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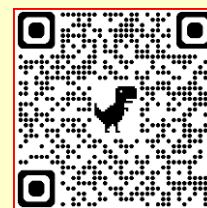
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A VICTIMOLOGICAL APPROACH TO THE LEGAL PROTECTION OF WOMEN AS WIVES VIA DOMESTIC PSYCHOLOGICAL VIOLENCE

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ABSTRACT

The fact that there is an imbalance in power relations and gender, which often places women in a vulnerable position, is another factor influencing sexual violence against women. From a victimological perspective, addressing victims of psychological violence involves not only the detention of the perpetrator, but also providing protection, recovery, and the fulfilment of the victims' rights, whilst placing the victim at the centre of attention. Article 7 of the Domestic Violence Act provides a definition of psychological violence, namely: Psychological violence as referred to in Article 5(b) is "An act that causes fear, loss of self-confidence, loss of the ability to act, a sense of helplessness, and/or severe psychological suffering in a person." Based on this, the research question in this study is how legal protection for women as wives who are victims of psychological violence is provided through a victimological approach.

The type of research used in this study is normative, as the approaches employed are the Statute Approach, the Conceptual Approach, and the Case Study Approach

Legal protection for women as wives who are victims of psychological violence within the household can be viewed from the perspective of Indonesian positive law and victimology. Law No. 23 of 2004 on the Elimination of Domestic Violence and, through a victimological approach regarding victims, ensures they receive attention in the law enforcement process, as well as in aspects of physical, psychological, and social recovery, as well as ensuring victims are entitled to compensation for the losses they have suffered.

KEY WORDS: Legal Protection, Women, Wives, Psychological Violence, Victimology

Introduction

Crimes that frequently place women as the primary victims are sexual offences, which constitute one of the most dangerous types of crime. Sexual violence is not merely a social issue in Indonesia but also a violation of human rights with physical and psychological consequences.⁽¹⁾ The fact that there is an imbalance in power

relations and gender, which often places women in a vulnerable position, is another factor influencing sexual violence against women. From a victimological perspective, addressing victims of psychological violence involves not only the detention of perpetrators, but also providing protection, recovery, and the fulfilment of victims' rights, with the victim at the centre of attention. However, in practice, this legal protection still faces a

number of challenges. These include a lack of infrastructure for victim rehabilitation services, a lack of understanding among law enforcement officials, and a lack of a victim-centred perspective. Some of these include poor understanding by law enforcement officials of victimology methods, societal stigma against victims, and victims lacking access to rehabilitation services and restorative justice.

Legal reform is necessary because existing legislation is inadequate and no longer aligns with developments in society's legal framework. In this regard, there is a pressing need due to the prevalence of domestic violence by husbands against family members within the household. Although the Criminal Code (KUHP) generally addresses assault, indecency, and the neglect of persons entitled to maintenance and support, However, these provisions do not fully address cases occurring within the household. Therefore, a special law (*lex specialis*) (2), is required to address cases of domestic violence and protect victims (3).

Domestic violence, particularly against wives, is a legal issue that we frequently encounter in Indonesian society. Violence against wives that occurs within the household is not only experienced and present in public spaces but is also prevalent in domestic settings, categorized as one form of violence addressed in the Law on the Elimination of Domestic Violence (UU PKDRT). The occurrence of various cases of domestic violence, particularly against wives, can be classified in this context as victimization. The relationship between husband and wife should serve as a model and example for their children, and such a relationship should be grounded in a harmonious and happy atmosphere, but in reality, wives in their position often face acts of violence from their husbands, including physical, psychological, and sexual violence, as well as domestic neglect (economic) (4).

Legal protection for women who are victims of psychological violence is a legal issue that can be examined through a victimological approach. Victimology is a branch of criminology and also serves as an auxiliary discipline in criminal law, focusing on the study of crime victims, including the factors influencing the risk of becoming a victim, the psychological and physical impacts experienced, and the legal system's response to the victims. This approach emphasises the importance of understanding the role of victims in crime and how the mechanisms of the judicial system can provide legal protection for victims. By viewing this through a victimological lens, the legal system not only seeks to punish perpetrators of psychological violence but also to restore the rights and dignity of victims of such violence.

