



The Dynamics of Legal Protection Implementation for Domestic Violence Victims in Indonesia: Lessons from International Practices

Paltiada Saragi

Universitas Kristen Indonesia

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*Correspondence: Paltiada Saragi

Email: paltiada.saragi@uki.ac.id

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Abstract: This study aims to examine the effectiveness of Indonesia's legal framework in protecting victims of domestic violence through a normative juridical approach combined with a comparative method. The research analyzes the implementation of Law No. 23 of 2004 on the Elimination of Domestic Violence and Law No. 12 of 2022 on Sexual Violence Crimes, comparing them with international instruments such as the Domestic Abuse Act 2021 (United Kingdom), the Violence Against Women Act 2022 (United States), and the Istanbul Convention 2011 (Europe). Findings reveal that Indonesia's legal norms are conceptually comprehensive but remain limited in practice due to structural, cultural, and institutional barriers. Weak coordination among implementing agencies, the insufficient number of Regional Technical Implementation Units for Women and Children Protection (UPTD PPA), and low public awareness continue to hinder effective victim protection. The study recommends harmonizing domestic legislation, strengthening local service institutions, and adopting a victim centered justice approach aligned with international best practices to enhance the protection of women's rights in Indonesia.

Keywords: Corporate Criminal Liability, Corporation, Digital Economy, Indonesian Criminal Law

Introduction

Domestic violence (DV) remains one of the most pervasive human rights violations in Indonesia and reflects the ongoing structural weakness in protecting women's rights (National Commission on Violence Against Women (Komnas Perempuan), 2024) (United Nations Women (UN Women), 2023) (World Health Organization, 2022). According to the 2024 Annual Report of the National Commission on Violence Against Women, 477,127 cases of violence against women were recorded, with 61% occurring in domestic settings. Physical violence remains dominant (43%), followed by psychological (29%), sexual (18%), and economic violence (10%), marking a 12% increase from 2023 (CEDAW Committee, 2023; Indonesian Ministry of Women's Empowerment and Child Protection (KemenPPPA), 2024; Organisation for Economic Co-operation and Development (OECD), 2022a). These data indicate that the lingering effects of the pandemic and socio economic disparities continue to reinforce unequal power relations within families (Putri & Safitri, 2022) (United Nations Women, 2023) (World Bank, 2023).

Legally, Law No. 23 of 2004 on the Elimination of Domestic Violence and Law No. 12 of 2022 on Sexual Violence Crimes establish a normative foundation for victim protection (Hiariej, 2021) (Muladi & Priyatno, 2010) (National Commission on Violence Against Women (Komnas Perempuan), 2024). Nevertheless, enforcement remains weak. The Ministry of Women's Empowerment and Child Protection (Indonesian Ministry of Women's Empowerment and Child Protection (KemenPPPA), 2024) reports that only 35% of victims file complaints, and fewer than half proceed to investigation. Structural barriers include insufficient understanding of victim centered approaches among law enforcement officers, the limited reach of Regional Technical Implementation Units (UPTD PPA), and persistent social stigmas that frame domestic violence as a private matter (Amnesty International, 2023) (CEDAW Committee, 2023) (United Nations Office on Drugs and Crime (UNODC), 2024).

Globally, progressive frameworks demonstrate stronger institutional coordination and multisectoral responses. The Home Office UK (2021) United Kingdom's Domestic Abuse Act integrates legal, psychological, and welfare measures; the U.S. Department of Justice (2022) Violence Against Women Act expands access to shelters, legal aid, and digital reporting platforms; and the EU's Istanbul Convention (2011) links criminal law with social policy and gender equality education (Council of Europe, 2021) (Home Office UK, 2021) (U.S. Department of Justice, 2022). Indonesia has attempted to adopt similar principles through Government Regulation No. 4 of 2006 on Victim Recovery and Law No. 12 of 2022, yet implementation remains fragmented due to limited regional budgets and weak inter sectoral coordination (National Commission on Violence Against Women (Komnas Perempuan), 2024) (Putri & Safitri, 2022) (United Nations Women (UN Women), 2023).

