

Anti-domestic violence education: Positive legal approach, islamic law and restorative justice magelang

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ABSTRACT

This study meticulously analyzes the multifaceted issue of Domestic Violence (KDRT) in Magelang Regency, focusing on its root causes, the efficacy of legal resolutions, and the pivotal role of Islamic values. Findings indicate that KDRT is primarily driven by gender role imbalance, economic pressures, and dysfunctional communication, further exacerbated by ingrained patriarchal perceptions. Legal recourse predominantly follows litigation pathways, which are frequently hampered by protracted processes and social stigma, while the restorative justice approach remains sub-optimally and unsystematically implemented. Despite the theoretical relevance of Law No. 23 of 2004 and the principles of Islamic family law, the practical internalization of values such as justice, mutual consultation (*musyawarah*), and harmonious cohabitation (*mu'asyarah bil ma'ruf*) within Muslim families in Magelang is notably underdeveloped. This research highlights a significant disparity between the existing legal framework and its practical application. Consequently, the study advocates for multi-structural interventions, including the reinforcement of pre-marital education grounded in Islamic principles, professional family mediation services, and the active engagement of religious leaders. The ultimate objective is to foster a just, peaceful, and transformative approach to KDRT resolution, underpinned by the objectives of Islamic law (*maqāshid al-syarī'ah*), thereby cultivating harmonious and violence-free families.

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Introduction

Marriage, as a sacred bond, is intended to foster tranquility (*sakinah*), love (*mawaddah*), and compassion (*rahmah*) within a family (QS. Ar-Rum 30:21). However, the escalating prevalence of Domestic Violence (KDRT) across Indonesia, including Magelang Regency, signifies a profound deviation from these foundational values. KDRT, encompassing physical, psychological, sexual, and economic abuse, poses a complex societal challenge that transcends mere legal transgression, reflecting a crisis of ethics and morality within the domestic sphere.

Recent data from the Ministry of Women Empowerment and Child Protection (Kemen PPPA) indicates a significant increase in violence cases, with women being the primary victims. In Magelang Regency, specifically, the persistence and rise in KDRT cases necessitate a comprehensive understanding of its underlying factors, the effectiveness of existing legal frameworks (both formal litigation and non-litigation approaches like restorative justice), and the potential of religious values in prevention and resolution. This study aims to bridge the

research gap by offering a localized, integrated perspective on KDRT in Magelang, combining positive law (Law No. 23 of 2004), Islamic family law, and restorative justice principles, thereby contributing to both academic discourse and practical policy formulation.

Previous research on KDRT has largely focused on national or urban contexts, leaving a void in comprehensive studies at the local regency level, where socio-cultural dynamics and law enforcement practices may differ significantly (Rohmah, 2021). While studies by Syamsudin (2018) and Handayani (2020) have explored restorative justice, they often lack integration with Islamic family law principles within specific regional contexts. Fatimah (2019) highlighted the effectiveness of *sakinah*, *mawaddah*, and *rahmah* in KDRT prevention, yet noted their suboptimal practical application in formal law enforcement. Nugraha and Pratama (2023) identified economic factors and low education as KDRT triggers in rural areas.

This study distinguishes itself by integrating three key perspectives: positive law (Law No. 23 of 2004), Islamic family law (emphasizing *sakinah*, *mawaddah*, *rahmah*), and restorative justice. It specifically evaluates the implementation effectiveness of Law No. 23 of 2004 at the local level and explores the operationalization of Islamic values in KDRT prevention and resolution, thereby filling critical academic and practical gaps. The research also moves beyond general discussions of KDRT to delve into the specific application of legal and non-legal resolutions in Magelang Regency, particularly the utilization of restorative justice.

Method

This study employs a qualitative approach with a case study design, as it is considered effective for deeply exploring the phenomenon of domestic violence (KDRT), including its causal factors, the effectiveness of legal resolution, and the role of religious values in prevention and handling. The research focuses on KDRT cases in Magelang Regency in 2024 in order to obtain a holistic understanding within the local context, encompassing positive law, Islamic family law, and socio-cultural aspects. The sampling technique used was snowball sampling, in which initial informants recommended subsequent participants, allowing the data network to develop progressively. Data sources consisted of primary and secondary data; primary data were collected through in-depth interviews with KDRT victims, perpetrators (where ethically and practically feasible), law enforcement officials, women and child service institutions, religious leaders, and Islamic family law counselors, as well as direct observation of case resolution processes through litigation and restorative justice mechanisms. Secondary data included relevant legal instruments, such as Law No. 23 of 2004 and the Compilation of Islamic Law, KDRT case statistics from the Magelang Office of Women's Empowerment and Child Protection, religious court data, and pertinent academic literature. Data collection techniques comprised semi-structured in-depth interviews, participant observation of mediation processes, court hearings, and counseling activities related to KDRT, and documentation studies of legal documents, court decisions, statistical records, reports from social institutions, and local media coverage. Data validity was ensured through source and technique triangulation by cross-checking interview findings with observations and documentation, comparing information from various stakeholders, and validating the results with experts. Data analysis followed the interactive model of Miles and Huberman, which includes data reduction through sorting and summarizing relevant information, data display in narrative and thematic forms to identify patterns in the causes, forms, and resolution of KDRT, and conclusion drawing conducted inductively by interpreting the findings based on Islamic family law theory and KDRT handling policies.

