

## Legal Analysis of Legal Protection Against Domestic Violence in Indonesia in 2025

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### Abstract

Domestic Violence (DV) until 2025 remains a serious problem in Indonesia because it not only causes physical suffering, but also impacts the psychological, social, economic, and human rights conditions of victims. This study aims to analyze the legal form of legal protection for victims of domestic violence in Indonesia and identify various obstacles that affect the effectiveness of its implementation in law enforcement practices. The study uses a qualitative method with a normative legal approach through a literature study of laws and regulations, court decisions, scientific journals, and official reports of related institutions. The results of the study indicate that normatively legal protection for victims has been regulated through Law Number 23 of 2004 concerning the Elimination of Domestic Violence, the Law on Witness and Victim Protection, and various human rights instruments, but its implementation still faces obstacles in the form of patriarchal culture, low public legal awareness, economic dependence of victims, weak coordination between institutions, and the emergence of digital-based forms of violence in modern household relations. This study concludes that legal protection for victims of domestic violence requires an approach that is not only repressive, but also preventive, rehabilitative, and based on victim recovery so that legal protection can be more effective, responsive, and just.

### Keywords

Legal Protection, Domestic Violence, Victims of Violence, Human Rights, Law Enforcement



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## INTRODUCTION

Domestic violence (DV) will remain a multidimensional problem in Indonesia until 2025, with serious legal, social, and human rights consequences. Domestic violence not only causes physical suffering for victims but also leads to psychological trauma, sexual violence, economic stress, and a loss of security and human dignity.

Within the context of national law, the government has enacted Law Number 23 of 2004 concerning the Elimination of Domestic Violence as a normative basis for providing protection to victims while guaranteeing sanctions against perpetrators. However, the implementation of this regulation in practice still faces various structural and cultural obstacles. The low courage of victims to report, the dominance of patriarchal culture, economic dependence on perpetrators, and the suboptimal response of law enforcement officials are factors that contribute to the ineffectiveness of legal protection for victims.

Data from the National Commission on Violence Against Women's Annual Report (CATAHU) for 2024 shows that the rate of violence against women remains high, with domestic violence being the most frequently reported form of violence. This fact demonstrates that the existing legal instruments are not yet fully capable of guaranteeing comprehensive protection for victims. On the other hand, the dynamics of social development and changes in the national legal system in the modern era demand an evaluation of the effectiveness of legal policies to address the need for victim protection in a more responsive and equitable manner (National Commission on Violence Against Women, 2024).

A study on the legal analysis of legal protection for victims of domestic violence is relevant because there remains a gap between normative provisions in laws and regulations and their implementation in society. Several previous studies have tended to focus on normative discussions regarding the regulation of domestic violence, while analysis of the effectiveness of legal protection in the context of social and legal developments in 2025 remains relatively limited. The primary problem underlying this research lies in the weak implementation of legal protection for victims, both at the reporting stage, legal assistance, and the post-violence recovery process.

Based on these conditions, this study aims to analyze the legal forms of legal protection for victims of domestic violence in Indonesia and identify various obstacles that affect the effectiveness of its implementation. Theoretically, this research is expected to enrich the development of criminal law and human rights protection studies, particularly regarding the protection of victims of gender-based violence. In addition, practically the results of this study can be used as evaluation material for the government and law enforcement officials in formulating more effective policies to improve legal protection for victims of domestic violence in Indonesia.

## METHODS

This research applies a qualitative method with a normative juridical approach to in-depth examine the form of legal protection for victims of domestic violence (DV) in Indonesia in 2025, both in terms of legal regulations and their implementation in law enforcement practices. The normative juridical approach was used because this research focuses on the analysis of legal norms, legal principles, and the synchronization of various regulations related to the crime of domestic violence. In this context, the study examined Law Number 23 of 2004 concerning the Elimination of Domestic Violence, the Criminal Code, and other provisions related to human rights protection and the protection of women in Indonesia. This approach was chosen to gain a comprehensive understanding of the effectiveness of regulations in providing legal certainty and protection for victims of domestic violence in legal developments in 2025.

