

Perception of Indonesia and Afghanistan in Preventing Psychic Violence Against the Household Women

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Abstract

The urgency and purpose of this study examine efforts to prevent psychological violence against women in the household as a form of upholding human rights. The method used is normative juridical, namely by studying theoretical literature, legal concepts, and legal norms, and connected with the efforts to prevent psychological violence against women in the household as a form of upholding human rights. The research results show that prevention psychological violence against women in the household as a form of upholding human rights, namely husbands and wives who are within the scope of the household should further increase their respective faiths by getting closer to God Almighty; Husbands and wives are open to each other, appreciate, respect and love within the scope of the household with full affection so that husbands and wives feel harmonious and comfortable both spiritually, physically, psychologically and so on; We must reject beliefs, beliefs or history about women that women are weak and as a wife if something happens in the household it becomes the wife's fault; Awareness to all parties included in the household sphere that domestic violence that occurs to women as wives is no longer a family disgrace, but acts of domestic violence are criminal acts and need to be handled properly and domestic violence must be abolished in every household sphere ; In order to escape from domestic violence, victims need to get legal protection and safe shelters prepared by the government.

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1. Introduction

The Law of the Republic of Indonesia on Human Rights provides an affirmation that what is meant by human rights are all rights that are inherent and contained in humans as creations of God Almighty. The rights regulated in the Human Rights Law must be respected, protected, and maintained by the state through various positive legal regulations. Human rights originate from God Almighty as the creator. The state must protect them as the holder of the power to make legal regulations to protect the human rights of each human being.

Domestic violence, especially against wives, is a legal event that we often encounter in social life in Indonesia. Violence against wives in the household is not only experienced and found in the public area. However, it is also very popular in the domestic area, categorized as a form of violence found in the law on the Elimination of Domestic Violence. Various cases of domestic violence, especially against wives, can be classified in this case as victims. The relationship between husband and wife should be a role model for their children. This relationship can be based on harmonious and happy nuances. However, in reality, the wife in her position faces many acts of violence from her husband, including physical, psychological, and sexual violence and household (economic) neglect. The many considerations of women in dealing with problems of domestic violence problems in their families have made some victims hesitant to immediately report the perpetrators to law enforcement agencies and take legal action as a solution.¹

The Law on the Elimination of Domestic Violence emphasizes that psychological violence is an act that results in fear, loss of self-confidence, loss of ability to act, the feeling of helplessness, and severe psychological suffering for a person. Actions or acts of psychological violence can be carried out through the following;

- 1) There are angry words such as insulting, berating, negative labeling, and attitudes or behavior that demeans someone.

¹ Prasetya Iren Gian, "Tinjauan Viktimologi Terhadap Proses Penyelesaian Tindak Pidana Kekerasan Dalam Rumah Tangga," *Jurnal Kajian Hukum* 3, no. 1 (2018): 482-98.

- 2) Such actions often pressure, humiliate, demean, restrict, or control the victim to comply with the perpetrator's demands. These actions cause fear, loss of self-confidence, loss of ability to act, and feelings of helplessness.

This psychological violence is often also known as mental violence; in some references, some use the term with verbal violence.² Mild psychic violence takes the form of acts of control, manipulation, exploitation, abuse, humiliation, and humiliation in the form of prohibition, coercion, and social isolation; demeaning or insulting actions and or remarks; stalking; threats of physical sexual and economic violence; each of which can result in mild psychological suffering, in the form of one or several of the following: fear and feelings of terror, feelings of helplessness, loss of self-confidence, loss of ability to act, sleep disturbances or disturbances eating or sexual dysfunction, mild disturbance of bodily function (e.g., headache, indigestion without medical indication).³

The elucidation of Article 7 of the Law on the Elimination of Domestic Violence does not explain further the condition of someone who has experienced severe psychological violence. Meanwhile, in the proposed Improvement to the Draft Law Against Domestic Violence proposed by the DPR Legislative Body on May 6, 2003, the elucidation of Article 4 b regarding "severe psychic is a condition that refers to the inhibition of the ability to enjoy life, developing a positive conception of self and others, failure to carry out human functions, leading to serious psychological problems, such as depression, trauma disorders, self-destruction, even loss of contact with reality."⁴ We can find the definition of psychological violence in the law on eliminating domestic violence. However, this law does not clearly define severe psychological violence, even if one looks at the lack of a clear and concrete definition.

² Siti Nurjanah Zahrah Zikrin Maulana, Agus Hermanto, "Implementasi Perlindungan Perempuan Dan Anak (PPA) Polres Kota Metro Pada Penyelesaian Kekerasan Dalam Rumah Tangga Perspektif Hukum Islam (Implementation Of Protection Of Women And Children (PPA) Polres Metro City On The Settlement Of Domestic Violence I," *Jurnal Qisthosia: Jurnal Syariah Dan Hukum* 3, no. 2 (2022): 86–102, <https://doi.org/10.46870/jhki.v3i2.330>.

³ Hairul HudayaHairul, "Kekerasan Psikis Dalam Rumah Tangga (Perspektif Undang-Undang PKDRT Dan Hadis)," *Musawa, Jurnal Studi Gender Dan Islam* 16, no. 1 (2017): 53–65, <https://doi.org/10.14421/musawa.2017.161.53-65>.

⁴ Kurnia Muhajarah, "Kekerasan Terhadap Perempuan Dalam Rumah Tangga: Perspektif Sosio-Budaya, Hukum, Dan Agama," *SAWWA: Jurnal Stud Gender* 11, no. 2 (2016), <https://doi.org/10.21580/sa.v11i2.1452>.

