

## The Role Of Law In Providing Protection To Women From Acts Of Violence

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### ABSTRACT

Women constitute the demographic that is most susceptible to instances of physical, psychological, verbal, and sexual violence. Instances of violence against women have the potential to occur at any given moment and in any location. The individuals responsible for perpetrating acts of violence against women are not only unidentified individuals; Rather, a significant number of offenders were discovered to be individuals who had close relationships with the victims, including spouses, parents, and siblings. The prevalence of violence against women is influenced by a multitude of circumstances and reasons that drive offenders to engage in such behavior. The Indonesian legal framework includes legislative provisions aimed at safeguarding women from acts of violence, a concerning trend that exhibits a consistent rise in reported incidents. This study employs both a legislative methodological framework and a conceptual approach. The present methodology is used to conduct an examination of the safeguarding measures for women as specified in Law 12 of the year 2022. The primary objective of this study is to investigate the extent to which the legal framework in Indonesia serves to safeguard women from various manifestations of violence. The findings derived from this study demonstrate that the legal framework in Indonesia actively contributes to the safeguarding of women from acts of violence, in accordance with relevant rules and legislation.

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### INTRODUCTION

The United Nations Declaration of Human Rights in 1948 brought attention to increased public awareness and progress regarding the issue of gender inequality, which relates to the disparities in standing and conditions in society experienced by individuals of different genders. Compared to men, women still face limited opportunities to be actively involved in development program activities, as well as several aspects of community life such as the economic, socio-cultural, educational, organizational and institutional sectors. The limitations mentioned above originate from various cultural attitudes and practices that limit women's mobility compared to men.

The existence of gender gaps in society may be caused by a cultural paradigm that is largely male-centered, thus showing a lack of recognition of women as equal to men. The enactment of the Law on the Elimination of Prejudice Against Women has encouraged collaborative efforts among many stakeholders, including levels of society, government agencies, and academic institutions, to eliminate gender-based bias. The idea of freedom and equal dignity for every person from birth is affirmed in the United Nations Declaration of Human Rights adopted in 1948. This statement serves as a representation of the existence of society, emphasizing the need to uphold the inherent value of all individuals, regardless of background, race or ethnicity, skin color, religious or political affiliation, language preference, or gender identity. The international community recognizes the

right of women to exercise and protect their human rights in several areas, including, but not limited to, politics, economics, society, culture and civil affairs. The publication of the Declaration on the Elimination of Discrimination Against Women in 1967 was proof of recognition of the importance of addressing gender-based discrimination. The ratification of the Convention on the Elimination of All Forms of Discrimination against Women in 1967 further strengthened this recognition. then, in 1979, the convention was adopted and then entered into force in 1981. In addition, the Declaration on the Elimination of Violence Against Women was officially proclaimed in 1993, thus strengthening the need to address and counter acts of violence against women. Violence perpetrated against women includes a series of physical, emotional, or sexual acts or behaviors that are explicitly directed against women, resulting in physical, psychological, or social damage. Violence against women can arise from various complex elements, including social, economic, cultural, psychological and individual dimensions. The occurrence of violence against women is a phenomenon that deserves attention. Any act of oppression against a person based solely on their gender has the potential to cause physical, psychological or sexual distress or suffering. This includes behavior such as making threats, using coercion, or engaging in activities that indiscriminately limit an individual's freedom, regardless of whether the activity occurs in the public or private sphere.

The vulnerability of women in Indonesia to victimization remains a pressing concern, as eradicating violence against women has proven to be a complex and enduring challenge. Although several laws and regulations have been implemented by the federal and provincial governments, the prevalence of violence against women remains a significant problem in our society, with indications of an increasing trend. The increase in acts of violence against women is an unavoidable event, this is caused by many factors, such as societal transformation and technological advances. The existence of cultural standards that demean women has the potential to trigger acts of violence against women. A cultural belief system that promotes the notion that women are inferior or more valuable than men is the catalyst for this violence. The existence of gaps in rights, opportunities and resource allocation can contribute to an increased likelihood of violence against women. The existence of social expectations that prioritize certain roles and behavior for men and women can cause tension, dissatisfaction and violence to emerge when society deviates from established stereotypes.

