

## REVIEW OF MARITAL RAPE IN LAW NO. 23 OF 2004 CONCERNING THE ELIMINATION OF HOUSEHOLD VIOLENCE (TPKDRT), AND LAW NO. 12 YEAR 2022 CONCERNING CRIMINAL ACTS OF SEXUAL VIOLENCE (TPKS) FEMINISM PERSPECTIVE

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### Abstract:

Violations regarding sexual harassment need to be known so far; according to the public perspective, it is generally interpreted as adultery, *samen leven* (cohabitation), homosexuality, obscenity, prostitution, and acts of violence committed by a man against a woman, both of whom are not married. Such is the scope of sexual harassment that has been understood so far. Often there is no term regarding rape committed by a husband against his wife, or what we are currently familiar with is marital rape. Even marital rape is considered an oxymoron. However, even though it is still ambiguous, the facts that emerge based on reports in various complaint institutions indicate a high prevalence related to marital rape. Therefore this study aims to answer the research problem, Marital Rape in Law No. 23 of 2004 concerning the Elimination of Domestic Violence, and Law No. 12 of 2022 concerning Crimes of Sexual Violence? and How to study the criminal sanctions of Marital Rape in Law no. 23 of 2004 concerning the Elimination of Domestic Violence, and Law no. 12 of 2022 concerning Crimes of Sexual Violence from a Feminism Perspective? This research uses a type of normative legal research using the method of literature and statutory approaches. Data collection techniques using data analysis were carried out using inductive descriptive techniques, the validity of which was content analysis. The results of this research show the elements of marital rape in the Law of concerning the Elimination of Domestic Violence, the Crimes of Sexual Violence, sanctions, and how these laws respond to marital rape behavior, and philosophically based on feminist legal theory, the legislation represents the feminist movement itself.

**Keywords:** Review, Marital Rape, Law of concerning the Elimination of Domestic Violence. the Crimes of Sexual Violence, Feminism

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## INTRODUCTION

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One of the other sectors that is growing rapidly throughout the world, including Indonesia, is the economic sector. Currently in Indonesia there are many business actors who build their own businesses, both formal and informal businesses. MSMEs (Micro, Small and Medium Enterprises) play an important role in the community's economy, MSMEs can bring people out of poverty because the level of employment by MSMEs is quite high. The food and beverage industry (mamin) is one of the MSME sectors that has high demand. The important role of this strategic sector can be seen from its consistent and significant contribution to GDP of 3.49% in the third quarter of 2021, along with the national economic growth which has returned to positive growth touching 3.51% (nasional.kontan.co.id, 2021).

East Java's economic performance in the current period grew higher than other provinces in Java, such as West Java, DKI Jakarta, Central Java and Banten. The food and beverage industry is one of the MSME sectors that has high demand. The Mayor of Madiun Midi and Deputy Mayor of Inah Raya, the Madiun City Government built 27 MSME stalls spread across 27 Villages. The construction of the shanties is focused on growing a local-based economy in each Kelurahan. In addition, the construction of MSME stalls will provide opportunities for small traders to develop their businesses. These stalls are built in strategic places to make it easier for residents to access their locations. There are 70 MSMEs empowered to fill Village stalls ranging from culinary, fashion to handicraft businesses. The more widespread food and beverage businesses in Madiun City there are 533 MSMEs which have increased business success.

Business Success According to Suryana in (Renaningtyas Widyaningrum, 2017: 672) business success is the success of a business in achieving its goals. Good company performance is one of the goals of every entrepreneur.

Utami, E. N., & Mulyaningsih, H. D. (2016). argued that business success is essentially the success of a business achieving its goals, a business is said to be successful if it earns a profit because profit is the goal of someone doing business.

According to Kustini, Dea, Endang (2021) that conditions that are better than before or successful in achieving the intended goals are business success.

Business success is the main goal of entrepreneurs. The competence of an entrepreneur is needed in achieving business success. Entrepreneurial competence is also needed to survive and develop in the midst of increasingly fierce competition because not all entrepreneurs have entrepreneurial competence (Rahmi, 2019).

Prakasa, Y., & Putri, Y. R. (2020). describes competency as an individual character such as knowledge, skills, and abilities needed to do a particular job.

Sari, I. P. (2018) Entrepreneurial competence is defined as knowledge, skills, and influences performance.

