



Assessing Indonesia and Malaysia's Legal Responsiveness to Domestic Violence Victims within Islamic Law Framework

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Submitted : 16-05-2025
Revision : 01-09-2025

Accepted : 17-10-2025
Published : 24-10-2025

Abstract: This study presents a comparative analysis of Indonesia and Malaysia's legal frameworks for protecting victims of domestic violence through the lens of Islamic legal principles. It examines both substantive and procedural dimensions in light of *maqāṣid al-shari'ah*, which emphasize the preservation of life (*hifz al-nafs*), dignity (*hifz al-ird*), and family integrity (*hifz al-nasl*). Indonesia's Law No. 23 of 2004 provides broad substantive protection by recognizing various forms of violence physical, psychological, sexual, and economic and extending safeguards to domestic workers. This inclusivity aligns with the Islamic principle of 'adl (justice) and the duty to uphold human dignity, though weak coordination and limited law enforcement training hinder procedural implementation. In contrast, Malaysia's Domestic Violence Act 1994 demonstrates stronger procedural responsiveness, particularly in issuing protection orders and promoting inter-agency cooperation. While its narrower scope excludes domestic workers, it reflects *dar' al-mafāsid* (prevention of harm) through timely intervention. Malaysia's dual legal system also integrates Islamic values into judicial practice. The study concludes that Indonesia excels in substantive inclusivity, while Malaysia demonstrates procedural strength. A hybrid model combining Indonesia's normative scope with Malaysia's procedural efficiency would better fulfill the Shariah's holistic objectives of justice and protection.

Keywords: Domestic Violence, Islamic Family Law, Victim Protection, Indonesia, Malaysia.

Abstrak: Kajian ini menawarkan analisis komparatif kerangka hukum Indonesia dan Malaysia untuk melindungi korban kekerasan dalam rumah tangga, dilihat melalui perspektif normatif prinsip-prinsip hukum Islam. Analisis ini mempertimbangkan dimensi substantif dan prosedural, dengan mengacu pada tujuan hukum Islam (*maqāṣid al-shari‘ah*), yaitu pelestarian kehidupan (*hifz al-nafs*), pemeliharaan martabat (*hifz al-‘ird*), dan perlindungan integritas keluarga (*hifz al-nasl*). Di Indonesia, Undang-Undang No. 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga memberikan cakupan substantif yang luas dengan mendefinisikan berbagai bentuk kekerasan fisik, psikologis, seksual, dan ekonomi dan memperluas perlindungan kepada pekerja rumah tangga. Inklusivitas ini mencerminkan keharusan Islam akan keadilan ('adl) dan tugas untuk menegakkan martabat manusia. Namun, koordinasi kelembagaan yang lemah dan pelatihan yang terbatas untuk penegakan hukum melemahkan efektivitas prosedural. Undang-Undang Kekerasan Dalam Rumah Tangga Malaysia tahun 1994, di sisi lain, menunjukkan respons prosedural yang lebih kuat, terutama dalam mengeluarkan perintah perlindungan dan memfasilitasi kolaborasi antarlembaga. Meskipun cakupan substantifnya lebih sempit dan mengecualikan pekerja rumah tangga, mekanismenya lebih selaras dengan prinsip Islam tentang pencegahan bahaya (*dar’ al-mafāsid*). Sistem hukum ganda Malaysia, yang mengintegrasikan pengadilan Syariah dan perdata, semakin menanamkan nilai-nilai Islam ke dalam praktik peradilan. Studi ini menyimpulkan bahwa Indonesia unggul dalam inklusivitas substantif, sementara Malaysia lebih kuat dalam prosedur. Model gabungan akan memberikan perlindungan holistik yang selaras dengan tujuan Syariah.

Kata Kunci: Kekerasan dalam Rumah Tangga, Hukum Keluarga Islam, Perlindungan Korban, Indonesia, Malaysia.

Introduction

Domestic violence remains a pervasive issue across many societies, undermining the fundamental rights and dignity of victims.¹ Within Muslim-majority countries such as Indonesia and Malaysia, the problem assumes a distinctive legal and moral dimension, as responses to domestic violence² are not only governed by state legislation but also informed by the normative framework of Islamic law. The integration of Islamic legal principles into domestic violence legislation underscores the commitment of both countries to align state policies with religious values,⁴ particularly in addressing the protection of vulnerable groups within the family.

This study emphasizes that protecting victims of domestic violence is integral to achieving the higher objectives of Islamic law (*maqāṣid al-shari‘ah*), including the preservation of life, dignity, and

¹ Tateki Yoga Tursilarini et al., "Examining Child Victims of Incest in Indonesia: Between the Legal System and Family Dysfunction," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 1 (June 28, 2024): 129, <https://doi.org/10.31958/juris.v23i1.12341>.

² Rifdah Alifiyah and Isa Anshori, "Legal Protection for Children in Cases of Domestic Violence in the Indonesian Households," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (December 30, 2023): 348, <https://doi.org/10.22373/ujhk.v6i2.19153>; Andi Muhammad Akmal et al., "Legal Solutions for Domestic Violence in Unregistered Marriages in Indonesia: Integrating Maqāṣid Al-Shari‘ah," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 2 (December 31, 2024): 768, <https://doi.org/10.22373/ujhk.v7i2.25971>; Mulida Hayati and Nuraliah Ali, "Husband's Sexual Violence: Protection Rights for Wives in Terms of Islamic and Indonesian State Law," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 21, no. 1 (June 30, 2021): 65–81, <https://doi.org/10.30631/alrisalah.v21i1.662>.

³ Kateryna Buriak et al., "Empirical Analysis of Legal Regulations on Family Violence During Wartime in Ukraine: A Comprehensive Examination," *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 2 (March 16, 2024): 267–80, <https://doi.org/10.18592/sjhp.v23i2.12390>.

⁴ Aslati et al., "Utilizing Science and Maqāṣid Al-Shari‘ah in Resolving Contemporary Issues of Islamic Family Law," *Al-Manāhij: Jurnal Kajian Hukum Islam*, March 16, 2024, 17–36, <https://doi.org/10.24090/mnh.v18i1.10571>; Zaimuariffudin Shukri Nordin et al., "Integrating Islamic Law and Customary Law: Codification and Religious Identity in the Malay Buyan Community of Kapuas Hulu," *Journal of Islamic Law* 6, no. 1 (February 28, 2025): 89–111, <https://doi.org/10.24260/jil.v6i1.3410>.

family integrity. It views domestic violence not merely as a social or legal issue but as a violation of Sharia's core values of justice, compassion, and harm prevention.⁵ By comparing Indonesia and Malaysia, the study highlights how each legal system reflects these objectives within its Islamic legal framework.⁶

Existing scholarship on domestic violence in both countries has largely concentrated on descriptive analyses of national laws, institutional mechanisms, and sociocultural factors. For instance, previous studies on Indonesia often focus on Law No. 23 of 2004 on the Elimination of Domestic Violence, particularly its broad substantive coverage that recognizes multiple forms of abuse,⁷ including psychological and economic violence. Similarly, research on Malaysia has extensively discussed the Domestic Violence Act 1994, with an emphasis on procedural aspects such as protection orders and inter-agency cooperation.⁸ While these contributions provide valuable insights, they frequently treat the two countries in isolation and rarely engage in a comparative legal analysis grounded explicitly in the objectives of Islamic law.

