

Available at:

<https://doi.org/10.22515/jurnalalhakim.v6i2.10163>

p-ISSN: 2685-2225 | e-ISSN: 2722-4317

Received 11 24 | Revised 11 24 | Accepted 12 24



RESEARCH ARTICLE

Protection of Women's Rights Against Cases of Domestic Violence from an Islamic Perspective

A'isy Az-Zahra¹, Syaifuddin Zuhdi^{1*}, Ulfah Dwi Rahmawati¹, Tyas Permata Dewi¹

¹Universitas Muhammadiyah Surakarta, Indonesia

*Corresponding author's email: sz123@ums.ac.id

Abstract

Allah SWT created humans as the most perfect beings and in pairs, instilling affection within the bonds of marriage to achieve the ultimate goal of attaining His pleasure. However, marriage is not without challenges, and one significant issue is domestic violence, where women are often the primary victims. Such occurrences highlight a disregard for women's rights, which are an integral part of human rights. This study aims to explore the position and rights of women as human rights in Islam and examine the legal protections available in cases of domestic violence. Using a normative research method with a statutory approach, this study relies on secondary data collected through literature review and analyzed qualitatively for descriptive presentation. The findings reveal that Islam accords women a high and equal status with men, granting them rights that are fundamental to their humanity. Domestic violence against women is a clear violation of the principles outlined in the Qur'an, As-Sunnah, and Indonesia's positive law.

Keywords: Protection of Women's Rights; Domestic Violence; Islamic Perspective.

1. Introduction

Allah SWT, the creator of this universe, has also created the most perfect creature among His other creations, namely humans. Allah SWT created humans in such a beautiful way as in Q.S At-Tin verse 4 which translates¹: “Indeed we have created man in the best possible form”.

By relying on humans as the most beautiful and perfect creatures, Allah SWT also created humans in pairs, as stated in Q.S Ar-Rum verse 21 which translates: “And among the signs of His power is that He created for you wives of your kind, that you may tend to them and be at ease with them, and He made between you love and affection. Indeed, in such things there are signs for the thinking people.”, From this verse, it can be seen that a sign of the greatness or power of Allah SWT is in the form of love and affection given to men and women in a legal marriage bond, where the two individuals, both wife and husband, must work

¹ Iwan Gunawan, “QS. At-Tin Ayat 4: Manusia Diciptakan Dalam Bentuk Sempurna.”

together in building their household with a sense of love and affection solely to achieve the blessing of Allah SWT.

Based on the above, it can be understood that Allah SWT has created humans in pairs and gives a sense of love and affection between the two in a legal husband and wife relationship, solely to achieve the pleasure of Allah SWT. In the relationship that is established in this case the relationship between husband and wife in a household will certainly cause similarities and differences, both from the way of thinking or nature and behavior.² However, the differences that occur in the household cannot be used as an excuse to justify the occurrence of a deviation in the household, or in other words, the party committing the deviation makes a shield of self-protection, and in the end, it destroys the holy purpose of marriage, which is solely to achieve the pleasure of Allah SWT. Because in essence a problem can be solved in a healthy and good way that will provide a valuable lesson for each partner.³

As we all know, a marriage has many deviations, both from the applicable law and from religion. There are many types of deviations in the household and one of these deviations is domestic violence, from year to year cases of domestic violence are increasing both in quantity and quality, and most of the victims are women.⁴

In cases of domestic violence experienced by women or in this case against wives, it can be in the form of physical or psychological violence, such as physical or verbal injuries which can certainly harm and endanger the safety of life.⁵ The irony is that cases of domestic violence committed by husbands against their wives are often considered a natural thing to happen in a marriage, this is based on the social construction that develops in society where when a man marries a woman, he will have full authority over the wife and her family, Although Allah SWT created humans by attaching human rights to them as a gift, which is not only owned by men but also women, coupled with the existence of gender inequality makes this case of domestic violence a common phenomenon. So that the suffering experienced by the victim becomes prolonged and without protection.⁶