In research conducted by Pahlevi, Muhammad Ryan (2019) stated that the higher the competence, the higher the level of business success. The results of research conducted by Rahmi, Rahmi (2019) state that entrepreneurial competence has a positive and significant effect on success

From several phenomena faced by MSME business actors in Madiun City, there is a gap in the existence of high demands for competence in the business world so that many businesses that are run cannot become successful businesses, do not grow and cannot compete in the market.

The rapidly increasing number of entrepreneurs who build businesses also need to have knowledge in running a business to increase quality and achieve business success.

According to (L Agustine – 2020) entrepreneurial knowledge is the basis of entrepreneurial resources within individuals. In general, knowledge is defined as everything that is known or related to everything.

According to Kuntowicaksono (2012: 49) entrepreneurial knowledge is a person's understanding of entrepreneurs with various positive, creative, and innovative characters in developing business opportunities into business opportunities that benefit themselves and society or consumers.

Based on the results of the initial research conducted by researchers, MSME business actors in Madiun City have a low educational background plus a lack of socialization of entrepreneurial knowledge.

The results of the research conducted (Marthaella, Tarisma 2022) entrepreneurial knowledge significantly influences business success. The best entrepreneurial knowledge can improve business performance, win the competition and maintain market share so that competitors do not take it.

Based on the phenomenon above, entrepreneurial competence and entrepreneurial knowledge on business success must be studied and reviewed in depth to analyze the influence of entrepreneurial competence and entrepreneurial knowledge on business success in SMEs in Madiun City.

## **METHOD**

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Normative legal research using the method of literature and statutory approaches. Data collection techniques using data analysis were carried out using inductive descriptive techniques, the validity of which was using content analysis. The results of this research show about the elements of marital rape in the TPKDR Law, the TPKS Law , sanctions and how these laws respond to marital rape behavior and philosophically based on feminist legal theory the legislation has represented the feminist movement itself .

## **RESULTS AND DISCUSSION**

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### **Definition of Marital Rape**

Marital Rape , is an English vocabulary, marital "All forms related to marriage" relating to or connected with the status of marriage and rape "Rape (John M Echols and Hassan Shadily). The word rape refers to having sex (either vaginal or anal) with a woman or a man against their will. Sexual intercourse [vaginal or anal] with a woman or not her man without their consent (Elizabeth A). So marital rape is rape that occurs in a marital relationship. Rape committed by one party to another such as a husband to his wife and vice versa. However, in a more general sense, marital rape is understood as violence experienced by a wife committed by her husband. So that marital rape is an act of violence or coercion experienced by a wife by the husband without thinking about the condition of the wife's body to engage in sexual activity (Andy Dermawan).

Marital rape is also referred to as sexual relations accompanied by coercion, threats, self-styled violence, and the use of illegal drugs or alcohol (Nurul Ilmi Idrus, 1999). Marital rape tends to be different from sexual perversion. Because any sexual orientation that a person dreams of in an unusual context, is not in accordance with sexual thoughts in general, such as sodomy, homosexual/lesbian, pedophilia, exhibitionism, incest/incest, dealing with

corpses (necrophilia), and dealing with animals (zoophilia), although sometimes sexual deviance can be one of the variants or accompanies acts of marital rape. Marital Rape is also defined as (Raquel Kennedy Bergen): Extends beyond those legally married to include partners considered married under common law and those who have had an ongoing intimate relationship. Any unwanted sexual intercourse or penetration (vaginal, anal or oral) obtained by coercion or the threat of force or when the woman is unable to give consent. In this definition, Raquel also describes both women (wives) who are physically assaulted and those who are not involved with physical force.

### **Marital Rape in Islamic Perspective**

In Arabic terms, marital rape is called al-ightishab al-zauji. In the mu'jam lughah al-fuqaha and also al-mawrid it is explained that the sannya of the word al-ightishāb is interpretation of the word 'rape' in English which means 'to rape or force sexual intercourse with a woman, or to commit adultery with her by force'. While the word 'al-zaujiy' is a form of nisbat (adjective) from the word al-zauj which means partner (husband or wife), the word 'al-zaujiy' is generally translated as 'marriage' or marital (Muhammad Ruwās, 1988).

It is not easy to find the nomenclature of al-ightishāb al-zauji along with its definition in Arabic references, even in contemporary literature. Especially in the treasure of classic jurisprudence books, because fundamentally this term is import and contrary to the social and ideological conditions of the Arab nation in general. But along with the development of this discourse, the discussion about al-ighti š ābal-zauji has been discussed by contemporary writers.

