



Determinants of Domestic Violence in Indonesia from a Gender and Sociology of Law Perspective

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Abstract

Every family desire a happy household, but sometimes conflict within the family is unavoidable, resulting in domestic violence. This article aims to examine the forms of domestic violence, the determinants of domestic violence, and highlight the history of domestic violence and the implementation of Law No. 23 of 2004 concerning the Elimination of Violence. This research uses an empirical method with a gender and sociology of law approach. Data were collected in two ways: through in-depth interviews with victims of domestic violence, academics, experts in legal sociology, Islamic law, and gender experts, and through literature searches such as journal articles, books, and legal regulations. The results of the study concluded that forms of domestic violence were caused by physical, psychological, sexual violence and domestic neglect. Determinants of domestic violence include economic factors, the perpetrator's angry character, early marriage, and as a result of the social structure that exists in a patriarchal society where male power and domination are very dominant. The government has issued a law on the elimination of domestic violence to provide a clear legal basis for handling domestic violence cases (KDRT), but the implementation of the law has not been optimal. Therefore, violence against women is caused by various interrelated factors. Effective collaboration between all stakeholders not only the government, but also communities, educators, religious leaders, and non-governmental organizations is sociologically necessary to empower women. This study also found that women should be encouraged to have access to quality education that fosters intellectual development, awareness of human rights, and economic, social, and political capacity.

Keywords: Violence, domestic violence, privacy, gender, sociology of law

Abstrak

Setiap keluarga menginginkan rumah tangga dengan penuh kebahagiaan, namun terkadang konflik dalam keluarga tidak dapat dihindari sehingga berimbas pada kekerasan dalam keluarga. Artikel ini bertujuan mengkaji bentuk-bentuk kekerasan dalam rumah tangga, determinan terjadinya kekerasan dalam rumah tangga dan menyoroti sejarah kekerasan dalam rumah tangga serta penerapan Undang-undang No. 23 Tahun 2004 tentang Penghapusan Kekerasan. Penelitian tersebut menggunakan metode empiris dengan pendekatan gender dan sosiologi hukum. Data dikumpulkan dengan dua cara yaitu melalui wawancara mendalam kepada korban kekerasan dalam rumah tangga, akademisi, pakar sosiologi hukum, hukum Islam dan pakar gender serta penelusuran bahan Pustaka seperti artikel jurnal, buku dan aturan hukum. Hasil penelitian menyimpulkan bahwa bentuk kekerasan dalam rumah tangga disebabkan oleh kekerasan fisik, psikis, seksual dan penelantaran rumah tangga. Determinan terjadinya kekerasan dalam rumah tangga akibat faktor ekonomi, karakter pemaarah yang dimiliki pelaku, pernikahan dini serta sebagai hasil dari struktur sosial yang ada dalam masyarakat patriarki di mana kekuasaan dan dominasi laki-laki sangat dominan. Pemerintah telah mengeluarkan undang-undang tentang penghapusan kekerasan dalam rumah tangga untuk memberikan dasar hukum yang jelas dalam menangani kasus Kekerasan Dalam Rumah Tangga (KDRT), namun penerapan undang-undang tersebut belum optimal. Oleh karena itu, kekerasan terhadap perempuan yang disebabkan oleh berbagai faktor yang saling terkait, secara sosiologis diperlukan kerja sama yang efektif antara semua pemangku kepentingan tidak hanya pemerintah, tetapi juga masyarakat, pendidik, tokoh agama, dan lembaga swadaya masyarakat—untuk memberdayakan perempuan. Kajian ini juga menemukan bahwa perempuan harus didorong untuk memiliki akses terhadap pendidikan berkualitas yang mendorong perkembangan intelektual, kesadaran akan hak asasi, serta kapasitas ekonomi, sosial, dan politik.

Kata Kunci: Kekerasan, rumah tangga, privasi, gender, sosiologi hukum

Introduction

God created all things in pairs, with the existence of men and women intended to ensure the continuation of the human race. Marriage is bestowed upon humanity as a divine gift, serving as a foundation for entering a new chapter of life and preserving future generations. It is one of God's greatest blessings in the human journey, regarded as a sacred institution that brings harmony and blessings to human life.¹

¹ Nur Avita, et.al., "Integration of Tradition and Sharia: Dowry and Dui Menre in the Marriage of the Bugis Community in Bone Regency," *El-Mashlahah* 12, No. 2 (2022). Hasanudin Hasanudin, et.al., "Phenomena of Domestic Violence Against Women and Divorce in 2020-2022 in Indonesia: An Islamic Perspective," *Al-Manahij: Jurnal Kajian Hukum Islam* 17, No. 2 (2023).

Marriage paves the way for establishing a family. Couples ideally seek to create a harmonious, loving, and compassionate home.² The quality of family life hinges on the spousal relationship, vital for achieving happiness, tranquility, and peace. Meaningful interaction plays a crucial role. Within the dynamics of family life, external factors also play a role. Effective communication and shared rights and responsibilities cultivate a harmonious home.³

Families desire happiness, love, and affection among members. However, spousal conflict is often unavoidable. Constructive conflict resolution occurs when family members prioritize understanding and collaborative problem-solving. Open communication is key to mutually beneficial solutions. Conversely, unhealthy conflict resolution, marked by excessive anger, physical violence, shouting, insults, or intimidation, perpetuates family conflict.⁴ Aggressions, coercions, threats, and physical violence by husbands can escalate into abuse. Wives often lack means of self-defense, resorting to avoidance, silence, and acceptance of mistreatment. Husbands, instead of becoming abusers, should be sources of love and protection.

Domestic violence against women has become a prevalent and complex social phenomenon. Such incidents occur with alarming frequency, inflicting not only physical harm but also profound psychological trauma on victims. Moreover, domestic violence often extends to forms of neglect within the household, including threats, coercion, and the unlawful deprivation of personal freedom. These circumstances generate distress and insecurity among family members, undermining the very essence of the household, which ideally should be characterized by affection, harmony, safety, and peace.

