

# Non-Marital Abusive Relationships: A Criminal Law Perspective

Dea Larissa<sup>1</sup>, Yoga Saputra<sup>2</sup>, Hasnan Hasbi<sup>3</sup>

<sup>1</sup>Faculty of Sharia and Law, Alauddin State Islamic University Makassar, Indonesia.

E-mail: [dea.larissa@uin-alauddin.ac.id](mailto:dea.larissa@uin-alauddin.ac.id)

<sup>2</sup>Faculty of Sharia and Law, Alauddin State Islamic University Makassar, Indonesia.

E-mail: [yogasntr78@gmail.com](mailto:yogasntr78@gmail.com)

<sup>3</sup>Civil Law Division, Faculty of Law, Moslem University of Indonesia, Makassar, Indonesia.

E-mail: [hasnan.hasbi@umi.ac.id](mailto:hasnan.hasbi@umi.ac.id)

**Abstract:** Abusive relationships represent a form of interpersonal association characterized by recurrent acts of physical, psychological, sexual, or economic coercion exercised by one partner over another. From the standpoint of criminal jurisprudence, such conduct not only infringes upon the victim's inherent dignity and autonomy but also constitutes a culpable act punishable under the prevailing criminal law framework. This article seeks to undertake a doctrinal examination of the criminal law dimensions governing abusive relationships by analyzing the constituent elements of the offense, the interpretive application of relevant provisions of the Indonesian Criminal Code, and the practical constraints encountered in their enforcement. Employing a normative juridical method, the research engages in a critical appraisal of statutory instruments and judicial precedents pertinent to acts of intimate partner violence. The findings demonstrate that, notwithstanding the promulgation of legal frameworks such as the Domestic Violence Elimination Act (PKDRT Act), significant impediments persist, particularly in evidentiary substantiation, societal stigmatization, and the limited juridical competence of law enforcement officials. Accordingly, the study argues for the consolidation of victim-centered legal protections and the refinement of prosecutorial and judicial practices, thereby fostering a more coherent and human-rights-oriented approach to the criminalization and adjudication of abuse within non-marital relationships.

**Keywords:** Abusive relationships, Intimate partner violence, Criminal law, Indonesian Criminal Code (KUHP).

## 1. Introduction

The phenomenon of abusive relationships, particularly within the context of dating violence, has emerged as an increasingly complex and pervasive social problem in Indonesia. Although romantic relationships are ideally expected to constitute spaces of safety, affection, and mutual respect, numerous cases demonstrate that they often become arenas of physical, psychological, sexual, and economic coercion and control.<sup>1</sup> This phenomenon, widely recognized as a form of gender-based violence and a violation of fundamental human rights, necessitates a human-rights-based and gender-responsive legal approach. Within the domain of criminal law, acts of violence occurring in dating or non-marital relationships have begun to receive substantial juridical recognition through the enactment of Article 466 of the new Indonesian Criminal Code (*Kitab Undang-Undang Hukum Pidana* – KUHP, Law No. 1 of 2023). This provision marks a significant development, as such conduct was not explicitly

<sup>1</sup> Viriza Nailil Husna Awaly, Alifatul Istikhomah, and Eva Nabilla, "Analisis Teori Multifaktor Terhadap Tindak Pidana Kekerasan Dalam Status Pacaran (Abusive Relationship)," *ULIL ALBAB: Jurnal Ilmiah Multidisiplin* 2, no. 7 SE-Articles (June 2023): 3086–3100, <https://doi.org/10.56799/jim.v2i7.1820>.

regulated under the old KUHP, which primarily relied on general provisions such as Articles 351 and 335 concerning assault and coercion. The inclusion of Article 466 thus represents an expansion of criminal liability to encompass non-marital interpersonal violence.<sup>2</sup> Pursuant to this article, any act of abuse or harassment committed against a person within a personal relationship, including dating, is punishable by imprisonment for up to two years and six months, or by a Category III fine. Where such violence results in serious bodily injury or death, more severe penalties may be imposed in accordance with the gravity of the offense.<sup>3</sup>

On the other hand, Law No. 23 of 2004 on the Elimination of Domestic Violence (the PKDRT Act) provides a specific legal framework governing various forms of violence within the family or household sphere, including those perpetrated between spouses. The Act delineates several categories of violence—namely physical, psychological, sexual, and economic (or isolation-related) abuse—and guarantees a range of victim protection measures, such as temporary protection orders issued by the courts and victim assistance services. However, despite nearly two decades since its enactment, the implementation of restitution mechanisms and the effective enforcement of victim protection provisions remain suboptimal.<sup>4</sup> According to the 2024 Annual Report of Komnas Perempuan (the National Commission on Violence Against Women), there were 2,010 cases reported within the personal sphere, comprising the highest number of incidents in Dating Violence (Kekerasan dalam Pacaran, KDP) with 407 cases, and Ex-Partner Violence (Ex-Girlfriend/Boyfriend, EGF) with 632 cases, the majority of victims being women.<sup>5</sup> These figures illustrate persistent power imbalances in intimate relationships and underscore the evidentiary and procedural challenges faced by law enforcement authorities in handling such cases.

Beyond national statistics, numerous local cases further highlight the urgency of addressing non-marital violence in a systemic and preventive manner. In July 2025, for instance, a university student in Makassar reported her boyfriend for alleged physical abuse resulting in serious injury.<sup>6</sup> In another case, a teenage girl was subjected to sexual assault and prolonged confinement by her boyfriend and four of his acquaintances for five days<sup>7</sup>—an alarming indication that abusive relationships can occur even among educated circles, thus narrowing what should be safe interpersonal spaces. Data from the Office of Women's Empowerment and Child Protection (DP3A) of Makassar City recorded 265 cases of violence against women and children throughout 2025, including incidents of abuse in non-

---

<sup>2</sup> Allya Maulida Putri Ahsan and Ifahda Pratama Hapsari, "Legal Review of Abusive Dating Relationships," *Jurnal Pamator: Jurnal Ilmiah Universitas Trunojoyo* 16, no. 4 (2023): 745–59, <https://doi.org/10.21107/pamator.v16i4.22782>.

