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Criminal Responsibility for Perpetrators of Dating Violence

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Abstract: Dating violence is a form of violence that occurs in non-marital romantic relationships, which often escapes the attention of the law and society. This act of violence can be physical, psychological, sexual, or economic violence committed by a partner against their partner. Even though it is not in a marriage, dating violence still has serious impacts on the victim, both physically and mentally. This article aims to examine how criminal responsibility is imposed on perpetrators of dating violence based on the Indonesian criminal law system. In addition, this article also explores the obstacles to law enforcement against acts of dating violence and the importance of legal protection for victims. Through a normative approach with an analysis of laws and regulations, jurisprudence, and doctrine, this article seeks to provide a comprehensive understanding of the urgency of recognizing dating violence as a serious crime and the need for comprehensive legal protection for victims.

Keyword: Dating Violence, Criminal Responsibility, Legal Protection, Criminal Law, Victims of Violence

INTRODUCTION

The development of the era and social openness have caused significant changes in the pattern of relationships between individuals, including in the context of romantic relationships or dating. Behind the trend of increasingly common dating relationships among teenagers to adults, a negative phenomenon has emerged that accompanies it, namely dating violence. This phenomenon can no longer be underestimated because of its serious impact on victims, both physically, mentally, and socially. Dating violence can be in the form of physical, verbal, emotional, psychological, sexual violence, and economic violence. Perpetrators of violence can hit, threaten, humiliate, control, and even force victims to have sexual relations. Unfortunately, in Indonesian society, dating violence is often considered a private matter, so victims often choose to remain silent and not report the incident. Furthermore, Indonesian law does not explicitly regulate dating violence as a stand-alone crime. Unlike domestic violence (KDRT) which is regulated in Law Number 23 of 2004, dating violence must still be included in the category of general crimes based on the Criminal Code or the TPKS Law. As a result, protection for victims of dating violence is weak, and perpetrators often escape legal proceedings.

Various reports from institutions such as the National Commission on Violence Against Women show a significant increase in cases of dating violence every year. However, the low level of reporting and minimal law enforcement of these cases indicate that victims still do not feel safe and protected by the existing legal system. In the context of criminal law, criminal liability is a mechanism to ensure that every act that is unlawful and detrimental to others can be accounted for by the perpetrator before the law. However, in cases of dating violence, criminal liability for the perpetrator is often hampered by the personal relationship between the victim and the perpetrator, lack of evidence, and the absence of specific legal regulations governing this matter. Therefore, this study is very important to be conducted in order to analyze what form of criminal liability can be imposed on perpetrators of dating violence based on applicable Indonesian criminal law. Thus, it is hoped that it can contribute to strengthening legal protection for victims and as a consideration in formulating more progressive legal policies.

METHOD

This study uses a normative legal approach, namely a legal research method that focuses on library studies or literature reviews related to applicable legal norms. Researchers examine laws and regulations, doctrines, and jurisprudence to understand and analyze the concept of criminal liability for perpetrators of dating violence. The legal materials used in this study consist of:

- a. Primary legal materials: Criminal Code, TPKS Law, PKDRT Law, Child Protection Law.
- b. Secondary legal materials: scientific journals, criminal law books, reports from official institutions such as the National Commission on Violence Against Women and LPSK.
- c. Tertiary legal materials: legal dictionaries, legal encyclopedias.

The data obtained were analyzed qualitatively to find the relationship between applicable legal norms and the phenomenon of dating violence in society. This approach is considered appropriate because it aims to provide normative solutions to legal problems that have not been explicitly regulated in applicable laws and regulations.

RESULTS AND DISCUSSION

1. Introduction to the Issue

Dating violence, also referred to as intimate partner violence (IPV) in non-marital relationships, has increasingly drawn global and local concern due to its detrimental impact on physical, emotional, and psychological well-being. In Indonesia, despite its rising prevalence, the legal and societal framework still treats dating violence as a private issue, resulting in underreporting, lack of legal enforcement, and minimal victim protection. This section explores the actual situation on the ground through available data, qualitative reports, and analysis, while critically discussing how the Indonesian legal system handles accountability for dating violence perpetrators.

2. Statistical Overview

2.1 Komnas Perempuan Data

According to Komnas Perempuan's 2024 report, dating violence is the second most reported form of personal violence after violence by ex-partners. It recorded:

- a. 407 dating violence cases and
- b. 632 cases of violence by former partners.

The report also notes that women aged 15–24 are particularly vulnerable to abuse during romantic relationships. Yet, the reported figures are considered to be only the tip of the iceberg due to stigma and limited legal protection.

2.2 National Survey Indicators

Surveys conducted by Indonesia’s Ministry of Women Empowerment and Child Protection (KPPPA) in collaboration with BPS found that:

- a. 42.7% of unmarried women aged 15–64 had experienced violence in relationships.
- b. 34.4% reported sexual violence.
- c. 19.6% experienced physical violence.
- d. 28.5% faced psychological abuse or coercive control.

