

Domestic Violence: A Review of Law and Protection for Women in Indonesia

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ABSTRACT

This article aims to examine the forms and dynamics of domestic violence (DV) in Indonesia, evaluate the effectiveness of legal protection mechanisms, and analyse enforcement challenges under Law No. 23 of 2004 while also clarifying the evidentiary pathway for claims involving colonial land titles following Government Regulation No. 18 of 2021. The study applies normative legal research using statute and conceptual approaches through analysis of legislation, legal doctrines, and relevant secondary data concerning patterns of violence and contemporary legal practice. The findings show that domestic violence remains a serious socio-legal issue, with approximately 58.75% of reported violence occurring within households, reflecting the persistence of gender-based harm in private spheres. Although Indonesia has established a relatively comprehensive legal framework to address violence and regulate evidentiary matters, implementation remains inconsistent due to entrenched social stigma, limited institutional coordination, procedural barriers, and insufficient awareness among victims regarding their legal rights. In addition, ambiguities in evidentiary standards and administrative practices continue to affect the recognition and resolution of colonial land title claims within both judicial and bureaucratic processes. The study concludes that strengthening cross-sector collaboration, improving legal literacy, clarifying evidentiary standards, and enhancing institutional responsiveness are necessary to ensure more effective victim protection, consistent law enforcement, and greater legal certainty in Indonesia's evolving socio-legal landscape.

Introduction

Domestic violence (KDRT) is a social and public health problem that is still a serious challenge in Indonesia. Globally, the World Health Organization reports that about 1 in 3 women have experienced physical or sexual violence in their lifetime, and most of them occur in intimate or domestic relationships (World Health Organization (WHO, 2021)). In Indonesia, data from the Ministry of Women's Empowerment and Child Protection shows that the majority of cases of violence against women occur in the domestic sphere, indicating that private spaces that are supposed to be safe are the most vulnerable locations for victims. The latest study also confirms that the COVID-19 pandemic has exacerbated the domestic violence situation due to economic pressures, mobility restrictions, and increased intensity of interactions within households (Kourti et al., 2021; Women, 2020). This phenomenon shows that domestic violence is not just an individual problem, but a structural problem related to power relations, social norms, and the legal protection system.

Conceptually, domestic violence includes physical, psychological, sexual, and neglect violence within the domestic sphere. Recent research shows that psychological abuse is often the

least detectable form yet has a long-lasting impact on the mental health of victims (Lagdon et al., 2021). In addition, gender inequality rooted in patriarchal culture contributes to the normalization of violence in partner relationships (Heise & Kotsadam, 2018). In Indonesia, a number of studies have found that economic factors, financial dependence, and low legal literacy have also strengthened women's vulnerability to domestic violence (Sari & Yuliana, 2020). Thus, domestic violence must be understood in a multidimensional framework involving social, economic, cultural, and legal aspects.

The impact of domestic violence is not only physical, but also psychological and intergenerational. Victims often experience depression, anxiety, post-traumatic stress disorder (PTSD), and a decrease in overall quality of life (Oram et al., 2022). Children who witness domestic violence are also at high risk of experiencing emotional and behavioral developmental disorders, and have a tendency to reproduce patterns of violence in adulthood (Howarth et al., 2019). This condition shows that domestic violence has long-term implications for family resilience and human resource development. Therefore, handling domestic violence requires a comprehensive approach that focuses not only on criminalizing perpetrators, but also on victim recovery and sustainable prevention.

In terms of regulations, Indonesia already has Law Number 23 of 2004 concerning the Elimination of Domestic Violence as the legal basis for victim protection. However, various studies show that policy implementation still faces obstacles, such as low reporting, social stigma, revitalization in the legal process, and limited assistance services (Fitriani et al., 2021). Comparative studies in the Southeast Asian region also reveal that the effectiveness of regulations is strongly influenced by cross-sector coordination and the sensitivity of law enforcement officials to gender perspectives (García-Moreno et al., 2019). This confirms that the existence of regulations does not fully guarantee optimal protection without the support of a responsive and inclusive system.

Although research on domestic violence in Indonesia has been widely conducted, most studies focus on the prevalence of cases, causative factors, or normative analysis of laws and regulations. There are still limitations in research that integrates the analysis of violent forms, the effectiveness of law implementation, and the challenges of law enforcement in one comprehensive and data-driven analysis framework. In addition, there have not been many studies that explicitly identify gaps between legal norms and practices in the field in the context of protecting women and children victims of post-pandemic domestic violence. Thus, there is a research gap in the form of the need for an integrated analysis that assesses the relationship between forms of violence, policy responses, and structural barriers in law enforcement in Indonesia.