<sup>3</sup> S H Barda Nawawi Arief, *Masalah Penegakan Hukum Dan Kebijakan Hukum Pidana Dalam Penanggulangan Kejahatan* (Prenada Media, 2018).

<sup>4</sup> Elsa Faturahmah, "Siaran Pers Komnas Perempuan Memperingati 20 Tahun UU Penghapusan Kekerasan Dalam Rumah Tangga (PKDRT) "Cegah KDRT Berujung Femisida Dengan Optimalisasi Perintah Perlindungan Dan Partisipasi Masyarakat"," <https://komnasperempuan.go.id>, 2024.

<sup>5</sup> Komnas Perempuan, "MENATA DATA, MENAJAMKAN ARAH : Refleksi Pendokumentasian Dan Tren Kasus Kekerasan Terhadap Perempuan 2024 (CATAHU 2024)" (Jakarta, 2025), <https://komnasperempuan.go.id/catatan-tahunan-detail/catahu-2024-menata-data-menajamkan-arrah-refleksi-pendokumentasian-dan-tren-kasus-kekerasan-terhadap-perempuan>.

<sup>6</sup> Tim Detik Sulsel, "Mahasiswa Kedokteran Di Duga Dianiaya Pacar, Korban Lapor Polisi," Detik.com, 2025, <https://www.detik.com/sulsel/makassar/d-7972202/mahasiswa-kedokteran-di-makassar-diduga-dianiaya-pacar-korban-lapor-polisi>.

<sup>7</sup> Tim DetikSulsel, "Gadis ABG Di Makassar Disekap 5 Hari, Diperkosa Pacar Bareng 4 Temannya," Detik Sulsel, 2025, <https://www.detik.com/sulsel/makassar/d-7979675/gadis-abg-di-makassar-disekap-5-hari-diperkosa-pacar-bareng-4-temannya>. DetikSulsel.

marital relationships.<sup>8</sup> This reinforces the urgent necessity of ensuring legal protection against abuse, with particular attention to non-marital relationships.

Building on these realities, this article examines how Indonesian criminal law addresses violence in non-marital abusive relationships and explores how far existing legal instruments—particularly the new KUHP and other related laws—can provide effective protection for victims and ensure responsive law enforcement.

To address this research focus, the study employs a juridical-normative approach to conduct an in-depth analysis of abusive relationships from a criminal law perspective. It highlights a comparative examination between the provisions of the old KUHP (Article 351) and those of the new KUHP (Article 466) to identify developments in the criminalization of non-marital interpersonal violence. The discussion also assesses the continuing relevance of the PKDRT Act and evaluates the effectiveness of its implementation in protecting victims. Through this analytical framework, the study seeks to promote a more contextual, inclusive, and victim-oriented understanding of law enforcement and legal protection for individuals affected by abusive relationships in Indonesia.

A number of previous studies have classified dating violence as a form of intimate partner violence characterized by patterns of coercive control, so that it is not understood as a stand-alone act of violence, but rather as a repetitive and structured relational process. Tolmie et al. explain that abusive relationships work through the accumulation of mechanisms of domination—including psychological manipulation, restrictions on autonomy, and economic dependence—which systematically reduce the agency of the victim and reinforce the power position of the perpetrator.<sup>9</sup> In line with this, critical legal studies on normalized violence show that violence that occurs repeatedly in intimate relationships is often normalized both socially and legally, thereby obscuring the level of danger experienced by victims and weakening the construction of criminal responsibility.<sup>10</sup> These perspectives conceptually challenge the conventional criminal law framework, which still focuses on episodic acts of violence.

Other studies examining the criminal justice system's response to violence in dating and non-marital relationships reveal structural limitations in law enforcement, particularly in relation to obstacles to proving cases, low reporting rates, and the tendency of law enforcement officials to prioritize formally recognized relationships such as marriage or domestic partnerships.<sup>11</sup> Although these studies have made important contributions to identifying the vulnerability of victims and problems in judicial practice, the approaches used are generally criminological or public policy-oriented, and thus have not systematically examined the development of criminal law norms governing violence in non-marital relationships. As a result, analysis of the doctrinal transformation of criminal law—particularly regarding the expansion of the criminalization of interpersonal violence outside of marriage—has received relatively little attention in the normative criminal law literature.

<sup>8</sup> Metro TV News, “265 Kasus Kekerasan Perempuan Dan Anak Terjadi Di Makassar Sepanjang 2025,” MetroTV News, 2025, <https://www.metrotvnews.com/read/bmRCEgjP-265-kasus-kekerasan-perempuan-dan-anak-terjadi-di-makassar-sepanjang-2025>.

<sup>9</sup> Julia Tolmie, Rachel Smith, and Denise Wilson, “Understanding Intimate Partner Violence: Why Coercive Control Entrapment Framework,” *Violence Against Women* 30, no. 1 (2024): 54–72, <https://doi.org/10.1177/10778012231205585>.

<sup>10</sup> Elina Penttinen, “The Harm of Normalized Violence : Re-Identifying Intimate Partner Violence as Torture in Acknowledging the Stakes of Abusive Relationships,” *INTERNATIONAL FEMINIST JOURNAL OF POLITICS* 26, no. 1 (2024): 150–70, <https://doi.org/10.1080/14616742.2023.2296526>.