Various legal instruments, both at the national and international scope, have been formed to protect human rights; this proves that there is a common awareness of all human beings in all parts of the world that human rights are something important and valuable that must be protected and respected.⁵ The national legal instruments in Indonesia regarding the protection of human rights currently in force are derivatives of the "universal declaration of human rights or the universal declaration of human rights in 1948". Because it is a derivative, the basic principles of protecting human rights in the Universal Declaration of Human Rights are also adhered to in the Human Rights Law in Indonesia. The basic principles of human rights protection include; upholding human dignity in the framework of providing guarantees for every human being, both men and women, in terms of the right to work, welfare, political rights, the right to participate in the executive, judicial and legislative fields, the right to education, the right to of personal freedom, family and reproductive rights.⁶

The Indonesian government has signed the universal declaration of human rights since 2014; with the signing of the universal declaration of human rights by the Indonesian government, the government agrees to the contents of the Universal Declaration of Human Rights and is committed to implementing it, however, at the implementation level, both in terms of supporting legal instruments and instrument implementation.⁷

Based on the various laws stated above, we can find that the formation of laws must pay attention to social, cultural, and cultural because, from a social, cultural, and cultural perspective, each region is different, even in other countries. Psychological violence is a form of domestic violence, and violence within the household sphere is a form of violation of human rights. This can be seen in Article 1 of the Law on the Elimination of Domestic Violence defines domestic violence as "an act against a

⁵ Mohamad Taufiq Zulfikar Sarson Fence M Wantu, "Legal Protection of Women as Victim of Domestic Violence (Case Study of Women and Children Service Units, Criminal Unit of Gorontalo City Police)," *Indonesian Journal of Advocacy and Legal Services* 1, no. 2 (2020): 243-258.pp.252, <https://doi.org/10.15294/ijals.v1i2.36093>.

⁶ Arbaiyah Prantiasih, "Hak Asasi Manusia Bagi Perempuan," *Jurnal Pendidikan Pancasila Dan Kewarganegaraan* 25, no. 2 (2015): 10-15.

⁷ Situngkir Danel Aditia, "Terikatnya Negara Dalam Perjanjian Internasional," *Refleksi Hukum: Jurnal Ilmu Hukum* 2, no. 2 (2018): 178, <https://doi.org/10.24246/jrh.2018.v2.i2>. pg. 167-180.

person, especially a woman, which results in physical, sexual, psychological misery or suffering, and neglect of the household including threats to commit acts, coercion, or unlawful deprivation of liberty within the household sphere". The Law on the Elimination of Domestic Violence guarantees legal protection the state provides to prevent people within the household from committing violence.

The psychological impact of victims of domestic violence,⁸ among others, are;

- 1) Feeling imaginable when you see a similar case, often daydreaming, moody, crying easily, difficulty sleeping nightmares;
- 2) Loss of self-confidence, to act feeling powerless;
- 3) Loss of interest in self-care, irregular lifestyle;
- 4) Decreasing one's concentration, often doing careless actions;
- 5) Low self-esteem and unsure of existing abilities;
- 6) Quiet, reluctant to chat, often locked himself in the room;
- 7) Loss of courage in opinion and action;
- 8) Always feel confused and easily forget;
- 9) Frequent self-harm and attempted suicide;
- 10) Excessive and unconventional behavior tends to be difficult to control oneself;
And
- 11) Aggressive, being a character with a violent temperament and emotions in speaking and acting

Understanding gender is not just an effort by women or men separately, but how to place both in the context of a social system where both are integral. Differences rooted in socio-economic class, ethnic differences, racial and skin color differences, and religious differences, which have given rise to social injustice in society, have been overcome along with the birth of the General Declaration of Human Rights and recognized by the world's nations. It is different with gender differences which are

⁸ SS Maisah dan Yenti, "Dampak Psikologis Korban Kekerasan Dalam Rumah Tangga Di Kota Jambi," *Esensia;: Jurnal Ilmu-Ilmu Ushuluddin* 17, no. 2 (2016): 265-277, <https://doi.org/10.14421/esensia.v17i2.1292>.

still considered unresolved, not only in underdeveloped and developing countries but also are still part of women's struggles in developed countries.⁹

As a general illustration, the presentation of data for the National Commission on Violence against Women this year is based on questionnaire data, direct complaints to the Complaints Unit for Referrals, and data from the Religious Courts Agency (BADILAG) with a total of 338,496 cases of gender-based violence (KBG) against women, namely from National Commission for Women reports 3,838 cases, service agency reports 7,029 cases, and BADILAG 327,629 cases. This means there has been a significant increase of 50% in cases of KBG against women, namely to 338,506 cases in 2021 from 226,062 cases in 2020. A sharp jump occurred in BADILAG data by 52%, from 215,694 in 2020 to 327,629 in 2021. An increase in sources complaint data to National Commission for Women, equal to 80%, namely from 2.¹⁰ Based on the CATAHU data, it can be seen that women are vulnerable to experiencing acts of violence from year to year, so it is necessary to prevent efforts so that women as wives do not experience acts of violence where the focus of this study is more on psychological violence.

2. Problem Statement

The urgency and specifics of this research are efforts to prevent psychological violence against women in the household as a form of upholding human rights. Author search, three authors conducted previous research, including; Prasetya Iren Gian with the title *Victimology Review of the Process of Settlement of Domestic Violence Crimes*, where this research discusses how a victimological review of the legal process of solving crimes of domestic violence and how of a victimological review in the non-legal process of handling victims of violence in the household. Louisa Yesami Krisnalita, with the title *Women, Human Rights and Problems in Indonesia*, discusses the dimensions of regulating human rights for women, what types of rights are regulated regarding women's human rights, and the causes of

⁹ Louisa Yesami Krisnalita, "Perempuan, Ham Dan Permasalahannya Di Indonesia," *Jurnal Binamulia Hukum* 7, no. 1 (2018): 71–81.

