gap is particularly significant for female victims because gender-based assumptions may affect the initial assessment of complaints, the evaluation of evidence, the determination of the seriousness of repeated violence, and the decision whether protective measures are necessary. Therefore, gender-sensitive and victim-centered law enforcement should be understood not merely as an institutional preference, but as a necessary consequence of the protective objectives embedded in the UU PKDRT. The issue consequently shifts from whether Indonesian law formally recognizes protection against domestic violence to whether law enforcement officials apply that protection without reproducing gender-based inequalities. This normative implementation gap provides the analytical basis for the following discussion, which examines the specific problems faced by female victims of domestic violence and how gender disparities may emerge in law enforcement responses.

3.2 Problems in Handling Female Victims of Domestic Violence Vulnerable to Gender Disparities

Handling female victims of domestic violence (DV) within the legal framework faces two major, fundamental, and interrelated challenges. The first is how to ensure equal access to justice for women as victims of domestic violence, especially in a legal system still sociologically dominated by a patriarchal paradigm. The second is how to address the issue of underreporting, or low reporting rates by victims, which poses a serious obstacle to law enforcement and the protection of female victims themselves.⁴⁶

Domestic violence therefore extends beyond a private family matter and constitutes a serious violation of fundamental rights that requires effective legal intervention. International human rights principles similarly recognize violence against women as gender-based violence that causes physical, sexual, or psychological suffering through acts of coercion, intimidation, or arbitrary deprivation of liberty in either public or private settings.³² Within domestic relationships, violence frequently functions as a mechanism for exercising power and control over women, particularly by restricting their autonomy, sexuality, and reproductive rights. In addition to physical abuse, psychological violence produces fear and emotional insecurity.⁴⁷

The state's efforts through legal policy include the issuance of the UU PKDRT, initiated by women's groups in 1997 and successfully ratified in September 2004. This law has resulted in various legal breakthroughs not only for victim protection and law enforcement against

⁴⁶ Suwito Suwito et al., "Restorative Justice: An Alternative Approach to Addressing Domestic Violence in Indonesia," *Innovative: Journal of Social Science Research* 5, no. 1 (2025): 5066–5077, <https://doi.org/10.31004/innovative.v5i1.18045>.

⁴⁷ Svetlana Zhuchkova and Anton Kazun, "Exploring Gender Bias in Homicide Sentencing: An Empirical Study of Russian Court Decisions Using Text Mining," *Homicide Studies* 29, no. 2 (2023): 133–156, <https://doi.org/10.1177/10887679231217159>.

perpetrators, but also provides broad opportunities for the community and places an obligation on the government to prevent and address domestic violence.⁴⁸

The enactment of UU PKDRT is concrete evidence of the state's formal stance, declaring domestic violence a violation of human rights, a crime against human dignity, and a form of discrimination. This view aligns with Article 28 of the 1945 Constitution of the Republic of Indonesia and its amendments. However, the reality remains that many female victims are reluctant to report violence, even choosing to remain silent, due to various structural and cultural factors. Fear of social stigma, pressure from family, and fear of being judged by society and law enforcement officials remain a reality faced by many women in Indonesia.⁴⁹

The phenomenon of female victims who are reluctant to report the domestic violence they experience due to social stigma is not only a social phenomenon but also a concrete failure of the legal system, where the law should be the highest protector for female victims. Criminologist Adrianus Meliala's opinion also echoes this, as the strong patriarchal culture in Indonesia has created the perception that domestic violence is an internal household issue that should not be brought to the legal realm. This situation causes many victims to be reluctant to report the incident for fear of disgracing the family and feeling unsafe and unsupported by their surroundings. Therefore, effective legal protection can be achieved only if victims feel safe and supported and receive adequate assistance from law enforcement officials.⁵⁰

To address these cultural and structural problems, the necessary solutions cannot be merely partial. Legal system reforms are needed that are based on the victim's perspective and gender sensitivity. Reform within law enforcement, in the form of a gender-based paradigm that does not trivialize cases of domestic violence against female victims, can spark a comprehensive paradigm shift within the conservative social paradigm of victim blaming.⁵¹

Victim blaming is an institutional justice obstruction that creates chaos in the handling of cases of violence, whether domestic violence, sexual violence, or other crimes. This term refers to the tendency of society or institutions to not only ignore the suffering of victims but also actively blame them for the violence or crime they experience. In everyday life, victim blaming often takes the form of issues of access to justice and substantive victim protection, not merely as a social phenomenon. Victim blaming is actually substantive for victim protection and not a social phenomenon; if victim blaming is erased, it will be very substantial for victim protection.

The seriousness and sensitivity of law enforcement in handling female victims of domestic violence can also prevent the greatest risks that women will experience if law enforcement is responsive in taking action against perpetrators of domestic violence. This firmness in law enforcement prevents the escalation of the cycle of violence that has the potential to lead to

⁴⁸ Dewi Lestari, "Kekerasan Dalam Rumah Tangga Terhadap Perempuan," *Jurnal Hukum Dan Pembangunan* 35, no. 3 (2026): 371–72.

⁴⁹ Wulandari, "Ketimpangan Akses Terhadap Keadilan Bagi Perempuan Korban Kdrt."

⁵⁰ Nur Fiqri Arif, "Perlindungan Hukum Terhadap Perempuan Korban Kekerasan Dalam Rumah Tangga," *Jurnal Kajian Hukum Dan Kebijakan Publik* 3, no. 1 (2025): 189.