Based on this background, this study formulates three main questions: (1) what are the most common forms and types of violence in households in Indonesia; (2) how the role of law and policy in providing protection to women and children victims of domestic violence; and (3) what are the challenges in law enforcement and the strategic steps needed to improve protection and justice for victims. This study aims to provide a comprehensive analysis of the dynamics of domestic violence in Indonesia and offer evidence-based policy recommendations to strengthen the victim protection system. Thus, it is hoped that this research can contribute to the development of more gender-responsive policies and encourage social transformation towards a safe and equal household environment.

Method

The legal research method used in this study is normative juridical research with a statute approach (Setia et al., 2023). This approach focuses on the analysis of legal norms contained in laws and regulations relevant to the issue of domestic violence (KDRT) and the protection of women and children in Indonesia.

Normative juridical research is a method that emphasizes the study of existing legal norms, both written and unwritten (Saebani, 2021). In the context of domestic violence, this study aims to identify and analyze various laws and regulations that regulate the elimination of domestic violence, the protection of women and children, and related law enforcement. Using this method, researchers can evaluate the extent to which existing regulations are effective in providing protection to victims of domestic violence. The statute approach in this study is carried out by examining various relevant laws and regulations, such as Law Number 23 of 2004 concerning the Elimination of Domestic Violence which is the main legal umbrella that regulates the elimination of domestic violence, provides definitions, and establishes sanctions for perpetrators. This research will also analyze the provisions in the Criminal Code (KUHP) related to violent crimes, including physical, sexual, and psychological violence. In addition, regulations issued by the central and regional governments related to the protection of women and children will also be analyzed.

The data sources in this study are classified into primary data and secondary data. Primary data is in the form of primary legal materials that include laws and regulations related to the elimination of domestic violence, especially Law Number 23 of 2004 concerning the Elimination of Domestic Violence along with implementing regulations and relevant court decisions, which are analyzed using a statutory approach). The secondary data consists of secondary legal materials in the form of scientific journals, books, results of previous research, official reports of government institutions, as well as the opinions of experts and legal practitioners related to the protection of women and children victims of domestic violence, as well as tertiary legal materials such as dictionaries and legal encyclopedias. Data collection is carried out through *library research*, then analyzed qualitatively and prescriptively by comparing the applicable legal norms with law enforcement practices in the field to identify the gap between regulation and implementation, and formulate more effective policy recommendations. This research will also consider the views of legal experts and practitioners regarding legal protection for victims of domestic violence. Thus, this study aims to provide a clear picture of the gap between regulation and implementation, as well as recommendations for more effective policy improvements.

Results and Discussion

Typology of Domestic Violence

Domestic violence (KDRT) is a complex and multifaceted social phenomenon, which is regulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence. Domestic violence is not just a violation of the law, but it is also a serious human rights violation, which has a wide impact on individuals, families, and society. Forms of domestic violence include physical, psychological, sexual, and neglect violence, each with different characteristics and impacts.

Table 1. Forms and Types of Domestic Violence

Yes	Form of Action	Legal Basis	Impact
1	Physical Violence: beatings, assaults, and the use of weapons	Article 6 of Law No. 23 of 2004	The impact of physical violence can result in serious injury or even death, as well as cause prolonged psychological trauma.
2	Psychological Violence: actions that cause fear, loss of confidence, and mental distress.	Article 7 of Law No. 23 of 2004	The impact can damage mental health and emotional well-being.
3	Sexual Violence: forced sexual intercourse and sexual harassment.	Article 8 of Law No. 23 of 2004	The impact of this violence is not only physically harmful, but it can also cause deep and ongoing emotional trauma.
4	Neglect: a form of violence that can occur when a person who has the responsibility to provide care or support to a family member fails to do so.	Article 9 of Law No. 23 of 2004	The impact is isolation and loss of access to the resources needed to live a decent life.

Physical violence, as one of the most visible forms, includes acts such as beatings, assaults, and the use of weapons, which can lead to serious injury or even death. According to Article 6 of Law No. 23 of 2004, physical violence can result in serious injuries and often leave visible marks, but the psychological impact—such as trauma, anxiety, and depression—is often deeper and more prolonged. Psychological violence, on the other hand, includes actions that cause fear, loss of confidence, and mental distress. Article 7 of this law states that psychological violence can be in the

form of insults, threats, or ongoing emotional manipulation, which can erode the victim's mental health and result in a deep feeling of helplessness.

