



EFFECTIVENESS OF LEGAL PROTECTION FOR VICTIMS OF DOMESTIC VIOLENCE FROM THE PERSPECTIVE OF VICTIMOLOGY AND HUMAN RIGHTS

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Abstract

This article analyzes the effectiveness of legal protection for victims of domestic violence (DV) through victimology and human rights perspectives. The research uses normative legal methods with a statutory and conceptual approach. The study shows that the Indonesian legal framework recognizes victims' rights to security, health services, confidentiality, assistance, protection orders, legal aid, and reparation. However, protection is not yet fully effective because domestic violence is still treated as a private matter, victims face economic dependence and pressure to reconcile, inter-institutional services are not yet integrated, and reparation often stops after the criminal process. Effectiveness must be measured by the system's ability to stop violence, prevent secondary victimization, ensure victims' participation, and restore their dignity and independence.

Keywords: legal effectiveness; victims of domestic violence; victimology; human rights; victim recovery.

Introduction

Domestic violence is a violation of human safety, bodily integrity,

freedom, equality, and dignity. Its impacts extend beyond physical injury to trauma, loss of income, social isolation, disruption of parenting, and interruption of education or employment. CATAHU 2025 recorded 376,529 cases of gender-based violence against women throughout 2025; 337,961 cases, or 89.76 percent, occurred in the personal sphere, indicating that the home and intimate relationships remain the most vulnerable spaces.¹

Reporting should be a gateway for victims to safety, justice, and recovery. In practice, many victims delay or cancel reporting due to threats from the perpetrator, economic dependence, fear of losing their children, family stigma, or the perception that domestic violence is a private matter. A rapid review of the twenty-year implementation of the Law on the Elimination of Domestic Violence also shows that psychological, physical, economic, and sexual violence are often intertwined and can continue after divorce.²

In victimology, victims of domestic violence experience primary victimization through the perpetrator's actions and can experience secondary victimization through the responses of family, society, authorities, health services, and the judicial process. Victims may be blamed for not leaving immediately, deemed inconsistent for withdrawing a report, or forced to repeat the chronology repeatedly. Such responses ignore the nature of domestic violence, which occurs in close, repeated relationships, and is accompanied by control over the victim's finances, mobility, communication, and social relationships.

Normatively, Law Number 23 of 2004 concerning the Elimination of Domestic Violence has changed the perspective that domestic violence is not a private matter, but rather a human rights violation and a criminal offense. The law prohibits physical, psychological, and sexual violence, as well as domestic neglect, and recognizes victims' rights to protection, health services, confidentiality, social worker support, legal aid, and spiritual guidance.³

This framework is reinforced by Law No. 39 of 1999 concerning Human Rights, the ratification of CEDAW through Law No. 7 of 1984, Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence for domestic violence, and Law No. 3 of 2026 concerning Protection of Witnesses and Victims. These instruments position the state not merely as a punisher of perpetrators,

¹National Commission on Violence Against Women, CATAHU 2025: Strengthening Data, Addressing Vulnerabilities, Urging the State to Take Action for Justice for Victims (Jakarta: National Commission on Violence Against Women, 2026).

²National Commission on Violence Against Women, "Mother's Day Press Release and Launch of the Results of the Rapid Assessment of 20 Years of Implementation of the Domestic Violence Law," December 24, 2024.

³Indonesia, Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Article 1, Article 5, Article 10, Articles 16–18, and Articles 26–31.



but as a party obligated to prevent, protect, investigate, prosecute, and provide effective redress.

Although regulations have developed, the existence of norms does not automatically result in real protection. The effectiveness of the law is determined by the alignment between the substance of the rules, institutional capacity, legal culture, service availability, and the outcomes experienced by victims. Protection cannot be considered effective simply because a report is received or the perpetrator is prosecuted if the victim remains with the perpetrator, is denied information, loses income, faces intimidation, or is unable to access health and psychological services.

Domestic violence is unique because the perpetrator typically has direct and repeated access to the victim. Marital, kinship, custody, residence, and asset ownership relationships can be used as instruments of control. Threats don't always involve physical assault; financial restrictions, document confiscation, phone surveillance, work bans, separation from family, humiliation, and the use of children to pressure the victim can create a pattern of coercive control that limits the victim's options for seeking help.