⁵¹ Chairunnisa Nasution and Mar'ie Mahfudz Harahap, "Victim Blaming Terhadap Korban Kekerasan Dalam Rumah Tangga; Tinjauan Hukum Positif Dan Hukum Pidana Islam," *Legalite: Jurnal Perundang Undangan Dan Hukum Pidana Islam* 10, no. 2 (2025): 22, <https://doi.org/10.32505/legalite.v10i2.12000>.

fatal physical injuries, deep psychological trauma, and even the murder of women as victims, known as femicide. Femicide is the extreme killing of women or girls driven by hatred, gender inequality, or unequal power relations. This term specifically refers to crimes in which the victim is killed because she is a woman.

Femicide is driven by superiority, dominance, hegemony, aggression, and misogyny toward women, as well as a sense of entitlement. It is also linked to unequal power relations and sadistic satisfaction. The National Commission on Violence Against Women (Komnas Perempuan) divides femicide into two types, direct and indirect femicide, based on the intent to kill. Direct femicide refers to murder based on the initial intent to kill, while indirect femicide is murder resulting from gender-based violence that was not intended to kill from the outset. However, femicide is rarely recognized in Indonesia because it is still treated as a general crime of murder, so recorded cases are not disaggregated by gender and other factors.

In terms of legal construction, the Domestic Violence Law Number 23 of 2004 is considered to have accommodated complex matters despite still having weaknesses in its legal substance when linked to optimizing the fulfillment of compensation for losses suffered by female victims of domestic violence.⁵² However, in general, optimizing existing legal products can be a positive reference for law enforcers to be more responsive by reasoning about the law that has been accommodated if we pay attention to several important points in the Domestic Violence Law. First, efforts to eliminate domestic violence are implemented based on the principles of respecting human rights, upholding justice and gender equality, avoiding discrimination, and providing protection to victims, while simultaneously maintaining and building family harmony. Second, this law regulates various types of domestic violence, such as physical, psychological, and sexual violence, which clearly constitutes a legal mandate for law enforcement to immediately take action against the *actus reus* (actual act) according to the qualifying offense. Third, the Domestic Violence Law also emphasizes the prohibition of neglect in the household, namely the obligation of every individual to provide care and maintenance to family members who are their dependents based on law, agreement, or contract. Fourth, law enforcement officers, as representatives of the government and all elements of society, have a major responsibility in preventing and handling cases of domestic violence.

While each case has its own characteristics and particularities, criminal law enforcement for a particular type of case is generally based on a coherent policy to consistently address the criminal issues faced by the public. This policy reflects the actual implementation of law enforcement, directly experienced by the public. If law enforcement is implemented from the wrong perspective, it can set a bad precedent, as the public will view it as a representation of the policy that will be applied if a similar case befalls them. Consequently, this will hinder female victims of domestic violence from reporting their cases to law enforcement, as they are likely to face similar treatment. Therefore, in addition to being required to be consistent, law enforcement officials must ensure that the policies they adopt align with the interests they seek to protect.

⁵² Widodo, "The Convergence of Legal Frameworks for Domestic & Sexual Violence: Towards Holistic Victim Protection in Indonesia."

The analysis demonstrates that gender disparity in the handling of female victims of domestic violence is not merely a consequence of inadequate legal protection, but also a problem of how existing legal norms are interpreted and operationalized by law enforcement institutions. Although the UU PKDRT establishes principles of human rights protection, gender equality, non-discrimination, and victim protection, these principles may lose their substantive effect when officials frame violence as a private marital conflict, rely predominantly on visible physical evidence, or prioritize reconciliation without assessing the victim's vulnerability and risk of repeated violence. Such practices create a normative chain in which gender-biased perceptions can influence the initial recognition of violence, the credibility attributed to victims, the assessment of evidentiary sufficiency, and the urgency of protective intervention. The critical implication is that law enforcement responses should not be measured solely by whether a complaint is formally received or a perpetrator is prosecuted, but also by whether the process effectively reduces the victim's exposure to further violence and preserves access to justice. The novelty of this analysis lies in linking gender bias at the institutional level with the normative implementation gap of the UU PKDRT, particularly through the failure to transform recurring violence into an early legal risk indicator. Accordingly, gender-sensitive and victim-centered enforcement should function as an operational legal standard for preventing secondary victimization and interrupting the escalation of domestic violence toward more severe forms of violence, including femicide.

4. CONCLUSION

This study concludes that the handling of female victims of domestic violence in Indonesia remains affected by a normative implementation gap between the protective framework established by UU PKDRT and its application by law enforcement officials. Using a normative-juridical approach, the study demonstrates that patriarchal assumptions, victim-blaming attitudes, and the tendency to treat domestic violence as a private marital matter may influence the assessment of victims' reports, the interpretation of recurring violence, and the prioritization of reconciliation over victim safety. Such practices can weaken access to justice and may allow escalating patterns of violence to remain insufficiently recognized. The study's novelty lies in identifying gender bias within law enforcement as a normative implementation problem that can distort the application of victim-protection obligations, rather than treating gender disparity solely as a social or cultural phenomenon. The findings therefore support a victim-centered and gender-sensitive model of law enforcement in which complaints are assessed through risk-sensitive procedures, recurring violence is treated as a potential indicator of escalation, and protective measures are considered from the earliest stage of case handling. Strengthening coordination among law enforcement, victim-protection, health, and social-service institutions is also necessary to translate the statutory protection guaranteed by the UU PKDRT into substantive justice for female victims.

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