As stated above, every human being has a gift given by Allah SWT in the form of human rights attached to him, so it is fitting that women who are victims of domestic violence receive recognition and protection of their human rights. In the Al-Quran and As-sunnah Allah SWT firmly states that it is not justified and not allowed for a husband to hurt a woman (wife), thus domestic violence is not in accordance with the Al-Quran and As-sunnah. Not only in terms of religion, human rights are also regulated in Undang-Undang Dasar Republik Indonesia 1945 that every human being has rights and guarantees the protection of these rights.⁷, contained in articles 28A-28J, Furthermore, when referring to Pancasila as a philosophical *grondslag*, the second principle reads "just and civilized humanity", of course, this case of domestic violence

² Uswatun Hasanah, "PEREMPUAN DAN HAK ASASI MANUSIA DALAM PERSPEKTIF HUKUM ISLAM," *Jurnal Hukum & Pembangunan* 40, no. 4 (December 2010): 440.

³ Arianus Harefa, "Faktor-Faktor Penyebab Terjadinya Tindak Pidana Kekerasan Dalam Rumah Tangga," *Jurnal Panah Keadilan* 1, no. 1 (2021): 18–21.

⁴ Yusuf Buchori, "Perlindungan Hukum Terhadap Perempuan (Isteri) Korban Kekerasan Dalam Rumah Tangga (KDRT)" (Universitas Islam Indonesia, 2015).

⁵ Adinda Aulia Azhawara et al., "Analisis Perlindungan Hukum Terhadap Anak Dan Perempuan Dalam Kasus KDRT," *SYARIAH : Jurnal Ilmu Hukum* 1, no. 2 (2023): 213–219.

⁶ La Jamaa, "Perlindungan Korban Kekerasan Dalam Rumah Tangga Dalam Hukum Pidana Indonesia," *Jurnal Cita Huku* 2, no. 2 (2014).

⁷ *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, 1945.

has not only violated the provisions of Islam but has also violated human rights regulated in positive law in Indonesia.

From the description above, it can be seen that domestic violence experienced by women must immediately receive special attention and handling in order to realize the protection of women's rights as human rights and protection of the dignity of a woman, because Islam itself views women as very valuable jewels. Furthermore, Islam, whose norms are derived from a cluster of divine revelations, has placed women in a very honorable and noble position in accordance with their nature and nature, no different from men in matters of humanity and their rights.⁸ So in a situation like this, support from both inside and outside is needed⁹.

Therefore it's interesting to further examine the topic of women's rights and position as part of human rights in Islam as well as in positive law in Indonesia which is associated with cases of domestic violence.

2. Discussion

2.1 The Position of Women in Islam

Talking about the position of women, in Islam, women have a very high position, there is even a prophetic hadith that narrates that heaven is under the soles of the mother's feet.¹⁰

Furthermore, the word of Allah SWT mentions the essence of women in the view of Islam, namely in Surah:

- 1) Q.S An-Nisa's verse 1¹¹

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا
وْنِسَاءً

Meaning: "O mankind, fear your Lord, who created you from a single person, and from him created his wife; and from the two of them Allah multiplied men and women."

- 2) Q.S An-Najm verse 45¹²

وَأَنَّهُ خَلَقَ الزَّوْجَيْنِ الذَّكَرَ وَالْأُنثَىٰ

Which means: "And it is He who created pairs of men and women."

From the two verses above, it can be understood that Islam does not make a difference between men and women, except for differences regarding the extent of good deeds or goodness that is owned and done.¹³ In addition, it also illustrates that when viewed

⁸ Moh Bahruddin, "Kedudukan Perempuan Dalam Perspektif Hukum Islam," *Jurnal Hukum Ekonomi Syariah* 4, no. 1 (2012): 1–8.

⁹ Agung Budi Santoso, "Kekerasan Dalam Rumah Tangga (KDRT) Terhadap Perempuan: Perspektif Pekerjaan Sosial," *KOMUNITAS* 10, no. 1 (September 2019): 39–57.

¹⁰ Saidah, "Kedudukan Perempuan Dalam Perkawinan (Analisis UU RI. No. 1 Tahun 1974 Tentang Posisi Perempuan)," *Al-Maiyyah* 10, no. 2 (2017): 292–312.

¹¹ tafsirweb, "Surat An-Nisa Ayat 1."

¹² tafsirweb, "Surat An-Najm Ayat 45."