Sufyan' Abdali, defines al-ightishāb al-zauji as Every sexual relationship (in any form that is done by a person against his life partner, without his consent (consent). While Muhammad al-Mahdi (Zain al-Dīn, 1999), professor of mental health from al-Azhar University, defines al-ightishābal-zauji as coercion of sexual relations by the husband against the wife.

### **Marital Rape in the TPKDRT Law**

Marital rape in Law no. 23 of 2004 concerning the Elimination of Domestic Violence does not explicitly regulate rape by husbands against wives. The law emphasizes the prohibition against committing domestic violence as stated in Article 5 letter (c) of Law no. 23 of 2004 TPKDRT in the sexual domain (Law No. 23, 2004). However, it is necessary to understand that the scope of the household is general. Members in a household consist of husband, wife, and children. Then people who have a relationship with the person referred to in letter (a) whether related by blood, marriage, breastfeeding, parenting and guardianship who live in the household. Including a maid in the household (Law No. 23, 2004).

Based on this article the scope of the explanation of the article is still general in nature. There are no explicit regulations regarding the rape of a husband against his wife. What is stated in that article is domestic sexual violence which still needs to be studied and analyzed more deeply.

### **Establishment of Law No. 12 of 2022 concerning Crimes of Sexual Violence**

Before becoming a Law, this rule was first compiled in a Draft Law (RUU). The Draft Law is: A Proposed Law Presented To A Legislative Body For Consideration (Bill's Perspective, 2022), Is a law that is proposed to be considered as law until it is passed by the legislature and in most cases approved by the executive. As for the vision to be achieved from a Draft The law serves as a legal umbrella for victims who are entitled to justice and legal protection.

Law No. 12 of 2022 concerning crimes of sexual violence was initiated on the basis of the high prevalence of violence against women and children in Indonesia (Ninik Rahayu,

2021). This data can be seen in the 2016 National Women's Life Experience Survey (SPHPN) conducted by the Central Bureau of Statistics (BPS) together with the Ministry of Women's Empowerment and Child Protection, and the United Nations Population Fund (UNFPA). From around 9,000 respondents, aged 15-64 years, it was found that a quarter of married women had experienced violence perpetrated by their husbands. Then in the annual records presented by the National Commission on Violence Against Women (Komnas Perempuan), marital rape reached 172 cases at the end of 2017 and 195 cases in 2019.

As well as the limited legal protection for them (the victims) such as when the perpetrator of the abuse is a respected figure, the community often becomes a barricade for the authorities to hinder their duties, as was the case in a pesantren in Jombang. The caretaker, who incidentally was a kyai, prevented the authorities from arresting his son on the pretext that this was slander and led public opinion to distrust it, causing chaos when the perpetrators were arrested who tried to escape . Apart from that, other violence such as marital rape in Indonesia is still considered an oxymoron because it clashes with patriarchal culture and customs that apply in a region. Patriarchy is a system that positions men as the main central authority figure in social organization. The position of men is higher than women in all aspects of social, cultural and economic life (Israpil, 2017).

### **Feminism**

Feminist theory is a theory about social life and human experience viewed from a woman's perspective. Feminist theory focuses on three things; first, the main object of study is the situation and experiences of women in society; second, discussing women as the main subject in the study process; and these three theories are critical and active in defending women, trying to produce a better world for women in particular and humans in general (Rahman, 2018). Some of the streams of feminism here are (Rosemarie Putnam Tong, 2003): Liberal Feminism, Radical Feminism, Marxist-Socialist Feminism, Gender Psychoanalyst Feminism, Essentialist Feminism, Postmodern Feminism, Ecofeminism, Islamic Feminism, Feminist Legal Theory. Of the various streams. Researchers focusing on *Feminist Legal Theory (FLT)* first appeared in 1978 by Ann Scales at the Celebration 25: *A Generation of Women at Harvard Law School* in Cambridge, to celebrate 25 years of first classes at Harvard that women could attend. This also coincided with the emergence of *Critical Legal Studies (CLS)*, in which this school adapted postmodernism, and the first publication of an issue on the Harvard Women's Law Journal with the article entitled *Toward of a Feminist Jurisprudence* (Ann Scales, 2016).

