

Article Title

Application of the Principle of Lex Specialis Derogat Legi Generali in Cases of Domestic Violence with Unofficial Marriage Status

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ABSTRACT

*This study aims to analyze the application of the principle *lex specialis derogat legi generali* through Law Number 23 of 2004 in cases of domestic violence with unofficial marriage status. This study uses a normative legal research method. The collected legal material is then qualitatively analyzed to describe the problem and answer the study objectives. The results show that Law Number 23 of 2004 effectively applies in cases of domestic violence with unofficial marriage status. An unofficial marriage, even though not registered at the Religious Affairs Office, receives recognition and legal protection under Islamic law provisions. Furthermore, the *lex specialis derogat legi generali* principle ensures that Law Number 23 of 2004 supersedes the Penal Code in handling domestic violence cases. The Gorontalo District Court Decision Number 323/Pid.Sus/2016/PN Gto has also reinforced this validity, which applied Law Number 23 of 2004 in a case of domestic violence with unofficial marriage status. Conversely, applying the Penal Code in cases of domestic violence with unofficial marriage status would contradict the principle of *lex specialis derogat legi generali*. Therefore, it is recommended that the Police increase awareness and training on the importance of recognizing unofficial marriage status according to Islamic law in the context of applying Law Number 23 of 2004. For the Public Prosecutor, there needs to be a consistent approach in applying Law Number 23 of 2004 as the foundation for prosecution, ensuring that Law Number 23 of 2004 is prioritized over the Penal Code. Meanwhile, for Judges, it is crucial to continue strengthening jurisprudence that supports the supremacy of Law Number 23 of 2004 in cases of domestic violence with unofficial marriage status, as established in the Gorontalo District Court Decision. It will enhance justice and legal protection for victims in future cases of domestic violence.*

Keywords: Domestic Violence; Lex Specialis Derogat Legi Generali; Unofficial Marriage.

INTRODUCTION

Law Number 1 of 1974 explained that the purpose of marriage is to form a happy and lasting family (Abubakar & Handayani, 2022). Marriage, as defined in Article 1 of Law Number 1 of 1974, is a spiritual and physical bond between a man and a woman as husband and wife that aims to form a happy and lasting family in accordance with the belief in God Almighty. Article 2 section (1) of Law Number 1 of 1974 regulates that a marriage is recognised as valid if it is performed in accordance with the rules of religion and belief of each individual. Furthermore, Article 2 section (1) of Law Number 1 of 1974 regulates that every marriage must be recorded in accordance with applicable regulations.

According to Article 5 section (1) of the Compilation of Islamic Law, the process of marriage registration is necessary to ensure the orderliness of marriage for the Islamic community. Article 5 section (2) of the Compilation of Islamic Law, it regulated that the registration of marriage as described in section (1), shall be carried out by a Marriage Registration Officer, in accordance with the provisions contained in Law Number 22 of 1946 juncto Law Number 32 of 1954. With the implementation of regulations requiring the registration of marriages under the Act, the term “siri marriage” came to refer to marriages that were conducted without an official registration process. The legal issues associated with illegal or secret marriages can

be problematic (Mangarengi & Hamzah, 2021), including in terms of the protection provided by the state to married couples when there is conflict within the marriage (Rimi, 2023), such as cases of domestic violence.

Siri marriages that are recognised religiously are considered valid, but can actually cause problems and losses for one of the parties, namely the woman. One example of this situation is when a husband commits domestic violence against his wife who married him siri, then the siri wife will not get legal protection in accordance with what is regulated in [Law Number 23 of 2004](#). Many different types of domestic violence offences, which often occur and are experienced by women and men who are victims of domestic violence. Meanwhile, considerations for promulgation of [Law Number 23 of 2004](#) states that every person has the right to be free from all forms of domestic violence. Based on Article 5 of [Law Number 23 of 2004](#), regulates that everyone is prohibited from committing acts of domestic violence, which include: bodily violence, emotional violence, sexual violence, and neglect of the family (Idris et al., 2023). Intentional acts of domestic violence can be charged with a maximum prison sentence of 5 years or a maximum fine of 15 million rupiah. In addition, victims are also entitled to protection, recovery, and compensation for the acts of violence they experience. If there are parties who violate this law, they can be subject to sanctions based on applicable provisions.

