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Resistance to Gender Equality: Criticism of Physical Violence from the PKDRT Law Perspective

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Abstract

Domestic violence (DV) often occurs, especially in the form of physical violence against women (wives). To protect victims of domestic violence, the state has enacted the Law on Protection of Victims of Domestic Violence (UU PKDRT). Therefore, this study focuses on the phenomenon of victims' views on physical

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violence in the household in the community of Tegalrejo Village, Mayang District, Jember Regency from the perspective of the PKDRT Law. This study aims to understand and analyze the views of victims on physical violence in the household in depth in the community of Tegalrejo Village, Mayang District, Jember Regency. In addition, this study also aims to evaluate the implementation of Law No. 23 of 2004 concerning PKDRT in the community of Tegalrejo Village. This research was conducted in the field (field research) with a juridical-normative approach with a qualitative descriptive nature through data collection from interviews and documentation. The results of this study state that the views of victims in Tegalrejo Village, Jember Regency towards physical violence in the household still tend to be conservative because various problems are still found in the implementation of the PKDRT Law so the knowledge of the Tegalrejo Village community regarding the law is still limited. The factors that cause this are the lack of government socialization regarding the PKDRT Law to the community, especially in villages, and the lack of public awareness of the problem of domestic violence which is often considered commonplace.

Keywords

Domestic violence, Tegalrejo Village, PKDRT Law

Abstrak

Kekerasan dalam rumah tangga (KDRT) sering terjadi, terutama dalam bentuk kekerasan fisik terhadap perempuan (isteri). Untuk melindungi korban KDRT, negara memberlakukan undang-undang Perlindungan terhadap Korban Kekerasan dalam Rumah Tangga (UU PKDRT). Oleh karena itu, pada penelitian ini memiliki fokus pada fenomena pandangan korban terhadap kekerasan fisik dalam rumah tangga pada masyarakat Desa Tegalrejo, Kecamatan Mayang, Kabupaten Jember perspektif UU PKDRT. Penelitian ini bertujuan untuk memahami dan menganalisis pandangan korban terhadap kekerasan fisik dalam rumah tangga secara mendalam di masyarakat Desa Tegalrejo, Kecamatan Mayang, Kabupaten Jember. Selain itu, penelitian ini juga bertujuan untuk mengevaluasi implementasi UU No. 23 Tahun 2004 tentang PKDRT di masyarakat Desa Tegalrejo. Penelitian ini dilakukan

secara lapangan (*field research*) dengan pendekatan yuridis-normatif dengan sifat kualitatif deskriptif melalui pengumpulan data dari hasil wawancara dan dokumentasi. Hasil penelitian ini menyatakan bahwa pandangan korban di Desa Tegalrejo, Kabupaten Jember terhadap kekerasan fisik dalam rumah tangga masih cenderung konservatif sebab masih ditemukannya berbagai persoalan dalam implementasi UU PKDRT, sehingga pengetahuan masyarakat Desa Tegalrejo terhadap undang-undang tersebut masih terbatas. Faktor-faktor yang menyebabkan hal ini adalah kurangnya sosialisasi pemerintah mengenai UU PKDRT kepada masyarakat, terutama di desa, serta minimnya kesadaran masyarakat terhadap permasalahan KDRT yang sering dianggap sebagai hal biasa.

Kata Kunci

Kekerasan dalam rumah tangga, Desa Tegalrejo, UU PKDRT

Introduction

In general, the home ladder is the smallest unit in a society formed through bond marriage. Usually, the home ladder consists of a father, mother, and children. (Karimullah 2021) However, in Indonesia often memberare another familyliving together on the House stairs, like an old man Good from a party husband or wife, as well birth or your stepsister who owns connection blood. (Soeroso 2010) In building House stairs, the goal mainly is to create a happy, safe, serene, and peaceful relationship. Therefore, every individual on the House ladder own rights and obligations based on religious values. Household integrity and harmony depend greatly on the attitudes and behavior of mutual understanding between family members. The importance of understanding each other in building a household will help avoid divisions and arguments.