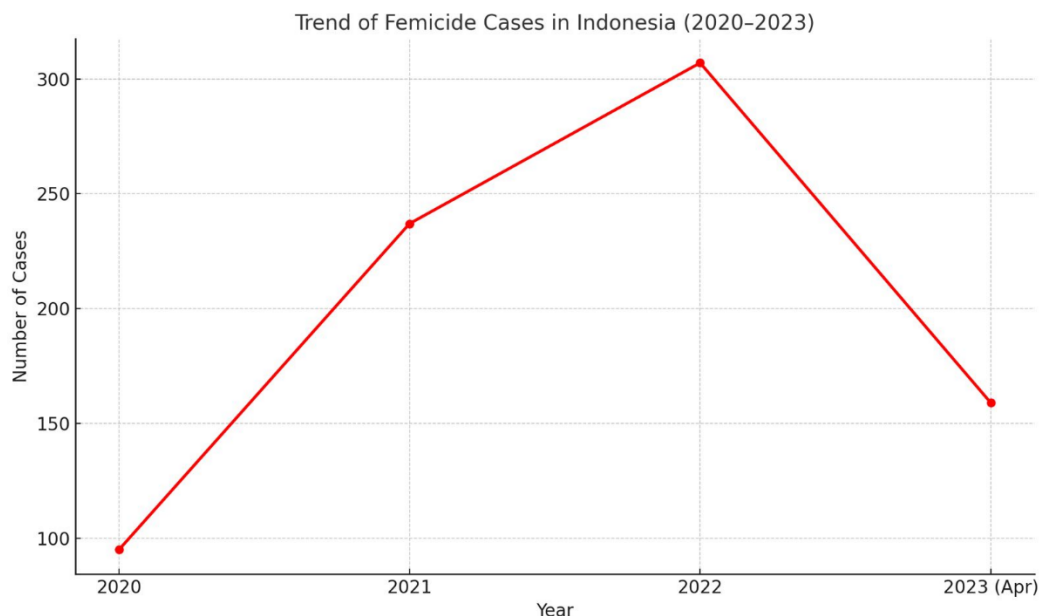
This indicates that a significant proportion of dating violence cases are severe in nature and not merely emotional manipulation or verbal disagreements.

2.3 WHO and International Trends

The WHO estimates that 27% of ever-partnered women in Indonesia aged 15–49 reported experiencing violence by an intimate partner within the past 12 months. This figure aligns with global patterns where approximately 1 in 3 women worldwide face intimate partner violence during their lifetime.

3. Femicide and Escalating Violence

A particularly alarming trend in Indonesia is the rising number of femicide cases linked to intimate relationships. As illustrated in the chart below:



The number of femicide cases has escalated from:

- a. 95 cases in 2020
- b. to 237 cases in 2021,
- c. 307 cases in 2022, and
- d. 159 cases in just the first quarter of 2023.

This pattern not only suggests rising prevalence but also points to increasing lethality in dating violence dynamics.

4. Forms of Dating Violence in Indonesia

Based on qualitative studies and interviews with victims:

- a. Physical violence includes slapping, punching, and choking.
- b. Sexual violence involves forced intercourse or coerced sexual acts.
- c. Psychological abuse often manifests as gaslighting, public shaming, or threats.
- d. Digital abuse is increasingly common, such as revenge porn or controlling behavior via social media.

In many cases, victims experience a combination of these forms, which intensifies their trauma and decreases the likelihood of seeking help.

5. Legal Framework and Challenges

5.1 Absence of Specific Legislation

While Indonesia has passed the Tindak Pidana Kekerasan Seksual (TPKS) Law No. 12/2022, it still lacks direct provisions explicitly naming and regulating dating violence. The existing legal options include:

- a. KUHP:
- b. Article 351 (assault),
- c. Article 335 (unpleasant acts),
- d. Article 289 (sexual violence).
- e. UU TPKS (Article 5–10): criminalizing acts of sexual harassment, sexual exploitation, and forced intercourse.
- f. UU PKDRT (Domestic Violence Act): applies only to spouses or household members.
- g. ITE Law: applicable in digital violence but difficult to prosecute without clear evidence.

Thus, while the elements of the crime can be prosecuted, the context of a dating relationship is not considered aggravating, which is a significant gap in ensuring justice.

5.2 Procedural Barriers

Victims often face:

- a. Lack of legal knowledge.
- b. Victim-blaming by police or community.
- c. Burdensome evidentiary requirements.
- d. Absence of protective orders specifically for non-married couples.

Some cases are even withdrawn due to “family pressure” or marriage being used as a resolution to prevent legal action, especially when the victim is young.

