

# Legal Protection for Victims of Marital Rape from the Perspective of Victimology (Study of Bantul District Court Decisions Number 126/Pid.Sus/2023/PN.Btl)

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**Abstract.** *This study focuses on the Bantul District Court Decision Number 126/Pid.Sus/2023/PN.Btl and examines how legal protection for victims of marital rape is being implemented in Indonesia. This study demonstrates that there is still a disconnect between theory and reality, despite the fact that the new Criminal Code has strengthened the legal foundation for prosecuting those who commit marital rape. This study highlights a number of inadequacies in the realization of victims' rights, such as the absence of sufficient legal aid and the disregard for psychological healing, by employing the Doctrinal Research Method and performing a Normative Analysis—that is, by viewing a law as the norm—through a victimological approach. The study comes to the conclusion that more extensive measures are required to guarantee that victims of marital rape obtain the protection they are entitled to, including greater availability of legal services, psychological support, and mechanical assistance.*

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## INTRODUCTION

As stated in the Marriage Law No. 1 of 1974, marriage is a physical and inner bond between a man and a woman as husband and wife with the aim of forming a harmonious and eternal family based on the One Godhead (Law Number 1 of 1974 concerning Marriage, 1974). Marriage not only establishes a formal relationship between husband and wife, but also fosters complex relationships, especially in the area of sexuality. According to the marriage bond, sex is a component that both couples must adhere to. However, the relationship between sexuality and marriage does not always run harmoniously and can often lead to conflict or hostility in other family members (Sabila, 2024).

According to Samsudin (2016), we already know that marriage has sacred value as an institution that is carried out socially and legally. However, in the process, marriage is often a space for acts of violence, especially sexual violence in the household. One type of sexual violence that is often discussed is marital rape, or marital rape, which is sexual intercourse carried out without the consent of one of the parties involved in the marriage. Although sexual abuse outside of marriage has been classified as a criminal offense, the debate over the legal status of marital rape is still ongoing. The lack of social awareness and limited legal protection for victims makes this issue even more complex and requires more in-depth research to find the right solution (Nurfauziah & Setyorini, 2024).

The term "rape in marriage" comes from the English words "marital" and "rape", where "marital" refers to marriage and "rape" refers to rape. According to its etymology, marital rape occurs when a husband rapes his wife when they are married (Samsudin, 2010). In this case, a polemic has formed in society regarding the need for husband support in intimate relationships. The consequence of the Marital Rape case, according to Martha, is to worsen the psychological side of a wife, resulting from sexual relations based on infidelity, dirty words, and poor sexual control, which can cause trauma and even illness (Martha, 2013).

Talking about victimization, which is also referred to as "victimology" the term coined by B. Mendelsohn in 1946, is a discipline that focuses on victimization. The terms "viktima" (Latin: victim) and "logos" (Greek: knowledge) are the etymological roots of victimology. Victimology is the science that studies victims in both special and general contexts. In a limited sense, victims are those who are directly harmed by crime. However, victimology includes victims from a variety of backgrounds, including those who have been harmed by environmental pollution, abuse of power, economy, public, and arbitrariness (Hayati, 2022).

Based on data released by National Commission on Violence Against Women in the 2023 Annual Record (CATAHU), sexual violence in the personal sphere accounts for 34.80% of all cases of violence entering service institutions, with the majority of victims being women in marriage. As an example of a case in 2023 that has emerged, the alleged sexual violence committed by Bukhori Yusuf, a member of the Indonesian House of Representatives (DPR RI) PKS faction, against his wife, which shows that even individuals with high social positions can be involved in this kind of violence. Studies conducted by Marta have shown how the impact on marital rape itself is such as psychological effects which include prolonged trauma, anxiety disorders and depression experienced by the victim. So, this impact may lead to a divorce or more extreme actions afterwards. By referring to these events as empirical data, this study aims to further explore how the law in Indonesia has or has not provided effective protection for victims of marital rape themselves.

