

LEGAL REVIEW OF DOMESTIC VIOLENCE THAT CAUSES DEPRESSION IN WIFE

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Abstrak

Kekerasan dalam rumah tangga terhadap istri merupakan salah satu bentuk kejahatan yang sering terjadi di masyarakat. Tujuan penelitian ini adalah untuk mengetahui tinjauan hukum terhadap kekerasan terhadap istri yang menyebabkan depresi. Jenis penelitian dalam tulisan ini adalah normatif dengan pendekatan perundang-undangan dan konseptual. Sedangkan spesifikasi penelitian bersifat deskriptif. Data yang digunakan adalah data sekunder yang terdiri dari bahan hukum primer berupa peraturan perundang-undangan, buku, jurnal dan tulisan yang berkaitan dengan judul penelitian. Kekerasan dalam rumah tangga jelas dapat menimbulkan dampak depresi seperti kesakitan fisik, tekanan emosi, menurunnya rasa percaya diri dan harga diri, perasaan tidak berdaya, mengalami ketergantungan pada suami yang melakukan kekerasan, mengalami stres pasca trauma, mengalami depresi dan pikiran untuk bunuh diri. untuk alasan ini

Kata Kunci: Kekerasan, Dalam Rumah Tangga

Abstract

Domestic violence against wives is a form of crime that often occurs in society. The purpose of this study is to find out the legal review of violence against wives which causes depression. The type of research in this paper is normative with a statutory and conceptual approach. While the research specifications are descriptive. The data used is secondary data which consists of primary legal materials in the form of laws and regulations, books, journals and writings related to the research title. Domestic violence can clearly have depressive effects such as physical pain, emotional pressure, decreased self-confidence and self-esteem, feeling helpless, experiencing dependence on a husband who commits violence, experiencing post-traumatic stress, experiencing depression and thoughts of suicide. for this reason

Keywords: Domestic, Violence

INTRODUCTION

KRT is a deep-rooted problem that exists in all countries of the world. In this regard, the international community has created effective and specific legal norms that address domestic violence. For example, beatings of women are included in international and regional human rights treaties, which are legally binding for the countries that have ratified them. These international human rights instruments include the Universal Declaration of Human Rights ("UDHR"), the International Covenant on Civil and Political Rights ("ICCPR") and the International Covenant on Economic, Social and Cultural Rights ("ICESCR"), human rights standards universal law that allows victims of domestic violence to sue their country.

Domestic violence can be in the form of physical violence resulting in injuries such as bruises, headaches, broken bones. And it can affect mentality, so that the wife experiences depression. Based on research conducted in America, it was found that before or during pregnancy there is a high risk of experiencing high blood pressure or swelling, vaginal bleeding, nausea, vomiting or dehydration, kidney infection or urinary tract infection. In general, women who have experienced domestic violence have a worse quality of life than women who have not experienced domestic violence due to physical injuries, barriers to social relationships and mental disorders. The tendency to violence is experienced by women.

The gender perspective assumes that acts of violence against wives can be understood through the social context. According to Sedana et al (2020), internal individual behavior is a social product, so it contains values and norms that apply in society. Forming individual behavior means that when values are adopted by society, manifest patriarchy is the superiority of men over women, the manifestation of values in family life men dominate women. Rachmad (2021) explains the emergence of male and female dominance according to natural and cultural theories. In the process of changing from one trait

to another, culture often occurs through conquest. Men have the authority as a culture of conquering and imposing the will of women (nature). Culturally masculine Men are placed in positions.

Gender and patriarchy will lead to unequal power relations because men are considered more important than women, resulting in the position of the husband being considered to have the power to manage his household including his wife and children. The assumption that a wife belongs to a husband and a husband has higher power than other family members makes men have the opportunity to commit violence (Fedry, 2022). A similar view was put forward by Abshor & SHI (2022) who emphasized that this oppression was also caused by a subordinating view that was supported by socio-political dynamics that were rooted in a hierarchical, submissive level and legitimized violence as a control mechanism.