Economic inequality was identified as an additional factor that may contribute to violence against women. This phenomenon creates tension in interpersonal relationships, and in some cases, can be a catalyst for acts of violence, especially when women are economically dependent on their partners. Psychological problems, such as anger, control problems, and certain personality disorders, have been identified as factors that may contribute to the manifestation of violent behavior in both male and female individuals. The main catalysts for violence against women are alcohol consumption, drug addiction, and limited education levels. The problem of violence against women is a social problem that has received a lot of attention from many stakeholders. The problem at hand is universally recognized as a significant public health problem and a serious violation of human rights at the world level. There are various manifestations of domestic violence, including physical, psychological, sexual aggression and neglect. Based on data provided by the World Health Organization (WHO), it is proven that the majority of women globally, more than 30%, have experienced physical or sexual violence. These acts include several forms, such as violence committed by intimate partners, as well as incidents of sexual harassment by non-partners. In some cases, women may unfortunately experience both types of violence simultaneously. Indonesia, a country classified as a developing country, is seen as having challenges in effectively handling cases of human rights violations, which is largely due to the prevalence of violence against women in its territory.

Based on findings presented by Mariana Amiruddin, Commissioner of the National Commission on Violence Against Women, there was a significant increase of 14% in the number of reported cases related to violence against women throughout 2019. Specifically, the reported incidents reached a total of 406,178. Data was obtained from three different sources, namely the District Court (PN) and Religious Court (PA), partner support organizations affiliated with the National Women's Commission, and the Referral Support Unit (UPR). Mariana provided an explanation regarding the emergence of new findings at Catahu 2019 regarding various forms of violence against women. This includes marital rape, incest, dating violence (KDP), cybercrime, and sexual harassment targeting women with disabilities. Although some examples may be considered archaic, the types of cases that exist are increasingly diverse.

The legal system plays an important role in combating violence against women. The function of law in this context covers various dimensions, including security, preventive action, law enforcement, and societal transformation. The legal system must recognize and uphold women's rights, including their right to live without experiencing any violence. This relates to various aspects including the right to safety, bodily autonomy, and the prerogative to live free from discriminatory practices. The use of legal mechanisms can serve as a means to mitigate violence against women by implementing rules and regulations governing protective measures, educational initiatives, and awareness campaigns. Implementing a comprehensive legislative framework is essential to effectively enable and support strong law enforcement measures against those who commit acts of violence against women. This framework should include the use of existing laws, the conduct of thorough investigations, the guarantee of a fair trial, and the imposition of appropriate penalties against violators. The law further seeks to provide a deterrent impact on those who commit acts of violence against women. Legislation has the capacity to establish provisions regarding the provision of support and protection services for those experiencing violence, including but not limited to temporary refuge, safe housing, counseling, and medical assistance. This intervention is useful in facilitating the recovery process and ensuring victims get the necessary help.

The global problem of violence against women was discussed by the UN at the conference on the Elimination of Violence against Women in 1994. The first declaration stated that cases of violence committed against women were evidence of a long-standing imbalance of power between genders, where men have traditionally dominated and been involved in discriminatory practices against women, thereby hindering their progress. Apart from that, it can be said that acts of violence committed against women are a societal mechanism that perpetuates women's subordinate position compared to men.

In addition, other additional international conferences have been held to address the issue of eliminating violence perpetrated against women. A seminar held in Beijing in 1995 discussed the issue of "Calling for change: International Strategies to end Violence Against Women," while another important event was the UN Fourth World Conference on Women, which focused on the themes of equality, development and peace. Existing issues The main focus of this investigation is on the legal framework surrounding violent offences, particularly those committed against women, and the associated measures implemented to protect women from acts of violence and indecency.

## METHOD

This research uses normative legal research methodology, analyzing court decisions using normative case studies. The primary field of study is the discipline of law, which is viewed as a conceptualized collection of principles or rules that govern social behavior and serve as a guiding structure for individual behavior. The main emphasis of normative legal studies centers on examining and studying the positive legal framework, legal principles and doctrine, legal

precedents in certain cases, legal systematics, degree of harmonization, legal comparison, and legal history.

This research uses a systematic process, where the researcher collects data from several aspects related to the research topic to find a solution. Normative research requires the use of legislative strategies, because this research focuses on examining various legal laws that are the main subject of research. The data used in this research is secondary. Secondary data refers to data that comes from sources such as library sources, including official papers, books, legal regulations, scientific literature, articles, and research-related publications.

The research uses a data collection approach that includes conducting a comprehensive evaluation of library resources, including literature, research results, scientific publications, bulletins and journals. Obtaining legal resources is carried out through the use of an inventory approach and identification of statutory regulations. Next, legal resources are categorized and organized according to the level of complexity of the study. Therefore, the techniques used in this research included a thorough examination of the extant literature. The process of conducting a literature study involves engaging in activities such as reading, critically evaluating, taking notes, and producing evaluations of relevant books available in the library collection. To carry out a comprehensive analysis of the data obtained, a normative analysis approach will be used. This technique requires interpretation and discourse around research material, based on an understanding of laws, norms, theories and doctrines related to the subject matter being discussed. Legal norms function as important basic principles in the reasoning process. These norms are then connected to the relevant legal facts, which function as a supporting basis. By using the syllogistic method, a conclusion can be drawn about a problem.