6. Sociocultural Factors

6.1 Patriarchy and Gender Norms

Patriarchal norms dictate that men have control in relationships, which normalizes coercive behavior. Possessiveness is often misunderstood as “love,” and many women are conditioned to tolerate abuse as part of emotional commitment.

6.2 Stigma and Victim Blaming

Many victims refrain from speaking out due to shame or fear of being judged. Cultural emphasis on female virtue and modesty further deters women from reporting, especially in sexual violence cases.

6.3 Romanticization of Control

In some communities, controlling behaviors like constantly checking a partner’s phone or forbidding social interaction are viewed as acts of affection. This misinterpretation fuels psychological abuse in dating relationships.

7. Reporting and Enforcement

The majority of dating violence cases go unreported. Komnas Perempuan reports that only 19.6% of violence cases make it to court. Some reasons include:

- a. Victims reconciling with perpetrators.
- b. Lack of support from family or community.
- c. Slow and insensitive police response.
- d. No specific protocols for handling dating violence cases.

Even when reported, cases may be minimized or dismissed as “relationship problems,” which undermines both victim safety and legal accountability.

8. Best Practices and Global Models

Countries like the Philippines, Canada, and Mexico have made progress by:

- a. Including dating violence in their domestic violence laws.
- b. Allowing restraining orders for non-married couples.
- c. Implementing school-based education programs on healthy relationships.
- d. Creating specialized gender desks in police departments.

Indonesia can learn from these models to build a more inclusive and survivor-centered justice system.

9. Recommendations

9.1 Legal Reform

Introduce explicit legal definitions and sanctions for dating violence. This could be done by:

- a. Amending existing laws like UU TPKS.
- b. Introducing a new sub-law under gender-based violence regulations.

9.2 Public Awareness

Launch widespread campaigns targeting:

- a. High school and university students.
- b. Religious and community leaders.
- c. Parents and guardians.

Education should focus on identifying abusive behaviors and promoting healthy relationships.

9.3 Empower Victims

Provide:

- a. Counseling and legal aid centers.
- b. Anonymous reporting mechanisms.
- c. Protection orders irrespective of marital status.

9.4 Police and Judicial Training

Authorities need specialized training in:

- a. Gender-sensitive investigation.
- b. Trauma-informed interviewing.
- c. Differentiating dating abuse from mutual conflict.

CONCLUSION

Conclusion

Dating violence in Indonesia is a widespread yet underrecognized issue. Legal limitations, cultural norms, and lack of support mechanisms have made it difficult for victims to seek justice. While laws such as UU TPKS offer a starting point, the absence of explicit recognition of dating violence results in poor legal protection and minimal accountability for perpetrators. The increasing rate of femicide underscores the urgency for comprehensive, gender-responsive legal reforms. Indonesia must act decisively to protect all individuals from relationship-based violence, regardless of marital status. Through legal, educational, and institutional changes, dating violence can be addressed as the serious public and legal issue it truly is.

Suggestions

1. Establish Specific Legal Regulations on Dating Violence

The Indonesian government should formulate explicit legal provisions that recognize dating violence as a distinct criminal offense. This could be done by revising the existing Sexual Violence Crime Law (UU TPKS) or issuing implementing regulations that clearly include dating violence within its scope. Clear legal guidelines would empower law enforcement agencies to take firm action against perpetrators and offer adequate legal protection for victims.

2. **Enhance the Capacity of Law Enforcement Officers**
Specialized training should be provided to police officers, prosecutors, and judges to ensure a victim-centered approach when handling dating violence cases. Law enforcement officials must be equipped with knowledge about the dynamics of romantic relationships, non-physical forms of violence, and gender sensitivity to avoid re-traumatizing victims during legal processes.
3. **Strengthen Victim Reporting and Support Services**
Both national and local governments must expand access to victim services such as 24-hour hotlines, psychological counseling, legal aid, and safe houses (shelters). These services must ensure confidentiality, safety, and easy accessibility so that victims feel safe and supported when they decide to report their abuse.
4. **Public Education and Legal Awareness**
Comprehensive education on dating violence should be introduced at the school and university levels to help youth recognize early signs of abuse. Public campaigns using social media, influencers, and community leaders can also help shift societal attitudes and reduce stigma around reporting dating violence.
5. **Develop Gender-Based Data and Research**
The government, in collaboration with institutions like BPS, should collect systematic and disaggregated data on dating violence to better understand its scope and inform policymaking. Such data is critical to evaluate the effectiveness of current laws and programs.
6. **Promote Active Roles for Educational Institutions and Communities**
Schools and universities should become safe spaces for students by establishing reporting units and support systems for victims of dating violence. These institutions should also integrate relationship education, emotional intelligence, and respectful behavior into their curriculum to foster healthy dating cultures among youth.

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