One of the factors that triggers domestic violence is the demand for women to submit to their husbands, which reflects gender bias and places women in a weak position. This is very detrimental to women and increases the risk of violence. In the

family, women have an important role as wives and mothers who are responsible for household management and children's education. On the other hand, men have an important role as husbands who are responsible for providing the main breadwinner for the family. Because his job is to earn a living, a husband tends to be less involved in household affairs, because he is considered to have made a financial contribution to the family's needs. (Martha 2015)

One of the common causes of domestic violence is a lack of good communication between husband and wife. Misunderstandings that arise can lead to acts of domestic violence, so resolving them is very important. Domestic violence can take various forms, such as physical, psychological, sexual, and economic violence. However, most often being a victim is women (wives) and children. Inequality connection between the victim and the perpetrator is the factor main influence happen violence in House ladder. Perpetrator violence in the House ladder generally owns more power big, good in a way economic, physical, or social in the context of family. Through the introduction Constitution deletion of violence in House stairs, expected can reduce and prevent violence the UU no. 23 of 2004 concerning Removal Violence in House Ladder emphasizes that anyone can be a victim, fine That mother, father, husband, wife, children, even servant House ladder. (Republik of Law 2015)

Endorsement Constitution Removal Violence in House Ladder (UU-PKDRT) becomes A must for Indonesia as a country that has ratified convention international about the protection of women, like the *Convention on the Elimination of All forms of Discrimination against Women* (CEDAW) via Constitution Number 7 of 1984. UU-PKDRT has marked strategic to overcome violence against Women. *First*, this law changed the view of violence in House Ladder from an issue personal become issue public. This matter can help overcome obstacle psychological for victims to report violence experienced without guilt or

Embarrassment. *Second*, the PKDRT Law provides a base for the country to intervene in case of violence House stairs, so protection to needy citizens, esp women, and children, yes done optimally. *Third*, UU-PKDRT also contributes to the acceleration implementation policy of zero tolerance to violence to women who have rolled out government for a number of the years. (Abdurrahman 2010)

Violence in households own a broad impact. Remember the impact that, is important for implementing series activity deletion violence in households in a way comprehensive and effective, one of them through ratification of the PKDRT Law. Moreover again, case violence in households the more widespread in the middle public. Therefore, deep study This writer will focus on violence frequently physical happen in House Ladder. Violence physique Still dominates number violence highest experienced by female, as it seems in the Catahu data National Commission on Violence Against Women in 2022. Total case violence physique reached 4,814, exceeding case violence psychological and sexual in number more low, namely 4,754 and 4,660 cases. (Naibaho 2023)

There are two forms of violence physically differentiated. *First*, violence is visible physically in a way straight away, like bruised or visible wounds on the body. *Second*, physical violence that is not visible to the naked eye, such as insults or belittling words. In the context of gender-oriented Islamic Family psychology, physical violence is a form of violence in which the victim experiences physical suffering in both mild and severe forms. Examples of mild physical violence include pinching, pulling, pushing, and the like. (Mufidah 2008) Meanwhile, serious physical violence includes beatings that cause injury, abuse, serious injury, murder, and the like. Therefore, eliminating domestic violence is a must. Various efforts need to be made, including preventive efforts such as disseminating information and public awareness through campaigns and outreach regarding the elimination of domestic violence. This is

not only the responsibility of the government but also requires active participation from the community. (Puspitasari 2010)

With the presence of the Domestic Violence Law, great hope has emerged in society to prevent and follow up on domestic violence, especially against women. Republic of Indonesia Law no. 23 of 2004 concerning PKDRT as a whole covers prevention, protection, and recovery for victims of domestic violence. Apart from that, the law also specifically regulates violence that occurs in the household with elements of criminal acts that are different from criminal acts of abuse as regulated in the Criminal Code. Based on this explanation, this research will specifically examine the views of the Tegalrejo Village Community, Mayang District, Jember Regency regarding physical violence in the household in the context of the PKDRT Law.

Methods

In this study, a descriptive qualitative method with a juridical-normative approach was used. The author analyzed by interviewing the community to explore their views on physical violence in the household from the perspective of the Law on Domestic Violence. The data used consisted of primary and secondary sources. Primary data were obtained through interviews with five respondents/communities in Tegalrejo Village. This number of samples was considered sufficient to represent the community's views on physical violence that occurred in the village. The informants interviewed were also victims of physical violence in the household. In addition, primary data also includes the contents of Law of the Republic of Indonesia No. 23 of 2004 concerning the Elimination of Domestic Violence. Meanwhile, secondary data used are related to the research theme, such as books on the legal resolution of domestic violence, books on women, and articles on domestic violence. By collecting data from these sources, the author

conducted an analysis to describe the community's views on physical violence in the household in the context of the Law on Domestic Violence in Tegalrejo Village.

