

Becoming a Victim of Domestic Abuse and Partner's Lack of Knowledge of Marriage Laws

Vinita Susanti¹ and Bambang Slamet Riyadi²

Abstract

Domestic abuse with husbands as the offenders and wives as the victims shows that there is an imbalance of rights and obligations in living a married life, despite the rights and obligations of husband and wife are strictly regulated in Law Number 1 of 1974 concerning Marriage. As the offender of domestic abuse, a husband cannot escape from criminal sanctions that have been determined in Law Number 23 of 2004 concerning the Elimination of Domestic abuse. In response to domestic abuse, the author argued, using feminist research and a qualitative methodology, that women (wives) who killed their partners were also victims. Therefore, they shouldn't be imprisoned. This article discusses the public perspective of women who have homicidal as a response to domestic abuse by looking at the motivations behind their actions, rehabilitation tactics, forgiveness policies and protection programs for these women. After careful consideration, the author concludes that the Indonesian government should enact legislation to regulate alternative intervention programs for victims of domestic abuse who have killed their abusers.

Keywords: *Victim Of Murder, Husband and Wife, Domestic Violence.*

INTRODUCTION

The family is society's smallest social unit which has its own role in shaping individual's belief, characteristics, and values. It is also a very important social element of relationships between its members. A family may consist of parents and children. In relation to the roles of family, parents must provide good parenting styles for their children. This can be influenced by the social environment. Domestic abuse is one common case of violence experienced by women. This has significance impacts on women in all her life spans up to a certain degree in all levels of society around the world (Indah, Astutik, Riyadi, Zauhar, & Haryono, 2024; Nurhadi, Riyadi, Rozikin, & Nuh, 2024; Rozikin, Riyadi, & Achmadi, 2024; Rozikin, Riyadi, & Mukminin, 2024).

Based on women's experiences of victimization, there are four typological models of capital and domination. In radical feminist studies and criminology, women receive various kinds of sanctions and punishments. For example, not all sentences given to them applied to the Law on the Elimination of Domestic abuse No. 23 of 2004. However, this law does not take women's perspectives into account; not all women have been covered by its provisions. Legally, the court ruling states that women who kill in retaliation for domestic abuse are guilty. However, research shows that they also experience domestic abuse. (Purboyo, Riyadi, Irawan, & Inkiwang, 2024; B. Sl. Riyadi, 2024; Septiyanto, Riyadi, Saleh, MM, & DPA, 2024).

However, in this instance, the husband (as the one who was murdered by the wife) was the one who started the the wife's murderous act by initiating or triggering the act. Consequently, it may be said that this kind of crime is common, in which the offender is also the victim of other crimes. Although the women will still be punished for their crime, the author contends that the penalty ought to be administered differently, maybe through community service or rehabilitation. (Chandra & Riyadi, 2024; B. S. Riyadi, 2024).

This study aims to offer input on the suggested guidelines for the punishment of women who murder in retribution for domestic abuse.

¹ Universitas Indonesia. Faculty of Social and Political Sciences. Department of Criminology, Email: vinita.susanti@ui.ac.id

² Universitas Bhayangkara Jakarta Raya. Faculty of Law. Jakarta. Indonesia, Email: bambang.slamet.riyadi@dsn.ubharajaya.ac.id

LITERATURE REVIEW

Theory of Feminist Criminology on Women Who Kill

As a new field of study focused on women, feminist theory aims to provide a framework of concepts about human existence that presents women as both objects and subjects, as well as knowing individuals and actions. The term "feminism" describes concepts developed primarily by women to change society and their own self-understanding. Feminists present a view of social interactions that considers women as a socially marginalized group. For example, the appropriate punishment for women who kill in retaliation for domestic abuse has not been considered.

The status of women in the legal, criminal and correctional systems is a subject of study in feminist criminology. The experience of women in the criminal justice system is not well researched, despite popular belief. Feminist jurisprudence therefore uses a positivist approach to discover the truth underlying the authority of the law (Smart, 2017). In 'Crime and Criminology: A Feminist Critique,' Carol Smart takes issue with the way women offenders are treated in traditional criminology. It ignores the fact that these women offenders have also been victims of other crimes (Smart, 2013). From the perspective of the criminal justice system, feminist criminology focuses on women as workers, victims and offenders. Renzetti explains victims and offenders, as well as institutional responses to basic gender concerns, and defines feminist criminology as a paradigm of inquiry (Renzetti, 2013). In order to have an impact on the formulation of public policy, we therefore need an academic understanding. Legal practices and systems that minimize the experiences of women who have committed crimes and do not take them into account in legal proceedings are exposed by feminist legal theory. Men who commit similar crimes may not be treated equally by the criminal justice system as regards sentencing women who kill in retaliation for domestic abuse. Feminist legal theory seeks to understand women's experiences, to examine whether laws and legal institutions treat women equally, and to identify possible solutions. It argues that the law respects and perceives women in the same patriarchal way as it does men.

