UIR Law Review
ISSN Print : 2548-7671
ISSN Online : 2548-768X
Vol. 10 Issue 1 (2026): 159-198
Online since: April 30, 2026

https://journal.uir.ac.id/index.php/uirlawreview/index

Why Economic Domestic Violence Remains Underenforced in Indonesian Criminal Law?

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ABSTRACT

Economic violence within domestic settings has increasingly been recognized as a critical yet underexplored dimension of domestic violence. While international frameworks, including the United Nations Declaration on the Elimination of Violence against Women (1993), acknowledge violence in both physical and non-physical forms, economic abuse remains insufficiently regulated and underreported in Indonesia. This conceptual article examines the nature, forms, and legal implications of economic domestic violence, conceptualizing it as a mechanism of coercive control and power imbalance within intimate relationships. Using normative legal analysis supported by international literature, the study evaluates the definition, structural impacts, and legal treatment of economic violence in Indonesian criminal law. Particular attention is given to Article 9 of Law No. 23 of 2004 on the Elimination of Domestic Violence (PDKRT Law), which criminalizes economic neglect and financial deprivation within households. The findings indicate that, despite explicit statutory recognition, economic violence remains underenforced due to limited legal awareness, socio-cultural norms that treat household financial matters as private, and substantial evidentiary difficulties in proving economic dependency and financial control. Enforcement is further constrained by narrow interpretative practices among law enforcement authorities. This article contributes to the literature by reconceptualizing economic domestic violence as an autonomous form of coercive control, critically assessing doctrinal and evidentiary limitations of Article 9 in practice, and highlighting the need for a victim-centered interpretative framework. The study concludes that strengthening legal literacy, judicial sensitivity, and public awareness is essential to enhance protection and ensure the effective implementation of domestic violence legislation in Indonesia.

KEYWORDS *Economic Violence, Domestic Violence, Article 9 PDKRT Law, Indonesian Criminal Law, Gender-Based Violence*

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I. INTRODUCTION

Domestic violence has long been recognized as one of the most pervasive violations of human rights, affecting individuals across social, economic, and cultural boundaries.[1] Although physical and sexual violence remain the most visible manifestations of abuse, international legal and human rights instruments increasingly acknowledge that domestic violence also encompasses psychological, emotional, and economic forms of coercion.[2] The United Nations Declaration on the Elimination of Violence against Women (1993) defines violence against women broadly as any act of gender-based violence that results in physical, sexual, or psychological harm, whether occurring in public or private life.[3] More recently, international scholarship has emphasized that economic abuse constitutes a distinct form of domestic violence because it systematically restricts victims' access to financial resources, undermines their economic autonomy, and reinforces unequal power relations within intimate relationships.[4] Consequently, economic violence

1 Jacqui True, *The Political Economy of Violence against Women*. (Oxford: Oxford University Press, 2012); Yvonne Rafferty, "International Dimensions of Discrimination and Violence against Girls: A Human Rights Perspective." *Journal of International Women's Studies* 14, no. 1 (2013): 1-23.

2 Bonita Meyersfeld, *Domestic Violence and International Law*. (London: Bloomsbury Publishing, 2010).

3 *See* United Nations. *Declaration on the Elimination of Violence against Women Proclaimed by General Assembly resolution 48/104 of 20 December 1993*. Available online at https://www.ohchr.org/sites/default/files/eliminationvaw.pdf

4 Ang Jury, Natalie Thorburn, and Ruth Weatherall. ""What's his is his and what's mine is his": Financial power and the economic abuse of women in Aotearoa." *Aotearoa New Zealand Social*

has emerged as an essential component of the broader concept of coercive control that characterizes many abusive domestic relationships.

Economic domestic violence generally refers to behaviors that intentionally control, exploit, or deprive an individual of financial resources, employment opportunities, property rights, or access to economic decision-making. Unlike physical violence, economic abuse often develops gradually through patterns of financial dependency rather than through isolated incidents of assault. Perpetrators may prohibit victims from working, confiscate income, accumulate debt in the victim's name, withhold financial support, or exercise exclusive control over household assets. These practices significantly reduce victims' capacity to leave abusive relationships, thereby strengthening long-term patterns of dependency and domination.[5] Recent criminological and socio-legal studies increasingly conceptualize economic violence not merely as financial deprivation but as a mechanism of coercive control that systematically limits victims' personal agency and freedom.