Result and Discussion

Tegalrejo Village Community Resistance and Gender Awareness

The people of Tegalrejo have a relatively different view of domestic violence, especially regarding physical violence against women. Diversity views the comparison parallel with educational conditions, and social strata The people are also diverse. However, views people in the village Tegalrejo outline You're welcome put violence physique to Woman as action despicable as it should be No happen in House stairs (domestic). To know more about far-view public violence physique in House stairs in the Village Tegalrejo Subdistrict Mayang Regency Jember, the writer does data-deepening with do interviews with the informant with come houses people who are victims of violence physique in households.

Study in the article, the writer maps it become two clusters, the first group is public economy class intermediate up, and the second is public economy class intermediate down. As for economic status in marriage is also possible to give experience empirical in a guard stable household. Following fill interviews conducted by researchers to several informant related violence physique in House stairs in the Village Tegalrejo Subdistrict Mayang Regency Jember.

First, the upper middle-class economic community. Mrs. (N) as civil servant (PNS) views that:

"Violence physical thing that happened in House Ladder No only impact in a way physical, but also in a way psychic or psychological. She even admitted that she had been a victim of physical violence by her husband. I felt the psychological impacts such as loss of self-confidence, mental damage, depression, traumatic

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feelings, and so on. Physical violence occurred in the form of beatings, and harsh shouting. According to him, the violence that occurred was very unethical because it was too excessive, and violated the domestic violence law. He admitted that he was very disadvantaged as a (wife) so that it was not me who was the victim but the child. It is not uncommon for my child to witness me being shouted at and even beaten. "I regret it, I shouldn't have gotten married if something like this was going to happen," said Mrs. Nuril." (N 2023)

The next party who is also a victim of physical violence in the household, namely, Mrs. (V), an employee at one of the BRI Banks in Jember, is of the view that:

"Physical violence should never occur in anyone's household. However, I had that bad luck; my husband hit, even kicked me. Our marriage lasted more than five years and we have no children. I didn't dare take the risk of reporting my husband to the authorities. I'm so embarrassed, I'm scared, and I love my husband so much. "Even though when we first got married, we were happy and calm and very respected as women, not beaten." (V 2023)

In contrast to the physical violence in the household experienced by Mrs. NH, a woman who has three children, and is the owner of a clothing shop in the market, believes:

"Domestic violence has a huge impact on the family's economy. Apart from that, I help the household economy. I have three children, both of whom have graduated from middle school and high school, and one is still small. He said; I feel sorry for the children, if I divorce they will become victims of our marriage. I don't want them to

grow up without a father, I have to bear the consequences even though I often get shouted at, and my husband hasn't provided support for the past six months. I feel domestic violence in the form of physical and economic, and I have to accept it just for the sake of my children. Even though the violence that occurred is very contrary to the norms and realization of the goals of marriage." (NH, 2023)

Second, lower middle-class economic society. According to an interview with Mrs. IH (35 years), her husband works as a construction worker in Bali. Irma's mother said the following:

" I was slapped, and kicked by my husband, and there was an incident where I was so ill that I was referred to hospital. However, my husband wasn't there from the start when I was admitted to the hospital, he didn't even take care of my administration. He came home two days after I recovered. When I asked, my husband said, "Don't interfere in men's affairs." I have one daughter, and she has stopped going to high school. He was patient with me, took care of me, he helped with housework. I am proud of my child, even though he is a high school graduate, but for a mother, he is a pious child." (IH 2023)

A similar thing also happened to Mrs. EN (22 years), her husband worked as a farmer. Eli's mother married at the age of 17 while her husband was 20 years old. The results of the interview with Eli's mother are as follows:

"My parents forced me to marry at the age of 17 while my husband was 20. After we had been married for three years, I (my wife) started to feel like I was being treated unfairly. My husband keeps asking for spiritual support, while for financial support, I only receive twice a week, 40 thousand in total. I have a child who is only 2 years old. I always cry, how can 40

