

Criminal Law Protection for Victims of Physical Dating Violence in Gorontalo Province

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Abstract

Victims of physical violence in dating relationships fall into a protection gap in Indonesian criminal law because the Elimination of Domestic Violence Law is limited to household relations, the Sexual Violence Crimes Law requires a sexual element, and Article 466 of the 2023 Criminal Code treats assault without regard to intimate relational context. This socio-legal study examines how protection operates in Gorontalo Province and identifies the normative and institutional weaknesses that impede victim recovery. It combines fourteen legal instruments and five court decisions with ten interviews, an eight-participant focus group, and observation at four institutions, analysed through the Miles-Huberman-Saldana model and triangulation. Dating violence proves statistically invisible in registration systems, procedures are standardised but not differentiated for intimate-partner harm, and approximately 60-70 per cent of cases are resolved informally without risk assessment, independent accompaniment, enforceable agreements, or monitoring. Normatively, Article 470 of Law Number 1 of 2023 narrows relational aggravation, while Article 82 of Law Number 20 of 2025 leaves restorative-justice screening for power imbalance under-specified at the stages where most cases are resolved. The article sets out a victim-centred design reconciling restorative justice with victim safety through relational aggravation, coercive-control screening, enforceable recovery agreements, and post-case monitoring.

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1. Introduction

A woman assaulted by the man she is dating occupies an awkward position in Indonesian criminal law. She has been harmed by an intimate partner, but she is not a wife; the harm is physical, but it is not sexual. Each of the two statutes Indonesia has built to protect victims of gendered violence turns on one of those facts, and she satisfies neither. What is left to her is the general assault provision – a rule that asks what was done to a body and never asks who did it, or what the two people were to each other.

For this article, “physical dating violence” means intentional physical force, attempted physical force, or bodily injury committed by a current or former non-marital intimate partner. The term describes the relational context of the conduct; it is not presented as an autonomous offence under existing Indonesian law. The empirical material concerns women and girls encountered by the participating institutions, while recognising that persons of any sex or gender may experience such violence.

The severity of the harm is not in doubt. A meta-analysis pooling 201 studies and 250,599 women recorded increased odds for every mental-health outcome examined: depression at odds ratios between 2.04 and 3.14, post-traumatic stress disorder between 2.15 and 2.66, and suicidality between 2.17 and 5.52.¹ The same review found psychological violence to be the most prevalent lifetime form of intimate partner violence – a finding with important implications for any legal system whose evidentiary practice is organised around injuries a physician can certify.

Scholarship of the past five years has also changed how the harm is understood. Conceptualising intimate partner violence as coercive control was an advance on earlier incident-based models, but Tolmie, Smith and Wilson argue that it does not go far enough: unless coercive control is located within a broader conception of social and systemic entrapment, it may operate to the disadvantage of the victim-survivors it was meant to help.² Entrapment on that account is produced not only by the abuser’s tactics but by the indifference of the institutions a victim turns to. That is a claim about legal systems, and it is testable in a particular jurisdiction.

In Indonesia the institutional indifference has a precise statutory address. Article 2(1) of Law Number 23 of 2004 on the Elimination of Domestic Violence confines the household to husband, wife and children (letter a); persons related by blood, marriage, breastfeeding, fostering or guardianship who reside in the household (letter b); and domestic workers who live in the household (letter c).³ A couple who are dating and do not live together fall outside all three. Article 4 of Law Number 12 of 2022 on Sexual Violence Crimes is defined by the

¹ Sarah J. White et al., “Global Prevalence and Mental Health Outcomes of Intimate Partner Violence Among Women: A Systematic Review and Meta-Analysis,” *Trauma, Violence, & Abuse* 25, no. 1 (2024): 494–511, <https://doi.org/10.1177/15248380231155529>.

² Julia Tolmie, Rachel Smith, and Denise Wilson, “Understanding Intimate Partner Violence: Why Coercive Control Requires a Social and Systemic Entrapment Framework,” *Violence Against Women* 30, no. 1 (2024): 54–74, <https://doi.org/10.1177/10778012231205585>.

³ Republic of Indonesia, Law Number 23 of 2004 on the Elimination of Domestic Violence, State Gazette of the Republic of Indonesia of 2004 Number 95, Article 2(1) letters a–c.

sexual character of the offence,⁴ and so reaches dating violence only where a sexual element is present. Physical dating violence without that element is prosecuted, if at all, under Article 466(1) of Law Number 1 of 2023, the new Criminal Code, which threatens imprisonment of not more than two years and six months or a category III fine.⁵

Indonesian empirical scholarship has begun to describe what this configuration leaves unattended. Working with mixed methods, Purwanti and colleagues traced how entrenched power dynamics, patriarchal belief and hegemonic masculinity sustain dating violence in Indonesia, and found the existing legal framework to address it only obliquely.⁶ Indonesian work on restorative justice, meanwhile, has concentrated on violence inside marriage. Sopacua argues that restorative justice is a general legal philosophy which requires adaptation before it can be applied to a concrete legal problem, and performs that adaptation for the household setting.⁷ But it has not been carried into the criminal law of non-marital intimate relationships.

The question became both more urgent and more tractable on 2 January 2026, when two statutes took effect together. Law Number 1 of 2023 replaced the colonial Criminal Code. Law Number 20 of 2025 replaced the Criminal Procedure Code of 1981 and, in Chapter IV (Articles 79 to 88), gave the restorative-justice mechanism a statutory basis for the first time, operating at every stage from preliminary inquiry to trial.⁸ Until then restorative justice in Indonesia rested on institutional instruments: a police regulation, a prosecution regulation and, from May 2024, Supreme Court Regulation Number 1 of 2024 on adjudicating criminal cases on a restorative-justice basis.⁹ The change of rank is not cosmetic. It alters which safeguards bind whom, and the analysis below shows that it has opened a gap nobody appears to have intended.

Three bodies of literature bear on that gap without closing it. The first asks whether restorative justice is safe in intimate partner violence cases at all; a recent qualitative systematic review of sixteen studies found genuine benefits for victims—voice, empowerment, needs addressed, relationships supported—alongside inherent risks

⁴ Republic of Indonesia, Law Number 12 of 2022 on Sexual Violence Crimes, State Gazette of the Republic of Indonesia of 2022 Number 120, Article 4.

