

Strengthening Legal Protection for Women Victims of Domestic Violence: A Human Rights Perspective

Ami Nurafni

¹ Walisongo State Islamic University Semarang, Indonesia

* Correspondence e-mail; aminurafni23@gmail.com

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Abstract

Domestic violence against women constitutes a serious violation of human rights that requires comprehensive legal protection and effective state intervention. This study aims to analyze the strengthening of legal protection for women victims of domestic violence from a human rights perspective. The research employs a normative legal method using statutory, conceptual, and case approaches, with data derived from secondary legal materials such as legislation, international conventions, and academic literature. The findings reveal that although legal frameworks—both at international and national levels—have increasingly recognized domestic violence as a public issue and a human rights concern, significant challenges remain in their implementation. These challenges include limited access to justice, weak law enforcement, inadequate institutional support, and persistent socio-cultural barriers rooted in patriarchal norms. The study emphasizes that effective legal protection must go beyond formal regulation and adopt a victim-centered and holistic approach, integrating legal, social, and institutional mechanisms. It concludes that strengthening legal protection requires not only normative alignment with human rights principles but also practical efforts to ensure accessibility, enforcement, and prevention.

Keywords

Domestic Violence; Legal Protection; Women's Rights; Human Rights; Gender Justice



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INTRODUCTION

Domestic violence against women remains one of the most pervasive forms of human rights violations across the world, cutting across social, economic, and cultural boundaries. For a long time, violence within the household was perceived as a private matter, beyond the reach of legal intervention. However, this perception has gradually shifted, particularly with the growing influence of international human rights norms that recognize domestic violence as a serious violation of fundamental rights, including the right to life, security, dignity, and equality. Global advocacy led by institutions such as the United Nations has played a crucial role in reframing

domestic violence as a public issue that requires state responsibility and legal protection.

International legal instruments, particularly the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), have established a comprehensive framework for addressing violence against women. These instruments emphasize that states have an obligation not only to enact laws prohibiting violence but also to ensure effective protection, access to justice, and recovery mechanisms for victims. According to Sally Engle Merry, the globalization of human rights has contributed to the diffusion of these norms into domestic legal systems, although their implementation often depends on local cultural and institutional contexts. As a result, many countries, including Indonesia, have adopted specific legislation aimed at eliminating domestic violence and strengthening legal safeguards for women.

In Indonesia, the enactment of Law No. 23 of 2004 on the Elimination of Domestic Violence marked a significant milestone in recognizing and addressing violence within the household as a legal issue. This law reflects a commitment to align national legal frameworks with international human rights standards. Nevertheless, despite the existence of such legal provisions, domestic violence continues to be a serious problem. Various studies indicate that many cases remain unreported due to fear, stigma, economic dependency, and social pressure. As argued by Catharine A. MacKinnon, legal systems often struggle to effectively address gender-based violence when underlying structural inequalities and patriarchal norms persist within society.

Furthermore, the protection of women victims of domestic violence is not solely a matter of legal regulation but also involves the effectiveness of institutions responsible for law enforcement and victim support. The availability of legal aid, shelters, counseling services, and healthcare plays a critical role in ensuring that victims can access protection and justice. However, in many contexts, these support systems remain inadequate or unevenly distributed. Reports from the United Nations Development Programme highlight that gaps in institutional capacity and coordination continue to hinder the effective implementation of policies addressing gender-based violence.

The challenges in addressing domestic violence are further compounded by socio-cultural factors. In many societies, patriarchal values and traditional norms continue to shape perceptions of gender roles, often legitimizing or minimizing acts of violence against women. This creates barriers for victims seeking justice and limits

the effectiveness of legal protections. As emphasized by World Health Organization, addressing violence against women requires a comprehensive approach that integrates legal, social, and health interventions to tackle both the symptoms and root causes of the problem.