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thousand be enough for household needs; eating, and milk for me? I didn't keep quiet, I asked my husband's permission to also work, but instead, I got angry (scolded). To provide adequate nutrition for my child, I stay at home while working on a neighbor's craft. Because I'm not allowed to work outside the house. I have to be respectful towards my husband, I surrender because this is the path of my destiny. However, my child must be healthy, able to go to school, and able to be a source of pride for the family." (EN 2023)

Despite the presentation of the results of the interviews above with informants, we can see that the community's views on the meaning of physical violence in the household in Tegalrejo Village, Mayang District, Jember Regency have striking similarities and differences. The similarities are: *first*, women (wives) become victims of physical violence by their husbands because the husband dominates the running of the economy in the household. *Second*, women (wives) have the desire to maintain their household because they want to maintain the good name of the family and the wife's dependence on her husband in all matters, for example economically, sexually, and the like. Meanwhile, the differences are: *first*, different socio-economic backgrounds, secondly education, and age at marriage (maturity in marriage).

Effectiveness of Law No. 23 of 2004 concerning PKDRT

Based on the results interview with an informant in the village Tegalrejo, District Mayang, Regency Jember related view public to violence physique in households found that the knowledge public regarding the PKDRT law is still very limited. This matter shows that people in the village of Tegalrejo did not yet have adequate understanding of the Domestic Violence Law. The reason is that the PKDRT law has an role as an umbrella law

To protect victims of violence in the household. Article 1 Law no. 23 of 2004 explains that domestic violence includes any action that causes physical, sexual, or psychological misery or suffering, and/or domestic neglect to someone, especially women. This includes threats, coercion, or unlawful deprivation of liberty that occurs within the household.

Furthermore, this shows that there is a need to increase public knowledge and understanding regarding the PKDRT Law. So that with an adequate understanding of the Domestic Violence Law, the community can be more effective in preventing and fighting domestic violence and able to provide appropriate protection to themselves or other victims. In addition, it is suspected that even though the PKDRT Law has been passed as a government effort to respond to the increasing number of domestic violence, the public still has limited knowledge and understanding of the law. The PKDRT Law has been around for several years, but many people are not aware of this.

One of the reasons why the PKDRT Law has not yet become an effective legal umbrella is the lack of outreach from the government to the community, especially the village community. This deficiency results in the public's perception of domestic violence not being directly related to the PKDRT Law. Apart from that, the lack of public education and knowledge is also a contributing factor, so that understanding of domestic violence and the PKDRT Law is limited. To overcome this problem, the government needs to carry out wider and more effective outreach regarding the Domestic Violence Law to the community, especially at the village level. Public education and knowledge also need to be improved so that they can understand how important the PKDRT Law is in fighting domestic violence. With more intensive efforts in socialization and improving education, it is hoped that the public will have a better understanding of the PKDRT Law and can use it as a solution to dealing with the problem of domestic violence.

The PKDRT Law compares straight with view public to violence physique. Proven results interview respondents public Village Tegalrejo who has shown above. Previously domestic violence was regulated There is in the Criminal Code and Criminal Procedure Code. However, not yet capable give optimal protection for victims, this is caused by the existing regulations nature generally, not considering context culture patriarchal and feudal as well as differences in social status in ending society exists disparity social and gender bias.

In the criminal code (KUHP), for example, no nexisting terms for domestic violence only persecution. (Article 352-355 KUHP) This drip focuses on the existence of distribution deed persecution based on impact. Even though domestic violence is not always physical, but also done in a way psychic. Violence against women in the Criminal Code only covers physical violence. Meanwhile, in reality, there is still a lot of violence in other forms that makes women victims. In Article 89 of the Criminal Code, for example, it is stated that "Making a person unconscious or helpless is equivalent to using violence".

The presence of law no. 23 of 2004 has confirmed to oppose acts of domestic violence by providing a concrete definition of what is meant by domestic violence and its variants. Even though there is a legal umbrella. However, in practice, the law still faces many obstacles in the legal process. This can be seen from the increasing number of domestic violence cases every year. In the records of the National Commission on Violence Against Women (CATAHU) published in 2017, domestic violence was in first place with a percentage of 75% or 10,205 people. (Komnas Perempuan, 2017) If we look at the number of violence against wives (KTI), it ranks highest, namely 57% (5,784), and violence against girls (KTAP) at 18% (1,799).