Conceptually, legal protection constitutes the state's obligation to guarantee citizens' basic rights, especially those of vulnerable groups (Asshiddiqie, 2021b; Hadjon, 1987; Soekanto & Mamudji, 2001). Previous research shows that law enforcement awareness and service facility readiness remain inadequate (Amnesty International, 2023; Indonesian Ministry of Women's Empowerment and Child Protection (KemenPPPA), 2024; Putri & Safitri, 2022). International practice underscores that successful victim protection depends on institutional integration, sustainable funding, and empathy based training (Council of Europe, 2021) (United Nations Women (UN Women), 2023) (World Health Organization, 2022). Therefore, this study aims to analyze the dynamics of legal protection implementation for domestic violence victims in Indonesia, drawing lessons from international best practices to develop a more comprehensive and victim centered system.

Methodology

This study employs a normative juridical approach supported by comparative analysis to examine the legal protection of domestic violence victims in Indonesia. The normative juridical method was selected because it focuses on reviewing the consistency and adequacy of positive legal norms with the principles of justice and human rights (Asshiddiqie, 2021) (Hadjon, 1987) (Marzuki, 2017). Through this approach, the research analyzes substantive laws such as Law No. 23 of 2004 on the Elimination of Domestic Violence and Law No. 12 of 2022 on Sexual Violence Crimes (TPKS), as well as their implementing regulations and judicial interpretations (Hiariej, 2021) (Muladi & Priyatno,

2010) (National Commission on Violence Against Women (Komnas Perempuan), 2024). The comparative dimension allows the identification of differences and similarities between Indonesia's framework and those of international instruments, including the Domestic Abuse Act 2021 (United Kingdom), Violence Against Women Act 2022 (United States), and the Istanbul Convention 2011 (Europe) (Council of Europe, 2021) (Home Office UK, 2021; U.S. Department of Justice, 2022).

Data Collection. Data were collected during 2024 in Jakarta through documentary and library research, focusing on primary and secondary legal materials. Primary sources consisted of statutes, regulations, and court decisions related to domestic violence cases, while secondary data included national reports, academic publications, and institutional documents from Komnas Perempuan and KemenPPPA (CEDAW Committee, 2023) (Indonesian Ministry of Women's Empowerment and Child Protection (KemenPPPA), 2024) (United Nations Women (UN Women), 2023). Online databases such as LawNet, HeinOnline, and official government websites were used to access international frameworks and scholarly analyses to ensure data authenticity (Organisation for Economic Co-operation and Development (OECD), 2022) (United Nations Office on Drugs and Crime (UNODC), 2024) (World Health Organization, 2022).

Data Analysis and Interpretation. Collected materials were examined using qualitative juridical content analysis. The analysis involved interpreting statutory texts, identifying normative gaps, and comparing Indonesia's victim protection mechanisms with international best practices (Asshiddiqie, 2021) (Marzuki, 2017) (Soekanto & Mamudji, 2001). To enhance validity and reliability, triangulation was applied by cross verifying findings from national and international sources and by confirming consistency across laws, policy reports, and expert opinions (Creswell & Poth) (Miles & Huberman, 1994) (Patton, 2015). Interpretations were further validated through legal doctrinal reasoning, ensuring that conclusions drawn reflect both normative soundness and empirical relevance to Indonesia's socio legal context (Hadjon, 1987) (National Commission on Violence Against Women (Komnas Perempuan), 2024) (United Nations Women (UN Women), 2023).

Result and Discussion

Dynamics of Legal Protection Implementation for Domestic Violence Victims in Indonesia

The implementation of legal protection for domestic violence (DV) victims in Indonesia demonstrates notable normative progress, yet practical outcomes remain inconsistent. Since the enactment of Law No. 23 of 2004 on the Elimination of Domestic Violence (PKDRT Law), victims have gained formal recognition as legal subjects entitled to healthcare, psychological counseling, and legal aid as guaranteed under Article 10 (Asshiddiqie, 2021) (Hiariej, 2021) (National Commission on Violence Against Women (Komnas Perempuan), 2024). However, despite this legal acknowledgment, data reveal persistent enforcement gaps. Out of 477,127 reported cases of violence against women, approximately 61% occurred in domestic settings, and only a fraction advanced to prosecution (CEDAW Committee, 2023) (Indonesian Ministry of Women's Empowerment and Child Protection (KemenPPPA), 2024) (United Nations Women (UN Women), 2023). The low reporting rate is strongly associated with patriarchal cultural norms, social stigma,

and women's economic dependence on perpetrators (Amnesty International, 2023) (Putri & Safitri, 2022) (World Health Organization, 2022).