¹⁰ Christina Aflina Mustafainah, Alimatul Qibtiyah, Andi Misbahul Pratiwi, Annisa Irianti Ridwan et al., *Daya Pencegahan Dan Penanganan Berbanding Peningkatan Jumlah, Ragam Dan Kompleksitas Kekerasan Berbasis Gender Terhadap Perempuan*, ed. Siti Aminah Tardi Rainy Maryke Hutabarat (Jakarta, 2022).

discrimination against women in Indonesia. Margie G Sopacua discusses building a legal concept for an ideal domestic violence prevention system for women as wives. For what efforts to prevent psychological violence against women in the household as a form of upholding human rights.

3. Methods

The research method used is Normative Juridical. This type of research is descriptive-analytical;¹¹ that is, in this study, laws and regulations relating to the research object will be explained. For this reason, the collection of legal materials is like library research and will be analyzed normatively, in this case, by studying theoretical literature, legal concepts, and regulated legal norms. In addition, research using comparative research in which in this study, the authors compared domestic violence against women as wives in Indonesia, Asian countries, and also several countries in the world.

4. Discussion

4.1. Domestic Violence and Human Rights as Women

Domestic violence, especially against wives, is a legal event that we often encounter in social life in Indonesia. Violence against wives in the household is not only experienced and found in the public area. However, it is also very popular in the domestic area, categorized as a form of violence contained in the law on the Elimination of Domestic Violence. Various cases of domestic violence, especially against wives, can be classified in this case as victims. The relationship between husband and wife should be a role model and role model for their children, and this relationship can be based on harmonious and happy nuances.¹²

Domestic violence is a form of abuse by a husband against his wife, both physically (broken bones, bruises, cut skin) and emotionally or psychologically (anxiety, depression, and feelings of inferiority). In another formulation, domestic violence is defined as any act committed by a person individually or jointly against a woman or a

¹¹ Soerjono Soekanto dan Sri Mamuji, *Penelitian Hukum Normatif Suatu Tinjauan Ringkas* (Jakarta: Raja Grafindo Persada, 2001).

¹² Margie Gladies Sopacua, "Konsep Ideal Pencegahan Kekerasan Dalam Rumah Tangga Terhadap Perempuan," *Jurnal Pembangunan Hukum Indonesia* 4, no. 2 (2022): 213-226, <https://doi.org/10.14710/jphi.v4i2.213-226>.

woman or against other subordinated parties within the household sphere.¹³ Indonesia has ratified the 1979 International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) through "Law Number 7 of 1984". According to CEDAW, the state's principal obligations include guaranteeing women's rights through laws and policies; the policy to protect women's human rights includes policies in the realm of public law and the realm of private law.¹⁴

The Government of Indonesia has ratified the existence of "Law Number 23 of 2004 concerning the Elimination of Domestic Violence" (in the future abbreviated as the law on the Elimination of Domestic Violence), one of the purposes of its ratification is that victims of domestic violence, most of whom are women, must receive protection from the state and society to avoid and be free from violence or threats of violence, torture, or treatment that degrades human dignity. In order to prevent domestic violence from occurring, in addition to the law on the Elimination of Domestic Violence, it is also necessary to understand the rights and obligations of husband and wife in the household, which are regulated in the Marriage Law.¹⁵

The Domestic Violence Law Preamble, which was promulgated on September 22, 2004, in the State Gazette Number 95 of 2004 and the Supplement to the State Gazette Number 44719, stated:¹⁶

- 1) That every citizen has the right to feel safe and free from all forms of violence under the philosophy of Pancasila and the 1945 Constitution of the Republic of Indonesia;
- 2) That all violence, especially domestic violence, is a violation of human rights and a crime against human dignity as well as a form of discrimination that must be eradicated;

¹³ Noor Fatimah Azzahra, "Kekerasan Dalam Rumah Tangga Perspektif Hak Asasi Manusia," *Jurnal Kajian Agama Sosial Dan Budaya* 2, no. 1 (2017): 259–80, <https://doi.org/10.25217/jf.v2i1.94>.

¹⁴ Josephin Mareta, "Mekanisme Penegakan Hukum Dalam Upaya Perlindungan Hak Kelompok Rentan (Anak Dan Perempuan)," *Jurnal HAM* 7, no. 2 (2016): 141–155, <http://dx.doi.org/10.30641/ham.2016.7.141-155>.

¹⁵ Dian Ety Mayasari, "Tinjauan Normatif Perlindungan Hukum Terhadap Istri Korban Kekerasan Dalam Rumah Tangga," *Refleksi Hukum* 1, no. 2 (2017): 175–190, <https://doi.org/10.24246/jrh.2017.v1.i2.p175-190>.

¹⁶ Margie G. Sopacua, "Reformulasi Kaidah Hukum Pencegahan Tindak Pidana Kekerasan Dalam Rumah Tangga," Disertasi (Makassar, 2019).

- 3) Whereas victims of domestic violence, most of whom are women, must receive protection from the state and society in order to avoid and be free from violence and threats of violence, torture, or treatment that degrades human dignity;
- 4) Whereas in reality, there are many cases of domestic violence, while the legal system in Indonesia has not guaranteed protection for victims of domestic violence.