⁵ Republic of Indonesia, Law Number 1 of 2023 on the Criminal Code, State Gazette of the Republic of Indonesia of 2023 Number 1, Article 466(1). The Law entered into force on 2 January 2026.

⁶ Ani Purwanti et al., “Exploring the Complexities of Dating Violence in Indonesia: Understanding Dynamics, Norms, and Strategies for Prevention,” *Changing Societies & Personalities* 8, no. 3 (2024): 802–18, <https://doi.org/10.15826/csp.2024.8.3.300>.

⁷ Margie Gladies Sopacua, “Implementasi Keadilan Restoratif Sebagai Landasan dalam Penyelesaian Masalah Kekerasan Dalam Rumah Tangga di Indonesia,” *Jurnal Pembangunan Hukum Indonesia* 6, no. 1 (2024): 96–111.

⁸ Republic of Indonesia, Law Number 20 of 2025 on the Criminal Procedure Code, State Gazette of 2025 Number 188, promulgated 17 December 2025, in force 2 January 2026 (Article 369); restorative justice at Chapter IV, Articles 79–88.

⁹ Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 1 of 2024 on Guidelines for Adjudicating Criminal Cases Based on Restorative Justice, State News of 2024 Number 241, in force 7 May 2024.

capable of limiting its usefulness and undermining those very benefits.¹⁰ Practitioner research points the same way: real potential in restorative process, but concerns that can only be met through a best-practice framework committed to victim safety, empowerment and trained facilitation.¹¹ The second body of work concerns how power imbalance is to be assessed rather than assumed. Barlow and Walklate, using data from one police force area in southern England, found gender-blind and incident-led approaches to risk assessment to sit badly against what victim-survivors themselves identify as dangerous.¹² The third concerns barriers to help-seeking, which a metasynthesis of 47 studies found culturally patterned and, more importantly, weaponised by perpetrators to prolong control.¹³ None of this work has been brought to bear on physical dating violence in Indonesia, and none engages the normative configuration that took effect in January 2026. Indonesian empirical research is also geographically concentrated; the eastern provinces are largely absent from it.

This article therefore asks two questions. First, what criminal law protection is in fact available to victims of physical dating violence in Gorontalo Province, and how does it operate? Second, what weaknesses and barriers does that protection display when the Criminal Code and the Sexual Violence Crimes Law are read against the empirical record? Its purpose is primarily diagnostic, on the straightforward ground that a remedy designed against a misdescribed problem will miss; the reform directions it sets out follow from that diagnosis, while the full protection model is developed in separate work by the same team.

2. Method

This is a socio-legal study with a qualitative, descriptive-analytical design conducted within a constructivist paradigm. It combines normative analysis of legal materials with empirical fieldwork, on the premise that what a provision means for a victim is determined as much by the practice surrounding it as by its text.

Participants were selected purposively because their roles placed them at distinct points in the protection pathway. The ten interview informants represented police, prosecution, court, victim-service, survivor-support, survivor, and academic perspectives; the focus group brought eight institutional, academic, service, community, and religious perspectives into a single deliberative setting. The unit of analysis was the pathway through which relational context was recorded, lost, or translated into legal consequence, rather than the

¹⁰ Aaron Hudson and Emily Berger, "Restorative Justice Processes and Intimate Partner Violence: A Qualitative Systematic Review of Perceived Benefits, Risks, and Best Practices for Victims," *Trauma, Violence, & Abuse*, published ahead of print, 30 March 2026, <https://doi.org/10.1177/15248380261433020>.

¹¹ Samantha Jeffries, William R. Wood, and Tristan Russell, "Adult Restorative Justice and Gendered Violence: Practitioner and Service Provider Viewpoints from Queensland, Australia," *Laws* 10, no. 1 (2021): 13, <https://doi.org/10.3390/laws10010013>.

¹² Charlotte Barlow and Sandra Walklate, "Gender, Risk Assessment and Coercive Control: Contradictions in Terms?," *The British Journal of Criminology* 61, no. 4 (2021): 887–904, <https://doi.org/10.1093/bjc/azaa104>.

¹³ Joanne Hulley et al., "Intimate Partner Violence and Barriers to Help-Seeking Among Black, Asian, Minority Ethnic and Immigrant Women: A Qualitative Metasynthesis of Global Research," *Trauma, Violence, & Abuse* 24, no. 2 (2023): 1001–15, <https://doi.org/10.1177/15248380211050590>.

prevalence of victimisation in the provincial population. The sample was therefore designed for analytic coverage and triangulation, not statistical representativeness.

Fieldwork was carried out in Gorontalo Province between April and May 2026, at the institutions through which a dating-violence case would pass: the Women and Children Unit of the district police, the district prosecution office, the district court, the Integrated Service Centre for the Empowerment of Women and Children (P2TP2A), and a local victim-support organisation. Fourteen instruments were deployed across five techniques – semi-structured in-depth interviews, focus group discussion, documentary study, non-participant observation, and model-validation questionnaires. This article draws on the first four; the validation instruments belong to a later stage of the project and are not reported here. Participants and sources are set out in Table 1.

Table 1. Participants, Data Sources, and Research Questions Addressed

Code	Category	Position and institution	Technique	Question addressed
POL-01	Police investigator	Head of the Women and Children Unit, Gorontalo District Police	Interview, 60 min	RQ1, RQ2
JPU-01	Public prosecutor	Head of the General Crimes Section, Gorontalo District Prosecution Office	Interview, 45 min	RQ1, RQ2
H-01	Court officer	District Court in Gorontalo Province	Interview, c. 60 min	RQ1, RQ2
P2T-01	Service officer	Victim companion, provincial P2TP2A	Interview, 120 min	RQ1, RQ2
T-02	Service officer	Case manager, district and municipal P2TP2A	Interview, c. 90 min	RQ1, RQ2
LSM-01	Victim companion	Local victim-support organisation	Interview, 120 min	RQ1, RQ2
K-01 to K-03	Survivors	P2TP2A counsellors present	Interviews, c. 90–100 min each	RQ1, RQ2
AKM-01	Legal academic	Criminal law, victimology, restorative justice	Interview, c. 120 min	RQ2
FGD1-01 to FGD1-08	Multi-stakeholder panel	Police, prosecution, provincial and district P2TP2A, victim-support organisation, criminal law and criminology/gender academics, community and religious figure	Focus group discussion, 180 min	RQ1, RQ2
–	Documentary sources	Fourteen legal instruments; five district court decisions; provincial service data, 2022–2024	Documentary study	RQ1, RQ2
OBS-01 to OBS-04	Observation sites	Police unit, prosecution office, district court, provincial P2TP2A	Observation, ten aspects per site	RQ1, RQ2

Legal materials were verified against primary official sources – the legal documentation network of the Audit Board, the national regulatory portal, and the official sites of the Constitutional Court and the Supreme Court – down to the level of article, paragraph and letter. Of the five decisions analysed, four predate Supreme Court Regulation Number 1 of

2024 and one postdates it, permitting a diachronic reading of how restorative reasoning has entered judgments.