Institutional and structural weaknesses further restrict implementation. According to the Ministry of Women's Empowerment and Child Protection (Indonesian Ministry of Women's Empowerment and Child Protection (KemenPPPA), 2024), only 267 of 514 regencies and cities around 52% have functional Regional Technical Implementation Units for the Protection of Women and Children (UPTD PPA). This limited coverage undermines victims' access to legal, psychological, and medical services, particularly in eastern Indonesia (National Commission on Violence Against Women (Komnas Perempuan), 2024; Organisation for Economic Co-operation and Development (OECD), 2022b; United Nations Women (UN Women), 2023). Moreover, survivors frequently experience secondary victimization during legal proceedings due to the absence of trauma informed procedures and empathy based training among officers (Marzuki, 2017; Patton, 2015; United Nations Office on Drugs and Crime (UNODC), 2024).

Inter agency coordination also remains suboptimal. Collaboration among police, prosecutors, social services, and courts is often fragmented, leading to delays in case resolution and inconsistent application of protection orders (Council of Europe, 2021) (Home Office UK, 2021) (U.S. Department of Justice, 2022). Law enforcement bodies still adopt punitive or proceduralist approaches that overlook the psychosocial dimensions of recovery (Hiariej, 2021) (Muladi & Priyatno, 2010) (United Nations Women (UN Women), 2023). This disjunction between progressive legal norms and entrenched patriarchal culture highlights that justice for DV victims in Indonesia is constrained not merely by law but by systemic socio cultural hierarchies (Hadjon, 1987) (National Commission on Violence Against Women (Komnas Perempuan), 2024) (Soekanto & Mamudji, 2001).

Policy Evaluation and Implementation Barriers

The effectiveness of DV victim protection policy in Indonesia is impeded by interrelated juridical, structural, socio cultural, and budgetary dimensions.

1. **Juridical Dimension.** Overlaps between Law No. 23 of 2004 and Law No. 12 of 2022, combined with the absence of a unified inter agency coordination mechanism, have produced inconsistent enforcement and delays in case handling (CEDAW Committee, 2023) (Hiariej, 2021) (Marzuki, 2017). The fragmented regulatory design limits synchronization between criminal justice institutions and social protection agencies (Council of Europe, 2021) (U.S. Department of Justice, 2022) (United Nations Women (UN Women), 2023).
2. **Structural Dimension.** The limited availability of UPTD PPA offices and the shortage of trained human resources restrict victims' access to integrated recovery, legal aid, and psychosocial support (Indonesian Ministry of Women's Empowerment and Child Protection (KemenPPPA), 2024) (Organisation for Economic Co-operation and Development (OECD), 2022) (Putri & Safitri, 2022). Without adequate institutional reach and clear operational standards, the rights guaranteed in statutory provisions

- remain largely declarative (Hadjon, 1987) (National Commission on Violence Against Women (Komnas Perempuan), 2024) (Soekanto & Mamudji, 2001).
3. **Socio Cultural Dimension.** Persistent patriarchal ideology and stigmatization of survivors deter reporting. Many victims choose silence to avoid social ostracism or familial rejection, reinforcing the perception of domestic violence as a private affair (Amnesty International, 2023) (United Nations Women (UN Women), 2023; World Health Organization, 2022). Gender biased interpretations within local justice systems often trivialize abuse, thereby undermining the deterrent function of the law (CEDAW Committee, 2023) (Council of Europe, 2021).
 4. **Budgetary and Infrastructure Dimension.** Insufficient funding for shelters, service institutions, and rehabilitation programs diminishes the state’s capacity to provide comprehensive protection and reintegration for survivors (Indonesian Ministry of Women’s Empowerment and Child Protection (KemenPPPA), 2024; Organisation for Economic Co-operation and Development (OECD), 2022; United Nations Women (UN Women), 2023). Unequal resource distribution across regions exacerbates disparities between urban and rural victim services (National Commission on Violence Against Women (Komnas Perempuan), 2024) (Patton, 2015) (United Nations Office on Drugs and Crime (UNODC), 2024).