Domestic Violence (DV), as regulated in Article 1 (1) and Article 2 (1) of Law No. 23 of 2004 on the Elimination of Domestic Violence (the Law on the Elimination of Domestic Violence), is defined as any act that causes physical, sexual, psychological distress or suffering, and/or domestic neglect, including threats to commit such acts, coercion, or unlawful deprivation of liberty within the domestic sphere. The scope of the household includes a husband, wife, and children, as well as persons who have a family relationship by blood, marriage, fosterage, guardianship, and trusteeship. In this regard, Article 7 of the Law on the Elimination of Domestic Violence provides a definition of psychological violence, namely:

"Psychological violence as referred to in Article 5 (b) is "An act that causes fear, a loss of self-confidence, a loss of the ability to act, a sense of helplessness, and/or severe psychological suffering in a person."

Such as the case that occurred in Ambon City, where a wife suffered

domestic violence, resulting in psychological distress for the victim of domestic violence. This act is categorised as a violation of Article 45 (2) and Article 7 of Law No. 23 of 2004 on the Elimination of Domestic Violence. The chronology of events is as follows: on Wednesday, 25 March 2020, at approximately 12:00 WIT, and on Thursday, 2 April 2020, at approximately 11:59 WIT, the perpetrator, Umar Rully Londjo, openly committed physical violence and made threats against his wife (the victim), Habibah Yaponi alias Ona, causing her to suffer psychological distress. Umar Rully Londjo was found guilty beyond reasonable doubt of violating Article 45 (2) and Article 7 of Law No. 23 of 2004, and was sentenced to four months' imprisonment (5)

Statement of the Problem

How is legal protection provided for women as wives who are victims of psychological violence through a victimological approach?

Research Method

The type of research used in this study is normative, as the approaches employed are *the Statutory Approach*, *the Conceptual Approach*, and *the Case Study Approach* (6)

RESULT AND DISCUSSION

A. Psychological Violence Against Wives Within the Household

Domestic violence does not always manifest as physical violence that is visible to the naked eye; rather, it can also occur in the form of psychological violence, the impact of which is profound and long-lasting. Psychological violence often occurs covertly and repeatedly, making it difficult to recognise, yet it clearly causes mental and emotional suffering for the victim, particularly wives within the domestic sphere (7).

Social and cultural pressures also reinforce victims' reasons for remaining in harmful relationships. In societies with strong patriarchal values, women are often burdened with the expectation of being the guardians of the family's honour. Divorce is considered taboo and brings shame, so many victims feel that leaving a violent household would damage the family's dignity more than staying. Advice from family members urging victims to be patient for the sake of the children or to preserve the family's reputation often leads victims to neglect their own safety.

The norm that "family matters should not be interfered with by outsiders" also makes victims reluctant to seek help, so the cycle of violence continues unchecked (8). Fear of the perpetrator's threats has a significant impact on the victim's decision-making. Many perpetrators of domestic violence use threats as a primary tool to maintain their power, such as threats to harm the victim, harm the children, take away custody, or damage the victim's reputation in the community.

There are also perpetrators who restrict the victim's access to a telephone, transport, or social networks, leaving the victim feeling isolated and unable to contact those who could provide assistance. The fear that the situation will become far more dangerous if they try to resist leads many victims to prefer to endure their current circumstances. Another factor is the victim's limited access to information and support.

Many victims are unaware that psychological violence constitutes a criminal offence protected under the Domestic Violence Act. The lack of awareness regarding reporting services, shelters, legal aid,

and witness and victim protection programmes means victims lack a sufficient understanding of the available protection mechanisms. In some cases, the negative experiences of other victims—such as reports going uninvestigated or inadequate responses from authorities—further erode trust in the legal system that is supposed to protect them (9). Shame and social stigma form the final layer of barriers, further reinforcing victims' reasons for remaining silent.

In a society where victim-blaming remains prevalent, women who report violence are often seen as the cause of family breakdown. Fears of being ostracised, ridiculed, or judged as incapable of maintaining family harmony drive many victims to choose to conceal the violence they have experienced. At this point, victims find themselves in a paradoxical situation: staying feels painful, yet leaving is seen as fraught with risk (10).

Wives who are victims of psychological violence within the household are in a vulnerable position because the violence they experience is not always physically visible, yet it causes profound and long-lasting psychological effects. Therefore, the state has a duty to provide comprehensive legal protection to ensure victims' safety, recovery, and the fulfilment of their rights. Such protection is specifically regulated under Law No. 23 of 2004 on the Elimination of Domestic Violence and Law No. 13 of 2006 on the Protection of Witnesses and Victims, as amended by Law No. 31 of 2014 (11).