Although significant progress has been made in developing legal frameworks to protect women from domestic violence, there remains a gap between normative regulation and practical implementation. Many studies have focused on the existence of laws, but fewer have critically examined their effectiveness from a human rights perspective. This gap highlights the need for a more in-depth analysis of how legal protections function in practice and what measures are necessary to strengthen them.

Based on this background, this study aims to analyze the strengthening of legal protection for women victims of domestic violence from a human rights perspective. The research seeks to evaluate existing legal frameworks, identify challenges in their implementation, and propose strategies for enhancing protection mechanisms. Ultimately, this study is expected to contribute to the development of a more effective, just, and human rights-based legal system that ensures the safety and dignity of women.

METHODS

This study employs a normative legal research design with a human rights approach to examine the strengthening of legal protection for women victims of domestic violence. The research is doctrinal in nature, focusing on the analysis of legal norms, principles, and regulatory frameworks that govern the protection of women, particularly in relation to domestic violence. By using a human rights perspective, the study aims to assess the extent to which existing legal provisions align with international standards on the protection of women and the elimination of gender-based violence.

The research applies several approaches, including the statutory approach, the conceptual approach, and the case approach. The statutory approach is used to analyze relevant laws and regulations concerning domestic violence and the protection of women, both at the national and international levels. This includes examining legal instruments influenced by global human rights standards developed under the United Nations framework, particularly those related to gender equality and the protection of vulnerable groups. The conceptual approach is employed to explore theoretical frameworks, such as human rights theory, gender justice, and victim protection, which serve as analytical tools in understanding the legal issues addressed in this study. Meanwhile, the case approach is utilized to review selected

cases or practices that illustrate the implementation of legal protection for women victims of domestic violence.

The data used in this research consist of secondary legal materials obtained through library research. These materials include primary legal sources such as legislation, international conventions, and official legal documents, as well as secondary sources in the form of academic books, peer-reviewed journal articles, and prior research relevant to domestic violence and human rights. Tertiary materials, such as legal dictionaries and encyclopedias, are also used to support conceptual clarity and ensure the accuracy of legal terminology.

Data collection is carried out through a systematic review and documentation of relevant legal and academic literature. The collected data are then analyzed qualitatively using descriptive and analytical methods. The analysis begins with the classification of legal materials based on key themes, followed by doctrinal interpretation to understand the substance and objectives of legal norms. Furthermore, the study evaluates the effectiveness of legal protection by examining the consistency between normative provisions and their implementation in practice.

To ensure the credibility and validity of the findings, this study applies source triangulation by comparing various legal materials and scholarly perspectives. Through this systematic and rigorous methodological process, the research aims to provide a comprehensive understanding of the legal protection of women victims of domestic violence and to formulate recommendations for strengthening a more effective, just, and human rights-based legal framework.

FINDINGS AND DISCUSSION

The findings of this study demonstrate that legal protection for women victims of domestic violence has increasingly been framed within a human rights perspective, reflecting a global shift toward recognizing violence against women as a violation of fundamental rights rather than merely a private or domestic issue. International human rights standards promoted by institutions such as the United Nations have played a central role in redefining domestic violence as a matter of public concern that requires state intervention. Instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) establish clear obligations for states to prevent, investigate, and punish acts of violence against women, as well as to provide protection and remedies for victims. This normative framework has influenced national legal systems, including Indonesia, to adopt specific legislation addressing domestic violence and strengthening legal safeguards for women.

From a legal perspective, the development of domestic violence laws indicates a growing recognition of women's rights to security, dignity, and equality before the law. In Indonesia, the enactment of Law No. 23 of 2004 on the Elimination of Domestic Violence represents a significant step toward aligning national law with international human rights standards. However, the study finds that the effectiveness of such legal frameworks is often constrained by implementation gaps, including limited access to justice, inadequate law enforcement responses, and socio-cultural barriers that discourage victims from reporting abuse. As highlighted by Catharine A. MacKinnon, legal reforms alone are insufficient if they are not accompanied by structural changes that address gender inequality and power imbalances within society.