According to Mufidah Ch, repeated acts of violence against women often result in deeply traumatic consequences. Victims commonly experience anxiety, stress, depression, and persistent trauma, frequently accompanied by feelings of self-blame. The physical repercussions of such violence may range from bruises and fractures to severe bodily injury and even death. Despite being subjected to violence, many women (particularly wives) often choose to remain in these situations. This decision is typically influenced by various factors, including ongoing threats of further violence, the absence of safe shelters, concerns for the well-being of their

² Ismail Ismail, et.al., Legal Age Equality in Marriage According to Indonesian Positive Law in the Studies of Gender and Maqāṣid Al-Sharia,” *De Jure* 15, No. 1 (2023). Achmad Musyahid Idrus, et.al., “The Tradition of Mappasikarawa in the Bugis-Makassar Community Marriage: A Study of Islamic Law Philosophy,” *Samarah* 7, No. 2 (2023).

³ Mohammad Ikrom, “Hak dan Kewajiban Suami Istri Perspektif Al Quran,” *Jurnal Hukum Islam*, 1, no.1(2022), p. 24. Ali Silbra Malisi, “Pernikahan dalam Islam,” *Jurnal Ilmu Sosial Politik dan Hukum*, 1, no.1 (2022), p. 23. A. Sultan Sulfian, “The Urgency of Marriage Registration in The Perspective of Indonesian Marriage Law and Islamic Law,” *Jurnal al-Dustur* 6, No. 1 (2023).

⁴ Rendi Amanda Ramadhan, “Pengaruh Kekerasan Dalam Rumah Tangga (KDRT) Terhadap Tingkat Keharmonisan Dalam Keluarga Di Kelurahan Umban Sari Kecamatan Rumbi Kota Pekanbaru,” *Jurnal JOM FISIP*, 5, no. 1 (2018), p. 3.

children, fear of social stigma and shame, and the desire to preserve their marital relationship.⁵

Domestic violence is a universal social phenomenon that occurs across all types of households, irrespective of cultural background, religion, ethnicity, age, or social status of the perpetrator. This indicates that domestic violence is not confined to families of modest means, limited education, or marginalized status, but can equally affect affluent, educated, and socially prominent families. Acts of violence may be committed by husbands, wives, intimate partners, children, other family members, or even domestic workers, whether individually or collectively.⁶

According to the 2023 report of the National Commission on Violence Against Women (*Komnas Perempuan*), there was an overall decline in the number of reported cases of violence compared to the previous year. In 2023, reported cases decreased to 289,111 from 339,782 in 2022. This decline was observed across all relevant institutions, including service providers, *Komnas Perempuan*, and the Religious Courts (*Badang Peradilan Agama/BADILAG*). Complaints submitted directly to *Komnas Perempuan* also registered a slight decrease, from 3,442 to 3,303 cases. On average, this amounts to approximately 11 complaints received per day. Of the total reported cases, 289,111 involved gender-based violence (GBV), with the overwhelming majority being violence against women. Specifically, 284,741 cases (98.5%) occurred in the personal sphere, 4,182 cases (1.4%) in the public sphere, and 88 cases (0.1%) in the state sphere. In terms of regional distribution, South Sulawesi ranked sixth nationwide in 2023.⁷

From a legal perspective, numerous studies have addressed the issue of domestic violence, and specific legislation has been enacted to regulate it, most notably Law No. 23 of 2004 on the Elimination of Domestic Violence. Nevertheless, in practice, the number of victims remains persistently high each year. This persistence is largely attributed to social and cultural factors that perpetuate domestic violence. Within many communities, wives are often perceived as subordinate and subject to arbitrary treatment. Such perceptions are rooted in traditional norms that regard wives as obliged to obey their husbands, with disobedience legitimizing physical punishment. Culturally, husbands are typically positioned as more dominant than wives, and domestic violence is frequently regarded as a private family matter beyond external interference.⁸ This cultural framing contributes to the phenomenon

⁵ Mufidah Ch, et.al., *Haruskah Perempuan dan Anak Dikorbankan?* Malang: Pilar Media, 2006, p.13-14.

⁶ Mohammad Azzam Manan, *Kekerasan Dalam Rumah Tangga Dalam Perspektif Sosiologis*, *Jurnal Legislasi Indonesia*, 5, no. 3 (2008), p. 11.

⁷ *Komnas Perempuan, Catatan Tahunan Kekerasan Terhadap Perempuan Tahun 2023 Momentum Perubahan: Peluang Penguatan Sistem Penyidikan di Tengah Peningkatan Kompleksitas Kekerasan Terhadap Perempuan*, Jakarta: Komisi Nasional Anti Kekerasan terhadap Perempuan (*Komnas Perempuan*), 2024.

⁸ M.Thoriq Nurmandiansyah, "Membina Keluarga Bahagia Upaya Penurunan Kekerasan dalam Rumah Tangga (KDRT) dalam Perspektif Agama Islam dan Undang-Undang," *Musāwa*, 10, no.2 (2011), p. 216.

of the dark number of crimes, whereby official statistics on domestic violence fail to capture the true extent of cases occurring in society.

National Commission on Violence Against Women (*Komnas Perempuan*) acknowledges the existence of the dark number of crimes in the data it collects. The data indicates that many cases of violence against women go unreported due to factors such as limited access to reporting services, weak case documentation systems, high social stigma against victims, reluctance to report, and lack of protection for victims.⁹

Situations of family conflict often remain unaddressed due to their private nature. Thus, domestic violence occurs in secrecy, accessible only if the victim summons the courage to report it. The case of Cut Intan Nabila, abused by her husband, illustrates this. The case came to light when Cut Intan uploaded CCTV footage of the violence on her Instagram account in August 2024. In the video, the victim and her husband were seen arguing before the husband physically assaulted her, pulling her hair and even targeting the baby. This domestic violence has been occurring since 2020, but only in 2024 did Cut Intan possess the ability to upload video recordings. The victim took this action because she could no longer endure the brutality inflicted by her husband.

Research indicates that violence against women can occur throughout their lives. Previous research by Rochmat Wahab explains that there are at least two main factors causing domestic violence. Internally, violence in the household is often caused by the weakening ability of family members to adapt to each other. This causes family members who have power and strength tend to be authoritarian and exploitative towards more vulnerable family members. Externally, violence in the household can arise due to the influence of the external environment of the family that influences the attitudes of family members, especially parents or heads of families. This influence is often reflected in exploitative treatment, including traumatic physical and psychological punishment of children and spouses.¹⁰

Domestic violence in any form is unjustifiable, violating the principles of the Republic of Indonesia and human rights. Article 28 G paragraph 1 of the 1945 Constitution states: "Every person has the right to protection of themselves, their family, honor, dignity and property under their control and the right to feel safe and protected from fear to do or not to do something which is a human right". Acts of violence are regarded as violations of human rights and constitute a crime against human dignity and discriminatory acts that violate the founding principles of the Indonesian state.