<sup>11</sup> Heather Douglas and Tamara Walsh, “Adolescent Family and Dating Violence and the Criminal Law Response,” *Journal of Family Violence* 38, no. 1 (2023): 287–99, <https://doi.org/10.1007/s10896-022-00373-x>.

Through this analytical framework, this study aims to provide a more contextual, inclusive, and victim-oriented understanding of criminal law enforcement and legal protection for individuals experiencing abusive relationships in Indonesia. By focusing on non-marital relationships, particularly dating relationships, this study emphasizes the need to review the scope and orientation of criminal law norms, which have thus far focused more on marital or domestic relationships. Therefore, this study is positioned as a normative legal study that critically evaluates the adequacy of existing criminal law regulations in responding to the specific characteristics of violence in intimate relationships outside of marriage, while also highlighting its implications for victim protection and the responsiveness of law enforcement.

In this context, progressive legal paradigms—such as restorative justice—are increasingly being integrated into the handling of cases of violence in personal relationships in order to promote a rehabilitative approach, rather than a purely repressive one. Therefore, criminal law is required to adopt a holistic and victim-centered approach in order to achieve comprehensive and equitable justice.

## **2. Method**

This study employs a juridical-normative research method, namely a legal approach that involves examining prevailing positive legal norms in conjunction with relevant legal theories. This method was selected because the primary objective of the research is to analyze how Indonesia's positive criminal law regulates and responds to the phenomenon of abusive relationships, particularly within the context of non-marital relationships such as dating.

The study adopts three complementary approaches, namely the Statute Approach, the Conceptual Approach, and the Case Approach.<sup>12</sup> In accordance with the principles of normative juridical research, the sources of legal materials utilized in this study are classified as follows:

- a. Primary Legal Materials consist of binding legal sources, including:
  - 1) The KUHP—both the old and the new versions (Law No. 1 of 2023);<sup>13</sup>
  - 2) Law No. 23 of 2004 on the PKDRT;
  - 3) Law No. 12 of 2022 on the Crime of Sexual Violence;
  - 4) Supreme Court and lower court judgments relating to cases of interpersonal or relationship violence.
- b. Secondary Legal Materials comprise supporting literature such as books, scholarly journals, and academic articles—both domestic and international—published within the last five years, which are relevant to the research topic.

Tertiary Legal Materials include legal encyclopedias, law dictionaries, and legal indexes used to clarify terminology and provide general interpretive guidance. The collection of legal materials was carried out through library research, which involved examining statutory documents, academic literature, peer-reviewed legal journals, and institutional reports published by bodies such as Komnas Perempuan (CATAHU)<sup>14</sup>, the Supreme Court, and the Ministry of Women's Empowerment and Child Protection. Data sources were also obtained from regulatory databases (e.g., JDIH, Hukumonline) and court judgment archives (e.g., *putusan3.mahkamahagung.go.id*). To ensure the validity and reliability of the data, the study

---

<sup>12</sup> Zainuddin Ali, *Metode Penelitian Hukum* (Sinar Grafika, 2021).

<sup>13</sup> Undang-Undang Republik Indonesia, “Undang-Undang Republik Indonesia Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana” (2023).

<sup>14</sup> “CATAHU2023\_ Kekerasan Terhadap Perempuan Di Ranah Publik Dan Negara\_ Minimnya Perlindungan Dan Pemulihan.Pdf,” n.d.; “CATAHU 2024\_ MENATA DATA.Pdf,” n.d.

employed triangulation of legal sources, ensuring consistency between theoretical and practical perspectives, and maintaining relevance across all data points.

### 3. Results and Discussion

#### 3.1. The Concept of Abusive Relationships

Abusive relationships—often referred to in legal and psychological discourse as *violent* or *coercive relationships*—constitute interpersonal relationships characterized by recurring patterns of physical, psychological, sexual, economic, or social violence perpetrated by one partner against the other. These relationships may occur within the context of dating, marriage, or familial settings. However, the concept of an abusive relationship extends beyond mere acts of violence; it must also be understood as a manifestation of gender inequality and a violation of fundamental human rights, as affirmed by the Committee on the Elimination of Discrimination against Women (CEDAW) in its *General Recommendation No. 35*, which identifies gender-based violence against women as a form of discrimination and a substantial impediment to the realization of human rights.<sup>15</sup> This form of violence is often concealed within private or intimate settings, making it difficult to detect and frequently resulting in underreporting. Victims commonly refrain from reporting such violence due to factors such as emotional or financial dependency, fear of retaliation, social stigma, or internalized feelings of shame and guilt.

From a conceptual perspective, abusive relationships generally occur in interpersonal and intimate contexts, especially in romantic relationships such as dating. Forms of violence in these relationships can include physical, psychological, sexual, economic, and even digital violence. According to the World Health Organization (WHO, 2021), approximately one in three women worldwide have experienced violence from an intimate partner, with many cases going unreported due to overlapping power dynamics and emotional dependence. From a criminal law perspective, violent relationships are a form of interaction involving criminal acts that can be prosecuted under various legal instruments, including the Criminal Code (KUHP), the Law on Domestic Violence (PKDRT), and the Criminal Procedure Code on Sexual Violence (CPCT).

It is important to emphasize that abusive relationships do not consist of isolated incidents or occasional conflicts, but rather a persistent and systematic pattern of violence with the aim of controlling or dominating the victim. This distinguishes them from sporadic acts of aggression that lack structural continuity or deliberate control. The phenomenon of revictimization, in which victims experience repeated violence within a certain period of time, further emphasizes the cyclical nature of abusive relationships, as evidenced by empirical findings that approximately 40–60% of women in abusive relationships experience physical or sexual violence again within six months of the initial incident.<sup>16</sup> To understand abusive relationships as a pattern of repeated violence, the Cycle of Violence Theory developed by Lenore Walker (1979) explains that violence in intimate relationships occurs in four phases, namely tension building, incidents of violence, reconciliation, and a quiet phase, which helps explain why victims often remain in abusive relationships and is relevant in the context of criminal law to understand revictimization and the complexity of proving continuing

<sup>15</sup> Committee on the Elimination of Discrimination against Women (CEDAW), “General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19” (geneva, 2017), <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no-35-2017-gender-based>.

