

# Factors Causing Domestic Violence (KDRT) from a Legal and Religious Aspect

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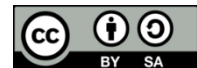
Mesuji Regency

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## ABSTRACT

This study aims to analyze the causes of domestic violence (DV) from a legal and religious perspective. This type of research is field research with a descriptive qualitative approach. Sources were obtained directly from perpetrators of domestic violence victims, police, and religious leaders in Tanjung Raya District, Mesuji Regency. Data collection used interviews, observation, and documentation. Data analysis used data reduction techniques, data presentation, and conclusion drawing. The results of this study are husbands' errors in understanding the concept of marriage, a lack of openness in the family, husbands' dissatisfaction with their wives' incompetence, economic conditions, the perpetrators' character who tends to be quick to anger, lack of supervision, and the responses of local residents and close families in responding to acts of violence.

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## 1. INTRODUCTION

Building a household today is no longer just a matter for husband and wife; it has become a public issue, particularly in relation to violence. Married life comes with its own set of needs and challenges. Domestic violence (KDRT) is deeply disturbing, affecting not only ordinary people but even celebrities, such as the case of Maia and Ahmad Dhani in 2006. This argument is an attitude of being selfish or wanting to win alone, without realizing it this will have a bad impact on the existing relationship until the worst thing that might happen is a divorce.

National data on domestic violence cases varies, but some sources indicate that tens of thousands of cases are reported annually. In 2022, there were 5,256 domestic violence cases, a significant increase over three years, reaching 19,045 cases in early 2025.

Violence, in its broadest sense, describes behavior that is either overt (overt) or covert (covert), whether defensive or offensive, involving the use of force against another person. Overt violence is seen as a fight. Covert violence is hidden violence, such as threats. Aggressive violence is violence

carried out not for protection but to obtain what is appropriate, such as a quota. Finally, defensive violence is violence carried out for self-protection. Both aggressive and defensive violence can be overt or covert.[1]

Domestic violence occurs in the form of physical abuse, such as punches and kicks. Psychological or emotional abuse, such as threats, insults, and ridicule. Financial abuse, for example, in the form of forced allocation of spending money by the husband. Finally, sexual abuse, which involves forced sexual intercourse.[2]

Domestic violence is a private matter. Because it's a personal matter, domestic violence issues are considered family secrets. However, this assumption makes it difficult to find a solution. For example, a police officer who breaks up a fight between a man and a woman, upon learning that the two people are husband and wife, will immediately sulk and leave them without a resolution.

One of the legal institutions formed by the Women's Association Indonesia is strongly against domestic violence (KDRT), which considers that violence in KDRT makes women the victims, therefore Law No. 23 of 2004 concerning KDRT was born, which condemns all violence that occurs in the household [3]Then what are the forms or criteria of violence that can be said to be domestic violence?

There is no publicly available data on the number of domestic violence (DV) cases in Mesuji Regency, Lampung. However, it is important to note that domestic violence is a serious problem that requires immediate attention and treatment. While specific data for Mesuji is not available, data from the district indicates that domestic violence is a significant problem in Indonesia, with physical violence being the most common form. Furthermore, sexual violence within the household, including marital rape and incest, also occurs.

The reasons for domestic violence, especially in Mesuji Regency, are based on economic problems, more on physical needs, problems with offspring, spiritual factors, the presence of a third person, either another ideal woman or another ideal man, and the

culture of dowry/dowry. In general, these four factors are the reasons why domestic violence occurs.[4]

These factors will of course differ in regions and situations, but many of the cases that occurred in Mesuji district were caused by economic problems, where the need for shelter and food was not met, so the husband or wife and even children behaved rudely or even committed violence.

Economic factors have a very big influence on domestic violence, even the worst thing that can happen is that children are affected by arguments between parents, indeed in this case the biggest trigger for all this violence is economic factors. Domestic violence has become a topic of conversation in everyday life. Generally, in Indonesian kinship structures, men are placed in a dominant position, namely as heads of the family. Therefore, it's not unusual for other family members to become highly dependent on them. This superior position often leads to men assuming immense power within the family environment. Even when men commit various forms of violence against other family members, women and children are the primary victims, and no one can stop them.

Law Number 23 of 2004 concerning the Elimination of Domestic Violence (UU KDRT) aims to serve as a legal instrument to prevent and protect family members from domestic violence and to prosecute perpetrators of domestic violence. Domestic violence often occurs when a wife is subjected to violence by her husband, with various factors triggering disputes that lead to violence.