According to [Law Number 23 of 2004](#), physical violence refers to violence that directly affects a person's physique, such as beatings or acts of murder. People who are victims of physical violence often also experience mental violence before and after the incident. Physical violence can range from acts such as punches, kicks, and slams to more extreme acts such as stabbing or burning with a knife. Psychological abuse can damage a person's mental health by causing distress, anxiety, and potentially triggering mental disorders. Wives can experience forms of psychological violence such as the use of abusive language, hurtful words, threats, and humiliation (Setiawati et al., 2022). A more detailed definition of psychological violence is contained in Article 7 of [Law Number 23 of 2004](#).

Psychological abuse is behaviour that creates fear, undermines confidence, removes the ability to act, makes a person feel helpless, and causes severe mental suffering. According to Kodir and Mukarnawati (2013), most cases of psychological violence are reported to counselling organisations. Unfortunately, the restrictions contained in [Law Number 23 of 2004](#), which only provides legal protection to individuals who have legal relationships with husbands, wives, and children in accordance with legal regulations, creates problems. For example, when dealing with cases of domestic violence that are not officially registered in accordance with [Law Number 1 of 1974](#). [Law Number 23 of 2004](#) does not provide protection, which can be seen in the example of a domestic violence case involving an unofficial marriage. In

this case, the public prosecutor filed charges but was decided by the panel of judges as a mere act of maltreatment (Chrisbiantoro & Yusuf, 2023).

In this case, Article 2 section (1) of Law Number 1 of 1974 confirms that a marriage is considered valid if it is carried out based on the teachings of each religion and belief, so this is the basis for special regulation in Law Number 23 of 2004. Article 2 section (1) of Law Number 23 of 2004, regulates that individuals who have a family relationship with one of the parties to a marriage are included in the scope of the household, without determining whether the marriage is registered at the Civil Registry Office, Religious Affairs Office (KUA), or is an unofficial marriage, so the scope is greater. Anyway, Law Number 23 of 2004 covers all kinds of violence in the household, such as physical, emotional, sexual, and economic violence (Desimaliati, 2022).

From the explanation mentioned earlier, the author feels very interested in highlighting a case of domestic violence that occurs in a siri marriage, a phenomenon that often occurs but is difficult to disclose. Many people decide to marry unofficially because it is considered simpler, but this action can actually trigger domestic violence. People who experience domestic violence in unofficial marriages are often afraid and feel ashamed to report the incident because their marriage is not legally valid and is not recognised by the government. Not only that, victims of domestic violence in siri marriages also experience difficulties in seeking legal protection due to the lack of legality in their marriage (Hasanudin et al., 2023).

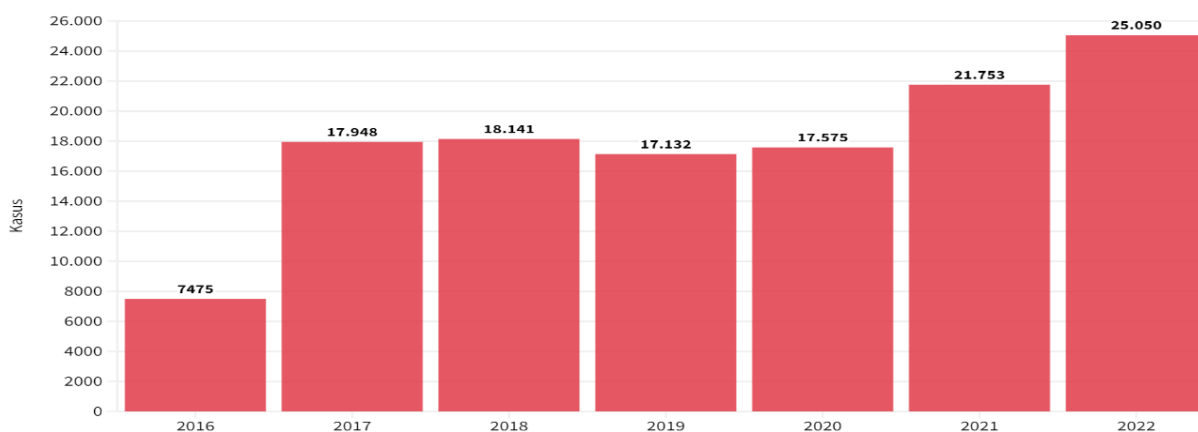
Based on the discussion above, this study aims to analyze the application of the principle *lex specialis derogat legi generali* through Law Number 23 of 2004 in cases of domestic violence with unofficial marriage status. This study is significant because it will determine how effectively the law protects victims in unofficial marriage situations, and it will explore the legal implications of formally unrecognized marital statuses on the legal protection of victims. The expected benefits of this study include providing policy recommendations that are more inclusive and comprehensive, aiming to protect all victims of domestic violence regardless of their marital legal status.

