

ENFORCEMENT OF LAWS ON SEXUAL VIOLENCE IN MARRIAGE (MARITAL RAPE): A COMPARATIVE STUDY OF CRIMINAL LAWS IN INDONESIA AND SINGAPORE

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Abstract

Marital rape is a form of sexual violence that is often not explicitly recognized in legal systems, especially in countries with strong patriarchal cultures. This article provides a comparative analysis of the regulation and enforcement of marital rape as a criminal offense in Indonesia and Singapore. In Indonesia, the recognition of marital rape as a criminal offense has been strengthened through the new Criminal Code (Law No. 1 of 2023), the PKDRT Law, and the TPKS Law, although its implementation still faces challenges in the form of complaint offenses, social stigma, and a lack of understanding of gender issues among officials. Meanwhile, Singapore has removed legal immunity for husbands since the enactment of the Criminal Law Reform Act 2019, and provides civil protection through Personal Protection Orders (PPOs) and an integrated reporting system. This study uses a normative legal and comparative law approach to examine the differences in the legal systems, regulations, and cultures of the two countries. The results of the study show that Singapore is more progressive in handling cases of marital rape, both in terms of regulations and victim protection mechanisms. This article recommends that Indonesia strengthen inter-agency synergy, reform the reporting system, and improve public legal literacy as strategic steps in combating domestic sexual violence. With a comprehensive approach, it is hoped that the Indonesian legal system can be more responsive to the needs of victims and ensure gender sensitive justice.

Keywords: Marital Rape, Criminal Law, Law Enforcement, Legal Culture, Victim Protection

INTRODUCTION

Marriage aims to create a harmonious and happy family, as stipulated in Article 1 Paragraph 1 of Law No. 1 of 1974. Happiness in the household can be achieved if the rights and obligations of the couple are fulfilled properly. However, in reality, marriage often faces various challenges, including the potential for domestic violence. Violence against women is increasingly prevalent and has become a recurring social phenomenon, even though society upholds the values of rationality and humanism. Gender-based violence leads to domination and discrimination, as well as physical, sexual, and psychological suffering in various areas of life (Agustanti et al., 2023). Domestic Violence (DV) often becomes a serious issue within families. DV is not merely a common conflict but rather actions or patterns of behavior aimed at controlling a partner, causing physical, psychological, sexual, or economic suffering. (Undang - Undang Republik Indonesia Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga, 2004).

Based on Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law), domestic violence can affect anyone, regardless of background. Article 5 of the PKDRT Law categorizes domestic violence into physical, psychological, sexual, and domestic neglect (Undang - Undang Republik Indonesia Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan Dalam Rumah Tangga. Pasal 5) Factors contributing to domestic violence (KDRT) include economic issues, communication problems, infidelity, and patriarchal culture. A history of violence, substance abuse, and gender inequality also exacerbate this risk, particularly for women.

Relationships between couples are not automatically considered criminal acts. Criminal acts are prohibited acts that are subject to legal sanctions, including a minimum of five years' imprisonment or the death penalty. (Harefa & Kholiq, 2024) The revision of the Criminal Code through Law No. 1 of 2023 provides a new definition of criminal acts. Article 12 states that a criminal act is an act that is punishable by law or special measures according to the law. For an act to be categorized as a criminal act, in addition to being punishable, it must also be contrary to the law or legal norms that apply and develop in society. (Harefa & Kholiq, 2024, p. 35). Marital relationships involving coercion and sexual violence can be categorized as criminal acts, known as marital rape. According to EIGE, marital rape occurs when there is penetration without consent, often accompanied by violence, threats, or intimidation. A patriarchal culture that limits women's roles has given rise to discrimination and various social problems that hinder their freedom. Although Indonesia upholds the principle of the rule of law, existing legal instruments are not yet fully capable of protecting women's rights from such injustices. The view that places women only in the domestic sphere also weakens the enforcement of laws with a gender justice perspective (Sari & Sularto, 2019).

One form of injustice can be seen in the prevalence of cases of forced sexual relations within marriage (marital rape) experienced by wives, which is classified as sexual violence. This act involves coercion that has a negative physical and psychological impact on the victim. Social constructs that place women below men perpetuate violence in marital relationships. Sexual relations within marriage are often considered a legal obligation, so that rape within the household is not recognized as a criminal act and is only viewed as a family conflict. This is in contrast to violence outside of marriage, which is more easily considered by society to be an inappropriate act. In the context of the household, the relationship between a husband and wife that is legally and religiously valid often opens the door to repeated sexual violence (Sari & Sularto, 2019, p. 119)

Indonesia has regulations and institutions that protect witnesses and victims of marital rape. This protection is based on Article 28G of the 1945 Constitution, which affirms the right of every individual to fair treatment. The state demonstrates its commitment to human rights through this policy. Further protection is regulated in Articles 5 and 8 of Law No. 31 of 2014 concerning amendments to Law No. 13 of 2006. These provisions guarantee the personal safety and physical, sexual, and psychological integrity of victims and witnesses. Victims of domestic violence, particularly those who have been forced into sexual relations by their spouse (marital rape), have various reporting channels, including direct reporting to the Police Women's Empowerment and Child Protection Unit (Unit PPA Polres), emergency services (110 and SAPA 129), and digital channels such as LAPOR! and Komnas Perempuan (Charren, 2023).

The investigation stage aims to obtain preliminary evidence of an alleged criminal offense, while the investigation is carried out as a follow-up through a series of law enforcement actions, such as arrest, detention, search, and examination of witnesses and suspects (Supardi, 2023) The handling of this case emphasizes the principle of integrated work between police officers, health workers, government, and civil society organizations. Furthermore, the process of transferring case files from the investigation to the prosecutor's office is a crucial stage in the Indonesian criminal justice system, which is regulated in the Criminal Procedure Code (KUHP) (Nurhadi, 2021) After the investigator completes

the investigation, the case file is submitted to the public prosecutor to be examined for completeness. If the file is deemed incomplete, the prosecutor returns it to the investigator with instructions for completion. The investigation is considered complete if within the specified time the file is not returned or has been completed as directed.