Analysis followed the interactive model of Miles, Huberman and Saldaña—data condensation, data display, and conclusion drawing and verification—running concurrently and iteratively rather than in sequence.¹⁴ Coding moved from open through axial to selective. A theme was treated as established only where at least three independent sources drawn from different methods converged on it, so that frequency counts in this study measure convergence among sources rather than rhetorical intensity within any one of them. Credibility was pursued through triangulation of source, method and theory, and through member checking: the summary of the focus group was read back to the panel and confirmed before the session closed.

Ethical safeguards followed a trauma-informed protocol: participation on informed consent; identities represented by codes; the Chatham House Rule for the focus group, so that substance may be used but no statement attributed; survivor interviews conducted in the P2TP2A counselling room with a counsellor present; and case numbers and party identities in the decisions represented rather than reproduced. The research did not intervene in pending cases.

Two limitations should be stated at the outset rather than buried. Saturation among survivor participants is partial: the three survivors converged strongly on the cycle of violence, on the obstacles to reporting, and on the conditions they would require before entering any dialogue with the person who harmed them, but variation by age, level of education and district is not fully represented. Second, the court informant holds a public-relations post rather than a seat on a trial bench, so the judicial perspective reported here is institutional rather than adjudicative. Both limitations bound the transferability of what follows and are recalled at the points where they bear on the argument.

3. Criminal Law Protection as It Currently Operates in Gorontalo Province

Triangulating ten interview informants, eight focus group participants, fourteen legal instruments, five court decisions and observation at four sites yields four characteristics. They are not four separate findings. They form a causal chain in which each element produces the conditions for the next, and the last returns to reinforce the first.

3.1. Statistical Invisibility as a Systemic Condition

Read through the lens of social and systemic entrapment, non-recognition in a registration form is not merely a data defect: it removes relational context from the investigation dossier, prevents the prosecutor from pleading that context, and leaves the court to read intimacy as motive rather than as a breach of trust.

Neither the police report registration form nor the national Online Information System for the Protection of Women and Children provides a field in which a dating relationship between victim and perpetrator can be recorded. The case enters the system as assault. The

¹⁴ Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*, 4th ed. (Thousand Oaks, CA: SAGE Publications, 2020).

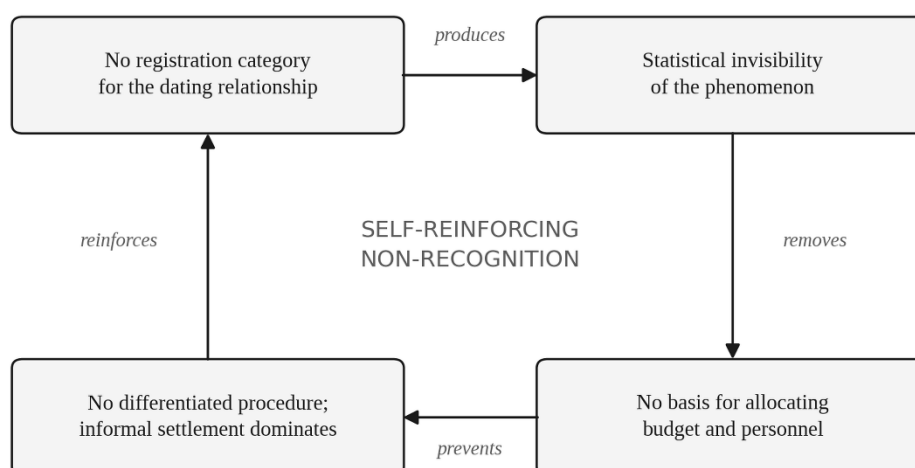
consequence is arithmetical: of the 187 cases of violence against women and children handled in the province during 2024, of which 154 involved girls, the share arising from non-marital intimate relationships – put by informants and service records at between 12 and 15 per cent – cannot be separated out of the official figures.

The focus group traced the downstream effects with more precision than any single interview could. The participant from the police unit explained that the registration form offers no category for a dating relationship, so the matter is recorded as ordinary assault. The participant from the prosecution supplied the consequence: an indictment is drafted from the investigation dossier, so where the dossier does not record the relationship as context, the prosecutor has no factual foothold on which to raise it in the sentencing demand. The chain does not stop at prosecution. In one of the analysed decisions, coded PUT-01, the bench referred to the dating relationship as “emotional context” – language which, in the setting of a sentencing decision, works to humanise the defendant’s conduct rather than to aggravate it.

That inversion deserves a name, because it is the mechanism through which an absent norm produces a positively harmful result. In systems that recognise relational aggravation, proximity between perpetrator and victim increases culpability: it involves a breach of trust and the exploitation of a position. In the practice observed here the relationship performs the opposite function. It explains, and in explaining it mitigates. The inversion is not an error by the bench. It is the predictable outcome of a gap. Article 54(1) of the Criminal Code obliges a judge to weigh, among eleven considerations, the motive and purpose of the offence (letter b), the manner of its commission (letter e), and its effect on the victim or the victim’s family (letter i).¹⁵ Absent any guidance translating intimate relationship into a factor that aggravates through letters e and i, discretion drifts toward letter b, where an emotional motive reads as extenuating. Figure 1 sets out the loop within which this occurs.