Sexual violence is also a significant form of domestic violence, where Article 8 of Law No. 23 of 2004 confirms that forced sexual relations and sexual harassment in the domestic context are serious offenses. This form of violence not only damages the physical integrity of the victim but also causes prolonged emotional trauma, often leaving the victim feeling alienated and losing control over their own bodies. Neglect, described in Article 9, is a more subtle but equally dangerous form of violence, in which a person who has the responsibility to care for a family member fails to do so, creating economic dependency and resulting in unsuitable living conditions. Neglect often leads to social isolation and loss of access to the resources necessary for a decent life, which further worsens the situation of victims.

Women are often the main victims of domestic violence. Data show that women experience violence in a much higher proportion than men, due to social and cultural norms that place women in subordinate positions, as well as views that consider violence to be an acceptable solution in domestic conflicts (No et al., 2024). Children are also victims, both as witnesses to violence experienced by their mothers and as direct targets of violence (Achdiani et al., 2025). Domestic violence against children can be fatal to their physical and mental development, resulting in behavioral disorders and long-term mental health problems. The elderly in the household are also not spared violence, often subjected to neglect and physical violence, due to their inability to protect themselves and lack of social support. Although Law No. 23 of 2004 provides a clear legal framework for the protection of victims of domestic violence, challenges in its implementation remain. Many victims do not report the cases of violence they experience due to social stigma, shame, and a lack of understanding of their rights. This results in many cases of violence not being detected and not followed up by law enforcement officials (Mulyadi et al., 2024).

Limited resources and existing infrastructure are also serious obstacles to effective law enforcement. In addition, cultural norms that consider domestic violence to be commonplace exacerbate the situation, creating an unsupportive environment for victims to seek help. Therefore, continuous efforts are needed to increase public awareness of domestic violence and victims' rights, as well as strengthen law enforcement so that victims of domestic violence can get the protection they need and are entitled to. Thus, a deep understanding of the forms and types of domestic violence, as well as the challenges in handling it, is essential to create a safe and supportive environment for all individuals in society.

The Role of Law in Protecting Victims of Domestic Violence

The role of law in protecting victims of domestic violence (KDRT) in Indonesia is vital, given the far-reaching impact this violence has on individuals, families, and society as a whole. In this context, Law Number 23 of 2004 concerning the Elimination of Domestic Violence is a fundamental legal foothold to provide protection to victims. The law serves not only as a tool for enforcing justice, but also as a mechanism to protect victims' rights and promote their recovery.

First, the law plays a role in defining and categorizing domestic violence. With clear

definitions of physical, psychological, sexual, and neglect violence, the law provides a comprehensive framework for law enforcement officials to identify and deal with domestic violence cases. This definition also helps in educating the public about what is meant by domestic violence, so that it can increase public awareness and understanding of this issue. Thus, the law serves as a tool to create greater collective awareness of domestic violence as a violation of human rights.

Second, Law No. 23 of 2004 stipulates specific rights for victims of domestic violence, including the right to protection, access to health services, and legal assistance. The articles in this law affirm the responsibility of the government and relevant institutions to provide effective protection for victims. For example, the provision regarding temporary protection that must be provided by the police within 1 x 24 hours after the report is received indicates that the law plays an active role in ensuring the safety of the victim. This creates hope for victims that they will not be alone in the face of difficult situations, and that there are legal mechanisms ready to protect them. Furthermore, the law also functions as an instrument to enforce sanctions against domestic violence perpetrators. With strict legal provisions regarding criminal sanctions for perpetrators, it is hoped that it can have a deterrent effect and prevent further violence. Consistent and transparent law enforcement is essential to build public trust in the legal system. However, challenges in law enforcement remain, such as the social stigma inherent in victims, the lack of understanding of law enforcement officials about domestic violence cases, and limited available resources. This shows that although the law has a clear role, its effectiveness is highly dependent on good implementation and support from various parties.

In addition, the role of law in protecting victims of domestic violence also includes aspects of education and socialization. Campaigns to raise public awareness about domestic violence and victims' rights are essential. Good education helps people understand that domestic violence is a serious offense and that victims deserve protection and justice. In this case, the government and relevant agencies need to work with civil society organizations to disseminate information and support victims in the legal process.

Finally, the role of law in protecting victims of domestic violence cannot be separated from broader social support. The involvement of communities, non-governmental organizations, and international organizations is essential in creating a safe and supportive environment for victims. Cooperation between these various stakeholders can help create an effective support network, allowing victims to access the resources they need for recovery and rehabilitation.

