

The Concept of Domestic Violence in SEMA 3/2023: Analysis under Law 23/2004

Konsep Kekerasan dalam Rumah Tangga dalam SEMA 3/2023: Analisis UU 23/2004

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Article Info

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History:

Submitted: September 10, 2026

Revised: September 28, 2026

Accepted: Oktober 5, 2026

Keyword:

Concept of Domestic Violence; Divorce; Law Number 23 of 2004; Religious Courts; SEMA Number 3 of 2023.

Kata Kunci:

Konsep Kekerasan dalam Rumah Tangga; Pengadilan Agama; Perceraian; SEMA Nomor 3 Tahun 2023; UU Nomor 23 Tahun 2004.

Abstract

Supreme Court Circular Letter (SEMA) Number 3 of 2023 refines SEMA Number 1 of 2022 by allowing divorce on grounds of continuous disputes only where reconciliation is hopeless and the spouses have lived apart for at least six months, unless domestic violence is proven. Since the circular does not define domestic violence, its interpretation and proof determine how widely divorce is opened. This library research uses a conceptual approach and content analysis of SEMA Number 3 of 2023, the Compilation of Islamic Law, and Law Number 23 of 2004 on the Elimination of Domestic Violence. The results show that domestic violence causes the continuous disputes referred to in Article 116 letter f of the Compilation; that it covers physical, psychological, and sexual violence as well as household neglect; and that such divorce cases should ideally be preceded by a criminal judgment, which then serves as evidence before the Religious Court.

Abstrak

Surat Edaran Mahkamah Agung (SEMA) Nomor 3 Tahun 2023 menyempurnakan SEMA Nomor 1 Tahun 2022 dengan membolehkan perceraian karena perselisihan dan pertengkaran terus-menerus hanya apabila tidak ada harapan rukun kembali dan suami istri telah berpisah tempat tinggal paling singkat enam bulan, kecuali terbukti terjadi kekerasan dalam rumah tangga (KDRT). Karena SEMA tidak mendefinisikan KDRT, penafsiran dan pembuktiannya menentukan seberapa lebar pintu perceraian terbuka. Penelitian kepustakaan ini menggunakan pendekatan konseptual dan analisis isi terhadap SEMA Nomor 3 Tahun 2023, Kompilasi Hukum Islam, dan Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga. Hasil penelitian menunjukkan bahwa KDRT menjadi penyebab perselisihan terus-menerus sebagaimana Pasal 116 huruf f Kompilasi Hukum Islam; KDRT meliputi kekerasan fisik, psikis, seksual, dan penelantaran rumah tangga; dan perkara perceraian demikian idealnya didahului putusan pidana yang kemudian menjadi alat bukti di Pengadilan Agama.



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 <https://doi.org/10.68374/ijjs>

A. INTRODUCTION

1. Background

The issuance of Supreme Court Circular Letter (SEMA) Number 3 of 2023, regarding the implementation of the 2023 Supreme Court Plenary Meeting resolutions as guidelines for courts, aims to minimize the occurrence of divorce and eliminate disparities in divorce rulings issued by Religious Courts.

Regarding marriage law, the Circular Letter states that a divorce petition based on “continuous disputes and quarrels” may be granted if it is proven that the couple has experienced such ongoing conflict with no hope of reconciliation, and they have lived apart for a minimum of six months, unless legal facts establish that the Defendant or Plaintiff has committed domestic violence.¹ This provision refines the legal formulation established by the Religious Affairs Chamber pursuant to Item 1, Letter b, Point 2 of Supreme Court Circular Letter (SEMA) Number 1 of 2022, which states that a divorce case based on continuous disputes and quarrels may be granted if it is proven that the husband and wife are engaged in continuous disputes and quarrels or have lived apart for a minimum of six months.²

Fundamentally, continuous disputes and quarrels represent a manifestation and elaboration of the provision in Article 116, Letter f of Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law (KHI). This article stipulates that divorce may occur when there are continuous disputes and quarrels between the husband and wife and no hope remains for a harmonious household life.³ However, it must be understood that SEMA Number 3 of 2023 explicitly emphasizes that a divorce may be granted only if the following requirements are met: the existence of continuous disputes and quarrels between the husband and wife with no hope for a harmonious household life, accompanied by a period of living apart for at least six months, unless

¹ Supreme Court of the Republic of Indonesia, *Supreme Court Circular Letter Number 3 of 2023 concerning the Implementation of the Formulation of the Results of the 2023 Supreme Court Chamber Plenary Meeting as Guidelines for the Performance of Duties for Courts* (Jakarta, December 29, 2023), Religious Chamber Formulation on Marriage Law.

² Supreme Court of the Republic of Indonesia, *Supreme Court Circular Letter Number 1 of 2022 concerning the Implementation of the Formulation of the Results of the 2022 Supreme Court Chamber Plenary Meeting as Guidelines for the Performance of Duties for Courts*, Religious Chamber Formulation, Item 1, Letter b, Point 2.

³ Presidential Instruction Number 1 of 1991 concerning the Dissemination of the Compilation of Islamic Law, art. 116 letter f. The same ground is also stipulated in Article 19 letter f of Government Regulation Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 concerning Marriage, which elaborates Article 39 paragraph (2) of Law Number 1 of 1974.

legal facts establish that the Defendant or Plaintiff has committed domestic violence (KDRT).

From a normative standpoint, the term “domestic violence” (KDRT) does not actually appear in Article 116 of the Compilation of Islamic Law (KHI), which serves as the legal basis for granting divorces (whether initiated by the husband via *talak* or by the wife via *gugat*). However, the Supreme Court issued Circular Letter (SEMA) Number 3 of 2023 regarding the Implementation of the Religious Chamber Plenary Meeting Formulation, which explicitly lists domestic violence as grounds for granting a divorce. This raises several issues, which are formulated as the research questions of this study.

Furthermore, the inclusion of domestic violence as a ground for divorce under SEMA Number 3 of 2023 presents a compelling subject for further study, particularly regarding the interpretation and manifestation of the term “domestic violence” and the evidentiary requirements for proving such acts.

Previous studies on SEMA Number 3 of 2023 have mainly focused on its juridical position and its effectiveness in reducing divorce rates. Ramdani and Affan analyzed the circular in divorce cases at the Stabat Religious Court and concluded that it provides legal certainty and does not conflict with higher regulations on the grounds for divorce, while Imroah, Asfiyak, and Jannah examined the effectiveness of its implementation in reducing divorce rates at the Kraksaan Religious Court.⁴ Other studies have discussed the proof of psychological violence in criminal proceedings, emphasizing the role of the *visum et repertum* and of psychiatrists as experts.⁵ However, these studies have not examined how the domestic violence exception in SEMA Number 3 of 2023 should be interpreted and proven in Religious Court divorce cases by reference to the concept of domestic violence in Law Number 23 of 2004. This gap constitutes the novelty of the present article.

The author intends to examine the issue of domestic violence in Religious Court divorce proceedings through the lens of Law Number 23 of 2004 concerning the

⁴ Ramdani and Syahrul Affan, “Analisis Yuridis SEMA No. 3 Tahun 2023 terhadap Kasus Perceraian di Pengadilan Agama Stabat,” *JLS: Journal Smart Law* 3, no. 1 (2024): 40–67; Azizatul Imroah, Khoirul Asfiyak, and Shofiatul Jannah, “Efektivitas Implementasi SEMA Nomor 3 Tahun 2023 dalam Mengurangi Angka Perceraian di Pengadilan Agama Kraksaan,” *Hikmatina: Jurnal Ilmiah Hukum Keluarga Islam* 7, no. 1 (2025): 240–42.

⁵ Dhevid Setiawan, Muhadar, and Wiwie Heryani, “Pembuktian Tindak Pidana Psikis dalam Kasus Kekerasan dalam Rumah Tangga,” *Pagaruyuang Law Journal* 2, no. 1 (July 2018): 1–23; Erwin Asmadi, “Peran Psikiater dalam Pembuktian Kekerasan Psikis pada Korban Tindak Pidana Kekerasan dalam Rumah Tangga,” *De Lega Lata: Jurnal Ilmu Hukum* 3, no. 1 (January–June 2018): 39–51.

Elimination of Domestic Violence (UU PKDRT). This analysis aims to provide a normative understanding of domestic violence and the methods for proving its occurrence.

This study is intended to make a positive contribution to law enforcement officials, specifically those in Religious Courts, as they resolve divorce cases where the defendant or plaintiff is alleged to have committed acts of domestic violence as defined in SEMA Number 3 of 2023. In brief, this study finds that domestic violence is a cause of the continuous disputes and quarrels referred to in Article 116 letter f of the KHI, that its meaning encompasses physical and non-physical violence as defined in the UU PKDRT, and that its existence should ideally be established through a criminal court verdict before it is used as a ground for divorce in the Religious Courts.

2. Research Questions

Based on the background above, this study formulates the following research questions: 1] Do the “disputes and quarrels” stipulated in Article 116 letter f of the KHI cause the domestic violence mentioned in SEMA Number 3 of 2023, or does domestic violence instead cause the continuous disputes and quarrels? 2] Should the definition of domestic violence used by judges in Religious Courts be limited to physical violence between spouses, or should it be based on the Law on the Elimination of Domestic Violence (UU PKDRT) itself? 3] What forms of evidence must the parties submit to prove that domestic violence, whether physical or non-physical, has occurred?

3. Research Methods

This research can be classified as literature research (library research) with a conceptual approach. This approach emphasizes the aspect of conceptual construction in building legal arguments that not only understand legal rules normatively but are also supported by various scholarly doctrines. The data sources needed in this research are collected and taken from written sources⁶ which relate to the objects above. In addition to primary sources, other sources related to the research object are also used and placed as secondary sources, namely books related to the topics discussed to support this research, provided that they are relevant to the theme being studied. After these sources are collected, they are selected and classified according to their type and needs. The data analysis technique used is content analysis, meaning that it attempts to understand data not as a collection of physical events but as symbolic symptoms in revealing the meaning

⁶ Peter Mahmud Marzuki, *Penelitian Hukum*, rev. ed., 12th printing (Jakarta: Kencana, 2016), 177–78.

contained in a text and obtaining an understanding of the message represented.⁷ Thus, the data analysis method uses the content analysis method, namely describing and then analyzing legal norms that explain the interpretation of the meaning of domestic violence as stipulated in SEMA Number 3 of 2023 based on the PKDRT Law in resolving divorce cases in Religious Courts.