In the context of marital rape, which is domestic sexual violence and a complaint offense, this process demands special attention to evidence and victim protection. Marital rape is now explicitly regulated in the new Penal Code which comes into force in 2026, providing a stronger legal basis than the old Penal Code (Sinaga & Apriyani, 2024). Public prosecutors must ensure that case files meet evidentiary standards and take into account the complaint aspect in order for cases to be prosecuted. Intensive coordination between investigators and prosecutors is key to successful file submission, along with the use of information technology to increase efficiency and transparency. Obstacles such as social stigma and the complexity of proof are the main challenges in handling marital rape cases.

Victims of marital rape in Singapore can report their cases through the 999 emergency service, various helplines, or online (Ministry of Social and Family Development, 2024). Since the 2020 law change, marital rape is recognized as a criminal offense regardless of marital status. After a report is received, the police conduct an investigation in accordance with the Criminal Procedure Code, including gathering evidence and examining witnesses. Cases are handled by a special unit for serious sexual crimes, while ensuring the rights of the suspect. In addition to criminal proceedings, victims can also apply for a Personal Protection Order (PPO) for civil protection, which includes temporary protection orders and domestic exclusion.

The discussion on marital rape covers differences in definitions, legal regulations, legal culture, and sanctions applied in Indonesia and Singapore. Based on the comprehensive background described above, several issues will be discussed in depth in this study, as formulated below: 1) How do the current criminal laws of Indonesia and Singapore compare in terms of regulating and handling sexual violence within marriage (marital rape)? 2) What are the challenges in preventing and handling domestic sexual violence in Indonesia, and what are the appropriate recommendations for solving these problems based on Singapore's regulations and strategies for handling domestic sexual violence?

LITERATURE REVIEW

This study is certainly not separate from previous studies that have researched the same topic, namely marital rape, such as the previous study conducted by Kamseno, S., & Hidayat, A. S. in 2024 entitled "Comparison of Criminal Law on Sexual Violence Crimes in Indonesia and Singapore". This study essentially shows that Indonesia has a broader and more comprehensive definition of sexual violence than Singapore, which tends to be more specific. In terms of law enforcement, both countries have processes that include reporting, investigation by the police, and trials, but Singapore has a special unit that handles sexual crimes with a more focused approach. The author found a new element, namely, the author wanted to examine the new legal regulation in Indonesia, namely Law No. 1 of 2023 concerning the Criminal Code in regulating marital rape and including the latest regulations from Singapore related to Domestic Sexual Violence. The author also wanted to recommend innovations in resources or institutions to deal with marital rape in Indonesia.

Furthermore, there is a study by Erlytawati, N. in 2015 entitled "CRIMINAL ACTS OF RAPE IN MARRIAGE (MARITAL RAPE) IN COMPARISON BETWEEN INDONESIAN AND SINGAPOREAN CRIMINAL LAW". *Recidive: Journal of Criminal Law and Crime Prevention*, 4(1), pp.43–51. In this study, marital rape in Indonesian law does not explicitly mention who the "perpetrator" is, while Singapore regulates it in more detail in the Singapore Penal Code. The legal regulations regarding marital rape in Indonesia and Singapore have their own advantages and disadvantages. Singapore also has more repressive legal mechanisms, such as the arrest of perpetrators without a warrant and additional protection for victims. The author finds a novelty in this study, which is that the author will include and review the new Indonesian Criminal Code, which already has articles related to the regulation of marital rape. Previous studies did not use a comparative approach but only examined the regulation of marital rape in Indonesian law. In this regard, in the study to be conducted, the author wishes to examine the obstacles in terms of implementation, factors, and legal culture related to cases of marital rape in Indonesia.

Next and lastly, there is a study by Sari, T.F., Mulyati, N. and Elvandari, S. in 2024 entitled "Regulation of Criminal Acts of Rape in Marriage According to Indonesian Criminal Law and Singapore Criminal Law". In this study, both Indonesia and Singapore have regulated marital rape in their respective criminal laws. Indonesia regulates it in the PKDRT Law, TPKS Law, and National Criminal Code, while Singapore includes it in the Singapore Penal Code. The main difference between the two countries lies in the subject and object of the crime, where Indonesia does not differentiate based on

gender, while Singapore only recognizes men as perpetrators and women as victims. The novelty of this study is that the author wants to analyze the new Criminal Code Law No. 1/2023 related to sexual violence in the household. The author will also compare the institutions that handle marital rape cases in Indonesia and Singapore.

RESEARCH METHOD

The research method used in this study is a normative legal approach based on legal norms to analyze applicable regulations, legal synchronization, legal comparisons, and legal principles. Normative legal research is a study of legal products that reflect legal behavior, such as the evaluation of draft laws (Marzuki, 2017). This study compares Indonesian and Singaporean criminal law. The comparative approach is a method for comparing systems, norms, cultures, and legal rules. Through this method, the author analyzes various aspects of law, such as legislation, institutions, and resources. The main objective is to understand the characteristics of the legal system and identify areas of harmonization. This research is not limited to legal texts but also takes into account the legal cultural context and legal policies that underpin the applicable rules. The legal materials in this research consist of primary and secondary legal materials. Primary legal materials include Law No. 8 of 1981 on Criminal Procedure Law, Law No. 2 of 2002 on the National Police of the Republic of Indonesia, Law No. 23 of 2004 on PKDRT, Law of the Republic of Indonesia No. 31 of 2014 on Amendments to Law No. 13 of 2006 on Witness and Victim Protection, Law No. 11 of 2021 amending Law No. 16 of 2004 on the Attorney General's Office of the Republic of Indonesia, Law No. 12 of 2022 on Sexual Violence Crimes in Indonesia, Law No. 1 of 2023 on the New Criminal Code, as well as the Singapore Penal Code Cap. 224, Law Reform Act 2019, Women's Charter (Cap. 353). Meanwhile, secondary legal materials were obtained from literature research covering journals, articles, books, research results, legislation, and relevant internet sources.