Philosophically the formation of the domestic violence law is to protect women, especially wives, from domestic violence; where this is stated in the legal considerations of the first point of the domestic violence law, which regulates: that "every citizen has the right to feel safe and free from all forms of violence following with the philosophy of Pancasila and the 1945 constitution of the republic of Indonesia." the first point of the domestic violence law considerations implies that women who have experienced violence so far have not received a sense of security and are free from all forms of violence; in the author's opinion, this is because the current domestic violence law does not yet regulate the obligation to carry out "prevention". the prevention meant here is before an act of violence or violence is strongly suspected of the perpetrator committing violence against the victim. the intent and purpose of issuing this law can be seen in article 4 of the domestic violence law, which states as follows:

- 1) Prevent all forms of domestic violence;
- 2) Protect victims of domestic violence;
- 3) Take action against perpetrators of domestic violence and;
- 4) Maintaining the integrity of a harmonious and prosperous household.

Elimination of domestic violence is carried out based on the following principles:

- 1) The principle of respect for human rights;
- 2) The principle of justice and gender equality;
- 3) The principle of non-discrimination; and
- 4) Principles of victim protection.

In families and most societies, women do not have an independent identity because they are included in the legal identity of their husbands. Thus, marriage is not an equal partnership. Political, economic, and social scientists' use of the family unit is one of the reasons for the implicit barriers for women to participate in politics. Often the family is seen as the institutionalization of "women's inferiority" and "men's superiority" because, traditionally, the man is deemed fit to be the head of the family. The traditional family structure creates a different division of rights, obligations, time, and values for each family member, where the head of the family (male) occupies the top position.¹⁷

The wife's position as a domestic violence victim is still problematic after the provisions of Law Number 23 of 2004 concerning the Elimination of Domestic Violence. This is because if the wife experiences domestic violence, both physical and psychological violence, and so on, she reports the husband to the authorities; in this case, the police are afraid that the husband will become more violent towards his wife. Moreover, several wives who are still aggrieved party against domestic violence prefer to remain silent about the suffering from acts of violence they suffer because they feel anxious about their future if the husband is confronted by law enforcers (police).¹⁸

This action is, of course, not only done to other people but can be done to himself. Acts of violence have negative impacts and effects on anyone who experiences them. Violence is often perpetrated against women. Violence against women is an action or attitude carried out with a specific purpose so that it can harm women both physically and psychologically.¹⁹ Furthermore, according to Margie Gladies Sopacua, it can be concluded that the problem of violence against women is a form of crime that harasses and tarnishes human dignity and should be categorized as a violation of human rights.²⁰ Violence against women today is not only an individual problem but

¹⁷ Louisa Yesami Krisnalita, "Perempuan, Ham Dan Permasalahannya Di Indonesia."

¹⁸ Sopacua, "Konsep Ideal Pencegahan Kekerasan Dalam Rumah Tangga Terhadap Perempuan."

¹⁹ A Mudlofar, "Tindak Kekerasan Terhadap Perempuan," *Jurnal Kementerian Pemberdayaan Perempuan Dan Perlindungan Anak* 7 (2018): 9.

²⁰ Iin Karita Sakharina Margie Gladies Sopacua, Mawarti Riza, M. Syukri Akub, "Preemptif and Preventive Measure in Combating Domestic Violence," *Journal of Law, Policy and Globalization* 8, no. 12 (2018): 211-22.

also a national problem and has even become a global problem. In certain cases, violence against women can be said to be a transnational problem.²¹

In society, a woman sometimes gets discrimination and one-sided opinion of her. Discrimination can occur in work life, family (between husband and wife), and the life he goes through in society. With this discrimination, many parties, especially women themselves, realize the importance of raising the issue of women's rights as a human right that must be recognized and protected. However, with this awareness, knowing in advance what women's human rights mean is necessary. Women's human rights are rights that a woman has, either because she is a human being or as a woman. In human rights law, arrangements can be found in various legal systems regarding human rights. Arrangements regarding the recognition of a woman's rights are contained in various legal systems regarding human rights. The legal system regarding human rights in question is the legal system of human rights in the international and national spheres. The types of women's rights contained in the legal system include:²²

1) Women's Rights in Politics

Women also have the same right to participate in government. Women's rights that are recognized and protected against them are related to women's rights in the political field, including:

- a) The right to participate in government by participating in the formulation of government policies and implementation of policies;
- b) The right to be elected and vote in free periodic elections to determine the representatives of the people in government; And
- c) The right to participate in governmental and non-governmental organizations and associations related to the governmental and political life of the country. The legal basis for women's rights in the political field can be found in international instruments.

2) Women's Rights in the Field of Citizenship

²¹ Iin Karita Sakharina Margie Gladies Sopacua, "The Legal Protection of Women from Violence (Human Rights Perspective)," *Journal International Knowledge Sharing Platform* 67, no. 8 (2018): 44–52.

²² Louisa Yesami Krisnalita, "Perempuan, Ham Dan Permasalahannya Di Indonesia."

Every person who lives in a country has the right to obtain citizenship following the country in which he lives; for example, for someone who lives and resides in Indonesia, according to the citizenship law, certain conditions must be met for a person to obtain Indonesian citizenship. If these conditions can be met, everyone has the right to obtain citizenship. This is one of the rights that must be fulfilled for women. Every woman has the same right to obtain citizenship of a country when they can meet the requirements determined by the laws and regulations in the country concerned.