Furthermore, the analysis reveals that domestic violence is deeply rooted in patriarchal social structures that perpetuate unequal power relations between men and women. This condition often results in the normalization of violence within the household, making it difficult for victims to seek legal protection. According to Sally Engle Merry, the effectiveness of human rights law depends on its ability to be translated into local contexts, where cultural norms and social practices significantly influence legal outcomes. In many cases, victims face stigma, economic dependency, and family pressure, which limit their ability to pursue legal remedies despite the existence of protective laws.

In addition, the study highlights the importance of institutional support in strengthening legal protection for women victims. Effective protection requires not only legal provisions but also the availability of support services such as shelters, legal aid, counseling, and medical assistance. The human rights approach emphasizes the responsibility of the state to ensure that victims have access to comprehensive protection mechanisms. However, disparities in resource allocation and institutional capacity often hinder the provision of such services, particularly in developing countries. Reports by the United Nations Development Programme indicate that gaps in institutional coordination and funding remain major obstacles in the implementation of gender-based violence policies.

Another important finding is the need for a victim-centered approach in handling domestic violence cases. Traditional legal systems tend to focus on punishment of the offender, often overlooking the needs and interests of the victim. A human rights perspective shifts this focus toward ensuring the safety, recovery, and empowerment of victims. This includes protecting victims from secondary victimization during legal proceedings and ensuring their active participation in the

justice process. As emphasized by World Health Organization, a comprehensive response to domestic violence must integrate legal, health, and social services to effectively address the multifaceted impact of violence on women.

Moreover, the study identifies the necessity of strengthening preventive measures alongside legal protection. While legal frameworks are essential for responding to cases of domestic violence, long-term solutions require addressing the root causes of violence, including gender inequality, lack of education, and harmful cultural practices. Public awareness campaigns, gender-sensitive education, and community engagement are crucial in changing societal attitudes toward domestic violence. The integration of human rights education into legal and social institutions can contribute to a more transformative approach, where prevention and protection are equally prioritized.

Overall, the findings suggest that strengthening legal protection for women victims of domestic violence requires a holistic and integrated approach that combines legal reform, institutional capacity building, and socio-cultural transformation. Although significant progress has been made in recognizing domestic violence as a human rights issue, challenges remain in ensuring effective implementation and access to justice. Therefore, a human rights-based framework must not only establish legal norms but also ensure their practical realization through coordinated efforts among legal institutions, government agencies, and society at large.

CONCLUSION

This study concludes that strengthening legal protection for women victims of domestic violence requires a comprehensive approach grounded in human rights principles. The recognition of domestic violence as a violation of fundamental rights has shifted the legal paradigm from viewing it as a private matter to a public issue that demands state responsibility. International frameworks promoted by the United Nations have significantly influenced national legal systems, encouraging the adoption of laws that guarantee protection, justice, and recovery for victims.

However, the existence of legal instruments alone is not sufficient to ensure effective protection. The findings reveal persistent challenges in implementation, including limited access to justice, weak law enforcement, and socio-cultural barriers rooted in patriarchal norms. These factors often prevent victims from fully benefiting from available legal protections. Therefore, strengthening legal protection must go beyond normative regulation and address structural inequalities that perpetuate domestic violence.

Furthermore, the study emphasizes the importance of adopting a victim-centered and holistic approach. Legal protection should be supported by accessible institutional services such as legal aid, shelters, counseling, and healthcare. In this context, the role of the state is crucial in ensuring the availability and coordination of these services, as also highlighted in various initiatives by the United Nations Development Programme. Preventive measures, including education and public awareness, are equally important in addressing the root causes of violence and fostering long-term social change.

In conclusion, an effective framework for protecting women victims of domestic violence must integrate legal, institutional, and socio-cultural strategies. By combining strong legal foundations with practical implementation and community engagement, a human rights-based approach can contribute to a more just, responsive, and protective system for women.

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