Even though physical violence attacks a person's body, the victims who experience it are very likely to experience mental health impacts. The physical injuries he suffered not only caused pain in his body, but his psyche could also be damaged. Imagine her body was all bruised because the love of her life, her own husband, hit her. Of course the blow not only injured his body, but also his mind. Victims can experience a variety of mental health impacts. Based on the Journal of Public Health report on the Tirto website, there are at least three types of mental health impacts, namely Post Traumatic Stress Disorder (PTSD), Anxiety Disorder, Depression. Post-Traumatic Stress Disorder (PTSD) or Post-Traumatic Stress Disorder is a mental health disorder caused by traumatic and uncomfortable events experienced by a person (Pittara, 2022). Someone who has experienced domestic violence may suffer from PTSD as a result of the violence they experienced. Meanwhile, the Mitra Keluarga page states that anxiety disorder is a mental disorder experienced by a person which is characterized by excessive fear or anxiety. Violence experienced by victims of domestic violence can cause excessive anxiety and fear. Then the last one is depression. Depression is a mental disorder characterized by persistent feelings of sadness, lethargy, helplessness, worthlessness and hopelessness. Depression is a fairly serious mental disorder. This is because many people with depression commit suicide. According to a report by Kemkes.go.id, WHO indicates that up to 55 percent of people with depression have suicidal thoughts. Therefore,

Depression is a serious mental problem. Depression is an emotional state that is usually characterized by extreme sadness, feelings of worthlessness and guilt (withdrawal, insomnia, loss of appetite, loss of interest in daily activities), Gerald C. Davison 2004. According to Rice PL (1992) Depression is a mood disorder, a persistent emotional state that affects all of a person's mental processes (thinking, feeling, and behaving). Usually the mood that arises is a feeling of helplessness and hopelessness. According to Iyus Yosep (2007), depression is a form of mental disorder against the emotional world (affectiveness, mood), marked by moodiness, sadness, lethargy, loss of joy in life, impotence and feelings of helplessness, feelings of guilt. or guilt, useless and hopeless. Chaplin (2002) defines depression in two situations, namely normal people and pathological cases. In normal people, depression is a depressive state (sadness, depression) characterized by feelings of inadequacy, decreased activity and pessimism about the future. In the pathological case, depression is an extreme unwillingness to respond to stimuli, accompanied by reduced self-esteem, delusions of inadequacy, inadequacy and hopelessness.

Depression is characterized by prolonged feelings of sadness and a loss of interest in activities that are usually enjoyable. If you're feeling depressed, talk to a mental health professional. Depression and stress that is allowed to weigh on the mind can interfere with the immune system. When we are in negative emotions such as sadness, anger, despair, envy, fear, and lack of gratitude, our immune system weakens. In an American study, 28 of 32 patients experienced stress and tragedy before developing the disease. This mental stress causes the immune system to become abnormal. Doctors at Johns Hopkins Medical School have found that people who are emotional and moody are more likely to suffer from serious diseases such as cancer, hypertension, heart disease, and have a shorter life span.

Violence has become a phenomenon in people's lives in Indonesia. Violence occurs not only in the public space but also in the domestic space and causes domestic violence. Domestic Violence based on Law no. 23 Law on the Elimination of Domestic Violence Year 2004, with various meanings Behavior towards a person, especially women, that causes distress or physical, sexual, psychological distress and/or neglect of the family, including behavior threats, coercion or deprivation of liberty by violating the law within the family sphere (RI Law No. 23 of 2004 concerning the Elimination of Domestic Violence, 2005)

METHOD

UU no. 12 of 2012 says: "Research is an activity carried out systematically according to scientific principles and methods for obtaining information, data and information related to understanding and/or trying something in the field of science and technology." (Muhaimin 2020) This research uses a qualitative approach, namely a research procedure that produces analytical descriptive data. Analytical descriptive data is what actual behavior is reported in writing or orally by respondents and also investigated and studied as a whole. The qualitative method was developed for this study of human life in limited cases, casuistic in nature but very deep and comprehensive in the sense that it does not conceptually recognize the choice of exclusive side symptoms (variables).

RESULTS AND DISCUSSION

Review of the Law on domestic violence

Domestic Violence Violence against wives by husbands is such an interesting thing to study. This is because cases of domestic violence. In comparison, the ladder is the most common case with other cases of violence. Also domestic violence is a complicated thing. In contrast to other crimes where victims and perpetrators meet in personal, legal, institutional and social repercussions. The reality shows that there are cases of domestic violence in Indonesia. Households grow at the highest percentage from year to year committing violence against their wives.

As reported by Komnas Elsa, the RM was given by Ms. TouleElsa R. In 2007, out of 25,522 cases of violence against women, 17,722 cases or 69.6 percent were violence against wives. In 2008 this chapter rose again to almost 86 percent, namely up to 46,884 as many as 54,525 acts of violence against women. Data in 2010 showed that the number of domestic violence in 2009, 96 percent of the total number of domestic violence, or 131,375 cases until records show 293,220 cases at the end of 2014 Violence against women in 2014. Overall 68 percent of them is violence in the family and household (KDRT) Most of the victims are housewives and students (Anwar, 2015).