¹⁵ Republic of Indonesia, Law Number 1 of 2023, Article 54(1) letters a–k, listing eleven mandatory sentencing considerations, among them letter b (motive and purpose), letter e (manner of commission), letter i (effect on the victim or the victim’s family), letter j (forgiveness by the victim or the family) and letter k (the law living in society).

Figure 1. The Self-Reinforcing Chain of Non-Recognition



Source: analysis of interview, focus group, documentary and observational data, 2026 (processed).

3.2. Procedure That Is Standardised but Not Differentiated

Observation at the four sites produced a consistent and, at first sight, encouraging picture. The Women and Children Unit (OBS-01) has a closed interview room that locks from the inside, four women investigators on a rotating duty roster, a policy that women complainants are interviewed by women, leaflets setting out victims' rights, and a manner of questioning that meets the standards of forensic interviewing: open questions predominate, comprehension is checked at each stage, and no stereotyped questioning was recorded. What the unit does not have is a standard operating procedure for dating violence, a trauma-informed interviewing guide, or a risk-assessment checklist.

The pattern repeats. The prosecution office (OBS-02) runs a case-management system and a restorative-justice procedure under Prosecution Regulation Number 15 of 2020,¹⁶ but no derivative procedure for gendered violence, little direct contact between prosecutor and victim, and no dedicated space for consultation. The district court (OBS-03) has begun to explore restorative settlement under Supreme Court Regulation Number 1 of 2024, but the reading given to the power-relations clause is not uniform between judges. The provincial P2TP2A (OBS-04) shows consistent trauma-informed capability and a complementary division of labour between case manager, psychologist and legal companion; continuity of service is limited chiefly because the psychologist is external personnel.

The diagnostic significance of this deserves stating plainly, because it changes what kind of intervention the situation calls for. The obstacle at this site is not an absence of basic capability. It is an absence of procedural differentiation. Capacity does not have to be built from nothing; modules and checklists have to be inserted into procedures that already run. That is a materially cheaper proposition, and cost is not an abstract consideration in a

¹⁶ Attorney General's Office of the Republic of Indonesia, Prosecution Regulation Number 15 of 2020 on the Termination of Prosecution Based on Restorative Justice.

province where the budget for the protection of women and children averages below half of one per cent of regional expenditure.

3.3. Where Cases Actually Go

Setting the accounts of law enforcement officers, service staff and survivors against the service data produces a map of resolution pathways that is lopsided to an extreme degree. Table 2 sets out the pathways with the protection attaching to each; Figure 2 displays the same distribution against the safeguards actually present.

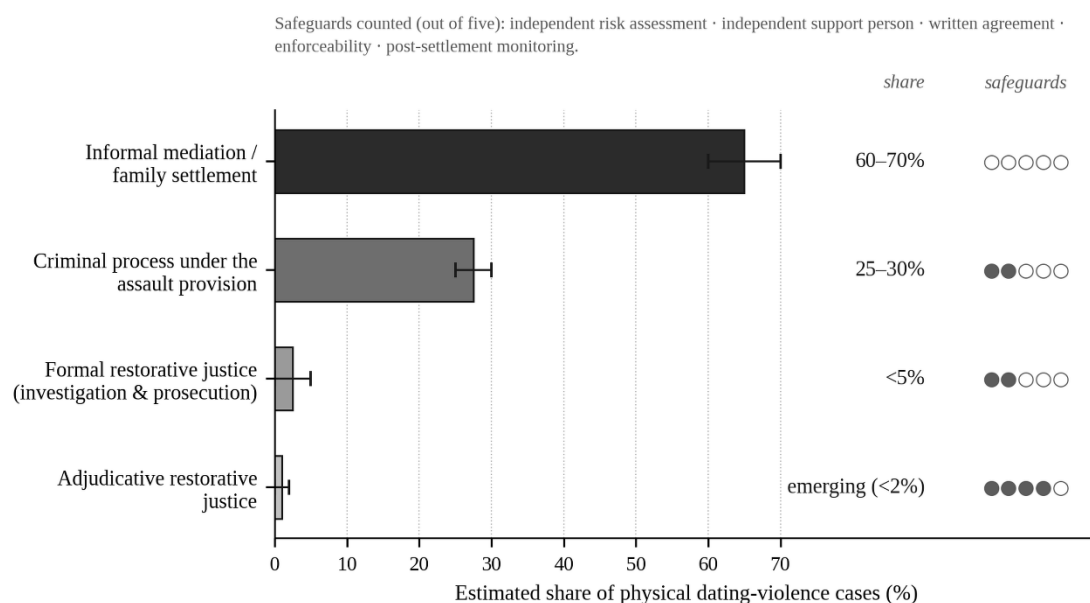
The percentages in Table 2 are pathway estimates, not prevalence estimates, derived by cross-checking ranges independently reported by law-enforcement, service, and survivor-support participants against the available service records. Because the registration systems do not code dating relationships, exact denominators cannot be reconstructed; the ranges describe the institutional pattern observed in Gorontalo, not province-wide population parameters.

Table 2. Case Resolution Pathways and the Quality of Protection Accompanying Each

Pathway	Estimated share	Procedural basis	Protection accompanying the pathway
Informal mediation or family settlement	60–70%	No formal procedural basis; conducted outside official records	No risk assessment; no mandatory independent companion; no enforceable written agreement; no monitoring
Criminal process under the assault provision	25–30%	Article 351(1) of the former Criminal Code until 1 January 2026; Article 466 of Law Number 1 of 2023 from 2 January 2026	General witness and victim protection; P2TP2A accompaniment on request; forensic medical report; restitution not automatic
Formal restorative justice at investigation	under 5% (combined)	Police Regulation 8/2021; from 2 January 2026 also Articles 83–84 of Law Number 20 of 2025	Victim consent required; no criterion specific to gendered violence in the applicable implementing rules
Formal restorative justice at prosecution	included in the figure above	Prosecution Regulation 15/2020; from 2 January 2026 also Articles 85–86 of Law Number 20 of 2025	Victim consent required; no operational criterion for cases marked by power imbalance
Adjudicative restorative justice	emerging (PUT-03, PUT-05)	Supreme Court Regulation 1/2024; from 2 January 2026 also Articles 87–88 of Law Number 20 of 2025	Recovery agreement treated as a mitigating factor; suspended sentence with counselling and treatment costs

Source: triangulation of research instruments 1–13, 2026 (processed). Proportions are estimates derived from convergence between informant accounts and service records; their limited precision is a direct consequence of the statistical invisibility described in section 3.1.