Feminist legal theory is also known as feminist jurisprudence, meaning that it is a view that sees the role of law in emphasizing the subordination of women and trying to amend the position and approach of law towards women and gender (Fineman, Martha A, 2016). Before FLT emerged in a more specific realm of legal objects, feminism itself had emerged since the late 1960s. This FLT arose because the de facto prevalence of American women in the field of law science increased and there was criticism from them on legal theory that did not have contribution to women's problems (Mesraini, 2020).

### **The concept of Marital Rape in Law no. 23 of 2004 concerning the Elimination of Domestic Violence (TPKDRT), and Law no. 12 of 2022 concerning Crimes of Sexual Violence (TPKS)**

In the Marital Rapes PKDRT Law in the law, a conclusion can be explicitly drawn that the rape of a husband against his wife has not been explained explicitly in that article. The article explains in general about who is in the scope of the household. Among them, wife, children, parents and relatives who live in a house, including a household assistant (ART). But

when a husband imposes his sexuality rights on his wife, is that something wrong? While between the two rights and obligations have been established both physically and spiritually.

Sexual violence that occurs within the scope of the household other than to the wife is indeed an act that violates the law because no one justifies this mixing to occur outside of marriage, as the provisions of the article in the Criminal Code that coercion when associated with the fulfillment of one's sexual rights without the consent of one of the parties outside marriage is rape.

So that the fulfillment of a husband's sexual rights is the responsibility of a wife. However, even so, it is not proper for a wife to experience coercion, to be treated in an ungodly way and even to have an impact on the physical and psychological health of a wife. Because the wife's rights are protected by the state in article 8 letter (a) of the TPKDRT Law. And the legal sanction for this act is a maximum imprisonment of 12 years, or a maximum fine of Rp. 36,000,000,- (thirty-six million rupiah).

Marital rape in Law no. 12 of 2022 concerning Crimes of Sexual Violence in general are regulated in article 4 paragraph (1) and (2). In general, violence in the household is contained in article 4 paragraph (2) letter (h). However, back to the essence of the article, the regulation regarding the rape of a husband against his wife is not explained explicitly. In the elucidation of the article it is explained that article 4 in each verse is "quite clear". It does not require an emphasis on explanation because each verse and letters are self-explanatory. So based on that, it can be concluded that sexual violence in the household sphere is also still common, there are various speculations on the meaning of the verse, regarding who is in the household sphere. Such as wives, children, parents, relatives who live in the same house and a household assistant (ART) are also included in this environment.

But to return to the provisions of the law, it is indeed a wrong act when sexual coercion is experienced by those within the scope of the household because it is not common for sexual coercion to occur outside the marriage bond. However, the story is different when this is experienced by a wife, because by law it also confirms that when a husband and wife marriage is legal in the eyes of the law, rights and obligations arise, including the fulfillment of rights both physically and spiritually, in which there is fulfillment of intimate relations or fulfillment sexual rights for every married couple. It is this polemic that causes women's rights, even though they have been regulated in a law, not handled properly because the officials who handle this consider it a domestic problem and even recommend that it be resolved outside the court. And this is what makes women reluctant to submit complaints of offenses, because with difficulty holding back the shame they try to open up to the authorities but are responded with inappropriate handling and are even recommended to be resolved outside the court, this has indirectly curbed women's human rights.

The emergence of legal legal protection for women who experience sexual violence both within the scope of marriage and outside of marriage in Indonesia has not been spared from the existence of the feminist movement which in terms of the flow that became the basis for the formation of the TPKS Law, apart from the philosophical, socialist and juridical foundations it is also influenced by Feminist Law. Theory (FLT). Referring to the theory of critical feminism criminology, it is explained that the difference between women and men causes gender inequality in society so that it is prone to exploitation of women. The patriarchal system develops from the view that men's work is more valuable than women's work so that men are more important than women (Larry J, 2011). The fact of gender discrimination triggers the emergence of feminist fighters who want gender equality. As

stated by Carol Smart, a radical criminologist from England who criticizes the state of criminology which overrides the discourse on criminality and victimization of women who are vulnerable to experiencing violence in a capitalist environment. It is stated that in criminology theory that encourages the emergence of feminist thinking is the failure to explain the gender gap. Crimes are considered inclined or natural to be committed by men and women are vulnerable to becoming victims. In fact, women in the household tend to become repeated victims of domestic violence or coercion (marital rape). And these crimes often occur compared to crimes committed by foreigners. Therefore, feminists oppose the view that home is a safe place for women (Riskiyanti Juniver Siburian, 2020).