Domestic violence is not justified in families for any reason and will affect family integrity over time, which will ultimately result in the destruction of the

⁹ Komnas Perempuan, *Catahu 2023: Catatan Tahunan Kekerasan Terhadap Perempuan Tahun 2023 Momentum Perubahan: Peluang Penguatan Sistem Penyikapan di Tengah Peningkatan Kompleksitas Kekerasan Terhadap*, p. xix

¹⁰ Rochmat Wahab, "Kekerasan Dalam Rumah Tangga: Perspektif Psikologis dan Edukatif," *UNISIA*, 61, no.XXIX, (2006) p. 248.

family, which was built for mutual benefits. If this is the case, the ones who suffer the most are the children, especially for their future. Therefore, it is necessary to continue to find the best way to save the family institution while still giving adequate attention to saving family members, especially family members, and the community in general. To better understand the issue of domestic violence, we will further explore the forms of domestic violence, the determinants of domestic violence, analyze the history of domestic violence, and the implementation of Law No. 23 of 2004 concerning the Elimination of Domestic Violence.

This study uses empirical methods with gender and legal sociology approaches.¹¹ The key informants in this study were victims of domestic violence who were selected purposively. Data collection techniques were carried out through in-depth interviews and literature searches. Data were collected in two ways: through in-depth interviews with victims of domestic violence, academics, experts in legal sociology, Islamic law, and gender experts, and through literature searches such as journal articles, books, and legal regulations. The data that has been collected from the research results is analyzed using descriptive qualitative analysis techniques.

Forms of Domestic Violence

Domestic violence can be defined as violent acts committed by a caregiver, parent, or partner. Domestic violence can be shown in various forms, including: Physical violence, use of force; sexual violence, any forced sexual activity; emotional violence, acts that include threats, criticism and depreciation that occur continuously; and controlling to obtain money and use it. According to Law No. 23 of 2004 concerning the Elimination of Domestic Violence (*Penghapusan Kekerasan Dalam Rumah Tangga*/PKDRT), article 1 number 1 defines domestic violence as any act committed against someone, especially women, that causes suffering or misery in the form of physical, sexual, psychological, or neglect of the household, including threats, coercion, or deprivation of liberty unlawfully in the context of the household. In addition, article 2 paragraph 1 explains that the scope of the household according to this law includes: (a) Husband, wife, and children (including adopted children and stepchildren); (b) Individuals who have a family relationship with the people mentioned in letter a through blood, marriage, breastfeeding, foster care, and guardianship, who live together in the household (such as in-laws, sons-in-law, in-laws, and in-laws); and/or (c) People who work to help in the household and live in it (such as domestic workers).¹²

Fakih identifies various types of violence against women as follows: first, rape, including that which occurs in the context of marriage, where rape is coercion to obtain sexual services without the consent of the party concerned, often

¹¹ Salim and Erlies Seprianan Nurbani, *Penerapan Teori Hukum Pada Penelitian Disertasi dan Tesis*, Jakarta: Rajawali Press, 2017. Satjipto Rahardjo, *Sosiologi Hukum: Perkembangan Metode dan Pilihan Masalah*, Yogyakarta: Genta Publishing, 2010.

¹² Undang-Undang No. 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga.

accompanied by feelings of fear, shame, or depression; second, physical violence such as beatings and attacks that occur within the scope of the household, as well as torture of children; third, torture of the genitals, such as female circumcision performed to control women's sexuality; fourth, violence in the form of prostitution, which is the result of economic mechanisms that harm women; fifth, exploitation of women in pornography, where women are treated as objects to obtain profits; sixth, violence through sterilization or birth control carried out to achieve population control targets; seventh, violence in the workplace; and eighth, sexual or emotional harassment.¹³

A more detailed explanation of the forms of violence in the household regulated in the PKDRT Law. First, physical violence refers to actions that cause pain, injury, or serious injury (Article 6). Forms of physical violence may include: slapping, biting, twisting the hand, stabbing, strangling, burning, kicking, threatening with an object or weapon, and killing. These actions can cause trauma to children, making them feel unsafe and uncomfortable.

Second, psychological violence is defined as any act that induces fear, undermines self-confidence, restricts a person's ability to act, fosters feelings of helplessness, and/or causes severe psychological suffering (Article 7). Manifestations of psychological violence may include intimidation and coercion, threats of physical harm, confinement within the home, excessive surveillance, threats to revoke child custody, enforced separation, as well as continuous insults and humiliation.

Third, sexual violence involves any act of coercion of sexual relations, whether through unreasonable or unwanted means, or coercion of sexual relations with a third party for commercial and/or other purposes (Article 8). Sexual violence includes: (a) Coercion of sexual relations against a person living within the household; (b) Coercion of sexual relations against individuals within the household with other people for commercial and/or specific purposes.

Fourth, neglect of the household occurs when someone ignores their responsibility to provide life, care, or maintenance to household members in accordance with the law or agreement. Neglect also includes restricting or prohibiting someone from working properly, both inside and outside the home, thereby creating economic dependence (Article 9). Neglect of the household can be categorized as economic violence, which can be demonstrated by behaviors such as refusing to provide financial support, refusing to provide food and basic necessities, and controlling access to health and work services.¹⁴

Tracing the History of Violence in the Household

Women are unique beings who receive attention in scientific research. A special approach that elaborates on women as objects of analysis is Women's Studies.

¹³ Mansour Fakih, *Kekerasan Dalam Perspektif Pesantren*, Jakarta: Grasindo, 2000, p.78

¹⁴ Rochmat Wahab, "Kekerasan Dalam Rumah Tangga: Perspektif Psikologis dan Edukatif," p. 249.

The discourse of women's studies begins by distinguishing between two main concepts, namely sex and gender. The concept of sex is understood as something of nature, while the concept of gender is understood as a result of social construction (nurture).

