

Negotiating Legal Pluralism: Judicial Reasoning on Domestic Violence Divorce Cases in Indonesian Religious Courts

Lilik Andar Yuni^{1*}, Abnan Pancasilawati¹, Akhmad Haries¹, Ashar¹, Riska Dwi Agustin¹, Sulthon Fathoni²

¹Universitas Islam Negeri Sultan Aji Muhammad Idris Samarinda, Indonesia

⁴Ferdowsi University of Mashhad, Iran

Corresponding Author: lilikandaryuni@yahoo.com

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Abstract: This study examines how judges in the East Kalimantan Religious Courts construct their judicial reasoning and the extent to which they integrate the Domestic Violence Law (UUPKDRT) when deciding divorce cases involving domestic violence. Using a normative legal approach combined with qualitative case studies of six court decisions and interviews with judges, it addresses a research gap in studies of Indonesian Religious Courts that have rarely analyzed domestic-violence-related divorce through the lenses of legal pluralism and judicial behavior. The findings show that, although domestic violence is the dominant ground in women's divorce petitions, judges inconsistently integrate the Domestic Violence Law and instead tend to prioritize the traditional marriage-law framework (the Marriage Law, Government Regulation 9/1975, and the Compilation of Islamic Law), alongside theological and social-medical reasoning justified by concerns about the specificity of claims and jurisdictional limits. At the same time, the study highlights a more progressive pattern in the Penajam Religious Court, where judges explicitly invoke Articles 5 and 9 (1) Domestic Violence Law to define and qualify various forms of violence, including economic violence, as grounds for divorce within a civil context. Theoretically, the article contributes to debates on legal pluralism and judicial behavior by showing how religious judges in a plural legal order selectively integrate, restrict, or resist criminal law concepts in civil family litigation, thereby shaping the legal recognition of domestic violence and the pursuit of substantive justice for victims.

Keywords: Domestic Violence; Divorce; Religious Court; Domestic Violence Law; Post Divorce Rights.

Introduction

Domestic violence, often referred to as intimate partner violence, is a pervasive global problem that violates women's fundamental rights and constitutes a serious public health concern (Ashifa, 2022; Gracia et al., 2021). It cuts across ethnic, socioeconomic, and religious boundaries and has been documented in nearly every region of the world. Its consequences extend far beyond physical injury, as research links aggression in intimate relationships to severe psychological distress, including suicidal tendencies (Kafka et al., 2022). Global prevalence data further underline the magnitude of the problem: between 2000 and 2018, 27% of women aged 15–49 in 161 countries reported having experienced physical or sexual violence at least once.

In Indonesia, the term “domestic violence” is more commonly used than “intimate partner violence” because it encompasses abuse against children, parents, and other family members (S. M. Nasution et al., 2020). Women remain the primary victims in both urban and rural areas. Data from the National Commission on Violence Against Women (*Komisi Nasional Anti Kekerasan terhadap Perempuan, Komnas Perempuan*) show 2,389 recorded cases of violence in 2020, 75.4% of which occurred in private spaces (Kasim et al., 2022).

These figures challenge the conventional image of the home as a protected and loving environment; instead, many women experience physical, psychological, and emotional harm in their roles as wives and

mothers (Alfitri, 2020). To respond to this situation, Indonesia enacted the Law on the Elimination of Domestic Violence (*Undang-Undang Tentang Penghapusan Kekerasan Dalam Rumah Tangga*, PKDRT Law) in 2004. The law expanded the legal definition of the household, recognized psychological, sexual, and economic violence, and reframed domestic violence as a matter of public law rather than a purely private dispute (Hendriana, 2020). Although drafted as a criminal statute to be enforced in the General Courts, PKDRT Law operates within a plural legal order in which Muslim family law and divorce fall under the jurisdiction of Religious Courts, applying the Law No. 1 of 1974 on Marriage Law (*Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan*, Marriage Law), Government Regulation No. 9 of 1975 (*Peraturan Pemerintah Nomor 9 Tahun 1975 Tentang Pelaksanaan Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan*, Government Regulation 9/1975), and the Compilation of Islamic Law (*Kompilasi Hukum Islam*, KHI).

Existing studies on domestic violence in Indonesia's Religious Courts have shown that many women prefer to seek relief through divorce rather than criminal prosecution, partly to preserve family dignity (*marwah*) and protect children's well-being (Afrianty, 2018; Musawwamah, 2020). Prior research has examined access to justice, the role of mediation, and judges' reliance on the Marriage Law and KHI when deciding divorce cases involving violence. However, these works largely focus on procedural aspects and outcomes, and pay less attention to why religious judges often do not use PKDRT Law as an explicit legal basis in divorce decisions, what this selective (non-) use implies for the workings of legal pluralism, how the relationship between state family law and Islamic legal concepts such as *shiqaq* (severe discord) and *darar* (harm) is negotiated in practice, and how judicial discretion operates in this context. This article addresses that research gap. It investigates the perceptions and judicial reasoning of judges in the East Kalimantan Religious Courts and asks why religious judges frequently refrain from applying the PKDRT Law in divorce rulings involving domestic violence. What are the implications of this for legal pluralism in Indonesia? How do judges navigate and prioritize between state family law, Islamic legal notions of marital harm, and criminal law definitions of violence when exercising their discretion?

The study employs a normative legal approach combined with qualitative case studies of six divorce decisions involving domestic violence from Religious Courts in East Kalimantan, supplemented by interviews with the presiding judges. This design allows for a detailed analysis of both the doctrinal references and the interpretive strategies that shape judicial reasoning, as well as the degree and form of PKDRT Law's integration into civil divorce adjudication. Theoretically, the article contributes to debates on legal pluralism and judicial behavior by mapping a typology of judicial reasoning that ranges from formalist reliance on classical family-law norms to more activist approaches that selectively invoke PKDRT Law to define and qualify various forms of violence, including economic violence, as grounds for divorce. It shows how religious judges in a plural legal order strategically integrate, limit, or resist criminal law concepts within civil family litigation, and argues that these patterns of reasoning shape the legal recognition of domestic violence and the boundaries of judicial discretion in Indonesia's Religious Courts.

Literature Review

Domestic violence is widely recognized as a multidimensional form of abuse that includes physical, psychological, sexual, and economic violence within intimate relationships. It is increasingly understood not simply as a private conflict, but as a structural phenomenon rooted in gender inequality and unequal power relations within the household. In Indonesia, the adoption of the PKDRT Law marked an important legal shift, bringing violence in the private sphere into the realm of public responsibility and state regulation.