Research on the implementation of the Domestic Violence Law shows that effectiveness remains hampered by partial prevention, slow response, a lack of technical regulations, a victim-unfriendly perspective from officials, and a patriarchal culture that normalizes domination within the family. These obstacles highlight the gap between the recognition of rights in regulations and the ability of institutions to translate these rights into safety, access to justice, recovery, and prevention of recurrence.⁴

Based on these issues, this article questions how the effectiveness of legal protection for victims of domestic violence is assessed from a victimology and human rights perspective, and what protection models need to be strengthened. The discussion focuses on protection from reporting, investigation, prosecution, trial, and post-verdict, with the victim's safety, participation, recovery, and independence as the primary measures.

Research methods

This study uses a normative legal research method with a statutory approach and a conceptual approach. The statutory approach is carried out by examining Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Law Number 39 of 1999 concerning Human

⁴Dika Pratama, "Effectiveness of Enforcement of Law Number 23 of 2004 on the Elimination of Domestic Violence in Yogyakarta," *Lex Renaissance* 4, no. 2 (2019): 367–385.



Rights, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, Law Number 3 of 2026 concerning Protection of Witnesses and Victims, Government Regulation Number 4 of 2006, Presidential Regulation Number 55 of 2024, as well as relevant service and judicial regulations. The conceptual approach is used to examine victimology, secondary victimization, positive state obligations, due diligence, risk-based protection, and victim-oriented recovery.

The legal materials consist of primary legal materials in the form of laws and human rights instruments, as well as secondary legal materials in the form of journal articles, monitoring reports, and research results regarding the implementation of protection for victims of domestic violence. The materials were collected through literature and document studies, then analyzed descriptively and qualitatively through an inventory of victims' rights, an assessment of the conformity between norms, identification of implementation barriers, and a comparison between legal obligations and victims' needs. Effectiveness was analyzed using four measures: access to protection, cessation of the risk of violence, prevention of secondary victimization, and sustainability of recovery.

The Effectiveness of Legal Protection for Victims of Domestic Violence from the Perspective of Victimology and Human Rights

The position of domestic violence victims from a victimology perspective

Victimology expands criminal law analysis from focusing on perpetrators and punishment to the victim's experience, victimization process, harm, need for protection, and recovery. Victims are not merely reporters or sources of evidence, but legal subjects with a stake in how reports are received, risks assessed, data safeguarded, statements taken, and decisions made. Therefore, the quality of law enforcement must also be assessed in terms of the victim's safety and control over the processes that affect their lives.

Primary victimization in domestic violence stems from the perpetrator's actions, while secondary victimization arises when institutions or social environments exacerbate the victim's suffering. Refusal to report, advice to be patient, victim-blaming questions, identity disclosure, unsafe encounters with the perpetrator, or the cessation of support after the victim withdraws a report are new forms



of harm. Victimization can recur because the victim remains within the perpetrator's reach and lacks the resources to leave the abusive relationship.

One mechanism of secondary victimization is victim blaming. Victims are often asked why they didn't leave home immediately, why they returned to the perpetrator, or why they only reported the violence after repeated incidents. These questions rely on the idealized image of the victim as brave, consistent, independent, and quick to end the relationship. However, fear, trauma, economic dependence, emotional ties, the needs of their children, death threats, and experiences of failure to seek help can limit victims' decisions.

Domestic violence must also be understood as a pattern of control, not just a series of isolated incidents. Perpetrators can alternate between violence, apologizing, making promises, and then threatening again. This cycle makes it difficult for victims to assess risk, and they often maintain relationships for short-term safety. If authorities only look for the most recent injury or a single incident, the pattern of escalation, threats, economic control, and the use of children as a means of control may be overlooked in case construction.

A victim-centered approach demands that the victim's needs be the primary consideration without diminishing the objectivity of the evidence. Meanwhile, a trauma-informed approach helps officers understand that trauma can affect memory, narrative sequence, emotions, and decision-making abilities. Testimonials must still be critically examined, but this is done through relevant, non-intimidating, non-unreasonably repetitive questions, and an explanation of the purpose of the examination and assistance options.

Psychologically and socially, insensitive protection can trigger anxiety, depression, guilt, loss of trust in the law, and withdrawal of reports. Institutionally, a victim's negative experiences spread within the family and community, making other victims reluctant to report. The idea of a justice system oriented toward women victims of violence emphasizes the need for coordination between subsystems, while research on the implementation of the Domestic Violence Law shows that patriarchal culture and low gender sensitivity remain significant

barriers.⁵⁶

Manifestation of ineffective protection at the law enforcement stage

At the reporting stage, ineffectiveness arises when officers view the case as a normal domestic conflict, demand difficult-to-obtain initial evidence, or push the victim to return home and reconcile. Victims may be asked to recount the incident to several officers without privacy. Effective protection requires receiving reports without judgment, assessing emergency needs, documenting the violence history, securing documents, and providing information about safe houses, medical assistance, counseling, and legal proceedings.