## 2. METHODS

This research uses a descriptive qualitative approach [5]. The data collection techniques used were observation, interviews and documentation.[6]. The research data sources consisted of 6 people, namely perpetrators, victims of domestic violence, police, religious figures, community members, and close family members. After the data is collected and analyzed by means of data reduction, data presentation and

drawing conclusions. Data validity tests are carried out to prove that the data received is the actual data found at the research location [7].

## 2.1 Theoretical Framework

### 1. Domestic Violence

Domestic violence and the disregard for the rights and obligations of the victim are indicators of an imbalance in the responsibilities of members of a particular society. In such a society, humans are not properly protected. Domestic violence is defined as a variety of acts that cause mental, physical, and social suffering to family members by other family members (children/daughters-in-law/mother/wife and father/husband).[8]

Domestic violence is violence that occurs within the household, where usually the man (husband) verbally or physically abuses the woman (wife).[9] Domestic violence is a pattern of deviant (assaultive) and coercive behavior, including physical, sexual, psychological attacks and economic coercion carried out by adults against their intimate partners.[10]

Domestic violence against women does not only include physical violence. Physical, psychological, sexual and economic violence, as formulated in Article 1 paragraph (1) of the Draft Law on Anti-Domestic Violence. Domestic violence occurs when there is aggressive or coercive behavior that creates threats or causes physical harm carried out by a partner or former partner, and also various kinds of actions that cause mental, physical and social suffering.

### 2. Violence as Part of Crime

Violence according to the Criminal Code is only defined as physical violence as contained in Articles 89 and 90 of the Criminal Code. Article 89 of the Criminal Code stipulates that committing violence means causing someone to faint or become helpless.[11]

Violence is any act that uses significant physical force. Physical force is physical violence. Violence manifests itself in hitting with just the hands, hitting with a

weapon, confining, tying up, restraining, and so on. [12] Meanwhile, the threat of violence is any act that is such that it causes fear or anxiety in the person being threatened. Violence is an assault on a person's physical or psychological integrity.[12]

Crime or criminal acts are a form of deviant behavior that always exists and is inherent in every form of society, no society is free from crime. Crime is deviant behavior or a real threat or threat to social norms that underlie life or social order, can cause individual tensions or social tensions, and is a real or potential threat to the continuation of social order, thus crime is not only a humanitarian problem but also a social problem.[13] Crime in everyday life is evil behavior or actions that everyone can feel, that it is evil, such as murder, theft, fraud and so on, which are carried out by humans.[14]

From a formal legal perspective, crime is a form of behavior that is contrary to human morality (immoral), detrimental to society, social in nature, and violates the law and criminal law. In short, from a formal legal perspective, crime is a form of behavior that violates criminal law.[13]

The definition of crime is not interpreted in a restrictive manner in either Book I or Books II and III. Criminal acts according to the Criminal Code system are divided into crimes (*misdrijven*) and violations (*overtredingen*). The division into these two types is not clearly defined in a Criminal Code article but is already assumed to be so, and it turns out that, among others, in Articles 4, 5, 39, and 53 of the Criminal Code, Books I and II are solely about crimes and Book III about violations. Crimes and violations can be seen as actions that, although not specified in the law as criminal acts, have been perceived as *onrecht*, as actions that are contrary to the legal order.

In the Draft Criminal Code (RUU-KUHP or Draft KUHP), violence is any use of physical force, whether by physical force or by means of a tool, including rendering someone unconscious or helpless (Article 159 of the 1999/2000 Draft). Violence is an event or condition that causes fear, anxiety, or worry in the person being threatened (Article 160).

Serious injury is (Article 175): Illness or injury that has no hope of complete recovery or that could result in death. Continuous inability to perform a task, position, or job. No longer able to use one of the five senses or one of the body parts. Severe disability (kudung). Paralysis. Impaired thinking ability for more than four weeks. Miscarriage or death of a fetus.