METHOD

This study uses a normative legal research method with a statute approach (Qamar & Rezah, 2020). The legal materials used in this study include legislation, legal books, scholarly articles, and online materials discussing domestic violence with unofficial marriage status. The collection of these legal materials is done through a literature study technique. The collected legal material is then qualitatively analyzed to describe the problem and answer the study objectives (Sampara & Husen, 2016).

RESULTS AND DISCUSSION

The application of the principle of *lex specialis derogat legi generali* in the case of criminal offences of domestic violence with an unofficial marriage status is regulated in [Law Number 23 of 2004](#). Based on statistics recorded by the Ministry of Women's Empowerment and Child Protection (KPPA), approximately 25,050 women have experienced acts of violence in Indonesia during 2022. This figure shows an increase of 15.2% from the previous year, with 21,753 incidents recorded ([Rizaty, 2023](#)). The data shows that the number of cases of violence against women in Indonesia has increased significantly.



Source: [Rizaty \(2023\)](#)

Violence against women in Indonesia is increasing and occurs in various forms, ranging from sexual violence to emotional violence. Based on the data, 30.3% of female victims of violence are between 25 and 44 years old, while 30% of female victims of violence are between 13 and 17 years old. A total of 58.1% of violence against women occurred at home. Meanwhile, 24.9% occurred elsewhere. By province, East Java recorded the highest number of women victims of violence at 2,136, followed by Central Java and West Java at 2,111 and 1,819 respectively ([Rizaty, 2023](#)). Based on questionnaire data from the Ministry of PPPA in 2016, there are 4 factors that cause domestic violence committed by intimate partners against women, namely personal factors, partner factors, socio-cultural factors, and economic factors ([Bimbingan Perkawinan, 2019](#)).

Personal factors, in terms of the legal form of marriage, such as siri marriage, religion, customs, contracts or other forms of marriage. Women married without registration, under contract, etc. are 1.42 times more likely to experience physical and/or sexual violence than women whose marriages are officially recognised by the state through civil registration or KUA ([Bimbingan Perkawinan, 2019](#)). Recently, attention to the phenomenon of siri marriage has increased. Firstly, the practice of siri marriage has become popular as a lucrative online business, where services are

offered to solemnise marriages to avoid committing adultery. Secondly, not only the general public performs them, but also religious figures or those with deep religious knowledge, such as in Islam. Thirdly, siri marriages are often an option for those who want to be polygamous, with their own special reasons.

Moreover, this situation is clearly detrimental to the woman, especially if the husband-to-be is only interested in fulfilling her legal desires. Unfortunately, there are still many women who receive unfair treatment. Economic factors or the desire for a comfortable life without hard work may be to blame. Moreover, when the offer of marriage comes from an official or a famous figure, many women easily agree to it. They only realise their mistake after being ignored and then seek attention through the media (Arifin et al., 2020).

Law Number 1 of 1974 is one of the regulations governing marriage procedures in Indonesia, in addition to customary and religious laws (Gadjong, 2023). To ensure the orderliness of marriages in society, Government Regulation Number 9 of 1975 regulates that all marriages must be registered by an authorised official. However, the reality shows that there is another phenomenon indicated by the increasing number of siri marriages that occur in the community.