RESULTS AND DISCUSSION

Comparison of Current Criminal Laws Regulating and Handling the Crime of Domestic Sexual Violence (Marital Rape) Between Indonesia and Singapore [Arial, 10 bold, Sentence Case font]

Comparative criminal law is a discipline that studies and compares the criminal law systems of two or more countries or different legal systems with the aim of identifying similarities, differences, and relationships between these various legal systems (Iswahyunisa, 2024). This activity does not merely examine criminal law rules textually, but also analyzes how criminal law functions in practice and how legal solutions are applied in addressing concrete legal issues. In this context, comparative criminal law can help understand various approaches to specific criminal acts, such as domestic violence or marital rape. This can provide inspiration for the formulation or reform of criminal law that is more effective and in line with local community values.

The internationally recognized concept of marital rape is applied in Southeast Asian countries, including Indonesia and Singapore. Indonesia has a civil law system based on the principle that judges provide guidance and determine verdicts based on codified rules. The Indonesian legal system does not rely on the doctrine of *stare decisis* and applies an inquisitorial judicial process. Meanwhile, Singapore adheres to a common law system based on precedents or previous court decisions. In the Singaporean legal system, judges have the authority to develop laws in accordance with community customs and to shape laws through the decisions they make (Riyanto, 2018).

Domestic violence in Indonesia is a cause for concern. According to data from the National Commission on Violence Against Women (Komnas Perempuan) and CATAHU partners in 2024, sexual and psychological violence are the most common forms of violence, each accounting for 26.94%. Physical violence follows with 26.78%, and economic violence with 9.84%. There has been a significant change from 2023, when psychological violence was the most frequently reported form of violence. Specifically, CATAHU partners recorded sexual violence as the highest number of cases, with 17,305 cases (Komnas Perempuan, 2025). Unlike Indonesia, Singapore shows better statistics on sexual violence cases. From January 2018 to November 2022, there were 11,868 reports of sexual violence in Singapore, including marital rape.

Specific data on marital rape for the years 2024-2025 has not yet been detailed (Erlytawati & Lukitasari, 2015). According to Elizabeth Vania Angkawidjaja (2025), cases of marital rape in Indonesia and Singapore are very different. In Singapore, stricter laws and high public awareness result in approximately 70% of sexual violence reports involving marital rape. In Indonesia, only around 10-15% of domestic violence cases are reported as marital rape, often not reported due to social stigma and lack of legal understanding.

Indonesia regulates sexual violence within the family (marital rape) through Law No. 23 of 2004 on the Elimination of Domestic Violence (UU PKDRT). Violations of these provisions may be subject to penalties under Article 47 (Undang - Undang Republik Indonesia Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga, 2004) Marital rape is also regulated in Article 4(2)(h) of Law No. 12 of 2022 on Criminal Acts of Sexual Violence, but its enforcement has not been further clarified, only emphasizing the broad term “coercion.” In 2023, Indonesia updated its old Dutch-era Criminal Code. As a result, marital rape is now further regulated in the new Criminal Code, namely Law No. 1 of 2023, Article 473(6) ((Undang - Undang Republik Indonesia Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana, 2023)

Article 473 paragraph (6) of the new Indonesian Criminal Code stipulates that sexual relations within marriage that are carried out without consent can still be categorized as a criminal offense. In her research, Utami Ningsih (2023) explains that the recognition of marital rape in this article is an important step forward in the Indonesian criminal justice system. This article clarifies that sexual consent is not automatically inherent in a husband-wife relationship, thereby opening up protection for all victims, both women and men (Astuti Vitria Utami Ningsih, 2023). Countries that include marital rape in their criminal law demonstrate a high commitment to gender equality in law. Their research on 74 countries shows that the recognition of marital rape as a criminal offense correlates positively with more honest and transparent reporting of sexual violence cases (Chon & Clifford, 2021).

Social norms that view sexual relations as the obligation of a wife or husband are at the root of resistance to the criminalization of marital rape, making public legal education an important step in changing the paradigm. This article should be implemented in accordance with the principle of *ultimum remedium* in criminal law. Punishment of perpetrators of marital rape should be balanced with rehabilitation programs, family counseling, and victim recovery to avoid destructive effects on the social system. This approach is in line with the principle of human rights protection, which places substantive justice above legal retribution.

The PKDRT Law recognizes marital rape as a form of sexual violence, although the term “rape” is not mentioned directly. To strengthen legal protection, the 2022 TPKS Law was drafted to cover nine types of sexual violence, including those that were not previously criminalized. Marital rape is implicitly regulated as domestic violence (Article 4 paragraph 2 letter h), and violations are punishable by up to 12 years in prison or a large fine in accordance with Article 6. Although the TPKS Law is considered progressive in terms of norms, its implementation faces challenges in the form of patriarchal culture and gender inequality in law enforcement practices (Elizabeth Vania Angkawidjaja, 2025) The provisions regarding marital rape in this law are reinforced by Article 473 paragraph (6) of the NEW Criminal Code, which states that such crimes can only be prosecuted based on a report from the victim.

This complaint-based system often becomes an obstacle to law enforcement because victims often feel afraid, intimidated, or consider it a domestic matter, and are therefore reluctant to report it. This provision is in line with Article 53 of the Domestic Violence Law, which also classifies sexual violence between spouses as a complaint-based offense. However, this approach raises concerns because perpetrators may avoid punishment, even though their actions constitute violence. The aim is actually to protect the victim's privacy so that their dignity is not compromised if the case becomes public knowledge.

If a violation of Article 473 paragraph (6) is committed, the perpetrator can be sentenced to a maximum of 12 years in prison. However, this provision only applies if the victim actively reports the act and the perpetrator is proven to have committed sexual violence within the marriage. Outside of these conditions, legal proceedings cannot be pursued. Article 23 of the TPKS Law emphasizes that cases of sexual violence must be brought to court due to their significant impact on victims. Resolutions outside the official legal process are considered inadequate, especially given the trauma, social stigma, and gender bias that still persist against women.

During the investigation and inquiry stages at the police station, the handling of marital rape cases follows the provisions of the Criminal Procedure Code (KUHAP) and the Police Law. Police investigators are authorized to conduct investigations to gather evidence and identify suspects in accordance with Article 1(2) of the KUHAP, which governs investigations, and Article 1(5), which governs inquiries (Supardi, 2023) Investigators are also obligated to protect the rights of victims, including providing protection and accompaniment to ensure victims feel safe reporting their cases, and taking repressive actions if family-based resolutions are not feasible. Under the Police Law No. 2 of 2002, the primary duties of the police include law enforcement and public protection, including victims of domestic violence, so the handling of marital rape must be conducted professionally, transparently, and sensitively toward the victim.