Decision No. 126/Pid.sus/2023/PN.Btl also provides concrete evidence of a serious case of marital rape. This case explains how a wife forced her husband to have sexual intercourse when he was sick to satisfy his own desires by engaging in disrespectful sexual behavior that left the wife feeling hurt and intimidated. The wife then had a post-mortem examination and it was suspected that sexual violence had occurred during the sexual intercourse. As this was not the first time this had happened, the wife reported it to the authorities. Reinforced by Mackinon's opinion, marital rape is a form of gender-based violence that can have serious physical and psychological impacts on victims (Nurbayani & Wahyuni, 2023).

The Legal System in Indonesia has regulations related to the above, namely Law Number 12 of 2022 concerning the Crime of Sexual Violence (UU TPKS) regulating domestic sexual violence. According to article 10 of the TPKS Law, anyone who forces, places, or abuses his power to perform or permit an illegal marriage with himself or with another person can be punished (Law Number 12 Concerning Criminal Acts of Sexual Violence, 2022). At the national and international levels, Indonesia has also devoted itself to protecting human rights as a law-abiding country. Therefore, morally and legally, every Indonesian citizen is obliged to respect, defend, and uphold human rights. The values embraced by the Indonesian nation today have included human rights principles as a fundamental component (Nandini et al., 2021).

The Criminal Code in Article 285 of the Criminal Code defines rape as the act of forcing a woman to have sex outside of marriage with violence or threats of violence, which is threatened with imprisonment for up to twelve years. This definition shows that the Criminal Code only recognizes rape if it occurs outside of marriage, so it does not cover rape in marriage (Isima, 2021). In addition, Article 1 number 1 of the PKDRT Law Number 23 of 2004 emphasizes that domestic violence includes actions that cause physical, sexual, psychological, or neglectful suffering, including threats, coercion, or deprivation of independence within the scope of the household. The above regulation has provided provisions for legal protection for victims of

marital violence, including marital rape itself, although in its implementation and enforcement there are challenges that must be faced (Nurisman, 2022).

Efforts to protect marriage in violence must be emphasized within the framework of law enforcement in Indonesia (Amin & Nurkartiko, 2023). According to Satjipto Raharjo, the purpose of legal protection is to defend human rights that have been violated by others; A peaceful, prosperous, and just life for everyone can be anticipated when there is adequate legal protection (Mulyana, 2018). In the effective application of the law can produce a legal protection, in which Sabian Umar emphasized that the secret to achieving the goal of the law is in terms of its effectiveness, in this case, the effectiveness of the law in the case of marital rape is a challenge because of its nature that often occurs in private spaces and is difficult to uncover. Peace in society will ultimately result from the realization of justice and certainty resulting from the correct application and obedience of the law (Orlando, 2022).

The study of victimology, which examines the different aspects of the victim's life, allows for an in-depth analysis of rape in marriage through the perspective of the victim (Rohmat et al., 2024). Align with research from Purwanti & Hardiyanti (2018), although marriage is a private matter, sexual violence experienced by women in marriage is often considered not directly related to the institution of marriage itself. Any deviation in sexual relations that harms the victim and disrupts the harmony of society is categorized as sexual violence (Randall, 2010). In addition, in the context of legal protection for victims of marital rape, the Victimology approach does not only highlight the impact suffered by the victim. However, this also requires the application of a theory of justice that must be done appropriately

According to Joice Soraya in his book entitled "Victimology", there are two types of Justice Theories that can be applied: first, retributive justice theory which emphasizes conflict resolution through a formal legal system is often applied in the judiciary and second, the application of restorative justice theory which focuses on the recovery and protection of victims as a whole has not been fully implemented (Azhar, 2019). However, there is no regulation that explicitly regulates victim protection in this context, even though marital rape has been recognized as a form of domestic violence that is serious in nature, it turns out that adequate legal protection is not necessarily provided to the victims, This raises a very significant problem, including in Decision Number 126/Pid.Sus/2023/PN.Btl itself. Based on the description above, the author is interested in further studying "The Legal Protection of Rape Victims in Marriage from the Scientific Perspective of Victimology (Study of Decision Number. 126/Pid.Sus/2023/PN.Btl)". To further analyse the implementation of victim protection measures and assess their conformity with the principles of victimology.