Figure 2. Distribution of Case Resolution Pathways against the Safeguards Actually Present



Source: as for Table 2, 2026 (processed).

Read together, the table and the figure make a point that is easy to miss. Six to seven cases in every ten are resolved along the route carrying the fewest protections, while the route carrying the most – documented adjudicative restorative settlement – is the least travelled. The problem in Gorontalo is therefore not that restorative practice is absent from the handling of dating violence. Restorative practice is the dominant mode. What is absent is structure around it: no risk assessment, no independent support person for the victim, no written and enforceable agreement, no monitoring once the parties disperse. A reform agenda premised on the need to introduce restorative justice would be answering a question nobody has asked. The question the evidence actually poses is how to attach safeguards to a restorative practice already running without them – which is consistent with the systematic review finding that the risks in this field arise from power imbalance, retraumatisation and untrained facilitation rather than from restorative ideas as such.¹⁷

3.4. Three Layers of Barrier to Victim Access

Survivor accounts describe barriers stacked in three layers. The first is social stigma: negative talk in the neighbourhood, blame for having chosen the wrong boyfriend, hostile comment on social media, and repeated visits from the perpetrator's family pressing for settlement in a register participants described as pressure rather than request. The second is fear of retaliation. One survivor reported that once her case entered the process the physical violence stopped, but was replaced by following her, contacting her family repeatedly, and sending provocative messages from anonymous accounts. Displacement of this kind carries an analytical consequence: the cessation of physical violence is not an adequate measure of success, and monitoring that counts only physical recidivism will record a false negative. The third layer is doubt about what the legal process is for. Given

¹⁷ Hudson and Berger, "Restorative Justice Processes and Intimate Partner Violence."

the sentences ordinarily imposed and the absence of any structured route to restitution, survivors questioned what it would add.

These three layers converge with cross-national evidence. The metasynthesis of 47 studies referred to earlier found culture and religion, the cultural competence of services, and fear and isolation to reinforce one another; more importantly for present purposes, it found those barriers to be weaponised by perpetrators in order to extend control.¹⁸ In the Gorontalo material the weaponising takes a specific and locally legible form. Survivors described the perpetrator's family invoking *huyula*, the local value of mutual assistance, as a ground for settling. A communal value whose original sense is collective support is thereby turned into an instrument of silencing. The point is not that the value is defective. It is that an unstructured settlement process leaves it available for capture.

The condition of criminal law protection for victims of physical dating violence in Gorontalo can accordingly be stated in a single sentence: protection is generally available and specifically unreachable. Generic instruments exist and function; the basic competence of officers and service staff is adequate; but no component of the system recognises dating violence as a category calling for different handling. The non-recognition is systemic and sequential, running from the registration form through the interview procedure, the construction of the indictment and the sentencing calculus to the allocation of budget – which is why a correction applied at any single point will not hold.

4. Weaknesses and Barriers under the Criminal Code and the Sexual Violence Crimes Law

Confronting the normative analysis of fourteen legal instruments with the empirical record yields weaknesses across six dimensions. Two of them displace the premise from which this study began, and both arose because the fieldwork happened to run across the commencement of the new codes. They are treated first.

4.1. Coverage: What Each Statute Reaches, and What It Does Not

Table 3 sets out the position of physical dating violence against each of the four principal instruments. What the table shows is a coverage problem rather than an enforcement problem. No amount of diligence by investigators or prosecutors will bring a non-cohabiting dating couple within Article 2(1) of the Domestic Violence Law, and no reading of Article 4 of the Sexual Violence Crimes Law will bring a purely physical assault within it.

¹⁸ Hulley et al., "Intimate Partner Violence and Barriers to Help-Seeking," 1007–11.

Table 3. Coverage of the Principal Statutory Instruments in Respect of Physical Dating Violence

Instrument	Key provision	Scope as drafted	Position of physical dating violence
Law 23/2004 on the Elimination of Domestic Violence	Article 2(1) letters a, b, c	Household confined to spouses and children; relatives by blood, marriage, breastfeeding, fostering or guardianship residing in the household; live-in domestic workers	Outside all three limbs where the parties are unmarried and do not cohabit; protection orders, victims' rights and specific offences are all unavailable
Law 12/2022 on Sexual Violence Crimes	Article 4	Confined to offences containing a sexual element	Reaches dating violence only where a sexual element is present; physical assault without that element falls outside
Law Number 1 of 2023 on the Criminal Code	Articles 466 and 470	Article 466(1) threatens 2 years 6 months or a category III fine; Article 470 raises the penalty by one-third in three defined situations	Applies, but as a relationally neutral offence; intimate non-marital relationship is neither an element nor an aggravating circumstance
Law Number 20 of 2025 on the Criminal Procedure Code	Articles 79–88	Restorative-justice mechanism at four procedural stages, with conditions in Article 80(1) and exclusions in Article 82	Qualifies under Article 80(1)(a); assault does not appear among the Article 82 exclusions; see section 4.4

Source: normative analysis verified against primary official sources, 2026 (processed).

One constructive use can nonetheless be made of the Sexual Violence Crimes Law. Its architecture of victims' rights—handling, protection and recovery treated as entitlements rather than discretionary services, with a restitution mechanism attached—is the closest analogue in Indonesian law to what victims of physical dating violence require. It cannot be applied by analogy to create liability, and nothing here suggests otherwise; but it can serve as a drafting template for the reform proposed in the conclusion, which is a different and entirely legitimate use.

4.2. The Narrowing of Relational Aggravation

A claim frequently encountered in the Indonesian literature, and carried into the preparatory material for this study, is that the new Criminal Code retains relational aggravation for certain relationships and has simply not yet added dating to the list. Verification against the enacted text shows the position to be worse than that, in two respects.