Within this broader context, scholarship on Indonesia's Religious Courts has developed several related but distinct debates. A first line of work concentrates on access to justice and substantive outcomes for women seeking divorce due to domestic violence. Musawwamah (2022), for example, shows that Religious Courts are often viewed as a more practical and less socially disruptive option than criminal proceedings, enabling women to preserve family dignity (*marwah*) and safeguard their children. Yet her study also indicates that formal equality before the court does not necessarily yield post-divorce justice, as

the high rate of default judgments often leaves women with only minimal protection. The key issue here is whether Religious Courts operate as institutions of substantive protection or merely provide a formal “exit” from violent marriages (Musawwamah, 2022).

A second line of scholarship, drawing on feminist legal analysis, questions the normative framework applied by judges. Yusuf et al. (2023) criticize the way judges rely almost exclusively on the KHI, thereby sidelining wives’ claims to *iddah* maintenance and *mut’ah* in domestic violence-based divorce and creating discriminatory asymmetries when compared to *talak* cases. The debate in this strand concerns how KHI is positioned *vis-à-vis* PKDRT Law and principles of gender equality: whether it is treated as the sole, overriding source of law, or as one normative regime among several that ought to be reconciled within a plural legal order (Yusuf et al., 2023).

A third strand focuses on procedural responses, especially mandatory mediation, in divorce cases involving domestic violence. Jones and Aftab (2023) argue that compulsory mediation cannot be assumed to ensure safety and justice for victims, because it may reinforce existing power imbalances and expose women to further psychological harm; they call for screening mechanisms and exemptions in cases involving violence, informed by comparative experience (Jones & Aftab, 2023). In contrast, Maula and Ariyanti (2022) interpret wife-initiated divorce (*khulu’*) as a strategy through which women negotiate justice and challenge entrenched gender hierarchies, even though many decisions continue to describe domestic violence as “persistent disputes” rather than naming it explicitly. This debate asks whether existing civil procedures – mediation, *khulu’* and the doctrinal category of *syiqaq* – are conceptually capable of addressing domestic violence as structural violence, or whether they instead normalize it as ordinary marital conflict (Maula & Ariyanti, 2022).

While these bodies of work deepen our understanding of access to justice, normative bias, and procedural risk, they seldom analyze judicial reasoning explicitly through the lenses of legal pluralism and judicial behavior, particularly in regions such as East Kalimantan. Important questions remain insufficiently explored: why do religious judges so often refrain from citing PKDRT Law as an explicit legal basis in divorce cases grounded in domestic violence? What does this selective use or avoidance reveal about the functioning of legal pluralism in Indonesia? How is judicial discretion exercised when judges negotiate the relationship between state family law and Islamic legal concepts in these cases?

This study responds to these questions by adopting legal pluralism and judicial behavior as its primary conceptual framework. Rather than simply describing outcomes, it proposes an analytical model that understands religious judges as central actors who selectively incorporate, bracket, or resist the domestic violence act when defining and qualifying spousal violence in divorce litigation. By focusing on the Religious Courts of East Kalimantan, the article examines how PKDRT Law, the Marriage Act, and KHI are combined, separated, or hierarchized in judicial reasoning, and how these configurations of legal pluralism shape the extent and form of protection afforded to victims of domestic violence.

Method

This study employs a doctrinal (normative) legal research approach enriched with qualitative case studies. The normative component is used to analyze the legal framework, including statutes and court decisions, while the qualitative case studies are designed to obtain an in-depth understanding of judicial reasoning and judges’ perceptions in practice. The research is situated in the Religious Courts of East Kalimantan and focuses on six divorce decisions involving domestic violence from six different courts, which form the core case material. This combined design allows for a comprehensive examination of how Religious Court judges integrate, or refrain from integrating, the PKDRT Law when adjudicating divorce cases based on domestic violence, in light of the observed inconsistencies in its application.

Data are drawn from both primary and secondary sources. Primary data consist of in-depth, semi-structured interviews with judges of the East Kalimantan Religious Courts. In total, six judges were interviewed; each of them had acted as a member of the panel deciding at least one of the six divorce cases involving domestic violence. They were selected through purposive sampling based on criteria such as having recent experience adjudicating domestic-violence-related divorces and holding at least a mid-level

judicial rank. Secondary data consist of primary legal materials — namely, the six written divorce decisions involving domestic violence, together with relevant legislation: the Marriage Law (and its amendments), Government Regulation 9/1975, KHI, and the PKDRT Law. Data collection thus combines documentary analysis of court decisions with semi-structured interviews with key judicial actors.

The interview protocol was organized into several thematic blocks: judges' understanding of PKDRT Law and its relationship to family law; their experiences in handling divorce cases involving domestic violence; their reasons for invoking or avoiding PKDRT Law in their written reasoning; and their views on the respective roles of state law and Islamic legal concepts such as *syiqaq* and *darar*. All interviews were audio recorded with informed consent, transcribed verbatim, and anonymized.

Data analysis followed a qualitative, interpretive strategy. The six court decisions were subjected to close reading in order to identify patterns of legal reasoning, statutory references, and the ways in which acts of domestic violence were framed and categorized. Interview transcripts were analyzed using thematic analysis: initial codes were generated inductively from the data and then grouped into broader themes related to legal pluralism and judicial behavior, such as perceived jurisdictional limits, the hierarchy of legal sources, and the strategic use of the PKDRT Law. Triangulation was achieved by systematically comparing judges' narratives with the corresponding written judgments and the relevant statutory framework, thereby corroborating self-reported reasoning against the formal doctrinal record. The analytical framework combines Islamic family law jurisprudence and Indonesian positive law with socio-legal theories of legal pluralism and judicial behavior to assess the extent to which principles of justice and the protection of women's rights are realized in the everyday practice of the Religious Courts.

Results and Discussion

Review of Domestic Violence and Evidence System

Research has shown that many women perceive domestic violence as an ordinary aspect of family life. Social expectations frequently pressure women to tolerate abuse as part of their domestic responsibilities (Mohammed Na'aim et al., 2022) and place on them the primary burden of maintaining household harmony (Kennedy, 2019). Because violence occurs in the private sphere and is treated as a social taboo, many husbands either do not recognize their behavior as abusive or justify it by reference to prevailing norms (Djannah & Rizal, 2020). This normalization of abuse was also emphasized by the judges interviewed. As one judge observed, "for many couples here, shouting, restricting the wife's movements, or tightly controlling household finances is still perceived as 'ordinary family conflict', not as domestic violence that requires legal intervention" (Interview with Judge 1, personal communication, 2026).