## **METHODS**

Giving a thorough explanation of the stages required in doing research is the primary goal of the legal research methodology. This entails choosing which approaches to employ, what kind of research to carry out, how to collect data, and how to analyze that data. This regulatory framework is made up of principles, norms, court rulings, agreements, and directives (doctrines) that are derived from the use of normative analysis, which views a law as a norm. As a result, this study obtains legal phrases that will subsequently be evaluated in conjunction with the court decision as its application. The study's findings will eventually include prescriptive, analytical, and descriptive qualities. Law No. 35 of 2014 concerning the Protection of Witnesses and Victims, Law No. 23 of 2004 about the Elimination of Domestic Violence, and a review of Court Decision No. 126/Pid.Sus/2023/PN.Btl are the main sources of information. Journals, books, articles, earlier research reports, and theses in print or online media are examples of secondary data sources used in this study. Tertiary source of information, citing Court Decision Number 126 / Pid. Sus / BTL as an illustration of later-stage sexual harassment in marriage.

## RESULTS AND DISCUSSION

### Implementation of Protection of Rape Victims in Marriage (Marital Rape) Decision Number 126/Pid.Sus/2023/PN. Btl

Marriage When a wife is sexually abused at the hands of her husband during their marriage or family, it is considered marital rape. Considering the wife's current circumstances, the coercion was done without her consent. In addition to coercion, marital rape involves a type of violence or physical harm. Human rights are allegedly violated by this. Human rights are violated when a person is raped in marriage which includes direct violence as it entails physical or psychological abuse. Sexual safety and pleasure are considered basic rights (Samsudin, 2010). According to Article 5 of Law No. 23 of 2004, which is also known as economic violence (Law No. 23 of 2004 on the Elimination of Domestic Violence, 2004). Wives can be subjected to physical, psychological, sexual relationships, or even negligence. This has been proven in Bantul District Court Decision Number: 126/Pid.Sus/2023/PN Btl, where there was a wife of a Sleman police officer who had been the victim of domestic rape. At that time, there was a form of domestic sexual violence committed by the defendant (husband) against the victim (wife) who was also a witness on January 6, 2022 in Bantul Regency even though at that time the victim had refused and begged not to have sexual intercourse. However, the defendant committed physical and sexual violence in the form of forced intercourse and acts that should not be done by husband and wife in general.

As a result of marital rape committed by a husband against his wife, the victim experienced fear, loss of comfort, and did not feel protected by the defendant. In addition, the victim also suffered physical injuries caused by these acts in the form of abrasions and bruises to the pubic area, rectum, and thighs which have caused pain and stinging, especially when urinating. The visum et repertum from the JIH hospital confirmed the evidence of the crime in the form of abrasions and bruises caused by the friction of a blunt object which would strengthen the evidence of the existence of such an incident. Decision of Bantul District Court Number: 126/Pid.Sus/2023/PN Btl. This is a criminal act regulated in Article 8 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence which states that: (1) Forced sexual intercourse committed against a person who resides within the scope of the household; (2) Forced sexual intercourse between one person in the household and another person for commercial purposes and/or certain purposes. The defendant was accompanied by seven (7) lawyers from the Police, in the judge's decision stated that the defendant and his wife had been proven legally and convincingly guilty of committing the crime of sexual violence in the form of forced sexual intercourse within the scope of the household.