Once the case file is deemed complete, the marital rape case is transferred to the prosecutor's office for the prosecution stage. The prosecutor will assess the completeness of the file and decide whether the case is eligible to proceed to trial. At this stage, the prosecutor prepares the indictment and presents evidence to prove the act of sexual coercion within marriage in court. According to Law No. 11 of 2021 amending Law No. 16 of 2004 on the Prosecutor's Office of the Republic of Indonesia, Article 30C letter c states, "to participate and be active in the handling of criminal cases involving witnesses and victims as well as the process of rehabilitation, restitution, and compensation." Therefore, the Prosecutor's Office has a role in ensuring the protection of victims' rights throughout the legal process, including providing accompaniment and psychological rehabilitation for victims to prevent prolonged trauma (Undang-Undang No. 11 Tahun 2021 Tentang Kejaksaan Republik Indonesia, Pasal 30C huruf C, 2021)

In Singapore, as a country with a common law system that relies heavily on jurisprudence, judges refer to previous decisions. Before 2007, the law there still granted immunity to husbands who forced their wives to have sexual relations. Section 375 of the Singapore Penal Code Chapter 224 states that sexual relations between a husband and wife without the wife's consent are not categorized as rape, except under certain conditions such as coercion, threats, or if the woman is under the age of 14. This means that as long as the wife is over the age of 13, the husband cannot be prosecuted for rape within marriage.

In 2007, the issue of legal immunity in marriage began to receive serious attention in the Singaporean parliament. Although it has not been completely abolished, a draft law has been proposed to provide protection for women whose marriages have broken down or who no longer have a consensual relationship with their partners. The changes to the Singapore Penal Code aim to remove legal immunity for husbands who engage in forced sexual intercourse, unless the couple has been separated by court order or written agreement. However, some members of parliament believe that these amendments do not provide comprehensive protection for women in such vulnerable situations (Elizabeth Vania Angkawidjaja, 2025)

On February 11, 2019, the Criminal Law Reform Bill was submitted to parliament and became the focus of media attention because it removed legal immunity for perpetrators of marital rape. The bill was later passed as the Criminal Law Reform Act (CLRA) 2019, which officially established rape within marriage as a criminal offense. This rule repealed the previous provision in Section 375(4) of the Penal Code (Amendment) Act 2007 and replaced it with a new provision stating that a husband cannot be found guilty as long as there is consent from the wife. This major change was confirmed through the enactment of the CLRA 2019 and amendments to the Protection from Harassment Act, which came into effect on January 1, 2020, marking the removal of legal immunity for husbands in cases of forced sexual relations with their wives, with the aim of providing stronger protection for women from sexual violence (Jolene Tan, Mark Wong, 2019)

The amendment to Section 375(4) states that a husband cannot use his marital status as a reason to avoid legal responsibility for rape. Consent in this context must be understood as permission given voluntarily and does not apply if obtained through coercion, threats, or in a state of unconsciousness due to the influence of certain substances. In Singapore, perpetrators of rape against victims aged 14 years and above may be sentenced to up to 20 years in prison, with the possibility of additional fines or caning, as stipulated in Article 375(2) of the latest edition of the Penal Code of 1871. For serious cases, the penalty imposed ranges from eight to 20 years' imprisonment, accompanied by a minimum of 12 strokes of the cane (Criminal Law Reform Act 2019, 2019)

In addition, Singapore has the Women's Charter (Cap. 353), which is a comprehensive law regulating monogamous marriage, family protection, women's rights, and criminal penalties for violations against women and children in Singapore. Marital rape can be classified as a form of repeated torture or abuse. Victims have the right to seek legal protection under Sections 65 or 66 of this law. Under Section 65(8), perpetrators may be subject to a fine of up to \$2,000 and imprisonment for a maximum of six months. If the offense is committed repeatedly, the fine may be increased.

The institutions within Singapore's protection system are Family Violence Specialist Centres (FVSCs). These institutions provide counseling, early intervention, and psychosocial support to victims of domestic violence. With a vision to create safe and healthy families, FVSCs offer counseling, accompany victims to hospitals or police stations, and provide crisis intervention. The main strength of these institutions is their professional services with a multidisciplinary approach. During the COVID-19 pandemic, demand for their services increased by 37%, indicating the high level of public trust. However, the gap in response between these institutions and the police sometimes becomes an obstacle in providing maximum protection to victims.

On the law enforcement side, the Singapore Police Force (SPF) plays an important role in investigating and arresting perpetrators of marital rape. They have full authority to arrest without a warrant and collect evidence. Although Singapore's legal system is considered efficient, the trauma experienced by victims during the legal process often acts as a barrier. Additionally, training for officers on issues related to sexual violence still needs to be improved. The Family Justice Court is a judicial body that handles cases of domestic violence and provides legal protection such as protection orders and mediation. The use of the iFAMS application allows legal proceedings to be conducted online, which can reduce the psychological pressure on victims. However, there are still shortcomings if victims do not receive adequate assistance during the trial process. Data from 2020 shows a 33% increase in reports of emotional and psychological violence through the Women's Charter and the Vulnerable Adults Act (VAA) (Maulidya, 2022a)

In terms of technological development, Singapore has launched a family case management application system developed by the Singapore Family Justice Courts (FJC) called iFAMS (Integrated Family Application Management System). This system is designed to facilitate the submission, management, and monitoring of family law cases digitally. This service is particularly useful in handling cases such as domestic violence, child custody, family protection orders, and disputes over custody rights and divorce. iFAMS was introduced in response to the need for an efficient, transparent, and easily accessible judicial system for Singaporeans, especially in matters of family law that are sensitive and personal in nature. The functions and policy direction of iFAMS indicate that the system's primary objective is to create a more modern, faster, and more accurate family law service.