While earlier scholarship has examined the legislative frameworks of Indonesia and Malaysia separately, much of it remains fragmented. Studies on Indonesia often highlight the breadth of Law No. 23 of 2004, which recognizes not only physical but also psychological, sexual, and economic violence, including protections for domestic workers. Meanwhile, analyses of Malaysia typically emphasize the Domestic Violence Act 1994, focusing on procedural safeguards such as interim protection orders and coordination between police, courts, and welfare departments.⁹ These studies provide valuable insights but tend to treat each jurisdiction in isolation, limiting the opportunity for a deeper understanding of how Islamic legal principles are operationalized in practice across different national contexts.

This research compares Indonesia and Malaysia through the lens of *maqāṣid al-shari‘ah*, emphasizing how the higher objectives of Islamic law preserving life (*hifz al-nafs*), dignity (*hifz al-‘ird*), and family integrity (*hifz al-nasl*) are manifested differently in each legal system. In Indonesia, these aims appear through substantive inclusivity, as the law recognizes multiple forms of abuse and extends protection to marginalized groups. Malaysia, by contrast, expresses these objectives more effectively in procedural mechanisms, ensuring quicker access to protection orders and stronger inter-agency coordination. However, Indonesia's broader scope often suffers from weak enforcement and limited institutional capacity, while Malaysia's efficiency risks excluding certain vulnerable groups due to narrower coverage.

⁵ Norazlina Abdul Aziz et al., "Harm 'Darar'in Polygamous Marriage: Analyzing The Legal Framework in Malaysia and Indonesia," *AHKAM: Jurnal Ilmu Syariah* 25, no. 1 (2025): 53–70, <https://doi.org/10.15408/ajis.v25i1.32068>; Atun Wardatun, "Knitting Reciprocity and Communalism: Counteracting the Privatization of Family in Bimanese Muslim Local Marriage of Eastern Indonesia," *Journal of Islamic Law* 5, no. 2 (August 23, 2024): 197–221, [⁶ Ahmad Bin Muhammad Husni, Zaini Nasohah, and Mohd Izhar Ariff Mohd Kashim, "Problem of Domestic Violence and Its Solutions in the Light of Maqasid Shariah," *Asian Social Science* 11, no. 22 \(2015\): 33.](https://doi.org/10.24260/jil.v5i2.2771.nika taho (good marriage</p>
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⁷ Sukendar Sukendar et al., "Women's Access To Justice: Mediation For The Victims of Domestic Violence In Central Java, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (March 31, 2023): 602, <https://doi.org/10.22373/sjhk.v7i1.9471>.

⁸ Hanafi Arief, "Domestic Violence: Comparison between Islamic Law and Domestic Violence Act," *PenaJustisia: Media Komunikasi Dan Kajian Hukum* 22, no. 1 (2023): 26–34.

⁹ Hamdan Ladiku and Akhmad Roja Badrus Zaman, "Examining Domestic Violence from The Lens of Islamic Law: A Maqasid Analysis," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 6, no. 2 (2024): 152–70.

By contrasting these approaches, the study demonstrates how differing emphases substantive versus procedural can either strengthen or constrain the realization of Islamic legal objectives. It proposes a complementary model combining Indonesia's normative inclusivity with Malaysia's procedural efficiency, offering a more comprehensive response to domestic violence. Such integration not only enriches comparative Islamic legal discourse but also provides actionable insight for policymakers and jurists. Ultimately, by grounding its analysis in *maqāṣid al-shari‘ah*, this study affirms that protecting victims of domestic violence is both a legal duty and a moral imperative within Islamic law.

This study employs a doctrinal legal research approach using secondary data sources classified into primary (statutory laws), secondary (academic works), and tertiary (legal references) materials, gathered from reputable databases such as HeinOnline, Scopus, JSTOR, and official portals like Indonesia's JDIH and Malaysia's e-Federal Gazette.¹⁰ The analysis integrates content and comparative legal methods: content analysis examines the textual and normative coherence of domestic violence laws with *maqāṣid al-shari‘ah* (objectives of Islamic law), while comparative analysis evaluates each system's substantive inclusivity, procedural responsiveness, and institutional effectiveness.¹¹ This combined framework critically assesses how Indonesia and Malaysia align their legal responses with Islamic ethical imperatives particularly the protection of human dignity (*hifz al-‘ird*) and the prevention of harm (*dar’ al-mafāsid*) offering a comprehensive understanding of how both jurisdictions embody Islamic values in addressing domestic violence.

The Concept of Responsiveness in Legal Perspective

Legal responsiveness theory underscores the capacity of law to evolve in response to changing social needs while upholding justice, especially for marginalized groups such as victims of violence. Philip Nonet and Philip Selznick distinguish between autocratic law, which is rigid and rule-centered, and responsive law, which adapts to societal contexts and prioritizes substantive justice. In addressing violence, responsive law extends beyond the binary of perpetrator and victim by considering the broader social environment, victims' vulnerabilities, and the importance of recovery and empowerment.¹² Such an approach transforms law into a dynamic instrument of justice, protection, and social transformation, rather than a mere mechanism of punishment.¹³

In the Islamic legal tradition, responsiveness is deeply rooted in ethical and spiritual foundations. Central among these is *al-‘adālah* (justice), which is a divine command guiding all legal and social relations. The Qur'an (Surah al-Nisā' 4:58) instructs believers to uphold fairness in adjudication and law enforcement, underscoring that justice is both a moral and legal imperative. Complementing justice is the principle of *rahmah* (compassion), which ensures that victims of violence are treated with empathy and dignity. Compassion demands that legal processes alleviate suffering and promote restoration rather than perpetuate harm.¹⁴

¹⁰ Terry Hutchinson, *Researching and Writing in Law* (Sydney: Thomas Lawbook Co., 2006), 16.

¹¹ Edward J. Eberle, "The Methodology of Comparative Law," *Roger Williams UL Rev.* 16 (2011): 51; Muh Hanif, "Parenting Patterns of Children and Family Functions in Social Capital Perspective," *International Journal of Social Science and Religion (IJSSR)*, June 8, 2023, 209–34, <https://doi.org/10.53639/ijssr.v4i2.178>.

¹² Qodariah Barkah et al., "Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (2022): 383–411.

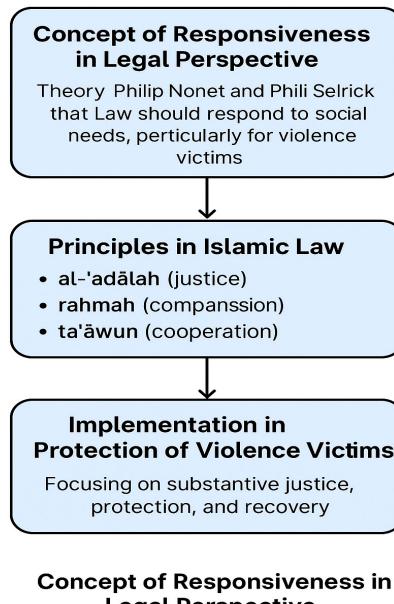
¹³ Philippe Nonet, Philip Selznick, and Robert A Kagan, *Law and Society in Transition: Toward Responsive Law* (New York: Routledge, 2017), 37.

¹⁴ Hendro Widodo et al., "Restitution as an Instrument of Justice for Victims of Domestic Sexual Violence: A Study of Positive and Islamic Law in the Contemporary Era," *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 676–99, <https://doi.org/10.32332/milrev.v4i1.10436>.