B. DISCUSSION/ ANALYSIS

1. Domestic Violence as an Exception in SEMA Number 3 of 2023

It is well known that the issuance of Supreme Court Circular Letter (SEMA) Number 3 of 2023, which serves as a guideline for law enforcement officials in Religious Courts regarding the resolution of divorce cases, states that a divorce petition based on continuous disputes and quarrels may be granted if it is proven that such disputes and quarrels have persisted, that there is no hope for a harmonious household, and that the parties have lived apart for at least six months. However, an exception exists where legal facts establish the occurrence of domestic violence (KDRT) committed by the defendant or plaintiff; if such domestic violence is proven during the trial, the divorce may be granted even if the aforementioned criteria regarding continuous disputes, the lack of hope for harmony, and the six-month separation period cannot be substantiated.

Substantively, this provision implies that the issuance of SEMA Number 3 of 2023 actually creates greater scope for divorce, along with all its multiplier effects on the defendant, plaintiff, children, and other household members, depending on how the concept of domestic violence is interpreted, both in terms of its use as grounds for divorce and the evidentiary standards required for the divorce to be granted.

The significance of this exception becomes clearer when it is placed within the historical development of Indonesian divorce law. Since the enactment of Law Number 1 of 1974 concerning Marriage, the legislature has adopted the principle that divorce should be made difficult: Article 39 paragraph (1) requires that divorce take place only before a court after reconciliation efforts have failed, and paragraph (2) requires sufficient reason to show that the spouses can no longer live in harmony.⁸ Comparative studies of the 1974 Marriage Law have long described it as an attempt to restrain unilateral repudiation and to place divorce under judicial supervision, while preserving

⁷ Agus S. Ekomadyo, "Prospek Penerapan Metode Analisis Isi (Content Analysis) dalam Penelitian Media Arsitektur," *Jurnal Itenas* 10, no. 2 (August 2006): 51.

⁸ Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage, art. 39 paras. (1)–(2).

the doctrinal foundations of Islamic family law.⁹ The Compilation of Islamic Law later translated these principles into the working vocabulary of the Religious Courts, and studies of judicial practice show that judges apply the Compilation not as a rigid code but as a flexible reference point that is read together with the Marriage Law, fiqh doctrine, and the demands of each case.¹⁰ In this setting, SEMA Number 3 of 2023 can be read as an administrative instrument through which the Supreme Court seeks to guide that judicial discretion without amending the underlying statute.

The practical relevance of the exception is considerable. According to national statistics reported by the National Law Development Agency (BPHN), 399,921 divorces were recorded in Indonesia in 2024, and more than 64 percent of them were attributed to continuous disputes and quarrels.¹¹ Because the Circular Letter conditions the granting of such petitions on a six-month separation, the question of whether domestic violence is present effectively determines whether a petition is examined on its merits or declared premature. Recent studies of judicial practice confirm this tension. Praband, Aziz, and Mulyadi report that many courts still declare divorce petitions based on domestic violence inadmissible (*niet ontvankelijke verklaard*) when the spouses have not lived apart for six months, on the ground that the petition is premature, largely because the plaintiff cannot produce valid proof such as a *visum et repertum*.¹² By contrast, Tambun, Wardhani, and Noor examine a decision in which the judges granted a divorce despite a shorter separation because verbal domestic violence was proven.¹³ These divergent outcomes show that the exception has not yet produced the uniformity that SEMA Number 3 of 2023 was intended to achieve, and they underline why the meaning and proof of domestic violence require closer doctrinal attention. From the perspective of legal philosophy, the difficulty is a familiar one: the law must reconcile legal certainty, justice, and expediency, and none of these values can be pursued at the

⁹ Mark Cammack, Lawrence A. Young, and Tim Heaton, "Legislating Social Change in an Islamic Society—Indonesia's Marriage Law," *American Journal of Comparative Law* 44, no. 1 (1996): 45–73.

¹⁰ Euis Nurlaelawati, *Modernization, Tradition and Identity: The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts* (Amsterdam: Amsterdam University Press, 2010).

¹¹ Badan Pembinaan Hukum Nasional, "399 Ribu Kasus Perceraian di 2024, BPHN Dorong Budaya Dialog dan Mediasi Keluarga," accessed October 1, 2026, <https://bphn.go.id/berita-utama/399-ribu-kasus-perceraian-di-2024-bphn-dorong-budaya-dialog-dan-mediasi-keluarga>.

¹² Irnandya Desta Praband, Hasnah Aziz, and Edi Mulyadi, "Penyelesaian Perkara Cerai Gugat dengan Sebab Kekerasan dalam Rumah Tangga Berdasarkan Surat Edaran Mahkamah Agung Nomor 3 Tahun 2023 (Studi Kasus Putusan Nomor 4277/Pdt.G/2024/PA.Cbn)," *Jurnal Pemandhu* 7, no. 1 (2026): 133.

¹³ Putri Cicilia Tambun, Novea Elysa Wardhani, and Syamhudian Noor, "Pertimbangan Hakim Pengadilan Agama Tentang Perceraian dengan Alasan Pisah Rumah Singkat (Studi Putusan Nomor 375 Pdt.G/2024/PA.Plk)," *Al-Hikmah: Jurnal Agama dan Ilmu Pengetahuan* 22, no. 1 (April 2025): 105–15.

complete expense of the others.¹⁴

2. The Concept and Scope of Domestic Violence

According to the *Kamus Besar Bahasa Indonesia* (KBBI), KDRT refers to domestic violence: an unlawful act committed against a person within the household sphere that results in physical, sexual, or psychological misery or suffering.¹⁵ This means that domestic violence can be explicitly defined as the occurrence of various forms of violence, whether physical or non-physical, within the household. Conventionally, violence is understood as a situation where a person is influenced in such a way that their actual physical and mental-psychological realization falls below their potential realization.¹⁶ Furthermore, Topo Santoso defines violence as an intentional act or an act of negligence, both constituting violations of criminal law, committed without legal justification or valid grounds, and sanctioned by the State as either a serious criminal offense or a minor legal infraction.¹⁷

Meanwhile, domestic violence itself, according to the provisions of Article 1 number 1 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law), states that “Domestic Violence is any act against a person, especially women, which results in physical, sexual, psychological misery or suffering, and/or neglect of the household including threats to commit acts, coercion, or unlawful deprivation of liberty within the scope of the household.”¹⁸ Furthermore, the scope of the household can be understood based on Article 2 paragraph (1) letters a, b, c and paragraph (2) of the PKDRT Law, including:¹⁹ a] husband, wife and children; b] people who have family relationships with people as referred to in letter a due to blood relations, marriage, breastfeeding, care, and guardianship, who live in the household;

¹⁴ Gustav Radbruch, “Five Minutes of Legal Philosophy (1945),” trans. Bonnie Litschewski Paulson and Stanley L. Paulson, *Oxford Journal of Legal Studies* 26, no. 1 (2006): 13–15.

¹⁵ Kumparan, “Pengertian KDRT menurut Berbagai Lembaga dan Ahli,” *Kumparan*, accessed June 9, 2026, <https://kumparan.com/kumparanwoman/pengertian-kdrt-menurut-berbagai-lembaga-dan-ahli-22mtfzkWoLr/1>, citing the *Kamus Besar Bahasa Indonesia* (KBBI).

¹⁶ Dheny Wahyudhi and Herry Liyus, “Pendekatan Restorative Justice dalam Penyelesaian Tindak Pidana Kekerasan dalam Rumah Tangga,” *Jurnal Sains Sosio Humaniora* 4, no. 2 (December 2020): 505, <https://doi.org/10.22437/jssh.v4i2.10997>. This conception of violence originates from Johan Galtung, “Violence, Peace, and Peace Research,” *Journal of Peace Research* 6, no. 3 (1969): 168, <https://doi.org/10.1177/002234336900600301>.

¹⁷ Topo Santoso, as cited in Bernad Arif Sipahutar, “Legal Protection for Female Victims of Domestic Violence Crimes,” *Jurnal Rechten: Riset Hukum dan Hak Asasi Manusia* 4, no. 1 (2022): 9.

¹⁸ Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence (State Gazette of 2004 Number 95, Supplement to the State Gazette Number 4419), art. 1 point 1.

¹⁹ Law Number 23 of 2004, art. 2 paras. (1)–(2).

and/or c] people who work to help the household and live in the household.

In this context, individuals falling under category (c) are also considered family members for the duration of their stay in the household in question. This aligns with the views expressed by Mohammad Kemal Darmawan, as cited by Mohammad 'Azzam Manan,²⁰ who stated that a household serves as the setting for the lives of its inhabitants, comprising individuals of various statuses: spouses, parents, children, blood relatives, domestic workers, other residents, and those currently or previously living together within the household. Consequently, when examining the subjects and objects involved, domestic violence can occur in several contexts, including: a. violence by a husband against a wife; b. violence by a wife against a husband; c. violence by parents against children; d. violence by children against parents; and e. violence against domestic workers.²¹

Furthermore, many experts define domestic violence, characterized by aggressive or coercive behavioral patterns that pose threats or cause physical injury, perpetrated by a partner or ex-partner, or more broadly described as the abuse of violence or power by one family member against another, as a violation of individual or civil rights.²²

The definition in Law Number 23 of 2004 is not an isolated national construct; it reflects a broader international understanding of violence against women. The 1993 United Nations Declaration on the Elimination of Violence against Women describes such violence as any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering, including threats, coercion, and arbitrary deprivation of liberty, and it expressly lists violence occurring in the family among its manifestations.²³ Indonesia has ratified the Convention on the Elimination of All Forms of Discrimination against Women through Law Number 7 of 1984,²⁴ and the Committee on the Elimination of Discrimination against Women, in its General Recommendation No. 35, treats gender-based violence as a form of discrimination that

²⁰ Mohammad 'Azzam Manan, "Kekerasan dalam Rumah Tangga dalam Perspektif Sosiologis," *Jurnal Legislasi Indonesia* 5, no. 3 (September 2008): 10.