The data sources in this research consist of primary legal materials and secondary legal materials relevant to the research object. Primary legal materials include laws and regulations and official government documents directly related to the handling of DV cases. Meanwhile, secondary legal materials were obtained from scientific journals, legal literature, academic articles, and reports from independent institutions such as the National Commission on Violence Against Women, which consistently publish data on violence against women in Indonesia. Data collection was conducted through library research, which involved inventorying, reviewing, and examining various relevant and credible literature sources according to the research focus. This process aimed to establish a strong theoretical and conceptual foundation for analyzing legal protection for victims of domestic violence.

Data analysis was conducted descriptively and analytically through several stages: data reduction, classification of legal materials, interpretation of legal norms, and systematic drawing of conclusions. These stages were used to identify the extent to which legal protection for victims of domestic violence has been implemented effectively in the Indonesian legal system. This research did not involve respondents directly, as its primary focus was on a normative analysis of applicable legal provisions and legal documents. Therefore, the validity and reliability of the data were obtained through the use of legal sources that possess academic credibility, substantive relevance, and scientific accountability. This approach is in line with the concept of normative legal research which positions law as a norm that is studied through the study of legal documents and literature (Soekanto & Mamudji, 2019; Moleong, 2018).

## FINDINGS AND DISCUSSION

Based on a legal review of various regulations and data from women's and children's protection agencies, this study indicates that the legal protection system for victims of domestic violence (DV) in Indonesia in 2025 has a relatively adequate legal foundation. These provisions are reflected in Law Number 23 of 2004 concerning the Elimination of Domestic Violence, the Law on Witness and Victim Protection, and provisions in the latest Criminal Code (KUHP), which guarantee protection for victims. However, the implementation of legal protection in practice still faces various structural, cultural, and substantive obstacles. Data from the 2024 Annual Report (CATAHU) published by the National Commission on Violence Against Women shows that domestic violence cases still dominate the form of violence occurring in the personal sphere. This high figure indicates that existing regulations have not fully provided a sense of security, legal certainty, and substantive justice for victims, particularly women and children who are in vulnerable positions.

Table 1. Factors Inhibiting Legal Protection for Victims of Domestic Violence in Indonesia in 2025

No. Inhibiting Factor Explanation

1. Patriarchal culture: Victims tend to be reluctant to report due to family pressure and social constructs.
2. Economic dependence: Victims are financially dependent on the perpetrator, making it difficult to escape the cycle of violence.
3. Low legal understanding: Victims do not understand their legal rights and available protection mechanisms.
4. Suboptimal law enforcement: Law enforcement officers still prioritize mediation over criminal proceedings.
5. Lack of support services: Limited shelters, legal aid, and psychologists for victims.
6. Psychological trauma: Victims experience mental stress and fear of reporting to authorities.

This study also found that legal protection for victims of domestic violence cannot be interpreted solely as imposing criminal sanctions on the perpetrator, but must encompass the fulfillment of victims' rights comprehensively, including physical protection, psychological rehabilitation, legal assistance, and social

recovery. In law enforcement practice, officials still face difficulties in the evidentiary process because most acts of violence occur in private settings with minimal witnesses or direct evidence. Furthermore, the tendency to resolve cases through family means in some cases has the potential to hinder the fulfillment of victims' rights to legal justice. This study also found that coordination between institutions, such as the police, prosecutors, courts, the National Commission on Violence Against Women, and victim service institutions, has not been optimal, resulting in an ineffective integration of victim care processes.

Compared with previous research, this study's results indicate progress in regulatory aspects, particularly through strengthening approaches to victim protection based on human rights and gender justice. However, implementation issues still show relatively similar patterns to previous research. Research by Mulyani (2020) and Rahmawati (2021) emphasized that weak law enforcement and the dominance of patriarchal culture are the main factors contributing to the high rate of domestic violence in Indonesia. This study reinforces these findings by adding that the development of digital technology and social media in 2025 will also give rise to new forms of domestic violence, such as digital surveillance, intimidation through social media, and control of victims' communications, which have not yet been fully accommodated in national legal protection mechanisms.

The results of this study demonstrate that legal protection for victims of domestic violence in Indonesia is normatively aligned with the principles of human rights protection and women's protection as stipulated in the Convention on the Elimination of All Forms of Discrimination Against Women and Law Number 23 of 2004 concerning the Elimination of Domestic Violence. From the perspective of the legal protection theory put forward by Philipus M. Hadjon, the state has an obligation to provide preventive and repressive protection to citizens who are victims of criminal acts (Hadjon, 2011). However, research results indicate that the implementation of legal protection for victims of domestic violence still faces various serious obstacles, particularly those related to the legal culture of society and the effectiveness of law enforcement officials. This situation indicates a gap between *Das sollen* (the legal norm) and *Das sein* (the social reality) in law enforcement practices in society.