Islamic jurisprudence (fiqh) articulates several principles that strengthen legal responsiveness.¹⁵ The principle of *al-'adālah* mandates fairness and prioritizes the protection of victims. The maxim *lā ḍarara wa lā ḍirār* (no harm and no reciprocal harm) obliges the law to prevent and eliminate suffering, ensuring victims' safety and rehabilitation.¹⁶ Meanwhile, *al-hukm 'alā al-shay' far'un 'an taṣawwurihi* (a ruling depends on proper understanding of reality)¹⁷ requires accurate contextual comprehension, urging jurists to ground decisions in lived experiences and evolving societal dynamics.¹⁸

Collectively, these principles demonstrate that Islamic law is not static but inherently adaptive, balancing divine command with human welfare. Its responsiveness integrates justice, compassion, and contextual awareness, ensuring relevance in addressing modern challenges.¹⁹ Ultimately, both secular and Islamic perspectives converge on the idea that law must serve as a means of justice and protection. While general legal theory views responsiveness as adaptability to social change, Islamic law frames it as a moral and divine duty to prevent harm, uphold dignity, and promote social welfare. A truly responsive legal system, therefore, is one that harmonizes procedural adaptability with ethical purpose, ensuring that law remains humane, equitable, and transformative in protecting the vulnerable.²⁰

Chart of Legal Responsiveness and Islamic Law



The chart illustrates the connection between legal responsiveness theory, Islamic legal principles, and their application in protecting victims of violence. Drawing from Philip Nonet and

¹⁵ Faqiuddin Abdul Kodir et al., "Maqāṣid Cum-Mubādalah Methodology of KUPI: Centering Women's Experiences in Islamic Law for Gender-Just Fiqh," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 2 (January 25, 2025): 519–45, <https://doi.org/10.19105/al-ihkam.v19i2.16617>. often neglecting the lived experiences of women. This article examines innovative methodology proposed by the Indonesian Congress of Women Ulama (Kongres Ulama Perempuan Indonesia, or KUPI).

¹⁶ Wahbah Al-Zuhaili, *Uṣūl Al-Fiqh Al-Islāmī* (Damascus: Dār al-Fikr, 1986), 58.

¹⁷ Abu Zakariyya Yahya ibn Syarf Al-Nawawi, *Al-Majmū' Sharḥ Al-Muhadhab* (Beirut: Dār al-Fikr, 1977), 73.

¹⁸ Abu Hamid Muhammad al-Ghazali, *Al-Mustasfā Min 'Ilm Al-Uṣūl* (Lebanon: Dār al-Huda, 1994), 117.

¹⁹ Abdurahman Al-Suyūṭī, *Al-Asybāh Wa Al-Nazā'ir Fī Al-Furū'* (Beirut: Dār al-Fikr, n.d.), 44.

²⁰ Nonet, Selznick, and Kagan, *Law and Society in Transition: Toward Responsive Law*.

Philip Selznick, it emphasizes that law must be adaptive to social needs, particularly for vulnerable groups. Integrated with Islamic values such as *al-'adālah* (justice), *rahmah* (compassion), and *ta'āwun* (cooperation), this framework provides moral guidance for responsive lawmaking. The chart further demonstrates how these principles translate into practice through substantive justice, effective protection, and victim recovery, showing that law and Islamic ethics together uphold human dignity and promote social welfare.

Islamic Legal Framework on Domestic Violence

Domestic violence remains a critical issue across many Muslim-majority countries, with prevalence rates reflecting deep cultural and social disparities. A review of 151 studies across 11 Middle Eastern and North African nations found alarming figures physical violence reached 95.2% in Turkey and 66% in Lebanon, while sexual violence was highest in Iran (81.5%) and Turkey (74.6%).²¹ These variations highlight how patriarchal norms, family honor, and perceptions of domestic violence as a private matter hinder reporting and justice. In Pakistan, 70–90% of women face domestic abuse, yet most cases remain unreported due to stigma and weak legal protections.²² Some countries have introduced legal reforms; notably, Saudi Arabia's 2013 Protection from Abuse Law criminalized physical, psychological, and sexual violence.²³ However, persistent cultural resistance, inadequate institutional coordination, and limited public awareness continue to undermine effective enforcement.²⁴ These challenges are largely driven by factors such as legal conflict and uncertainty, systemic disarray, fragmented resources, and a lack of coordination and collaboration, highlighting that legal progress alone cannot eliminate deeply entrenched gender-based violence.²⁵

From an Islamic perspective, domestic violence contradicts the core principles of justice (*al-'adālah*), compassion (*rahmah*), and harm prevention (*dar' al-mafāsid*) that underpin family life. The Qur'an and Sunnah emphasize *mawaddah* (love), *rahmah* (compassion), and *mu'āsharah bi al-ma'rūf* (living together in kindness) as foundations of marriage, making any act of physical, sexual, psychological, or emotional harm a violation of Islamic ethics.²⁶ Beyond legal prohibition, Islam views the family as a moral and spiritual institution guided by the higher objectives of Sharia (*maqāṣid al-shari'ah*), which include preserving life (*hifz al-nafs*), protecting dignity (*hifz al-'ird*), and safeguarding family integrity (*hifz al-nasl*). Thus, domestic violence is not only a social or legal transgression but a direct breach of divine mandates that ensure justice, compassion, and the well-being of the Muslim community.²⁷ At the heart of Islamic law is the Qur'anic command to uphold justice and fairness, as stated in Surah al-Nisā' (4:58), making victim protection a divine obligation. The Prophet Muhammad (peace be upon him) reinforced this ethic, declaring that "the best of you are those who are best to their wives," positioning domestic violence as contrary to Islamic values. Classical jurists expanded

²¹ Ibrahim Olatunde Uthman, "Women and the Public Space in Muslim Majority Countries and the West," *International Journal of Islamic Thought* 22 (2022): 40–49, <https://doi.org/10.24035/ijit.22.2022.238>.

²² Claudia García-Moreno et al., *Global and Regional Estimates of Violence against Women: Prevalence and Health Effects of Intimate Partner Violence and Non-Partner Sexual Violence* (New York: World Health Organization, 2013), 20.

²³ Yasser M Kazzaz et al., "The Epidemiology of Domestic Violence in Saudi Arabia: A Systematic Review," *International Journal of Public Health* 64, no. 8 (2019): 1223–32.

²⁴ Nizla Rohaya et al., "Unraveling the Legal Labyrinth: An In-Depth Review of Domestic Violence Regulation in Indonesia," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 24, no. 1 (June 24, 2024): 77–90, <https://doi.org/10.19109/nurani.v24i1.20011>.

²⁵ Nesrine Malik, "Saudi Arabia's Domestic Violence Law Is a First Step to Changing Attitudes," *The Guardian* 30 (2013): 13.

²⁶ Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority and Women* (London: Simon and Schuster, 2014), 33.