The relevant provision is Article 470, not Article 472. Article 472 sits in the second part of the chapter, which deals with group assault and affray, and contains no relational element whatever. Article 470 increases the principal penalties under Articles 466 to 469 by one-third where the offence is committed against a public official discharging lawful duties, by means of substances dangerous to life or health, or against a mother or father. Article 356 of the former Criminal Code, by contrast, extended aggravation to the lawful mother or father, the spouse, and the child. Table 4 places the two provisions side by side.

Table 4. Relational Aggravation Compared: Article 356 of the Former Criminal Code and Article 470 of Law Number 1 of 2023

Point of comparison	Article 356, former Criminal Code	Article 470, Law Number 1 of 2023
Location in the statute	Chapter on assault	Part One of the chapter on assault; Article 472 by contrast governs group assault and affray and contains no relational element
Effect	Penalty for the offences referred to increased by one-third	Principal penalty under Articles 466 to 469 increased by one-third
Relational categories covered	Lawful mother or father; spouse; child	Mother or father only
Public-office category	Public official in or on account of lawful duty	Public official discharging lawful duties
Means-based category	Administration of substances harmful to life or health	Use of substances dangerous to life or health
Position of intimate non-marital relationship	Not covered	Not covered; the spouse and the child have in addition been removed from the list

The list has therefore not merely failed to expand toward dating relationships. It has contracted. This changes the shape of the argument available to law reform, and it does so in a way that strengthens rather than weakens the case for intervention. The claim is no longer that the legislature recognised relationship as a variable of culpability and stopped short of non-marital intimacy. It is that the legislature has withdrawn recognition it had previously given, at the very period when comparative scholarship was moving in the opposite direction. A proposal to add intimate non-marital relationship as an aggravating circumstance is thus not the extension of an existing trend but a correction to a reversal, and an academic draft supporting such an amendment should be framed on that footing.

4.3. Sanction Measured against Traumatological Burden

Article 466(1) threatens imprisonment of not more than two years and six months, or a category III fine. Article 351(1) of the former Code threatened two years and eight months. The maximum has fallen by two months, at precisely the period in which academic and policy awareness of the severity of intimate partner violence has risen. Set against the meta-analytic evidence cited at the outset—odds ratios for depression, post-traumatic stress disorder and suicidality that place intimate partner violence alongside domestic violence in its consequences—the sanction is calibrated to a generic assault rather than to the harm the conduct actually produces.¹⁹

A second finding from the same meta-analysis cuts deeper than the arithmetic of months. The most prevalent lifetime form of intimate partner violence is psychological. Registration and proof in Gorontalo are organised around physical injury capable of certification by forensic medical report. The most prevalent component of the harm is therefore the component least visible to the instruments available. That extends the diagnosis of statistical invisibility from the registration form into the substantive definition of the offence itself,

¹⁹ White et al., “Global Prevalence and Mental Health Outcomes,” 500–504.

which is a more serious matter, because a form can be amended administratively and a definition cannot.

A note of caution is warranted before the obvious reform is proposed. A free-standing offence describing a pattern of behaviour rather than discrete incidents raises real difficulties of legality: ambiguity about which conduct falls inside it, and pressure on the evidentiary guarantees protecting a defendant's right to a fair hearing. Such an offence is also only as good as the assessment practice supporting it; Barlow and Walklate found existing risk-assessment practice ill-suited to capturing the phenomenon even after criminalisation.²⁰ For that reason the route defended here for the short term is aggravation by relational context attached to an offence that already exists, with a free-standing pattern offence reserved for a longer horizon and accompanied by its own study of proof.

4.4. The Unscreened Gate: Vertical Disharmony after 2 January 2026

The most consequential finding here emerged only because the fieldwork ran across the commencement of the new Criminal Procedure Code. The study began from a premise widely shared in the Indonesian literature: that the principal normative problem lay in a restrictive reading of Article 6(2)(b) of Supreme Court Regulation Number 1 of 2024, which withdraws the judge's authority to apply the restorative-justice guideline where a power relation is present. Because dating violence is structurally characterised by power imbalance, a strict reading of that clause would exclude most such cases at trial. Since 2 January 2026 that premise has been only half right.

Article 79(8) of Law Number 20 of 2025 provides that the restorative-justice mechanism operates during preliminary inquiry, investigation, prosecution, and examination at trial. Article 79(1) specifies the forms recovery may take – among them forgiveness by the victim or the victim's family, reimbursement of medical and psychological treatment costs, compensation for other loss, and repair of damage – which must be embodied in an agreement performed within seven days, whereupon the case must be terminated and a court determination sought. Article 80(1) sets the conditions: an offence threatened only with a fine of not more than category III or imprisonment of not more than five years (letter a); a first offence (letter b); and not a repetition (letter c). Article 81(2) requires the victim's voluntary consent, and Article 82 lists the exclusions. Table 5 places the two exclusion regimes side by side.

Read vertically, Law Number 20 of 2025 is the higher norm in relation to Supreme Court Regulation Number 1 of 2024. The absence of a power-relations exclusion in Article 82 should not, however, be treated as permission to disregard coercion. It instead makes an operational safety screen necessary to give practical effect to the requirement of voluntary victim consent in Article 81(2). The proposed screen therefore implements the statutory scheme rather than adding an extra-statutory bar.

²⁰ Barlow and Walklate, "Gender, Risk Assessment and Coercive Control," 895–900.

Table 5. Restorative Justice Exclusions Compared: Article 82 of Law Number 20 of 2025 and Article 6(2) of Supreme Court Regulation 1/2024