3) Women's Rights in the Field of Education and Teaching

Education is the most important basis for human life. With education, one can improve the quality of life, from the quality of reason, thought, and behavior to the economy, and this education is, of course, obtained by teaching. Teaching must be given to everyone to get a decent and quality education. That is why everyone in this world has the right to get an education and teaching, including all women. Every woman, as well as every man, has the right to get an education and teaching;

4) Women's Rights in the Field of Profession and Employment

Concerning women's rights in the professional and employment fields, there are rights that women must obtain both before, during, and after doing work. Before getting a job, a woman has the right to be given the same opportunity as a man to get a job according to her abilities, so women must be able to select them without any discrimination. When getting a job, a woman also has rights that must be fulfilled, namely getting wages according to her work, getting safe and healthy working conditions, and equal opportunities to be able to improve her work to a higher level, including the right to receive training to improve her skills. The quality of his work. After getting a job, Of course, there are times when women have to quit and leave their jobs. When the work ends, a woman also has the right to get severance pay that is fair and under the performance and quality of the work she does

5) Women's Rights in the Health Sector

It should be further noted that what is meant by women's rights in the health sector guarantees women get more and special protection. This is mainly due

to the vulnerability of women's health related to their reproductive function. A woman has a nature from God Almighty to experience pregnancy, monthly menstruation, and weaker physical strength than men. With these things, it is then felt necessary to carry out more special protection for women.

6) Women's Rights to Perform Legal Actions

Before the recognition of women's rights and the existence of women who were equal to men, women were always under the position of men. This is often seen especially in situations where women must obtain the consent of or be under the authority of a man to carry out certain legal actions. This situation then creates awareness for women that every woman has the same position as men in the eyes of the law so that later one of the other women's rights appears that is recognized both at the international and national levels. And

7) Women's Rights in the Bond / Dissolution of Marriage

In a marriage, there are times when the husband and wife are forced to divorce or the breakup of the marriage. Each party has the same rights and obligations upon the marriage's breakup, especially if the marriage produces children. In addition, both parties also have the same right to share in the joint assets with a fair percentage.

The guarantee for the protection of women's human rights in Indonesia, which is a manifestation of international agreements, is found in Law Number 39 of 1999 concerning Human Rights Law,²³ that is;

- 1) Women's rights in the field of politics are regulated in several articles in the Human Rights Law, including; Article 46 of the Human Rights Law, which, in essence, regulates that the general election system, political parties, and government (executive and legislative) must guarantee women's inversion of at least 30%. Article 49 Paragraph 1, in essence, women have the right to be appointed to a professional position under statutory regulations. This proves

²³ Rifa' Rosyaadah Rahayu, "Perlindungan Hak Asasi Manusia Perempuan Terhadap Kasus Kekerasan Dalam Rumah Tangga Di Indonesia Dalam Perspektif Hukum Internasional (Protection Of Women's Human Rights Against Cases Of Households Violence In Indonesia Based On The Perspective Of Intern," *Jurnal HAM* 12, no. 2 (2021): 261-272, <http://dx.doi.org/10.30641/ham.2021.12.261-272>.

that laws and regulations have accommodated women's rights in politics. Women's rights in education are regulated in Article 48, which in essence, regulates that both women and men have the opportunity to get an education as determined by laws and regulations.

- 2) Women's rights in the economic and employment fields, regulated in Article 49, paragraphs 2 and 3 which regulates that women are entitled to protection in doing work that threatens their reproductive health and safety, guaranteed by law
- 3) The rights of women in marriage and after marriage are regulated in several articles, including Article 47, which essentially regulates that Indonesian women who marry foreign men have the right to retain or relinquish their Indonesian citizenship status. In addition, it is also regulated in Article 50, which essentially regulates that adult women have the right to take legal action as capable legal subjects as long as it is permitted by the laws of their respective religions, including the right to marry. Article 51 of the Human Rights Law also regulates women's rights in marriage, which stipulates that a wife has the same rights and responsibilities as her husband regarding her relationship with children and the right to own and manage joint assets. When the marriage ends,

Various legal instruments, both at a national and international scope, have been formed to protect human rights; this proves that there is a common awareness of all human beings in all parts of the world that human rights are something important and valuable that must be protected and respected.²⁴ The national legal instruments in Indonesia regarding the protection of human rights currently in force are derivatives of the "Universal Declaration of Human Rights or the Universal Declaration of Human Rights in 1948". Because it is a derivative, the basic principles of protecting human rights in the Universal Declaration of Human Rights are also adhered to in the Human Rights Law in Indonesia. The basic principles of human rights protection include; upholding human dignity in the framework of providing

²⁴ Wantu, "Legal Protection of Women as Victim of Domestic Violence (Case Study of Women and Children Service Units, Criminal Unit of Gorontalo City Police)."

guarantees for every human being, both men and women, in terms of the right to work, welfare, political rights, the right to participate in the executive, judicial and legislative fields, the right to education, the right to of personal freedom, family and reproductive rights.²⁵

The protection of women's human rights is still a serious problem. As mentioned above, fulfilling women's basic rights is still a big question. According to traditional culture, especially Javanese culture, women must submit to men; it turns out that this culture still exists today even though ideas of gender equality have entered cultures outside Indonesia. This traditional Javanese culture is not entirely wrong if it clashes with the notion of gender equality. However, this can be a cultural development for the Javanese people to become more advanced and better by adhering to gender equality in their culture.²⁶

4.2. Comparison of the Law on Violence Against Women in the Household Between Indonesia and Afghanistan

Violence in everyday life often occurs in the domestic sector or household affairs. Also, it occurs in the public sector or the work environment, ranging from physical violence to social or psychological sanctions. The emergence of violence against women is related to the prevailing cultural ideology or values, the type of societal structure, and the relational patterns between men and women. Its occurrence appears in various communities ranging from simple to modern complex societies. Violence against women is an actual and interesting discourse to study, especially among observers of women's issues.²⁷

Regulations regarding domestic violence do not only exist in Indonesia but also in other countries, one of which is Malaysia. Malaysia is the first Asian country to have laws to protect victims of domestic violence and recognizes domestic violence as an

²⁵ Arbaiyah Prantiasih, "Hak Asasi Manusia Bagi Perempuan," *Jurnal Pendidikan Pancasila Dan Kewarganegaraan* 25, no. 1 (2016): 10–15.