²¹ Asmadi, "Peran Psikiater," 42.

²² Ihsan Nasrudiansyah and Adudin Alijaya, "A Juridical Study of Law Number 23 of 2004 concerning the Elimination of Domestic Violence from the Perspective of Islamic Law," *Jurnal MIM: Journal of Islamic Legal Studies* 1, no. 1 (June 2023): 42.

²³ UN General Assembly, *Declaration on the Elimination of Violence against Women*, A/RES/48/104 (December 20, 1993), arts. 1–2.

²⁴ Law of the Republic of Indonesia Number 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination against Women.

engages the responsibility of the state, including its courts.²⁵ Read together with these instruments, the definition in Article 1 number 1 of the PKDRT Law cannot be confined to physical assault; it must be understood to cover the full range of conduct through which one family member undermines the safety, dignity, and autonomy of another.

Scholarship on intimate partner violence further shows why a narrow, injury-based understanding of violence is inadequate. Dobash and Dobash argued as early as 1979 that violence against wives is embedded in patterns of male authority and dependence within the family rather than being a series of isolated outbursts.²⁶ Johnson distinguishes between “common couple violence,” which arises from specific conflicts and is less likely to escalate, and “patriarchal terrorism,” a systematic pattern of control in which violence is only one of several tactics.²⁷ Stark develops this insight into the concept of coercive control, which describes how perpetrators combine intimidation, isolation, and the regulation of everyday life to deprive victims of their liberty, often without leaving visible injuries.²⁸ These perspectives matter for the Religious Courts because the distinction between ordinary marital quarrels and domestic violence is precisely what SEMA Number 3 of 2023 requires a judge to draw. A judge who recognizes the dynamics of coercion will be better able to identify psychological violence and household neglect, which Article 5 of the PKDRT Law places on the same footing as physical violence. Global prevalence data confirm the scale of the problem: the World Health Organization estimates that, in 2018, almost one in three women aged 15 and older had experienced physical or sexual violence from an intimate partner or sexual violence from a non-partner at some point in their lives.²⁹

3. Domestic Violence as a Cause of Continuous Disputes and Quarrels

Statistically, Rosma Alimi’s research, citing cases recorded in the Ministry of

²⁵ Committee on the Elimination of Discrimination against Women, *General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19*, CEDAW/C/GC/35 (July 26, 2017).

²⁶ R. Emerson Dobash and Russell Dobash, *Violence against Wives: A Case against the Patriarchy* (New York: Free Press, 1979).

²⁷ Michael P. Johnson, “Patriarchal Terrorism and Common Couple Violence: Two Forms of Violence against Women,” *Journal of Marriage and Family* 57, no. 2 (1995): 283–94, <https://doi.org/10.2307/353683>.

²⁸ Evan Stark, *Coercive Control: How Men Entrap Women in Personal Life* (New York: Oxford University Press, 2007).

²⁹ World Health Organization, *Violence against Women Prevalence Estimates, 2018: Global, Regional and National Prevalence Estimates for Intimate Partner Violence against Women and Global and Regional Prevalence Estimates for Non-Partner Sexual Violence against Women* (Geneva: World Health Organization, 2021).

Women's Empowerment and Child Protection's "Simfoni" system, indicates that as of 2021, 20.4% of violence cases involved male victims, while 79.6% involved female victims. The forms of violence varied: 2,025 cases of physical violence, 1,938 cases of sexual violence, 1,792 cases of psychological violence, and 680 cases of economic violence.³⁰ When cross-referenced with the Supreme Court's 2022 annual report, which shows that divorce cases handled by Religious and General Courts reached 500,000, increasing by approximately 3% annually,³¹ the 6,435 recorded domestic violence cases (in the Ministry's system) amount to only about 1.3% of the divorce cases (in the Supreme Court report). This suggests that more than 98% of the violence underlying these divorces remains hidden within the private sphere of the household. Based on the violence percentages from 2021, it is estimated that over 31% of these cases were driven by physical violence, 30% by sexual violence, 28% by psychological violence, and 11% by economic violence.

Similarly, Indonesian statistical data for 2023 indicates a 15% increase in divorce rates, rising from 447,743 cases in 2021 to 516,334 cases in 2022. Of these, the primary cause was persistent conflict and quarreling, accounting for 284,169 cases; other contributing factors included economic issues, abandonment, polygamy, and domestic violence.³² Furthermore, recent data from the Online Information System for the Protection of Women and Children (SIMFONI PPA) shows that between January and November 2025, there were 27,107 recorded cases of domestic violence, with 23,207 of the victims being women, and the majority of incidents occurring within the household.³³

There are essentially three theories underlying the causes of domestic violence. First, biological theory posits that aggression is an innate trait in both animals and humans from birth. Sigmund Freud argued that humans possess a death drive that leads them to derive satisfaction from acts of harming or killing others, or themselves, while Konrad Lorenz maintained that aggression and violence are highly useful traits for survival. Second, frustration-aggression theory suggests that individuals experiencing

³⁰ Rosma Alimi and Nunung Nurwati, "Faktor Penyebab Terjadinya Kekerasan dalam Rumah Tangga terhadap Perempuan," *Jurnal Penelitian dan Pengabdian Kepada Masyarakat (JPPM)* 2, no. 1 (April 2021): 20–27, <https://doi.org/10.24198/jppm.v2i1.33434>.

³¹ Ramdani and Affan, "Analisis Yuridis SEMA No. 3 Tahun 2023," 41.

³² Imroah, Asfiyak, and Jannah, "Efektivitas Implementasi SEMA Nomor 3 Tahun 2023," 239. See also Badan Pusat Statistik, *Statistik Indonesia 2023* (Jakarta: Badan Pusat Statistik, 2023), which records 516,334 divorces in 2022, 284,169 of which were caused by persistent disputes and quarrels.

³³ Angelica Suciara et al., "Challenges in Proving Psychological Domestic Violence within the Indonesian Criminal Justice System," *Al-Zayn: Journal of Social Sciences and Law* 4, no. 1 (January 2026): 729.

frustration tend to become aggressive as a means of venting their emotions. Third, control theory posits that individuals in unsatisfactory or incompatible relationships may easily resort to violence when their efforts to connect with others encounter frustrating situations.³⁴

Factors contributing to domestic violence include: 1] psychological factors, such as emotional issues, mental disorders, or emotional instability, which can trigger acts of domestic violence; 2] social factors, such as economic pressure, unemployment, or family instability, which can cause stress and tension within the family, potentially escalating into domestic violence; 3] cultural factors, where certain cultural norms or traditional values may promote the use of violence as a means to resolve conflict or control a partner; 4] environmental factors, such as violence in the surrounding area, easy access to weapons or drugs, and unstable security conditions, which can incite violent acts; 5] individual factors, such as poor self-control, a tendency toward aggression, or a lack of empathy, which can increase the risk of domestic violence; 6] gender factors, such as power imbalances between men and women, gender stereotypes, and gender discrimination, which can trigger violence against women; and 7] family history factors, where individuals who have experienced domestic violence in the past, whether as victims or perpetrators, are at higher risk of experiencing or perpetrating it in the future.³⁵

According to Harkristuti Harkrisnowo, domestic violence, known in Indonesia as *Kekerasan Dalam Rumah Tangga* (KDRT), possesses unique characteristics compared to other forms of violence against women due to the power relationship existing between the victim and the perpetrator. The psychological burden borne by female victims of domestic violence is immense because such power relationships inherently involve elements of trust as well as varying degrees of dependency. Beyond the sense of an abuse of power by the dominant party, victims often experience fear, reluctance, and shame regarding reporting the abuse to the authorities.³⁶

A close examination of the aforementioned factors confirms that domestic violence inherently carries a high potential for causing disputes and quarrels within the

³⁴ Alimi and Nurwati, "Faktor Penyebab Terjadinya Kekerasan," 20–27.

³⁵ Naufal Hibrizi Setiawan et al., "Understanding and Causative Factors of Domestic Violence: A Literature Review," *Jurnal Dialektika Hukum* 6, no. 2 (December 2024): 108–16.

³⁶ Harkristuti Harkrisnowo, as cited in Anwar Rabbani, "Penyelesaian Tindak Pidana Kekerasan dalam Rumah Tangga dalam Perspektif Restorative Justice," *Al-'Adl: Jurnal Hukum* 12, no. 2 (July 2020): 362.

household, leading to various ripple effects, such as sleeping in separate beds, living apart, abandonment of a spouse, covert polygamy, or even the neglect of family members. In this sense, domestic violence acts as a cause of the persistent disputes and quarrels cited in Article 116, letter f, of the KHI (Compilation of Islamic Law).

The most recent national data reinforce this causal reading while also exposing the limits of official statistics. The 2024 Annual Records (CATAHU) of the National Commission on Violence against Women (Komnas Perempuan) registered 445,502 cases of violence against women, an increase of about 9.77 percent over the 401,975 cases recorded in 2023, and of the 330,097 cases of gender-based violence against women within that dataset, 309,516 occurred in the personal sphere.³⁷ Against these figures, divorce statistics attribute a very small share of divorces to domestic violence: one compilation of national statistics reports only 7,243 divorces in 2024 for which domestic violence was recorded as the cause, compared with 251,125 attributed to continuous disputes and quarrels.³⁸ The gap between the two datasets echoes the earlier observation that most violence behind divorce remains hidden in the private sphere. It also suggests that “continuous disputes and quarrels” may operate as a residual category that conceals violence. If that is so, a requirement of six months’ separation, applied without an effective means of identifying violence, risks keeping victims in dangerous households precisely when they are most in need of a legal exit.