And one of the efforts of Indonesian feminist groups in fighting for freedom, justice and equality can be identified through three waves, the (CLDKHI) Counter Legal Draft Compilation of Islamic Law, (RUU KKG) Draft Law on Violence and Gender Justice, and (RUU PKS) Draft The Law on the Elimination of Sexual Violence (Nurjihad, 2004).

In a juridical context, the demand for ratification of the PKS Bill was a consequence of the ratification of CEDAW (Convention of the Elimination of all forms of Discrimination Against Women) carried out by the Indonesian government in 1984. Therefore, in a more (Dinar Dewi Kania , 2018) specific context, the PKS Bill at that time was formed from the basis of a global feminist discourse known as the Feminist Legal Theory (FLT) (Hillaire Bernet, 1998). Namely a legal theory with a feminist perspective that is updated as a perspective or legal approach in the formation of the PKS Bill with the mission of providing a legal umbrella for the protection of victims of sexual violence in Indonesia (Aditya Yuli Sulistyawan, 2018).

Feminist Legal Theory as a legal approach to the formation of the RUU PKS is actually constructed from three perspectives namely, Empiricism, Standpoint, and Postmodernism. Empiricism is knowledge which states that all knowledge comes from the experience of human senses. Standpoint according to Hallstein highlights the relationship between power and knowledge. Thus the standpoint wants to provide a better understanding and commitment to the idea that knowledge is always associated with power and politics. Then finally postmodernism is simply a discourse that questions all modern establishments that have boundaries, impacts and manifestations. This perspective has been used by several developed countries to legalize laws based on gender equality. When viewed from a philosophical point of view, FLT is a legal theory that looks at the reality and social phenomena of society (Aisyah Chairil and Henri Salahuddin, 2021).

So based on this discourse, researchers can draw conclusions that the role of feminists in Indonesia has a significant influence on the protection of women, especially victims of marital rape. This can be seen from the birth of the TPKS Law which materially contains gender as well as a complement to the previous law. The birth of this law was also a revolutionary movement because in the end the PKS Bill was promulgated. Considering that there are still neighboring countries such as Malaysia which still do not have official laws regarding the Elimination of Sexual Violence, women's rights to seek justice are still of little concern.

## CONCLUSION

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*Marital rape* in Law no. 23 of 2004 concerning Actions to Eliminate Domestic Violence based on article 8 paragraph 1 is referred to as one of domestic violence, and this can be processed when the victim commits a complaint offense supported by available evidence. Likewise marital rape in Law no. 12 of 2022 concerning Crimes of Sexual Violence based on article 4 paragraph (2) letter (h) marital rape is referred to as part of domestic violence so that

the perpetrator can be criminalized when the victim makes a complaint. Then the basis for the formation of the two laws was based on: (1) philosophical factors, (2) sociological factors, and (3) juridical factors. Then *Marital rape* is a part of the gender discourse, where in some policies the regulation is taboo, so it requires a deeper interpretation of existing legislation.

In Indonesia, although *marital rape* is not specifically explained, the existing legislation in Indonesia has been able to show evidence that protection against domestic violence, including *marital rape*, already exists as per the articles contained in the TPKDRT Law and the TPKS Law and their sanctions. *Marital rape* in the view of feminists is indeed in the spotlight because besides the perpetrators are the closest people and are called people who should provide protection. These cases tend to occur repeatedly because the perpetrator resides permanently with the victim. Many wives still do not understand that being devoted to their husbands does not mean allowing their husbands to act arbitrarily and harm their partner's physical, psychological and sexual rights. Therefore the emergence of the TPKS Law is a concrete manifestation of the feminist movement by carrying out the theory of legal feminism adapted by empiricism, standpoint, and postmodernism in protecting women's rights, especially wives in the country.

## BIBLIOGRAPHY

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Abdul Wahid, Muhammad Irfan. 2001. Protection Against Sexual Violence Advocacy for Women's Human Rights. Bandung: Refika Aditama,

Aisyah Chairil and Henri Salahuddin. 2021. Critical Study of Feminist Legal Theory According to the Perspective of Islamic Worldview, Law Platform of Gadjah Mada University Vol 33 No. 1

Bernet Hillaire. 1998. Introducing to Feminist Jurisprudence. London: Cavendish.  
Komnas Perempuan's Annual Notes released in March 2022

Dinar Dewi Kania. 2018. Gender Equality Delusions. Jakarta : Aila Indonesia Foundation.