In Indonesia, domestic violence has increasingly been classified as a criminal offense in light of its prevalence, the state's duty to protect its citizens, and comparative lessons from other jurisdictions (Husain et al., 2021). Nevertheless, reported cases remain high, particularly in strongly patriarchal regions such as Lampung, Nias, Bali (Nurtjahyo, 2021), NTT (Lestari et al., 2019), NTB, Maluku, and Papua (Kogoya, 2023). Deep-seated gender bias (Komaruddin, 2019) and weak institutional support (Suteki & Purwanti, 2016). Further worsens the position of women trapped in violent marriages. Reflecting on this situation, one judge noted that "by the time a wife comes to the Religious Court, she has usually endured the violence for years because she feels that, outside the court, there is no institution that can really protect her" (Interview with Judge 2, personal communication, 2026).

Women frequently remain in abusive relationships because they fear losing custody of their children, face strong cultural pressure to preserve the family (Sari & Putri, 2020), encounter religious interpretations that stigmatize divorce, and still hope that their husbands will eventually change (Dewi & Hartini, 2017). The judges' accounts are consistent with this pattern. As one judge explained, "many women come to consult with us but hesitate to file a case; they say they are afraid of being sinful if they divorce, afraid of losing their children, and still hope that if they are patient a bit longer, their husband will change" (Interview with Judge 3, personal communication, 2026).

Efforts to respond to domestic violence confront multiple obstacles. Victims are often reluctant to report abuse due to limited legal literacy (Martitah et al., 2024), fear of having to deal with multiple

institutions (Nurtjahyo, 2021), financial and time constraints (Setyowati & Rusdiana, 2020), and concerns about bringing shame upon their family (Lohy & Fauzi, 2021). Many subsequently withdraw their complaints because of trauma or fear of facing the perpetrator (Triana, 2018). Evidentiary difficulties also arise because victims frequently avoid involving family members as witnesses, relatives tend to remain neutral, and delays in seeking assistance complicate medical documentation (Alimi & Nurwati, 2021).

The private character of domestic violence (Sumanto et al., 2021) further obscures the problem. One judge summarised these constraints as follows: “When the wife finally dares to tell her story, the bruises have faded, the neighbors do not want to be involved, and she has no medical report; this makes both the criminal process and our civil proceedings very difficult for her” (Interview with Judge 4, personal communication, 2026).

The separation between civil and criminal jurisdictions aggravates these challenges. In the criminal law domain, acts of domestic violence may be punished with criminal sanctions and are adjudicated in the General Courts, which apply PKDRT Law alongside the Criminal Code (*Kitah Undang-Undang Hukum Pidana*, KUHP). Under the Criminal Procedure Code (*Kitab Undang-Undang Hukum Acara Pidana*, KUHP), admissible evidence normally requires testimony corroborated by at least two independent witnesses (Articles 184–185), while Article 168 restricts the use of close relatives as witnesses. In domestic violence cases, where potential witnesses are typically family members or the victim herself, this evidentiary standard makes prosecution particularly difficult (Savitri, 2020). PKDRT Law introduces crucial flexibility: Article 55 allows the victim’s testimony to serve as primary evidence if supported by expert or medical documentation, and Article 54 permits procedural adjustments to protect victims during the investigation (Sangeetha et al., 2022). Judges are acutely aware of this legal tension. As one judge remarked, “doctrinally, PKDRT Law opens more space for the victim’s testimony, but in practice many wives see the criminal route as too heavy and risky, so they come to us first to seek divorce rather than a conviction in the General Court” (Interview with Judge 5, personal communication, 2026).

By contrast, in the civil law context of the Religious Courts, domestic violence must be articulated as a legal ground for divorce. The primary references in this regard are the PKDRT Law and Marriage Law, together with their implementing regulation, Government Regulation 9/1975. Article 19 (d) of the Regulation and Article 116 (d) of KHI explicitly provide that divorce may be granted on the ground that “one party commits cruelty or severe abuse that endangers the other party” (Savitri, 2020). In practice, however, some courts still expect direct eyewitness testimony – a standard that is almost impossible to satisfy in the domestic sphere. One judge candidly acknowledged that “the wording of Article 19 (d) and 116 (d) is actually sufficient, but in our courtroom, we still tend to look for corroborating witnesses, which is very difficult when the violence happens behind closed doors” (Judge 6, interview). In contrast, another judge – serving in Penajam – described a more proactive stance: “when we consciously use the definitions from PKDRT Law, especially for psychological and economic violence, we can recognise the pattern of abuse even without a neighbour who saw the incident directly, and we feel more justified in granting divorce explicitly on the ground of domestic violence” (Interview with Judge 1, personal communication, 2026).

Judicial Considerations in Deciding Divorce Cases Involving Domestic Violence Case Description

An analysis of six divorce rulings in the East Kalimantan judicial district reveals a consistent pattern regarding the dynamics of domestic violence as the primary trigger for marital breakdown. In all the cases studied, the victim of domestic violence was a woman (the wife) acting as the Plaintiff, while the perpetrator was a man (the husband) as the Defendant. The forms of violence experienced varied widely, ranging from physical violence (such as beatings) and psychological violence (threats and abusive behavior) to economic neglect. Although the underlying triggers were diverse, ranging from financial issues, jealousy, to simple disagreements, all of these lawsuits resulted in rulings granted by the Panel of Judges, affirming that domestic violence constitutes a valid reason for dissolving the marital bond. A summary of the six cases is presented in the following table:

Table 1. Characteristics of Domestic Violence Divorce Cases Examined in the East Kalimantan Religious Courts

Case	Court Name	Plaintiff	Defendant	Type of Domestic Violence (Article 5 of the Domestic Violence Act)	Judgment
1657/Pdt.G/2020/PA.Smd	Samarinda Religious Court	Women	Men	Physical violence, psychological violence	Granted
XX1/Pdt.G/2021/PA.Bpp	Balikpapan Religious Court	Woman	Man	Physical violence, domestic neglect	Granted
687/Pdt.G/2021/PA.Tgr	Tenggarong Religious Court	Woman	Man	Physical abuse, psychological abuse, and domestic neglect	Granted
283/Pdt.G/2021/PA.Botg	Bontang Religious Court	Woman	Man	Physical violence, domestic neglect	Granted
328/Pdt.G/2021/PA.Tgt	Tanah Grogot Religious Court	Woman	Male	Physical violence, psychological violence	Granted
161/Pdt.G/2021/PA.Pnj	Penajam Religious Court	Woman	Male	Psychological abuse, domestic neglect	Granted

Theme 1: Judicial formalism and narrative framing

The six decisions demonstrate a strong judicial reliance on conventional narrative framing: each ruling reconstructs the chronology of the conflict, specifies the husband's conduct, and identifies concrete acts of physical, psychological, or economic violence. This formalism is visible in the way judges use the language of "disharmony", "fear", and "loss of affection" to connect factual narratives with the legal grounds for divorce under the Marriage Law and KHI, while only rarely invoking the definitional provisions of the PKDRT Law. From a doctrinal perspective, this approach satisfies the requirement to provide legal reasons for granting divorce. However, it also reflects a tendency to keep domestic violence within the familiar template of "broken marriage" rather than explicitly reframing it as a violation of human rights and bodily integrity, a tension that Nisa identifies as characteristic of courts navigating between family law and violence-specific legislation (Nisa, 2021).