The theoretical explanations already summarized above can be refined with reference to social learning and the dynamics of abusive relationships. Bandura’s social learning theory holds that aggressive behavior is acquired by observing and imitating models, and it helps explain why a history of violence in the family of origin, listed among the risk factors above, tends to be repeated across generations.³⁹ The frustration-aggression hypothesis formulated by Dollard and his colleagues likewise treats aggression as a typical, though not inevitable, response to the blocking of goal-directed behavior, a proposition that fits the observation that economic pressure and unemployment heighten tension in the household.⁴⁰ Walker’s description of the cycle of

³⁷ Komisi Nasional Anti Kekerasan terhadap Perempuan, *Catatan Tahunan (CATAHU) 2024: Menata Data, Menajamkan Arah* (Jakarta: Komnas Perempuan, 2025).

³⁸ GoodStats, “Simak Faktor Utama Penyebab Perceraian di Indonesia 2024,” accessed October 1, 2026, <https://data.goodstats.id/statistic/simak-faktor-utama-penyebab-perceraian-di-indonesia-2024-OJc0n>, compiling data from Badan Pusat Statistik.

³⁹ Albert Bandura, *Social Learning Theory* (Englewood Cliffs, NJ: Prentice-Hall, 1977).

⁴⁰ John Dollard et al., *Frustration and Aggression* (New Haven: Yale University Press, 1939).

violence, consisting of a tension-building phase, an acute battering incident, and a phase of contrition, helps explain why victims often return to the abuser or withdraw complaints.⁴¹ For the purposes of divorce law, these accounts point to the same conclusion: violence is not an incidental by-product of marital quarrels but a mechanism that generates them, so that the discord recognized in Article 116 letter f of the Compilation is often a consequence of violence rather than an independent ground.

The same conclusion can be reached from the normative sources of Islamic law that underlie the Compilation. The Qur'an commands husbands to treat their wives in a fitting manner (*mu'asyarah bil-ma'ruf*) and describes the purpose of marriage as the creation of tranquility (*sakinah*), affection (*mawaddah*), and mercy (*rahmah*).⁴² It also provides that, when the marital bond can no longer be sustained, spouses must either keep one another in kindness or part with kindness, and it forbids retaining a wife in order to harm her.⁴³ The prophetic maxim that there shall be neither harm nor reciprocating harm (*la darar wa la dirar*) has become one of the foundations of the jurisprudential reasoning that treats harm as a ground for relief.⁴⁴ Against this background, a household in which one spouse is subjected to violence has already failed in its religious and legal purpose, so that Article 116 letter f of the Compilation is better understood as recognizing an objective collapse of the marriage than as a requirement that the victim endure a waiting period.

4. Forms of Domestic Violence and Criminal Sanctions under Law Number 23 of 2004

Furthermore, domestic violence can be classified into four forms: physical violence (ranging from hitting, kicking, and inflicting injury to killing); sexual violence (ranging from harassment, such as touching breasts, buttocks, or other body parts, to rape, including incestuous sexual violence and rape); psychological violence (such as infidelity); and economic violence (which may manifest as household neglect). All four forms constitute violations subject to legal action. Domestic violence may also take the form of verbal abuse (such as shouting and insults), social abuse (such as prohibiting

⁴¹ Lenore E. Walker, *The Battered Woman* (New York: Harper & Row, 1979).

⁴² Kementerian Agama Republik Indonesia, *Al-Qur'an dan Terjemahnya* (Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an, 2019), Q.S. al-Nisa' [4]: 19 and Q.S. al-Rum [30]: 21.

⁴³ Kementerian Agama Republik Indonesia, *Al-Qur'an dan Terjemahnya*, Q.S. al-Baqarah [2]: 229 and 231.

⁴⁴ Ibn Majah, *Sunan Ibn Majah*, ed. Muhammad Fu'ad 'Abd al-Baqi (Beirut: Dar Ihya' al-Kutub al-'Arabiyyah, n.d.), Kitab al-Ahkam, no. 2340.

contact with relatives or interaction with neighbors), and ritual abuse (such as forbidding the observance of religious rituals in accordance with one's beliefs or school of thought).⁴⁵

Based on the foregoing, such violence can essentially occur against anyone within the domestic sphere, as stipulated in Article 2, paragraph (1), letters a, b, and c, and paragraph (2) of the Law on the Elimination of Domestic Violence (UU PKDRT). Furthermore, it is important to understand that the prohibition against violence, as set forth in Article 5, letters a, b, c, and d of the UU PKDRT, covers four specific forms: physical violence, psychological violence, sexual violence, and domestic neglect. These provisions carry criminal penalties for perpetrators of domestic violence, whether committed by a husband against a wife, vice versa, or against other members of the household, as detailed in Articles 44 through 49 of the UU PKDRT. Specifically, Article 44, paragraph (1) states that any person who commits an act of physical violence within the domestic sphere, as referred to in Article 5, letter a, shall be punished with imprisonment for a maximum of 5 (five) years or a fine of up to Rp15,000,000.00 (fifteen million rupiah). Article 44, paragraph (2) states that if the act referred to in paragraph (1) causes the victim to fall ill or sustain serious injury, the perpetrator shall be punished with imprisonment for a maximum of 10 (ten) years or a fine of up to Rp30,000,000.00 (thirty million rupiah). Article 44 paragraph (3) states that in the event that the act referred to in paragraph (2) results in the death of the victim, the penalty shall be imprisonment for a maximum term of 15 (fifteen) years or a fine of a maximum of Rp45,000,000.00 (forty-five million rupiah); furthermore, Article 44 paragraph (4) states that in the event that the act referred to in paragraph (1) is committed by a husband against his wife or vice versa, and does not cause illness or an impediment to the performance of official duties, a livelihood, or daily activities, the penalty shall be imprisonment for a maximum term of 4 (four) months or a fine of a maximum of Rp5,000,000.00 (five million rupiah). Meanwhile, Article 45 paragraph (1) states that any person who commits an act of psychological violence within the household scope as referred to in Article 5 letter b shall be punished with imprisonment for a maximum of 3 (three) years or a fine of a maximum of Rp9,000,000.00 (nine million rupiah); Article 45 paragraph (2) states that in the event the act referred to in paragraph (1) is committed

⁴⁵ Nur Rofiah, "Kekerasan dalam Rumah Tangga dalam Perspektif Islam," *Wawasan: Jurnal Ilmiah Agama dan Sosial Budaya* 2, no. 1 (June 2017): 32, <https://doi.org/10.15575/jw.v2i1.829>.

by a husband against a wife or vice versa, and does not result in illness or an impediment to performing official duties, a livelihood, or daily activities, the perpetrator shall be punished with imprisonment for a maximum of 4 (four) months or a fine of a maximum of Rp3,000,000.00 (three million rupiah). Furthermore, Article 46 states that any person who commits an act of sexual violence as referred to in Article 8 letter a shall be punished with imprisonment for a maximum of 12 (twelve) years or a fine of a maximum of Rp36,000,000.00 (thirty-six million rupiah); subsequently, Article 47 states that any person who forces a person residing in their household to engage in sexual intercourse as referred to in Article 8 letter b shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 15 (fifteen) years, or a fine of a minimum of Rp12,000,000.00 (twelve million rupiah) and a maximum of Rp300,000,000.00 (three hundred million rupiah). Meanwhile, Article 48 stipulates that if the acts referred to in Articles 46 and 47 result in the victim sustaining an injury with no hope of complete recovery, suffering a mental or cognitive impairment for a continuous period of at least 4 (four) weeks or a non-continuous period of 1 (one) year, the miscarriage or death of a fetus in the womb, or the loss of reproductive function, the perpetrator shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years, or a fine of at least Rp25,000,000.00 (twenty-five million rupiah) and a maximum fine of Rp500,000,000.00 (five hundred million rupiah). Finally, the penal provisions regarding perpetrators of domestic violence conclude with Article 49, which states that any person who: a. neglects another person within their household as referred to in Article 9 paragraph (1); and b. neglects another person as referred to in Article 9 paragraph (2), shall be punished with imprisonment for a maximum of 3 (three) years or a fine of a maximum of Rp15,000,000.00 (fifteen million rupiah).⁴⁶ These criminal provisions are summarized in Table 1 below.

Table 1. Criminal Sanctions for Domestic Violence under Law Number 23 of 2004

Article	Form of Act	Criminal Sanction
44 (1)	Physical violence (Art. 5 letter a)	Max. 5 years or fine max. Rp15,000,000
44 (2)	Physical violence causing illness or serious injury	Max. 10 years or fine max. Rp30,000,000
44 (3)	Physical violence causing death	Max. 15 years or fine max. Rp45,000,000

⁴⁶ Law Number 23 of 2004, arts. 5 and 44–49.

44 (4)	Physical violence between spouses not causing illness or impediment to work/daily activities	Max. 4 months or fine max. Rp5,000,000
45 (1)	Psychological violence (Art. 5 letter b)	Max. 3 years or fine max. Rp9,000,000
45 (2)	Psychological violence between spouses not causing illness or impediment to work/daily activities	Max. 4 months or fine max. Rp3,000,000
46	Sexual violence (Art. 8 letter a)	Max. 12 years or fine max. Rp36,000,000
47	Forcing a household member into sexual intercourse (Art. 8 letter b)	4–15 years or fine Rp12,000,000– Rp300,000,000
48	Acts under Arts. 46–47 causing incurable injury, mental impairment, miscarriage/fetal death, or loss of reproductive function	5–20 years or fine Rp25,000,000– Rp500,000,000
49	Household neglect (Art. 9 paras. (1) and (2))	Max. 3 years or fine max. Rp15,000,000

Source: Law Number 23 of 2004, Articles 44–49, compiled by the authors.