²⁷ Abou El Fadl.

this protection through *fiqh* principles such as *lā ḍarar wa lā ḍirār* (no harm and no reciprocal harm) and *al-ḥukm ‘alā al-shay’ far‘un ‘an taṣawwurihi* (rulings based on contextual understanding), emphasizing justice, harm prevention, and social awareness.²⁸

Contemporary Islamic jurisprudence increasingly promotes gender equality and condemns domestic violence,²⁹ grounding interpretation in *maqāṣid al-shari‘ah* notably the protection of life (*hifz al-nafs*) and honor (*hifz al-ird*). Scholars like Yusuf al-Qaradawi and Zainab Alwani advocate ethical, contextual readings of the Qur'an that uphold justice, compassion, and women's dignity, a stance supported by the International Islamic Fiqh Academy, which calls for families built on mercy and respect.³⁰ In practice, Indonesia reflects these principles through inclusive recognition of various abuses and protection for domestic workers, while Malaysia focuses on procedural safeguards and inter-agency coordination.³¹ Both derive legitimacy from Sharia's ethical, victim-centered foundation.³²

Therefore, the Islamic legal framework on domestic violence emphasizes justice, compassion, and harm prevention as guiding principles. It requires not only the prohibition of violence but also proactive measures to safeguard the dignity and well-being of victims. When operationalized through statutory reforms and institutional mechanisms, these principles can provide an authentic and holistic response to domestic violence, ensuring that legal protections resonate with both religious ethics and contemporary demands for gender justice.

Legal Regulation and Protection of Victims of Domestic Violence in Indonesia

Law No. 1 of 1974 concerning Marriage serves as the fundamental legal framework governing marriage in Indonesia. The law stipulates that the primary purpose of marriage is to form a "happy and eternal family based on the Almighty God." Although the law does not explicitly regulate domestic violence, it establishes core principles such as the obligation of husband and wife to love, respect, and support each other. These provisions implicitly reject all forms of domestic violence, as violence directly contradicts the spirit of mutual respect and harmony envisioned in the marital relationship. Furthermore, Article 31 affirms the equal position of husband and wife in household life, while Article 33 underscores the principle of cooperation and partnership, which, if violated through acts of violence, disrupts the essence of family life.³³

A more explicit legal framework is provided by Law No. 23 of 2004 on the Elimination of Domestic Violence (UU PKDRT). This law was a landmark development, marking a paradigm shift from perceiving domestic violence as a "private matter" to recognizing it as a criminal act and a violation of human rights. Article 1 defines domestic violence as "any act against a person,

²⁸ Abou El Fadl.

²⁹ Ahmad Lonthor and La Jamaa, "Moluccas Local Wisdom in the Role of Marriage Arbitrator for Preventing Domestic Violence," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 15, no. 2 (December 29, 2020): 201–23, <https://doi.org/10.19105/al-lhkam.v15i2.3677>.

³⁰ Ahmed Gad Makhlof, "The Doctrinal Development of Contemporary Islamic Law: Fiqh Academies as an Institutional Framework," *Oxford Journal of Law and Religion* 10, no. 3 (2021): 464–86.

³¹ Martina Purna Nisa, "Critical Review of Domestic Violence as Reason for Divorce (Comparison of Divorce Laws in Indonesia, Malaysia and the Maldives)," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16, no. 1 (June 22, 2021): 1–26, <https://doi.org/10.19105/al-lhkam.v16i1.4292>.

³² Cybèle Cochran, "Women and the Law in Islamic Societies: Legal Responses to Domestic Violence in Saudi Arabia and Morocco," *Al-Nakhlah: The Fletcher School Online Journal on Southwest Asia and Islamic Civilization* 1 (2010): 11–43.

³³ Siti Aisyah and Lyn Parker, "Problematic Conjugations: Women's Agency, Marriage and Domestic Violence in Indonesia," in *Contestations Over Gender in Asia* (Routledge, 2017), 42–60.

especially women, which results in physical, sexual, psychological suffering, and/or neglect of the household.” The law obligates the state not only to prevent domestic violence but also to protect victims, prosecute perpetrators, and provide rehabilitation for survivors. It categorizes domestic violence into four forms: (1) physical violence, (2) psychological violence, (3) sexual violence, and (4) household neglect.³⁴

Data from the National Commission on Violence Against Women (*Komnas Perempuan*) indicates that cases of domestic violence remain alarmingly high. In 2022, for instance, *Komnas Perempuan* recorded over 289,000 cases of violence against women, with domestic violence constituting the majority of reported cases.³⁵ These statistics underscore both the persistence of the problem and the urgent need for effective enforcement of the UU PKDRT.

The judiciary, particularly the Supreme Court (*Mahkamah Agung* or *MA*) and the religious courts, plays a central role in actualizing the principles of both Islamic law and human rights in domestic violence cases. The Supreme Court has issued Supreme Court Regulation (PERMA) No. 3 of 2017 on Guidelines for Adjudicating Cases of Women in Conflict with the Law. This regulation requires judges to adopt a gender-sensitive perspective, avoid discriminatory practices, and ensure victim-centered justice. The PERMA also instructs judges to consider broader social and psychological factors affecting women in legal disputes, thereby reinforcing the state’s commitment to gender equality in judicial practice.

Religious Courts, which hold jurisdiction over family law for Muslims including divorce, inheritance, and guardianship are often the first legal institutions encountered by victims of domestic violence.³⁶ In divorce proceedings, domestic violence is recognized as valid legal grounds for dissolution of marriage. Courts may consider evidence of abuse and prioritize victim protection in their rulings, guided by the principles of justice, welfare, and the protection of human dignity. A unique feature within the Indonesian context is the *sighat ta'lik talak*, a conditional divorce pronouncement recited by the husband at the time of the marriage contract. If the husband violates these conditions such as by committing acts of violence or neglect the wife is granted the right to petition for divorce before the religious courts. This mechanism reflects the integration of Islamic legal traditions with statutory law, providing women with a practical legal avenue for protection.³⁷

Taken together, Indonesia’s family law system, reinforced by the Marriage Law, the UU PKDRT, and judicial mechanisms, provides a robust legal framework to combat domestic violence. However, the effectiveness of these protections depends heavily on consistent enforcement, gender-sensitive interpretation by courts, and broader efforts to dismantle social stigma that prevents victims from seeking justice.³⁸

³⁴ Vivi Ariyanti, “Legal Protection for Victims of Sexual Violence in Indonesia in the Perspectives of Victimology and Fiqh Jinayah,” *El-Aqwal: Journal of Sharia and Comparative Law* 2, no. 2 (August 2023): 121–34, <https://doi.org/10.24090/el-aqwal.v2i2.9411>.

³⁵ Komnas Perempuan, “Catatan Tahunan Kekerasan Terhadap Perempuan,” *Komisi Nasional Anti Kekerasan Terhadap Perempuan* (Jakarta, 2023), 8.

³⁶ Nasruddin Yusuf, Nur Azizah, and Faradila Hasan, “Feminism Analysis of Judges’ Considerations for Post-Divorce Domestic Violence Victims in Medan and Banda Aceh Religious Courts,” *Al-'Adalah* 20, no. 2 (December 26, 2023): 283, <https://doi.org/10.24042/alah.v20i2.16177>.which then encourages the wife to sue her husband for divorce through the courts. In this case, the Compilation of Islamic Law (KHI)

³⁷ Hasanudin Hasanudin et al., “Phenomena of Domestic Violence Against Women and Divorce in 2020-2022 in Indonesia: An Islamic Perspective,” *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023): 137–52, <https://doi.org/10.24090/mnh.v17i2.7686>.

³⁸ Mutiara Mutiara and Syofiyati Lubis, “Implementation of Law No. 23 of 2004 on the Elimination of Domestic Violence Domestic Violence (PKDRT) in the Province of North Sumatra,” *Journal of Law, Politic and Humanities* 4, no. 3 (March 2024): 221–26, <https://doi.org/10.38035/jlph.v4i3.333>.