Theme 2: Jurisdictional anxiety and the PKDRT Law

A second theme that emerges is jurisdictional anxiety. Five of the six courts relied solely on family law instruments—the Marriage Law and KHI—when granting divorce due to domestic violence, while only one court, Penajam, explicitly drew on the definitional framework of the PKDRT Law to classify economic neglect and psychological abuse. This selective use of the PKDRT Law suggests that many judges remain cautious about applying a statute that is institutionally associated with criminal proceedings handled by the General Courts. Rather than risk being perceived as encroaching on criminal jurisdiction, judges appear to prefer "safe" family law grounds for divorce. The Penajam decision, in contrast, demonstrates a willingness to treat economic abandonment as "violence" within the civil law context, signaling an emerging recognition that PKDRT Law can serve as a normative reference for divorce adjudication without transforming Religious Courts into criminal tribunals (Dikuraisyin et al., 2024).

Theme 3: Selective legal integration and legal harmonization

The East Kalimantan cases also illustrate selective legal integration. On one hand, all judges accept domestic violence as a valid ground for divorce and, in practice, grant the wives' petitions. On the other hand, only Penajam systematically integrates the definitional clarity of the PKDRT Law—particularly regarding economic violence—into its reasoning. This pattern reflects partial legal harmonization: judges recognize that national law condemns domestic violence, but they differ in how far they are willing to incorporate specific statutory concepts into family law reasoning. Nasution (2020) argues that access to justice for women and children requires courts to bridge these doctrinal gaps by using national human rights oriented norms to strengthen the protection available in Religious Courts. The East Kalimantan

rulings suggest that this process of harmonization is underway but uneven, with some judges more confident than others in applying PKDRT Law to reframe marital disputes as acts of violence.

Theme 4: Gendered consequences of judicial reasoning

The gendered consequences of judicial reasoning are evident across all six cases. The consistent pattern of women as Plaintiffs and men as Defendants, coupled with detailed descriptions of physical assaults, psychological intimidation, and economic neglect, highlights the structural vulnerability of wives within the marital relationship. Hasanudin (2023) shows that, during 2020–2022, a growing number of women in Indonesia explicitly cited domestic violence in their divorce petitions, reflecting both worsening conditions and increasing legal awareness. The East Kalimantan decisions confirm that Religious Courts are responsive to these claims by granting divorce, yet they also reveal that the remedial focus remains on terminating the marital bond rather than addressing long-term economic and psychological consequences. From a *maqāṣid* perspective, that progressive judicial reasoning should not only permit divorce but also actively safeguard life, dignity, and justice, suggesting that future legal development must move beyond case by case dissolution towards more robust structural remedies for survivors of violence (Dikuraisyin et al., 2024)

In short, the six rulings show what happened—wives experiencing various forms of domestic violence and courts consistently granting divorce—but, when read through these four themes, they also begin to explain why it happened: judicial formalism that keeps violence within familiar family law narratives, jurisdictional anxiety that limits the use of the PKDRT Law, selective legal integration that produces uneven harmonisation, and gendered consequences that reveal both the strengths and limitations of current judicial protection for women.

Typology of Judicial Rationale

Based on an analysis of six decisions, three principal forms of judicial reasoning can be identified in divorce cases involving domestic violence: juridical-normative reasoning, theological reasoning, and sociological-factual reasoning. Taken together, these modes of argumentation reveal how judges combine various legal sources and factual circumstances to justify divorce and, to differing extents, to extend protection to victims of domestic violence.

Juridical normative reasoning is the most prominent and provides the backbone of all the judgments examined. In this mode, judges rely on the hierarchy of Indonesian family law, particularly Article 39 (2) of the Marriage Law, which stipulates that divorce may be granted only when there are sufficient grounds to conclude that the spouses can no longer live together harmoniously as husband and wife. This provision is concretized in Article 19 of Government Regulation 9/1975, specifically subparagraph (f), which addresses ongoing disputes and quarrels that offer no reasonable prospect of reconciliation (Suhaimi, 2020).

Within the Religious Courts, which apply Islamic family law to Muslim litigants, judges also refer to Article 116 of the KHI, particularly subparagraph (f), which parallels the wording of Government Regulation 9/1975. Five courts—Samarinda, Balikpapan, Tenggarong, Bontang, and Tanah Grogot—rely on this combined Marriage Law and KHI framework without expressly invoking the PKDRT Law. In these decisions, domestic violence is not treated as a distinct legal category but is subsumed under the broader notion of marital disharmony, functioning as evidence of persistent conflict and the breakdown of the marital bond.

Judges also make use of the concept of “broken marriage” as elaborated in Supreme Court Circular Letters (*Surat Edaran Mahkamah Agung*, SEMA) No. 4 of 2014. These circulars set out practical indicators for determining whether a marriage has irretrievably broken down, including failed reconciliation efforts, ongoing communication breakdown, neglect of household responsibilities, prolonged separation, and the presence of destructive factors such as violence, gambling, or third-party involvement. In the cases studied, such indicators are mobilized to support the conclusion that the defendant’s violent conduct has led to the collapse of the marital relationship (Arrasyid & Tanjung, 2023).

The decision of the Penajam Religious Court (No. 161/Pdt.G/2021/PA.Pnj) represents a notable deviation from this pattern. In addition to citing the UUP and KHI, the panel explicitly refers to Articles 5

and 9 (1) of the PKDRT Law. Article 5 defines domestic violence to include physical, psychological, sexual abuse, and domestic neglect, while Article 9 (1) prohibits neglect of household members whom one is legally obliged to support. In this case, the judges deploy PKDRT Law not to impose criminal sanctions – which fall outside the Religious Court’s jurisdiction – nor to import the criminal standard of proof, but as a definitional device to characterize the husband’s behavior – sending his wife back to her parents and failing to provide maintenance for more than seven months – as “domestic abandonment” in the sense of the statute. In this way, PKDRT Law is selectively integrated as a conceptual tool to name and qualify economic and emotional neglect as a form of violence in the civil family law context.