Table 1 shows that the legislature graduated criminal responses according to the gravity of the harm and the relationship between the parties. Two features of this design deserve emphasis for the present analysis. First, the lighter offenses committed between spouses, namely Article 44 paragraph (4), Article 45 paragraph (2), and Article 46 when committed by a husband against a wife or vice versa, are complaint-based offenses (*delik aduan*), so that prosecution depends on a complaint from the victim.⁴⁷ Second, the heavier offenses are not subject to this limitation. A divorce case that depends on a criminal verdict will therefore be available in practice only where the victim has chosen to report, where the police and prosecutors have processed the report, and where a court has reached a final decision. The statistics discussed above, which show a wide gap between recorded violence and divorces recorded on this ground, suggest that this chain will frequently be broken before it reaches a verdict.

The PKDRT Law also provides protective mechanisms that operate independently of a final conviction and that are therefore directly relevant to the evidentiary position of a victim who is seeking divorce. The police are obliged to provide temporary protection to the victim within 1 × 24 hours of learning of or receiving a report, for a

⁴⁷ Law Number 23 of 2004, arts. 51–53.

period of up to seven days, and thereafter to request a protection order from the court.⁴⁸ The chief judge of the court must issue a protection order within seven days of receiving an application, and the application may be submitted not only by the victim or the victim's family but also by friends, the police, volunteer companions, and spiritual advisers; the order may be granted for up to one year and may be extended.⁴⁹ These measures are complemented by the regulations on victim recovery services, by the protections available to victims under the witness and victim protection regime and, for conduct that falls within its scope, by the victim-centered remedies of the law on sexual violence crimes.⁵⁰ The documents produced by these mechanisms, such as police reports, temporary protection records, court protection orders, and recovery service records, are potential items of evidence that a Religious Court can consider without waiting for a criminal verdict.

5. Proving Domestic Violence in Divorce Cases before the Religious Courts

From a normative standpoint, the aforementioned criminal provisions can be understood as sanctions against perpetrators of domestic violence; however, a crucial challenge lies in proving the offense itself. In the context of physical violence, the most common form of domestic violence inflicted upon victims, proving the act and enforcing the law are relatively straightforward, as evidence can be established through medical examination reports (*visum*). The same applies to sexual violence or domestic neglect, which are comparable to physical violence in this regard. Psychological violence,⁵¹ however, presents a different scenario. Psychological violence involves acts of verbal abuse (such as insults or the use of harsh, obscene language) that result in diminished self-confidence, heightened fear, a loss of agency, and a sense of powerlessness.⁵² Two problematic aspects arise regarding law enforcement for this type of violence: first, the evidentiary process. Psychological violence is notoriously difficult to prove because it does not involve physical contact and leaves no visible signs of injury. Second, the

⁴⁸ Law Number 23 of 2004, art. 16 paras. (1)–(3).

⁴⁹ Law Number 23 of 2004, arts. 28, 29, and 32.

⁵⁰ Government Regulation Number 4 of 2006 concerning the Organization and Cooperation to Recover Victims of Domestic Violence; Law of the Republic of Indonesia Number 31 of 2014 amending Law Number 13 of 2006 concerning Witness and Victim Protection; Law of the Republic of Indonesia Number 12 of 2022 concerning Crimes of Sexual Violence.

⁵¹ Setiawan, Muhadar, and Heryani, "Pembuktian Tindak Pidana Psikis," 2.

⁵² Article 7 of Law Number 23 of 2004 defines psychological violence as an act that results in fear, loss of self-confidence, loss of the ability to act, a sense of helplessness, and/or severe psychological suffering in a person.

rehabilitation of victims is challenging, as the impact of psychological violence manifests as emotional disturbance. In cases involving psychological violence, the evidentiary process requires the involvement of a medical doctor or psychiatrist. As R. Soeparmono (cited by Erwin Asmadi) notes, a psychiatrist is a medical specialist trained to diagnose and treat emotional disorders; their role encompasses the treatment of both severe and mild mental health issues. The physician or psychiatrist employs the science of psychiatry, a medical discipline dedicated to studying human behavior, particularly regarding abnormal (pathological) manifestations and their underlying motives.⁵³ A crucial function of the psychiatrist is the issuance of a *visum et repertum*, specifically a *visum et repertum psychiatricum*,⁵⁴ distinguishing it from the standard *visum et repertum* utilized in forensic medicine, forensic psychiatry/neurology, and forensic chemistry. The *visum et repertum* serves as a key element of expert involvement and constitutes a form of expert testimony.⁵⁵ In cases of domestic violence, the *visum* plays a vital role in substantiating that the violence actually occurred, thereby enabling the presiding panel of judges to consider its findings when adjudicating the case.⁵⁶

In cases of domestic violence, whether physical or psychological, it is essential that evidence be presented during court proceedings; this includes the *visum et repertum* (medical-forensic report) alongside other evidence proving the commission of the domestic violence offense.⁵⁷ Such evidence enables the judge to impose penalties on perpetrators who commit domestic violence against individuals within the household scope defined in Article 2, paragraph (1), letters a, b, and c, and paragraph (2) of the Law on the Elimination of Domestic Violence (UU PKDRT), which covers:⁵⁸ a) husband, wife, and children; b) persons related by blood, marriage, breastfeeding, foster care, or guardianship to those mentioned in letter (a) and who reside within the household; and/or c) persons employed to assist with household tasks who reside within said household.

The proof of domestic violence in the Religious Courts must also be analyzed

⁵³ R. Soeparmono, as cited in Asmadi, "Peran Psikiater," 39–51.

⁵⁴ Asmadi, "Peran Psikiater," 39–51.

⁵⁵ Kartika Agus Salim, "Expert Testimony on *Visum et Repertum* in Proving Domestic Violence Cases," *PERAHU (Penerangan Hukum): Jurnal Ilmu Hukum* 13, no. 1 (March 2025): 51.

⁵⁶ Al Aini Maisyarah et al., "The Role of *Visum et Repertum* as Evidence in Proving Domestic Violence Crimes," *Sumbang 12 Journal* 1, no. 2 (January 2023): 158.

⁵⁷ Under Article 55 of Law Number 23 of 2004, the testimony of a single victim witness is sufficient to prove the guilt of the defendant provided that it is accompanied by another valid piece of evidence.

⁵⁸ Law Number 23 of 2004, art. 2 paras. (1)–(2).

through the general law of civil evidence, because Article 54 of Law Number 7 of 1989 on Religious Courts provides that the procedural law applied in those courts is the civil procedural law applicable in the general courts, except as otherwise specifically regulated.⁵⁹ Under Article 163 of the *Herzien Inlandsch Reglement* (HIR) and Article 1865 of the Civil Code, a party who asserts a right or an event bears the burden of proving it, while Article 164 of the HIR and Article 1866 of the Civil Code enumerate the admissible means of proof as written evidence, witness testimony, presumptions, confessions, and oath.⁶⁰ Procedural scholarship explains that the judge assesses these means according to their formal and material requirements, and that a finding of fact must rest on at least a minimum of evidence that is valid and sufficient.⁶¹ Applied to SEMA Number 3 of 2023, these rules mean that the plaintiff who invokes the domestic violence exception must establish the facts of violence by recognized means of proof, but they do not state that the only admissible means is a criminal judgment.

The divorce-specific provisions of Indonesian law are consistent with this flexible approach. When a divorce is based on continuous disputes and quarrels, Article 22 paragraph (2) of Government Regulation Number 9 of 1975 and Article 134 of the Compilation require the court to be sufficiently clear about the causes of the dispute and to hear the family and persons close to the spouses, and Article 76 paragraph (1) of Law Number 7 of 1989 likewise requires testimony from witnesses from the family or persons close to the couple.⁶² In other words, the law already assumes that the existence and causes of marital discord may be proven through witnesses who know the household. A different evidentiary rule applies where the ground is imprisonment: Article 74 of Law Number 7 of 1989 and Article 135 of the Compilation allow the plaintiff to prove the ground merely by submitting a copy of the court decision together with a statement that it has obtained final legal force.⁶³ The contrast is instructive. Where the legislature wanted a final criminal judgment to serve as the evidence, it said so expressly,

⁵⁹ Law of the Republic of Indonesia Number 7 of 1989 concerning Religious Courts, art. 54, as amended by Law Number 3 of 2006 and Law Number 50 of 2009.

⁶⁰ *Herzien Inlandsch Reglement* (HIR), *Staatsblad* 1941 Number 44, arts. 163–164; *Burgerlijk Wetboek* (Civil Code), arts. 1865–1866.

⁶¹ M. Yahya Harahap, *Hukum Acara Perdata tentang Gugatan, Persidangan, Penyitaan, Pembuktian, dan Putusan Pengadilan* (Jakarta: Sinar Grafika, 2005); see also Sudikno Mertokusumo, *Hukum Acara Perdata Indonesia*, 7th ed. (Yogyakarta: Liberty, 2006).

⁶² Government Regulation Number 9 of 1975, art. 22 para. (2); Presidential Instruction Number 1 of 1991, art. 134; Law Number 7 of 1989, art. 76 para. (1).

⁶³ Law Number 7 of 1989, art. 74; Presidential Instruction Number 1 of 1991, art. 135.

and it did so for a ground that is itself defined by a criminal sanction of five years or more. No comparable provision makes a criminal judgment a precondition for divorce on the basis of cruelty or severe maltreatment under Article 116 letter d of the Compilation, which already allows divorce where one party commits cruelty or severe abuse that endangers the other.⁶⁴ The domestic violence exception in SEMA Number 3 of 2023 is therefore best seen as overlapping with this existing ground rather than as creating an entirely new category of proof.