Despite growing international recognition, economic violence remains substantially underexplored within criminal law scholarship compared with physical and sexual violence. Existing studies predominantly examine economic abuse from sociological, psychological, or public health perspectives, focusing on its prevalence, relationship dynamics, and long-term consequences for victims' wellbeing.[6] Legal scholarship has devoted comparatively less attention to the doctrinal challenges of criminalizing economic violence, particularly regarding evidentiary standards, statutory interpretation, and enforcement mechanisms. Furthermore, comparative research indicates that even jurisdictions recognizing economic abuse within domestic violence legislation continue to encounter difficulties in translating legal norms into effective criminal enforcement. These findings suggest that statutory recognition alone does not necessarily guarantee meaningful legal protection for victims.

Work 29, no. 2 (2017): 69-82. https://search.informit.org/doi/10.3316/informit.337827159917887; Judy L. Postmus, et al. "Economic Abuse as an Invisible Form of Domestic Violence: A Multicountry Review." *Trauma, Violence, & Abuse* 21, no. 2 (2020): 261-283. https://doi.org/10.1177/1524838018764160; Kameri Christy, et al. "Economic Abuse: A Subtle but Common Form of Power and Control." *Journal of Interpersonal Violence* 37, no. 1-2 (2022): 473-499. https://doi.org/10.1177/0886260520916264; Carmen Mañas, María A. Martínez, and Francisca Burgueño. "Intimate Partner Violence in Vulnerable Contexts: A Case Study." *Societies* 13, no. 3 (2023): 53. https://doi.org/10.3390/soc13030053

5 *See* Rachel J. Voth Schrag, Sarah R. Robinson, and Kristen Ravi. "Understanding Pathways within Intimate Partner Violence: Economic Abuse, Economic Hardship, and Mental Health." *Journal of Aggression, Maltreatment & Trauma* 28, no. 2 (2019): 222-242. https://doi.org/10.1080/10926771.2018.1546247; Amanda M. Stylianou, "Economic Abuse Experiences and Depressive Symptoms among Victims of Intimate Partner Violence." *Journal of Family Violence* 33, no. 6 (2018): 381-392. https://doi.org/10.1007/s10896-018-9973-4

6 Diddy Antai, Justina Antai, and David Steven Anthony. "The relationship between socio-economic inequalities, intimate partner violence and economic abuse: A national study of women in the Philippines." *Global Public Health* 9, no. 7 (2014): 808-826. https://doi.org/10.1080/17441692.2014.917195; Brooklyn M. Mellar, et al. "Economic Abuse by An Intimate Partner and Its Associations with Women's Socioeconomic Status and Mental Health." *Journal of Interpersonal Violence* 39, no. 21-22 (2024): 4415-4437. https://doi.org/10.1177/08862605241235140; Alice Pearl Sedziafa, et al. "Women's Experiences of Intimate Partner Economic Abuse in the Eastern Region of Ghana." *Journal of Family Issues* 38, no. 18 (2017): 2620-2641. https://doi.org/10.1177/0192513X16686137

Indonesia presents an important context for examining these issues because its legal framework explicitly recognizes economic violence within domestic relationships. Law No. 23 of 2004 on the Elimination of Domestic Violence (*Undang-Undang Penghapusan Kekerasan dalam Rumah Tangga*/PKDRT) represents a significant legislative development by expanding the legal concept of domestic violence beyond physical abuse. Article 9 specifically prohibits economic neglect, including acts that unlawfully deprive household members of livelihood, financial maintenance, or opportunities to work, thereby recognizing economic deprivation as a punishable offense. This legislative provision reflects Indonesia's commitment to incorporating broader understandings of domestic violence into its national legal system and aligns, at least normatively, with evolving international standards concerning gender-based violence.[7]

Nevertheless, the practical enforcement of Article 9 remains remarkably limited. Cases involving economic domestic violence are rarely prosecuted, despite widespread indications that financial control and economic dependency frequently accompany other forms of domestic abuse. Several structural factors contribute to this enforcement gap. First, economic abuse is often perceived as a private household matter rather than a criminal offense, reflecting deeply embedded socio-cultural norms concerning family authority and financial responsibility. Second, victims frequently experience economic dependency on perpetrators, creating substantial barriers to reporting abusive conduct. Third, law enforcement agencies face considerable evidentiary challenges because economic violence often involves continuous patterns of financial control rather than discrete criminal acts that are easily documented. These obstacles collectively weaken the practical effectiveness of legal protections intended by the PKDRT Law.

The persistence of underenforcement also reveals broader doctrinal and institutional challenges within Indonesian criminal law. Traditional criminal justice systems generally prioritize offences involving visible physical harm, while economic violence frequently produces intangible yet equally severe consequences that are more difficult to establish under conventional evidentiary standards. Moreover, legal practitioners often interpret Article 9 narrowly by emphasizing economic neglect solely as the failure to provide financial maintenance, rather than recognizing broader patterns of financial coercion, deprivation, and economic control. Such restrictive interpretations reduce the transformative potential of the legislation and limit its responsiveness to contemporary understandings of domestic violence as a continuing process of coercive domination rather than isolated acts of physical aggression.