Alongside juridical-normative reasoning, the panels also rely on theological reasoning grounded in Islamic legal doctrine. Central here is the concept of *syiqaq*, denoting deep and protracted conflict between spouses that undermines the aims of marriage. In classical fiqh, *syiqaq* is recognized as a legitimate basis for dissolving the marriage, because keeping the union under such conditions is considered more harmful than beneficial. Several judgments make explicit reference to the legal maxim *dar’ al-mafasid muqaddam ‘ala jalb al-masalih* (preventing harm takes precedence over securing benefit). In cases of divorce prompted by domestic violence, this maxim is interpreted to mean that, although divorce is generally disfavoured (*makruh*), it becomes preferable when continuing the marriage would perpetuate serious harm through ongoing abuse (Cholil et al., 2025).

The third form of reasoning is sociological factual. Here, judges scrutinise the empirical conditions of the parties’ domestic life as they emerge in court, including the length of de facto separation (as in the Tenggara case, where the husband had left the home since 2017), the impact of violence on the victim’s physical or mental health (as in the Tanah Grogot case), the involvement of children as direct or indirect victims (as seen in Bontang), and the husband’s persistent failure to meet his financial obligations (a feature in nearly all cases). Witness statements are evaluated not only for their formal conformity with evidentiary requirements but also for what they reveal about the actual disruption of family life. Sociological factual reasoning thus serves as a bridge between abstract legal norms and the parties’ lived realities, enabling judges to conclude that the emotional bond between spouses has been severed and that there is no realistic prospect of restoring harmonious cohabitation.

Across the six courts, five rely exclusively on the Marriage Law and Islamic family law norms, treating domestic violence as an element of *syiqaq* and marital breakdown without any reference to PKDRT Law. Only the Penajam Religious Court supplements this framework by incorporating Articles 5 and 9 (1) of PKDRT Law when assessing the wife’s petition.

Taken together, these patterns of juridical-normative, theological, and sociological factual reasoning point to what this article terms selective normative integration and jurisdictional legal filtering. Rather than either fully embracing or completely ignoring the domestic violence Act, religious court judges selectively borrow its definitional language to classify certain forms of conduct – especially economic and emotional neglect – as domestic violence, while at the same time filtering out its rights-based and criminal law implications on the grounds of jurisdictional limits. In the five courts that confine themselves to the Marriage Law–KHI framework, domestic violence is subsumed under the more general category of *syiqaq* and marital breakdown, illustrating a judicial strategy of insulating family law adjudication from the broader domestic violence regime. By contrast, the Penajam decision exemplifies a more activist pattern of selective integration, in which PKDRT Law is used to strengthen the conceptual recognition of violence in civil divorce proceedings without formally transforming the Religious Court into a criminal forum. This dual practice, it is argued, constitutes a distinctive form of judicial behavior in Indonesia’s plural legal order.

Table 2. Patterns of Judicial Reliance on the Domestic Violence Act in Divorce Adjudication

Court (Total 6)	Primary Legal Basis Used	Domestic Violence Law Cited?
Samarinda, Balikpapan, Tenggara, Bontang, Tanah Grogot (5 Courts)	Article 39 (2) Marriage Law & Article 116 (f) KHI (Marital Breakdown)	No

Penajam (1 Court)	Article 39 (2) Marriage Law & Article 116(f) KHI and Article 5 & 9 (1) Domestic Violence	Yes
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Integration of the Domestic Violence Law (UUPKDRT) in Religious Court Divorce Decisions: Judicial Perceptions and Practices

Interview results with judges in six judicial districts of the Religious Courts in Samarinda, Balikpapan, Tenggarong, Bontang, Tanah Grogot, and Penajam reveal inconsistencies and a lack of integration of the PKDRT Law into judicial considerations. This situation directly impedes the full realization of a wife's economic rights following divorce: even when the divorce petition is granted, most rulings do not include provisions for crucial rights such as *iddah* maintenance and *mut'ah*. This is often triggered by the traumatic situation of domestic violence victims, who tend to prioritize their own safety and immediate liberation from the marital bond, leading them to frequently overlook alimony claims in their petitions.

The issue is further complicated by normative barriers and the judges' passive stance in handling divorce cases initiated by the wife. Textually, Article 149 of the KHI does indeed only impose the obligation for *iddah* maintenance and *mut'ah* in divorce cases filed by the husband. However, although SEMA No. 3 of 2018 has provided a legal breakthrough for wives to obtain this right as long as they are not proven to be *nusyuz*, judges tend to remain fixated on the principle of ruling only on what is claimed. Consequently, the ex officio authority held by judges to provide substantive legal protection for women who are victims of violence has not been fully realized, leaving a significant gap in the protection of women's economic rights following divorce.

1. Courts That Do Not Incorporate UUPKDRT

In the first group of courts (Samarinda, Balikpapan, Tenggarong, Bontang, and Tanah Grogot), judges generally did not consider the PKDRT Law as a legal consideration in divorce decisions involving domestic violence. Several reasons were consistently cited:

a. Lawsuit Construction Requirements

Judges emphasized that the lawsuit (*gugatan*) must clearly articulate the husband's acts of cruelty with specific details regarding the time, nature, and frequency of the violence. This is heavily influenced by the Legal Aid Center's role, which assists litigants in drafting lawsuits. When allegations of violence lack specificity, judges tend to disregard them as legal grounds.

b. Requirement of Postmortem or Judicial Evidence

Courts expect strong supporting evidence, such as a medical examination report or a District Court ruling on the domestic violence incident. Without such documentation, claims of violence are deemed insufficiently proven.

c. Witness Requirements

Most plaintiffs present only one witness, often a family member, which judges consider inadequate. This interpretation reflects an adherence to the evidentiary standards of Article 185 (2) of the KUHAP, which traditionally requires two witnesses to establish the truth of a criminal act.

The interview narratives suggest that judges do not consider the PKDRT Law because they view claims of cruelty primarily in terms of their impact on household harmony rather than as criminal acts requiring legal intervention. Thus, while physical, psychological, or economic abuse may be described in the lawsuit, they are treated merely as contributors to ongoing conflict rather than as violations under the PKDRT Law.

Judges consistently stated that violence triggers prolonged disputes, destroys household peace, and becomes the main determinant of divorce. This view aligns with previous findings by Mansari et al (2018). Paradoxically, even when violence is acknowledged, the PKDRT Law is still not taken into account. The deciding factor is framed as "continuous conflict," not the violent acts themselves.