In practice, the way state policies shape experience is analogous to men's experiences (MacKinnon, 1983). Another aim of feminist legal theory is to analyze and develop conventional legal philosophy and application. It highlights how laws are written, sometimes unintentionally, to ignore the demands and realities of women. Furthermore, feminist jurisprudence rejects it and considers how women should be treated equally within the social compact upheld by current laws and legal systems, regardless of their color, class, age or ability (H. Barnett, 2013).

This article focuses at Indonesia's policy of prosecuting women who kill in retaliation for domestic abuse. It does not, however, mean that all women from diverse social origins lack the ability to oppose laws, patriarchy, and the judicial system in order to support their rights

Radical Feminism's Patriarchy and Sexuality to Explain Husband's Domination over Wife

The two primary ideas in radical feminism for understanding the dominance of men over women are sexuality and patriarchy. Max Weber first coined the term 'patriarchy' to refer to a specific socio-political framework in which a father is can manage the economic output of his kinship unit and exercise dominance over members of his extended family network because of his position in the household. In the meanwhile, Kate Millet, one of the pioneering radical feminists, contended that the idea of male supremacy and culture permeated all spheres of human existence, including economics, politics, religion and sexuality, and that this idea created patriarchy - not just within the family (Saptari, 1997). In the meantime, three universal types—heterosexuals, marriage-based families, and biological mothers—were put forth in other radical feminist literature.

For example, Shulamith Firestone claimed that biological factors, which dictate that only women are capable of becoming pregnant and giving birth—are the foundation of patriarchy (Firestone, 2015). Others argue that the social institution of the family, which is based on certain forms of marriage, and not on the status of the woman as the mother, is the universal feature underlying patriarchal systems. According to Bouchier, marriage is an institutional source of real exploitation (Bouchier, 1983). The basis of patriarchy, according to patriarchy historian Marilyn French, is peaceful coexistence with nature. People see themselves as little more than parts

of a larger system. The study found that matricentric, or mother-centered, civilizations existed in early times. Feminine roles, like connecting, sharing, and harmonizing with nature, were passed on (French, 1985). Food supplies became increasingly scarce as a result of the population growth that characterised human development. As a result, mankind has gradually begun to withdraw from the natural world. They pay a price for their alienation from nature by trying to control it. Once alienation has occurred, characteristics such as 'divorce', 'hostility', 'fear' and 'hatred' are fostered instead. Because of their propensity to reproduce, men often see women as an extension of nature, which fuels their ambition to dominate both nature and women (Tong & Botts, 2009).

In professional environments, educational settings, media settings, and other situations, men utilize their authority over women in public-structural and ideological contexts. Furthermore, in the private sphere of men and women's close interactions, patriarchy also has a personal significance. As Mary Marynard said: "Politics occurs within families and between individuals when one person seeks to control or dominate another. It is in the personal and personal context that women are especially vulnerable to male power" (Maynard, 2002).

As Sylvia Walby has said, the saying "the personal is political" is true. The reason for this is that there is male dominance in both very private and public spheres of existence. Not only outside the home, but also within it, women are fighting to end subordination. Examples of issues that are considered to be part of the male dominance system are who gets to do the housework and who has the authority to interrupt others in discussion. (Walby, 1989).

Although feminists have drawn on ideas about patriarchy and sexuality from other schools, there have been criticisms of the use of these ideas as well as the core beliefs of radical feminist thought. Firstly, this perspective highlights how universal women's situations are, regardless of place or time. As a result, many factors, such as the diversity of women themselves in terms of age, religion, race and economic status, are not taken into account and can have different effects. Secondly, the exclusive focus on the background of sexuality (and patriarchy) obscures other aspects of women's lives, such as the development of capitalism, the workings of political economy and the combined effects on women's working lives. Finally, they provide no analytical justification for men's desire to dominate women. Their explanations tended to focus on men's biological impulses (Tong & Botts, 2009).

METHODS

According to Liz Stanley, a British sociologist, studies feminist is conducted by women with the aim of advancing the rights of marginalized women who are subject to male dominance (Reinharz & Davidman, 1992). Based on the idea that women who commit murder because of victims of domestic abuse as well and that prison is not the right place to punish them, the author took a negative stance. Both qualitative and quantitative methods were used in this study. The author used a qualitative approach to explore women's perspectives. Unlike positivism, which requires the author to take a neutral position to arrive at the 'objective', this method allows for an emotional connection. Nevertheless, information was brought to the surface by highlighting the personality of the author (a subjective component). In the early stages of this study, two surveys were conducted to use the quantitative technique. The respondents included members of ASWGI (Association of Women/Gender and Children Studies Centre in Indonesia), APVI (Association of Indonesian Victimology Teachers), MAHUPIKI (Indonesian Criminal Law and Criminology Society), and lecturers and students of criminal law at state universities.