The distinction between these concepts is detailed by Setiadi and Kolip by stating that the concept of sex or gender refers to the biological division of humans based on physiology or anatomy. This concept identifies men and women based on physical characteristics and sexual roles. Men can be recognized through genital organs such as the penis and testicles, as well as other biological characteristics such as the Adam's apple and sperm production. The biological role of men is to fertilize female eggs as part of the reproductive instinct. On the other hand, the identity of women is determined by biological characteristics such as possessing a vagina, reproductive organs such as ovaries, fallopian tubes, and uterus, as well as the ability to produce eggs, give birth, and have breasts and mammary glands. The biological role of women is as recipients of fertilization, and also to continue offspring.¹⁵

The concept of gender is a concept that emphasizes how the society constructs social roles based on differences in gender. Rahmawati states that gender is a cultural concept that refers to characteristics that distinguish between women and men both biologically, in behavior, mentality, and socio-culture. Men and women are sexually different, as are behavior and mentality. However, their roles in the society can be equated with certain limitations. The understanding of gender is defined as rules or normal behavior related to gender in a social system. Gender is a social interaction of society that distinguishes behavior between men and women proportionally regarding moral ethics and culture. How men and women should be expected to act and act in accordance with social, moral, ethical and cultural provisions in which they are located.¹⁶

Gender as a social construction forms identities, behaviors and activities that should be played by men and women. This social construction has been attached since humans were born along with the gender they possess. As a result, gender differences are often considered something natural and inherent. Coupled with a long process of gender socialization supported by the legitimacy of religion and culture, it further strengthens the view that differences in roles, positions, and traits between women and men are something that has been determined by nature. In fact, the role, position, and nature are actually the result of social and cultural construction known as gender.

According to McClelland, as explained by Sugihastuti and Septiawan, the emergence of male power is mostly rooted in the view that men are figures who are large, strong, tough, and heavy, while women are considered small, weak, gentle, and light. With that assumption, men are considered to have greater power than

¹⁵ M. Elly Setiadi and Usman Kolip, *Pengantar Sosiologi (Pemahaman fakta dan Gejala Permasalahan Sosial: Teori, Aplikasi, dan Pemecahannya)*. (Jakarta: Kencana 2011), p. 872.

¹⁶ Ni Nyoman Rahmawati, "Perempuan Bali dalam Pergulatan Gender (Kajian Budaya, Tradisi, dan Agama Hindu)," *Jurnal Studi Kultural*, 1, no.1 (2016), p. 59.

women. This power causes men to often look down on women, and has an impact on the type and level of work that is delegated to women. Men, as parties who are considered superior, tend to place women in domestic work because it is considered in accordance with their physical and mental conditions. In addition, because women have unique abilities such as giving birth, caring for, and caring for children, men think that the appropriate role for women is in the realm of the home and family, because these tasks are considered the most suitable for the physical and psychological characteristics of women.¹⁷

Stereotypes and limitations on women's roles that are reinforced by patriarchal culture can create power imbalances in the household, where men feel they have the right to control and control women. This is supported by the results of research by researchers on RM informants. who stated that she was prohibited from working outside the home, prohibited from leaving the house to gather with her old school friends, even prohibited from leaving the house without permission from her husband. It appears that there is pressure from the husband by the informant. The pressure from the husband in the household referred to by the author is the treatment and prohibitions imposed by the husband on his wife in the household. The emergence of pressure from the husband in the household is based on a cultural situation where the functions and roles of women are limited by certain value and norms systems. Differences in behavior between women and men do not arise because of inherent factors since birth but are more due to social cultural factors that distinguish treatment of women and men from the beginning of their development (childhood). The pressure and prohibitions experienced by RM informants are psychological violence that violates women's rights.

Repression of informants is caused by the configuration of understanding that underlies her husband's actions. The understanding of patriarchal relations is the source of problems in the social interaction between the informant and her husband. As a result, the role of women who are heavily involved with family and household management problems makes the position of wives in society somewhat dependent on their husband's position.

Ritzer illustrates four main themes of gender inequality theory, namely:

1. Men and women are placed in the society not only differently, but also unequally. Specifically, women receive fewer material resources, social status, power and opportunities to actualize themselves than men who divide their social positions based on class, race, occupation, ethnicity, religion, education, nationality or based on other important social factors.
2. This inequality comes from the organization of the society, not from biological or important personality differences between men and women.
3. Even though individual humans have somewhat different characteristics and looks, there are no significant natural differences that distinguish men and

¹⁷Sugihastuti and Itsna Hadi Saptiawan, *Gender dan Inferioritas Perempuan: Praktik Kritik Sastra Feminis*, Yogyakarta: Pustaka Pelajar, 2010, p. 280.

women. Instead, all humans are marked by a deep need for freedom to seek self-actualization and by a basic malleability that causes them to adjust to the un-confined-ness or opportunities of the situations in which they find themselves. By saying there is gender inequality means stating that situationally women are less powerful than men to fulfill their needs with men in order to actualize themselves.

4. All theories of inequality assume that both men and women will respond to situations and social structures that are increasingly geared towards equality with ease and naturally. In other words, they justify opportunities to change situations.¹⁸

According to Nasaruddin Umar, in primitive or traditional societies, women are often in a lower position than men. In this context, male and female genders are seen as status symbols. Men are usually associated with masculinity, while women are associated with femininity. This cultural view automatically provides a wider role for men, so that they gain a higher social position than women.¹⁹

On the other hand, Megawangi argues that legally (de jure), there are no structural obstacles for women to have equality with men, including in terms of biological differences. However, in practice (de facto), many women voluntarily cannot overcome their biological factors, especially those related to reproduction.²⁰ Therefore, the term discrimination is not appropriate, because the obstacles that exist for women to be equal to men often come from within the women themselves. Although cultural factors, which are the result of socialization, play an important role, these cultural factors cannot be separated from biological diversity because throughout the world there is a cultural uniformity about the concept of "motherhood" which is always attached to women.

Gender as a belief and social construction, which is socialized from generation to generation and internalized in people's lives, has turned out to develop a form of injustice experienced by women. In the relationship between men and women, through social constructs, nature, values, and customs shape unequal social relationships or relations. This inequality occurs because in every aspect of life, male value is more valued than female value which has been subordinated by male power. Women are often placed as the second human being, which is under the superiority of men which has a broad impact in people's lives. The impact that can be observed is the occurrence of discrimination against women in all aspects of life, which results in oppression and violence against women in the household.