¹³ Bahruddin, "Kedudukan Perempuan Dalam Perspektif Hukum Islam."

from the aspect of humanity, both men and women have the same position or in other words, the dignity of both men and women has an equal position¹⁴.

Several hadiths mentioned the position of women and the message not to hurt a woman, as the hadith narrated by Bukhari *"From Abu Hurairah from the Prophet, he said, Whoever believes in Allah and also in the last day, then he should not hurt his neighbor. Treat women well; indeed, they were created from ribs. And the most crooked of the ribs is the topmost one. If you straighten it immediately, you will break it. But if you leave it, it will always be crooked. So deal with women with wisdom."* (H.R. Bukhari). From the hadith, it can be known that Allah SWT commands a husband to treat his wife as well as possible and not even to hurt her.

In the Compilation of Islamic Law Article 79 in Paragraph (2), it is stated that *"The rights and positions of husband and wife are balanced with the rights and positions of husband and wife in household life and relationships in living together in society"*¹⁵. From these articles and verses, it is clear that Islamic law that applies side by side with national law emphasizes that there is no difference in the position between husband and wife in married life. So the social construction that states that when a woman is married then the husband has full authority over her is a big mistake.

Furthermore, basically both women and men have an obligation to cooperate in their responsibility to carry out *amr ma'rūf nahy munkar* by fostering a good life, including a family which is the smallest part of society.¹⁶

Thus, cases of domestic violence experienced by women that cause harm to women's rights as human rights have no basis or justification in the Al-Quran or As-Sunnah, because Allah Swt equalizes the position between men and women in terms of dignity and human rights. In addition, there is an order for husbands to protect and treat their wives properly.

From this, it can be seen that the idea that when a man marries a woman, he has full rights over the woman he married and has the right to do anything to her should be eliminated. This kind of thinking will only cause problems and backward thinking towards the existence of human rights that should be respected regardless of gender or position.

So it is fitting that all existing elements work together to realize the protection of victims of domestic violence, considering that every human being is granted human rights by Allah SWT in order to ensure protection of themselves and their dignity, and to reflect compliance with what Allah SWT has ordered to their people.

2.2 Women's Rights in Islam as Human Rights

When discussing human rights, it should be understood that human rights do not only apply to men, but are rights owned by every individual, often referred to as natural rights, which are gifts from Allah Swt.¹⁷ From this, it can be seen that women also have human rights that are fully attached to them. These rights need to be safeguarded both by oneself and by others because rights are given to a person as an appreciation of their presence. However, it is not

¹⁴ Bahrudin, "Kedudukan Perempuan Dalam Perspektif Hukum Islam."

¹⁵ et al Basri, Hasan., *Kompilasi Hukum Islam Dan Peradilan Agama Dalam Sistem Hukum Nasional*, Cet. II. (Jakarta: Logos Wacana Ilmu, 1999).

¹⁶ Ratna Dewi, "KEDUDUKAN PEREMPUAN DALAM ISLAM DAN PROBLEM KETIDAKADILAN GENDER," *NOURA: Jurnal Kajian Gender Dan Anak* 4, no. 1 (2020): 1–43.

¹⁷ Taufik, Sudarno Shobron, and Mutohharun Jinan, *Islam Dan Ipteks*, Edisi 1. (Surakarta: LPIIK Universitas Muhammadiyah Surakarta, 2016).

uncommon for a person's rights to be violated, causing harm to the owner of the rights, especially women's rights which are often violated in domestic life.

Human rights are present and granted by Allah Swt from the moment a person is born into the world until he dies, the right is inherent in itself and cannot be replaced, exchanged, or taken by others just like that. Human rights are proof that when a person is born in the world he is given protection by Allah Swt both including dignity, dignity, and self. The granting of human rights itself is proof that Allah Swt loves His servants so much. Human rights are also a natural right that has the highest position compared to other rights.