The defendant was found guilty by the judge and sentenced to one year and eight months (1 year and 8 months) imprisonment. The forms of legal protection for the rights of victims, especially the rights of wives carried out through the justice system include: (1) Previously, the victim's family has provided protection by assisting the victim in her home, listening to what happened, and mediating and discussing the matter with the victim and defendant. assisted the victim in receiving legal aid so that they could testify in court. This is in accordance with Article 10 of Law No. 23/2004 PKDRT which discusses the fulfillment of victims' rights, stating that "protection from family, police, prosecutors, courts, advocates, social institutions, or other parties, either temporarily or based on the determination of a protection order from the court" includes protection provided by the victim's family. (2) The defendant's behavior was reported by the victim to Bantul Resort Police. According to Article 26 Paragraph 1 of Law No. 23/2004 on the Elimination of Domestic Violence, "The victim has the right to report domestic violence directly to the police either where the victim is or at the scene of the incident." This is in line with the victim's efforts.

By offering assistance and protecting victims, the police play an important role in efforts to protect victims of domestic violence. Article 17 of Law No. 23/2004 on Domestic Violence states that "In providing temporary protection, the police can cooperate with health workers, social workers, companion volunteers, and/or spiritual advisors to assist victims." Bantul Resort Police

have fulfilled the requirements of victim protection and the statement that “The police are obliged to immediately conduct an investigation after knowing or receiving a report of domestic violence” contained in article 19 of Law Number 23 of 2004 concerning investigations. Investigators from Bantul Resort Police examined the defendant in this case to verify that the statements in the examination report were accurate and signed, and on April 10, 2023, the defendant was arrested. (3) Article 17 of Law No. 2/2004 on PKDRT relating to examination, specifically *visum et repertum*, in accordance with the protection provided by the police through cooperation with medical personnel. “Examine the victim's health in accordance with professional standards;” and ‘make a written report on the results of the victim's examination and *visum et repertum* at the request of the police investigator or a medical certificate that has the same legal force as evidence’ are two paragraphs in Article 21 of Law No. 23 of 2004 on PKDRT letters a and b. (4) In accordance with Article 22 paragraph (1) letter d of the PKDRT Law which states that “to conduct integrated coordination in providing services to victims with the police, social services, and social institutions needed by victims”, the Bantul Mother and Child Protection Office conducted a psychological evaluation of the victim.

This investigation concluded that the victim was vulnerable as a victim of domestic violence and that the defendant, a strong man, had unequal power dynamics with the victim, a weak woman. that the effects of domestic violence include trauma and other problems. (5) The judge's sentence as outlined in decision number: 126/Pid.Sus/2023/PN Btl was one (1) year and eight months imprisonment. This was in contrast to the prosecutor's previous demand for six years imprisonment. In the case where the judge noted, Article 46 “Every person who commits an act of sexual violence as referred to in Article 8 letter a shall be punished with a maximum imprisonment of 12 (twelve) years or a maximum fine of Rp 36,000,000.00 (thirty-six million rupiah),” according to Article 53 of Law of the Republic of Indonesia Number 23 of 2004 on the Elimination of Domestic Violence. According to Article 8 letter an of the PKDRT Law, “Sexual violence as referred to in Article 5 letter c includes: a. forced sexual intercourse committed against a person who resides within the scope of the household.” Article 53 of the PKDRT Law further states that “The crime of sexual violence as referred to in Article 46 committed by a husband against his wife or vice versa is a complaint crime.” According to this article, only the victim can file a complaint if the husband violates Article 46 against the wife.