In positive law in our country the problem of domestic violence is regulated by Law No. 23 of 2004 on the Elimination of Domestic Violence. According to Law no. 23 of 2004, Domestic Violence Domestic violence is any action against a certain person. Women who cause physical, sexual, mental pressure or suffering and/or neglect of the household, including threats of coercion or exploitation of illegal independence in the household.

As mentioned above, because of kinship, marriage, parenting, care and maintenance of the household or people who work in the household and live in the household during their stay in the household. The definition of domestic violence in Law No. 23 of 2004 is more comprehensive because it does not only cover relationships between spouses, but also for everyone at home. The size of the household in question is; Husband, wife and children, people who are related to the people living in the house.

Things that are prohibited in domestic violence against people in the household:

1. Physical Violence
Physical violence is an act that causes pain, becomes seriously ill or injured.
2. Psychological/Emotional Harassment
Psychic or spiritual violence is an act that causes fear, loss of self-confidence, loss of one's ability to function, feelings of helplessness and/or severe mental distress.
3. Sexual violence
Forcing sexual relations with someone living in the household or forcing sexual relations with someone in another household for commercial or special purposes.
4. Household neglect
Actions that can cause rejection of the family or people living in the family. For example, no longer meeting the needs of family members, etc.

Mela Tri Okta Rulda (2022) defines crime (violence) as a term used for the presence of mental or physical disabilities, criminality. Violence is actually part of the process where violence is sometimes allowed, so it is rarely called violence. At the same time, Hernawati (2019) believes that violent crimes must refer to behavior that must first be contrary to law or in the form of threats or is already a real action and has consequences that are detrimental to objects and bodies or that result in someone's death.

Krismono (2022) is even more emphatic in saying that violence against women are primarily used to control female sexuality and their reproductive roles, for example in the rituals of social relations, men men as parties who need while women as objects who must accept what men want regardless of

conditions wife, when the husband wants and this cannot happen otherwise. Basically these various problems occur because of the system current law is totally unresponsive to interests woman.

The legal component which includes the substantial components, structures The legal culture and culture of society does not favor interests woman. The substance (material) of this law, for example, the Criminal Code apart from not regarding the concept of "gender-based violence" is also no longer sufficient to accommodate the reality of violence that occurs in society, thus also the sanctions are considered not in accordance with the demands and sense of justice Public. Or in other words the law does not recognize it violence against women (Articles 285, 286, 287 and 288 of the Criminal Code).

Juridical Review of Law no. 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT)

Domestic Violence (UU PKDRT) which occurred on September 22, 2004 when he was 7 years old and was used as an umbrella for domestic violence legal cases. The PKDRT law is considered as one of the legal breakthroughs because there are several criminal reforms, which have never been regulated by law before. This was followed by laws such as the protection of witnesses and victims and the Law on the Eradication of Criminal Acts of Human Trafficking. The legal innovation contained in the PKDRT Law does not only apply to the type of crime, but also in what process. Among other things, the success of the law in proving that the victim is the most important witness is supported by evidence. So hopefully with success this law proves to be a hindrance as domestic violence is common in countries of origin. Article 15 of the PKDRT Law also regulates the community's obligation to prevent the recurrence of domestic violence. The issue now is whether the success of the law regulated by the PKDRT law is very useful in its implementation and meets the needs of the victims of the dynamics of the judicial process. Domestic violence is often referred to as a hidden crime that takes many victims in various circles of society. This can come in many forms and for different reasons under the influence of various factors. As a result, it is not only experienced by the wife but also by the children who care for suffering The issue now is whether the success of the law regulated by the PKDRT law is very useful in its implementation and meets the needs of the victims of the dynamics of the judicial process. Domestic violence is often referred to as a hidden crime that takes many victims in various circles of society. This can come in many forms and for different reasons under the influence of various factors. As a result, it is not only experienced by the wife but also by the children who care for suffering The issue now is whether the success of the law regulated by the PKDRT law is very useful in its implementation and meets the needs of the victims of the dynamics of the judicial process. Domestic violence is often referred to as a hidden crime that takes many victims in various circles of society. This can come in many forms and for different reasons under the influence of various factors. As a result, it is not only experienced by the wife but also by the children who care for suffering

To prevent domestic violence, protect victims and take action against perpetrators. Households, the state and society are obliged to prevent, protect and prosecute perpetrators according to the Pancasila philosophy and the 1945 Constitution of the Republic of Indonesia. The state believes that all forms of violence , especially violence in the home, there are violations of human rights and crimes against human dignity and other forms of discrimination. Current developments show that physical, psychological, sexual and domestic violence actually occurs in this way. Appropriate legal instruments are needed to eradicate domestic violence.