At the initial protection stage, the Domestic Violence Law requires the police to provide immediate temporary protection and request a protection order from the court. This provision loses its meaning if a risk assessment is not conducted, the perpetrator is not restrained, or the victim is forced to return to the same home. Threats to children, the perpetrator's access to weapons, a history of strangulation, increased frequency of violence, and threats of suicide or homicide should be treated as high-risk indicators requiring immediate action.

During investigations and inquiries, victims may experience repeated questioning, pressure to present direct witnesses, or doubts due to the lack of visible injuries. Psychological, sexual, and economic violence often occur without external witnesses. Investigators need to develop evidence through medical records, digital messages, threat records, accounts of bystanders after the incident, transaction patterns, home conditions, and professional assessments. Investigations must consider communication security, as the victim's phone or account may be monitored by the perpetrator.

During prosecution and trial, protection becomes ineffective when victims are denied information about case progress, are not involved in calculating losses, or are required to be in close proximity to the

⁵⁵Rosalia Dika Agustanti and Bambang Waluyo, "The Concept of a Special Criminal Justice System for Women Victims of Violence," *Legal Issues* 52, no. 1 (2023): 42–51.

⁵⁶Emilda Firdaus, "Implementation of Law Number 23 of 2004 concerning the Elimination of Domestic Violence in Batam City," *IUS QUIA IUSTUM Law Journal* 21, no. 1 (2014): 139–154.



perpetrator and his family. Questions about wifely obedience, reasons for maintaining the marriage, or irrelevant personal behavior can shift judgment from the perpetrator's actions to the victim's morality. Judges and prosecutors need to control the hearing, maintain confidentiality, and ensure the victim's security needs are reflected in the charges and verdict.

After a verdict, the risk of violence does not always end. Perpetrators may return to the victim's community, stalk, use child custody as pressure, or cut off economic support. Victims need information about the perpetrator's detention and release status, extensions of protection, relocation assistance, access to employment, document processing, health services, and psychological support. Sentencing without a safety and recovery plan only addresses a small portion of the victim's losses.

Pressure to reconcile is a particular issue in domestic violence. So-called amicable resolutions can occur under conditions of power imbalance, threats, and dependency, preventing the victim's free consent. A restorative approach should not be used mechanically to dismiss the case or return the victim to the perpetrator. Every resolution option must be preceded by a risk assessment, access to independent counsel, assurances of non-intimidation, and oversight of the perpetrator's performance of their obligations.

Victimologically, ineffective protection is characterized when procedures increase suffering, diminish the victim's control, or fail to prevent further violence. Prevention requires risk assessment from the first contact, concrete temporary protection, restrictions on repetition of statements, ongoing support, and economic recovery. Human rights principles affirm that states are obligated to act with reasonable diligence to prevent, investigate, punish, and redress gender-based violence, including that perpetrated by private parties.⁷

Legal Framework for Protection of Victims of Domestic Violence Based on Human Rights

Victims' rights as a positive obligation of the state

Victim protection cannot simply be understood as a social policy or the benevolence of officials. It is a legal obligation stemming

⁷Committee on the Elimination of Discrimination against Women, General Recommendation No. 35 on Gender-Based Violence against Women, CEDAW/C/GC/35 (2017), paras. 9, 21–26, and 29.

from the right to a sense of security, protection of oneself and one's family, equal treatment before the law, and freedom from torture and degrading treatment. The state is obligated to respect victims' rights by not discriminating, protecting them from perpetrators, and fulfilling them through accessible services, budgets, personnel, and redress mechanisms.⁸

Law No. 3 of 2026 concerning Witness and Victim Protection updates the national framework by regulating victims' rights, restitution, compensation, victim endowment funds, protection procedures, cooperation, and the roles of the central and regional governments. This law repeals the previous regime based on Law No. 13 of 2006 and its amendments. For victims of domestic violence, this development is crucial for strengthening their sense of security, confidentiality, case information, assistance, and ongoing support throughout the judicial process.⁹

The Women and Children Protection Service Standards require services that include complaints, case management, outreach, assistance, health services, social rehabilitation, legal aid, law enforcement, repatriation, and social reintegration as needed. Victims' rights should not depend on their ability to navigate bureaucracy or find institutions on their own. Every first responder must be able to connect victims with appropriate services and ensure referrals are received.¹⁰

The principle of due diligence requires the state to take reasonable and appropriate steps when it knows or should have known of a real risk. This obligation cannot be met simply by enacting legislation. The state must ensure that officers are available, reporting channels are secure, protection orders are enforceable, violations of the orders are prosecuted, evidence is professionally collected, and remedial services are funded. Foreseeable systemic failures can be viewed as state negligence in protecting victims' rights.