## RESULTS AND DISCUSSION

### Laws and Regulations on Violence Against Women

The objectives stated in the 1945 Constitution of the Unitary State of the Republic of Indonesia are the embodiment of the nation's true ideals to uphold the unity and integrity of Indonesia's territory and its diversity, improve the welfare of its people, and foster national identity, as well as play an active role in development. in a global peace initiative guided by the principles of autonomy, tranquility, immutability and a just social framework. Therefore, it is appropriate for the Indonesian people to be given comprehensive protection in all areas where they exist. Incidents of violence against women continue to experience an increasing trend over time, even though many efforts have been made to mitigate or eliminate this violence.

Regulations and laws relating to prosecuting cases of violence against women stipulate strict sanctions for perpetrators of violence against women. Indonesia has special laws that focus on protecting women from violence. This law establishes a definition of violence against women, involves strict legal sanctions, and provides protective measures for victims. Law Number 12 of 2022 entitled "Law on Combating Sexual Violence" is a legal framework designed to regulate and monitor cases of violence committed against women. The legal system strictly enforces the prohibition on domestic violence, giving law enforcement officials the authority to intervene and take appropriate action against those involved in violent behavior in the domestic environment.

The existing status of society shows that in the legal realm, there are still quite large gaps in handling the problem of violence against women and the protection of women victims of such harassment. Many factors, including substantive, structural and cultural factors, influence the law enforcement process. Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT) is the relevant legal and regulatory framework. Article 285 (rape), Article 297 (abortion without the woman's consent), and Article 332 (eloping with a woman) all detail crimes against women. The rules for compensation are regulated in Article 98 of the Criminal Procedure Code

Number 8 of 1981. This section relates to the perpetrator's responsibility to provide restitution to the victim, according to the victim's request. The current situation is inadequate and constitutes a major obstacle to women's efforts to advocate for their rights. Law Number 13 of 2006 concerning Protection of Witnesses and Victims has provisions aimed at increasing special protection efforts for women.

The Criminal Code contains provisions governing the victimization of women, as outlined in Article 285. This particular article relates to the offense of rape, namely forcing women to have sexual intercourse outside the context of marriage. Perpetrators of this crime can face penalties, including a maximum prison sentence of twelve years. According to Article 297 of the Criminal Code, carrying out an abortion without the express consent of the woman involved is considered a violation. Additionally, it is worth noting that the law also mandates that acts involved in trafficking of women and boys can result in a potential prison sentence of up to six years. The main case being examined is Article 332 of the Criminal Code concerning the actions of women who run away. The main objective of the Criminal Procedure Code is to overcome the consequences of unlawful acts through the application of criminal law, namely by implementing punitive measures that provide a deterrent effect for violators. According to Article 98 paragraph 1 of the statutory regulations, in the event that an act that gives rise to a claim in a criminal case results in losses for a third party, the presiding judge supervising the trial has the authority to combine claims for compensation with those of the third party. criminal proceedings at the request of the third party. In addition, Articles 184 and 183 relate to the admissibility of evidence and are also relevant to the legal context mentioned above. In order for a court to initiate criminal proceedings against an individual, it is essential that the presiding judge be satisfied, based on a minimum of two credible pieces of evidence, that a criminal offense has actually occurred and that the defendant is responsible for the offense.

### **Legal Protection for Women Victims of Violence**

Legal protection covers all laws and regulations that apply in the Indonesian jurisdiction. The main aim of this legal action is to protect women's rights and welfare. The main aim of this effort is to address and mitigate cases of harassment, exploitation and discrimination in various areas of society, including social, cultural, economic, educational, civil and political. The evolution and existence of law is essentially related to the aim of achieving optimal dispute resolution. In today's society, the establishment and implementation of law is still a viable path, but it also presents many challenges in achieving its goals.

According to Hartono (2002), the legal concept does not only include written restrictions, but also includes other elements.

1. Rules and laws.
2. Court decisions that have been established as precedents are known as rules of jurisprudence or case law.
3. Customs and customary law.
4. global agreement.
5. organizations around the world.
6. Methods and techniques.
7. Law school.
8. Legal practitioners.
9. Infrastructure and facilities related to law.