²⁶ Rahmad Syafaat, *Buruh Perempuan, Perlindungan Hukum Dan Hak Hak Azasi Manusi* (Malang: UM.Press, 2000).

²⁷ Galuh Artika Suri and Hamka & Ali Noerzaman, "Peranan United Nations Women Dalam Mengatasi Tindak Kekerasan Seksual Terhadap Perempuan Di Indonesia Tahun 2016-2017," *INDEPENDEN: Jurnal Politik Indonesia Dan Global Program Studi Ilmu Politik* 1, no. 1 (2020): 30–40.

issue that is increasingly worrying many people.²⁸ The issue of violence by migrant workers abroad has received attention from listeners, especially those with family members working abroad. This illustrates that someone is interested in consulting because of proximity or closeness to the discussed issue. As for the previous knowledge that the informants had about violence against migrant workers, it was quite good. This is because other mass media also inform this matter. For example, they already know that generally, the female workforce who work abroad do not have adequate skills because they are only lured to get high salaries due to the pressing economic needs of the family, so they choose illegal routes over legal (official), and the ability to speak the local language is very lacking so that trigger the employer's emotions.²⁹

Eliminating domestic violence is based on respect for human rights, justice, gender equality, non-discrimination, and protection of victims.³⁰ Several countries already have family courts, including Canada, America, New Zealand, Australia, England, Japan, South Asia, the Philippines, Malaysia, and Singapore. America, Australia, and Singapore already have family courts that provide a dispute resolution forum through mediation for all family-related conflicts. In essence, the principles that need to be considered in family courts, as adopted in the principal family court of New Zealand, include:

- 1) Special judge;
- 2) Privacy for families in court hearings;
- 3) Internal courts are known as family courts;
- 4) Evidence law that pays more attention to women's rights;
- 5) Free counseling services for reconciliation;
- 6) Whenever possible, family settlement through conciliation;
- 7) The court must be equipped with psychologists, and othersIbid.

²⁸ Daleleer Kaur Randawar dan Sheela Jayabalan, "Definisi Keganasan Rumah Tangga Di Malaysia: Kajian Perbandingan," *Akademika Journal of Southeast and Social Science and Humanities* 88, no. 3 (2018): 78.

²⁹ Jeanny Maria Fatima Riyadi, Nurul Ilmi Idrus, "Pelecehan Dan Kekerasan Terhadap Perempuan Dalam Siaran Radio Spfm Serta Dampaknya Terhadap Perempuan Pendengar Di Kota Makassar," *Jurnal Komunikasi KAREBA* 2, no. 1 (2013): 73-80.

³⁰ Maria Silvy E. Wangga and R. Bondan Agung Kardono, "Alternatif Penyelesaian Kekerasan Terhadap Perempuan," *ADIL: Jurnal Hukum* 9, no. 2 (2018): 78-93.

Based on data on complaints to the National Commission on Women and service agencies in 2021, the forms of violence experienced by victims amounted to 16,162, divided into 4,814 cases (29.8%) physical violence, 4,754 cases (29.4%) psychological violence, 4,660.³¹ Domestic violence against women occurs not only in Indonesia but also in several countries.

Five (5) countries with the world's highest rate of domestic violence among them namely;³²

1) Afghanistan;³³

In 2019 the Afghanistan Independent Human Rights Commission revealed that there were 4700 violence cases against women, with 238 cases ending in murder. According to WHO data, 90 percent of women in Afghanistan have experienced at least one form of domestic violence. Meanwhile, according to UN Women data, 51 percent of women who have had a relationship, aged 15-49 years, also reported having experienced violence from their partner. Meanwhile, Afghan women aged 20-24 who have had partners are also known to have experienced violence.

Afghanistan is one of the most challenging places in the world to be a woman. The country ranks bottom on the Gender Inequality Index, and the literacy rate for women is among the lowest in the world. The number of women reached 50 percent of the population.

According to the WHO report, most women in this country experience various forms of abuse, with 90 percent experiencing domestic violence, such as murder, physical, psychological, and verbal violence. Ibid.

2) Argentina;

³¹ Aflina Mustafainah, Alimatul Qibtiyah, Andi Misbahul Pratiwi, Annisa Irianti Ridwan et al., *Daya Pencegahan Dan Penanganan Berbanding Peningkatan Jumlah, Ragam Dan Kompleksitas Kekerasan Berbasis Gender Terhadap Perempuan*.

³² Riswinanti Pawestri Permatasari, "5 Negara Dengan Tingkat KDRT Paling Tinggi Di Dunia, Mirisnya Sampai Dianggap Wajar," *Beautynesia*, 2022, <https://www.beautynesia.id/life/5-negara-dengan-tingkat-kdrt-paling-tinggi-di-dunia-mirisnya-sampai-dianggap-wajar/b-264068>.

³³ Nadya Quamila, "Waspada, 5 Negara Ini Dianggap Paling Tidak Aman Untuk Perempuan, Bisa Tebak?," *Beautynesia*, 2021, <https://www.beautynesia.id/life/waspada-5-negara-ini-dianggap-paling-tidak-aman-untuk-perempuan-bisa-tebak/b-241148>.

According to UN data, almost 27 percent of women aged 18-69 have experienced violence, at least once, from their partner. Even based on Statista Figures data for 2020, 298 women were killed, with almost half dying at their partners' hands.

3) Brazil;

According to 2019 data from the Brazilian Public Security Forum (BPSF), 1,326 murders against women that year and their partners or former partners committed the most. Tragically, 66 percent of the victims were black women.