As mentioned above, this is a follow-up study to the author's dissertation, which showed that women who killed in retaliation for domestic abuse were also victims. This led to the argument that they shouldn't be imprisoned and that a special policy should be created to deal with this issue. Whatever the motive, women who commit murder are considered guilty under positive law. However, according to radical feminist theory, women who kill in retaliation for domestic abuse are seen as victims and should therefore be punished differently. To achieve the research objective, the author also gathered secondary data using the online desk review technique to make suggestions for legal policy regarding the sentencing of women who kill in retaliation for domestic abuse. Using this approach, the author searched relevant publications, textbooks and institutional

reports for relevant information. Data on sentencing practices related to the same issue from different countries were collected and compared. An example of the research methodology and data sources is given below.

FINDINGS

Why is domestic abuse the root cause of female homicide? - Unstructured interview (n = 5; Gender specialists, victims, criminal law lecturers, and legal experts).

Statement 1: Women who commit homicide in reaction to domestic abuse are not breaking the law. The views of the informants on this matter were divided into the following two categories:

Women who have killed men in retaliation for domestic abuse are not punished. Why is this the case? Most of the informants who expressed this opinion said that the best way to prevent victimisation within the family was to kill. These women believe that by killing their husbands or marriages, they can escape the abuse to which they are subjected.

The fact that some women have chosen to kill to counteract domestic abuse suggests that they have had enough of being violently abused by their husbands or wives.

Public perceptions of women who kill their partners in response to domestic abuse, following a study with UPN veteran faculty and law students (n = 93) and Unstructured interview (n = 5; Gender specialists, victims, criminal law lecturers, and legal experts). The remarks that follow serve as an example of how society perceives female-perpetrated homicide in reaction to domestic abuse: 2) Women should not be judged exclusively responsible for killing their abusers out of self-defense; 3) A lot of individuals believe that women who killed males as a reaction to domestic violence should not be punished; 4) Women who kill for self-defense should not be held exclusively responsible.

Statement 2: Crimes against women who murder their abusers are recognised. 34.4% of respondents agreed with this statement, 29.3% disagreed and the rest were unsure.

Result of interviewing one of the informants are as follows: The implication of this statement is that killing someone is illegal regardless of who does the killing or why; therefore, killing an abuser is a crime. (Informant 1).

Statement 3: Many people are of the opinion that there should be no punishment for women who have killed men in retaliation for domestic abuse. According to the survey result, up to 39% agreed, 48.8% disagreed and the rest were unclear. Interview results show disagreement with the statement that women who take action in retaliation for domestic violence are not legally responsible was as follows. In the final analysis, the act of taking the life of another human being is morally unacceptable, regardless of the motivation behind it. However, considering the circumstances and the justification, the punishment should be appropriate. Thus, it should be amended to the effect that women who kill men in retaliation for domestic abuse should not be subject to the harshest punishment. To put it another way: Women who commit homicide as a result of domestic abuse will have their sentences determined by the criminal justice system, taking into account socio-psychological factors. (Informant 2).

Statement 4: Since they were acting in self-defense, women who killed in response to domestic abuse shouldn't be held solely responsible. 85.4% of respondents agreed with this statement. 9.8% disagreed, while the remainder were unsure. The interview results show agreement that they cannot take all the blame. In addition, there is a plea-bargaining process to acknowledge that they have also been victims of domestic abuse. Domestic abuse happens repeatedly during a marriage, not just once. Some women eventually fought back when the abuse continued, but some chose to do nothing. We will therefore examine self-defense, knowing the social and psychological background to the action. While intense emotions may occasionally lead someone to inadvertently injure others in self-defense, which can lead to homicide (Informant I).

Rehabilitating women who kill to end domestic abuse - UPN Veterans, Faculty of Law Students Survey (n = 93) and Unstructured interview (n = 5; Gender specialists, victims, criminal law lecturers, and legal experts)

The question of whether rehabilitation programs are needed for women who kill in response to domestic abuse was raised in this discussion. The respondents were informed that 5) women who kill because of domestic abuse need to be rehabilitated in order to overcome their past trauma. As it happened, every respondent found this statement to be true.

Statement 5: Women who have committed homicide because of domestic abuse need to be rehabilitated to heal from their past suffering. As indicated earlier, every respondent agreed with this statement. As one of the informants put it First of all, we have to take into account the fact that they are more likely to be victims than perpetrators, which means that since their murderous act was not planned, protection and rehabilitation measures had to be implemented. In this case, victims of domestic abuse typically experience psychological trauma and struggle with their identity as a victim despite having committed murder. The psychological impact on victims of domestic abuse is often complex. (Informant 3).

According to a study conducted by UPN Veteran, Faculty of Law students, women who have murdered or attempted to murder in response to domestic abuse require special (lenient) care and protection (n = 93) and Unstructured interview (n = 5; Gender specialists, victims, criminal law lecturers, and legal experts). This study brings up several issues, one of which is the requirement for women who have killed in response to domestic abuse to get special (lenient) care and protection.. The following assertions are based on this premise:

Expert testimony must be included and taken into account by judges who preside over trials involving women who have committed murder in response to domestic abuse.

The principle of protecting victims of domestic abuse needs to be upheld by the judges who sit in the courts hearing cases involving women who have died in retaliation.

The government must provide greater protection and support for domestic abuse victims.