Islam offers a perspective on human rights that differs from the global human rights framework. While global human rights tend to be anthropocentric, Islam views human nature as theocentric, with a focus on God as the center. This distinction leads to contrasting views of the human being at the core of human rights, highlighting the differences between Islamic and global concepts of human rights. In Islam, human rights are grounded in God's sovereignty over humanity, and human beings are regarded as a precious trust from God, entrusted with the responsibility to use these rights in a manner that aligns with divine guidance.¹⁸

The concept of human rights in Islam is divided into two categories based on *huququul ibad*. The first category is human rights that can be exercised by the state and the second is human rights that cannot be directly exercised by the state. Legal rights are rights in the first category of human rights while moral rights are rights in the second category of human rights. The difference between these two human rights lies in their accountability to the state. However, the source of the problem, the nature, and the accountability of these two human rights are the same before God.

The author here sees that there is a human rights accountability that cannot be accounted for in the state but is equally accountable to Allah as the judge in the hereafter. The existence of Law No. 39/1999 on Human Rights in Indonesia still considers the nature of humans who are God's creatures.¹⁹ This is also in line with the first and second precepts of Pancasila where the precept of God Almighty is followed by the precept of Fair and Civilized Humanity. Efforts to uphold human rights for women in Indonesia must be encouraged by the provision of obligations and the commitment of the state to provide human rights to women and provide gender equality.

The sources of Islamic law, the Qur'an and as-Sunnah, uphold human rights. Before the world community considered human rights, the Qur'an had established the principles of human rights, truth and justice for its people. We can see in the Qur'an that :

- a) The Qur'an has 80 verses on life, preserving human life, and providing sustenance, and 20 verses on honor.
- b) The Qur'an has 150 verses that explain creation and its creatures.
- c) Al-Qur'an has 320 verses on the suppression of injustice and injustice and 50 verses that command justice.

¹⁸ Harun Nasution, Harun Nasution, and Bahtiar Effendy, *Hak Azasi Manusia Dalam Islam* (Yayasan Obor Indonesia, 1987).

¹⁹ Audina Putri et al., "Hak Asasi Manusia Dalam Perspektif Islam," *Al-Wasathiyah: Journal of Islamic Studies* 2, no. 2 (2023): 195–208.

- d) There are approximately ten verses in the Qur'an that prohibit coercion in order to provide freedom of thought, expression, and belief.²⁰

Muslim intellectuals and scholars support the concept of human rights which is a manifestation of *ḍarūriyyāt* in fiqh which mentions 5 basic principles of human rights, namely the right to protect life or the right to life which has been outlined in the Qisas legal system, the right to protect beliefs or *hifz al-dīn* or the right not to impose religion, the right to protect the mind which later developed as the right to education, the right to maintain property, the right to have a family and obtain offspring, and the right to maintain honor. These are the rights that are safeguarded by Islam and must be safeguarded by its people.²¹

Islam gave women rights that they had never had in pre-Islamic times. As it is known that before Islam came, women were treated so badly, placed at the lowest level of a man, the rights that they should get were never considered. Women have several rights, which are mentioned by Haifa A Jawad in her book entitled "The Rights of Women in Islam (An Authentic Approach)" which amount to 8 as follows:²²

- a) Regulations governing independent ownership for women.
- b) Regulations governing marriage and divorce (Quran Surah Ar-Rum/30:21).
- c) Regulations governing education where men and women are obliged to seek knowledge without distinguishing between the two.
- d) Regulations that protect personal identity, Islam does not have a name change process for women when they are divorced or widowed.
- e) Regulations governing the right to enjoy sex.
- f) Regulations that protect inheritance rights.
- g) Regulations on women's access to politics.
- h) Regulations that explain the right to be equally rewarded.

From the description above, it can be seen that women's rights as human rights have various forms, in addition to those mentioned above, human rights in Indonesia have been clearly regulated in the 1945 Constitution Articles 28A-28J. Therefore, women's rights as human rights must be upheld and realized, especially in cases of domestic violence, where this case has gone too far in violating the rights possessed by women as inherent human rights, which they should get before and after marriage until the end of their lives.²³

Human rights violations in the context of the household, according to the perspective of Islamic law, not only indicate individual problems, but also reflect disharmony and injustice in a family. In Islam, the household is seen as a fundamental unit of society that needs to be maintained with responsibility and mutual respect. Islamic teachings provide a strong foundation to protect the human rights of every family member, from the rights of the husband as a leader, the rights of the wife as a spouse, to the rights of children as an important part of the family.²⁴

²⁰ Putri et al., "Hak Asasi Manusia Dalam Perspektif Islam."