<sup>16</sup> Marina J. Muñoz-Rivas et al., “Beyond the Initial Assault: Characterizing Revictimization in Intimate Partner Violence and Its Implications for Women’s Health,” *Psychosocial Intervention* 33, no. 2 (2024): 65–72, <https://doi.org/10.5093/pi2024a4>.



offenses.<sup>17</sup> Therefore, abusive relationships must be understood as a series of interrelated acts of violence, rather than as separate incidents. This understanding is in line with Lenore Walker's Cycle of Violence Theory (1979), which explains the repetitive nature of violence and is relevant in assessing revictimization and proving continuing acts in criminal law.

Abusive relationships may assume more complex and dangerous dimensions when perpetrators are affiliated with organized or criminal networks. In such cases, the relationship often begins with psychological manipulation: the perpetrator appears caring and supportive, fulfilling unmet emotional or material needs, thereby fostering attachment and a sense of indebtedness in the victim. Over time, this dynamic transforms into a cycle of escalating violence, reinforced by psychological coercion, blackmail, and economic dependency.<sup>18</sup> Such patterns create profound isolation, erode the victim's autonomy, and frequently result in long-term trauma, including post-traumatic stress disorder (PTSD), rendering it exceedingly difficult for victims to exit the abusive relationship.

The difficulty of escaping such relationships cannot be attributed solely to fear of the perpetrator but is instead the result of a complex interaction between psychological attachment, emotional regulation mechanisms, and sociocultural conditioning. A study by Ifthiharfi, Rizkiyanti, and Akhyar (2024) found that victims of dating violence aged 18–29 employed specific emotion-regulation strategies that mediated the relationship between emotional closeness and empathy toward their abuser. These findings demonstrate that avoidant or anxious attachment patterns can reinforce the victim's tolerance of violence, driven by misplaced empathy or hope for the perpetrator's reformation.<sup>19</sup> Consequently, despite recurrent abuse, victims may remain in the relationship due to emotional commitment and internal rationalization of the violence.

Globally, abusive relationships constitute a serious transnational issue. According to *The Lancet Global Health* study covering 53 low- and middle-income countries, approximately 37.2% of women aged 15–49 have experienced physical or sexual violence and sustained psychological distress from an intimate partner within the past year.<sup>20</sup> Among female adolescents aged 15–19, around 24% reported similar experiences, indicating that intimate partner violence is not an isolated or age-bound phenomenon, but a structural and recurring global pattern.

In international discourse, the term “intimate partner violence” (IPV) is commonly used to describe this phenomenon. However, this study deliberately employs the term “non-marital abusive relationships” to emphasize the scope of interpersonal violence occurring outside formal marital institutions, yet exhibiting comparable levels of coercion, harm, and legal complexity.

### **3.2. The Defining Characteristics and Forms of Abusive Relationships**

Abusive relationships are characterized by a persistent pattern of domination and coercive control exercised by the perpetrator over the victim. This imbalance of power

---

<sup>17</sup> L. Walker, *The Battered Woman Syndrome Revisited* (Routledge, 2022).

<sup>18</sup> Chris M. Hoeboer et al., “Trapped in an Abusive Relationship with an Organized Crime Offender: The Importance of Mental Health Support,” *European Journal on Criminal Policy and Research*, 2024, <https://doi.org/10.1007/s10610-024-09575-z>.

<sup>19</sup> Ratu Ifthiharfi, Charyna Ayu Rizkiyanti, and Muhammad Akhyar, “Korban Kekerasan Dalam Pacaran Yang Sulit Meninggalkan Hubungannya: Peran Regulasi Emosi Terhadap Hubungan Antara Empati Dan Kelekatan Romantis,” *Jurnal Psikologi Sosial* 22, no. 2 (2024): 163–76, <https://doi.org/10.7454/jps.2024.17>.

<sup>20</sup> Ning Ma et al., “Prevalence and Changes of Intimate Partner Violence against Women Aged 15 to 49 Years in 53 Low-Income and Middle-Income Countries from 2000 to 2021: A Secondary Analysis of Population-Based Surveys,” *The Lancet Global Health* 11, no. 12 (2023): e1863–73, [https://doi.org/10.1016/S2214-109X\(23\)00417-5](https://doi.org/10.1016/S2214-109X(23)00417-5).

constitutes the fundamental mechanism underlying the various forms of violence that occur within such relationships. The violence is multidimensional—manifesting physically, psychologically, sexually, and economically—and often operates cyclically rather than as isolated incidents.