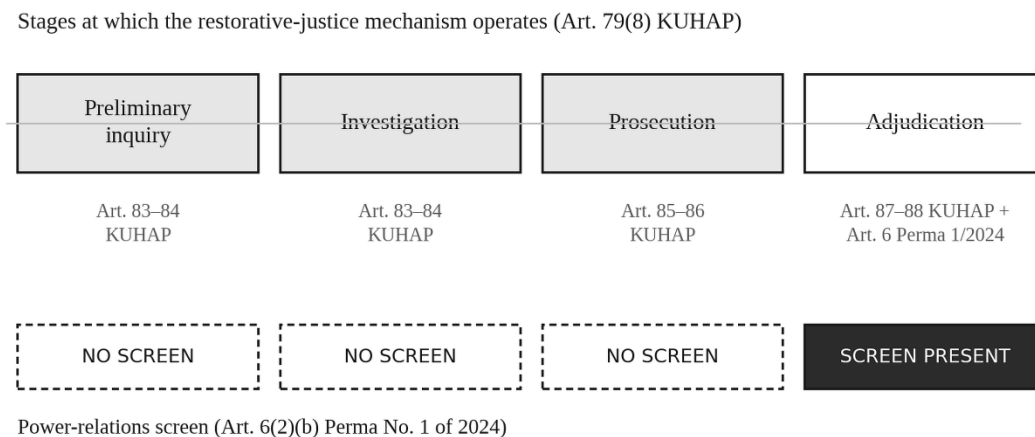
Point of comparison	Article 82, Law Number 20 of 2025 (Criminal Procedure Code)	Article 6(2), Supreme Court Regulation 1/2024
Rank in the hierarchy of norms	Statute	Supreme Court regulation
Procedural coverage	Preliminary inquiry, investigation, prosecution and examination at trial (Article 79(8))	Confined to the adjudication stage
Exclusion by offence type	State security; friendly states and their heads and representatives; public order; decency; terrorism; corruption; sexual violence; offences threatened with five years' imprisonment or more except where committed negligently; offences against life; offences carrying a special minimum penalty; certain offences gravely endangering society; narcotics offences except where the person is a user	Does not use an offence-type list
Exclusion by refusal of a party	Not framed as an exclusion; the victim's voluntary consent is a positive condition under Article 81(2)	Letter a: the victim or the defendant refuses to be reconciled
Exclusion by power relation	Not regulated	Letter b: a power relation is present
Exclusion by repetition	Article 80(1) letters b and c: a first offence and not a repetition	Letter c: the defendant has repeated a like offence within three years of completing a final sentence
Position of physical dating violence under Article 466(1)	Satisfies the conditions: the threat of two years six months falls within Article 80(1)(a) and assault is absent from the Article 82 list	May be excluded, depending on the judge's reading of the power relation under letter b

Source: normative analysis of Law Number 20 of 2025 and Supreme Court Regulation Number 1 of 2024, verified against primary official sources, 2026 (processed).

Three findings follow from the comparison. The first is that physical dating violence qualifies. The threat of two years and six months under Article 466(1) satisfies Article 80(1)(a), and assault appears nowhere among the Article 82 exclusions. Where the assault causes serious injury, Article 466(2) raises the threat to five years, which both exceeds the Article 80(1)(a) ceiling and falls within the Article 82 exclusion; those cases proceed on the full criminal route, and any restorative component is confined to the period after judgment.

The second finding is the one the study did not anticipate. Article 82 contains no exclusion based on power relations at all. The statutory gate is wider than the gate the Supreme Court has erected. At the three pre-adjudication stages—which is where, on this study's own findings, six to seven cases out of ten are actually resolved—no safety screen based on relational power exists in the statute. Figure 3 displays the distribution.

Figure 3. Availability of a Power-Relations Screen across the Four Restorative-Justice Stages



Roughly six to seven in ten cases are settled before adjudication — that is, outside the reach of the only existing screen.

Source: normative analysis of Law Number 20 of 2025 and Supreme Court Regulation Number 1 of 2024, 2026 (processed).

The third finding is a vertical inconsistency. A statute ranks above a Supreme Court regulation, so applying Article 6(2)(b) as an absolute prohibition while Article 82 remains silent produces a mismatch between instruments of different rank and one that runs in the wrong direction from the victim’s standpoint. The strictest screen applies where a judge, a public hearing and a written judgment already supply oversight; no screen at all applies at the stages conducted without any of those.

The remedy that best protects victims is not to delete Article 6(2)(b), which would remove the only screen there is. It is to raise the substance of that provision to the level of the implementing regulation of the Criminal Procedure Code, converting the power relation from a categorical bar binding judges into a mandatory procedural assessment binding every stage listed in Article 79(8). So framed, the provision preserves the victim’s access to restorative settlement while closing the premature-settlement gap before adjudication. This also reverses the position of the safety prerequisites within any protection model built on these findings: they cease to be a counterweight to an over-restrictive clause and become the component that fills an absent norm.

Two features of the present moment make the proposal practicable rather than merely correct. Article 88 of the Criminal Procedure Code mandates a Government Regulation on the implementation of the mechanism, and that regulation has not yet been issued in full. Article 365 of the same statute preserves the existing implementing instruments — the police, prosecution and Supreme Court regulations — so far as they are not inconsistent with it. The policy window is therefore open rather than closed: criteria for assessing relational power can be advanced while the implementing regulation is still in preparation, which is a materially easier task than seeking amendment of a settled norm.

What such an assessment should contain is a question the recent literature can answer. Barlow and Walklate’s finding that gender-blind, incident-led risk assessment sits poorly

against what victim-survivors themselves identify as dangerous warns against a checklist that merely counts incidents. A nationally representative Spanish analysis supplies the alternative: from 150 femicides between 2006 and 2016, with 958 interviews across the social networks of victims and perpetrators and 225 with law enforcement, four indicators of coercive control were identified – micro-regulation and restriction, isolation, surveillance and pursuit, and physical force – present in 85 per cent of cases.²¹ Indicators of that kind can be reduced to a form an investigator is able to apply. A general instruction to consider power imbalance cannot.

A restorative process is therefore defensible only as a victim-centred option, never as presumptive diversion. Before any meeting or agreement, an independent professional should assess coercive control, threats, stalking, escalation, economic dependence, and the victim's practical ability to refuse. Participation must rest on informed and revocable consent after independent legal and psychosocial advice; indirect or shuttle formats must remain available; emergency safety and contact restrictions must take precedence over dialogue; and the matter must return to the criminal process where consent is compromised or risk becomes unacceptable. Any agreement should be written, enforceable, time-bound, and include medical and psychological treatment, compensation, perpetrator intervention, monitoring, and clear consequences for non-compliance.

4.5. Institutional, Socio-Cultural and Victim-Side Barriers

Three further dimensions were confirmed across sources. Institutionally, four constraints recur: a shortage of personnel trained in trauma-informed practice, most acutely at district police level; the absence of any dating-violence procedure at the three enforcement institutions and at the service centre; a budget for the protection of women and children averaging below half of one per cent of regional expenditure; and inter-agency coordination running on personal contacts rather than a scheduled formal forum. Observation added a constraint no interview raised: because the prosecutor receives the case as a dossier, contact with the victim is limited and her account enters the prosecution stage only indirectly. That constraint is structural rather than attitudinal, so it can be addressed procedurally and cannot be addressed by exhortation.