Where a criminal judgment does exist, its evidentiary value in a civil forum is also governed by general law. Article 1918 of the Civil Code provides that a final judgment convicting a person of a crime or violation may be accepted as proof of the act committed, unless the contrary is proven, while Article 1919 states that an acquittal cannot be invoked in a civil proceeding to defeat a claim for damages.⁶⁵ This is consistent with Article 8 of Law Number 48 of 2009 on Judicial Power, which presumes every person to be innocent until a final and binding judgment states otherwise.⁶⁶ The presumption protects the alleged perpetrator, but it also explains the attraction of the criminal route: a final conviction removes the risk that a Religious Court judge will make, in a civil case, a finding of criminal conduct that has not been tested under the stricter standards of criminal procedure. Those standards have recently been revised. Law Number 20 of 2025 on the Criminal Procedure Code, which took effect on January 2, 2026 and replaced the 1981 Code, lists in Article 235 paragraph (1) witness testimony, expert testimony, documents, the statement of the defendant, physical evidence, electronic evidence, and the judge's observation as evidence, together with anything else that may be used for proof so long as it is lawfully obtained.⁶⁷ In domestic violence prosecutions this framework is supplemented by Article 55 of Law Number 23 of 2004, under which the testimony of a single victim witness suffices when accompanied by one other valid piece of evidence.

Because psychological violence leaves few physical traces, the medical and psychological evidence discussed earlier must be complemented by other forms of proof.

⁶⁴ Presidential Instruction Number 1 of 1991, art. 116 letter d. On the grounds for divorce generally, see Abdul Manan, *Aneka Masalah Hukum Perdata Islam di Indonesia* (Jakarta: Kencana, 2006).

⁶⁵ Burgerlijk Wetboek (Civil Code), arts. 1918–1919.

⁶⁶ Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power, art. 8 para. (1).

⁶⁷ Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code, art. 235 para. (1); see also Law Number 23 of 2004, art. 55.

Forensic medicine texts in Indonesia explain that the medical examiner's report documents the nature and cause of injuries and can establish the connection between an act and its consequences,⁶⁸ and Article 21 paragraph (1) of the PKDRT Law obliges health workers to examine victims according to professional standards and to prepare a written report and a visum et repertum at the request of police investigators, or a medical certificate having the same legal force as evidence.⁶⁹ In addition, electronic information and electronic documents, including text messages, voice recordings, and photographs, are recognized as legally valid evidence under Article 5 of the Electronic Information and Transactions Law,⁷⁰ and they are increasingly the only contemporaneous record of threats, insults, and coercion. When combined with the testimony of persons close to the spouses, which the divorce procedure already requires, such materials can form a coherent evidentiary picture even without a criminal conviction.

Based on the foregoing, it is understood that when Supreme Court Circular Letter (SEMA) Number 3 of 2023 is applied to resolve divorce cases in Religious Courts based on domestic violence, two points must be grasped. First, SEMA Number 3 of 2023 does not aim to annul divorces or merely minimize disparities in Religious Court rulings; rather, it broadens the scope for divorce proceedings even when the domestic violence is not directed at the spouse (husband or wife) but at another person within the household, such as a domestic worker, thereby allowing the spouse to file for divorce on these grounds. Second, domestic violence-based divorce cases should ideally be substantiated through criminal proceedings first, so that the criminal court verdict serves as evidence in the Religious Court divorce proceedings; this implies that a Religious Court judge lacks the authority to rule on the divorce prior to a criminal court verdict, given that domestic violence constitutes a criminal offense under Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

6. Reassessing the Criminal Verdict Requirement: Legal Certainty and Victim Protection

The position taken in this article, that a criminal verdict is the ideal basis for the domestic violence exception, rests on three considerations that deserve to be stated explicitly. The first is legal certainty: a final criminal judgment, delivered after the stricter

⁶⁸ Abdul Mun'im Idries, *Pedoman Ilmu Kedokteran Forensik* (Jakarta: Binarupa Aksara, 1997).

⁶⁹ Law Number 23 of 2004, art. 21 para. (1).

⁷⁰ Law of the Republic of Indonesia Number 11 of 2008 concerning Electronic Information and Transactions, art. 5, as amended by Law Number 19 of 2016 and Law Number 1 of 2024.

evidentiary process described above, settles the existence of violence in a manner that binds the parties and limits disparity between Religious Court panels. The second is the protection of the accused, whose presumption of innocence is better respected when a criminal court, rather than a civil court applying a lower standard of proof, determines criminal responsibility. The third is institutional competence: the PKDRT Law criminalizes domestic violence, and the criminal courts are the forum designed to examine such offenses. In terms of the triad of values discussed earlier, this route maximizes legal certainty and secures a measure of justice for the accused.

At the same time, the criminal-verdict-first route has practical limits, and the recent literature on SEMA Number 3 of 2023 identifies them clearly. Alhamdani and his co-authors observe that domestic violence typically occurs in private spaces with few or no eyewitnesses, and that much of it consists of psychological violence, economic neglect, and sexual violence whose traces are not easily verified through a visum. They warn that if judges apply the exception through the lens of criminal evidence, for example by requiring a final criminal judgment or an official police visum, the purpose of the exception will fail and victims will suffer secondary victimization.⁷¹ The concern is reinforced by the structure of the PKDRT Law itself, because the offenses most likely to arise between spouses are complaint-based, and by the practical reality that criminal proceedings may take months or years while the victim remains in the household or, if she has left, in legal uncertainty as to her marital status. Praband and colleagues similarly find that victims often cannot meet the formal requirement of valid proof such as a visum et repertum, with the result that their petitions are declared premature.⁷²

These observations do not require the abandonment of the position advanced here, but they do require that it be qualified in operational terms. The criminal judgment remains the preferred and most authoritative form of proof, and where one exists the Religious Court should treat it as establishing the facts it has found, consistent with the civil law rules discussed above. Where no such judgment exists because the victim has not reported, because the offense is complaint-based, or because the process is still pending, the Religious Court need not simply dismiss the petition as premature. Instead,

⁷¹ Abdul Kodir Alhamdani, Mumu Fahmudin, Uus Kusmayadi, and Ramdani Wahyu Sururie, "Dinamika Syarat Pemisahan Tempat Tinggal 6 Bulan dalam Perceraian: Analisis SEMA Nomor 3 Tahun 2023 dan Implementasi Maqashid Syariah," *Ahlana: Jurnal Hukum dan Hukum Keluarga Islam* 3, no. 2 (2026): 83–84, <https://doi.org/10.30821/jhki.v3i2.28935>.

⁷² Praband, Aziz, and Mulyadi, "Penyelesaian Perkara Cerai Gugat," 133.

it can treat the available protective documents and testimony as preliminary evidence and exercise its own power to assess whether, on the facts shown, violence is probable. This approach resembles what Alhamdani and colleagues describe as progressive legal discovery (*rechtvinding*), in which the concurrence of testimony, psychological statements, non-visum medical records, and digital documentation constitutes sufficient initial proof.⁷³ It is also consistent with Article 5 paragraph (1) of Law Number 48 of 2009, which obliges judges to explore, follow, and understand the legal values and sense of justice that live in society,⁷⁴ and with Satjipto Rahardjo's conception of progressive law, which asks judges to treat law as an instrument for human welfare rather than as a closed system of rules.⁷⁵

The Supreme Court's own guidance on adjudicating cases involving women supports this orientation. Article 4 of Supreme Court Regulation Number 3 of 2017 directs judges, in examining cases, to consider gender equality and non-discrimination by identifying trial facts such as social inequality between the parties, the psychological impact on the victim, the physical and psychological helplessness of the victim, power relations that render the victim or witness helpless, and the history of violence by the perpetrator against the victim or witness.⁷⁶ The Regulation covers women facing the law as victims, witnesses, or parties, and its criteria for assessing power relations and histories of violence are directly pertinent to a divorce case in which domestic violence is alleged; they offer a principled method of fact-finding that does not depend on a prior conviction. Procedural rules on prejudicial questions provide a further point of comparison. Supreme Court Regulation Number 1 of 1956 allows a criminal judge to suspend a criminal case until a civil question has been resolved, but it leaves the decision to the judge's discretion and does not create a general duty on civil courts to await criminal proceedings.⁷⁷ The regulation addresses the reverse sequence, yet it illustrates that Indonesian procedural law treats the sequencing of civil and criminal proceedings as a matter of judicial discretion rather than automatic subordination.

⁷³ Alhamdani et al., "Dinamika Syarat Pemisahan Tempat Tinggal," 84–85.

⁷⁴ Law Number 48 of 2009, art. 5 para. (1).

⁷⁵ Satjipto Rahardjo, *Hukum Progresif: Sebuah Sintesa Hukum Indonesia* (Yogyakarta: Genta Publishing, 2009).

⁷⁶ Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 3 of 2017 concerning Guidelines for Adjudicating Cases of Women Facing the Law, art. 4.

⁷⁷ Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 1 of 1956 concerning Prejudicial Disputes.

7. An Evidentiary Framework for Domestic Violence Divorce Cases

Building on the preceding analysis, the following framework organizes the four forms of domestic violence recognized in Article 5 of the PKDRT Law according to the evidence most appropriate to each and the legal basis for admitting that evidence. It is offered as a practical aid for Religious Court judges and counsel and does not replace the court's duty to evaluate each item of proof according to its formal and material requirements. Table 2 summarizes the framework.