Safeguarding women who suffer from abuse at home should be given top priority by the positive legal system..

There is a strong tendency to think that women who kill in retaliation for domestic abuse are victims and should not be punished. Does this make sense for our criminal justice system?

The government needs to protect and give more attention to women who are victims of domestic abuse.

Situations where women killed someone in reaction to domestic abuse are decided by judges in court.

What are the fundamental reasons for agreeing to give special (lenient) legal treatment to women who kill in retaliation for domestic abuse?

Statement 6: Jurisdictions dealing with cases of female homicide because of domestic abuse must include and take into account expert testimony. 97.8% of respondents agreed with this statement. According to an informant interview, it is crucial to have expert witnesses in trials, especially if they have first-hand knowledge of accompanying victims of domestic abuse. (Informant I).

Statement 7: When making decisions in court in cases involving women who kill in retaliation for domestic abuse, judges are required to uphold the principle of protection for victims of domestic abuse. The survey results show, 85.4% agree, 9.8% disagree while the rest are not sure. The result of the interview with one research informant is as follows Yes, indeed. It is important to look at victims of domestic abuse from an objective point of view. They should be protected and their status as victims should be considered in the murder case. According to this approach, their testimony should be taken at face value and then additional information and expert testimony should be evaluated and an appropriate sentence imposed. (Informant 4).

Statement 8: The government needs to do more to protect and support victims of domestic abuse. 85.4% of respondents agreed with this statement while 9.8% disagreed and the rest were unsure. One of the sources said: "Yes, I think this problem has been there for a long time. I know that domestic abuse is against the law in Indonesia. But how is this law put into practice or implemented?" It is uncertain if the public facilities and services are enough, even if each region has an Integrated Service Center for Women and Children Empowerment or Center for the Protection of Women and Children. It's common knowledge that victims of abuse require paralegal support, psychological counseling, and possibly even medical attention when putting

the protection program into action. In light of the fact that judges and law enforcement regard women as victims, it is now unclear how law enforcement personnel view various domestic abuse concerns. There is obviously room for improvement, even if the government is required to try to accomplish these goals in this situation. (Informant 2).

Statement 9 Defending victimized women of domestic abuse must be a top priority in the positive legal system. Of the respondents, the remaining respondents were unclear, with 9.8% disagreeing and 85.4% agreeing. Following the interview with a research informant, the following outcome was obtained - It's crucial since this guiding principle ought to be safeguarding.. I think that the social reality is reflected in the legislation. As a result, everything is considered, including the motivation behind the crime. Unfortunately, I cannot influence how the favorable legal system views this particular issue. It's possible that the legal system considers the socio-legal perspective taught at the faculty. It implies that this kind of teaching is necessary. (Informant I).

Statement 10: Most people tend to think that women who kill in retaliation for domestic abuse are victims and shouldn't be punished. Is this an appropriate and relevant approach in our criminal justice system? Of those surveyed, 85.4% agreed, 9.8% disagreed and the remaining did not know. According to one of the informants, it would be a challenge in our legal system. Dealing with homicide cases where the victim of domestic abuse is the perpetrator may be difficult under our current legal system. As the Penal Code is still unchanged, the abolition of the death penalty is at the centre of the current discussion. Even if this is achieved, it will not be an easy problem to solve. In my opinion, they would be completely exonerated. (Informant 5).

Statement 11: Women who are victims of domestic abuse should receive more attention and protection from the government. 85.4% of respondents agreed, 9.8% disagreed and the rest were unsure. "I agree, but there is a relationship where women become victims," said one of the informants. It is therefore clear that legal aid is needed first. Then, as part of the protection, psychological support is also provided. Shelter could also be offered as a form of defense. The government should also protect them from the media and the husband's relatives, who are out for revenge. (Informant 4).

Statement 12: Cases against women who killed as a reaction to domestic abuse are decided by judges in court. 9.8% disagreed, 85.4% agreed, and the remaining people were unsure. Moreover, many of those interviewed stated that they had never seen an expert witness called to testify in court..

Statement 13: What are the fundamental reasons for agreeing to offer special (lenient) legal treatment involving women who kill in retaliation for domestic abuse? The following are some of the explanations given by the informants: a) Women's subordinate status in our patriarchal culture, which means that they are constantly the target of prejudice and marginalization. b) Sociological explanations are also worth mentioning, since it's necessary to consider the motives behind the act.

Premarital Counseling as a Measure to Prevent Domestic abuse: A Survey of Faculty of Law Students and Veterans at UPN (n = 93) and Unstructured interview (n = 5; Gender specialists, victims, criminal law lecturers, and legal experts) One preventative strategy to stop domestic abuse is premarital induction.

Statement 14: Pre-marital counselling for prospective spouses should be made mandatory by the government through the Ministry of Religious Affairs (KUA/Office of Religious Affairs). Domestic abuse would be discussed in detail during the sessions, along with its effects and the steps involved in filing a report. Up to 97.6% of respondents said that premarital counselling and education on domestic abuse should be provided by the KUA. The result of the interview with one of the research informants is as follows I think premarital therapy is very important. Engaged couples are required to attend domestic abuse counselling sessions. In fact, domestic abuse can be considered a crime under the law, right? If we were to consider which organization would be the best to file complaints against, KUA might be the best option. This makes the issue crucial, especially as there is currently a law to stop domestic abuse. (Informant I).