Furthermore, Scott in Meyerowitz states that "gender was "a constitutive element of social relationships based on perceived differences between the sexes,"

¹⁸George Ritzer and Douglas. J Goodman, *Teori Sosiologi Modern*, Jakarta: Kencana, 2008, p. 420.

¹⁹ Nasaruddin Umar, *Argumen Kesetaraan Gender: Perspektif Al-Qur'an*. Jakarta: Paramadina, 2001, p. 74.

²⁰ Ratna Megawangi, *Membiarkan Berbeda: Sudut Pandang Baru tentang Relasi Gender*, Bandung: Pustaka Mizan. 1999, p. 39.

and also "a primary way of signifying relationships of power."²¹ The concept of gender is the result of the function of social relations based on an understanding of differences in gender. Gender also implies power relations. Power relations implied in gender certainly do not become a problem if the relations are fair. However, historical facts show that there are unequal power relations. Gender inequality is a system and structure that places women and men as victims of the system. Gender differences cause gender inequality, which can be seen through various manifestations in the form of gender inequality, namely marginalization, subordination, stereotypes, double burden and violence.

Manifestations of gender inequality cannot be separated because they are interconnected and interconnected and influence each other dialectically. In more detail, the manifestations of gender inequality can be described by Kaslina, Quraisy & Nawir as follows:

1. Gender and Marginalization of Women

The form of gender inequality in the form of marginalization of women is a process of impoverishment of one type of gender in this case, women are caused by gender differences. There are several differences in type and form, place and time and the mechanism of the process and marginalization of women because of gender differences. From the aspect of source, for example, marginalization or impoverishment of women can be sourced from government policies, beliefs, interpretations of religion, traditions or customs, and even assumptions of scientific knowledge. Marginalization of women does not only occur in the workplace, but also occurs at all levels such as in the household, community, or culture, and even up to the state level.

2. Gender and Subordination of Women

Gender views turn out to not only result in marginalization, but also result in subordination of women. The assumption in the society is that women are emotional, irrational in thinking, women cannot appear as leaders (as decision makers), so as a result women are placed in positions that are not important and not strategic (second person).

3. Gender and Stereotypes of Women

It is a kind of label addressed to a particular party that always results in harming other parties and causes injustice. One stereotype that is introduced in this language is. Stereotypes that come from gender views. There are so many forms of injustice towards genders which are mostly women that come from stereotypes that are inherent.

²¹ Joanne Meyerowitz, A History of "Gender". *The American Historical Review* 113, No. 5, (2008), p. 1346-1356.

4. Gender and Violence against Women

It is an attack (assault) on both physical and mental integrity, psychological integrity of a person. Violence against humans can occur for various sources, one of which is violence that is based on gender assumptions. Such violence is called gender-related violence, which basically occurs because of power or power inequality in society.

5. Gender and the Burden of Women's Work

Is the assumption that women also have nurturing and diligent qualities, and are not suitable to be the head of the household, resulting in all domestic household chores becoming the responsibility of women. Consequently, many women have to work to maintain the neatness and cleanliness of their households, starting from cleaning and mopping the floor, cooking, washing clothes and fetching water for bathing to caring for children. Among poor families, this very heavy burden must be borne by women themselves. Moreover, if the woman has to work, then she bears a double burden.²²

All the manifestations of gender inequality that have been explained are interconnected and influence each other. This socialization process influences both women and men, so that over time they begin to consider gender roles as something natural or inherent. As a result, a social construct is formed that is accepted as the norm, so that it is no longer considered a problem or a mistake.

However, gender inequality is strongly felt by women. Women have been experiencing gender inequality manifested in various forms, namely marginalization which results in the process of impoverishment of women. The causes of poverty in women are due to lack of access to education, lack of access to information, low participation access, low access to obtaining jobs. If women are generally poor and their desires are many and cannot control their desires, it can trigger conflict in the household and with their inability can encourage the occurrence of violence in their household.

If women take a major role in income generator, they will control resources, which they will then change into a relatively high status and control their own lives. Access to and mastery of production assets will give women power over economic assets. Mastery of economic assets will minimize the chance of conflict in the household, which is one trigger for the occurrence of violence in the household which is based on the determinants of poverty. From a feminist perspective, violence against women is seen as equal to gender-based violence. This is due to the fact that violence experienced by women is generally a result of inequality in gender relations. This gender-based violence arises as a result of social structures that exist in patriarchal societies, where male power and dominance are very dominant.

²² Hidayah Quraisy and Muhammad Nawir, "Kesetaraan Gender Pegawai Dinas Pertanian." *Jurnal Equilibrium* 3, no.1 (2015), p. 106-115. Irna Nur Arisa, et.al., "Women's Political Leadership: An Analysis of Gender Equality In Legislators In Sekadau," *Jurnal Sosiologi Dialektika Sosial* 11, No. 1 (2025).

According to Rudi Harnoko, there are several factors that cause violence against women in the context of domestic violence. First, an understanding of the interpretation of religious texts that are on average still biased towards men; Second, patriarchal culture, where men are placed in a higher position than women and are considered more superior. In family structures, men have great authority in making domestic decisions and roles in public social life. This is often used as a reason to justify control by husbands over wives, even in the form of physical violence such as beatings under the guise of educating or other reasons that justify these actions; Third, myths about domestic violence that are considered truths, such as the assumption that domestic violence is rare and impossible, that household problems are private matters and not the responsibility of others, and that violence is a form of love that will be followed by intimate behavior afterwards; Fourth, domestic violence is often seen as an effective way to resolve conflicts between couples, or psychologically as a form of communication that weakens the partner's mental state; Fifth, role model. Boys who are raised in families where their fathers often use violence against their mothers tend to mimic this behavior when they are adults. Habits learned from parents can shape children's behavior in the future. For example, children who are raised in authoritarian and aggressive families will be more likely to become aggressive than children who are raised in non-aggressive family environments. Sixth, the ideology of harmony which considers a harmonious family as ideal, where wives are considered good if they are obedient, patient, and cover up their husband's shortcomings even though their husband behaves roughly. This idea often equates domestic conflict with something natural and is believed to be only temporary, and that the relationship between husband and wife will return to harmony after the conflict.²³