⁸The 1945 Constitution of the Republic of Indonesia, Article 28G paragraph (1) and Article 28I paragraph (4); Indonesia, Law Number 39 of 1999 concerning Human Rights.

⁹Indonesia, Law Number 3 of 2026 concerning Protection of Witnesses and Victims, effective from 20 May 2026 and revokes Law Number 13 of 2006 as amended by Law Number 31 of 2014.

¹⁰Ministry of Women's Empowerment and Child Protection, Regulation of the Minister of PPPA Number 2 of 2022 concerning Standards for Women's and Children's Protection Services.



Protection must also apply the principle of non-discrimination and address multiple vulnerabilities. Victims with disabilities may require interpreters or communication support; victims in remote areas face distance barriers; victims without documentation or income may be completely dependent on the perpetrator; and male victims, the elderly, domestic workers, and other family members may face different stigmas. Uniform services without adaptation can result in substantial inequities.

Coordination of services, protective orders, and recovery

Handling domestic violence involves the police, prosecutors, courts, the Witness and Victim Protection Agency (LPSK), the Women's Empowerment and Child Protection Unit (UPTD PPA), health workers, social workers, advocates, safe houses, and community organizations. Division of functions is necessary, but without coordination, victims will be moved from one institution to another, repeating their stories, bearing transportation costs, and receiving conflicting information. Each case requires a case manager with a service plan, contact list, data sharing agreement, and follow-up schedule from reporting to recovery.

Presidential Regulation No. 55 of 2024 strengthens the position of the Regional Technical Implementation Unit for the Protection of Women and Children as an integrated service provider in the regions. The existence of the UPTD PPA must translate into tangible access, not just an organizational structure. The unit requires professional staff, 24-hour emergency services, a network of safe houses, a health referral mechanism, legal counsel, disability support, and a budget that allows for outreach to victims in remote areas.¹¹

Protection orders should be positioned as a deterrent, not an administrative document. Police need to assess whether the perpetrator should be kept away from the residence, prohibited from contacting the victim, or restricted from having access to the victim's children and workplace. Courts must process applications expeditiously, set clear conditions, and provide oversight mechanisms. Victims should receive easily understandable copies and contact information to report violations without having to start the process from scratch.

¹¹Indonesia, Presidential Regulation Number 55 of 2024 concerning Regional Technical Implementation Units for the Protection of Women and Children.

According to Government Regulation Number 4 of 2006, victim recovery encompasses strengthening efforts to enable victims to live a normal life. This requires interconnected medical, psychological, social, legal, and spiritual services. Recovery should not be halted because the victim withdraws the report or chooses to remain in the marriage. These decisions may be temporary safety strategies; services must continue to be provided based on the victim's needs and consent.¹²

The economic dimension is a crucial component of effective protection. Many victims return to their perpetrators because they lack housing, employment, children's school fees, or access to accounts and documents. Restitution calculations should include medical expenses, counseling, lost income, relocation, transportation, security, and property damage. Local governments should also provide temporary assistance, job training, access to childcare, and administrative assistance to ensure victims have realistic life options.

Reconstruction of Victim-Oriented Legal Protection Risk and trauma-based protection standards

Protection reconstruction must begin with a standardized risk assessment and be updated as circumstances change. The assessment should include the frequency and escalation of violence, threats of death, strangulation, access to weapons, stalking, child abuse, pregnancy, divorce, and the victim's attempts to leave the perpetrator. The assessment results form the basis for determining safe housing, security measures, no-contact arrangements, communication strategies, and coordination with schools or workplaces. High risk should not be addressed solely with a peace agreement.

Victim examinations should be conducted by trained officers in a private setting, with a predictable schedule and choice of companion. Victims should be given the opportunity to rest, use communication aids, and object to irrelevant questions. During trials, judges can limit stereotypical questions, prevent intimidating face-to-face encounters, and use remote examinations when necessary. Safe treatment enhances the quality of testimony without diminishing the defendant's right to

¹²Indonesia, Government Regulation Number 4 of 2006 concerning the Implementation and Cooperation in the Recovery of Victims of Domestic Violence.



challenge the evidence.¹³

Information protection should include identity, safe house addresses, medical records, psychological assessment results, child data, and digital evidence. Only information necessary for specific agency tasks should be shared. Systems should record who accesses or copies data, and leaks should have disciplinary and legal consequences. In domestic violence, leaking an address or phone number can immediately increase the risk of assault and prolong the perpetrator's control over the victim.