Different countries have different rules for punishing women who kill as a result of domestic abuse. Battered Women Syndrome (BWS), commonly referred to as Victim of Violence Syndrome or Domestic abuse Syndrome, is typically associated with homicides committed by women against their spouses because of domestic abuse in many different countries. The phrase "post-traumatic stress disorder" was first used in

psychology to refer to a particular kind of syndrome where victims of domestic abuse suffered from extreme trauma and a recurring feeling of being in danger.. The meaning of the word has evolved over time and has been used in the legal system. BWS is generally understood as an extension of the victim's right to self-defense in cases of homicide, since the victim usually dies when there is no immediate threat, such as when sleeping. In that case, the victim decides that the only way to protect herself from the abuser by kill the perpetrator. (Fair, 2017).

A 2016 study by Penal Reform International (PRI) shows that while the problem of battered women's syndrome (BWS) is recognized globally, solutions to it are lagging. Legislative and judicial perspectives on women who take revenge on their abusers or carry out "criminal acts" in reaction to violence differ at the same time.. A history of abuse or violence against women was seen as a mitigating factor, but there was no specific legal basis for this in the countries where PRI research was conducted. As a result, calls for mitigation have subsequently been incorporated into existing criminal law. (Linklaters, 2016) demonstrates a belated response to the problem of BWS and a global knowledge of it. Lawmakers' and judges' perspectives on women who have retaliated against their abusers or committed 'criminal acts' in response to violence differ, however, in how forgiving they are. In the countries in which PRI research was conducted, there was no specific legal basis for a history of abuse or violence against women, which is considered a mitigating factor. As a result, pleas for leniency were subsequently incorporated into existing criminal laws. In most cases, offenders attempt to conceal their plea in order to benefit from the current leniency defense. Different countries have had different outcomes when abuse victims have attempted to employ self-defense, temporary insanity, or provocation (if any). However, the PRI research also found that in many countries, the defense systems in place have not been able to adapt to women with BWS and are slow to respond. According to PRI research in several Australian states, criminal law has been changed to be more lenient on female offenders because of the abuse they have suffered. These changes can be made in a number of ways, such as adding new defenses that are only available to victims of domestic abuse (as in Queensland, Australia) or changing existing defenses to better suit victims of domestic abuse (as in Victoria, Australia). Other legal systems appear reluctant to move beyond conventionally recognized boundaries, although others have created new laws or amended existing ones to address the needs of victims of domestic abuse. Their modified legal system recognizes and supports the theory that the murder may have been the result of ongoing and systematic domestic abuse.

According to the PRI report, a history of domestic abuse can mitigate guilt or reduce punishment in several countries. Australia, Brazil, Mexico, Poland, Hong Kong, Japan, Spain, and India all have explicit sentencing laws or protocols, while the United States does not. The PRI contends that even in the absence of official sentencing guidelines, these nations have a great deal of discretion when it comes to sentencing.

Courts in Poland have exercised their ability to take into account 'general' issues, such a history of domestic abuse or assault abuse - when determining sentences. This has resulted in a pardon or reduced sentence.

In determining guilt (in favor of the accused) in Mexico, courts may consider a number of considerations, such as the family relationship of the accused to the victim of the offence and other relevant facts.

Judges in the United States are granted significant authority to take into account a range of mitigating considerations by both state and federal sentencing guidelines. In certain circumstances, it even permits the utilization of a history of domestic abuse as a mitigating factor. Brazil's punitive laws are interpreted flexibly, making it possible to take into account circumstances like past domestic violence.

The use of a victim's history of domestic abuse is not specifically permitted under Australian sentencing guidelines and legislation. Nevertheless, judges in each state typically rely on their power to weigh all relevant considerations, including relevant case law, in determining sentences.

If there are extenuating circumstances, the Spanish court will sentence the offender to the lower end of the applicable sentencing range for the offense if there aren't any aggravating circumstances.

Because there are a wide range of legal penalties for different crimes in Japan, juries and judges have a great deal of discretion in deciding how harsh a sentence should be in a given situation. As a result, a history of domestic abuse can be considered in the sentencing process.

"Continuous" provocation is now allowed as a defense to murder in Indian courts. The recognition of a history of domestic abuse has made it possible to impose a lighter sentence. If a history of domestic violence is considered a reducing circumstance under one of the more common sentencing guidelines available under the law of the jurisdiction, then specific statutory reduced sentences may be imposed in some situations..

According to Brazilian sentencing rules, a crime committed for "social, or moral values or excessive emotion" may result in a sentence reduction of one-sixth to one-third. As was previously indicated, the history of domestic abuse has been considered to establish that women's transgressions were, in fact, motivated by pertinent "social or moral values."