When linked to the results of research that has been stated by several informants in this study, it appears that in the informants' households, there is confusion in interpreting gender and sex which triggers reciprocal interactions that lead to pressure from the husband in the household. The dominant understanding of the informants' husbands causes actions that can be categorized as gender bias. Women in many patriarchal cultural structures always occupy a dominant position in receiving unfair treatment. This problem is caused by various things, one of which is the product of social and cultural politics that continues to develop in society with a perspective that is still masculine "patriarchal", which then lead to various forms of injustice which in this context are widely accepted by women. As described that the forms of human civilization that justify the phenomenon of women's oppression have been illustrated in the fragmentation of history in various parts of the world.²⁴

²³ Rudi Harnoko, "Dibalik Tindak Kekerasan Terhadap Perempuan," *Jurnal MUWÂZÂH*, 2, no. 1 (2010), p. 186-187.

²⁴ Muhammad Nur Taufik and Refty Hamdini Listyani, "Pembangunan Berbasis Gender Mainstream (Studi Analisis Gender Implementasi Program Gender Watch Di Gresik)," *Paradigma*, 5, no. 3 (2017), p. 1-6.

Furthermore, Mufidah Ch explained that there are several tendencies for people to commit and perpetuate violence, namely:

1. Patriarchal Culture: This culture places men in positions that are considered higher and more superior than women.
2. Negative Stereotypes: Damaging views and negative labels, such as the assumption that men are rude and women are weak, contribute to the occurrence of violence.
3. Misinterpretation of Religion: Interpretations of religion that are not in line with universal religious values, such as *nusyuz*, the view that husbands may beat their wives as a form of education or if wives refuse to fulfill their husband's sexual needs, then husbands have the right to hit and wives will be cursed by angels.
4. Legitimacy of Violence: Violence is often considered legitimate and becomes part of culture, family, country, and social practice, so it becomes normal in everyday life.

The social structure in which the informants' husband was raised clearly internalizes gender bias knowledge. What is internalized is interpreted by the informants' husband which actually further strengthens the climate of violence both physically and non-physically on the informants. Ideally, gender differences should not be a problem if their implementation does not harm any of the parties involved, both women and men, and does not cause gender inequality and violence in the household. However, according to a group of gender observers and thinkers, especially from the Western world, there is inequality and inequality in the application of the concept of gender in the society. Usually, women are a group that experiences injustice and gender inequality. Mansour Fakih states that gender inequality and inequality that occurs in women is in the form of women being marginalized which comes from traditions and customs, interpretations of religion, beliefs and government policies and even assumptions of scientific knowledge. Other forms, subordinate women, women in stereotypes, women experience violence, and women bear the burden of work.²⁵

Determinants of Domestic Violence

The data found that domestic violence occurred due to:

1. Economic Factors

A common trigger factor that causes emotional chaos and leads to quarrels in the household and in the end domestic violence is economic imbalance. The absence of money possessed while many household needs must be met so that it provokes debates in the household. This is seen in the household of informant KM (pseudonym) that at the beginning of their marriage, the informant's household was fine and they loved each other. The informant's husband works as a motorcycle taxi

²⁵ Mansour Fakih, *Analisis Gender dan Transformasi Sosial*. Yogyakarta: Pustaka Pelajar, 2010, p. 4.

driver. Every day the wages obtained by the informant's husband are given to the informant and the husband only takes a little to buy gasoline. Several years later, the informant's husband switched to working as a stone mason and the informant also worked as a perfume seller. The same thing was also done by her husband, if he had received a salary every 10 days, the money was given to the informant. However, when the Covid-19 pandemic occurred, disputes often occurred because of unstable economic problems. This happened because the informant no longer worked and her husband rarely received work orders. As a result, the household that used to be happy is now often in conflict. In times of conflict, husbands usually commit verbal violence by saying harsh words that offend their wives. Until one day the informant could not stand the harsh words that were always said by her husband, as a result the informant decided to separate the bed.²⁶

Azzam further explains that domestic violence related to economic problems can be categorized into two groups. The first group involves pure economic problems, namely problems that arise from basic needs or primary (basic needs). While the second group includes economic problems that arise as a result of external cultural influences, especially those related to the fulfillment of additional or secondary needs that are influenced by consumerism, which is often seen in urban communities.²⁷ In the case that befell the informant's family, if it is associated with Azzam's opinion, it appears in the first group, namely the problem of basic needs. Basic needs are not only basic necessities in the form of food, clothing and shelter but also the need for social services in the form of health, transportation and education for their children. Although food is one of the most basic needs, the ability to meet all basic needs is highly dependent on the economic strength of the household. The inability to meet these basic needs can lead to violence in the household.

2. Angry Character

The character traits inherent in an individual are often difficult to change. Persons with an irascible disposition typically struggle to regulate their emotions, particularly when confronted with frustrating circumstances. Uncontrolled and misdirected anger may give rise to aggressive behavior, manifesting in physical, verbal, or emotional violence. This tendency is evident in the cases of informants MW and RM (pseudonyms). Within their households, disputes frequently arose due to the husbands' angry temperaments. For example, when a husband instructed the informant to perform a task and she responded slowly, his anger was triggered; this reaction intensified if the informant failed to hear his call. Such situations often led to verbal abuse, expressed through raised voices and harsh words. In the case of

²⁶ Interview with KM, an informant of a wife who experienced domestic violence, Bone, July 16, 2024

²⁷ Muhammad Azzam Manan, "Kekerasan Dalam Rumah Tangga Dalam Perspektif Sosiologis," *Jurnal Legislasi Indonesia*, 5, no. 3 (2008), p.27.

informant RM, the aggression escalated further, resulting in physical violence perpetrated by her husband.²⁸

In every problem faced by the family, it is important to have a communication relationship between family members, to find out the problems that occur. So, from the results of this communication, a solution can be sought together to solve the problem. Do not put forward authority as the head of the family. If the angry character possessed by the informant's husband, then this character is rather difficult to change if there is no effort to want to change it. Even if there is only a slight trigger factor in the family, then this trait will easily return. This cycle will tend to repeat, even though there has been an apology issued by the perpetrator as the head of the family. As a result of her husband's treatment, the informant could no longer bear the treatment, so the informant decided to run away from home and return to her parents' house.