This judicial stance reflects a deeper inconsistency with Article 55 of the PKDRT Law, which permits testimony by a single witness, supplemented by supporting indications, contrary to the stricter two-witness rule in KUHAP Article 185 (2). Article 54 of the PKDRT Law further affirms that general criminal

procedure norms may be set aside in domestic violence cases. Nevertheless, judges in these Religious Courts continue to rely on KUHP's evidentiary standards and disregard the more flexible provisions of the PKDRT Law.

Research indicates that domestic violence cases rarely have multiple witnesses, largely because such acts occur in private (Leasa, 2019). This adds another layer of difficulty for women seeking judicial recognition of abuse.

Case No. 328/Pdt.G/2021/PA.Tgr demonstrates this pattern clearly. Despite repeated violence and an active police report at the time of the divorce filing—indeed, the husband was in police custody the court still concluded that “continuous quarrels and disputes” were the grounds for divorce. Similar tendencies appear in decisions from MS Bireun, PA Sinjai, PA Padang, and MS Banda Aceh, even in cases involving sexual violence, drug abuse, and frequent verbal aggression (Asmarianti et al., 2022).

In some cases, judges have included references to the PKDRT Law not to establish criminal liability but merely to acknowledge that violence occurred, serving as an indicator that the marriage has irreparably broken down (Jones & Aftab, 2023). Even so, the law remains cosmetic rather than consequential.

d. PKDRT Law Viewed as Redundant or Tokenistic

Another factor underlying judicial reluctance is the perception that the PKDRT Law does not substantively add to existing rules. Judges argue that domestic violence is already covered by Article 19 of Government Regulation 9/1975, which outlines reasons for divorce. From this perspective, PKDRT Law merely restates what the regulation had long recognized.

Sumanto's research complements this view by mapping forms of violence in PKDRT Law into Article 19 (1)-(2), including physical abuse, psychological abuse, infidelity-related harm, chronic substance abuse, economic neglect, and abandonment (Sumanto et al., 2021). Thus, judges argue that the existing divorce framework already accommodates domestic violence, making reference to the PKDRT Law unnecessary in legal reasoning.

e. Jurisdictional Concerns

Judges also cite Article 44 of PKDRT Law, which assigns authority over domestic violence crimes to the District Court (*Pengadilan Negeri*). They worry that referencing PKDRT Law in divorce decisions may be seen as overstepping the jurisdiction of the Religious Court, whose mandate is civil, not criminal.

However, scholars note that incorporating Articles 5 and 9 of the PKDRT Law definitions of violence and obligations of family members does not encroach upon criminal jurisdiction but rather demonstrates progressive interpretation in understanding the civil consequences of domestic violence (Triana, 2018). Including PKDRT Law helps establish factual circumstances relevant to the breakdown of marriage, thereby supporting women's pursuit of justice.

2. Court That Incorporates UUPKDRT: Penajam Religious Court

In contrast, Penajam Religious Court (Case No. 161/Pdt.G/2021/PA.Pnj) included Articles 5 and 9 (1) PKDRT Law as legal considerations. The case involved severe economic violence: the husband abandoned his wife for seven months, provided no financial support or communication, and left her without means for daily sustenance or spiritual fulfillment. Witnesses corroborated these conditions, enabling the court to apply the PKDRT Law appropriately.

Economic violence is unique because, unlike physical or psychological abuse, its effects are observable and measurable even in the absence of direct interaction between victim and perpetrator. Research shows that economic insecurity significantly impacts physical and emotional well-being and increases the risk of depression (Johnson et al., 2022). Economic neglect is also one of the most frequently cited reasons for divorce in Religious Courts across Indonesia (Na'mah, 2024).

Exploring the Application of the PKDRT Law by Religious Court Judges

An interesting shift in the focus of analysis is the examination of why Religious Court judges, as in the case at the Penajam Religious Court, chose to apply the PKDRT Law. Rather than viewing it as a jurisdictional obstacle, this application should be seen as a progressive step. The judge at the Penajam Religious Court used the PKDRT Law not to impose criminal sanctions, which fall under the authority of the General Courts, but as an instrument to strengthen the grounds for divorce (Musawwamah, 2022).

In the most recent case (No. 161/Pdt.G/2021/PA.Pnj), the judge applied the PKDRT Law to classify economic violence. Although alimony issues have traditionally been regulated under the KHI, the Marriage Law, and the PKDRT Law provide a stronger dimension of human rights protection. By categorizing economic abandonment as “violence,” the judge sends a legal message that the neglect of alimony obligations is not merely a failure to fulfill the civil marriage contract, but an act of injustice that violates human dignity. This finding confirms that judges in Religious Courts are beginning to recognize the importance of legal harmonization (H. Nasution & Muchtar, 2020).

Although their jurisdiction is limited to civil divorce cases, the use of definitional provisions in the PKDRT Law helps judges to: First, apply the appropriate legal label to a husband’s abusive or neglectful actions. Second, strengthen the judge’s conviction that the dispute is not merely a common quarrel but falls within the category of harmful violence. Third, bridge the gap between Islamic family law and the standards of protection for victims of violence established in national law. Thus, the application of the PKDRT Law in Religious Courts functions as a form of “legal discovery” (*rechtsvinding*) aimed at providing substantive justice for women, even though formal authority over criminal enforcement remains with the General Courts.

Conclusion

This study examines the judicial considerations of judges at the Religious Courts in East Kalimantan in adjudicating divorce cases involving domestic violence, with a focus on the integration of the PKDRT Law. Key findings indicate that although domestic violence is the dominant trigger in divorce suits filed by women, the integration of the PKDRT Law into rulings remains inconsistent. Most Religious Courts tend to rely on the traditional legal framework of marriage (the Marriage Law, Government Regulation 9/1975, and the Islamic family law) as well as theological and sociological medical reasoning, without explicitly referring to the PKDRT Law. This inconsistency stems from various factors, including the lack of specificity in the formulation of the claims, rigid standards of proof, the perception that the PKDRT Law is redundant with existing regulations, and concerns about exceeding the civil jurisdiction of the Religious Courts. However, this study also identifies a progressive approach adopted by the Penajam Religious Court that explicitly integrates Articles 5 and 9 (1) of the PKDRT Law. In a civil context, the PKDRT Law is used not to impose criminal sanctions, but as a legal instrument to define and qualify forms of violence, including economic violence that constitute valid grounds for divorce. This approach demonstrates an effort to harmonize Islamic family law with national law, providing a stronger human rights protection dimension for victims of domestic violence.