In Australia, the relative importance of a history of abuse is not specifically defined by legislation or recommendations. Certain instances have been highlighted, nevertheless, to highlight the significance of a history of domestic abuse when determining a sentence.

The Criminal Code (KUHP) or the Domestic abuse Elimination Act No. 23 of 2004 is the sentencing guideline for women who commit homicide in response to domestic abuse, according to the research findings. The KUHP is gender neutral and is used favorably by judges. In addition, victims of domestic abuse who are the subject of a police investigation may become victims of domestic abuse more than once. This happens because questions are asked about sensitive issues and pressure is put on victims who may be emotionally unstable.¹

Babcock and Steiner (1999), state that numerous studies have demonstrated that incarceration is insufficient to assist in the rehabilitation of criminals who have sacrificed their relationships. Bennett et al., meanwhile, claimed that successful offender rehabilitation depends on prison programming that continues into the community following a time of incarceration (Bennett, Stoops, Call, & Flett, 2007). Gender-specific intervention programs should be implemented for domestic abuse situations, according to Covington and Bloom (2014) as women who have experienced domestic abuse and go on to commit homicide do so for distinct reasons than do men. An effective intervention must recognize and address the unique risks and needs that affect both genders. Additionally, they proposed that therapy pertaining to the reasons behind the crime may be incorporated into intervention programs for women who have experienced domestic abuse. As many women are victims of domestic abuse, another program could include educational materials on the trauma of being a victim. Women who have been victims of domestic abuse also report being sexually harassed by their boyfriends. They need trauma-informed therapy tailored to sexual abuse if they have been sexually abused by their spouses. Studies show that women can be both perpetrators and victims of domestic abuse. Women are usually the victims of domestic abuse.

It is imperative to address the underlying issues that led these women to consider domestic homicide as a solution to their victimization when providing support programs for women who have committed a killing in response to domestic abuse. Programs for men should be distinct from programs for women, according to the Duluth model (Pence, 1983), since they need to recognize gender-specific differences. Programs for male victims of domestic abuse, for instance, could cover parenting techniques, substance or drug misuse counseling, and teaching about power and control. It has been said that men's involvement in domestic abuse stems from their ability to manipulate, control, and wield power over others. Men's programs should therefore consider their innate need for control and power by offering opportunities for specialized employment. Programs designed to help women who kill to prevent being victimized in the home, on the other hand, ought to concentrate more on ways to solve problems, like reporting crimes to the police or asking for help from neighbors and other sources. A unified and well-coordinated program of legal assistance and intervention to raise awareness in prisons (penal institutions) and the community can be one of the policies and procedures that can help to protect those affected by domestic and make the necessary programs available for offenders in prison (penal institutions). Alternatively, perpetrators in the community can receive psychological support through an intervention program designed to increase their legal understanding and help. With the help of these intervention programs, they can choose not to use violence in order to protect their family from potential victimization.

Bennett et al. (2007) study looked at the rate of re-arrests among domestic abusers and the impact of finishing an intervention program that provided support and legal understanding. They found that there was an average

of 2.4 years between the time someone first enrolled in the intervention program and their recidivism. In terms of re-arrests, 34.7 percent of non-completers and 14.3 percent of program completers were detained again for violent crimes in order to prevent becoming victims of domestic abuse. After completing the intervention program, there is a decrease in recidivism rates associated with certain types of violence, such as homicide, which helps to prevent more victims of domestic abuse.

The results of the above studies show that behavior can change. For example, it was once thought that women who engage in violent behavior, including killing, do so to protect themselves from becoming victims of domestic abuse. This idea comes from earlier social learning experiences. In this case, it instructs them to think about other tactics, such as intervening and rehabilitating, to stop violent victims. Despite the potential for difficulties, this essential process should be viewed positively. Rather than being forced to change, perpetrators should be inspired to do so. Motivation is indispensable for the successful completion of the program by the prisoners, and it's often pointed out that a lack of motivation is the cause of non-compliance and reoffending. One solution to this problem is to allow prisoners to choose whether to participate in the programs. The idea that they can change for the better and that their future actions will depend on their own actions as well as on the completion of the current program of work is the source of prisoners' motivation. (Stewart & Picheca, 2001).

Gender-specific programs are essential for providing services to both men and women in prison, as they address their individual needs and vulnerabilities. As mentioned earlier, men are more likely than women to be convicted of domestic abuse offences. This is explained by the theoretical paradigm that men are inherently aggressive and domineering.

Popular domestic abuse program The Duluth Model specifically addresses the techniques men employ to rule and manipulate their close relationships, as well as providing programs specifically for guys. The significant problem of society's acceptance of men utilizing their power and influence over women to force them into submission is also covered. According to Covington and Bloom (2014), substance abuse, trauma, and mental health are the three most important issues facing women. They highlighted the need to respond to the specific needs of female offenders in the context of the preventive measures against victimization. As a result, a program for women should provide opportunities to improve mental health, rehabilitate substance abuse, mending the relationship with the children and the family and coping with the experience of trauma

If female murderers who have been victims of domestic abuse are to rebuild their family lives, it is vital that they have support systems in place to prevent them from becoming abusers when they are released from prison. Victims need to be protected from the husband's family members who may want to take revenge. After the murderer is released, the victim's family members often try to contact her and may even resort to violence to seek retribution. Whether or not female perpetrators choose to maintain their contact with their victim's family, having a security plan is essential, according to the Ohio Center for the Prevention of Family Violence²³. When the female perpetrators eventually decide to sever relations with her victim's family, the knowledge and resources included in the security plan may also come in handy.