Research findings also indicate that patriarchal culture remains a dominant factor influencing the high number of domestic violence cases in Indonesia. In many situations, victims choose not to report due to fear of social stigma, threats from perpetrators, or family pressure to maintain household integrity. This phenomenon

aligns with feminist legal theory, which states that unequal power relations within the family structure place women in a more vulnerable position to violence (Tong, 2018). Furthermore, victims' economic dependence on perpetrators makes it difficult for them to escape the recurring cycle of violence. Therefore, legal protection cannot be achieved solely through a criminal approach; it also requires a social and economic approach through victim empowerment programs and strengthening access to independent financial independence.

From a law enforcement perspective, this study found that law enforcement officials have not yet fully implemented a victim protection perspective optimally. In some cases, there is still a tendency towards peaceful resolution or mediation, which potentially ignores victims' rights to justice and a sense of security. In domestic violence, the state has an obligation to guarantee the safety of victims and prevent recurrence of violence. This situation highlights the importance of increasing the capacity of law enforcement officials through gender-based training, human rights, and psychological approaches to victims so that case handling can be carried out professionally, selectively, and oriented towards victim protection.

This research contributes to the development of criminal law and women's protection studies by emphasizing the importance of a more comprehensive legal approach in handling domestic violence cases in the modern era. In addition to strengthening normative legal protection, it is also necessary to optimize victim support services, provide safe houses (shelters), provide free legal aid, and integrate service systems between institutions. This research also shows that the development of digital technology has given rise to new forms of domestic violence, such as digital surveillance, social media-based intimidation, and restrictions on victims' communication access. Therefore, future legal regulations need to be adapted to the development of technology-based violence so that victim protection systems can be more adaptive and responsive to social change.

## **CONCLUSION**

Based on the results of the research conducted, it appears that legal protection for victims of domestic violence in Indonesia in 2025 already has a fairly strong normative foundation. The existence of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, various human rights instruments, and a number of supporting policies demonstrate that the state has essentially attempted to provide protection mechanisms for victims. However, when these regulations are confronted with social realities, the problem becomes far more complex. Many victims still choose to remain silent, not because they do not want to seek justice, but because

they fear loss of housing, family pressure, and economic dependence on the perpetrator. In some cases, victims are even encouraged to reconcile to protect their family's reputation, despite the ongoing violence within their households. This situation demonstrates that legal protection cannot be understood solely as punishing perpetrators through criminal sanctions. There are broader and, perhaps, more humane needs. Victims need a safe space to recover, accessible legal aid, ongoing psychological support, and even economic support to enable them to leave abusive relationships. Without these measures, the law often remains merely a text in regulations, while victims continue to live in constant fear.

Interestingly, this study also found that forms of domestic violence are beginning to change with the development of digital technology. Surveillance via a partner's cell phone, restrictions on social media access, forced checking of private messages, and intimidation via digital platforms are new forms of violence that are increasingly appearing in modern household relationships. This phenomenon demonstrates that the dynamics of domestic violence are no longer limited to physical violence. Power relations are now moving into the digital space, sometimes difficult for society or law enforcement to recognize as forms of violence. From a theoretical perspective, the results of this study reinforce the idea of legal protection and the feminist perspective that positions victims as the primary subjects entitled to full justice. Victims are not merely accessory to the criminal process. They are individuals whose rights, security, and dignity must be restored by the state. At this point, the issue of domestic violence appears to be insufficiently resolved through formal legal approaches. Changing societal culture is also crucial. As long as domestic violence remains considered a private matter that should not be made public, legal protection efforts will remain half-hearted. Academically, this research is expected to contribute to the development of criminal law studies, women's protection, and public policy related to the handling of domestic violence in Indonesia. However, this study still has limitations because it uses a normative juridical approach without involving the direct experiences of victims or law enforcement officers in the field. As a result, some empirical realities may not be fully depicted. Therefore, future research should use a socio-legal approach or field research to analyze the effectiveness of legal protection for victims of domestic violence to gain a deeper understanding and closer to actual social realities.

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