As a country based on Pancasila and the Almighty God as the most fundamental principle, Indonesia views marriage as closely related to religious or spiritual aspects. Therefore, marriage not only includes physical and material elements, but also has a very important spiritual dimension. Although marriage registration is not a mandatory requirement for the validity of a marriage, it is considered very important, especially as evidence that can be used to resolve problems in the future. Based on Law Number 1 of 1974, a marriage is considered valid if it is in accordance with each religion and belief and marriage registration is mandatory (Nosita & Zuhdi, 2022). However, in the context of Islamic law, a marriage is considered valid if it fulfils the requirements of the Islamic religion, with the condition that registration is stipulated to ensure the orderly conduct of marriages in Islamic society. Based on these two regulations, it can be seen that marriages still need to be registered to create marital order in society. Although a marriage is considered valid if it is religiously valid, if it is not registered, it can be considered a siri marriage. Therefore, if there is no legal basis for unofficial marriage, then the wife's right to marry should be exercised reasonably in accordance with the law. Legal protection for victims of criminal offences has not received adequate legal attention, both in terms of substantive criminal law and criminal procedural law (formal criminal law), compared to the protection of legal protection for suspects and defendants. Factors that influence include legal factors, legal knowledge of victims, availability of supporting facilities and human resources. The existence of legal provisions in the legal system is very important for the implementation of legal order, because the law is the main source of law.

Despite the existence of [Law Number 23 of 2004](#), many victims of violence are still reluctant to report their cases to the police for several reasons, including: (1) feelings of shame and embarrassment towards their extended family and fear of being considered a disgrace if what happened is known to many people. This is because some people understand that violence against wives is the wife's fault; (2) high economic dependence on the perpetrator of violence (husband); and (3) the poor performance of law enforcement officials in resolving cases is the reason why women report the violence they experience ([Sembiring et al., 2022](#)).

In the case of [Kepahiang District Court Decision Number 101/Pid.B/2018/PN Kph](#) in which the victim Deli was harmed, the Panel of Judges used Article 351 section (1) of the [Penal Code](#) in pronouncing the decision for the defendant Hendri was 1 (one) year and 3 (three) months. In this case, the police did not provide justice to the victim of domestic violence Deli on the grounds of a secret marriage, and did not even look for a legal basis according to [Gorontalo District Court Decision Number 323/Pid.Sus/2016/PN Gto](#). In addition to the principles of justice and gender equality, the second principle of [Law Number 23 of 2004](#), these principles will be examined from an Islamic perspective. The concepts of justice, fairness and equality among all individuals are key principles of Islam. In addition, Islam honours women, unlike their inferior position in society during the jahiliyya period. Many Quranic verses and Prophetic scriptures emphasise equality between men and women. However, some fundamentalist groups ignore the social context of Quranic verses and focus on men rather than women, causing many difficulties for Muslim women.

Interestingly, this superiority is immediately recognised in fiqh books and becomes a reference for Muslims ([Yamani, 2000](#)). Mas'udi also says that the yellow books often place men above women ([Natsir & Meuleman, 1993](#)). For example, men are encouraged to pray in the mosque, while women are encouraged to pray at home. Men are required to cover their aurat from the navel to the knees, while women are required to cover their entire body, except for the face and hands.

Style, which is a culturally and socially constructed characteristic, for example men are considered strong and rational while women are considered weak and irrational, does not really refer to gender, which is a biologically determined trait or division of the sexes, such as men have sperm while women have wombs. As long as there is no gap between the sexes, then gender differences are not a problem. But the problem is that gender differences have caused various injustices for both men and women. [Umar \(1999\)](#) says, although the Qur'an recognises the differences between men and women, these differences are not intended to be discriminatory to the detriment of one party. Elaine Showalter quoted by [Umar \(1999\)](#) says gender does not only refer to differences between men and women in a sociocultural context; it is also an analytical concept capable of explaining certain phenomena. In the 18th century,

gender norms began to develop empirically with the emergence of a new school of thought during the Enlightenment ([Nasruddin & Muliana, 2023](#)).