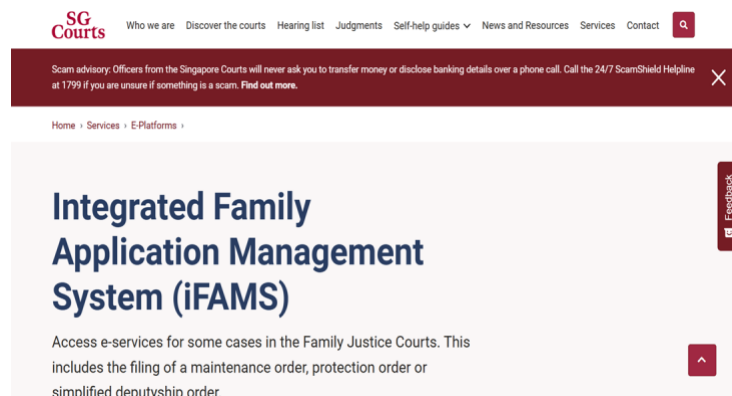


Figure 1. Platform Aplikasi iFAMS

the objectives include:

1. facilitating public access to the family law system online;
2. enhancing administrative efficiency through paperless case management;
3. reducing manual errors and accelerating communication between courts, lawyers and relevant parties;
4. providing ease in tracking case status and documents in real-time (pepy nofriandi, 2018)

The tasks and authorities of iFAMS are as follows: 1) The system allows users to register family law cases electronically, 2) iFAMS facilitates the joint processing and management of files by various authorized parties such as judges, prosecutors, lawyers, and social institutions, 3) the system allows for the reporting of evidence, submission of changes to court schedules, delivery of supporting documents, and requests for copies of documents to be done entirely online, 4) integrated notification and automatic alert features help prevent delays or negligence in the legal process. In cases of domestic violence, including alleged marital rape, iFAMS is used as a medium to file for a protection order from the court against the perpetrator of domestic violence.

Indonesia has the National Commission on Violence Against Women (Komnas Perempuan), an independent state institution established in 1998 in response to the wave of violence against women following the reform era. This institution was established based on Presidential Decree No. 181 of 1998 and reinforced by Presidential Regulation No. 65 of 2005. Komnas Perempuan has the main mandate of overseeing the fulfillment, protection, and advancement of women's human rights in Indonesia and encouraging the elimination of all forms of gender-based violence.



Figure 2. Lembaga Komnas Perempuan

The vision of Komnas Perempuan is to create conditions conducive to the elimination of all forms of violence against women and the enforcement of women's human rights. To realize this vision, the institution carries out several important missions. These missions include: (1) promoting gender-equitable state policies and supporting the recovery of victims of violence, (2) strengthening women's movement networks at various levels, (3) developing standards and mechanisms for the prevention of violence against women, and (4) strengthening the institutional capacity and accountability of Komnas Perempuan in carrying out its mandate (Komisi Nasional Anti Kekerasan Terhadap Perempuan, 2020)

In carrying out its duties, Komnas Perempuan has the authority to monitor, investigate, and report cases of gender-based human rights violations. The institution also issues policy recommendations to the government, including the executive, legislative, and judicial branches. Komnas Perempuan serves as a center for information and advocacy on women's issues and as a mediator between victims, the community, and state institutions. This institution also receives and records reports/complaints from the public regarding violence against women, including sexual violence in the household. Handling cases of domestic violence, including sexual violence in the form of marital rape, requires a responsive, effective, and integrated system and institution.

Marital rape is a form of sexual violence that can be experienced by anyone in a marriage, both women and men. Forced sexual relations in marriage are still considered domestic violence because they are carried out without the consent of one of the parties, thereby undermining the concept of equality in the household. Sexual violence does not discriminate based on gender, age, or social status because its essence is a violation of the human body's rights and dignity. This perspective broadens the concept of legal protection so that it does not only favor women as victims, but also men who experience sexual coercion in marriage (Fithri et al., 2025).

Academic openness to the idea of men as victims is important for eliminating feminist bias in research on sexual violence. Most legal and social systems still assume that perpetrators of sexual violence are always men, while women only play the role of victims. This assumption limits access to support for male victims of sexual violence in marriage. Therefore, gender-neutral discussions are an important first step in strengthening the principle of justice in modern criminal law (Melanie & Venkatesh, 2015).

Singapore and Indonesia have different approaches in responding to these cases. In Singapore, one of the leading systems developed is iFAMS (Integrated Family Application Management System), while in Indonesia, the institution that plays an important role in this issue is Komnas Perempuan. One of the advantages of iFAMS is its ability to integrate with various other government institutions, enabling smooth and efficient information exchange and coordination between institutions, thereby accelerating legal processes and victim assistance. Singapore also has institutions such as Family Violence Specialist Centres (FVSC) that provide consultation services, risk assessment, and legal assistance to victims of domestic violence (Divorce Lawyer Singapore, 2017).

This model greatly facilitates victims in accessing protection, especially in emergency situations. Victims can immediately report, apply for a PPO, and quickly obtain referrals for psychological and social services. Indonesia addresses this issue through advocacy, public education, and policy reporting. In cases of marital rape, the National Commission on Violence Against Women (Komnas Perempuan) categorizes such cases as part of domestic sexual violence, which is already included in Law No. 23 of 2004 on the Elimination of Domestic Violence (UU PKDRT). Komnas Perempuan actively reports cases of marital rape in their Annual Report (CATAHU).

Although Komnas Perempuan has a Complaint Referral Unit (UPR) that receives direct reports from the public, there is currently no special team that handles cases of marital rape separately from other forms of violence against women. Handling is generally carried out through advocacy mechanisms, monitoring, and cooperation with community service institutions and law enforcement agencies. Komnas Perempuan is also active in providing policy recommendations to the government and the Indonesian House of Representatives to include an explicit article on marital rape in national criminal law and to encourage the ratification of women's protection policies such as the Law on Sexual Violence Crimes (UU TPKS).