The scientific contribution of this study lies in mapping the typology of judicial reasoning by judges and conducting an in-depth analysis of the practice of integrating the PKDRT Law into Religious Courts, particularly in East Kalimantan, an area that is rarely the focus of research. The implications for Islamic law are to demonstrate the potential for harmonization between sharia principles (such as the elimination of harm) and the national legal framework to achieve substantive justice for women victims of domestic violence. As a limitation, this study only analyzed six rulings in one region, so generalizations may be limited. Therefore, future research could expand the scope of cases and regions, as well as examine the impact of judge training on the consistency of the PKDRT Law application.

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Conflict of Interest

The research was undertaken independently, with interviews involving judges conducted solely to support the objectives of the study. The participants did not influence the study design, data collection, or analysis, interpretation of the findings, or the decision to submit the manuscript for publication.

References

- Afrianty, D. (2018). Agents for change: Local Women's organizations and domestic violence in Indonesia. *Bijdragen Tot de Taal-, Land- en Volkenkunde*, 174(1), 24–46. <https://doi.org/10.1163/22134379-17401024>
- Alfitri. (2020). *Protecting Women from Domestic Violence: Islam, Family Law, and the State in Indonesia*. 27(2), 273–307. <https://doi.org/10.36712/sdi.v27i2.9408>
- Alimi, R., & Nurwati, N. (2021). Faktor Penyebab Terjadinya Kekerasan dalam Rumah Tangga Terhadap Perempuan. *Jurnal Penelitian Dan Pengabdian Kepada Masyarakat (JPPM)*, 2(1), 20–27. <https://doi.org/10.24198/JPPM.V2I1.33434>
- Arrasyid, F., & Tanjung, D. (2023). Islamic Family Law Reform in Indonesia Through Supreme Court Circulars: A Maqasid Sharia Perspective. *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam*, 6(2), 208. <https://doi.org/10.30659/jua.v6i2.29236>
- Ashifa, K. M. (2022). An Emprical Analysis on Effects And Coauses Of Domestic Violence Against Women. *Webology*, 19(3), 484–490.
- Asmarianti, W., Marwenny, E., & Risa, Y. (2022). Kekerasan Dalam Rumah Tangga (KDRT) Sebagai Salah Satu Alasan Terjadinya Cerai Gugat Di Pengadilan Agama Kelas 1A Padang. *Jurnal Penelitian Dan Pengkajian Ilmiah Sosial Budaya*, 1(1), 93–105. <https://doi.org/10.47233/jppisb.v1i1.395>
- Maula, B. S., Ariyanti, V. (2022). Negotiations for Women : Divorce Cases Due to Domestic Violence in Religious Courts. *Jurnal Hukum Islam*, 20(1), 155–80. <https://doi.org/10.28918/jhi.v20i1.6024>
- Cholil, M., Rouf, A., Rahmatullah, P., & Ni'ami, M. F. (2025). Domestic violence and women's legal awareness: The family corner programmes interventions through the perspective of maqāsid al-usrah. *De Jure: Jurnal Hukum dan Syar'iah*, 17(2), 649–674. <https://doi.org/10.18860/j-fsh.v17i2.30101>
- Dewi, I. D. A. D. P., & Hartini, N. (2017). Dinamika Forgiveness pada Istri yang Mengalami Kekerasan dalam Rumah Tangga (KDRT). *INSAN Jurnal Psikologi dan Kesehatan Mental*, 2(1), 51–62. <https://doi.org/10.20473/jpkm.V2I12017.51-62>
- Djannah, F., & Rizal, M. (2020). Law Enforcement Against Perpetrators of Domestic Violence in terms of Legislation and Islamic Law. *Britain International of Humanities and Social Sciences (BioHS) Journal*, 2(1), 109–119. <https://doi.org/10.33258/biohs.v2i1.155>
- Gracia, E., Marco, M., López-Quílez, A., & Lila, M. (2021). Chronic high risk of intimate partner violence against women in disadvantaged neighborhoods: An eight-year space-time analysis. *Preventive Medicine*, 148. <https://doi.org/10.1016/j.ypmed.2021.106550>
- Hendriana, R. (2020). *The problematics of legal protection toward victims of domestic physical violence in Indonesia*. In *Advances in Social Science, Education and Humanities Research* (Vol. 499, pp. 357–361). Atlantis Press. <https://doi.org/10.2991/assehr.k.201209.349>
- Husain, H., Pulubuhu, D. A. T., & Iswary, E. (2021). Implementation of Law No. 23 of 2004 concerning elimination of domestic violence (PKDRT) in upholding of women's rights (Case study: In the City of Makassar). *Journal of Social and Political Sciences*, 4(1), 104–115. <https://doi.org/10.31014/aior.1991.04.01.254>
- Nurtjahyo, L. I. (2021). The Issue of Rights of Religious Freedom in Some Domestic Violence Cases in Indonesia. *Religions*, 12(9), 733. <https://doi.org/10.3390/rel12090733>
- Johnson, L., Chen, Y., Stylianou, A., & Arnold, A. (2022). Examining the impact of economic abuse on survivors of intimate partner violence: a scoping review. *BMC public health*, 22(1), 1014. <https://doi.org/10.1186/s12889-022-13297-4>
- Jones, B., & Aftab, A. (2023). Inside Indonesia's religious courts: An argument for domestic and family violence screening and exemption from compulsory mediation. *Oxford Journal of Law and Religion*,