According to gender observers, one of the reasons for the injustices experienced by women is that society often does not distinguish between sex and gender. This results in gender differences and gender roles often being perceived as natural and unchangeable. However, due to the influence of social and cultural construction, these gender differences and roles often lead to gender injustice, which appears in the form of discrimination, subordination, stereotyping, violence, and double workload. According to the gender paradigm, various forms of gender injustice can be identified, including marginalisation which includes the process of economic impoverishment, subordination which involves being treated as unimportant, negative labelling which includes stereotyping, violence, and double workload. In reviewing any social rules about the relationship between men and women, including religious doctrine, feminists use this standard. The marginalisation of women often occurs in the context of economic impoverishment, and in many cases, women in the household experience various types of violence such as restriction of movement, humiliation, inimised roles, and so on. In addition, a husband forbidding his wife to help with family responsibilities by working outside the home is a form of marginalisation. This happens even if the wife has the ability and potential to do so, based on her skills and education or the husband spends a lot of money on the family. This includes financial violence, for example when your husband forces you to spend your money on the family.

Secondly, there is subordination, which is basically the belief that one sex is considered more important or superior than the other. Over the years, women have been considered to have a lower position and role than men. An example of this subordination is the idea that wives are often seen as complements or mere companions of men. Third, there is negative labelling (stereotyping). Stereotypes refer to standardised descriptions of individuals or groups that often do not match empirical reality. Negative labelling generally leads to injustice. One stereotype that has developed in the context of gender is that of women, which leads to discrimination and injustice against them. An example is the view that women only have duties and roles limited to domestic work. Fourth, violence occurs. Forms of violence against women as a result of gender differences come in many forms ([Eagly & Wood, 2012](#)). Violence refers to an attack on a person's physical or mental integrity. Physical abuse such as punches, kicks, and threats, and psychological abuse such as intimidation and insults are examples of violence.

A double burden occurs when a person has to deal with two tasks or responsibilities simultaneously. It is a form of gender injustice where one gender bears an unfair double responsibility. In family relationships, it is often the case that women bear the majority of household duties, in fact almost 90%, while also having to

work outside the home. This implies that working women are not only responsible for household tasks that are usually done together, but are also expected to perform well at work. In contrast, men generally do not face such double pressure as household chores are not considered to be their responsibility as they are for women. Hence, the concept of “double burden” is used to explain the conditions faced by working women. The gender justice and equality advocated by the [Law Number 23 of 2004](#), was created to create a sense of comfort and security for every household. Gender justice and equality do not require husbands and wives to have equal roles, power and authority. Instead, they hope to stop all forms of violence that occur in the domestic environment. However, in reality, there are often cases of marginalisation, subordination, stereotyping, double burden, and violence that still occur in the family environment. Islam emphasises that men and women have equal roles and duties. The principle of *lex specialis* has an important meaning in criminal law, even Utrecht’s words have a very important meaning in all fields of law. Van Hanttum calls it logical specificity or logical index language (some also use the translation logical specialisation) ([Hamzah, 2012](#)). Special criminal regulations regulate behaviour that is actually regulated in general criminal provisions, therefore the special provisions must be applied or in other words the principle of *lex specialis derogat legi generali* aims to provide guidance in the application of policies in accordance with their authority, not in formulating policies (policy formulation), but in complying with existing rules in applying the law. The principle of *lex specialis derogat legi generali* is very important for law enforcement officials in choosing which rules should be applied in an incident regulated by more than one rule, where some rules are general and some are special.

The problem that arises today is how to ensure that a more specific criminal regulation has regulated behaviour that is basically regulated by other regulations, so that the criminal regulation becomes more specific. In the doctrine, there are two ways of looking at a criminal provision, namely to say whether the criminal provision is a specific criminal provision or not. These ways are:

1. The logical way of looking at things, also known as *logische beschouwing*.
2. A juridical or systematic view, also known as *juridische or systematische beschouwing*.

Logically, a criminal punishment can be considered specialised if, in addition to the other elements, it includes all the elements of a general criminal punishment. This deviation to wisdom in law enforcement culture is referred to as *logische specialiteit* or logical specificity in doctrine. This refers to the specificity of a criminal provision based on a rational view. From a legal or structured perspective, a criminal provision, even if it does not include elements of a general provision, can still be considered a general criminal provision, if it can be clearly seen that the legislator intended to apply a special criminal provision. Specialised criminal provisions based on a juridical

or systematic view are often referred to as *jurisdische specialiteit* or *systematische specialiteit* in doctrine, which indicates specification in the context of the law or system.