Challenges in the Prevention and Handling of Domestic Sexual Violence in Indonesia and Recommendations for Solutions to these Problems Based on Singapore Domestic Sexual Violence Regulations and Handling Strategies

Sexual violence within marriage (marital rape) between husbands and wives is not merely a private matter, but has developed into a complex social problem in recent years. This phenomenon shows an increasing trend in cases that demand a systemic response from various stakeholders, particularly the government. The impact of marital rape not only threatens the physical and psychological safety of victims but also has the potential to disrupt the family structure, which should be a safe and harmonious space. The legal framework for addressing marital rape in Indonesia is governed by the Domestic Violence Act (UU PKDRT), the Sexual Violence Act (UU TPKS), and the New Criminal Code (KUHP BARU), which adopt an integrated judicial approach. This mechanism emphasizes the principle of restorative justice, balancing the treatment of perpetrators with the restoration of victims' rights. Comprehensive handling from the investigation stage to the trial process underscores the importance of enforcing the law not only for punishment but also for sustainable social transformation and comprehensive protection for victims (Syarifuddin, 2021)

Marital rape, or rape within marriage, in many cases involves a power relationship between husband and wife that is shaped by patriarchal values deeply rooted in Indonesian culture. Enforcement of the law in cases of marital rape faces significant obstacles stemming from a societal culture that still positions women in a subordinate or inferior status (Solihah & Amalia, 2022). Victims are strongly affected by patriarchal culture and sexual relations without consent as long as they are carried out within a marriage that is considered valid. The main source of sexual violence is the dominant influence of culture and religious teachings that position men as the controllers and main decision-makers in family life. The dominant view that has developed is that women's bodies, especially wives, are the property of their husbands after marriage. This has led many people, including law enforcement officials, to not consider forced sexual relations within marriage as a form of violence or a violation of human rights. The legal culture that has developed in Indonesia does not fully favor victims of marital rape.

The main source of sexual violence is the dominant influence of culture and religious teachings that position men as the controllers and main decision-makers in domestic life. The dominant view that has developed is that women's bodies, especially those of wives, are the property of their husbands after marriage. This has led many people, including law enforcement officials, to not consider forced sexual relations within marriage as a form of violence or a violation of human rights. The legal culture that has developed in Indonesia does not fully side with victims of marital rape. Indonesia has various islands, consisting of Java, Kalimantan, Sumatra, Sulawesi, Maluku, Papua, from west to east, dominated by a patriarchal system in Indonesian society that has given rise to gender inequality and inequity that permeates various areas of life. In the social structure, men occupy the position of primary controllers, while women have only limited roles and are often denied space or rights in the public sphere, such as in economics, social life, politics, and psychology, including in the institution of marriage. As a result, women are placed in a lower position.

The patriarchal culture that limits women's freedom of movement confines them and makes them vulnerable to discriminatory treatment (Sakina & A., 2017). The inequality of women's position in the patriarchal structure and the accompanying injustice have triggered various social problems in society. One of the tangible effects of patriarchal cultural dominance is the emergence of cases of domestic violence (Modiano, 2021). The high number of domestic violence cases cannot be separated from the strong influence of patriarchal culture, which is still deeply rooted in the view that men are the top priority in society. This mindset often justifies acts of violence committed by men against their partners. In a patriarchal system, men are considered more dominant and powerful than women, limiting the wife's ability to make decisions or choices. As a result, women tend to follow their husbands' every wish, even if it is harmful or inappropriate. This phenomenon reflects a recurring social reality, where violence is considered normal or acceptable (Sakina & A., 2017).

Legal culture in Indonesia cannot be separated from the influence of long-established social systems, one of which is patriarchal culture. In practice, patriarchal culture not only shapes gender relations in everyday life, but also permeates legal institutions, including at the level of investigation and prosecution. The view that places men as dominant figures is often reflected in the attitude of law enforcement officials who are less responsive to cases of gender-based violence, particularly domestic sexual violence. Investigators and prosecutors, as part of a society that still holds patriarchal values, often show bias in handling cases, such as doubting the testimony of female victims, suggesting amicable settlements, or even considering violence as a normal part of household dynamics. This inequality shows that the legal culture has not fully embraced substantive justice for women. Therefore, reforming the legal culture is urgent, by instilling a gender equality perspective in legal education, training officials, and strictly enforcing the law against perpetrators of violence. Without fundamental changes in the legal culture, the protection of women will continue to be hampered by views that justify domination and violence in the name of social tradition.

However, men who experience sexual coercion by female partners face a double barrier: social stigma and legal vacuum. Chon and Clifford (2020) show that in many developing countries, including Indonesia, the legal definition of rape is still biased against the gender of the victim. Many countries have only recently recognized men as victims after more comprehensive legal reforms. Their research proves that countries with gender-neutral definitions of rape show higher reporting rates, not because of an increase in crime, but because of increased legal justice (Chon & Clifford, 2021). Social stigma against male victims creates psychological and legal barriers emphasize that protection for victims of sexual violence must be based on the principle of *ultimum remedium*, whereby criminal law approaches are used as a last resort after rehabilitative and restorative efforts have been exhausted.

Legal protection for male victims of marital rape can be optimized through existing institutions, but with a strengthened mandate. The principle of human rights protection requires the state to provide inclusive mechanisms for all victims of sexual violence. Institutions such as the LPSK (Witness and Victim Protection Agency) can act as gender-neutral legal protectors by expanding the scope of psychological, medical, and legal assistance (Fithri et al., 2025). Indonesia needs to strengthen intersectional policies that recognize men as vulnerable parties in domestic violence. At the community level, non-governmental organizations such as Yayasan Pulih or LBH APIK can develop service units for male victims, just as Komnas Perempuan provides advocacy for female victims.

This principle is important so that law enforcement in cases of marital rape does not only focus on punishment, but also on the psychosocial recovery of victims, including men who are often reluctant to report because of shame. Male victims of sexual violence often do not receive equal treatment to women. They argue that legal reform must be accompanied by the establishment of an independent institution that handles male victims, similar to the National Commission on Violence Against Women. In the Indonesian context, institutions such as the National Human Rights Commission or the Witness and Victim Protection Agency can serve as a forum for complaints and protection for male victims of marital rape, with a specific mandate for gender-based violence issues in a neutral manner.

The urgency of establishing male advocacy institutions because patriarchal legal systems often refuse to acknowledge that men can be victims of sexual violence in marriage. The principle of *ultimum remedium* must be used to ensure that criminalization is not the only recourse. Victim recovery and social reconciliation are more comprehensive forms of protection. A multidisciplinary approach involving psychologists, social workers, and legal counsel is needed so that male victims are not trapped in the stigma of "weakness" that hinders their recovery. Another issue is the assumption that marriage gives husbands absolute legitimacy to have sexual relations at any time without their wives' consent. As a result, reports of domestic sexual violence, especially those committed by husbands against their wives, are often not taken seriously or are even ignored. On the other hand, society tends to blame the victims with misleading narratives, such as calling the victims disobedient or ungrateful wives.