Violence committed against women is a major obstacle to development because of its diverse and broad impacts. In several global conferences, there are arguments stating that there is a correlation with the human development index.

In an effort to uphold justice for women victims of violence, it is carried out based on international legal instruments which include:

1) UN Human Rights Charter

Article 2: Everyone has an intrinsic right to the various rights and freedoms outlined in this Declaration, without exception of any kind, including but not limited to freedoms relating to race, ethnicity, gender, linguistic expression, religious belief, political affiliation, or opinion. Other people, national identity, social background, birth status, or property rights. Alternative point of view. Furthermore, it is important to emphasize that no distinction should be made on the basis of a person's country or region of origin, taking into account his or her political, legal or international status. This relates to persons originating from sovereign states, trust territories, colonies, or other forms of political autonomy. Additionally, Article 3 includes the state's responsibility to eliminate various manifestations of prejudice, including, but not limited to, areas such as economic inequality, social dynamics, cultural practices, individual freedoms, and political engagement. Successful implementation of this goal requires the enactment of comprehensive legislation across all industries. Within the framework of Article 5, it is important to recognize that the necessary changes include more than just legislative action. The importance of modifying attitudes and behavior among individuals from the countries concerned is equally important. In addition, these countries are obliged to establish an appropriate regulatory framework that can effectively address existing problems.

2) Topic: International Covenant on Civil and Political Rights.

3) The International Covenant on Social, Economic and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women are important international agreements.

4) The discussion centered on the Declaration on the Elimination of Violence Against Women. This proclamation emphasizes that violence against women violates their human rights and vital freedoms. Violence against women hinders their ability to exercise their basic rights and basic freedoms. This article unequivocally asserts that violence against women is a direct result of power disparities in history. This kind of violence reinforces power dynamics that favor men, thereby perpetuating discriminatory practices against women and hindering their progress.

5) Based on the Action Platform developed at the IV World Conference on Women in Beijing in 1995, we can see that incidents of violence against women can be seen as a manifestation of the power gap inherent in interactions between men and women. leading to the subjugation and marginalization of women. As a result, such violence becomes a major obstacle to women's comprehensive progress. The violence that women experience throughout their lives primarily stems from cultural norms, especially the harmful consequences of certain traditional practices or harmful customs related to race, gender, language, or religion. These practices perpetuate women's subordinate position in the family, workplace, and society.

Meanwhile, based on national law, namely based on:

1. Criminal Code;
2. Criminal Procedure Code;
3. A proclamation dedicated to ending violence against women.
4. Law Number 7 of 1984 which aims to eliminate all types of discrimination against women has been passed.
5. Human Rights Law No.39 of 1999.
6. Election Law Number 12 of 2003.
7. Employment Law (No. 13 of 2003).
8. Law on the Elimination of Domestic Violence no. 23 of 2004.
9. Law Number 13 of 2006 concerning Protection of Witnesses and Victims.

10. Citizenship Law No. 12 of 2006.
11. Law Number 21 of 2007 concerning Eradication of the Crime of Human Trafficking.

In practice, the effectiveness of legislative measures designed to protect women, as mentioned earlier, is limited by their ability to provide adequate legal protection for female victims and foster a sense of security among women in Indonesia. Establishing effective protection for women requires a holistic strategy that goes beyond the mere enactment and accessibility of just legal measures. This also requires two additional legal components: a legal framework and a cultural environment that supports women. The prevalence of gender-based violence against women is a clear manifestation of gender inequality that is deeply rooted in society, because the existence of patriarchal ideology still poses a big challenge in creating adequate legal protection for women victims of violence.

### CONCLUSION

Based on the previous discourse, it can be concluded that the legal framework plays an important role in protecting women from acts of violence, both in the domestic realm and beyond international borders, through the implementation of regulatory measures and legislative provisions.