²¹ Candra Perbawati, "Penegakan Hak Asasi Manusia Di Era Globalisasi Dalam Perspektif Hukum Islam," *Al-Adalah* 12, no. 2 (2017): 843–854.

²² Taufik, Shobron, and Jinan, *Islam Dan Ipteks*.

²³ Syaifuddin Zuhdi et al., "DOMESTIC VIOLENCE AS A CONSEQUENCE OF NUSYUZ UNDER THE ISLAMIC LAW AND LEGISLATION OF INDONESIA," *Humanities & Social Sciences Reviews* 7, no. 2 (May 19, 2019): 340–348, <https://mgesjournals.com/hssr/article/view/hssr.2019.7240>.

²⁴ Edy Supriyanto and Fransiska Novita Eleanora, "Early Wedding Polemic and The Impact of The

Furthermore, violations of human rights in the context of the household or in other words the occurrence of domestic violence experienced by women (wives) not only have a bad effect on women but also have a tremendous impact on the children in the family, considering that a family is actually a whole unit, one damage that occurs will damage everything.

In fact, Islamic law provides detailed mechanisms for dealing with human rights violations in the household. This includes legal procedures for resolving disputes between men and women as well as the protection of children's rights in the event of violations. In addition to emphasizing the maintenance of justice, Islamic law also emphasizes the importance of preventing human rights violations in the family through educational approaches, family development, and raising awareness of rights and responsibilities in family relationships.²⁵

Law Number 23 of 2004 on the Elimination of Domestic Violence in Indonesia defines domestic violence as an act on a person, especially women, which causes physical suffering or misery, psychological, sexual, and/or neglect in the household and includes threatening to do something, forcing, illegally depriving freedom in domestic life. The principles used in the elimination of domestic violence are the principles of respect for human rights, the principle of non-discrimination, the principle of victim protection, and the principle of justice and gender equality.²⁶

The author sees that from the explanation of positive law in Indonesia in domestic violence, victims lose the right to mental and physical freedom, the right to be given love, the right to life, the right to security, and the right to receive justice. The rights that Islam protects and encourages for all its servants are also damaged in cases of domestic violence.

Discussing women's human rights in Indonesia is still hindered by extremist groups that cause concern. Religious extremism often causes harm to women because it teaches extreme or excessive understanding of religion and carries out movements that change the basis of religion. The result of this extremism in Islam is the view that women do not have the right to lead and view that women's degrees are lower.²⁷

So that the movements of women will be limited and women will not be appreciated by men, so women are easy to become domestic violence.²⁸ We must avoid and eradicate these ideas from our society so that we can fully uphold human rights for women. It has been explained above that Islam fully supports the existence of human rights for humans, so there should be no ideas that break human rights like this.

The provision of human rights to women that continues to be promoted has become an international study that examines the General Recommendations of the CEDAW Committee with the theme "Equality in Marriage and Family Relations" in point 17 explaining

Domestic Violence," *Law and Justice* 5, no. 1 (April 28, 2020): 30–38, <http://journals.ums.ac.id/index.php/laj/article/view/9722>.

²⁵ Maajid Alfariszi and Khoirul Ahsan, "Pelanggaran Hak Asasi Dalam Rumah Tangga Perspektif Hukum Keluarga Islam Dan Kitab Undang-Undang Hukum Positif Indonesia," *Shar-E: Jurnal Kajian Ekonomi Hukum Syariah* 10, no. 2 (2024): 122–132.

²⁶ Achie Sudiarti Luhulima, *CEDAW: Menegakkan Hak Asasi Perempuan* (Yayasan Pustaka Obor Indonesia, 2014).

²⁷ Santoso, "Kekerasan Dalam Rumah Tangga (KDRT) Terhadap Perempuan: Perspektif Pekerjaan Sosial."