In 2018, the number of violence against wives (KTI) was 5,167, a decrease compared to the previous year. However, the number of violence against children has increased compared to

the previous year, reaching 2,227 cases. (Komnas Perempuan, 2018) This indicates that being a girl in the house is no longer a safe place, most of them become victims of sexual violence by those closest to them. Meanwhile, CATAHU has just been published by the National Commission on Violence Against Women in 2023. There are 8,250 female victims. Even though it is under the umbrella of the Domestic Violence Law, only 184 cases were brought to court, or 3% of the total. (Komnas Perempuan, 2019)

The forms of violence experienced in the realm of domestic violence are incest (1,071 cases) followed by rape (818 cases) and molestation (321 cases). What is more interesting is that in 2023 the number of marital rapes *will* be quite high, reaching 195 cases. Compared to the previous year, only 172 cases. Meanwhile, reporting of rape cases in marriage from last year was 172 cases to 195 cases. These data indicate that the legal product created by the government, in this case, the PKDRT Law, has not been able to optimally reduce the number of domestic violence in Indonesia. Furthermore, this cannot be separated from the lack of public awareness of the existence of the PKDRT Law in Indonesia. As for the problem of implementing the PKDRT Law in Indonesia, it has been approximately sixteen years since the enactment of the PKDRT Law in 2004. In terms of regulation, it turns out that there are still various kinds of regulations governing the protection, prevention, and recovery of victims of domestic violence. In addition, the PKDRT Law also clearly regulates violence that occurs in households which has never been clear for decades.

The existence of the Domestic Violence Law has certainly brought changes in a positive direction, one of which is the courage of victims of domestic violence to report it. Establishment of service centers for victims of domestic violence, violence against women in general, wives, and children in various regions. However, despite this success, it turns out that

the government still faces many problems in dealing with domestic violence in Indonesia, including:

Firstly, the view of law enforcement officials who have not yet designated the PKDRT Law as a special law could be an obstacle to the optimal implementation of the law. Even though reports of domestic violence have been processed legally using the PKDRT Law, in practice there are still several shortcomings. One of the problems faced is a lack of understanding and implementation of aspects regulated in the PKDRT Law, such as the psychological impact of violence and the cycle of domestic violence. In the legal process, prioritizing victim testimony and the experiences of female victims has not been the main focus. This can result in a lack of sensitivity to the psychological aspects and experiences of victims which are important in handling domestic violence cases.

Second, views that are still related to the formulation of the Criminal Code can also influence the approach used by law enforcement officials. Domestic violence is considered a form of abuse regulated in the Criminal Code, so it may not fully pay attention to the unique characteristics and complexities of domestic violence cases. To overcome this, law enforcement officials need to understand the Domestic Violence Law well and treat domestic violence cases as special cases that require a sensitive approach. Training and increasing awareness of the importance of involving the perspective of women victims in the legal process is also needed. In addition, reforms in the legal system and better law enforcement overall can also help ensure that the Domestic Violence Law can be implemented effectively and following the aim of protecting victims of domestic violence. (Munti, 2016)

Third, law enforcers have not acted quickly and still consider the problem of domestic violence as not a problem that should be exaggerated, and the service space or RPK has not been utilized optimally. This is evidenced by the continued attitude of

the authorities who lack respect and lack of support from the main victims at the time. carry out examinations of perpetrators who often delay or even do not carry out summons with maximum effort. (Makarao, 2014)

The issue of discrimination against women is a global problem that has long been considered internationally. The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted in 1979, encourages participating countries to take necessary steps, including through legislative changes, to eliminate laws, regulations, customs, and practices. which is discriminatory against women (Article 2 point f CEDAW).

With the adoption of CEDAW, it is hoped that the law, both in theory and practice, can take into account women's experiences, the situation and context of violence experienced by women as victims, and pay attention to women's values and perspectives. In the context of implementing the PKDRT Law, Article 44 paragraph (4) should direct attention to the condition of victims. Therefore, law enforcement officials are expected to try to understand women's experiences and views regarding the level of violence experienced by them.