- 12(2), 217–231. <https://doi.org/10.1093/ojlr/rwad015>
- Kafka, J. M., Moracco, K. B. E., Taheri, C., Young, B. R., Graham, L. M., Macy, R. J., & Proescholdbell, S. (2022). Intimate partner violence victimization and perpetration as precursors to suicide. *SSM - population health*, 18, 101079. <https://doi.org/10.1016/j.ssmph.2022.101079>
- Kasim, F. M., Nurdin, A., Muthalib, S. A., Syarifuddin, S., & Samad, M. (2022). The protection of women and children post-divorce in Sharia courts in Aceh: A sociological perspective. *AHKAM: Jurnal Ilmu Syariah*, 22(2), 411–432. <https://doi.org/10.15408/ajis.v22i2.25695>
- Kennedy, R. (2019). Penal Mediation Policy According to Indonesian Criminal Laws to the Protection of Criminal Victims Domestic Violence. *International Journal of Multicultural and Multireligious Understanding*, 6(3), 1079. <https://doi.org/10.18415/ijmmu.v6i3.1038>
- Kogoya, R. (2023). The role of young people in realizing gender equality in the midst of strong patriarchal culture in NTT and Papua. *Jurnal Asia Pacific Studies*, 7(1), 29–39. <https://doi.org/10.33541/japs.v7i1.5108>
- Komaruddin, K. (2019). Gender bias in interpretations of domestic violence in rural areas: A case study in Ciamis district, Indonesia. *Pertanika Journal of Social Sciences and Humanities*, 27(1), 457–465.
- Leasa, E. Z. (2019). Kekuatan Keterangan Saksi Sebagai Alat Bukti Pada Perkara Kekerasan Dalam Rumah Tangga. *JURNAL BELO*, 4(2), 188–203. <https://doi.org/10.30598/belovol4issue2page188-203>
- Lestari, R., Herdiansyah, H., Tirtawening, T., & Pranoto, D. M. (2019). The co-existence of laws regarding domestic violence case settlement: Rote Island, East Nusa Tenggara, Indonesia. *Journal of International Women's Studies*, 20(7), 165–179.
- Lohy, M. H., & Fauzi, A. M. (2021). Peningkatan Kekerasan Dalam Rumah Tangga (KDRT) Selama Pandemi Covid-19 Dalam Kacamata Sosiologi Hukum. *Res Judicata*, 4(1), 83–98. <https://doi.org/10.29406/rj.v4i1.2475>
- Mansari, Dahlan, Mahfud & Martunis. (2018). Gugatan Cerai Perempuan Korban Tindak Kekerasan Dalam Rumah Tangga (Suatu Penelitian di Mahkamah Syariah Kota Banda Aceh). *Gender Equality: Internasional Journal of Child and Gender Studies*, 4(1), 89–110. <https://doi.org/10.22373/equality.v4i1.4483>
- Martitah, Sulistianingsih, D., Mohd Yusoff, R., & Ismail, N. (2024). Insufficient criminal justice system response to the severity of domestic violence during the pandemic in Indonesia. *Heliyon*, 10(14), e33719. <https://doi.org/10.1016/j.heliyon.2024.e33719>
- Hasanudin, 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>
- Musawwamah, S. (2020). The implementation of perma number 3 of 2017 concerning the guidelines for dealing with women's cases on laws as an effort of women empowerment in the judiciary in madura. *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial*, 15(1), 67–92. <https://doi.org/10.19105/al-ihkam.v15i1.2883>
- Musawwamah, S. (2022). Divorcing Husbands as a Solution to Protect Women's Dignity: A Case Study of Domestic Violence at Madura Religious Court. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 6(2), 997–1021. <https://doi.org/10.22373/sjhk.v6i2.14929>
- Nasution, H., & Muchtar, A. R. (2020). Access to Justice for Women and Children in Divorce Cases in the Indonesian Religious Courts. *Ahkam: Jurnal Ilmu Syariah*, 20(2), 361–384. <https://doi.org/10.15408/ajis.v20i2.15702>
- Nasution, S. M., Sutatminingsih, R., & Marhamah, M. (2020). Dynamics of resilience in women as intimate partner violence survivors. *Journal of Educational and Social Research*, 10(3), 141–150. <https://doi.org/10.36941/JESR-2020-0054>
- Mohammed Na'aim, M. S., Rajamanickam, R., & Nordin, R. (2022). Intimate partner violence within the framework of Malaysian laws. *UUM Journal of Legal Studies*, 13(1), 131–154. <https://doi.org/10.32890/uujls2022.13.1.6>
- Nisa, M. P. (2021). 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(1), 1–23.

<https://doi.org/10.19105/al-lhkam.v16i1.4292>

- Sangeetha, J., Mohan, S., Hariharasudan, A., & Nawaz, N. (2022). Strategic analysis of intimate partner violence (IPV) and cycle of violence in the autobiographical text-When I Hit You. *Heliyon*, 8(6), e09734. <https://doi.org/10.1016/j.heliyon.2022.e09734>
- Dikuraisyin, B., Sumarkan., Fatwa, A. F., & Ghozali, M. L. (2024). Reconstruction of marriage law: Judges' progressive reasoning based on maqāṣid in addressing divergent interpretations in Indonesian courts. *Al-Manāḥij: Jurnal Kajian Hukum Islam*, 18(2), 237-254. <https://doi.org/10.24090/mnh.v18i2.9436>
- Sari, A., & Putri, A. H. (2020). Perlindungan hukum terhadap perempuan korban kekerasan dalam rumah tangga. *KRTHA Bhayangkara*, 14(2), 236-245. <https://doi.org/10.31599/krtha.v14i2.291>
- Savitri, N. (2020). Pembuktian dalam Tindak Pidana Kekerasan Seksual terhadap Anak. *Jurnal Bina Mulia Hukum*, 4(2), 276-293.
- Setyowati, D., & Rusdiana, E. (2020). Relevance of Criminal Law Formulation in the Law of Domestic Violence Elimination in Indonesia. *Journal of Indonesian Legal Studies*, 5(1), 95-124. <https://doi.org/10.15294/jils.v5i1.35362>
- Suhaimi, S. M. &. (2020). Solusi Pengadilan Agama dalam Mengatasi Problematika Perceraian yang Terjadi di Masyarakat. *Jurnal YUSTITIA*, 21(2). <https://doi.org/10.0324/yustitia.v21i2.989>
- Sumanto, D., Samsudin, T., & Amiruddin, F. H. A. (2021). The existence of the Religious Court in handling divorce cases on the reason of domestic violence. *Jambura Law Review*, 3(2), 214-230. <https://doi.org/10.33756/jlr.v3i2.11651>
- Suteki, S., & Purwanti, A. (2016). the Strategies of Women Protection in Solving Domestic Violence Cases in Central Java Through Sheltered House. *Diponegoro Law Review*, 1(1), 113. <https://doi.org/10.14710/dilrev.1.1.2016.113-126>
- Triana, N. (2018). Progressivity of judges in domestic violence disputes settlement in the case of divorce in the Religious Court. *Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam*, 2(1), 1-29. <https://doi.org/10.30659/jua.v2i1.3543>
- Na'mah, U., & Rachmatulloh, M. A. (2024). Interpretations of nafkah, gender relations, and motivations for divorce: A case study of divorce lawsuits at the Kediri City Religious Court. *Istinbāth: Jurnal Hukum dan Ekonomi Islam*, 23(1), 17-31. <https://doi.org/10.20414/ijhi.v23i1.700>
- Yusuf, N., Azizah, N., & Hasan, F. (2023). Feminism analysis of judges' considerations for post-divorce domestic violence victims in Medan and Banda Aceh Religious Courts. *Al-'Adalah*, 20(2), 283-308. <https://doi.org/10.24042/adalah.v20i2.16177>