Legal reform is urgently needed, especially for women, there are many cases of violence, especially domestic violence. To improve the Act is necessary because the current law is insufficient and does not do this according to the development of the legal community. That is why it is mandatory for provisions regarding crimes of domestic violence in particular, even though in general it is regulated in criminal law that abuse and decency and neglect of people are given a living and life. The PKDRT Law is closely related to several laws and regulations. other previous invitations. Based on these considerations, it is time to reform the criminal law to protect against a comprehensive PKDRT law.

The purpose of the Law on the Elimination of Domestic Violence is to provide protection to victims of domestic violence. But in fact the protection offered is not sufficient because it is a punishment for criminals. From the point of view of criminal policy, not controlling the development of criminal acts of domestic violence which are increasing day by day, it is actually possible because improperly chosen criminal sanctions were established (Zaidan, 2022). There are several articles in the law that cannot be implemented due to unreasonable legal sanctions and air regulations. Their implementation, such as shelters and alternative shelters for victims of domestic violence. In addition,

also in Law no. 23 of 2004 for the general public working in the field of law misinterpretation that may be chosen by perpetrators of domestic violence. Those who do not want to go to jail can impose a sentence by paying a fine, then they will be freed from legal slavery. Coupled with the inclusion of a maximum sentence even without a minimum threshold can create legal uncertainty. The perpetrators could only be given the lightest sentence and the victims were disproportionate to the actions of the perpetrators, namely victims were reluctant to report their experiences of domestic violence which in the end was seen as a waste of time and justice the victims could not fulfill. Coupled with the inclusion of a maximum sentence even without a minimum threshold can create legal uncertainty. The perpetrators could only be given the lightest punishment and the victims were disproportionate to the actions of the perpetrators, namely victims were reluctant to report their experiences of domestic violence which in the end was seen as a waste of time and justice the victims could not fulfill.

Reviews of Depression Against Wives

Today many people experience constant stress, Anxiety, confusion and worry. However, most people think and think that stress and depression are not the same thing. They think that depression is something trivial and can pass by itself, even though depression is a type of disorder that is more than just a temporary emotional change (Khadziq, 2018). Depression is not a condition that can be changed quickly or significantly in life. Everyone must have problems and obstacles in his life. If someone in his life gives up easily and is not strong enough to face problems, someone can experience depression and even stress in his life.

Ashraff. (2019) explained that depression is a burden on a person's state of mind that causes anxiety and tension. Mohsenzadeh in Jahanian (2012) explains that this stress is a threat to mental health and physical disorders of human psychology. In addition, Anshari (2020) defines stress as a condition caused by interactions between individuals and the environment, reproductive. someone's social. Veena and Shastri (2016) also explain that excessive stress also has a bad effect on the mental and physical life too much stress can affect the social environment, family.

According to Taylor and Videbeck in Nasir and Muhith (2011) found that depression can produce different responses.

1. Physiological response, can be characterized by an increase in blood pressure, heart rate, pulse and respiratory system.
2. Cognitive responses can be seen as disturbances of individual cognitive processes, such as confused thoughts, loss of concentration, repetitive thoughts and unnatural thoughts.
3. Emotional Response, which can be very broad in terms of the emotions a person can experience, such as: B. fear, anxiety, shame, anger, etc.
4. Behavioral Response, can be subdivided into fighting, ie. H. fighting stressful situations, and escaping, d. H. avoiding stressful situations.

From the description above, there are many factors for a person to become depressed, one of which is acts of violence perpetrated by husbands against wives, depression is one of the most common causes of suicide. Up to 40% of people with depression have suicidal ideation, and only about 15% are successful at doing it. The number of women suffering from depression is twice as high as men, but more men commit suicide. In the United States, 17% of people have experienced depression sometime responding to the number of people currently suffering from it in their lifetime which is over 19 million people. Depression is one of the major mental health problems today that is receiving serious concern. in developing countries, WHO predicts that depression will come in 2020 It is one of the most common mental disorders and Major depression will be the second biggest reason of death after heart attack. Based on WHO data, in 1980 almost 20-30% of hospital patients had emotional mental health problems in developing countries such as depression. Depression and stress, allowed to continue, can seriously affect the mind, can affect the immune system. When we find ourselves in negative emotions such as sadness, anger, hopelessness, envy, fear, and ingratitude then characterize the system, our resistance weakens. Depression and stress, allowed to continue, can seriously affect the mind, can affect the immune system. When we find ourselves in negative emotions such as sadness, anger, hopelessness, envy, fear, and ingratitude then characterize the system, our resistance weakens. Depression and stress, allowed to continue, can seriously affect the mind, can affect the

immune system. When we find ourselves in negative emotions such as sadness, anger, hopelessness, envy, fear, and ingratitude then characterize the system, our resistance weakens.