- 1) Physical violence in abusive relationships—manifesting in acts such as punching, slapping, kicking, or strangulation—typically serves not merely as a spontaneous reaction, but as a symbolic assertion of dominance within a broader power dynamic. Sun et al. (2024) highlight that recurrent physical assaults against women result in chronic and severe bodily harm, particularly in dating relationships where the social and legal bonds are weaker than in marital contexts.<sup>21</sup> Physical abuse rarely occurs in isolation; it follows a repetitive cycle beginning with escalating tension, culminating in violence, followed by temporary reconciliation, which in turn reignites the next episode of conflict. This cyclical nature of abuse perpetuates a psychological entrapment that renders it exceedingly difficult for victims to escape, as repeated physical assaults progressively erode their capacity for resistance and their confidence to seek legal or social protection.
- 2) Psychological or emotional violence—through insults, intimidation, manipulation, humiliation, and social isolation—inflicts deep and enduring harm on the victim's mental well-being. Such abuse often results in depression, anxiety disorders, and PTSD. Dokkedahl et al. (2022) found that psychological violence correlates more strongly with long-term psychological disorders than physical abuse. Social isolation and continuous verbal degradation diminish the victim's self-esteem and elevate suicide risk.<sup>22</sup> Given its often invisible nature, psychological violence is frequently neglected in legal proceedings, despite being one of the most pervasive and damaging characteristics of abusive relationships.
- 3) Sexual violence within abusive relationships—such as coercive sexual intercourse or forced sexual acts—represents one of the gravest violations of personal autonomy and dignity. Empirical studies indicate that women subjected to sexual violence by intimate partners face a 70% higher likelihood of developing depression, 29% risk of PTSD, and significantly increased suicidal ideation.<sup>23</sup>
- 4) Economic violence constitutes a systematic deprivation of the victim's financial autonomy, whereby the perpetrator exercises control over access to resources, income, or employment. This may involve forbidding the victim from working, seizing their earnings, or restricting their use of money. Empirical data suggest that 76% to 99% of victims of domestic violence experience economic control, which severely limits their independence and their capacity to exit abusive relationships. Despite its pervasive nature, economic violence often receives inadequate legal recognition, even though it functions as a structural characteristic of coercion that enforces the victim's dependency and silence through financial constraint.

<sup>21</sup> Muhamad Satria Hady Surya, Muhammad Haikal Ikhwanasyah, and Rajendra Gavin Armanto, "Kekerasan Fisik Dalam Pacaran Remaja," *Dimensia: Jurnal Kajian Sosiologi* 13, no. 1 (2024): 105–16, <https://doi.org/10.21831/dimensia.v13i1.69110>.

<sup>22</sup> S. B. Dokkedahl et al., "The Psychological Subtype of Intimate Partner Violence and Its Effect on Mental Health: A Systematic Review with Meta-Analyses," *Systematic Reviews* 11, no. 1 (2022): 1–16, <https://doi.org/10.1186/s13643-022-02025-z>.

<sup>23</sup> Sarah J. White et al., "Global Prevalence and Mental Health Outcomes of Intimate Partner Violence Among Women: A Systematic Review and Meta-Analysis," *Trauma, Violence, and Abuse* 25, no. 1 (2024): 494–511, <https://doi.org/10.1177/15248380231155529>.

### 3.3. Abusive Relationships in the Perspective of Indonesian Criminal Law

In Indonesian criminal law, acts that occur within abusive relationships may be categorized as criminal offenses under several legal provisions, both within the KUHP and in special laws designed to address particular forms of violence.

#### 1) The Criminal Code (KUHP)

KUHP contains several articles that can be applied to acts of violence within abusive relationships, namely:

- a. Article 351 KUHP, which regulates assault;
- b. Article 335 KUHP, concerning unpleasant acts;
- c. Article 285 KUHP, which criminalizes rape;
- d. Article 288 KUHP, which addresses sexual intercourse with a minor wife or intercourse committed by force, although marital rape has not been explicitly regulated.

However, the Criminal Code still has limitations in accommodating all forms of violence that occur in private or intimate relationships, particularly psychological and economic violence. These limitations create obstacles for victims in obtaining justice, mainly due to the lack of clear formulations and adequate mechanisms of proof. In this context, the assessment of the criminal responsibility of perpetrators of violence does not only depend on positive legal norms, but also requires an analysis of the psychological dynamics that influence the element of fault.<sup>24</sup> Finkel's I<sup>3</sup> theory explains that violent behavior is influenced by the interaction between situational triggers (instigation), internal impulses such as anger (impellance), and weakened self-control (inhibition), making this theory relevant as a conceptual basis for analyzing mens rea and the degree of fault of perpetrators in criminal law.<sup>25</sup>

**Table 1: Evolution of Abusive Relationship Regulation in the Old and New KUHP**

Aspect of Violence	Old KUHP	New KUHP (Law No. 1 of 2023)
Physical Violence	Article 351: <i>Assault</i>	Article 466 paragraph (1): <i>Assault</i> ; Articles 467–471: <i>Acts of physical violence</i> (including aggravating circumstances)
Psychological Violence	Not explicitly regulated; can only be interpreted through Article 335	Article 466: <i>Violence in personal relationships includes physical, psychological, sexual, and economic dimensions</i>
Economic Violence	Not regulated	Article 466 (letter d): <i>Economic violence is recognized as a form of violence within personal relationships</i>
Marital Rape	Not explicitly recognized	Article 479 paragraph (1): <i>Explicitly recognized as a criminal act</i>
Scope of Personal Relationships	Applies only in the general context (dating relationships not yet explicitly recognized)	Article 466 paragraph (2): <i>Personal relationships include dating, former relationships, domestic relationships, and power-based relationships</i>

<sup>24</sup> Pemerintah Republik Indonesia, “UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 1 TAHUN 2023 TENTANG KITAB UNDANG-UNDANG HUKUM PIDANA DENGAN” (2023), <https://peraturan.bpk.go.id/Details/234935/uu-no-1-tahun-2023>.

<sup>25</sup> E J Finkel, “The I3 Model: Metatheory of Aggression in Intimate Relationships,” *Journal of Family Theory & Review*, 2020.



Unpleasant Acts	Article 335 of the old KUHP was often and ambiguous and controversial	Deleted or replaced with stricter and more specific provisions defining distinct forms of violence
-----------------	---	--

This table illustrates the development of Indonesia's criminal law from the ambiguous and limited provisions in the old KUHP toward broader and more explicit recognition of various forms of violence—physical, psychological, sexual, and economic—within both marital and non-marital personal relationships in the new KUHP (Law No. 1 of 2023).