Socio-culturally, four constructions reinforce one another: stigma attaching to women who report a partner; the reading of *huyula* as collective pressure to settle; a culture of protecting the family's good name that places reputation above the victim's safety; and the ambivalent standing of community and religious figures, who may protect but may equally apply pressure. Where the proposal to reorient that role originated is worth recording: it was raised first by the community figure on the focus group panel and only then elaborated by the criminology academic. It comes from inside the community of value-holders rather than being prescribed from outside – a point about legitimacy, not merely provenance.

One further normative constraint should be recorded, because it forecloses a solution often proposed in the Indonesian literature. Government Regulation Number 55 of 2025, the implementing regulation for Article 2(3) of the Criminal Code, applies a principle of

²¹ Rosa Viñas-Racionero et al., "Enhancing the Assessment of Coercive Control in Spanish Femicide Cases: A Nationally Representative Qualitative Analysis," *Journal of Family Violence* 40 (2025): 237–48, <https://doi.org/10.1007/s10896-023-00628-1>.

subsidiarity: a customary offence whose constituent conduct is the same as, or can be equated with, an offence regulated in the Criminal Code remains subject to the Code, and conduct may be designated a customary offence only where, cumulatively with the other criteria, it is not regulated in the Code.²² Because assault is expressly regulated in Article 466, a customary forum cannot serve as a substitute forum for physical dating violence. Local values may enter lawfully at two points only: as the content of a recovery agreement under Article 79 of the Criminal Procedure Code, and as material for sentencing consideration under Article 54(1)(k) of the Criminal Code, which directs the judge to weigh the law living in society.

From the victim's side six barriers were confirmed: fear of retaliation; emotional dependence characteristic of the cycle of violence; uncertainty about the process and its benefit; shame and self-blame; family pressure; and the economic limits on sustained accompaniment. One survivor set out her priorities in an order worth reproducing, because it differs from the order in which institutions are arranged: safety through restriction of contact; counselling for at least six months with a consistent psychologist; help with the costs of recovery, including during a period of interrupted study; support for reintegration; assurance of non-repetition through monitored counselling of the perpetrator; and, last, legal recognition that what she experienced was punishable violence rather than a private matter. Legal recognition came last in her ordering and comes first in the system's. The mismatch is itself a finding.

Finally, the constitutional status of Article 466(1) – raised by several participants during data collection as an open question – has been settled without a substantive ruling. The petition in Case Number 112/PUU-XXIV/2026 sought a conditional interpretation adding the phrase “without right or unlawfully” to Article 466(1) and its Elucidation. The petitioners announced the withdrawal of the petition at the hearing of 21 April 2026, and the Constitutional Court pronounced its decree accepting the withdrawal on 29 April 2026, with the consequence that the petition may not be refiled.²³ Article 466(1) accordingly remains in force unchanged. For this study the implication is favourable: the premise of a legal gap does not depend on the outcome of pending litigation, and an academic draft supporting amendment need not wait.

5. Conclusion

Two questions were put, and both can be answered without hedging. Criminal law protection for victims of physical dating violence in Gorontalo Province is generally available and specifically unreachable. There is no registration category for the relationship, so the phenomenon is statistically invisible and cannot compete for resources it cannot be shown to need. Procedures are standardised and, in several respects, competently run, but they are undifferentiated: no standard operating procedure, no trauma-informed

²² Republic of Indonesia, Government Regulation Number 55 of 2025 on the Procedures and Criteria for Determining the Law Living in Society, State Gazette of 2025 Number 197, Articles 3 and 5.

²³ Constitutional Court of the Republic of Indonesia, Decree Number 112/PUU-XXIV/2026 on the Withdrawal of the Petition for Judicial Review of Article 466(1) of Law Number 1 of 2023, pronounced 29 April 2026. Informant and focus group statements describing the case as pending were accurate when collected and are deliberately left unaltered.

interviewing guide, no risk-assessment checklist. Six to seven cases in ten are settled informally, without assessment, without an independent companion for the victim, without an enforceable written agreement and without monitoring. Access is obstructed in three layers—stigma, fear of retaliation, and doubt about what a formal process would achieve—with a communal value, *huyula*, available for capture as an instrument of pressure.

As to the second question, the weaknesses are normative before they are institutional, and two of them displace the account with which this study began. The first is that Article 470 of the Criminal Code has narrowed relational aggravation to mother or father, removing the spouse and the child that Article 356 of the former Code had recognised; the legislative direction of travel is contraction, not incomplete expansion. The second is that Article 82 of the Criminal Procedure Code contains no exclusion based on power relations, so that the statutory gate to restorative settlement stands wider than the Supreme Court's gate precisely at the three stages where most cases are in fact resolved. The safety prerequisites that a protection model would supply are therefore not a counterweight to an over-restrictive clause. They fill an absent norm.

Four practical implications follow. For those drafting the Government Regulation mandated by Article 88 of the Criminal Procedure Code, a mandatory assessment of relational power should apply at all four stages listed in Article 79(8), operationalised through observable indicators rather than a general instruction to consider power imbalance. For the Supreme Court, Article 6(2)(b) is better read as triggering that assessment than as imposing a categorical bar, which would align it with the statute above it. For provincial and district government, two low-cost measures would repay their cost quickly: adding a relationship field to the registration form, and inserting a dating-violence module and a risk checklist into procedures that already run. For legislative reform, aggravation by relational context added to the Article 470 list is the defensible short-term route, with a free-standing pattern offence deferred until the problems of proof have been studied in their own right.

The limits of these conclusions should be respected. They rest on a single province, on partial saturation among survivor participants, and on a judicial perspective that is institutional rather than adjudicative. Comparative work in provinces with different service configurations, and evaluation once the implementing regulation has been issued, are the obvious next steps. What the study establishes is narrower but secure: the gap in protection is a gap of recognition, it is sequential rather than local, and it has recently widened at the very point in the statute book where it was least expected to.

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