Table 2. Evidence That May Be Used to Prove Domestic Violence in Religious Court Divorce Cases

Form of Violence (PKDRT Law)	Evidence That May Be Presented	Principal Legal Basis
Physical violence (Arts. 5 letter a and 6)	Visum et repertum or medical certificate; police report; photographs of injuries; testimony of witnesses and persons close to the spouses; court protection order	Law 23/2004, arts. 21(1) and 28; Civil Code, art. 1866; HIR, art. 164
Psychological violence (Arts. 5 letter b and 7)	Psychiatric or psychological examination (visum et repertum psychiatricum); electronic messages and recordings; testimony of family and close persons; counseling or shelter records	Law 23/2004, arts. 7 and 21(1); Law 11/2008, art. 5; Law 7/1989, art. 76(1)
Sexual violence (Arts. 5 letter c and 8)	Medical examination report; victim testimony supported by at least one other valid piece of evidence; electronic evidence; recovery service records	Law 23/2004, arts. 8 and 55
Household neglect (Arts. 5 letter d and 9)	Documents showing failure to provide maintenance; testimony of relatives and neighbors; proof of the household's financial circumstances	Law 23/2004, art. 9; Compilation of Islamic Law, art. 80(4)
All forms	Final criminal judgment (the strongest form of proof, accepted as evidence of the act unless the contrary is proven)	Civil Code, art. 1918

Source: Compiled by the authors from Law Number 23 of 2004, Law Number 7 of 1989, Law Number 11 of 2008, the Civil Code, and the Compilation of Islamic Law.

Three observations follow from Table 2. First, psychological violence is the form for which no single item of evidence will normally suffice, so that the court will have to assess several items together, with expert evidence and electronic records playing a

central role. Second, household neglect is the form most readily documented through ordinary civil evidence, since the husband's obligation to provide for his wife is stated in Article 80 of the Compilation and a failure to do so can be shown through documents and witness testimony. Third, the table treats a final criminal judgment as the strongest form of proof for every category rather than as the only admissible one, for the reasons set out in the preceding subsection.

The framework also has procedural implications. Because Article 82 of Law Number 7 of 1989 requires the judge to attempt reconciliation at the first hearing and at subsequent hearings,⁷⁸ the court should first screen for domestic violence in order to decide how reconciliation is to be attempted. International guidance on legislation concerning violence against women cautions against mediation in such cases because it presupposes bargaining between parties of equal strength, which the dynamics of coercive control undermine.⁷⁹ A practical response is for the panel to hear the alleged victim separately, to consider whether the standard reconciliation effort is safe, and to record its reasons. Where violence appears probable, the court may also use the power under Article 77 of Law Number 7 of 1989 to permit the spouses to live apart during the proceedings, thereby protecting the plaintiff without prejudging the merits.⁸⁰

8. Maqasid al-Shari'ah and the Purpose of the Domestic Violence Exception

The preceding analysis can be placed in a wider normative framework by considering the higher objectives of Islamic law (maqasid al-shari'ah). Auda argues that these objectives should be understood as a system of interrelated values, including the preservation of life, dignity, and justice, rather than as a fixed list applied mechanically.⁸¹ Applied to the Circular Letter, the six-month separation requirement serves the objective of preserving the family and discouraging impulsive divorce, while the domestic violence exception serves the preservation of life and bodily integrity. Alhamdani and colleagues reach a similar conclusion, describing the separation requirement as an instrument of sadd al-dhari'ah, a preventive measure, and the exception as an expression of the priority of human safety over formal procedure.⁸² The Qur'anic prohibition on retaining a wife in

⁷⁸ Law Number 7 of 1989, art. 82 paras. (1) and (4).

⁷⁹ UN Women, *Handbook for Legislation on Violence against Women* (New York: UN Women, 2012).

⁸⁰ Law Number 7 of 1989, art. 77; Presidential Instruction Number 1 of 1991, art. 136 para. (1).

⁸¹ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008).

⁸² Alhamdani et al., "Dinamika Syarat Pemisahan Tempat Tinggal," 69.

order to harm her, referred to earlier, supports the same ordering of priorities.

This reading is consistent with scholarship on gender in Islamic law. Barlas argues that the Qur'an itself rejects patriarchal authority as a basis for marital relations and that violence against wives finds support only in patriarchal interpretations, not in the text, while Husein Muhammad, an Indonesian cleric and jurist, argues in his study of women's jurisprudence that classical rulings on marital authority reflect their social context and may be re-examined in the light of justice and mutual respect (*mu'asyarah bil-ma'ruf*).⁸³ For the Religious Courts, the implication is that a judge who construes the exception generously is not departing from Islamic law but applying its higher objectives.

9. Policy Implications and Directions for Further Research

Three policy implications emerge from the analysis. First, the Supreme Court should supplement SEMA Number 3 of 2023 with technical guidance on the meaning of domestic violence by express reference to Articles 5 to 9 of the PKDRT Law, on the evidence that may be accepted as preliminary proof, and on the treatment of petitions filed before six months of separation have elapsed. Such guidance would respond to the divergent practices documented in the literature and would reduce the risk that victims' petitions are dismissed as premature. Second, coordination between the Religious Courts and the institutions that handle domestic violence, notably the police, regional technical units for the protection of women and children, health services, and witness and victim protection agencies, should be strengthened so that documents generated by those institutions can be admitted efficiently. Government Regulation Number 4 of 2006 already provides a legal basis for cooperation in the recovery of victims. Third, judicial training should integrate the gender-sensitive guidelines of Supreme Court Regulation Number 3 of 2017 into Religious Court practice, so that the power relations and histories of violence it identifies become routine elements of fact-finding in divorce cases.

This study is a normative, library-based analysis and therefore has limits. It does not analyze a representative sample of Religious Court decisions, and the practices reported in the literature come from a small number of courts. Further research should examine a larger set of decisions issued since 2024 to determine how judges actually prove domestic violence, how often petitions invoking the exception are dismissed as

⁸³ Asma Barlas, *"Believing Women" in Islam: Unreading Patriarchal Interpretations of the Qur'an* (Austin: University of Texas Press, 2002); Husein Muhammad, *Fiqh Perempuan: Refleksi Kiai atas Wacana Agama dan Gender* (Yogyakarta: LKiS, 2001).

premature, and what evidence persuades judges to grant them. Empirical work of this kind would test the framework proposed here and would show whether the qualification of the criminal verdict position advanced in the preceding subsections is sufficient.

C. CONCLUSIONS

This study affirms, first, that domestic violence has a high potential to cause domestic disputes as stipulated in Article 116 letter f of Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law, meaning that it serves as a cause of continuous discord and conflict. Second, domestic violence must be understood as encompassing not only physical violence but also psychological violence, as well as sexual violence and household neglect, in accordance with Law Number 23 of 2004. Third, divorce cases involving domestic violence pursuant to Supreme Court Circular Letter (SEMA) Number 3 of 2023 should ideally be resolved through the criminal justice system first, given that domestic violence constitutes a criminal offense under Law Number 23 of 2004 concerning the Elimination of Domestic Violence, so that the resulting criminal court verdict can serve as evidence in divorce proceedings before the religious courts, since only the criminal courts possess the competence to determine the actual existence or non-existence of domestic violence. Accordingly, the Supreme Court is advised to issue more detailed technical guidelines on the meaning and evidentiary standard of domestic violence under SEMA Number 3 of 2023 so that Religious Court judges apply this exception uniformly.

REFERENCES

- Alhamdani, Abdul Kodir, Mumu Fahmudin, Uus Kusmayadi, and Ramdani Wahyu Sururie. "Dinamika Syarat Pemisahan Tempat Tinggal 6 Bulan dalam Perceraian: Analisis SEMA Nomor 3 Tahun 2023 dan Implementasi Maqashid Syariah." *Ahlana: Jurnal Hukum dan Hukum Keluarga Islam* Volume 3, Nomor 2 (2026): 69–86. <https://doi.org/10.30821/jhki.v3i2.28935>.
- Alimi, Rosma, and Nunung Nurwati. "Faktor Penyebab Terjadinya Kekerasan dalam Rumah Tangga terhadap Perempuan." *Jurnal Penelitian dan Pengabdian Kepada Masyarakat (JPPM)* Volume 2, Nomor 1 (2021): 20–27. <https://doi.org/10.24198/jppm.v2i1.33434>.
- Asmadi, Erwin. "Peran Psikiater dalam Pembuktian Kekerasan Psikis pada Korban Tindak Pidana Kekerasan dalam Rumah Tangga." *De Lega Lata: Jurnal Ilmu Hukum* Volume 3, Nomor 1 (2018): 39–51.
- Auda, Jasser. *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. London: International Institute of Islamic Thought, 2008.

- Badan Pembinaan Hukum Nasional. "399 Ribu Kasus Perceraian di 2024, BPHN Dorong Budaya Dialog dan Mediasi Keluarga." Accessed October 1, 2026. <https://bphn.go.id/berita-utama/399-ribu-kasus-perceraian-di-2024-bphn-dorong-budaya-dialog-dan-mediasi-keluarga>.
- Badan Pusat Statistik. *Statistik Indonesia 2023*. Jakarta: Badan Pusat Statistik, 2023.
- Bandura, Albert. *Social Learning Theory*. Englewood Cliffs, NJ: Prentice-Hall, 1977.
- Barlas, Asma. *"Believing Women" in Islam: Unreading Patriarchal Interpretations of the Qur'an*. Austin: University of Texas Press, 2002.
- Burgerlijk Wetboek (Civil Code), Staatsblad 1847 Number 23.
- Cammack, Mark, Lawrence A. Young, and Tim Heaton. "Legislating Social Change in an Islamic Society—Indonesia's Marriage Law." *American Journal of Comparative Law* Volume 44, Nomor 1 (1996): 45–73.
- Committee on the Elimination of Discrimination against Women. *General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19*. CEDAW/C/GC/35. July 26, 2017.
- Dobash, R. Emerson, and Russell Dobash. *Violence against Wives: A Case against the Patriarchy*. New York: Free Press, 1979.
- Dollard, John, Leonard W. Doob, Neal E. Miller, O. H. Mowrer, and Robert R. Sears. *Frustration and Aggression*. New Haven: Yale University Press, 1939.
- Ekomadjo, Agus S. "Prospek Penerapan Metode Analisis Isi (Content Analysis) dalam Penelitian Media Arsitektur." *Jurnal Itenas* Volume 10, Nomor 2 (2006).
- Galtung, Johan. "Violence, Peace, and Peace Research." *Journal of Peace Research* Volume 6, Nomor 3 (1969): 167–191. <https://doi.org/10.1177/002234336900600301>.
- GoodStats. "Simak Faktor Utama Penyebab Perceraian di Indonesia 2024." Accessed October 1, 2026. <https://data.goodstats.id/statistic/simak-faktor-utama-penyebab-perceraian-di-indonesia-2024-OJc0n>.
- Government Regulation Number 4 of 2006 concerning the Organization and Cooperation to Recover Victims of Domestic Violence.
- Government Regulation Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 concerning Marriage.
- Harahap, M. Yahya. *Hukum Acara Perdata tentang Gugatan, Persidangan, Penyitaan, Pembuktian, dan Putusan Pengadilan*. Jakarta: Sinar Grafika, 2005.
- Herzien Inlandsch Reglement (HIR), Staatsblad 1941 Number 44.
- Ibn Majah, Muhammad ibn Yazid. *Sunan Ibn Majah*. Edited by Muhammad Fu'ad 'Abd al-Baqi. Beirut: Dar Ihya' al-Kutub al-'Arabiyyah, n.d.
- Idries, Abdul Mun'im. *Pedoman Ilmu Kedokteran Forensik*. Jakarta: Binarupa Aksara, 1997.