Legal Regulation and Protection of Victims of Domestic Violence in Malaysia

The Islamic Family Law (Federal Territories) Act 1984 (IFLA 1984) governs Muslim family law in Malaysia, covering marriage, divorce, maintenance, custody, and inheritance. Section 23, allowing polygamy with Syariah Court approval, remains contentious. Critics view it as perpetuating gender inequality and potential injustice, while supporters argue it aligns with Islamic law under strict ethical limits. The Syariah Court must assess whether polygamy is “just and necessary,” considering financial, emotional, and social impacts. Despite these safeguards, women’s groups like Sisters in Islam (SIS) contend the provision still disadvantages women and risks promoting marital conflict and instability.³⁹

In response to growing concerns about domestic violence, Malaysia enacted the Domestic Violence Act 1994 (DVA 1994), a landmark piece of federal legislation aimed at protecting victims from various forms of abuse, including physical, emotional, psychological, sexual, and economic violence. The Act introduced legal remedies such as Interim Protection Orders (IPO) and Protection Orders (PO), which allow victims to obtain immediate court protection against perpetrators. The law was later amended in 2012 and 2017 to broaden the definition of domestic violence, criminalize psychological abuse more explicitly, and strengthen enforcement measures, such as enabling the police to issue emergency protection orders.⁴⁰

Despite these advances, implementation challenges persist. Low levels of public awareness, cultural stigma, and reluctance to report cases continue to impede the law’s effectiveness. According to the Royal Malaysia Police (PDRM), reports of domestic violence cases increased by nearly 50% during the COVID-19 lockdowns, with over 9,000 cases recorded between 2020 and 2021. The Women’s Aid Organisation (WAO) also reported that 1 in 3 women in Malaysia has experienced some form of domestic violence in her lifetime. These statistics highlight the urgent need for more robust public education campaigns, victim support mechanisms, and improved coordination among enforcement agencies.⁴¹

Malaysia’s dual legal system comprises secular law, which is primarily based on the English common law tradition, and Syariah law, which operates in parallel and applies exclusively to Muslims. This structure creates both opportunities and challenges in addressing domestic violence. The Syariah Courts hold jurisdiction over family law matters involving Muslims, including marriage, divorce, maintenance, child custody, and certain moral offenses such as adultery (*zina*) or alcohol consumption. Although the Domestic Violence Act is a civil statute, Muslim victims of domestic violence often face overlapping jurisdictions, particularly when their cases involve divorce, maintenance, or child custody that fall under the authority of the Syariah Courts.⁴²

³⁹ Abdussalam Muhammad Shukri and Musa Yusuf Owoyemi, “Sisters in Islam’s Quest for the Reinterpretation of the Qur’an and Hadith: An Analysis of Their Views on Equality, Women Judges, and Polygamy,” *Kajian Malaysia* 32, no. 1 (2014): 55–80.

⁴⁰ Margie Gladies Sopacula, Iqbal Taufik, and Serhii Ablamski, “Comparative Legal Analysis of the Resolution of Physical Violence Crimes Against Women in Indonesia and Malaysia,” *Law Reform: Jurnal Pembaharuan Hukum* 21, no. 2 (2025): 241–65, <https://doi.org/10.14710/lr.v21i2.65211>.

⁴¹ Yuhani Ahmad and Salmi Razali, “Self-Reported Exposure to Domestic Violence and Family Dynamics During the Pandemic of Covid-19 in Malaysia,” *Malaysian Journal of Medicine and Health Sciences* 21, no. 3 (2025): 241–48, <https://doi.org/10.47836/mjmhs.21.3.28>.

⁴² Victoria Perrie, “Addressing Gender-Based Violence against Women in Malaysia: Impact of CEDAW’s Concluding Observations,” *Corridors of Knowledge for Peace and Development* (Sustainable Development Policy Institute, August 2020).

The establishment of the Department of Syariah Judiciary Malaysia (*Jabatan Kehakiman Syariah Malaysia*, JKSM) in 1998 was intended to harmonize and enhance the efficiency of the Syariah Court system nationwide.⁴³ Among its initiatives are Practice Guidelines designed to standardize judicial administration and improve governance. While not legally binding, these guidelines provide valuable references for judges and practitioners. Nevertheless, challenges remain, particularly in evidentiary procedures: many victims struggle to substantiate claims of violence due to the restrictive evidentiary rules often applied in Syariah courts, which may not adequately account for psychological or emotional abuse. This gap underscores the urgency of reforming evidentiary standards to ensure fairness and comprehensive protection for victims.⁴⁴

Addressing domestic violence in Malaysia requires multi-sectoral collaboration between the courts, social institutions, and civil society organizations. NGOs such as the Women's Aid Organisation (WAO), Sisters in Islam (SIS), and All Women's Action Society (AWAM) play critical roles in advocacy, legal assistance, and victim support. Shelters such as Rumah Puteri provide immediate protection and rehabilitation services, while integrating psychological counseling and, in some cases, Islamic spiritual guidance to help victims recover holistically. This dual approach combining legal protection with psychosocial and spiritual support reflects a growing recognition that effective responses to domestic violence must address both material and emotional dimensions.⁴⁵

Moreover, Malaysia's Ministry of Women, Family, and Community Development has introduced programs such as the Talian Kasih hotline (15999), a 24-hour crisis line for reporting domestic violence, child abuse, and other family issues. Between 2020 and 2022, calls to Talian Kasih surged, indicating both rising awareness and the scale of the problem. Still, critics point out that without sustained institutional reform and stronger enforcement, many victims remain trapped in cycles of abuse despite the existence of protective laws.⁴⁶

Malaysia's legal framework anchored by the IFLA 1984 and DVA 1994 provides a structured but imperfect system for addressing domestic violence. While legislative reforms and institutional innovations mark significant progress, cultural barriers, jurisdictional overlaps, and evidentiary limitations hinder full protection of victims.⁴⁷ Ensuring true legal responsiveness requires not only statutory reform but also deeper collaboration between Syariah courts, civil courts, state institutions, and civil society organizations. By integrating legal, psychological, and religious dimensions, Malaysia can move toward a more holistic and victim-centered framework for combating domestic violence.

Comparative Analysis of Legal Responsiveness in Indonesia and Malaysia

A comparative examination of Indonesia and Malaysia reveals significant differences in the regulatory, institutional, and socio-legal approaches to protecting victims of domestic violence. While both countries have established formal legal frameworks aimed at curbing domestic violence,

⁴³ Kikue Hamayotsu, "The Political Origins of Islamic Courts in Divided Societies: The Case of Malaysia," in *Journal of Law and Religion*, vol. 33, 2018, 248–70, <https://doi.org/10.1017/jlr.2018.24>.

⁴⁴ Manique Cooray, Siti Zaharah Jamaluddin, and Zulazhar Tahir, "Violence and Sexual Offences against Children in Malaysia: Searching for the Right Approach," *International Journal of Business and Society* 21, no. S1 (2020): 152–64.

⁴⁵ Mohd Safri Mohammed Na'aim, Ramalinggam Rajamanickam, and Rohaida Nordin, "Intimate Partner Violence within the Framework of Malaysian Laws," *UUM Journal of Legal Studies* 13, no. 1 (2022): 131–54.

⁴⁶ Ahmad and Razali, "Self-Reported Exposure to Domestic Violence and Family Dynamics During the Pandemic of Covid-19 in Malaysia."

⁴⁷ Na'aim, Rajamanickam, and Nordin, "Intimate Partner Violence within the Framework of Malaysian Laws."

the scope, effectiveness, and cultural resonance of these frameworks vary, shaped by each country's legal traditions, institutional capacities, and socio-cultural contexts.