Integrated case management requires a single initial assessment, a single safety plan, and documentation that can be used across stages with the victim's consent. Recording key statements can reduce redundancy as long as data security, the right to correction, and the need for proof are guaranteed. Coordination does not mean disclosing all data to all agencies, but rather ensuring continuity of services while maintaining the victim's confidentiality and autonomy.

Institutional accountability and measures of success

Training for law enforcement officers and service personnel is a prerequisite, but it is insufficient without organizational change. Ministerial Regulation No. 2 of 2026 on Women's Empowerment and Child Protection provides training guidelines for law enforcement officers and service personnel. Every institution still requires standard operating procedures, a list of trained officers, supervision, case evaluation, and an independent complaint channel. Violations such as insults, data leaks, refusal to report, or forced settlements must be investigated and prosecuted transparently.¹⁴

Measures of protection success need to be expanded beyond the number of reports, cases filed, and convictions. Indicators should include the timeframe for protection, the number of risk assessments, the availability of counselors, the number of repeat hearings, compliance with protection orders, successful service referrals,

¹³Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 3 of 2017 concerning Guidelines for Adjudicating Cases of Women in Conflict with the Law, Articles 4–7.

¹⁴Ministry of Women's Empowerment and Child Protection, Regulation of the Minister of PPPA Number 2 of 2026 concerning Guidelines for the Implementation of Training on the Prevention and Handling of Criminal Acts of Sexual Violence.

restitution applications and payments, continuation of education or employment, and victims' experiences of safety, respect, information, and involvement in decision-making.

Courts and prosecutors need to ensure that decisions not only contain criminal penalties but also consider the impact on the victim, the need for protection, restitution, and post-verdict risks. A lenient sentence without an analysis of the pattern of violence can send the message that domestic violence is a common offense. Conversely, even a harsh sentence is not automatically effective if it is not accompanied by supervision, perpetrator rehabilitation, a ban on contact, and support for the victim to build a safe life.

At the local level, effectiveness is heavily influenced by the availability of services. Victims in large cities may have few options, while those on islands, inland, or in conflict-ridden areas may face long journeys and high costs. National and local governments need to establish minimum standards, provide needs-based funding, provide mobile services, provide secure teleconsultation, and collaborate with community organizations. Geographical inequalities should not determine whether someone receives protection or is left to face perpetrators alone.

Prevention must target a culture that normalizes violence and places the burden of family integrity solely on the victim. Public education needs to emphasize that maintaining a family cannot be used as an excuse to tolerate violence. Religious leaders, health workers, schools, workplaces, and village officials need to understand the signs of domestic violence, the obligation to refer victims, and the prohibition on victim blaming. CATAHU 2025 shows the dominance of cases in the personal sphere, so changing social norms must go hand in hand with strengthening the legal system and services.¹⁵

For child victims, those with disabilities, the elderly, or victims who are completely dependent on the perpetrator, protection standards must be stricter. Mandatory examinations should be age-appropriate and address communication skills, limit contact with the perpetrator, and ensure the child's best interests are not overridden by the demands of maintaining the household. Studies of criminology and domestic violence victim protection emphasize that economic factors,

¹⁵National Commission on Anti-Violence against Women, CATAHU 2025, personal data and evaluation of the continuity of case handling.



environmental factors, and power relations are mutually reinforcing, so legal intervention must be accompanied by concrete social support.¹⁶

Conclusion

Legal protection for victims of domestic violence is normatively well-founded through the Domestic Violence Law, human rights instruments, regulations on witness and victim protection, service standards, and integrated service institutions. However, protection is not yet fully effective because reporting is hampered by stigma and dependency, risk assessments are inconsistent, services are fragmented, protection orders are not always effectively implemented, and reparations are often treated as an afterthought. From a victimological perspective, this situation creates secondary victimization and maintains the risk of recurrent violence.

Effectiveness must be judged by the outcomes experienced by victims: violence stops, safety increases, information is available, victims can participate without intimidation, harm is repaired, and socio-economic independence is established. Achieving this requires evidence-based risk assessments, emergency response, trauma-informed assessments, data protection, integrated case management, monitorable protection orders, restitution, and official accountability. A human rights perspective places all of these measures within the state's positive obligation to respect, protect, and fulfill the dignity of every victim.

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¹⁶Aldini Rizky Santoso and Ari Wibowo, "Criminological Review and Legal Protection of Victims of Sexual Violence against Women in the Household," *National Actual Law Proceedings* (2024): 171–190.

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