²⁸ Adelia Hidayatul Rahmi and Suryaningsi Suryaningsi, "Pelaku Pelanggaran Hak Asasi Manusia Pada Kasus Kekerasan Dalam Rumah Tangga Di Kota Samarinda," *Nomos: Jurnal Penelitian Ilmu Hukum* 2, no. 3 (2022): 82–92.

that many countries still apply the rights and responsibilities of married couples based on religion and custom.²⁹ The diversity of laws in this society certainly has consequences for women to bear. Religious teachings authorize men to lead households and make decisions for their families. This has led to a lot of discrimination against women to vote in a household and this is considered domestic violence if it results in the loss of one's rights in the household.

So we need to re-conceptualize that a man leading a family needs to consider every matter in the home and the opinions of family members without imposing his will but also considering the truth of religious teachings. Discrimination and various forms of gender injustice experienced by women in the Islamic community stem from a wrong and gender-biased understanding of the source of Islamic teachings, namely the Qur'an. Therefore, efforts are needed to deconstruct theological thinking about women.³⁰

2.3 Protection of Women's Rights as Human Rights in Cases of Domestic Violence

In the Quran, it is clearly stated regarding the law of domestic violence, in which Islam strictly prohibits and does not justify if the husband hurts his wife's heart and / or physically or in the sense of committing domestic violence.³¹

The Indonesian state has given special attention to the crime of domestic violence which is included in the qualification of crimes of human rights violations. Indonesian positive law has regulated this human rights violation in the 1945 Constitution of the Republic of Indonesia in article 28 which regulates the rights of every person, especially the Indonesian people, namely the right to family, the right to personal protection, the right to dignity, the right to own property, the right to security, the right to be protected from threats or fears in doing something or not doing something. These rights are classified as human rights by the Indonesian State and in the context of domestic violence, perpetrators violate the right to security and protection of every Indonesian citizen. In the context of the household, women and men have an equal position in the fulfillment of their human rights and in carrying out their roles proportionally to maintain family harmony.³²

Indonesian law also provides a form of protection against domestic violence, which is regulated in Law No. 23/2004 on the Elimination of Domestic Violence, often referred to as the PKDRT Law. In this context, women are often victims of domestic violence due to the view that domestic violence cases are a disgrace. In addition, there is an assumption that as a woman or wife, they must be submissive and must not disobey, even if their husband is wrong. It is this kind of view that often makes women victims of violence.³³

The Law on the Elimination of Domestic Violence contains various updates and innovations in the protection of human rights, which emphasizes the prevention of domestic violence (preventive) rather than punitive action (repressive). In addition, this law expands the definition of domestic violence, especially against women, which not only includes

²⁹ Luhulima, *CEDAW: Menegakkan Hak Asasi Perempuan*.

³⁰ Habib Shulton Asnawi, "Tinjauan Kritis Terhadap Hak-Hak Perempuan Dalam UU. No. 1 Tahun 1974 Tentang Perkawinan: Upaya Menegakkan Keadilan Dan Perlindungan HAM Perspektif Filsafat Hukum Islam," *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam* 1, no. 1 (2016): 29–62.

³¹ Buchori, "Perlindungan Hukum Terhadap Perempuan (Isteri) Korban Kekerasan Dalam Rumah Tangga (KDRT)."

³² www.hukumonline.com, "Uu-Pkdr," *Undang-Undang Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga* (2021): 1–22.

³³ A. Reni Widyastuti, "Kekerasan Dalam Rumah Tangga Dari Perspektif HAM," n.d.

physical, psychological, and sexual violence, but also includes acts of “domestic neglect” as a form of violence that can be subject to criminal sanctions.³⁴ The scope of the household referred to in the PKDRT Law includes :

- a) Husband, wife, and children;
- b) People who have a family relationship with the person as referred to in letter a due to blood, marriage, breastfeeding, nurturing, and guardianship, who live in a household; and/or
- c) A person who works to support a household and resides in that household.

Article 10 of the PKDRT Law states that victims of domestic violence are entitled to: protection from family, police, prosecutors, courts, advocates, social institutions, or other parties, either temporarily or based on protection orders from the court; health services according to medical needs; special handling related to victim confidentiality; assistance by social workers and legal aid at every stage of the examination process in accordance with applicable laws and regulations; and spiritual guidance services.