This is reflected in the assumption that marriage gives the husband absolute legitimacy to have sexual relations at any time without his wife's consent. As a result, reports of sexual violence in the household, especially those committed by husbands against their wives, are often not taken seriously or are even ignored. On the other hand, society tends to blame the victim with misleading narratives, such as calling the victim a disobedient or ungrateful wife. This victim-blaming attitude can be very damaging to women's mental health, as it can cause feelings of guilt, shame, and self-blame (Huriani et al., 2021) It is not uncommon for victims of marital rape to be stigmatized and treated as if they are the ones who bring shame to the family, not the perpetrator. The taboo of discussing sexuality and sexual violence in marriage further isolates victims. In Indonesia, understanding of the theory of marital rape is very limited, and the general public often believes that rape can only occur outside of marriage. The domestic environment also makes it difficult for external parties or the government to address the

issue. Therefore, it is important to raise awareness of the law among the public, especially among women, who are the dominant victims, regarding their legal rights.

The lack of knowledge among law enforcement officials about how to resolve cases of sexual violence affects their views and empathy toward resolving sexual violence (Akbar, 2023). The prevention and handling of marital rape, including other forms of sexual violence, still face various structural and cultural challenges in Indonesia. Although it is regulated in the legal framework through the Law on the Elimination of Domestic Violence, the implementation of protection for victims is often hampered by weak law enforcement, minimal coordination between agencies, and the persistence of patriarchal norms in society. This situation not only leads to low reporting rates but also limits comprehensive efforts to support victims' recovery. In such circumstances, the criminal justice system is required not only to punish perpetrators but also to ensure victims' rights and promote more just and inclusive social change.

The fundamental challenge in implementing policies to protect victims of marital rape in Indonesia lies in the low level of public awareness of the importance of combating and reporting acts of violence, especially those that occur in the domestic sphere. Social pressure and cultural norms that tend to ignore or even normalize domestic violence further limit victims' access to justice and adequate legal protection (Susantin, 2022). In addition, limited human and financial resources hamper the effectiveness of the protection system, especially in rural and remote areas. The unavailability of medical personnel and adequate service facilities results in minimal medical assistance and psychological support for victims. This situation is exacerbated by weak health and security infrastructure.

Furthermore, proving marital rape poses a major challenge because it often occurs without direct witnesses. Fithri et al. (2024) state that sexual violence can be proven using medical examination reports, medical examinations, and psychological statements from victims. The existence of the Sexual Violence Criminal Act (UU TPKS) of 2022 expands the basis for evidence through expert testimony and electronic evidence. This approach strengthens the position of victims, including men, to obtain legal recognition without having to face an excessive burden of proof (Fithri et al., 2025). Medical evidence is often a crucial element in upholding justice. In the context of marriage, power relations and economic dependence prevent many victims from seeking immediate medical assistance (Astuti Vitria Utami Ningsih, 2023).

The legal system should provide more scope for victim testimony as valid evidence, in line with the principle of credence to the victim's experience as stipulated in the TPKS Law, which emphasizes that countries with legal systems that place consent as a key element in the definition of rape demonstrate greater effectiveness in protecting victims. This concept must be fully adopted in Indonesian law so that every act of sexual coercion, including within marriage, can be prosecuted without gender discrimination.

Furthermore, Indonesia still experiences institutional gaps in terms of specific handling of marital rape cases. The absence of an institution that specifically has the mandate to handle and follow up on sexual violence within marriage shows the weakness of a protection system that is adaptive and responsive to the complexity of gender-based violence. Lagging innovation and underdeveloped supporting technology are also limiting factors in efforts to optimally fulfill the rights of victims of marital rape. In practice, many cases are difficult to process because witnesses are close to the perpetrators, making it difficult to prove the case. In addition, minimal socialization causes officials and the community to often misperceive the substance of the law.

There are cases where victims are counter-sued by perpetrators while legal proceedings against the perpetrators proceed slowly. Concerns also arise because some law enforcement officials prioritize peaceful resolutions, leaving victims without justice. It is not uncommon for victims to be blamed and advised to be patient for the sake of family unity or even returned to the perpetrator in the name of mediation. In practice, many cases are difficult to process because witnesses have close ties to the perpetrator, making the evidence weak. In addition, minimal socialization causes officials and the public to often misperceive the substance of the law. There are also cases where victims are counter-sued by perpetrators while legal proceedings against the perpetrators are slow (MPR RI, 2023). Concerns also arise because a number of law enforcement officials prioritize peaceful resolutions, resulting in victims not obtaining justice.

One of the most urgent steps is to strengthen institutions that specifically handle violence. These institutions must be equipped with professionals trained in law, psychology, health, and social work so that they can provide integrated services ranging from reporting, legal assistance, psychological counseling, to victim rehabilitation. The availability of these services needs to be expanded to remote areas to ensure that every victim, without exception, has access to protection and recovery. Additionally, enhancing the capacity and understanding of law enforcement officials is key to improving the handling

of marital rape cases. Continuous training for police, prosecutors, and judges is crucial so they can handle cases with a victim-centered perspective and gender equality. At the law enforcement level, the role of the police is needed to provide protection for victims of domestic violence and impose fair punishment on perpetrators of domestic violence, as well as to collaborate with psychologists or involve police doctors with a background in mental health to provide mental recovery to victims (Sukardi et al., 2021) Without proper understanding and empathy from law enforcement officials, victims often do not receive adequate protection and may even face discrimination or additional violence during the legal process.