Regulatory Approach

The regulatory framework highlights the central role of legislation in providing legal protection to victims. In Indonesia, Law No. 23 of 2004 on the Elimination of Domestic Violence (UU PKDRT) serves as the primary legal instrument. The law explicitly defines domestic violence in broad terms, covering physical, psychological, sexual abuse, and neglect, while also granting victims the right to seek temporary and permanent protection orders. However, a notable weakness lies in the enforcement gap: while protection orders may be issued, there is often limited sanctioning power when perpetrators violate them. This gap reduces the deterrent effect of the law and undermines victim safety.⁴⁸

Malaysia, on the other hand, enacted the Domestic Violence Act 1994 (DVA 1994, Act 521), which was later amended in 2012 and 2017 to expand the definitions of abuse and strengthen enforcement. Unlike Indonesia, Malaysia's legislation provides clearer procedural mechanisms and criminal sanctions for violations of protection orders, offering victims more immediate safeguards. However, the scope of protection is narrower. For example, unlike Indonesia, the Act does not extend to domestic workers, leaving a vulnerable group without adequate legal coverage. This contrast demonstrates that while Indonesia excels in normative inclusivity, Malaysia's framework is stronger in procedural clarity and enforcement capacity.⁴⁹

Institutional Approach

Institutional responsiveness is crucial for translating legal norms into practice. In Indonesia, institutions such as the Police, Prosecutor's Office, and Courts play central roles in the criminal justice process. Nevertheless, inter-institutional coordination remains a persistent challenge, often leading to delays or fragmented responses. Additional bodies such as the National Commission on Violence against Women (*Komnas Perempuan*) and the Witness and Victim Protection Agency (LPSK) provide vital advocacy, monitoring, and victim assistance services, filling gaps left by the justice system.

Malaysia similarly relies on multiple institutions, but its approach is characterized by more formalized government-led support systems. The Ministry of Women, Family, and Community Development (KPWKM) and the Department of Social Welfare (*Jabatan Kebajikan Masyarakat*, JKM) are particularly active in providing shelter, counseling, and rehabilitation services. While these structures reflect a more centralized response, challenges persist in ensuring effective coordination between the Syariah courts, civil courts, and social service agencies. The comparison suggests that in both countries, institutional synergy and consistent commitment to gender-sensitive enforcement are key determinants of effective protection.

⁴⁸ Hasanudin et al., "Phenomena of Domestic Violence Against Women and Divorce in 2020-2022 in Indonesia: An Islamic Perspective."

⁴⁹ Sopacula, Taufik, and Ablamski, "Comparative Legal Analysis of the Resolution of Physical Violence Crimes Against Women in Indonesia and Malaysia."

Socio-Legal Approach

The socio-legal dimension underscores how cultural norms and societal attitudes influence the application and effectiveness of legal protections. In Indonesia, deeply entrenched patriarchal values and social stigma often discourage victims from reporting cases, with many women fearing social shame, retaliation, or economic insecurity if they pursue legal remedies. Although government initiatives and NGO-led awareness campaigns have increased public recognition of domestic violence as a human rights issue, resistance remains strong in communities where domestic violence is normalized or viewed as a private family matter.⁵⁰

Malaysia has made progress in raising awareness, with advocacy from NGOs such as Women's Aid Organisation (WAO) and Sisters in Islam (SIS), as well as government campaigns. Nonetheless, socio-cultural barriers persist, including reluctance among victims to report abuse due to fear of dishonoring the family or damaging community reputation. This demonstrates that legal reform alone is insufficient; sustained cultural transformation and community-level engagement are needed to break cycles of silence and stigma.⁵¹

Synthesis

Indonesia and Malaysia each demonstrate strengths and weaknesses in their approaches to domestic violence. Indonesia's legal framework provides broad substantive recognition of victim rights, but suffers from weak procedural enforcement and coordination gaps. Malaysia, by contrast, offers stronger procedural mechanisms and institutional support, but its narrower legal coverage and persistent socio-cultural barriers limit its inclusivity. These findings suggest that an ideal model of legal responsiveness would integrate Indonesia's normative breadth with Malaysia's procedural efficiency, coupled with long-term strategies for cultural change. Such a synthesis would more fully realize the principles of both legal responsiveness theory and *maqāṣid al-shari'ah*, ensuring justice, dignity, and comprehensive protection for victims of domestic violence.

Table 1

Comparative Approaches to Protecting Victims of Domestic Violence in Indonesia and Malaysia

Approach	Indonesia	Malaysia
Regulatory	Law No. 23 of 2004 (UU PKDRT) broadly defines domestic violence, covering physical, psychological, sexual, and neglect forms, including domestic workers, but faces weak enforcement and sanction gaps.	Domestic Violence Act 1994 (Act 521). Establishes protection orders (Interim Protection Order and Protection Order) and sanctions for violations. Scope is narrower, excluding domestic workers from protection.

⁵⁰ Dina Afrianti, "Agents for Change: Local Women's Organizations and Domestic Violence in Indonesia," *Journal of the Humanities and Social Sciences of Southeast Asia and Oceania* 174, no. 1 (2018): 24–46.

⁵¹ Perrie, "Addressing Gender-Based Violence against Women in Malaysia: Impact of CEDAW's Concluding Observations."

Institutional	Institutions: include National Police, Prosecutors, Courts, LPSK, and Komnas Perempuan, offering victim support and advocacy, yet inconsistent inter-agency coordination hampers effectiveness and institutional efficiency.	Institutions: include Royal Police, JKM, Women's Ministry, and Syariah-Civil Courts; integration is stronger, though overlapping jurisdictions occasionally hinder consistent victim protection.
Socio-Legal	Patriarchal norms, stigma, and fear of retaliation suppress reporting; NGOs raise awareness, yet entrenched social attitudes continue hindering progress across many communities.	Cultural barriers tied to family honor persist, but growing public discourse, government campaigns, and NGO advocacy gradually foster greater awareness and cultural change.
Outcomes/Effectiveness	Komnas Perempuan (2022) recorded over 289,000 violence report over 9,000 domestic cases, mostly domestic; low violence cases (2020–2021); interim reporting and prosecution persist, protection orders improved, with many victims lacking effective legal remedies and rehabilitation access.	Royal Malaysia Police and NGOs recorded over 9,000 domestic cases (2020–2021); protection orders improved, yet underreporting and victim hesitation persist.

Table 1 compares Indonesia and Malaysia in protecting domestic violence victims across regulatory, institutional, and socio-legal dimensions. Indonesia offers broader substantive protection by recognizing multiple forms of violence and including domestic workers but struggles with weak enforcement and poor coordination. Malaysia provides narrower coverage yet ensures stronger procedural clarity and stricter sanctions. Institutionally, Indonesia involves multiple agencies like Komnas Perempuan and LPSK, while Malaysia's system is more centralized and coordinated despite jurisdictional overlaps. Culturally, both face barriers, though Malaysia's discourse is more open. Overall, Indonesia excels in inclusivity, whereas Malaysia shows greater procedural effectiveness.

Table 2

Strengths and Weaknesses of Legal Responses in Indonesia and Malaysia to Substantive and Procedural Protection for Victims of Domestic Violence

Protection Aspect	Country	Strengths	Weaknesses
Substantive Protection	Indonesia	<ul style="list-style-type: none"> Broad scope of protection, covering not only spouses but also household members, including domestic workers. Explicit recognition of multiple forms of violence: physical, psychological, sexual, and economic abuse. 	<ul style="list-style-type: none"> Weak enforcement of protection orders; perpetrators who violate them often face limited or delayed sanctions. Implementation is inconsistent across regions due to varying institutional capacity.