The Impact of Domestic Violence

Regarding the impact of violent crimes on women's sexual and reproductive lives, a study by Rance (1994), cited by Heise, Moore, and Toubia (1995), shows that violence and male domination limit and shape women's sexual and reproductive lives. In addition, men also have a significant influence on contraception decisions made by their partners. In addition, a study by Schein and Bakketeig (1989) in Norway, cited by Heise, Moore, and Toubia (1995), also found that women living with abusive partners had more severe depression problems than those living with normal couple.

Acts of violence against wives must be highlighted to find alternatives for wives to avoid unnecessary acts of violence and realize women's rights. Effects on women's thinking. Acts of violence also affect the victim's way of thinking, e.g. For example. unable to think clearly, because they constantly feel afraid, tend to be suspicious (paranoid), have difficulty making decisions, do not believe what is happening. Wives who have been victims of violence have twice as many physical and mental health problems as non-victims, including mental stress, physical disturbances, dizziness, depression, menstrual pain, infectious diseases.

From a legal point of view, violence or crimes that occur in society still do not have strict sanctions to deter the perpetrators. Like rapists who are easily punished, adulterers who are allowed etc. From a sociocultural perspective, a hedonistic lifestyle that leads to permissive behavior, freedom of behavior, and free sex encourages deviant sexual behavior such as homosexuality, lesbianism, and sexual violence.

In terms of education, the phenomenon of ignorance causes some people not to understand the impact of violence and how to behave politely. This is due to the government's lack of awareness of how education is handled, so that taking advantage of education only benefits those who have money. Systematic ignorance emerged in society. and the decay of human thought so that there is little behavior.

This problem requires comprehensive legal implementation by the state. Otherwise, there is inequality. For example, it is difficult to eradicate prostitution unless economic factors are improved. Because not a few people become prostitutes because of financial problems. Domestic violence, when viewed only from the wife's obligation to serve her husband, is definitely lame. In Islam, a husband is obliged to do good to his wife. Violence committed by husbands, such as injuring the body can be subject to *Diyat* punishment. Here it is important to follow strict and comprehensive laws.

According to Article 11 of the PKDRT Law, the state is responsible for steps to prevent domestic violence, and according to Article 12(1) the state is also responsible for influencing and providing information regarding domestic violence. But in fact, the prevalence and advocacy of domestic violence is still low. There are still many people who do not know or understand the PKDRT Law, and law enforcement officials still have different opinions.

In addition, appropriate socialization is needed to the wider community as a preventive measure, especially for those who have the potential to commit domestic violence. Socialization is needed for victims of domestic violence so that they can improve their fate in domestic violence cases because they already know their rights

CONCLUSION

The negative effects of domestic violence are also different and are not only related to family relationships but also to family members within them. In relation to the serious physical and psychological harm that is directly suffered by women such as depression. Women are married and during reproductive age there are several risks that can cause this they become depressed at least with increasing age at marriage time spent with partners, dissatisfaction with married life and domestic violence. The persistent and endemic nature of domestic violence ultimately limits women's ability to achieve equal legal, social, political and economic rights in society. In addition to harming women, domestic violence also results in damage to family and child relations. which can be a source of social problems. Domestic violence can clearly have depressive effects such as physical pain, emotional pressure, decreased self-confidence and self-esteem, feeling helpless, experiencing dependence on a husband who commits violence, experiencing post-traumatic stress, experiencing depression and thoughts of suicide. For this reason, it is recommended that husbands not to do domestic violence against their wives because it is very dangerous and the wife cannot carry out her role in taking care of the household and children. experience depression and suicidal thoughts. For this reason, it is

recommended that husbands not to do domestic violence against their wives because it is very dangerous and the wife cannot carry out her role in taking care of the household and children. experience depression and suicidal thoughts. For this reason, it is recommended that husbands not to do domestic violence against their wives because it is very dangerous and the wife cannot carry out her role in taking care of the household and children.

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