In the criminal provisions regarding perpetrators of domestic violence, which is a complaint offense as stipulated in Article 44 paragraph (4), Article 45 paragraph (2), and Article 46 of the PKDRT Law, the judicial process will be difficult if the victim does not report the incident. Therefore, victims, the majority of whom are women, must have a more open view and not be trapped in old-fashioned thoughts that require women to always obey their husbands even if the husband is guilty. Women should not feel ashamed to report violence, as the state provides protection for women who are victims of domestic violence.

The Law on the Elimination of Domestic Violence is a law that regulates specific issues in particular, so it contains *lex special* elements.³⁵ The *lex special* element itself consists of 3 parts, namely:

- a) Corrective element against the perpetrator,
- b) Preventive element towards the community,
- c) Protective element for the victim.

This law contains substances regarding domestic violence itself to sanctions for perpetrators of domestic violence. Juridically, the PKDRT Law can be said to have provided protection to victims by providing their rights. However, everything returns to the implementers of these policies in the field. It is hoped that the PKDRT Law as a positive legal instrument can be a reference for law enforcement officials in providing protection to victims, especially women, to obtain their rights which have been physically and psychologically harmed, and can be an appeal to the community that committing domestic violence is a despicable act that harms and violates human rights.

3. Conclusion

From the description above, it can be concluded that cases of domestic violence experienced by a woman must immediately receive special attention and treatment, both physical and psychological violence. This is based on the foundation of the constitution of the Republic of Indonesia and is based on the Al-Quran and As-Sunnah as a guide to the life of a Muslim. So that the implementation of legal protection for victims of domestic violence, as well as the

³⁴ Hermawansyah, “No Title” (2021).

³⁵ www.lbhapik.com, 2021.

fulfillment of women's rights as human rights which are natural rights as a gift from Allah Swt can be implemented and realized. Some solutions have also been offered as encouragement for the writing of this article.

To minimize cases of domestic violence against women and fulfill women's rights as human rights, several solutions are proposed. First, there should be widespread socialization about the equal rights of all individuals, ensuring these rights are understood and respected to improve human resources. Second, socialization efforts should include education on household planning as a preventive measure. Third, every family member must learn and adhere to the teachings of Islam as outlined in the Qur'an and As-Sunnah, practicing them correctly and sincerely. Fourth, maintaining open and effective communication between husband and wife is essential to fostering household harmony. Additionally, accessible and effective grievance services should be provided for victims, alongside strengthened criminal sanctions against perpetrators of domestic violence. Finally, establishing trauma centers that offer fair, effective, and free support to victims is crucial for addressing the psychological and emotional impacts of domestic violence.

References

- Alfariszi, Maajid, and Khoirul Ahsan. "Pelanggaran Hak Asasi Dalam Rumah Tangga Perspektif Hukum Keluarga Islam Dan Kitab Undang-Undang Hukum Positif Indonesia." *Shar-E: Jurnal Kajian Ekonomi Hukum Syariah* 10, no. 2 (2024): 122–132.
- Asnawi, Habib Shulton. "Tinjauan Kritis Terhadap Hak-Hak Perempuan Dalam UU. No. 1 Tahun 1974 Tentang Perkawinan: Upaya Menegakkan Keadilan Dan Perlindungan HAM Perspektif Filsafat Hukum Islam." *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam* 1, no. 1 (2016): 29–62.
- Azhawara, Adinda Aulia, Dikcy Rahesca Tarigan, Irma, Mauzel Mebrova Fasha Nugraha, and Rayhan Muzaki. "Analisis Perlindungan Hukum Terhadap Anak Dan Perempuan Dalam Kasus KDRT." *SYARIAH : Jurnal Ilmu Hukum* 1, no. 2 (2023): 213–219.
- Bahrudin, Moh. "Kedudukan Perempuan Dalam Perspektif Hukum Islam." *Jurnal Hukum Ekonomi Syariah* 4, no. 1 (2012): 1–8.
- Basri, Hasan., et al. *Kompilasi Hukum Islam Dan Peradilan Agama Dalam Sistem Hukum Nasional*. Cet. II. Jakarta: Logos Wacana Ilmu, 1999.
- Buchori, Yusuf. "Perlindungan Hukum Terhadap Perempuan (Isteri) Korban Kekerasan Dalam Rumah Tangga (KDRT)." Universitas Islam Indonesia, 2015.
- Dewi, Ratna. "KEDUDUKAN PEREMPUAN DALAM ISLAM DAN PROBLEM KETIDAKADILAN GENDER." *NOURA: Jurnal Kajian Gender Dan Anak* 4, no. 1 (2020): 1–43.
- Gunawan, Iwan. "QS. At-Tin Ayat 4: Manusia Diciptakan Dalam Bentuk Sempurna."
- Harefa, Arianus. "Faktor-Faktor Penyebab Terjadinya Tindak Pidana Kekerasan Dalam Rumah Tangga." *urnal Panah Keadilan* 1, no. 1 (2021): 18–21.
- Hasanah, Uswatun. "PEREMPUAN DAN HAK ASASI MANUSIA DALAM PERSPEKTIF HUKUM ISLAM." *Jurnal Hukum & Pembangunan* 40, no. 4 (December 2010): 440.
- Hermawansyah. "No Title" (2021).
- Jamaa, La. "Perlindungan Korban Kekerasan Dalam Rumah Tangga Dalam Hukum Pidana Indonesia." *Jurnal Cita Huku* 2, no. 2 (2014).