## 2) Law No. 23 of 2004 on the Elimination of Domestic Violence (PKDRT Act)<sup>26</sup>

The PKDRT Act serves as a *lex specialis* providing comprehensive regulation on acts of violence occurring within domestic relationships. Article 5 of this law classifies domestic violence into four distinct categories:

- a. Physical violence (Article 6),
- b. Psychological violence (Article 7),
- c. Sexual violence (Article 8), and
- d. Economic violence (Article 9).

Violence in intimate relationships cannot be separated from the power imbalance between the perpetrator and the victim. The Theory of Power and Control explains that perpetrators use various forms of domination, such as social isolation, intimidation, threats, and economic control, to maintain power over their partners. This perspective reinforces the understanding that violence is not an incidental event, but rather part of a pattern of subordinate relationships, and is an important basis for the development of a gender-responsive criminal law framework.<sup>27</sup> The Theory of Power and Control emphasizes the need for criminal law to respond to structural inequalities and gender-based power relations inherent in abusive relationships. It also plays a role in identifying subordinate relationships that limit victims' ability to resist, thereby reinforcing elements of coercion or domination.

## 3) Protection of Victims

Victims of abusive relationships are entitled to legal protection under Law No. 13 of 2006 on Witness and Victim Protection, as amended by Law No. 31 of 2014. This legislation establishes a comprehensive framework aimed at ensuring the safety, security, and welfare of victims throughout all stages of the judicial process.

However, victim protection extends beyond procedural safeguards. In light of the growing recognition of the profound psychological and social impact of abusive relationships, both statutory provisions and policy initiatives have progressively shifted toward a victim-centered and restorative approach, emphasizing comprehensive recovery, rehabilitation, and the prevention of secondary or repeat victimization.

Furthermore, Supreme Court Regulation No. 3 of 2017 provides judicial guidelines for handling cases involving women in conflict with the law, including victims of violence in intimate or non-marital relationships. This regulation mandates judges to incorporate a gender-sensitive perspective and to consider the victim's experience and vulnerability at every

<sup>26</sup> Pemerintah Republik Indonesia, "UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 23 TAHUN 2004 TENTANG PENGHAPUSAN KEKERASAN DALAM RUMAH TANGGA," Database Peraturan BPK § (2004), <https://doi.org/10.56301/awal.v5i1.442>.

<sup>27</sup> R & Dobash Dobash R., "Violence Against Wives: A Case Against the Patriarchy," *Contemporary Criminology Review*, 2023.

stage of the judicial process—from evidence evaluation to sentencing—thereby minimizing the risk of re-victimization within the justice system.

### **3.4. Challenges in Law Enforcement**

The enforcement of criminal law in cases involving abusive relationships faces a range of significant challenges, both structural and cultural, which impede the realization of substantive justice for victims. These challenges include the following:

- 1) **Low Reporting Rates.** One of the primary obstacles is the minimal number of victims who report their experiences to law enforcement authorities. Emotional and financial dependence often acts as a major barrier, particularly in the context of non-marital abusive relationships. Studies indicate that victims frequently remain in such relationships due to strong emotional attachment and hope for behavioral change in the perpetrator, which in turn weakens their initiative to seek help or report the abuse.<sup>28</sup> In many cases, women endure prolonged abuse due to economic dependence on their partners, creating a psychological and structural entrapment that perpetuates silence and inaction.
- 2) **Victim-Blaming and Social Stigma.** The prevailing social attitude of blaming victims contributes significantly to underreporting. Victims are often reluctant to file complaints for fear of negative judgment, disbelief, or being perceived as weak. The tendency to justify perpetrators' behavior—often by attributing it to stress, jealousy, or emotional instability—further reinforces a culture of impunity and silence, exacerbating victims' psychological suffering and hindering their efforts to seek justice. This challenge is further complicated by social and cultural norms that shape perceptions of violence. The Culture of Violence Theory views violence as legitimized by cultural norms that tolerate aggression in intimate relationships, including through patriarchal structures, gender stereotypes, and victim-blaming practices. These conditions contribute to the normalization of violence and pose serious challenges to law enforcement and victims' access to justice.<sup>29</sup> In addition, abusive relationships are influenced by social and cultural norms that shape perceptions of violence. The Culture of Violence Theory views violence as legitimized by cultural norms that tolerate aggression in intimate relationships, including through patriarchal structures, gender stereotypes, and victim-blaming practices. These conditions contribute to the normalization of violence and pose serious challenges to law enforcement and access to justice for victims.<sup>30</sup>
- 3) **Limited Understanding among Law Enforcement Officers.** A persistent challenge lies in the inadequate comprehension of the dynamics of abusive relationships by law enforcement personnel. Emotional and psychological violence is frequently dismissed as a “private matter” rather than recognized as a criminal act requiring legal intervention. Such attitudes not only retraumatize victims but also hinder effective access to justice. Consequently, it is imperative to enhance the capacity-building and gender-sensitivity training of law enforcement officers to ensure victim-centred handling of such cases.
- 4) **Regulatory Gaps in Addressing Non-Marital Violence.** Another critical issue is the absence of explicit statutory provisions regulating violence in non-marital intimate relationships. The Law No. 23 of 2004 on the PKDRT Act provides protection only

---

<sup>28</sup> Alicia Puente-Martínez et al., “Social Support Seeking Among Women Victims of Intimate Partner Violence: A Qualitative Analysis of Lived Experiences,” *Journal of Family Violence* 40, no. 3 (2025): 463–76, <https://doi.org/10.1007/s10896-023-00622-7>.

<sup>29</sup> R Ramadhatsani, “Budaya Patriarkal Dan Kekerasan Dalam Pacaran Di Indonesia,” *Jurnal Themis Hukum*, 2024.