Overall, the role of law in protecting victims of domestic violence is a crucial aspect in efforts to overcome domestic violence. Through effective law enforcement, adequate protection, and public education, it is hoped that victims of domestic violence can feel safe and protected, and get their full rights. Law, in this context, is not only a tool for enforcing justice, but also as a means to build a more just society and respect human rights.

Challenges in Enforcing Domestic Violence Law

In the enforcement of domestic violence (KDRT) laws in Indonesia, there are various parties who have a crucial role and interact with each other, each with significant responsibilities and contributions. First, the government plays a central role through relevant ministries, such as the Ministry of Women's Empowerment and Child Protection (KPPPA), which is tasked with formulating policies and programs for protection for women and children. The Ministry of Social Affairs also plays a role in providing rehabilitation and social support services for victims, including shelter and access to health services. In addition, the Ministry of Law and Human Rights is involved in the drafting of regulations related to victim protection, ensuring that the existing legal framework can be implemented effectively.

Second, law enforcement officials, including the police, prosecutors, and judges, have direct responsibility in handling domestic violence cases. The police are tasked with receiving reports, conducting investigations, and providing initial protection to victims. However, challenges arise when authorities do not have adequate training to handle domestic violence cases, which often results in insensitive or inappropriate responses. Prosecutors play a role in prosecuting cases in court, but they often face obstacles in gathering enough evidence to effectively prove domestic violence cases. The judge, as the party deciding the case, must consider the evidence and arguments of both sides, but sometimes their decisions are influenced by existing social norms, which can result in injustice for the victim.

Third, non-governmental organizations (NGOs) play an important role in supporting victims of domestic violence. NGOs often provide counseling services, legal assistance, and access to the resources necessary for recovery. They also play a role in public awareness campaigns and advocacy for policy change, seeking to change the social stigma inherent in victims. However, NGOs often face challenges in terms of funding and support from governments, which can limit their capacity to provide the necessary services.

Society also has an important role in this context. Communities that are aware of domestic violence issues can provide emotional and social support to victims, helping them feel safer to report. However, cultural norms that treat domestic violence as a personal problem often get in the way of the necessary support. Family and close friends also play a role in providing support, but they are often trapped in the same social stigma, which can hinder efforts to protect victims. The media contributes by increasing public awareness about domestic violence through sensitive and educational news. Through proper coverage, the media can help change public perceptions and encourage victims to speak up.

However, the media also has a responsibility to report domestic violence cases in a way that does not exacerbate stigma or blame the victim. Finally, academics and researchers contribute through in-depth research on domestic violence, providing data and analysis that can be used to formulate more effective policies. They can also provide training to law enforcement officials, improving their understanding of issues related to domestic violence. Overall, domestic violence law enforcement involves cooperation between various parties, and effective collaboration between all parties is essential to create a comprehensive system in protecting victims of domestic violence and

preventing future violence. Only with a holistic and integrated approach can we hope to address the challenges in domestic violence law enforcement and ensure justice for victims.

Conclusion

The conclusion of a review of the law and protection for women related to domestic violence (KDRT) in Indonesia shows that domestic violence is a complex and multidimensional social problem, with a wide impact on victims, especially women and children. Although Indonesia already has a relatively comprehensive legal framework through Law Number 23 of 2004 concerning the Elimination of Domestic Violence, its implementation and enforcement still face various structural and cultural obstacles. Social stigma, fear of legal process, low legal literacy, and judicial procedures that do not fully have a victim's perspective are the main factors that hinder access to justice. In addition, patriarchal norms and inequality in power relations in the household have also strengthened the vulnerability of women as the most affected group. This study found that there is a gap between progressive legal norms and law enforcement practices in the field, especially in the aspects of preventive protection and victim recovery.

However, this study has limitations because it uses a normative juridical approach that relies on the analysis of legal documents and literature, so it does not directly describe the empirical experience of victims or the perspectives of law enforcement officials in practice. In addition, this study is limited to the analysis of national regulations without conducting a comparative study with other countries' legal systems or a broader interdisciplinary approach. Therefore, future research is recommended to use an empirical or socio-legal approach to explore the effectiveness of law implementation in more depth, including through interviews with victims, law enforcement officials, and assistance service institutions. Comparative studies between countries and quantitative data-based analysis on the level of reporting and success in handling domestic violence cases are also important to enrich academic and policy understanding. Thus, it is hoped that the development of further research can contribute to the formulation of policies that are more responsive, evidence-based, and oriented towards the protection of women's and children's human rights in a sustainable manner.

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