3. Early Marriage

In rural areas, early marriage is still generally considered normal, especially rural areas that still carry out customs or cultures that support early marriage. Generally, they are very afraid if their children have become teenagers and have not married. So, in rural areas there is generally still matchmaking by parents.

Early marriage does not occur spontaneously but is influenced by several underlying factors. Among the most significant are low levels of economic security and limited access to education. Economic stability plays a crucial role in sustaining family life, as it enables households to meet their basic needs through employment and income. Families with limited financial resources often resort to marrying off their daughters, perceiving them as an economic burden, in an effort to alleviate financial strain. Similarly, low educational attainment contributes to the prevalence of early marriage. A lack of education not only limits adolescents' daily activities but also restricts their knowledge, leading to narrow perspectives that prioritize immediate concerns over long-term aspirations. Families facing economic hardship frequently prioritize marriage over education, choosing to marry off their children rather than supporting them to pursue higher levels of schooling. Consequently, even when children wish to continue their education, financial constraints often prevent them from doing so, leaving early marriage as the perceived alternative.²⁹

This dynamic is exemplified in the case of informant RK (pseudonym). After graduating from high school, she was arranged to marry by her family. Initially, the marriage appeared harmonious; however, within a few months, conflicts began to surface. Her husband exhibited intense jealousy, which led him to restrict her

²⁸ Interview with RW and RM, both wives experienced domestic violence, Bone, July 16, 2024

²⁹ Hendra Pahlepi, Lusiana Rahmatiani, "Sosialisasi Dampak Pernikahan Dini Terhadap Kekerasan Dalam Rumah Tangga (KDRT)," *Abdima Jurnal Pengabdian Mahasiswa*, 3, no. 1 (2024), p. 4987. Annisa Ariftha and Anang Anas Azhar, "Symbolic Violence Against Women in Medan's Patriarchal Culture," *Jurnal Ilmiah Peuradeun* 11, No. 2 (2023).

freedom of movement. He prohibited her from leaving the house without his permission, even for simple activities such as socializing with former school friends. RK did not remain passive in this situation; she expressed her disapproval of her husband's excessive jealousy. This resistance, however, triggered further conflict within the household, often resulting in the husband's anger and verbal abuse toward his wife. This case illustrates that domestic violence is closely tied to the perpetrator's assertion of dominance and power over the victim, rooted in cultural mindsets and value systems that reinforce the notion that a wife must unquestioningly obey her husband.³⁰

In addition, the informant's husband exercised strict control over financial matters. Each month, he entrusted his entire salary to his parents, specifically his mother, who managed the household finances. The mother-in-law then allocated a portion of this money to the informant for daily food expenses. The husband justified this arrangement by claiming that the informant was not yet capable of handling household finances. Although the informant voiced her objections to this practice, her husband continued to relinquish his salary to his parents.

This situation all greatly disturbs the informant's psychology. Prohibitions to associate with her friends and the husband who is very stingy and the husband does not want to accept advice from his wife, which only ends with quarrels and verbal violence, makes the wife no longer able to continue her marriage and decides to file for divorce at the religious court with the help of her family.

Elimination of Domestic Violence: A Gender and Sociological Perspective

Violence against women does not only occur in the public sphere, but also occurs in the private sphere, namely in family life. Even according to legal sociology expert Ibu Ratih Lestarini that Violence in the household does not only occur in patriarchal societies, but also occurs in societies that adopt a matrilineal system. This is a contradiction because it is hoped that the matrilineal system will allow women to occupy a higher social and economic status than men, thus giving them more influence in the domestic sphere. The fact from the results of his research is that domestic violence also occurs in the Minangkabau community which is a matrilineal system.³¹

This act of violence in the household is seen as a violation of human rights and is a form of crime. Therefore, an adequate legal framework is needed to eliminate all forms of violence in the household. As a form of concern for the elimination of violence against women in the household, the Indonesian government has issued Law Number 23 of 2004. concerning the Elimination of Domestic Violence. This law not only regulates issues of prevention and protection and recovery for victims of violence in the household, but also specifically regulates violence that occurs in the household with criminal elements regulated in the Criminal Code.

³⁰ Interview with RK, a wife experiencing domestic violence, Bone, July 17, 2024.

³¹ Interview with Prof. Dr. Ratih Lestarini, Professor of Sociology of Law, University of Indonesia, August 24, 2025.

The law on the elimination of domestic violence is the basis for guaranteeing that violence in the household is a criminal act so that the state is involved in handling domestic violence as a form of state responsibility in protecting its citizens. In addition, this law is expected to be a tool that can stop the culture of violence that exists in the society. However, the application of violence law in the household that occurs around the informant's residence has not been implemented to the maximum, this is due to the lack of legal awareness in the community. This is evident from the four informants interviewed, none of whom reported to the authorities about the problems they experienced.

This situation arises from a lack of socialization regarding the existence of legal protections, as well as the informant's reluctance to report incidents due to doubts about the effectiveness of the law—particularly concerning the protection she might receive from the police if a report were filed. Furthermore, feelings of shame discourage the informant from reporting the abuse. Many victims perceive domestic violence as a private matter between husband and wife, believing that bringing such issues to the authorities would expose and disgrace the family. This perception contributes to the inadequate handling of domestic violence cases. In the absence of victim reports, law enforcement officers are unable to take action, as their intervention typically depends on formal complaints being filed.

According to legal sociology expert Ratih Lestarini, based on the results of his research in the Tanah Datar area, West Sumatra which is known to be matrilineal and in Labuan Bajo, East Nusa Tenggara, the settlement of domestic violence cases still uses the customary system. This system emphasizes reconciliation between extended families rather than formal law enforcement efforts through the police. This approach often does not provide a sense of justice for women. Customary settlement places more emphasis on the harmony of the extended family. However, if there is repeated violence, it is at this time that the state law will resolve it. Therefore, to minimize domestic violence cases, it is necessary to socialize the UU KDRT from top to bottom. Resolving domestic violence cases requires synergy between state law and customary law. State law needs to understand the values and mechanisms of customary law that apply in the local community because domestic violence is very closely related to cultural factors that exist in the local community. In addition, the State law must also be able to determine when to take firm steps in handling cases. Thus, the presence of state law does not necessarily eliminate the role of customary law, but rather complements it in order to achieve a more comprehensive justice. Furthermore, Ratih emphasized the importance of the role of law enforcement officials to socialize the KDRT Law to customary stakeholders, so that there is harmony between state legal norms and *adat*-based settlement practices in protecting victims.³²

³² Interview with Prof. Dr. Ratih Lestarini, Professor of Sociology of Law, University of Indonesia, August 24, 2025.