Result and Discussion

The findings indicate that domestic violence (KDRT) in Magelang Regency constitutes a complex and multidimensional problem arising from the interaction of internal and external factors, with serious implications for legal handling and social intervention. At the household level, KDRT is strongly influenced by imbalances in spousal roles and responsibilities that are reinforced by patriarchal cultural perceptions and inadequate family education. Traditional gender roles often place a double burden on wives, while husbands experience pressure to

fulfill dominant expectations, creating tensions that easily escalate into violence. These structural conditions form the foundation upon which other causal factors operate.

More specifically, KDRT is driven by poor communication between spouses, which leads to misunderstandings and unresolved conflicts, as well as economic and psychological pressures such as financial instability, work-related stress, and emotional frustration. Limited education regarding gender equality, individual rights, and the illegality of violence further normalizes abusive behavior within the family. In addition, social environment and childhood upbringing play a significant role, as individuals raised in violent households tend to reproduce similar patterns in their adult relationships. The lack of early social and legal intervention, driven by the perception of KDRT as a private family matter, allows violence to persist and perpetrators to reoffend.

From the perspective of legal resolution, KDRT cases in Magelang Regency are predominantly handled through litigation under Law No. 23 of 2004 on the Elimination of Domestic Violence. While this approach provides formal legal protection and deterrence, it is often accompanied by lengthy procedures, social stigma, and the eventual breakdown of the family unit. Data from the Magelang Religious Court show a high number of divorce cases, indicating that domestic conflicts frequently end in marital dissolution rather than reconciliation. Although restorative justice is recognized as an alternative mechanism, its application remains limited and unsystematic, generally restricted to non-recurrent and less severe cases with mutual consent and safeguards against repeated violence.

Islamic religious values play an important normative role in the prevention and management of KDRT, particularly principles such as *sakinah* (tranquility), *mawaddah* (affection), *rahmah* (compassion), justice, mutual consultation (*musyawarah*), and good marital conduct (*mu'asyarah bil ma'ruf*). However, the study reveals that these values are not yet fully internalized in the daily practices of many Muslim families in Magelang. Despite clear guidance in the Qur'an and Hadith emphasizing respectful and humane treatment between spouses, the practical implementation of these teachings remains weak. Religious institutions and leaders contribute through counseling and religious outreach, yet their role has not been maximized, highlighting the need for stronger premarital education and professional mediation grounded in Islamic principles.

In terms of novelty, this research offers several significant contributions. It provides an in-depth analysis of KDRT within the specific local context of Magelang Regency, an area that has received limited scholarly attention. The study integrates positive law, Islamic family law, and restorative justice into a single analytical framework, demonstrating how Islamic teachings can be operationalized in KDRT prevention and resolution. Furthermore, it critically examines restorative justice within the context of Islamic family law, rather than solely from a criminal law perspective, and evaluates the local implementation of Law No. 23 of 2004 to assess its effectiveness and adaptability in protecting victims of domestic violence.

Conclusion

KDRT in Magelang Regency is a complex issue rooted in gender role imbalance, communication deficits, and economic pressures, often exacerbated by patriarchal norms. While legal frameworks like Law No. 23 of 2004 exist, their implementation is hindered by systemic and cultural challenges, leading to a dominance of litigation over more restorative approaches. Islamic values, though theoretically robust in promoting marital harmony, are not yet optimally internalized and applied in daily family life.

The study underscores the urgent need for a multi-disciplinary and integrated approach to KDRT resolution. This includes strengthening pre-marital education based on Islamic principles, developing professional family mediation services, and actively involving religious leaders in preventive and educational efforts. The ultimate goal is to foster a just, peaceful, and transformative approach to KDRT resolution, grounded in the objectives of Islamic law (*maqāshid al-syarī'ah*), thereby cultivating harmonious and violence-free families in Magelang.

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