Therefore, the wife as the complainant should be considered a victim in this case. In this case, the judge also took into account aggravating circumstances such as the victim witness suffered physical and psychological harm as a result of the defendant's actions, and the defendant is a member of an Indonesian law enforcement agency who is supposed to look after and set a good example for his family. There were mitigating circumstances such as the defendant had never been found guilty in an agency code of ethics hearing, the defendant acted politely during the trial and expressed remorse for his actions. The defendant must be found legally and credibly guilty of committing the crime of sexual violence in the form of forced sexual intercourse within the scope of the household since all of the requirements in Article 46 jo. Article 8 letter a jo. Article 53 of Law of the Republic of Indonesia Number 23 Year 2004 on the Elimination of Domestic Violence have been fulfilled. Aspects of appropriate legal protection have also been applied to victims in accordance with Decision Number 126/Pid.Sus/2023/PN Btl. The final decision of the judge makes a big question mark in the reciprocity suffered by the victim himself. The verdict is very odd because the public prosecutor initially demanded six years in prison, the panel of judges in the court decision imposed a sentence of one year and eight months, in addition to the absence of material and immaterial compensation for victims who were severely affected both from physical and psychological impacts.

### **Victimology Analysis of the Legal Protection of Victims of Marital Rape Number 126/Pid.Sus/2023/PN. Btl**

The rights of crime victims should be recognized and upheld by an ideal justice system lists the following rights: the right to information, the right to legal aid, the right to security, the right to be heard, the right to restitution, and the right to redress (Angelita, 2022). To achieve true

justice, the criminal justice system must give serious consideration to victims. If victims are not given sufficient attention, the system may appear biased, putting the rights and suffering of victims behind in favor of the rights of perpetrators (Mestika, 2022). According to J.E Sahetapy, the essence of studying victimology is to explore what is caused by victims and to study the meaning of a victimization or process for those involved in crime. Victimology as a branch of criminal law has a purpose and a very central function and role in exploring the role of criminal acts which will focus on assisting victims of crime themselves.

Victimology also has a major role in exploring a case of violation or criminal offense in terms of respecting the human rights of victims as human beings, members of society, and as citizens who have the same rights and obligations and equal position in law and government. Victimology is useful for the performance of law enforcement officials, such as police officers, prosecutors, and judges. Victimology can be used as a guideline in efforts to improve various policies/legislation that have so far seemed to pay less attention to aspects of victim protection (Irhamdesetya, 2024). The victim according to the definition of the witness and victim protection law in article 1 paragraph 3 is a person who experiences suffering due to a criminal act, in addition, in article 1 number 5 states that the witness and victim protection institution or LPSK is an institution that has an authority to provide protection to witnesses and victims. On the other hand, LPSK collaborates with law enforcement whose main task includes providing protection such as physical, psychological protection, and security guarantees for witnesses and victims, including their families, if necessary. With the hope, this law will be a foundation for victims in marital rape cases to get justice (Law No. 31 of 2014 concerning Protection of Witnesses and Victims).

The results of the implementation of legal protection that have been described above in this case, can be drawn a red thread in the form of coercion of sexual intercourse within the scope of a household where a husband has a high social status, namely in the Police agency. As for this, it greatly affects the victim not only physically but also the psychological impact that envelops the victim's own mind, even the role of the judicial system which is a form of legal accountability has a difference between the prosecutor's demands and the judge's decision where the prosecutor is only 6 years and the final judge's decision is 1 year and 8 months This raises a question about the punishment that is truly appropriate. The study of crime victims is the focus of the field of victimology, the Bantul District Court Decision is a clear evidence of marital rape cases that occurred in Bantul, in this case the judicial process carried out is the right step in providing legal protection to victims. According to Dr. Joice Soraya, the study of victimology can be analyzed using two theories, namely Retributive Justice and Restorative Justice, so that there is effectiveness between the law that is carried out and the recovery of victims later.