### REFERENCE

- A. Reni Widyastuti. The Role of Law in Providing Protection to Women from Violence in the Era of Globalization. *LEGAL TRIBUTE*. 2009. Vol. 21(2). 203 – 408.
- A. Alhakim. (2023). Violence Against Women: A Study of Protection Based on Positive Law in Indonesia. *Journal of Citizenship Education Undiksha* Vol. 9 No. 1
- Agustian, T. (2016). Implications of Testing of MPR Decisions in the Constitutional System of the Republic of Indonesia After Constitutional Court Decision No. 75/PUU-XII/2014. *Lex Renaissance Journal*, 1(1).
- Arfiani, AA, Fahmi, KK, Arrasuli, BK, Nadilah, IN, & Fikri, MF (2022). Law Enforcement in Accordance with the Principles of a Justice that is Certain, Fair and Humane: Monitoring Study of the Law Enforcement Process in 2020. *Riau Law Journal*, 6(1), 48. <https://doi.org/10.30652/rj.v6i1.7938>
- Claire Angelique RI Nolasco, Michael S. Vaughn, Rolando V. del Carmen, Toward a New Methodology for Legal Research in Criminal Justice, *Journal Of Criminal Justice Education* , Vol. 21, no. 1, 2010
- Edi Setiadi. Legal Protection for Women From Acts of Violence From Acts of Violence. *Pulpit* No. 3 Th.XVII. 2001.
- Efendi, J. Legal Research Methods: Normative and Empirical. *Depok, Prenada Media.*; 2018
- Hayati, N. (2021). Social Media and Online Gender-Based Violence During the Covid-19 Pandemic. *HUMAYA: Journal of Law, Humanities, Society and Culture*, 1(1), 43-52.
- Iskandar, D. Efforts to Overcome the Occurrence of Domestic Violence. *Justice*, 2016. (13).
- K. Benuf, and M. Azhar, "Legal Research Methodology as an Instrument for Unraveling Contemporary Legal Problems," *Gema Perempuan*, vol. 7, no. 1, pp. 20-33, Apr. 2020. <https://doi.org/10.14710/gk.2020.7504>
- Lumbun, GT, 2002, "Confucianism and the Environment, Legal Culture of the Pasiran Community", in Dissertation, Jakarta: University of Indonesia, Faculty of Law Postgraduate Program
- Mahajarah, K. Violence Against Women in the Household: Socio-Cultural, Legal and Religious Perspectives. *SAWWA*. 2016. Vol. 11(2).
- Mufarida, B. (2019). Ministry of PPPA Reveals 409,178 Women Have Experienced Violence, <https://nasional.sindonews.com/read/1425142/13/kementerian-pppabesar-409178->

- perempuan-telah-alami-kekerasan-1564473672, Accessed 01 January 2021.
- Ningrumsari, FD ., Nur Azisa, & Wiwie Heryani. Feminist Legal Theory Paradigm on Legal Protection Regulations for Women Victims of Sexual Violence in Indonesia. *Living Law Scientific Journal*. 2022. 14(2).
- Nur Rochaety. Upholding Human Rights Through Legal Protection for Women Victims of Violence in Indonesia. *PALASTREN*, Vol. 7, No. 1.
- Pasalbessy, J.D. (2010). The impact of violence against women and children and solutions. *Sasi Journal*, 16(3).
- Purwaningsih, E. Factors that cause violence against women in the household (Study at Mataram Police). Malang: Brawijaya University. 2008.
- Rochaety, N. (2016). Upholding Human Rights Through Legal Protection for Women Victims of Violence in Indonesia. *PALASTREN Journal of Gender Studies*, 7(1), 1-24.
- Runi, I. (2019). National Commission on Violence Against Women 2019 Annual Notes: Cases of Violence against Women Increase. <https://www.jurnalperempuan.org/warta-feminis/notantahunan-2019-komnas-perempuan-kas-kekerasan-terhadap-perempuan-meningkat>, Accessed on 05 January 2021.
- Siregar, H. (2015). Forms of Violence Experienced by Women Residents of the Animal Husbandry Service Complex, North Sumatra Province. *Journal of Social Welfare Science*, 14(1), 10-18.
- Sulaeman, et al. Factors Causing Violence Against Women. *Journal of Non-formal Education Science*. 2022. Vol. 08(3).
- Sulaiman, W. (2019). Legal Protection for Children Who Are Victims of Criminal Sexual Abuse (Case Study in the Legal Area of Makassar Police, 2015 to 2016) [Thesis]. Hasanuddin University.
- Sumera, M. (2013). Acts of Violence/Sexual Harassment Against Women. *Lex et*
- Suryamizon, AL (2017). Preventive Legal Protection Against Violence against Women and Children from a Human Rights Law Perspective. Marwah: *Journal of Women, Religion and Gender*, 16(2), 112-126.
- Syafrini, D. (2014). Women in the Bondage of Mass Media Exploitation. *Humanus*, 13(1), 20-
- Venny, A., 2003, *Understanding Violence against Women*, Jakarta: Women's Journal Foundation and the Japan Foundation Indonesia
- Yulia, P. (2022). Criminal Law Enforcement for Smuggling Perpetrators of Illegal Mobile Phone Imports is Linked to the Customs Law. *Legal Research Journal*. Vol. 2, no. 2. 27, *Societatis*, 1(2).