Malaysia	<ul style="list-style-type: none"> • Clear and detailed regulation of protection orders (Interim Protection Orders and Protection Orders). • Strong and enforceable legal sanctions for violations of protection orders. 	<ul style="list-style-type: none"> • Narrower scope of protection, excluding domestic workers and some non-spousal relationships. • Domestic violence is sometimes treated as a private matter, reducing reporting and enforcement.
Procedural Indonesia Protection	<ul style="list-style-type: none"> • Victims can lodge complaints at multiple entry points, including the Police, <i>Komnas Perempuan</i>, and LPSK. • Guaranteed access to free legal aid for victims. 	<ul style="list-style-type: none"> • Coordination between police, prosecutors, courts, and support institutions remains weak. • Victims often face delays and secondary victimization in the judicial process.
Malaysia	<ul style="list-style-type: none"> • Institutional coordination among police, courts, and welfare agencies is relatively efficient. • Courts are empowered to issue expedited protection orders, ensuring swifter responses. 	<ul style="list-style-type: none"> • Evidentiary standards in Syariah Courts can make it difficult for victims to prove psychological or emotional abuse. • Limited shelters and support services in rural areas hinder accessibility.

Table 2 compares the strengths and weaknesses of Indonesia's and Malaysia's legal responses to domestic violence in substantive and procedural aspects. Indonesia's law is more inclusive, covering various types of violence and protecting domestic workers, yet faces weak enforcement and uneven implementation. Malaysia offers clearer legal remedies and stricter sanctions but excludes some vulnerable groups. Procedurally, Indonesia provides multi-institutional access and free legal aid, though coordination remains weak. Malaysia ensures faster protection orders and stronger coordination but struggles with Syariah evidentiary limits and rural access. Both systems show complementary strengths but share challenges in achieving full protection.

Comparative Review of Domestic Violence Regulations in Indonesia and Malaysia

A comparative review of domestic violence laws in Indonesia and Malaysia reveals shared goals but differing emphases. Indonesia's Law No. 23 of 2004 (UU PKDRT) offers broad substantive protection by recognizing physical, psychological, sexual, and economic violence and including domestic workers, reflecting the Islamic value of 'adl (justice). However, weak enforcement and limited institutional coordination hinder its effectiveness. Malaysia's Domestic Violence Act 1994 (Act 521) ensures stronger procedural responsiveness through swift protection orders and inter-agency coordination, supported by the Penal Code (Act 574), which classifies "hurt" (Section 319) and "grievous hurt" (Section 320) to ensure accountability. While Malaysia's scope is narrower, its

integration of domestic and criminal law strengthens enforcement, complementing Indonesia's normative inclusivity in advancing victim protection.⁵²

Table 3
Domestic Violence Regulatory Similarities in Indonesia and Malaysia

No	Equality	Indonesia – Law No. 23 of 2004 on the Elimination of Domestic Violence (UU PKDRT)	Malaysia – Domestic Violence Act 1994 (Act 521) & Penal Code (Act 574)
1	Physical Abuse	Defines physical violence as a punishable crime causing pain or harm, ensuring protection of health and bodily integrity while reinforcing prevention, enforcement, and perpetrator accountability.	Defines physical abuse as acts causing injury or suffering, ensuring accountability, prevention, and prosecution while promoting public awareness of bodily integrity.
2	Victim	Defines victims as individuals facing domestic physical, sexual, psychological, or emotional violence, ensuring protection, recovery support, and sanctions for perpetrators.	Defines victims as individuals facing violence in domestic relationships, ensuring protection, fair legal process, and sanctions for perpetrators.
3	Psychological Violence	Recognizes psychological violence causing fear or mental suffering, criminalizing such acts to safeguard dignity and mental well-being within families.	Amendments to Act 521 (2012, 2017) recognize psychological abuse intimidation, emotional harm, control and empower courts to issue protection orders and remedies.
4	Sexual Violence	Covers marital rape and coerced sexual acts, ensuring victims' protection and affirming dignity and bodily autonomy in domestic relations.	Act 521 criminalizes domestic sexual abuse, including marital rape, affirming spousal consent rights and enabling protection orders and criminal prosecution.
5	Neglect/ Economic Violence	Defines neglect as failing to meet basic family needs and economic violence as restricting financial access; both are prosecutable offenses.	Recognizes economic violence such as restricting financial access; courts may mandate maintenance or protection orders to prevent further household abuse.
6	Legal Remedies / Protection Orders	Provides temporary and permanent protection orders, multi-agency support, and free legal aid, though enforcement and monitoring remain weak.	Provides Interim and Protection Orders with strict sanctions and agency coordination, ensuring enforcement though rural access remains limited.

⁵² Adibah Bahori et al., "Evidence and Prosecution of Out-of-Wedlock Pregnancies: A Legal Perspective of Syariah Criminal Offences in Malaysia," *UUM Journal of Legal Studies (UUMJLS)* 14, no. 1 (2023): 1-30.

The comparison in table 3 shows that both Indonesia and Malaysia share common regulatory foundations in recognizing physical, psychological, sexual, and economic violence, while also providing mechanisms for victim protection. Indonesia demonstrates broader substantive inclusivity, extending protection to domestic workers and explicitly defining multiple forms of abuse. Malaysia, however, excels in procedural enforcement, offering expedited protection orders, stricter sanctions for violations, and stronger institutional coordination. Together, these approaches highlight complementary strengths that, if synthesized, could form a more comprehensive model of legal protection for victims of domestic violence.

As shown in Table 3, when examining physical violence and the classification of victims, both the Indonesian Law No. 23 of 2004 on the Elimination of Domestic Violence (UU PKDRT) and Malaysia's Domestic Violence Act 1994 (Act 521), supported by the Penal Code (Act 574), share two important substantive similarities. These similarities can be identified in the conceptualization of physical violence and in the definition and classification of victims.

a) The Concept of Physical Violence

Both Indonesia and Malaysia recognize physical violence as an act within the domestic sphere that causes physical suffering or harm. The Indonesian Domestic Violence Act defines physical violence as conduct resulting in pain, illness, or serious injury to the victim. Similarly, in Malaysian law, Sections 319 and 320 of the Penal Code distinguish between "hurt" and "grievous hurt," thereby categorizing the severity of physical injuries. The concept encompasses both intentional and negligent acts, such as beatings, burnings, and other forms of bodily assault, including threats of physical violence.⁵³

This convergence in definition demonstrates the shared legal awareness in both countries that domestic violence cannot be regarded as a private matter but must be addressed as a criminal act. By explicitly defining physical violence, the laws of both jurisdictions aim to provide a firm normative basis for victim protection, ensure accountability for perpetrators, and strengthen preventive as well as repressive measures within law enforcement.

Table 4
The Concept of Physical Violence

No	Conceptual Dimension	Indicators
1	Nature of the Act	<ul style="list-style-type: none"> • Direct actions against the body (e.g., hitting, kicking) • Use of objects or instruments as means of violence
2	Consequences of the Act	<ul style="list-style-type: none"> • Mild or severe pain • Physical injuries or wounds • Necessity of medical treatment

⁵³ Sopacula, Taufik, and Abłamski, "Comparative Legal Analysis of the Resolution of Physical Violence Crimes Against Women in Indonesia and Malaysia."