### 3. Patterns of Domestic Violence

#### a. Violence against Women

Article 1 of the Declaration on the Elimination of Violence Against Women specifically defines Violence Against Women as follows: Violence Against Women is any act based on gender differences (gender-based violence) that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

The explanation of Article 2 of the same Declaration states: Violence against women should be understood to include, but not be limited to: acts of physical, sexual and psychological violence occurring within the family and community, including battering, sexual abuse of female children, dowry-related violence, marital rape, female genital mutilation and other traditional cruel practices against women, violence outside of the marital relationship and violence related to the exploitation of women, rape, sexual abuse, sexual harassment and threats in the workplace in educational institutions and so on, trafficking in women and forced prostitution. And includes violence perpetrated and condoned by the state wherever it occurs. So, gender-based violence is an act of violence based on sex, especially violence against women.

#### b. Scope of domestic violence

Domestic violence can be divided into two categories: physical and non-physical. However, this category can be expanded to include physical violence, verbal violence, psychological or emotional violence, economic violence, sexual violence, and even cumulative violence, meaning multiple types

or a combination of these types are experienced.

Violence consists of the act of exerting physical force and power over another party. Violent behavior is usually accompanied by the goal of controlling, weakening, or even harming the other party. It's important to remember that while violence can have serious implications for physical and mental health, it is not merely a media phenomenon. Violence is not a standalone criminal phenomenon, but rather a phenomenon that transcends legal, ethical, and health contexts, and is closely related to morals, culture, politics, and personal backgrounds. Domestic violence occurs across all ages, social groups, income levels, ethnicities, religions, occupations, and marital and family statuses.

### 2. Factors Causing Domestic Violence

The factors causing domestic violence according to law are: (a) Men and women are not in an equal position. Society views men by instilling the idea that men must be strong, brave and merciless, men may dominate women. (b) Defense of male power. Men are considered to have superior resources compared to women, so they are able to regulate and control women. (c) Discrimination and restrictions in the economic field. Discrimination and restrictions on opportunities for women to work result in women (wives) being dependent on their husbands, and when husbands lose their jobs, their wives experience acts of violence. (d) The burden of childcare. A wife who does not work, makes her bear the burden of being a child carer, when something unexpected happens to the child, the husband will blame his wife, resulting in domestic violence. (e) Women as children. The concept of women as property for men according to law, results in men having the freedom to regulate and control all women's rights and obligations. Men feel they have the right to use violence as a father uses violence against his children to ensure order.

The causes of domestic violence (KDRT) according to religious aspects are as follows: a) The wife is disobedient to her

husband or nusyuz, for example, refusing to serve her husband even though there is no excuse (sickness or menstruation). b) The wife neglects her duties as a housewife because she is busy with matters outside the home. Cultural/habitual differences between the wife and husband where they do not understand each other's customs or culture.

The differences in the factors causing domestic violence (KDRT) according to the legal and religious aspects are from the legal aspect, namely men and women are not in an equal position, defense of male power, discrimination and restrictions in the economic sector, the burden of childcare, and women as children. While from the religious aspect, it is a wife who is not obedient to her husband or nusyuz, a wife neglecting her duties as a housewife, and cultural differences or habits of each husband and wife. The factors causing domestic violence according to the legal and religious aspects are very different if the legal aspect is based on the will of the man or husband, while the religious aspect is based on a wife who is not obedient to her husband and neglects her duties as a housewife.

### 3. Law Concerning Domestic Violence

The legal provisions in the Criminal Code (KUHP) are a reference in positive law in Indonesia which has been specialized into several pieces of legislation, one of which is Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

Law Number 23 of 2004 concerning the Elimination of Domestic Violence, in addition to regulating the prevention, protection, and recovery of victims of domestic violence, also specifically regulates violence that occurs in the household with elements of the crime of abuse that is different from the crime of abuse regulated by the Criminal Code. In addition, this law also regulates the obligations of law enforcement officers, health workers, social workers, volunteer companions, or spiritual guides to protect victims so that they are more sensitive and responsive to the interests of the household that from the beginning is directed

at the integrity and harmony of the household.