The Center also advocates three strategies for working with female recalcitrant offenders: to provide protection for them if they choose to stay, to provide assistance for them if they choose to leave, or to provide security for them if necessary. First and foremost, protective strategies seek to prevent or address any physical harm that female offenders may later face. These strategies may include leaving the victim's family, intervening to defend oneself, or temporarily ending the relationship. Defensive tactics also highlight the problems and dangers that female perpetrators may face if they decide to continue the relationship. Those consist of signing up for a of domestic abuse support grup, maintaining support networks by staying in touch with friends and family, and trying to make amends with the victim's family wherever possible to prevent more serious forms of abuse. The final tactic is leaving, which addresses the dangers that perpetrators may face if they choose to end the relationship.

Making safety plans is another technique to help female murderers. When they are released, a safety plan should be in place. The victim's immediate family needs to develop a strategy to take special safety measures to protect themselves and the perpetrator before the perpetrator is released from prison. Victims of domestic abuse can

prepare for the worst with a safety plan (O. W. Barnett, Miller-Perrin, & Perrin, 2010). Resources are scarce, especially for women who have killed someone. It's vital to focus on safety and the release strategy to ensure their success on release. This requires cooperation between prison staff and people from the community who are willing to participate. It will be difficult if there aren't enough community members, staff or advocacy programs for women who have committed murder.

For women who have killed in the context of domestic abuse, resources should be extended to both those in prison and those released from prison. Recommendations include community-based initiatives to address the underlying issues of domestic abuse, counselling, courses to improve coping mechanisms, and tools to assist prisoners in finding housing, education and employment. Even though these resources are essential to the effective reintegration of prisoners into society, many are either inaccessible or inadequate upon release.

Law enforcement and medical personnel should be trained in the full scope of domestic abuse. Perpetrators can then be offered treatment and safety planning so that they have the resources available to them if they choose to leave their violent boyfriend's household. According to Kalra, Hooker, Reisenhofer, Di Tanna, & Garcia-Moreno (2021), for many victims of intimate partner abuse, healthcare providers are their first point of contact. It's possible that health care professionals are the only people with whom the killers feel comfortable discussing the torture they have experienced at home. Healthcare professionals can help reduce the violence experienced by women who are victims of domestic abuse by recognizing and caring for these women. Healthcare professionals can also be crucial in obtaining information in cases involving perpetrators of domestic abuse.

CONCLUSION

It is clear from the previous discussion that violence can occur within the home. It reflects the unequal status of the couple in the home. The patriarchal structure of marital life demonstrates the control of the husband in the home, which can lead to domestic abuse of the wife.

Physical abuse, psychological abuse, sexual abuse and domestic neglect are among the forms of domestic abuse listed in Article 5 of the Law on the Elimination of Domestic abuse. The wife is endangered by the husband who perpetrates domestic abuse. Therefore, if a husband is found to have physically harmed his wife, he is subject to criminal sanctions.

It is expected that the imposition of a criminal penalty on the spouse for domestic abuse will have a deterrent effect and prevent him from repeating his behavior. Regrettably, the criminal sanctions provided for in the Law on Elimination of Domestic abuse follow a different system, whereby a judge may impose a maximum sentence of imprisonment or a fine, without having to comply with the minimum penalty requirements.

In order to raise public awareness of domestic abuse, socialization and familiarization initiatives about the Law on the Elimination of Domestic abuse need to be carried out. Domestic abuse is a crime and as such can result in criminal sanctions. It is recommended that witnesses or victims of domestic abuse report the incident to the police so that the relevant laws are followed in dealing with their cases.

REFERENCES

- Babcock, J. C., & Steiner, R. (1999). The relationship between treatment, incarceration, and recidivism of battering: A program evaluation of Seattle's coordinated community response to domestic abuse. *Journal of Family Psychology*, 13(1), 46. <https://doi.org/10.1037/0893-3200.13.1.46>
- Barnett, H. (2013). *Introduction to feminist jurisprudence*. Routledge.
- Barnett, O. W., Miller-Perrin, C. L., & Perrin, R. D. (2010). *Family violence across the lifespan: An introduction*. Sage.
- Bennett, L. W., Stoops, C., Call, C., & Flett, H. (2007). Program completion and re-arrest in a batterer intervention system. *Research on Social Work Practice*, 17(1), 42–54. <https://doi.org/10.1177/1049731506293729>
- Bouchier, D. (1983). *The feminist challenge: the movement for women's liberation in Britain and the USA*.
- Chandra, T. Y., & Riyadi, B. S. (2024). The Differences between the Attorney General and The Corruption Eradication Commission in Prosecuting Corruption Cases in Indonesia: A Legal Analysis. *International Journal of Religion*, 5(2), 267–275. <https://doi.org/10.61707/1phztv11>
- Covington, S. S., & Bloom, B. E. (2014). Gender responsive treatment and services in correctional settings. In *Inside and Out* (pp. 9–33). Routledge. https://doi.org/10.1300/J015v29n03_02