[Law Number 23 of 2004](#) was passed and became one of the laws outside the [Penal Code](#). The [Penal Code](#), which came into force in Indonesia on 1 January 1918, is the main source of criminal law in Indonesia and is based on several principles of criminal law. Article 103 of the [Penal Code](#) states that the rules contained in book 1 (one) of the [Penal Code](#) shall apply to offences that are subject to criminal punishment by other laws and regulations, unless the law has different provisions. The crime of domestic violence regulated in the [Law Number 23 of 2004](#) is a form of crime that is generally also described in the [Penal Code](#). For example, provisions related to the offence of maltreatment, the offence of leaving an individual in need of help, and so on. In order to complete the punishment system, in addition to applying the 2 types of punishment contained in the [Penal Code](#), namely the main punishment and the additional punishment, [Law Number 23 of 2004](#) added a new type of additional punishment, namely the restriction of the perpetrator's freedom, where the purpose is to limit the distance and time of the perpetrator as well as the restriction of their rights. In addition to this, the person who committed the act must attend a counselling programme monitored by a designated institution.

From the previous description in the chapter above, the author has described how unofficial marriage is a legal marriage. Therefore, [Law Number 23 of 2004](#) can be applied by law enforcement officials, especially the panel of judges in deciding defendants who are perpetrators of domestic violence, not only using the [Penal Code](#) which is contrary to the principle of *lex specialis derogat legi generali* ([Harsandini et al., 2023](#)).

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussions, it is concluded that [Law Number 23 of 2004](#) effectively applies in cases of domestic violence with unofficial marriage status. An unofficial marriage, even though not registered at the Religious Affairs Office, receives recognition and legal protection under Islamic law provisions and, thus, falls under [Law Number 23 of 2004](#). Furthermore, the *lex specialis derogat legi generali* principle ensures that [Law Number 23 of 2004](#) supersedes the [Penal Code](#) in handling domestic violence cases. The [Gorontalo District Court Decision Number 323/Pid.Sus/2016/PN Gto](#) has also reinforced this validity, which applied [Law Number 23 of 2004](#) in a case of domestic violence with unofficial marriage status. Conversely, applying the [Penal Code](#) in cases of domestic violence with unofficial marriage status would contradict the principle of *lex specialis derogat legi generali*.

Based on the above conclusions, it is recommended that the Police increase awareness and training on the importance of recognizing unofficial marriage status according to Islamic law in the context of applying [Law Number 23 of 2004](#). For the Public Prosecutor, there needs to be a consistent approach in applying [Law Number 23 of 2004](#) as the foundation for prosecution, ensuring that [Law Number 23 of 2004](#) is prioritized over the [Penal Code](#). Meanwhile, for Judges, it is crucial to continue strengthening jurisprudence that supports the supremacy of [Law Number 23 of 2004](#) in cases of domestic violence with unofficial marriage status, as established in the Gorontalo District Court Decision. It will enhance justice and legal protection for victims in future cases of domestic violence.