A more perpetrator-oriented criminal justice system, retributive justice places great emphasis on punishing perpetrators for their actions in line with the requirements of the relevant Criminal Code. The main emphasis is on general deterrence (so that others do not commit similar acts) and punishing the offender as a kind of retribution. Restorative justice, on the other hand, emphasizes a humane relationship between the victim and the offender, and focuses on the impact of the crime on all relevant parties, including the victim, the community, and the offender himself (Dr. Joice Soraya, S.H., 2022). The following results of the Decision Implementation can be analyzed using this theory:

### ***Retributive Justice***

Retributive Justice, legal protection for victims is based on material sources of law using the Criminal Procedure Code as the procedural law (Arifin, 2019). The way this system works is to place victims and the community in a passive position, so that they do not have an active role in the judicial process and only become witnesses or parties who do not have a major influence on the course of the trial. This is in accordance with the statement in the decision that the victim was not only the party harmed by the perpetrator, but also a witness in the course of the trial, which is a private matter. A prison sentence of one year, eight months is not wrong in itself, it is

completely unfair when considered from the point of view of justice (Ihsan & Ifrani, 2020). It has been firmly established that the perpetrator committed a crime that resulted in physical and psychological injury given that the defendant is a member of the Indonesian Law Enforcement Agency i.e. at the Police institution who should be leading by example and protecting his family rather than using violence. However, the discrepancy between the prosecutor's recommendation (6 years imprisonment) and the judge's decision (1 year and 8 months) raises questions regarding the effectiveness of the justice system in providing a truly appropriate punishment.

From a retributive justice perspective, this is an imbalance that is taken into consideration in the judge's decision, where the defendant has been sentenced to criminal punishment as punishment for the victim's suffering. However, it turns out that if judged from the humanitarian aspect this sentence is lighter than the charges, this prosecutor shows an inequality in the application of retributive Justice. If only the sentence is imposed, there will be a concern that later other married couples who may experience brutality in their marital relationship will consider it a trivial matter because of the law. The Retributive Justice form of legal protection is indeed very necessary in punishing the perpetrators of crimes. However, it is expected that the punishment given must be commensurate with what the victim has suffered, a lighter sentence can be seen as a lack of deterrent effect for the perpetrator, especially considering that the defendant is a law enforcement officer who should be an example in upholding justice.

### ***Restorative Justice***

The concept of restorative justice does not only involve perpetrators in the criminal justice system, but also involves victims and the community (Flora, 2018). The goal of the criminal justice process according to the restorative justice perspective is to hold perpetrators accountable for their actions and their consequences, and to restore the suffering of crime victims to the position before the offense occurred or the loss was experienced, both from material and immaterial aspects. In the Decision, the absence of information from the Judge on the compensation determined by the court creates a view of the lack of role of the court in the concept of restorative justice itself. This also contradicts Article 46 of Law Number 23 Year 2004 that there is a fine that must be paid for the crime, and Article 66 of the Criminal Code stipulates that victims are entitled to compensation equivalent to restitution. Supported by expert opinion, namely according to Gelaway, compensation for victims aims to: a. Relieve the suffering of the victim. b. As an element of mitigating the punishment to be imposed. c. One way to rehabilitate prisoners. d. Facilitate the court process. e. Facilitate the trial.

Facilitate the court process. e. Reduce the threat or public reaction in social action. The decision also did not state that the victim was accompanied by a lawyer, only that the victim was accompanied by the victim's family to report and appear in court. Meanwhile, the perpetrator who was a member of the police was accompanied by seven lawyers from the police themselves, which is very sad because the victim was really in a state of urgency. This is also reinforced by legal expert Von Hentig who claims that they have a social position that makes them vulnerable to (Kasmanto Rinaldi, S. H., Tutrianto, R., Sos, S., & Krim, 2024). However, the facts on the ground say otherwise, the author believes that this is already unfair to victims. On the other hand, the victim not only suffered physical injuries due to the rape committed by the perpetrator, but also received psychological impacts in the form of trauma, fear, and loss of security over her own husband.