Forms of psychological violence against wives within the household can manifest through various actions that attack the victim's mental and emotional state. One of the most common forms is demeaning verbal treatment, such as insults, mockery, criticism, or constant use of abusive language. Such treatment can erode a wife's self-esteem and instil a sense of worthlessness within her (12). Furthermore, psychological violence can also take the form of threats and intimidation, including threats of physical violence, threats of unilateral divorce, threats of eviction from the home, or threats to take the children away. Such actions create fear and psychological pressure, leaving the wife in a state of insecurity and helplessness (13).

Another form involves control and restriction of freedom, such as forbidding the wife from interacting with family or her social circle, controlling daily activities, and limiting access to information or communication. Such control can lead to social isolation and emotional dependence, which exacerbate the victim's psychological condition (14).

Psychological violence can also occur through emotional neglect, namely indifference, refusal to communicate, or the deliberate withholding of attention and affection. Although it does not involve direct violence, emotional neglect can cause serious and prolonged psychological suffering. Furthermore, unfounded accusations, psychological manipulation, and blaming the wife for every domestic problem also constitute forms of psychological violence. Such actions can cause the victim to lose self-confidence, feel excessive guilt, and experience severe mental distress.

Pursuant to Article 7 of Law No. 23 of 2004 on the Elimination of Domestic Violence, such acts may be classified as psychological violence if they result in fear, a loss of self-confidence, an inability to act, a sense of helplessness, and/or severe psychological suffering in the victim. Therefore, psychological violence against a wife within the household is a prohibited act and may be subject to legal sanctions in accordance with the provisions of the law (15).

The state has a duty to ensure that every woman, particularly wives as part of a vulnerable group, is free from threats, pressure,

intimidation, and degrading treatment that may undermine her dignity and integrity. Furthermore, protection against gender discrimination is a crucial aspect of upholding human rights, given that psychological violence often stems from power imbalances between men and women. Through gender-responsive legal frameworks and policies, the state is expected to create a safe, fair, and equal environment, thereby restoring the rights of victims and minimising the risk of violence. Thus, human rights-based protection is not merely repressive but also preventive in ensuring justice and equality for wives as victims (9).

B. Legal Protection for Women as Wives Who Are Victims of Psychological Violence Through a Victimological Approach

The Law of the Republic of Indonesia on Human Rights provides an affirmation that what is meant by human rights are all rights that are inherent and contained in humans as creations of God Almighty. The rights regulated in the Human Rights Law must be respected, protected, and maintained by the state through various positive legal regulations. Human rights originate from God Almighty as the creator. The state must protect them as the holder of the power to make legal regulations to protect the human rights of each human being (16).

Everyone has the right to protection for themselves and their families, their dignity, honor, and property, as well as the right to feel safe and to be protected from various threats, as stipulated in Article 28 G, paragraph (1) of the 1945 Constitution, Second Amendment (4).

Protection for victims of psychological violence is also strengthened through the Law on the Protection of Witnesses and Victims. Law No. 13 of 2006, as amended by Law No. 31 of 2014, provides guarantees of protection for victims throughout the criminal justice process. Victims are entitled to protection of their personal safety, that of their family, and their property, free from threats relating to testimony that is to be, is being, or has been given. In the context of psychological violence, the Law on the Protection of Witnesses and Victims also guarantees the victim's right to psychological support and psychosocial rehabilitation, as stipulated in Article 6.

This support is highly relevant given that the primary effects of psychological violence are trauma, emotional distress, and mental suffering requiring professional intervention. Furthermore, victims are also entitled to restitution and compensation as a form of redress for the losses they have suffered. On the other hand, emotional factors also play a significant role in binding the victim to the perpetrator.

The cycle of violence outlined by Lenore Walker illustrates that domestic violence relationships typically occur in a recurring pattern: the tension phase, the violence phase, and the 'honeymoon' phase. In the final phase, the perpetrator usually shows remorse, acts sweetly, and promises to change. Victims who are still emotionally attached often interpret this phase as an opportunity to repair the relationship. The hope that the perpetrator will change, feelings of love, responsibility towards the children, and religious beliefs regarding the importance of maintaining the marriage further strengthen the victim's reasons for staying. In many cases, victims even blame themselves for the violence and believe that if they were a better wife, the perpetrator would no longer be violent. (11).