REFERENCES

- Abubakar, L., & Handayani, T. (2022). Legal Perspective: The Role of Infrastructure Guarantee Institution in Infrastructure Project Provision through Public-Private Partnership Scheme. *Journal of Private and Commercial Law*, 6(1), 1-20. <https://doi.org/10.15294/jpcl.v6i1.35558>
- Arifin, R., Rodiyah, R., & Putri, F. R. A. (2020). The Legal and Social Aspect for Underage Marriage Women's Education Rights in the Perspective of Human Rights: Contemporary Issues and Problems. *Sawwa: Jurnal Studi Gender*, 15(2), 219-240. <https://doi.org/10.21580/sa.v15i2.5165>
- Bimbingan Perkawinan. (2019, November 15). *Perempuan Rentan Jadi Korban KDRT Kenali Faktor Penyebabnya*. Ministry of Religious Affairs of the Republic of Indonesia. Retrieved October 18, 2023, from <https://bimbinganperkawinan.kemenag.go.id/perempuan-rentan-jadi-korban-kdrt-kenali-faktor-penyebabnya>
- Chrisbiantoro, C., & Yusuf, H. (2023). Domestic Violence Based on Law No. 23 of 2004 Concerning the Elimination of Domestic Violence. *Journal of Social Research*, 2(9), 2934-2941. <https://doi.org/10.55324/josr.v2i9.1343>
- Decision of the District Court of Gorontalo Number 323/Pid.Sus/2016/PN Gto. <https://putusan3.mahkamahagung.go.id/direktori/putusan/cdfb41cf42af13ecfa323b9ca1efc06b.html>
- Decision of the District Court of Kepahiang Number 101/Pid.B/2018/PN Kph. <https://putusan3.mahkamahagung.go.id/direktori/putusan/04f59ef334d05f118759324e6d6d107b.html>
- Desimaliati, D. (2022). Legality of Registration for International Religious Marriage Based on Court Decisions According to Law and Regulations in Indonesia. *Cepalo*, 6(2), 77-90. <https://doi.org/10.25041/cepalo.v6no2.2704>
- Eagly, A. H., & Wood, W. (2012). Social Role Theory. In P. A. M. V. Lange, *et al.* (Eds.), *Handbook of Theories of Social Psychology* (pp. 458-476). Sage Publications Ltd. <https://psycnet.apa.org/doi/10.4135/9781446249222.n49>