Muhammad Mustofa has argued that the Domestic Violence Law does not provide comprehensive protection for victims during judicial proceedings. For instance, when a wife becomes the victim and the husband is imprisoned, questions arise regarding who will ensure the wife's and family's financial security, given that women, in many cases, remain economically dependent on their husbands. The situation becomes even more precarious if the husband subsequently divorces his wife. He further contends that many law enforcement officials, particularly the police, lack sufficient understanding of the law, often treating domestic violence as a private family matter. As a result, numerous cases are processed through restorative justice mechanisms, which are commonly reduced to reconciliation, thereby increasing the likelihood of recurrence. This occurs due to a misinterpretation of restorative justice, which in principle should prioritize the protection and well-being of victims.³³ Similarly, Vinita Susanti, a female academic, acknowledges that while the Domestic Violence Law is valuable in advancing women's interests, it remains limited in scope and fails to address the needs of all women. To reduce the prevalence of domestic violence, it is essential that husbands and wives fulfill their respective roles within the family without one party dominating the other. Family relationships should instead be grounded in equality, mutual respect, shared commitment, and affection.³⁴

Muhammad Mustofa further emphasized that, from a sociological perspective, domestic violence cannot be entirely eradicated, but it can be mitigated through comprehensive social policies. Central to these efforts is education—whether formal, informal, or non-formal—that instills anti-violence values. In addition, premarital training should be strengthened to cultivate a proper understanding of the rights and obligations of both spouses, while underscoring that marriage requires not only meeting the minimum age requirement but also achieving economic independence, as well as social and psychological maturity. He also suggested limiting media portrayals of violence, divorce, infidelity, and domestic conflict in newspapers, television, and social media, in order to prevent such representations from serving as models or inspiration for domestic violence.³⁵

Furthermore, according to Desintha Dwi Asriani, a gender expert from Gadjah Mada University, culturally, husband-wife relations are often unequal. Men are positioned as heads of households with full authority, while women are positioned as subordinates. This inequality perpetuates the legitimacy of violence as a means of control. Therefore, what is needed is to change the narrative of women as objects into empowered subjects through education, economic empowerment, and increased legal literacy, promoting gender equality education in schools, places of worship, and the media. Meanwhile, structurally, many victims of domestic violence

³³ Interview with Prof. Dr. Muhammad Mustofa, MA, Professor, University of Indonesia, August 19, 2025.

³⁴ Interview with Dr. Vinita Susanti, M.Si, a female academic from the University of Indonesia on August 19, 2025.

³⁵ Interview with Prof. Dr. Muhammad Mustofa, MA, Professor, University of Indonesia on August 19, 2025

have difficulty accessing protection services because institutions such as the police, courts, or health services are unresponsive or even gender-biased. Therefore, what is needed is consistent enforcement of the Domestic Violence Law, including strict sanctions for perpetrators, as well as gender-sensitive training for law enforcement. Furthermore, it is necessary to establish integrated gender-based service units in every region such as P2TP2A, shelters, hotlines, and various other easily accessible services.³⁶

However, scholar Lukman Arake, a member of the Indonesian Ulema Council (MUI) in Bone Regency, argued that while total elimination of domestic violence may not be achievable, it can be minimized by fostering a deeper understanding of the rights and responsibilities of each partner. Husbands, in particular, must be aware of their obligations toward their wives to prevent patterns of domination and control, while wives must likewise fulfill their responsibilities. He further illustrated that husbands and wives should complement one another, akin to garments that cover and protect, thereby nurturing *mawaddah warahmah*—a bond of affection, compassion, and inner strength within the family.³⁷

Therefore, it can be concluded that violence against women stems from multiple interrelated factors. What is most crucial, however, is the establishment of effective cooperation among all stakeholders—not only the government but also communities, educators, religious leaders, and non-governmental organizations—to empower women. Women must have access to quality education that fosters intellectual development, awareness of rights, and economic, social, and political capacities.³⁸ Through such empowerment, patriarchal cultural structures can gradually be dismantled. In more progressive contexts, this process will further enable the strengthening and recognition of women's gender roles within society.

Conclusion

Law No. 23 of 2004 on the Elimination of Domestic Violence classifies domestic violence into four forms: physical violence, psychological violence, sexual violence, and domestic neglect. The occurrence of such violence is influenced by various factors, including economic hardship, the perpetrator's aggressive temperament, early marriage, and broader sociocultural conditions rooted in patriarchal structures that reinforce male dominance and control. However, the implementation of Law No. 23 of 2004 has not yet been fully effective. This limitation stems from several challenges, such as insufficient public dissemination

³⁶Interview with Desintha Dwi Asriani, Ph.D, a gender expert from Gadjah Mada University, August 20, 2025.

³⁷ Interview with Prof. Dr. H. Lukman Arake, Lc., MA, Board Member of the Indonesian Ulema Council of Bone, Professor at IAIN Bone, August 19, 2025.

³⁸ Rafidah Abd Karim, et.al., "Feminism and Gender Equality among Orang Asli Women: Implications for Customs and Laws," *Hasanuddin Law Review* 11, No. 2 (2025). Nadya Sri Aisyah Amannie and Alfredha Shinta Putri, "The Malala Fund's Strategy to Fight for Women's Right to Get Education in Pakistan," *Malikussaleh Social and Political Review* 5, No. 2 (2024).

of the law, victims' doubts regarding the protection they will receive from law enforcement authorities, and the prevailing perception that domestic violence constitutes a private family matter beyond external intervention. Therefore, violence against women is caused by various interrelated factors. Effective collaboration between all stakeholders is sociologically necessary to empower women. This study also found that women should be encouraged to have access to quality education that fosters intellectual development, awareness of human rights, and economic, social, and political capacity.

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