However, we all know that the implementation of the legal protection described above includes several forms of protection such as psychological assistance from the mother and child protection service, as well as legal support by the police and moral support from the family, but according to the author, the court should include actions after the verdict for the immaterial impact suffered by the victim herself because it is feared that the recovery efforts before the verdict are only a formality in the justice system itself. So, we can outline that sexual violence committed by a husband against his spouse in a marriage without the wife's consent or consideration of her condition is known as marital rape. Human rights, especially the right to

sexual safety and pleasure, are violated by this (Saladin, 2020). The study of crime victims is the focus of the field of victimology. The decision of the Bantul District Court in the case of marital rape that occurred in Bantul is the right step in providing legal protection to victims. Restorative justice and retributive justice approaches are two categories of legal protection approaches that, according to Joice Soraya, can protect victims.

The regulations that are the foundation of the rights of victims, namely Law number 31 of 2014, must also play an active role in the restoration of victims' rights after the final judge's decision. Although courts have fulfilled their obligations within a retributive justice framework by enforcing criminal sanctions, it should be noted that this strategy often fails when addressing situations such as marital rape that affect victims in a number of ways. As restorative justice focuses on restoring the physical, psychological, social, and economic damage of victims, it should be further supported and prioritized. A more compassionate approach to examining the interactions between victims and offenders is the foundation of restorative justice. According to the science of victimology, the use of restorative justice theory is a useful first step in building a more victim-centered criminal justice system. Although victim rehabilitation is a key component of restorative justice methods, its implementation has not been at its best. Ironically, indictments and prosecutions sometimes do not include an evaluation of the harm suffered by victims. Therefore, it is imperative that prosecutors include an assessment of victim harm in the case file and then specifically mention it in indictments and charges.

In addition, there are often no witnesses and insufficient supporting documentation in situations of violence against women, which is exacerbated by the reluctance of witnesses to testify due to fear for their safety or the trauma they have experienced. In contributing to the justice system, retributive punishment techniques continue to dominate the law enforcement paradigm in cases of violence against women and children in Indonesia, the Criminal Code which is the material basis for punishing perpetrators, which initially did not orient Marital Rape precisely in Article 285 has now been transformed in the new Criminal Code Law number 1 of 2023 which orientates Marital Rape as its main scope, namely in article 473 (Law Number 1 of 2023 Criminal Code, n.d.). Thus, victims of marital rape now have a stronger legal basis to obtain justice and protection, in addition to upholding the PKDRT Law and the LPSK Law. Beyond the above discussion, there are certainly still many obstacles that need to be addressed, including improving the ability of law enforcement authorities and changing public opinion. Therefore, to ensure that the new Criminal Code truly succeeds in protecting victims and building a safe environment for everyone, cooperation from various stakeholders is needed to create a fair legal environment.

## **CONCLUSION**

Although the criminal justice system has provided legal protection for victims of domestic violence through court decisions, there are several aspects that need further consideration, especially in the comprehensive fulfillment of victims' rights. The new Criminal Code has provided a strong legal basis to protect victims of marital rape. However, legal protection does not stop at the criminal aspect. A victimological analysis of the marital rape case in Bantul and the court decision, although the court has carried out the legal process, there are several shortcomings in the fulfillment of the rights of the victims. Injustice is felt due to the lack of adequate legal assistance for victims, especially given their vulnerability as female victims of domestic violence, as well as the lack of attention to psychological recovery and the provision of compensation or restitution. The criminal punishment imposed on the perpetrator, although in accordance with the provisions, is considered to have a less deterrent effect and has not fully reflected justice. The criminal punishment imposed on the perpetrator, although in accordance with the provisions, is considered to lack a deterrent effect and does not fully reflect justice for the victim, and has the potential to trigger similar cases.



## SUGGESTION

The state must ensure that every victim of domestic violence, especially those from vulnerable groups such as women, receives comprehensive legal assistance from the beginning of the reporting process to the final verdict. The Criminal Code has carried out a transformation that will later become a milestone in the protection of the Marital Rape law. This is important to ensure that the rights of victims are fulfilled and that the judicial process runs fairly. Punishment for domestic violence perpetrators, especially those committed by public figures or state officials, must be strictly enforced and provide a deterrent effect.

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