Law Number 23 of 2004 consists of ten chapters and fifty-six articles. Article 44 is one of them and also serves as the opening of Chapter VIII concerning criminal provisions. Chapter VIII concerning criminal provisions consists of ten articles, namely Articles 44 to 53. Meanwhile, Article 44 itself consists of (4) paragraphs, namely:

- 1) Any person who commits an act of physical violence within the household as referred to in Article 5 letter a, shall be punished with a maximum prison sentence of 5 (five) years or a maximum fine of IDR 15,000,000.00 (fifteen million rupiah).
- 2) In the event that the act as referred to in paragraph (1) results in the victim becoming ill or seriously injured, the penalty shall be a maximum prison sentence of 10 (ten) years or a maximum fine of IDR 30,000,000.00 (thirty million rupiah).
- 3) In the event that the act as referred to in paragraph (2) results in the death of the victim, the penalty shall be imprisonment for a maximum of 15 (fifteen) years or a maximum fine of IDR 45,000,000.00,- (forty five million rupiah).
- 4) In the case of an act as referred to in paragraph (1) carried out by a husband against his wife or vice versa which does not cause illness or an obstacle to carrying out work or livelihood or daily activities, the punishment shall be a maximum prison sentence of 4 (four) months or a maximum fine of Rp. 5,000,000.00 (five million rupiah) [15].

The objectives of issuing Law Number 23 of 2004 concerning the Elimination of Domestic Violence include

preventing all forms of domestic violence, protecting victims of domestic violence, prosecuting perpetrators of domestic violence, and maintaining the integrity of harmonious and prosperous households.

Based on this objective, the government needs to create criminal provisions that would impose far harsher penalties for domestic violence than those stipulated in the Criminal Code. The criminal offenses categorized as domestic violence include the addition of "domestic neglect." This law not only includes criminal provisions but also provisions on protection in the form of rights and services for victims of domestic violence, the obligations of law enforcement officers, and other parties involved in providing protection. All of these regulations are intended to achieve the objectives set out in Article 4 of the Domestic Violence Law.

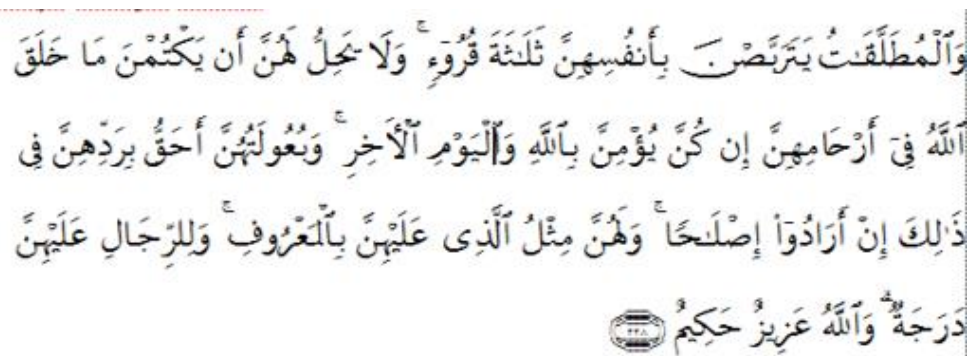
The Law on the Elimination of Domestic Violence contains alternative criminal sanctions for perpetrators and its objectives also include corrective, preventive and protective, which are also based on the level of lightness and severity of the act of Domestic Violence. The Law on the Elimination of Domestic Violence, in addition to containing the objectives as listed above,

also regulates specific problems specifically. Protective elements for victims, the Law on the Elimination of Domestic Violence contains Articles that provide protection for victims of violence that occurs in domestic relationships, especially for subordinated parties (vulnerable groups, namely: wives and children).

### 3. RESULTS AND DISCUSSION

The first thing to highlight is that various acts of domestic violence against women stem from a misconception about the concept of marriage, which assumes that the husband absolutely owns his wife. Therefore, after marriage, the wife is considered his full property and lacks full rights over her. The husband feels obligated to educate his wife and guide her back on the right path, according to his perspective, while the wife is not permitted to resist or refuse her husband's requests.

Married life is within the context of upholding Islamic law, toward the approval of Allah SWT. Husband and wife must complement each other and work together to build a harmonious household that leads to piety. Allah says:

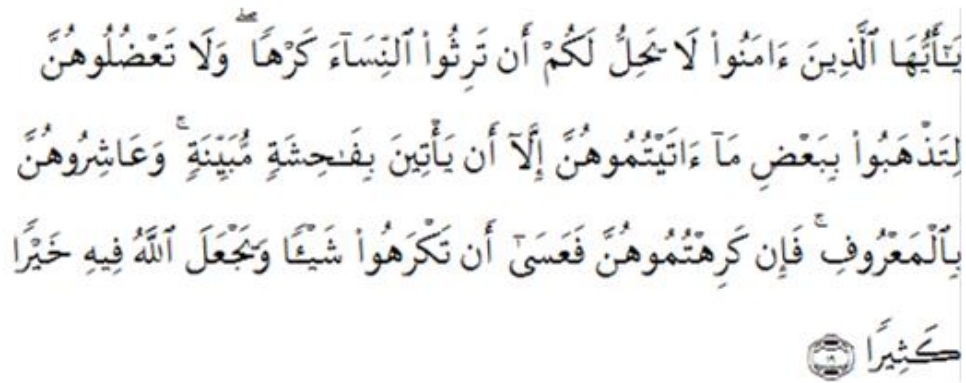


It means "And the believers, men and women, some of them (are) helpers of others. They enjoin (do) the *ta'rif*, prevent evil, perform prayers, pay zakat, and they obey Allah and His Messenger. They will be given mercy by Allah; Indeed, Allah is All-Mighty, All-Wise." The relationship between husband and wife is clear, and their duties and responsibilities cannot be equated. A husband

has the right to demand his rights, such as being well served by his wife. Conversely, a husband has an obligation to educate his wife and children, provide a decent living, and treat them with dignity.

In what could be described as a selfish attitude, most husbands abuse their responsibility as head of the family to control and restrict their wives. This is certainly inappropriate, considering that a good family

is not built solely on the imposition of one's will, but rather on trust and mutual understanding. This is clearly stated in the Qur'an, Surah An-Nisa, verse 19.



It means "O you who believe, it is not lawful for you to inherit women by force and do not cause them trouble because they want to take back some of what you have given them, unless they do truly vile work. And associate with them properly. Then if you don't like them, (then be patient) because maybe you don't like something, even though Allah has made them have a lot of goodness."

This problem could actually be mitigated if there was good communication within the family. However, in reality, in response to this behavior, many victims of domestic violence here prefer to remain silent rather than fight or argue. One factor is the husband's misunderstanding of his role and power within the family, which many abuse to coerce and prohibit their wives from doing things. Furthermore, the attitude of family and surrounding communities, which remains silent and does nothing, also contributes to the persistence of this problem. A factor contributing to domestic violence is the husband's dissatisfaction with his wife's inability to carry out her daily duties.

This silence is evidence of a lack of openness within the family, and wives often choose to remain silent to protect their family's reputation in the eyes of other family members and the community. Although neither husband nor wife disclosed the domestic violence to anyone, this doesn't mean others, especially close neighbors, don't

know about it. They often hear arguments and occasionally witness the violence themselves.

One reason a husband commits violence against his wife is because he believes she is incapable of managing, managing, and taking care of household needs. Furthermore, a wife's demanding nature can also trigger emotions that lead to domestic violence. In addition to the factors mentioned above, another common trigger for domestic violence is the presence of a third party in the family relationship. This third party can be someone who is intimately close to the victim or simply a suspicion that arises when they see their partner frequently talking to someone else.

Trust in one's partner is crucial to family life. This trust is easily broken, but all family members must maintain and trust each other for the sake of family unity and peace. In most cases of domestic violence, victims often choose to remain silent without reporting the matter to the authorities. They do this to maintain the integrity of their family. This isn't simply because they enjoy or enjoy a marriage filled with violence or suffering. They are actually tormented by the constant violence they experience. None of them want it. Wives who are victims of domestic violence perpetrated by their husbands have their own reasons for maintaining their marriage.

## 5. CONCLUSION

The results of the findings that the factorsThe causes of domestic violence in Tanjung Raya District, Mesuji Regency include:The husband's mistake in understanding the concept of marriage is that the husband has absolute ownership of his wife so he acts arbitrarily, there is a lack of openness in the family and the wife often chooses to remain silent to protect her family's reputation in the eyes of other family members and society. The husband's dissatisfaction with his wife's inability to carry out her daily duties, economic conditions that tend to be mediocre, while the wife makes many demands. The perpetrator's character is indeed quick to anger and not

very good at controlling his emotions. Lack of supervision, control, and response from local residents and close family members in responding to acts of violence. High feelings of jealousy of perpetrators towards third parties in family relationships. The suggestions in this study are: 1) That families can improve relationships and communication between all family members so that the risk of domestic violence can be reduced. 2) The community is expected to actively participate in efforts to control and protect victims of domestic violence and develop other social activities. 3) The police and local government can provide support and take firm action or sanctions in dealing with acts of domestic violence.

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