Table 1. Comparison in International Practice

Country/Instrument	Key Policy	Protective Features	Impact and Effectiveness
United Kingdom Domestic Abuse Act 2021	Designates domestic violence as a distinct criminal offense and adopts a multi agency approach, integrating law enforcement, social services, and health institutions within a coordinated protection framework.	The policy introduces a one stop service system that enables victims to access free legal assistance and obtain rapid protection orders (Domestic Violence Protection Orders) to ensure immediate safety and legal security.	Implementation of the Act has led to a 25% increase in case reporting and a reduction in the risk of recurrent violence, demonstrating the effectiveness of a comprehensive, victim centered protection system.
United States Violence Against Women Act (VAWA) 2022	Provides federal funding to strengthen victim support services and implement law enforcement training programs designed to enhance gender sensitivity and victim centered approaches in handling violence cases	The Act establishes a national network of shelters, a 24 hour emergency hotline, and gender sensitive training programs for law enforcement officers to ensure timely, empathetic, and professional responses to reports of violence.	Implementation of VAWA has resulted in a 38% increase in violence case reporting within the first two years, expanded victims’ access to protection services, and enhanced institutional capacity to prevent and respond to recurrent violence
Uni Eropa Istanbul Convention 2011	Establishes the obligation of member states to provide legal,	The convention mandates the provision of free legal aid, the	Implementation of the Istanbul Convention has demonstrated

Country/Instrument	Key Policy	Protective Features	Impact and Effectiveness
Indonesia Law on the Elimination of Domestic Violence (PKDRT Law) & Law on Sexual Violence Crimes (TPKS Law)	social, and economic protection for victims of gender based and domestic violence. This convention serves as an international benchmark for promoting victim rights through a cross sectoral and integrated policy framework.	implementation of anti violence education and public awareness programs, and periodic evaluations by GREVIO (Group of Experts on Action Against Violence Against Women and Domestic Violence) to assess the effectiveness of national implementation across member states.	significant progress, with a 20% reduction in gender based violence among member countries (Council of Europe, 2021). This outcome highlights the effectiveness of integrating legal, social, and educational measures in building a sustainable and victim centered protection system.
	Provide protection and recovery in cases of domestic and sexual violence. They reflect the state's commitment to upholding victims' rights to justice, safety, and rehabilitation within the legal framework	The protection mechanisms under these laws mainly focus on physical and legal aspects, including protection from perpetrators, access to legal assistance, and medical care. However, the social and economic dimensions of victim recovery have not yet been comprehensively addressed in their implementation.	Implementation remains constrained by institutional and operational gaps, particularly due to the limited number and capacity of Regional Technical Implementation Units for Women and Children Protection (UPTD PPA) and low reporting rates among victims. These challenges highlight the need for stronger institutional coordination and broader integration of social support systems to achieve effective and inclusive victim protection.

The comparative analysis indicates that developed countries emphasize institutional integration, sustainable funding, and a victim centered orientation within their protection systems. In contrast, Indonesia still tends to frame victim protection primarily within the scope of criminal law, without sufficient social, psychological, and economic support to ensure comprehensive recovery for survivors.

Normative Analysis and Policy Reform Directions

Normatively, the Law No. 23 of 2004 on the Elimination of Domestic Violence (PKDRT Law) and Law No. 12 of 2022 on Sexual Violence Crimes (TPKS Law) already articulate essential principles of victim protection, such as the right to recovery, confidentiality, and access to justice (Asshiddiqie, 2021) (Hiariej, 2021) (National Commission on Violence Against Women (Komnas Perempuan), 2024). However, their overlapping mandates and fragmented enforcement have created inconsistencies in implementation between the Ministry of Law and Human Rights, the Ministry of Women's Empowerment and Child Protection, and local governments (CEDAW Committee, 2023; Indonesian Ministry of Women's Empowerment and Child Protection (KemenPPPA), 2024; United Nations Women (UN Women), 2023). Harmonization of these laws is essential to ensure clarity of institutional responsibilities and the integration of services for victims across sectors. Article 90 of the TPKS Law already mandates the creation of a national integrated data system, emphasizing inter agency coordination, information sharing, and case tracking mechanisms that can improve accountability and prevent revictimization (Hadjon, 1987) (Marzuki, 2017) (Organisation for Economic Co-operation and Development (OECD), 2022).