- Imroah, Azizatul, Khoirul Asfiyak, and Shofiatul Jannah. "Efektivitas Implementasi SEMA Nomor 3 Tahun 2023 dalam Mengurangi Angka Perceraian di Pengadilan Agama Kraksaan." *Hikmatina: Jurnal Ilmiah Hukum Keluarga Islam* Volume 7, Nomor 1 (2025).
- Johnson, Michael P. "Patriarchal Terrorism and Common Couple Violence: Two Forms of Violence against Women." *Journal of Marriage and Family* Volume 57, Nomor 2 (1995): 283–294. <https://doi.org/10.2307/353683>.
- Kementerian Agama Republik Indonesia. *Al-Qur'an dan Terjemahnya*. Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an, 2019.
- Komisi Nasional Anti Kekerasan terhadap Perempuan. *Catatan Tahunan (CATAHU) 2024: Menata Data, Menajamkan Arah*. Jakarta: Komnas Perempuan, 2025.
- Kumparan. "Pengertian KDRT menurut Berbagai Lembaga dan Ahli." Accessed June 9, 2026. <https://kumparan.com/kumparanwoman/pengertian-kdrt-menurut-berbagai-lembaga-dan-ahli-22mtfzkWoLr/1>.
- Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage.
- Law of the Republic of Indonesia Number 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination against Women.
- Law of the Republic of Indonesia Number 7 of 1989 concerning Religious Courts (as amended by Law Number 3 of 2006 and Law Number 50 of 2009).
- Law of the Republic of Indonesia Number 11 of 2008 concerning Electronic Information and Transactions (as amended by Law Number 19 of 2016 and Law Number 1 of 2024).
- Law of the Republic of Indonesia Number 12 of 2022 concerning Crimes of Sexual Violence.
- Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code.
- Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence (State Gazette of 2004 Number 95, Supplement to the State Gazette Number 4419).
- Law of the Republic of Indonesia Number 31 of 2014 amending Law Number 13 of 2006 concerning Witness and Victim Protection.
- Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power.
- Maisyarah, Al Aini, et al. "The Role of *Visum et Repertum* as Evidence in Proving Domestic Violence Crimes." *Sumbang 12 Journal* Volume 1, Nomor 2 (2023): 158.
- Manan, Abdul. *Aneka Masalah Hukum Perdata Islam di Indonesia*. Jakarta: Kencana, 2006.
- Manan, Mohammad 'Azzam. "Kekerasan dalam Rumah Tangga dalam Perspektif Sosiologis." *Jurnal Legislasi Indonesia* Volume 5, Nomor 3 (2008).

- Marzuki, Peter Mahmud. *Penelitian Hukum*. Rev. ed. Jakarta: Kencana, 2016.
- Mertokusumo, Sudikno. *Hukum Acara Perdata Indonesia*. 7th ed. Yogyakarta: Liberty, 2006.
- Muhammad, Husein. *Fiqh Perempuan: Refleksi Kiai atas Wacana Agama dan Gender*. Yogyakarta: LKiS, 2001.
- Nasrudiansyah, Ihsan, and Adudin Alijaya. "A Juridical Study of Law Number 23 of 2004 concerning the Elimination of Domestic Violence from the Perspective of Islamic Law." *Jurnal MIM: Journal of Islamic Legal Studies* Volume 1, Nomor 1 (2023): 42.
- Nurlaelawati, Euis. *Modernization, Tradition and Identity: The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts*. Amsterdam: Amsterdam University Press, 2010.
- Praband, Irnandya Desta, Hasnah Aziz, and Edi Mulyadi. "Penyelesaian Perkara Cerai Gugat dengan Sebab Kekerasan dalam Rumah Tangga Berdasarkan Surat Edaran Mahkamah Agung Nomor 3 Tahun 2023 (Studi Kasus Putusan Nomor 4277/Pdt.G/2024/PA.Cbn)." *Jurnal Pemandhu* Volume 7, Nomor 1 (2026): 131–144.
- Presidential Instruction Number 1 of 1991 concerning the Dissemination of the Compilation of Islamic Law.
- Rabbani, Anwar. "Penyelesaian Tindak Pidana Kekerasan dalam Rumah Tangga dalam Perspektif Restorative Justice." *Al-'Adl: Jurnal Hukum* Volume 12, Nomor 2 (2020): 358–372.
- Radbruch, Gustav. "Five Minutes of Legal Philosophy (1945)." Translated by Bonnie Litschewski Paulson and Stanley L. Paulson. *Oxford Journal of Legal Studies* Volume 26, Nomor 1 (2006): 13–15.
- Rahardjo, Satjipto. *Hukum Progresif: Sebuah Sintesa Hukum Indonesia*. Yogyakarta: Genta Publishing, 2009.
- Ramdani, and Syahrul Affan. "Analisis Yuridis SEMA No. 3 Tahun 2023 terhadap Kasus Perceraian di Pengadilan Agama Stabat." *JLS: Journal Smart Law* Volume 3, Nomor 1 (2024): 40–67.
- Rofiah, Nur. "Kekerasan dalam Rumah Tangga dalam Perspektif Islam." *Wawasan: Jurnal Ilmiah Agama dan Sosial Budaya* Volume 2, Nomor 1 (2017): 31–44. <https://doi.org/10.15575/jw.v2i1.829>.
- Salim, Kartika Agus. "Expert Testimony on *Visum et Repertum* in Proving Domestic Violence Cases." *PERAHU (Penerangan Hukum): Jurnal Ilmu Hukum* Volume 13, Nomor 1 (2025): 51.
- Setiawan, Dhevid, Muhadar, and Wiwie Heryani. "Pembuktian Tindak Pidana Psikis dalam Kasus Kekerasan dalam Rumah Tangga." *Pagaruyuang Law Journal* Volume 2, Nomor 1 (2018): 1–23.

- Setiawan, Naufal Hibrizi, et al. "Understanding and Causative Factors of Domestic Violence: A Literature Review." *Jurnal Dialektika Hukum* Volume 6, Nomor 2 (2024): 108–116.
- Sipahutar, Bernad Arif. "Legal Protection for Female Victims of Domestic Violence Crimes." *Jurnal Rechten: Riset Hukum dan Hak Asasi Manusia* Volume 4, Nomor 1 (2022): 9.
- Stark, Evan. *Coercive Control: How Men Entrap Women in Personal Life*. New York: Oxford University Press, 2007.
- Suciara, Angelica, et al. "Challenges in Proving Psychological Domestic Violence within the Indonesian Criminal Justice System." *Al-Zayn: Journal of Social Sciences and Law* Volume 4, Nomor 1 (2026): 729.
- Supreme Court of the Republic of Indonesia. *Supreme Court Circular Letter Number 1 of 2022 concerning the Implementation of the Formulation of the Results of the 2022 Supreme Court Chamber Plenary Meeting as Guidelines for the Performance of Duties for Courts*.
- Supreme Court of the Republic of Indonesia. *Supreme Court Circular Letter Number 3 of 2023 concerning the Implementation of the Formulation of the Results of the 2023 Supreme Court Chamber Plenary Meeting as Guidelines for the Performance of Duties for Courts*. Jakarta, December 29, 2023.
- Supreme Court of the Republic of Indonesia. *Supreme Court Regulation Number 1 of 1956 concerning Prejudicial Disputes*.
- Supreme Court of the Republic of Indonesia. *Supreme Court Regulation Number 3 of 2017 concerning Guidelines for Adjudicating Cases of Women Facing the Law*.
- Tambun, Putri Cicilia, Novea Elysa Wardhani, and Syamhudian Noor. "Pertimbangan Hakim Pengadilan Agama Tentang Perceraian dengan Alasan Pisah Rumah Singkat (Studi Putusan Nomor 375 Pdt.G/2024/PA.Plk)." *Al-Hikmah: Jurnal Agama dan Ilmu Pengetahuan* Volume 22, Nomor 1 (April 2025): 105–115.
- UN General Assembly. *Declaration on the Elimination of Violence against Women*. A/RES/48/104. December 20, 1993.
- UN Women. *Handbook for Legislation on Violence against Women*. New York: UN Women, 2012.
- Wahyudhi, Dheny, and Herry Liyus. "Pendekatan Restorative Justice dalam Penyelesaian Tindak Pidana Kekerasan dalam Rumah Tangga." *Jurnal Sains Sosio Humaniora* Volume 4, Nomor 2 (2020): 495–509. <https://doi.org/10.22437/jssh.v4i2.10997>.
- Walker, Lenore E. *The Battered Woman*. New York: Harper & Row, 1979.
- World Health Organization. *Violence against Women Prevalence Estimates, 2018: Global, Regional and National Prevalence Estimates for Intimate Partner Violence against Women and Global and Regional Prevalence Estimates for Non-Partner Sexual Violence against Women*. Geneva: World Health Organization, 2021.