4) France;

France is also known as the highest country in Western Europe with a murder case related to domestic violence. In 2019, 149 women were killed by domestic violence.

5) Italy;

According to UN data, 19 percent of women aged 18-74 reported being domestic violence victims at least once in Italy. In 2019, 111 women were killed by their partners, former partners, or family members.

Comparison between cases of psychic violence against women in the household based on some of the case data found in this writing between Indonesia and one of the world's countries, namely Afghanistan, it can be seen that women are vulnerable to experiencing acts of psychic violence so that the form of handling of each country against acts psychological violence in the household varies according to the laws and regulations of each country.

4.3. Efforts to Prevent Psychological Violence Against Women in the Household as a Form of Upholding Human Rights

The state is responsible for establishing a legal instrument to fulfill its obligation to protect and fulfill human rights for all elements of society, including women. This is known as the state's obligation to protect the interests of humankind (obligations *erga omnes*). International human rights instruments usually focus on the state as the main factor and place the state as a party obliged to implement the contents of these international human rights instruments. Thus, international obligations are imperative for every country because a state cannot avoid them if it does not want to

be said to have violated international law. So that in practice, all state policies must be based on human rights.³⁴

Having a Sakinah family is every family's dream. Creating a Sakinah family takes work; there are obstacles and obstacles in moving toward a Sakinah family. Obstacles and temptations that arise according to the times and technology are one of the challenges in realizing a happy family today.³⁵

In general, domestic violence is perpetrated by men who feel they are earning a living and view their wives and children as weak creatures, coupled with a wife who is only a housewife who does not earn income from anywhere other than her husband. This dilemma makes a wife very afraid of her husband, and sometimes she is willing to be treated as she pleases by her husband; of course, the wife does not dare to do anything, such as fighting back and not daring to report it to the authorities. We need to realize that children are assets that must be given protection. Therefore, according to applicable law, children's rights from birth must be fulfilled. Protecting children is not only the obligation of their biological parents, but it is our duty as humans.³⁶

Domestic violence is an act that often occurs, but it is not easy to know.³⁷ The first causal factor is domestic violence within the scope of household life, a private matter where other people are not allowed to interfere (intervention). The second factor, the victim (wife/child) is a party who is structurally weak and has dependence, especially economically, on the perpetrator (husband).³⁸ As initial data on cases of domestic violence from 2020 to 2022 can be seen in the table below;

³⁴ Nadilla Sabrina, "Pelokalan Hak Asasi Manusia Melalui Partisipasi Publik Dalam Kebijakan Berbasis Hak Asasi Manusia," *Jurnal HAM* 10, no. 1 (2019): 96, <https://doi.org/http://dx.doi.org/10.30641/ham.2019.10.85-98>.

³⁵ Oxis Mardi and Fatmariza Fatmariza, "Faktor-Faktor Penyebab Keterabaian Hak-Hak Anak Pasca Perceraian," *Jurnal Ius Constituendum* 6, no. 2 (2021): 99–182, <https://doi.org/http://dx.doi.org/10.26623/jic.v6i1.3282..>

³⁶ Nopiana Mozin and Maisara Sunge, "Pemberian Edukasi Dan Bantuan Hukum Terhadap Anak Korban Kekerasan," *Jurnal Ius Constituendum* 6, no. 1 (2021): 166, <http://dx.doi.org/10.26623/jic.v6i1.2485>.

³⁷ Resti Arini, "Kekerasan Psikis Dalam Rumah Tangga Sebagai Suatu Tindak Pidana," *Lex Crimen* 2, no. 5 (2013): 32–42, <https://doi.org/10.25072/jwy.v4i1.315>.

³⁸ Wulandari Lely, "Kebijakan Penanganan Kekerasan Dalam Rumah Tangga Melalui Mediasi Penal," *Law Reform* 4, no. 1 (2008): 1–19.

Table 1. Psychological Violence Against Women

No	Year	Violence Type	Amount
1	2020	Psychic	3
2	2021	Psychic	2
3	2022	Psychic	1

Data source: Results of an interview with the Head of Sub Directorate IV of the Protection Unit Women and Children (UPPA) AKBP Sulastri Sukidjang, S.H., S.I.K., M.M.

In the table, it can be explained that in 2020 there were 3 cases of psychic violence against wives, then in 2021, there were 2 cases of psychic violence, and in 2022, the number of cases of psychic violence against wives decreased to 1 case; this was because the wives already knew that violence psychological problems that occur in the household are regulated in the law on the elimination of domestic violence and there are sanctions for people who do it.

Domestic violence is difficult to avoid, the husband as the perpetrator can be frustrated due to his actions against his wife, but not a few acts of violence that can be categorized as gender-based actions are still increasing occasionally. One of the triggers for acts of domestic violence is the patriarchal cultural factor where the position of men is higher than that of women, and this is also seen from environmental factors where people's values still want to live in harmony so that women as wives are always blamed. Article 1 paragraph (1) of the Domestic Violence Law stipulates that violence is "any action against a person, especially women, which results in misery, or physical, sexual, psychological suffering, or neglect of the household."³⁹

Violence against women in the personal sphere occurs in various types, illustrating the violence that occurs to victims. These forms are violence against wives (KTI).⁴⁰ The number of domestic violence cases against wives must be handled with preventive measures. Prevention is an activity that is part of the system for protecting, respecting, and upholding human rights for women, especially women in the household, that is the wife, in all aspects of life. Building this prevention system requires various strategic and interconnected legal steps, which require policies in

³⁹ Sopacua, "Konsep Ideal Pencegahan Kekerasan Dalam Rumah Tangga Terhadap Perempuan."