<sup>30</sup> L Gunnarsson, “Relational Ambivalence: Social Support and Intimate Violence,” *Gender & Society Journal*, 2023.

within the domestic or marital sphere, leaving dating and other non-marital relationships in a legal “grey area.” This gap exposes victims to harm without adequate legal remedies or institutional protection.

Given the complexity of the prevailing challenges, the enforcement of laws concerning abusive relationships must be reinforced by enhancing the competence and gender responsiveness of law enforcement authorities, as well as by broadening the scope of legal regulation to ensure comprehensive protection for victims of non-marital intimate relationship violence.

### 3.5. The Urgency of Law Reform

To ensure effective and comprehensive protection for victims of abusive relationships, several reform measures are urgently required. These include: expanding the scope of the PKDRT Act or enacting a new legislative framework that explicitly regulates violence within intimate relationships beyond marriage, encompassing dating and engagement relationships; enhancing the capacity of law enforcement officers and medical personnel through specialized training programs to identify, respond to, and handle cases of intimate relationship violence; and strengthening psychosocial services and the availability of safe houses.

At the international level, Indonesia’s commitment is reinforced by its ratification of the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) through Law No. 7 of 1984. This ratification establishes the State’s legal obligation to prevent, investigate, and penalize all forms of gender-based violence, including those occurring within intimate relationships.

## 4. Conclusion

This study demonstrates that abusive relationships have been partially accommodated within Indonesian criminal law through provisions contained in the KUHP and the PKDRT Act. Nevertheless, these legal instruments remain limited in scope, particularly in addressing acts of violence occurring within non-marital intimate relationships, such as dating, engagement, or post-relationship (ex-partner) contexts.

Key challenges in law enforcement have been identified, including the persistently high incidence of gender-based violence in the private sphere, pervasive social stigma, low rates of victim reporting, and inadequate comprehension among law enforcement personnel of the complex psychological and structural dynamics inherent in abusive relationships.

Accordingly, addressing abusive relationships requires a comprehensive and multidimensional approach encompassing reformulation of legal policies to expand the scope of protection under national law, explicit criminalization of marital rape, capacity-building for law enforcement agencies through the adoption of a victim-centred and gender-responsive framework, strengthened provision of integrated services, and public awareness and social empowerment campaigns.

Theoretically, this study contributes to the discourse on abusive relationships within the framework of Indonesian criminal law by illuminating the conceptual and regulatory gaps that hinder effective protection. Practically, it advocates for comprehensive legal reform, enhanced institutional capacity, and expanded victim-support mechanisms to ensure that the law not only punishes offenders but also realizes substantive justice and protection for victims in both marital and non-marital contexts.

## References

- (CEDAW), Committee on the Elimination of Discrimination against Women. "General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19." geneva, 2017. <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no-35-2017-gender-based>.
- Ahsan, Allya Maulida Putri, and Ifahda Pratama Hapsari. "Legal Review of Abusive Dating Relationships." *Jurnal Pamator: Jurnal Ilmiah Universitas Trunojoyo* 16, no. 4 (2023): 745–59. <https://doi.org/10.21107/pamator.v16i4.22782>.
- Ali, Zainuddin. *Metode Penelitian Hukum*. Sinar Grafika, 2021.
- Awaly, Viriza Nailil Husna, Alifatul Istikhomah, and Eva Nabilla. "Analisis Teori Multifaktor Terhadap Tindak Pidana Kekerasan Dalam Status Pacaran (Abusive Relationship)." *ULIL ALBAB: Jurnal Ilmiah Multidisiplin* 2, no. 7 SE-Articles (June 2023): 3086–3100. <https://doi.org/10.56799/jim.v2i7.1820>.
- Barda Nawawi Arief, S H. *Masalah Penegakan Hukum Dan Kebijakan Hukum Pidana Dalam Penanggulangan Kejahatan*. Prenada Media, 2018.
- "CATAHU 2024\_ MENATA DATA.Pdf," n.d.
- "CATAHU2023\_ Kekerasan Terhadap Perempuan Di Ranah Publik Dan Negara\_Minimnya Perlindungan Dan Pemulihan.Pdf," n.d.
- DetikSulsel, Tim. "Gadis ABG Di Makassar Disekap 5 Hari, Diperkosa Pacar Bareng 4 Temannya." Detik Sulsel, 2025. <https://www.detik.com/sulsel/makassar/d-7979675/gadis-abg-di-makassar-disekap-5-hari-diperkosa-pacar-bareng-4-temannya>.
- Dobash R., R & Dobash. "Violence Against Wives: A Case Against the Patriarchy." *Contemporary Criminology Review*, 2023.
- Dokkedahl, S. B., R. Kirubakaran, D. Bech-Hansen, T. R. Kristensen, and A. Elklit. "The Psychological Subtype of Intimate Partner Violence and Its Effect on Mental Health: A Systematic Review with Meta-Analyses." *Systematic Reviews* 11, no. 1 (2022): 1–16. <https://doi.org/10.1186/s13643-022-02025-z>.
- Douglas, Heather, and Tamara Walsh. "Adolescent Family and Dating Violence and the Criminal Law Response." *Journal of Family Violence* 38, no. 1 (2023): 287–99. <https://doi.org/10.1007/s10896-022-00373-x>.
- Faturahmah, Elsa. "Siaran Pers Komnas Perempuan Memperingati 20 Tahun UU Penghapusan Kekerasan Dalam Rumah Tangga (PKDRT) "Cegah KDRT Berujung Femisida Dengan Optimalisasi Perintah Perlindungan Dan Partisipasi Masyarakat"." <https://komnasperempuan.go.id, 2024>.
- Finkel, E J. "The I<sup>3</sup> Model: Metatheory of Aggression in Intimate Relationships." *Journal of Family Theory & Review*, 2020.
- Gunnarsson, L. "Relational Ambivalence: Social Support and Intimate Violence." *Gender & Society Journal*, 2023.
- Hoeboer, Chris M., Anne Bakker, Remco Wijn, Victor Kallen, and Miranda Olff. "Trapped in an Abusive Relationship with an Organized Crime Offender: The Importance of Mental Health Support." *European Journal on Criminal Policy and Research*, 2024.