- Fair, K. (2017). Battered Spouse Syndrome: A Comparative Regional Look at Domestic Abuse and Self-Defense in Criminal Courts. *Lincoln Mem'l UL Rev.*, 5, 1.
- Firestone, S. (2015). *The dialectic of sex: The case for feminist revolution*. Verso Books.
- French, M. (1985). *Beyond power: On women, men, and morals*. New York: Summit Books.
- Indah, D., Astutik, S., Riyadi, B. S., Zauhar, S., & Haryono, B. S. (2024). The Model of Sustainable Human Resource Development to Increase the Capacity of Professional Educators : A Case Study in Indonesia. *International Journal of Religion*, 3538(10), 3747–3760.
- Kalra, N., Hooker, L., Reisenhofer, S., Di Tanna, G. L., & Garcia-Moreno, C. (2021). Training healthcare providers to respond to intimate partner violence against women. *Cochrane Database of Systematic Reviews*, (5). <https://doi.org/10.1002/14651858.CD012423>
- Linklaters, L. L. P. (2016). Women who kill in response to domestic abuse: How do criminal justice systems respond. *Penal Reform International*. <https://cdn.penalreform.org/wp-content/uploads/...>
- MacKinnon, C. A. (1983). Feminism, Marxism, method, and the state: Toward feminist jurisprudence. *Signs: Journal of Women in Culture and Society*, 8(4), 635–658.
- Maynard, M. (2002). Privilege and patriarchy: feminist thought in the nineteenth century. In *Sexuality and Subordination* (pp. 221–247). Routledge. <https://doi.org/10.4324/9780203402788-ch-7>
- Nurhadi, I., Riyadi, B. S., Rozikin, M., & Nuh, M. (2024). The Agricultural Innovation and Capacity Building for Social Welfare of Farmers in Indonesia. *International Journal of Religion*, 3538(10), 3716–3729.
- Pence, E. (1983). The Duluth domestic abuse intervention project. *Hamline L. Rev.*, 6, 247.
- Purboyo, A., Riyadi, B. S., Irawan, A. P., & Inkiriwang, F. F. W. (2024). Connecting Strategic Environment and Recruitment Policy: A Case Study of the Indonesian National Army. *International Journal of Religion*, 5(2), 301–315. <https://doi.org/10.61707/mdbct891>
- Reinharz, S., & Davidman, L. (1992). *Feminist methods in social research*. Oxford University Press. <https://doi.org/10.2307/353180>
- Renzetti, C. (2013). *Feminist criminology*. Routledge.
- Riyadi, B. S. (2024). Criminal Behavior Politician During Reform in Indonesia. *International Journal of Religion*, 5(7), 582–598. <https://doi.org/10.61707/pgsf5g80>
- Riyadi, B. Sl. (2024). The Sociology Law: Corruption and Abuse of Power in Indonesia. *International Journal of Religion*, 5(7), 599–613. <https://doi.org/10.61707/64fp5z33>
- Rozikin, M., Riyadi, B. S., & Achmadi, E. Y. (2024). The Coastal Community Empowerment in Indonesia as Sustainable Development. *International Journal of Religion*, 3538(11), 3897–3911.
- Rozikin, M., Riyadi, B. S., & Mukminin, N. (2024). Sustainable Development : Driving and Inhibiting Factor Affecting the Clean Water Management System in Indonesia. *International Journal of Religion*, 3538(11), 3855–3869.
- Saptari, R. (1997). *Perempuan, kerja, dan perubahan sosial: sebuah pengantar studi perempuan* (Vol. 1). Pustaka Utama Grafiti.
- Septiyanto, A. N. I. D., Riyadi, B. S., Saleh, C., MM, I. A. H., & DPA, W. S. S. M. S. (2024). Developing Policy and Regulation Using Collaborative Governance to Enhance Democratic Policing. *International Journal of Religion*, 5(11), 742–760. <https://doi.org/10.61707/g76rtz26>
- Smart, C. (2013). *Women, Crime and Criminology (Routledge Revivals): A Feminist Critique*. Routledge.
- Smart, C. (2017). The woman of legal discourse. In *Gender and Justice* (pp. 29–44). Routledge.
- Stewart, L., & Picheca, J. C. (2001). Improving offender motivation for programming. In *Forum on Corrections Research* (Vol. 13, pp. 18–20).
- Tong, R., & Botts, T. F. (2009). *Feminist thought: A more comprehensive introduction*.
- Walby, S. (1989). Theorising patriarchy. *Sociology*, 23(2), 213–234. <https://doi.org/10.1177/0038038589023002004>.