- Luhulima, Achie Sudiarti. *CEDAW: Menegakkan Hak Asasi Perempuan*. Yayasan Pustaka Obor Indonesia, 2014.
- Nasution, Harun, Harun Nasution, and Bahtiar Effendy. *Hak Asasi Manusia Dalam Islam*. Yayasan Obor Indonesia, 1987.
- Perbawati, Candra. "Penegakan Hak Asasi Manusia Di Era Globalisasi Dalam Perspektif Hukum Islam." *Al-'Adalah* 12, no. 2 (2017): 843–854.
- Putri, Audina, Dea Amanda, Rizki Febri Yanti, Afriadi Amin, and Abdul Karim Batubara. "Hak Asasi Manusia Dalam Perspektif Islam." *Al-Wasathiyah: Journal of Islamic Studies* 2, no. 2 (2023): 195–208.
- Rahmi, Adelia Hidayatul, and Suryaningsi Suryaningsi. "Pelaku Pelanggaran Hak Asasi Manusia Pada Kasus Kekerasan Dalam Rumah Tangga Di Kota Samarinda." *Nomos: Jurnal Penelitian Ilmu Hukum* 2, no. 3 (2022): 82–92.
- Saidah. "Kedudukan Perempuan Dalam Perkawinan (Analisis UU RI. No. 1 Tahun 1974 Tentang Posisi Perempuan)." *Al-Maiyyah* 10, no. 2 (2017): 292–312.
- Santoso, Agung Budi. "Kekerasan Dalam Rumah Tangga (KDRT) Terhadap Perempuan: Perspektif Pekerjaan Sosial." *KOMUNITAS* 10, no. 1 (September 2019): 39–57.
- Supriyanto, Edy, and Fransiska Novita Eleanora. "Early Wedding Polemic and The Impact of The Domestic Violence." *Law and Justice* 5, no. 1 (April 28, 2020): 30–38. <http://journals.ums.ac.id/index.php/laj/article/view/9722>.
- tafsirweb. "Surat An-Najm Ayat 45."
———. "Surat An-Nisa Ayat 1."
- Taufik, Sudarno Shobron, and Mutohharun Jinan. *Islam Dan Ipteks*. Edisi 1. Surakarta: LPPIK Universitas Muhammadiyah Surakarta, 2016.
- Widyastuti, A. Reni. "Kekerasan Dalam Rumah Tangga Dari Perspektif HAM," n.d. www.hukumonline.com. "Uu-Pkdr." *Undang-Undang Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga* (2021): 1–22.
- Zuhdi, Syaifuddin, . Kuswardani, Andria Luhur Prakosa, Marisa Kurnianingsih, Widi Astuti, and Rozanah Ab. Rahman. "DOMESTIC VIOLENCE AS A CONSEQUENCE OF NUSYUZ UNDER THE ISLAMIC LAW AND LEGISLATION OF INDONESIA." *Humanities & Social Sciences Reviews* 7, no. 2 (May 19, 2019): 340–348. <https://mgesjournals.com/hssr/article/view/hssr.2019.7240>.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, 1945.