<https://doi.org/10.1007/s10610-024-09575-z>.

Ifthiharfi, Ratu, Charyna Ayu Rizkyanti, and Muhammad Akhyar. “Korban Kekerasan Dalam Pacaran Yang Sulit Meninggalkan Hubungannya: Peran Regulasi Emosi Terhadap Hubungan Antara Empati Dan Kelekatan Romantis.” *Jurnal Psikologi Sosial* 22, no. 2 (2024): 163–76. <https://doi.org/10.7454/jps.2024.17>.

Indonesia, Pemerintah Republik. UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 1 TAHUN 2023 TENTANG KITAB UNDANG-UNDANG HUKUM PIDANA DENGAN (2023). <https://peraturan.bpk.go.id/Details/234935/uu-no-1-tahun-2023>.

Indonesia, Pemerintan Republik. UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 23 TAHUN 2004 TENTANG PENGHAPUSAN KEKERASAN DALAM RUMAH TANGGA, Database Peraturan BPK § (2004). <https://doi.org/10.56301/awal.v5i1.442>.

Komnas Perempuan. “MENATA DATA , MENAJAMKAN ARAH: Refleksi Pendokumentasian Dan Tren Kasus Kekerasan Terhadap Perempuan 2024 (CATAHU 2024).” Jakarta, 2025. <https://komnasperempuan.go.id/catatan-tahunan-detail/catahu-2024-menata-data-menajamkan-arrah-refleksi-pendokumentasian-dan-tren-kasus-kekerasan-terhadap-perempuan>.

Ma, Ning, Shaoru Chen, Yuhao Kong, Zekun Chen, Pascal Geldsetzer, Huatang Zeng, Liquan Wu, et al. “Prevalence and Changes of Intimate Partner Violence against Women Aged 15 to 49 Years in 53 Low-Income and Middle-Income Countries from 2000 to 2021: A Secondary Analysis of Population-Based Surveys.” *The Lancet Global Health* 11, no. 12 (2023): e1863–73. [https://doi.org/10.1016/S2214-109X\(23\)00417-5](https://doi.org/10.1016/S2214-109X(23)00417-5).

Muñoz-Rivas, Marina J., Román Ronzón-Tirado, Juan J. López-Ossorio, and Natalia Redondo. “Beyond the Initial Assault: Characterizing Revictimization in Intimate Partner Violence and Its Implications for Women’s Health.” *Psychosocial Intervention* 33, no. 2 (2024): 65–72. <https://doi.org/10.5093/pi2024a4>.

News, Metro TV. “265 Kasus Kekerasan Perempuan Dan Anak Terjadi Di Makassar Sepanjang 2025.” MetroTV News, 2025. <https://www.metrotvnews.com/read/bmRCEgjP-265-kasus-kekerasan-perempuan-dan-anak-terjadi-di-makassar-sepanjang-2025>.

Penttinen, Elina. “The Harm of Normalized Violence : Re-Identifying Intimate Partner Violence as Torture in Acknowledging the Stakes of Abusive Relationships.” *INTERNATIONAL FEMINIST JOURNAL OF POLITICS* 26, no. 1 (2024): 150–70. <https://doi.org/10.1080/14616742.2023.2296526>.

Puente-Martínez, Alicia, Hiram Reyes-Sosa, Silvia Ubillos-Landa, and Ioseba Iraurgi-Castillo. “Social Support Seeking Among Women Victims of Intimate Partner Violence: A Qualitative Analysis of Lived Experiences.” *Journal of Family Violence* 40, no. 3 (2025): 463–76. <https://doi.org/10.1007/s10896-023-00622-7>.

Ramadhatsani, R. “Budaya Patriarkal Dan Kekerasan Dalam Pacaran Di Indonesia.” *Jurnal Themis Hukum*, 2024.

Sulsel, Tim Detik. “Mahasiswa Kedokteran Di Duga Dianiaya Pacar, Korban Lapor Polisi.” Detik.com, 2025. <https://www.detik.com/sulsel/makassar/d-7972202/mahasiswa-kedokteran-di-makassar-diduga-dianiaya-pacar-korban-lapor-polisi>.

Surya, Muhamad Satria Hady, Muhammad Haikal Ikhwanasyah, and Rajendra Gavin



- Armanto. "Kekerasan Fisik Dalam Pacaran Remaja." *Dimensia: Jurnal Kajian Sosiologi* 13, no. 1 (2024): 105–16. <https://doi.org/10.21831/dimensia.v13i1.69110>.
- Tolmie, Julia, Rachel Smith, and Denise Wilson. "Understanding Intimate Partner Violence: Why Coercive Control Entrapment Framework." *Violence Against Women* 30, no. 1 (2024): 54–72. <https://doi.org/10.1177/10778012231205585>.
- UNDANG-UNDANG REPUBLIK INDONESIA. UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 1 TAHUN 2023 TENTANG KITAB UNDANG-UNDANG HUKUM PIDANA (2023).
- Walker, L. *The Battered Woman Syndrome Revisited*. Routledge, 2022.
- White, Sarah J., Jacqueline Sin, Angela Sweeney, Tatiana Salisbury, Charlotte Wahlich, Camila Margarita Montesinos Guevara, Steven Gillard, et al. "Global Prevalence and Mental Health Outcomes of Intimate Partner Violence Among Women: A Systematic Review and Meta-Analysis." *Trauma, Violence, and Abuse* 25, no. 1 (2024): 494–511. <https://doi.org/10.1177/15248380231155529>.