The rise of domestic violence cases in Indonesia can be seen from the inherent patriarchal culture which is the driving force for domestic violence. Patriarchal culture tends to give men more freedom to rule than women, the implication being that wives have limitations in making the choices they want and have a tendency to obey their husband's orders. This domination of men over women results in a social construction that leads to discrimination against women. Concerning men, the social meaning of biological differences causes the establishment of myths, stereotypes, rules, and practices that demean women and facilitate violence itself.

The patriarchal culture that still exists in Indonesia causes the position of women victims of violence to be very unfavorable. Too often, female victims of violence are blamed or seen as

contributing to the violence perpetrated by male perpetrators. For example, a wife who is a victim of domestic violence is often blamed by her husband on the pretext that the violence perpetrated was the result of behavior or treatment that the wife considered wrong. This stigma makes the victim considered as bad as the perpetrator of the crime himself. Lack of socialization regarding the PKDRT Law, namely Law No. 23 of 2004 concerning the Elimination of Domestic Violence, has given women the opportunity to actualize themselves without having to live in fear of violence. This law is also an important legal basis for handling and resolving domestic violence cases which have been detrimental to women.

Efforts to prevent domestic violence are the obligation of all parties, both society and government. This is because up to now the issue of domestic violence has always been considered a private issue, so the government cannot just step in and monitor the household directly. So community involvement is needed in monitoring and preventing the occurrence of domestic violence in their environment. This community obligation is accommodated by the PKDRT Law. However, the breakthroughs that have been made so far by the government have not been specifically felt by the victims of domestic violence. This cannot be separated from the lack of socialization regarding the substance of the Law on the Elimination of Domestic Violence among law enforcement officers. (Firdaus, 2014)

One of the contributing factors is the rejection of domestic violence reports by the police. Even though some police, such as the West Jakarta Police, have received reports of domestic violence involving the RT Head and his companion, many police still reject these reports. Apart from that, people often don't care about domestic violence cases in their surroundings. They are reluctant to become witnesses in domestic violence cases that occur before their eyes, for fear of threats from the perpetrator,

fear of interfering in other people's household affairs, or for other reasons related to their position, status, economy, and safety. People's willingness to become witnesses is very important for victims in seeking justice, both through legal and non-legal channels. Apart from that, public awareness of efforts to prevent domestic violence, both for the first time and repeatedly, is also very helpful for victims. This relates to efforts to reconcile the perpetrator, which does not always have to be through punishment or fines, but rather focuses on how to change the behavior of the perpetrator who tends to be violent in resolving domestic problems.

Lack of public awareness of the problem of domestic violence often causes this problem to be considered normal. Many cases of domestic violence are not reported to the authorities, and one of the reasons is the lack of public awareness. Limited knowledge and lack of desire for domestic violence victims to be involved in the legal system are the main factors. Domestic violence cases are often considered a private matter that should not be made public. This kind of public attitude can become an obstacle to the victim's recovery. The community, especially neighbors and other close people should be supporters of victims of domestic violence. However, if neighbors or the surrounding environment make the victim feel uncomfortable and prevent reporting, then the victim may not realize that they are experiencing domestic violence. (Makara, 2014)

Without reporting, it will be difficult for the victim to recover, unless the victim voluntarily visits a psychologist. If the obstacles previously mentioned are not immediately addressed and resolved, there will be a delay in recovery resulting in the victim becoming a victim three times. *First*, the victim becomes a victim of a crime in the form of domestic violence. *Second*, victims become victims of societal stigma, especially the wives of domestic violence victims, where they are often seen as the guilty party or are excused for the violence they experience. *Third*,

victims can become victims of legal authorities if they do not receive adequate protection or treatment.

Conclusion

The community's view of physical violence in the household in Tegalrejo Village, Jember Regency is still considered conservative. The people in the village still adhere to the belief that marriage is a sacred thing and must be protected in its entirety. Therefore, even though they know that the physical violence perpetrated by their husbands against themselves is unnatural, they (wives) still voluntarily accept the marriage so that it looks intact (lasting).

In the results analysis, the researcher finds several problems in the PKDRT Law. *First*, the government's lack of socialization of the PKDRT Law to the community, especially village communities. So the perception public tends sporadic and not sourced from the PKDRT Law directly. *Second*, the minimum awareness public of domestic violence problems that are often considered a matter sort of normal. Because people in the village Tegalrejo Regency Jember consider matters the is a shame or meaningful thing private in one family.

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