3	Form of Conduct	<ul style="list-style-type: none"> • Intentional violence • Violence due to negligence • Threats of physical violence
4	Legal Basis	<ul style="list-style-type: none"> • Article 6 of Law No. 23 of 2004 (Indonesia) • Sections 319 and 320 of the Malaysian Penal Code

Table 4 illustrates that both Indonesia and Malaysia adopt a comprehensive understanding of physical violence, encompassing direct bodily harm, the use of instruments, intentional and negligent acts, and threats. By grounding these provisions in their respective legal frameworks, both jurisdictions affirm the importance of safeguarding bodily integrity and ensuring that perpetrators are held accountable for acts that compromise the health and safety of victims within the household.

b) Classification of Victims

Both Indonesia's UU PKDRT and Malaysia's Domestic Violence Act 1994 adopt an inclusive definition of victims, extending beyond the spousal relationship to include other family members residing in the household or those economically or psychologically dependent on the perpetrator. This inclusivity acknowledges the complex structure of modern households and ensures that vulnerable groups such as children, elderly parents, or domestic workers are not excluded from legal protection.

Victims are defined broadly as individuals subjected to physical, psychological, or sexual violence within the domestic setting. This includes married couples, children (biological, adopted, or stepchildren), parents or in-laws, and other household members connected through familial or intimate relationships. The law in both countries ensures that victims have access to reporting mechanisms, legal protection, and avenues for justice and recovery.⁵⁴

Table 5
Classification of Victims

No	Conceptual Dimension	Indicators
1	Family Relationship	<ul style="list-style-type: none"> • Married couples • Children (biological, step, or adopted) • Parents or in-laws • Domestic workers
2	Living Arrangement	<ul style="list-style-type: none"> • Residing in the same household • Economically or psychologically dependent
3	Legal Status of Victim	<ul style="list-style-type: none"> • Recognized under the PKDRT Law (Indonesia) and Act 521 (Malaysia)
4	Legal Protection	<ul style="list-style-type: none"> • Access to reporting and protection mechanisms • Rights to justice, safety, and recovery

⁵⁴ Bahori et al., "Evidence and Prosecution of Out-of-Wedlock Pregnancies: A Legal Perspective of Syariah Criminal Offences in Malaysia."

Table 5 demonstrates that the definition of victims under Indonesian and Malaysian law is broad and inclusive, extending protection not only to spouses and children but also to parents, in-laws, domestic workers, and other dependent household members. This expansive classification underscores the commitment of both legal systems to provide comprehensive protection, reflecting sensitivity to the diversity of family structures and the vulnerabilities of individuals within the domestic sphere.

Table 6
Differences in the Regulation of Domestic Violence in Indonesia and Malaysia

No	Difference	Indonesia – Law No. 23 of 2004 on the Elimination of Domestic Violence (PKDRT)	Malaysia – Domestic Violence Act 1994 (Act 521) & Penal Code (Act 574)
1	Physical Violence Regulation	Article 6 of the PKDRT defines physical violence as acts causing pain or injury, forming the legal basis for criminalizing domestic abuse and protecting bodily integrity.	Section 2 of the Domestic Violence Act 1994 defines physical violence as intentional harm or threats; Penal Code Sections 319–320 distinguish “hurt” and “grievous hurt” for accountability.
2	Severe Injury Regulation	PKDRT omits detailed injury classifications; KUHP Article 90 defines persecution as causing pain or injury, with PKDRT focusing on victim protection and KUHP detailing sanctions.	Section 320 of the Penal Code defines grievous harm such as stabbing or assault and imposes strict penalties, integrating punishment with victim protection.
3	Psychological / Emotional Violence Regulation	Article 7 of the PKDRT defines psychological violence as actions causing fear or mental suffering, recognizing intimidation and humiliation as punishable domestic abuse.	Amendments to Act 521 (2012, 2017) recognize psychological abuse intimidation, emotional harm, control though enforcement remains difficult under Syariah evidentiary limits on emotional harm.

Table 6 shows that Indonesia and Malaysia both regulate domestic violence comprehensively but with different emphases. Indonesia's PKDRT offers broad definitions of physical and psychological violence, ensuring inclusivity but depending on the Criminal Code for detailed sanctions. Malaysia's Act 521, integrated with Penal Code Sections 319 and 320, provides clearer classifications and stricter penalties. Both recognize psychological violence, marking progress toward holistic protection, though Malaysia faces evidentiary challenges. Overall, Indonesia emphasizes normative inclusivity, while Malaysia prioritizes procedural precision, demonstrating complementary strengths in advancing domestic violence protection.

The doctrines of *dar' al-mafāsid* (prevention of harm) and *maqāṣid al-shari'ah* (objectives of Islamic law) provide complementary frameworks for assessing Indonesia's and Malaysia's legal responses to

domestic violence. Malaysia's Domestic Violence Act 1994 aligns closely with *dar' al-mafāsid* through its emphasis on swift judicial action and inter-agency coordination; the issuance of Interim and Protection Orders effectively prevents further harm, reflecting Islam's priority on protecting life and safety.⁵⁵ Indonesia, while substantively inclusive, faces enforcement and coordination challenges that leave victims vulnerable. From the *maqāṣid* perspective, Indonesia's Law No. 23 of 2004 better fulfills the objectives of preserving life (*hifz al-nafs*), protecting dignity (*hifz al-'ird*), and safeguarding family (*hifz al-nasl*) by recognizing multiple forms of violence and protecting marginalized groups such as domestic workers.⁵⁶ Conversely, Malaysia's narrower substantive scope limits inclusivity. Together, these findings suggest that Indonesia excels normatively under *maqāṣid al-shari'ah*, while Malaysia demonstrates superior procedural responsiveness under *dar' al-mafāsid*; integrating both would ensure holistic justice and harm prevention.

Conclusion

The comparison of Indonesia's and Malaysia's domestic violence laws reveals complementary strengths and weaknesses in victim protection. Indonesia's Law No. 23 of 2004 (UU PKDRT) provides broad substantive coverage by recognizing various forms of abuse physical, psychological, sexual, and economic and extending protection to domestic workers, reflecting the Islamic principle of '*adl* (justice) and a strong commitment to safeguarding vulnerable groups. However, weak inter-agency coordination, poor enforcement, and limited gender-sensitive training hinder its implementation. In contrast, Malaysia's Domestic Violence Act 1994 (Act 521) demonstrates stronger procedural responsiveness through expedited protection orders and coordinated institutional mechanisms, aligning with *dar' al-mafāsid* (prevention of harm). Its integration of civil and Syariah courts further embeds Islamic values, though its narrower definition of victims and limited recognition of non-physical violence create substantive gaps. From the perspective of *maqāṣid al-shari'ah*, Indonesia excels in normative inclusivity, while Malaysia leads in procedural efficiency highlighting that a hybrid model combining both would most effectively fulfill Shariah's objectives of preserving life, dignity, and family integrity.

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⁵⁵ Arief, "Domestic Violence: Comparison between Islamic Law and Domestic Violence Act."

⁵⁶ Bani Syarif Maula and Vivi Ariyanti, "Justice Negotiations for Women: Divorce Cases Due to Domestic Violence in Religious Courts," *Jurnal Hukum Islam* 20, no. 1 (June 2022): 155–80, <https://doi.org/10.28918/jhi.v20i1.6024>.

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