Legal protection for victims of domestic violence in Indonesia can be viewed from three main perspectives: Indonesian positive law and victimology. Law No. 23 of 2004 on the Elimination of

Domestic Violence provides a strong legal basis for law enforcement agencies to take action against perpetrators of domestic violence. Through criminal provisions that prescribe penalties commensurate with the level of violence committed, this law aims to deter perpetrators whilst providing a sense of justice for victims. However, on the other hand, there remain challenges regarding victims' willingness to report violence, particularly for women and children who are often in vulnerable positions. Therefore, strengthening legal protection for victims of domestic violence is crucial to ensuring the success of efforts to eradicate domestic violence in Indonesia. From a victimological perspective (the study of victims), the criminal justice system needs to be *victim-oriented* by giving sufficient attention to the suffering experienced by victims of domestic violence. Criminal law should not only focus on the perpetrator but also provide protection to victims through clear mechanisms; furthermore, victims are entitled to compensation for the losses they have suffered.

On the other hand, service agencies such as P2TP2A, LPSK, legal aid organisations, and psychological rehabilitation facilities need to be strengthened both institutionally and in terms of human resources so that they can provide services oriented towards the victims' needs. This includes enhancing the capacity of support workers, providing safe *shelters*, and ensuring handling procedures that are easily accessible, swift, and straightforward. Access to free legal aid and psychological support must also be expanded, particularly for victims from economically disadvantaged backgrounds. Without adequate structural support, victims will continue to struggle to break free from the cycle of violence, even if they have the desire to do so.

A comprehensive understanding of the dynamics of victims' behaviour is a crucial foundation for developing policies that are more responsive to victims' needs. To date, we have observed that many policies addressing domestic violence remain focused solely on proving criminal offences, without considering psychological and social conditions. In fact, from a victimological perspective, it is emphasised that legal protection for wives as victims of psychological violence within the household is not only about law enforcement, but also about holistic recovery through the provision of medical, psychological, social, and economic support.

When law enforcement officers understand that a victim's decision to remain in the relationship is not a form of consent to the violence, but the result of structural pressures, the response provided will be more appropriate and will not blame the victim. This approach is crucial in preventing *secondary victimisation*, which refers to a situation where a wife, as a victim of psychological violence within the household, suffers further distress as a result of treatment by officials who lack gender sensitivity and fail to understand the dynamics or nature of psychological violence.

Ultimately, efforts to assist victims of psychological violence cannot stand alone but must be a shared commitment of all elements of society, law enforcement agencies, the government, and other supporting institutions. The victimological approach recognises that victims cannot be rehabilitated solely through legal processes, but require multidimensional support addressing psychological, emotional, social, economic, and family environment aspects. Through a comprehensive and sensitive approach to the victim's experience, efforts to break the cycle of violence can be carried out more effectively, enabling victims to reclaim their rights as valuable, safe, and dignified human beings.

The victimological approach, in which the victim is the primary

focus, must receive attention not only in the law enforcement process but also in the aspects of physical, psychological, and social recovery. In cases of psychological violence against women as wives who are victims of psychological violence, it is evident that the principles of victimology can be effectively applied by the Women and Children Protection Unit (UPPA) within the Maluku Regional Police (POLDA). This can be seen from the swift steps taken in responding to reports, conducting psychosocial assessments of victims, and providing protection by placing victims in safe houses. These actions reflect primary protection for victims, namely the prevention of potential revictimisation or further threats from the perpetrator or the surrounding environment. However, in reality, there are several obstacles hindering the implementation of legal protection against psychological violence against women as the victim's wife, including:

1. Social stigma, whereby society often holds negative views of wives as victims of psychological violence, causing victims to be reluctant to report incidents for fear of being blamed or ostracised;
2. A lack of support services, in that not all regions have adequate access to support services such as psychological counselling, legal aid, and safe houses for wives who are victims of psychological violence;
3. A convoluted legal process, where the judicial proceedings are long and complex, causing victims to feel exhausted and choose not to pursue their cases any further; and
4. Disproportionate punishments: in cases involving wives as victims of psychological violence, perpetrators often receive lenient sentences, which fail to provide a sense of justice for the victims in line with the objectives of criminal punishment in Indonesia

Conclusion

Legal protection for victims of Domestic Violence (DV) in Indonesia can be viewed from the perspective of Indonesian positive law and victimology. Law No. 23 of 2004 on the Elimination of Domestic Violence provides a strong legal basis for law enforcement officials to take action against perpetrators of domestic violence. Legal protection: A victimological approach, in which the victim is the primary focus, must be given attention not only in the law enforcement process but also in the aspects of physical, psychological, and social recovery. From a victimological perspective (the study of victims), protection for victims must be provided through clear mechanisms; furthermore, victims are entitled to compensation for the losses they have suffered.

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