The next step is to expand public education campaigns to eliminate social stigma against victims. Strong social stigma, such as the perception that domestic violence is a private matter or that wives are obligated to serve their husbands sexually, is a major barrier for victims to speak out. The government, together with non-governmental organizations and the media, must actively disseminate information about women's rights, the importance of consent in sexual relationships, and that violence in any form is not tolerable. This campaign must target all segments of society, including communities, religious leaders, and traditional figures, so that the transformation of patriarchal culture can begin at the grassroots level. Raising public awareness is key to providing legal protection for victims of marital rape. Educating the public about the rights of victims and the importance of supporting them can help reduce stigma and increase responsiveness to cases of domestic violence, including marital rape. This will make victims feel safer and more supported in dealing with difficult situations (Rizky Sandra Tomi, Sri Zanaryah, 2024)

Sexual violence within the household remains largely undetected, unreported, or inadequately addressed. The National Commission on Violence Against Women (Komnas Perempuan), as an independent state institution focused on the protection and advancement of women's rights, based on its Annual Report (CATAHU) and various policy documents published by Komnas Perempuan, recommends a strategic and innovative systemic approach to address domestic sexual violence more effectively and comprehensively. One solution deemed highly promising is the development of an integrated digital platform specifically designed to handle cases of marital rape and other forms of sexual violence within the domestic sphere. One of the initial steps considered strategic by Komnas Perempuan is to strengthen alternative reporting channels that are safe, confidential, and accessible to victims at any time. In this context, the development of an integrated digital platform or application becomes highly important and relevant.

The digital platform in question is not merely a reporting tool, but is designed as an integrated service management system for victims of domestic sexual violence. This application can adopt the principles of IFAMS (Integrated Family Assistance Management System) which has been implemented in Singapore with its main function as a secure and confidential online reporting channel. This allows victims to file complaints without having to face fear, shame, or social pressure from their immediate environment. This service can also be equipped with anonymous features, identity protection, and emergency access to support agencies.

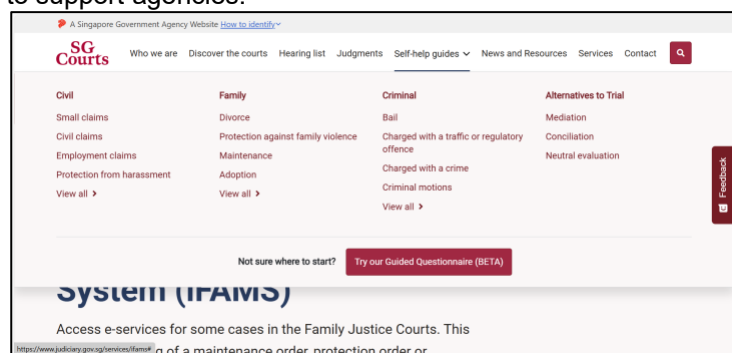


Figure 3. Tampilan *iFams* Singapura

The iFAMS (Integrated Family Application Management System) model implemented by family courts in Singapore offers an integrated approach that is highly relevant for implementation in Indonesia, particularly in strengthening the system for protecting victims of domestic violence. One of the key features of iFAMS is its ability to enable the submission and management of cases online. Users can fill out complaint forms online, upload supporting documents, and easily access legal and social services. This system can reduce administrative barriers and expedite case handling. If adapted in Indonesia, this could be achieved by developing a digital service portal equipped with interactive guides, lists of required documents, and access to various legal and psycho-social services, especially for

victims in remote areas. iFAMS also provides case status tracking and automatic notifications, allowing victims or applicants to monitor the progress of their cases, know the court schedule, and request date changes if necessary.

This feature can be implemented in Indonesia through an SMS-based tracking system or a user-friendly mobile application. iFAMS's ability to support digital document submission and online rescheduling of legal processes is an important feature that can improve efficiency. In Indonesia, this can be developed by building an online document upload and service request system that will greatly help reduce the bureaucratic barriers that often hinder victims in seeking justice. The digital payment system implemented by iFAMS, either through debit/credit or official counters, is also very suitable to be replicated in Indonesia. By integrating e-wallets or bank payments, victims can more easily access services without direct financial constraints. Another advantage of iFAMS is its network with community services such as social assistance centers and safe houses. To implement a similar system in Indonesia, the implementation strategy can be started gradually. The adoption of a similar system, even if done gradually, can strengthen legal protection for victims, accelerate the psychological recovery process, and build a new culture in the Indonesian judicial system that is more responsive to gender issues and domestic violence.

CONCLUSION

In this study, the author found that law enforcement regarding sexual violence in marriage in Indonesia and Singapore has significant differences, both in terms of legal basis, handling mechanisms, and legal culture development. Indonesia, with its patriarchal culture that is still ingrained in its society, has undeniably hampered the national legal system at the level of law enforcement officials, who still handle marital rape cases with bias and ultimately seek family reconciliation. Although Indonesia has regulations such as the PKDRT Law, the TPKS Law, and the New Criminal Code, it still faces obstacles in implementing victim-oriented laws. Factors such as patriarchal culture, low reporting rates, and institutional and technological limitations are major obstacles to comprehensively protecting victims of marital rape. On the other hand, Singapore has adopted a more progressive legal approach through the Criminal Justice Reform Act 2019, which explicitly removes legal immunity for perpetrators of marital rape, and is supported by integrated protection systems such as iFAMS and Family Violence Specialist Centers (FVSCs). With a technology-supported systemic approach, the handling of marital rape cases in Singapore has become more efficient and responsive to the needs of victims. Therefore, the author recommends that Indonesia adopt a similar approach by developing an integrated digital system, strengthening victim protection agencies, and raising public and law enforcement awareness of gender issues and substantive justice. This transformative effort is expected to create a more adaptive, fair, and victim-oriented criminal justice system for domestic sexual violence.

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Law enforcement against sexual violence in the household, particularly marital rape, requires a more progressive and multidisciplinary approach. The Indonesian government needs to strengthen the implementation of the new Criminal Code by establishing special resources or platforms for handling sexual violence, as well as expanding training for law enforcement officials to be sensitive to issues of domestic violence. In addition, safer alternative reporting mechanisms for victims should be considered. On the other hand, legal education and gender literacy for the public must be intensified through educational curricula, mass media, and social institutions in order to eradicate the stigma against victims of marital rape. Learning from Singapore, Indonesia can adopt a civil protection system such as the Personal Protection Order (PPO) and strengthen the synergy between social institutions, courts, and the police. With a holistic approach, it is hoped that protection for victims of marital rape can be maximized and reflect substantive justice.

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