⁴⁰ Komisi Nasional Perempuan, *Perempuan Dalam Himpitan Pandemi: Lonjakan Kekerasan Seksual, Kekerasan Siber, Perkawinan Anak, Dan Keterbatasan Penanganan Di Tengah Covid-19* (Jakarta: Komisi Nasional Perempuan, 2021).

managing programs to protect, respect, and uphold human rights for women, especially for women (wives) in the household.⁴¹

Legal awareness is the obligation of every person to obey the rules or legal norms. In addition to the applicable legal norms, there are also other norms, namely religious norms, norms of decency, and norms of decency. In order to be orderly and orderly, one should always comply with applicable norms or regulations in the life of society, nation, and state. In order for society to be maintained, the norms must be obeyed. Everyone who wants to live in an orderly and peaceful manner must always obey the laws or regulations in the country, the community environment, the work environment, and the home environment. Patriarchal culture prioritizes and gathers men; they feel they have control over women and keep women controlled in various ways. Men feel they have the right to determine the norms of life and leadership style that they feel are capable of continuing to strengthen their domination and power. Violence against wives illustrates the patriarchal system to eliminate women's control over productive power, reproduction, sexuality, women's movements, property, and other economic resources. Patriarchy is a system that places the father as the ruler of the family. This term is then used to describe a society where men rule over women and children. Violence against wives illustrates the patriarchal system to eliminate women's control over productive power, reproduction, sexuality, women's movements, property, and other economic resources. Patriarchy is a system that places the father as the ruler of the family. This term is then used to describe a society where men rule over women and children.⁴²

Legal norms are social rules made by certain institutions, in this case, the government, so they strictly prohibit and force people to act according to the

⁴¹ Sopacua, "Konsep Ideal Pencegahan Kekerasan Dalam Rumah Tangga Terhadap Perempuan."

⁴² Sutiawati and Nur Fadhilah Mappaselleng, "Penanggulangan Tindak Pidana Kekerasan Dalam Rumah Tangga Di Kota Makassar," *Wawasan Yuridika* 4, no. 1 (2020): 17-30, <https://doi.org/10.25072/jwy.v4i1.315>.

regulators' wishes. Legal norms are regulations or written agreements with sanctions and enforcement tools. The aim is for the public to comply and feel deterred by the sanctions applied so that they do not repeat acts that violate the law a.⁴³

Article 15 of the Domestic Violence Law states that: Everyone who hears, sees, or knows about domestic violence is required to make efforts within their means to:

- 1) Preventing the occurrence of criminal acts;
- 2) Protect victims;
- 3) Provide emergency assistance, and
- 4) Assist the process of applying the determination of protection

The law directly provides a mandate or order especially to the Ministry of Women's Empowerment and Child Protection) to be responsible for carrying out efforts to prevent domestic violence through government policies in terms of eliminating domestic violence, organizing or carrying out communication, information, and education about domestic violence; outreach and advocacy on domestic violence; and organizing education and training for women as wives, as well as setting standards or standards and good service for women as wives.

Efforts to overcome and prevent perpetrators of domestic violence are sufficient with an integral approach. The penal and non-penal approaches must also be supported by increased legal awareness in the community. Community legal awareness is one part of the legal culture. It is said to be one part because, so far, there has been a perception that legal culture only includes the legal awareness of the community.

Efforts to prevent psychological violence against women in the household as a form of upholding human rights include;

- 1) Husbands, wives, and people in the household should further increase their respective faiths by getting closer to God Almighty so that when there are problems in the household, we can get the best solution without violence against women as wives.

⁴³ Margie G. Sopacua, "Reformulasi Kaidah Hukum Pencegahan Tindak Pidana Kekerasan Dalam Rumah Tangga."

- 2) Husbands and wives are open to each other, appreciate, respect, and love within the scope of the household with full affection so that each husband and wife feel harmonious and comfortable spiritually, physically, psychologically, and so on.
- 3) We must reject beliefs, beliefs, or history about women that women are weak in terms of work, and usually, as a wife, if something happens in the household, it becomes the wife's fault.
- 4) Awareness to all parties included in the household sphere that domestic violence occurs to women as wives is no longer a family disgrace, but acts of domestic violence are criminal acts and must be handled properly. This domestic violence must be abolished in every sphere household.
- 5) In order to escape from the conditions of domestic violence, a victim needs to get legal protection according to positive laws in Indonesia and get a safe shelter that the government has prepared.

5. Conclusion

Psychological violence is an act that results in fear, loss of self-confidence, loss of the ability to act, a feeling of helplessness, and severe psychological suffering for a person. Efforts to prevent psychological violence against women in the household as a form of upholding human rights, including namely;

- 1) Husbands, wives, and people in the household should further increase their respective faiths by getting closer to God Almighty so that when there are problems in the household, we can get the best solution without violence against women as wives.
- 2) Husbands and wives are open to each other, appreciate, respect, and love within the scope of the household with full affection so that each husband and wife feel harmonious and comfortable spiritually, physically, psychologically, and so on.
- 3) We must reject beliefs, beliefs, or history about women that women are weak in terms of work, and usually, as a wife, if something happens in the household, it becomes the wife's fault.

- 4) Awareness to all parties included in the household sphere that domestic violence occurs to women as wives is no longer a family disgrace, but acts of domestic violence are criminal acts and must be handled properly. This domestic violence must be abolished in every sphere household.
- 5) In order to escape from the conditions of domestic violence, as a victim, you need to get legal protection according to the positive law in force in Indonesia and get a safe shelter prepared by the government.

The government must build legal awareness about equality between men and women through the most basic education, starting from within the family, so that domestic violence does not occur. Apart from that, reform of laws and regulations become the legal basis for eliminating violence against women from a human rights perspective.

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