Fineman, Martha A. 2016. Feminist Legal Theory, (Journal of Gender, Social Policy and the Law. Vol. 13, No.1.

<https://www.femina.co.id/sex-relationship/marital-rape-a-fenomena-gunung-es>

<https://www.idntimes.com/health/sex/nena-zakiah-1/apa-itu-marital-rape-dan-effects-for-korban>, accessed on 13 October 2022. 11:23 a.m.

<https://www.idntimes.com/health/sex/nena-zakiah-1/apa-itu-marital-rape-dan-effects-for-korban>, accessed on 13 October 2022, 11:23

<https://www.kompas.tv/article/306818/perjalanan-cases-keKerasaan-sexual-pada-santri-oleh-anak-kiai-di-jombang-berawal-sejak-2017> Accessed September 22, 2022, 18:45



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[https://www.theindonesianinstitute.com/fenomena-gunung-es-marital-rape-di-indonesia/?fbclid=IwAR3K8CSOE97G4GCyyuFc4kHOj\\_bulhH77JMRqQdL\\_sT3WmPPmGnjMxHgMc](https://www.theindonesianinstitute.com/fenomena-gunung-es-marital-rape-di-indonesia/?fbclid=IwAR3K8CSOE97G4GCyyuFc4kHOj_bulhH77JMRqQdL_sT3WmPPmGnjMxHgMc)

Idrus Nurul Ilmi. 1999. Marital Rape: Sexual Violence in Marriage Yogyakarta: Center for Population Research UGM and the Ford Foundation.

Israel. 2017. Patriarchal Culture and Violence Against Women (History and Development), Pusaka Journal, Vol. 5, No. 2,

Criminal Code  
Compilation of Islamic Law (KHI)

Larry J. Siegel. 2011. Criminology: The Core. USA: Wadsworth Publishing  
LN.2022/N0.120, TLN No. 6792, jdih.setneg.go.id

Martin Elizabeth A. (ed). 2003. Oxford Dictionary of Law. Oxford: Oxford University Press.

Mesraini. 2020. Indra Rahmatullah, The Legal Theory of Feminism and the Rules of Jurisprudence as Judges' Considerations in Marriage Dispensation Cases, Journal of Gender Studies, Vol 13 Number 1

Nurjihad. 2004. Renewal of Islamic Law in Indonesia CLD KHI Case Study, Journal of Law Lus Quia Iustum 11 No. 27.

Rahayu Ninik. 2021 Legal Politics of Eliminating Sexual Violence in Indonesia. Jakarta : Bhuana Popular Science Gramedia Group

Rahman, Mohamad Taufiq. 2010. Social Justice in Western and Islamic Thought: A Comparative Study of John Rawl's and Sayyid Qutb's Theories of Social Justice. Diss. Department of Islamic Faith and Thought, Academy of Islamic Studies, Universiti Malaya.

Rosemarie Putnam Tong. 2003. Feminist Thought: The Most Comprehensive Introduction to the Main Streams of Feminist Thought. Yogyakarta: JALASUTRA.

Siburian Riskyanti Juniver. 2020. Marital Rape as a Crime in the Bill on the Elimination of Sexual Violence. Juridical Journal, Vo. 7 No. 1, June

Sulistiyawan Aditya Yuli. 2018. Feminist Legal Theory in Paradigm Studies: A Mapping of Legal Philosophy, Journal of Legal Issues, Volume 47 No. 1

Law No. 23 of 2004

Law No. 1 of 1974 Concerning Marriage

Law No. 12 of 2022 concerning Crimes of Sexual Violence

Study of Marital Rape in Law no. 23 of 2004 concerning the Elimination of Domestic Violence (TPKDRT), and Law no. 12 of 2022 concerning Crimes of Sexual Violence (TPKS) from a Feminist Perspective

Vernon R. Wiehe. 1998. Understanding Family Violence Treating and Preventing Partner, Child, Sibling, and Elder Abuse. London : SAGE Publications

Zikri Darussamin and Armansyah. 2019. Marital Rape as a Reason for Divorce in the Study of Maqasid Syariah, Al-Ahwal Journal Vol 12 No. (1)

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