- Gadjong, A. A. (2023). Legal Consequences of Violating the Endogamy Marriage System in Indonesia: A Study of Legislation. *SIGn Jurnal Hukum*, 5(1), 141-154. <https://doi.org/10.37276/sjh.v5i1.229>
- Government Regulation of the Republic of Indonesia Number 9 of 1975 on Implementing Law Number 1 of 1974 on Marriage (State Gazette of the Republic of Indonesia of 1975 Number 12, Supplement to the State Gazette of the Republic of Indonesia Number 3050). <https://peraturan.go.id/id/pp-no-9-tahun-1975>
- Hamzah, A. (2012). *Asas-Asas Hukum Pidana di Indonesia & Perkembangannya*. PT Softmedia.
- Harsandini, D., Haeranah, H., & Azisa, N. (2023). Application of the Lex Specialis Derogat Legi Generalis Principle in Household Violent Criminal Cases with Under Hand Marriage Statu: Study of Decision Number 101/Pid.B/2018/PN Kph. *Al-Risalah: Jurnal Ilmu Syariah dan Hukum*, 23(1), 123-146. <https://doi.org/10.24252/al-risalah.vi.39875>
- Hasanudin, H., Mukhlas, O. S., Noradin, M. F. B. M., Solehudin, E., & Jubaedah, D. (2023). Phenomena of Domestic Violence against Women and Divorce in 2020-2022 in Indonesia: An Islamic Perspective. *Al-Manahij: Jurnal Kajian Hukum Islam*, 17(2), 137-152. <https://doi.org/10.24090/mnh.v17i2.7686>
- Idris, I., Lestari, R., & Erma, Z. (2023). The Problems of Siri Marriage for Couples Who Have Not Married According to the Law in Marriage Legal Perspective. *Legal Brief*, 11(6), 3520-3529. <https://doi.org/10.35335/legal.v11i6.706>
- Kodir, F. A., & Mukarnawati, U. A. (2013). *Referensi bagi Hakim Peradilan Agama tentang Kekerasan dalam Rumah Tangga*. Komisi Nasional Anti Kekerasan terhadap Perempuan.
- Law of the Republic of Indonesia Number 1 of 1946 on the Penal Code Regulations. <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/814>
- Law of the Republic of Indonesia Number 22 of 1946 on the Registration of Marriage, Divorce, and Reconciliation. <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/835>
- Law of the Republic of Indonesia Number 32 of 1954 on Enactment of Law of the Republic of Indonesia Dated 21 November 1946 Number 22 of 1946 on the Registration of Marriage, Divorce, and Reconciliation in All Regions Outside Java and Madura (State Gazette of the Republic of Indonesia of 1954 Number 98, Supplement to the State Gazette of the Republic of Indonesia Number 694). <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/1068>
- Law of the Republic of Indonesia Number 1 of 1960 on Amendment of the Penal Code (State Gazette of the Republic of Indonesia of 1960 Number 1, Supplement to the State Gazette of the Republic of Indonesia Number 1921). <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/1357>
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- Law of the Republic of Indonesia Number 1 of 1974 on Marriage (State Gazette of the Republic of Indonesia of 1974 Number 1, Supplement to the State Gazette of the Republic of Indonesia Number 3019). <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/742>
- Law of the Republic of Indonesia Number 23 of 2004 on the Elimination of Domestic Violence (State Gazette of the Republic of Indonesia of 2004 Number 95, Supplement to the State Gazette of the Republic of Indonesia Number 4419). <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/24>
- Law of the Republic of Indonesia Number 16 of 2019 on Amendment to Law Number 1 of 1974 on Marriage (State Gazette of the Republic of Indonesia of 2019 Number 186, Supplement to the State Gazette of the Republic of Indonesia Number 6401). <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/1753>
- Mangarengi, A. A., & Hamzah, Y. A. (2021). The Position of the Marriage Law on Interfaith Marriages Abroad. *SIGn Jurnal Hukum*, 3(1), 65-83. <https://doi.org/10.37276/sjh.v3i1.127>
- Nasruddin, M., & Muliana, S. (2023). The Urgency of a Moderate Islamic Spirit for the Liberation and Empowerment of Women Movement. *An-Nisa Journal of Gender Studies*, 16(1), 59-76. <https://doi.org/10.35719/annisa.v16i1.161>
- Natsir, L. M. M., & Meuleman, J. H. (Eds.). (1993). *Wanita Islam Indonesia dalam Kajian Tekstual dan Kontekstual*. Indonesian-Netherlands Cooperation in Islamic Studies.
- Nosita, S., & Zuhdi, S. (2022). Determination of Adult Status in Positive Law in Indonesia After Enacted Law Number 16 of 2019. *SIGn Jurnal Hukum*, 4(1), 15-29. <https://doi.org/10.37276/sjh.v4i1.132>
- Qamar, N., & Rezah, F. S. (2020). *Metode Penelitian Hukum: Doktrinal dan Non-Doktrinal*. CV. Social Politic Genius (SIGn).
- Rimi, A. M. (2023). The Position of Premarital Property and Joint Property after Divorce: A Study of Premarital Agreement. *SIGn Jurnal Hukum*, 4(2), 376-387. <https://doi.org/10.37276/sjh.v4i2.226>
- Rizaty, M. A. (2023, February 7). *Ada 25.050 Kasus Kekerasan Perempuan di Indonesia pada 2022*. Data Indonesia. Retrieved October 18, 2023, from <https://dataindonesia.id/varia/detail/ada-25050-kasus-kekerasan-perempuan-di-indonesia-pada-2022>
- Sampara, S., & Husen, L. O. (2016). *Metode Penelitian Hukum*. Kretakupa Print.
- Sembiring, M. F., Hutasoit, R. J., & Rizki, R. (2022). Form of Legal Protection against Victims of Physical Violence in Household in the Concept of Criminal Law Decision Analysis Number 2192/Pid.Sus/2020/PN.Mdn. *Awang Long Law Review*, 4(2), 303-308. <https://doi.org/10.56301/awl.v4i2.382>

Setiawati, R., Marhumah, M., & Lessy, Z. (2022). Economic Violence against Women: A Case of Mental Health Perspective. *Palastren: Jurnal Studi Gender*, 15(2), 305-334. <http://dx.doi.org/10.21043/palastren.v15i2.14930>

The Supreme Court of the Republic of Indonesia. (2011). *Compilation of Islamic Law*. <https://perpustakaan.mahkamahagung.go.id/assets/resource/ebook/23.pdf>

Umar, N. (1999). *Argumen Kesetaraan Jender: Perspektif Islam*. Paramadina.

Yamani, M. (Ed.) (2000). *Feminisme dan Islam* (Trans. by Purwanto). Nuansa Cendekia.