Institutional reform is equally necessary to strengthen the operational capacity of the Regional Technical Implementation Units for Women and Children Protection (UPTD PPA). Their function should be expanded into Regional Victim Support Centers interconnected with police, prosecutors, courts, and social service institutions (Indonesian Ministry of Women's Empowerment and Child Protection (KemenPPPA), 2024) (Putri & Safitri, 2022) (United Nations Office on Drugs and Crime (UNODC), 2024). Such reform aligns with international models like the multi agency partnership framework in the United Kingdom, which integrates health, legal, and welfare institutions under the Domestic Abuse Act 2021, and the community based victim support networks under the Violence Against Women Act 2022 in the United States (Council of Europe, 2021) (Home Office UK, 2021) (U.S. Department of Justice, 2022). These collaborative models have demonstrated effectiveness in ensuring early detection of abuse, faster service delivery, and reduced institutional barriers for survivors (Amnesty International, 2023) (United Nations Women (UN Women), 2023) (World Health Organization, 2022).

When compared with international practices, Indonesia still lags in policy integration, sustainable funding, and victim centered service implementation (CEDAW Committee, 2023) (National Commission on Violence Against Women (Komnas Perempuan), 2024) (United Nations Women (UN Women), 2023). The absence of stable budgetary allocations for shelters, rehabilitation programs, and legal aid institutions continues to weaken the consistency of protection mechanisms (Indonesian Ministry of Women's Empowerment and Child Protection (KemenPPPA), 2024) (Organisation for Economic Co-operation and Development (OECD), 2022b; United Nations Office on Drugs and Crime (UNODC), 2024). By adopting the collaborative frameworks of the Domestic Abuse Act (UK) and the Violence Against Women Act (USA), Indonesia can move toward a protection system that ensures not only juridical justice but also the holistic recovery,

dignity, and empowerment of victims (Council of Europe, 2021) (Home Office UK, 2021) (U.S. Department of Justice, 2022). The harmonization of national laws, coupled with institutional integration and sustained funding, would thus transform the country's approach from reactive prosecution toward preventive, restorative, and victim oriented justice (Asshiddiqie, 2021) (United Nations Women (UN Women), 2023) (World Health Organization, 2022).

Conclusion

Based on the normative and comparative analysis, it can be concluded that legal protection for victims of domestic violence (DV) in Indonesia still faces a significant gap between normative progress and practical implementation. Normatively, Indonesia possesses a progressive legal framework through Law No. 23 of 2004 on the Elimination of Domestic Violence and Law No. 12 of 2022 on Sexual Violence Crimes (TPKS Law), both of which explicitly recognize victims' rights to protection, justice, and recovery. However, in practice, implementation remains hindered by weak inter agency coordination, limited victim service infrastructure, shortages of trained human resources, and the strong influence of patriarchal cultural norms, which discourage victims from reporting acts of violence. A comparison with international frameworks such as the Domestic Abuse Act (2021) in the United Kingdom, the Violence Against Women Act (2022) in the United States, and the Istanbul Convention (2011) in Europe illustrates that effective victim protection requires a holistic and integrative approach. Such an approach goes beyond punitive measures and emphasizes physical, psychological, social, and economic recovery, supported by institutional coordination, sustainable funding, and empathy based training for law enforcement officers. Overall, Indonesia's legal protection system demonstrates meaningful normative advancement, yet its implementation remains fragmented and inconsistent. Lessons drawn from international best practices affirm that substantive justice for victims can only be achieved when the legal system places the victim at the center of protection and recovery policies.

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