Against this background, a significant gap remains in the existing literature concerning the relationship between statutory recognition and practical enforcement of economic domestic violence in Indonesia. While previous studies have examined the implementation of the PKDRT Law generally, relatively few have critically analyzed why Article 9 has produced limited criminal enforcement despite its explicit prohibition of economic abuse. Even fewer studies conceptualize economic domestic violence as an autonomous form of coercive

7 *See* Tria Putri Kismala, and Muhamad Bagas Perdana. "Kekerasan Ekonomi dalam Rumah Tangga: Kajian Hukum Pidana Pasal 9 UU 23 Tahun 2004." *Jurnal Hukum Bisnis dan Keuangan Modern* 9, no. 4 (2025); Kemal Rafli Bahtiar, et al. "Protecting Domestic Workers: The Urgency of Legal Reform." *Lex Favor Reo* 1, no. 1 (2025): 67-82. https://doi.org/10.26740/lfr.v1i1.42825

control requiring distinct doctrinal interpretation within criminal law. Addressing this gap is particularly important because ineffective enforcement not only weakens legal protection for victims but also perpetuates structural gender inequality and reinforces cycles of domestic dependency and abuse.

This article seeks to examine why economic domestic violence remains underenforced within Indonesian criminal law despite its formal criminalization under Article 9 of Law No. 23 of 2004. Employing normative legal research supported by international legal literature and comparative scholarship, the study analyzes the conceptual foundations of economic violence, evaluates the doctrinal scope of Article 9, and identifies the principal legal, evidentiary, and socio-cultural barriers affecting its implementation. The article argues that economic domestic violence should be understood as an autonomous form of coercive control requiring a broader victim-centered interpretation within Indonesian criminal law. By reconceptualizing economic abuse beyond financial neglect and highlighting the structural limitations of current enforcement practices, this study contributes to ongoing debates concerning gender-based violence, criminal law reform, and the effective realization of legal protection for victims of domestic violence in Indonesia.

II. RECONCEPTUALIZING ECONOMIC DOMESTIC VIOLENCE AS COERCIVE CONTROL

The conceptualization of domestic violence has undergone a significant transformation over the past three decades. Traditionally, legal systems defined domestic violence primarily through acts of physical assault, sexual abuse, or bodily injury, thereby privileging visible manifestations of harm as the principal basis for criminal liability. This narrow understanding has gradually been challenged by feminist legal scholarship, criminology, and international human rights discourse, all of which argue that abusive intimate relationships are more accurately characterized by sustained patterns of domination rather than isolated incidents of physical aggression.[8] Contemporary scholarship increasingly recognizes that perpetrators frequently employ multiple forms of abuse simultaneously, including psychological intimidation, emotional manipulation, social isolation, technological surveillance, and economic deprivation. These non-physical forms of violence function collectively to establish unequal power relations that deprive victims of autonomy and freedom, often producing consequences that are equally severe and enduring as physical violence.[9] Consequently, the analytical focus has shifted from discrete violent acts toward the broader dynamics of coercive control that underpin abusive domestic relationships.

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[8] Evan Stark, *Coercive Control: How Men Entrap Women in Personal Life*. (Oxford: Oxford University Press, 2007). *See also* World Health Organization. *Violence Against Women Prevalence Estimates, 2018: Global, Regional and National Prevalence Estimates for Intimate Partner Violence Against Women*. World Health Organization, 2021; Committee on the Elimination of Discrimination against Women. *General Recommendation No. 35 on Gender-based Violence against Women, Updating General Recommendation No. 19*. United Nations, 2017.

[9] Michael P. Johnson, *A Typology of Domestic Violence: Intimate Terrorism, Violent Resistance, and Situational Couple Violence*. (New Hampshire: University Press of New England, 2012); Liz Kelly, and Nicole Westmorland. "Naming and Defining 'Domestic Violence': Lessons from Research with Violent Men." *Feminist Review* 112, no. 1 (2016): 113-127. https://doi.org/10.1057/fr.2015.52

Within this evolving framework, economic domestic violence has emerged as a distinct and increasingly significant dimension of intimate partner abuse. Unlike conventional financial disagreements that naturally arise within households, economic violence involves intentional conduct designed to control another person's access to financial resources, employment opportunities, property, or economic decision-making.[10] Such conduct is not motivated merely by financial management or household budgeting but constitutes a deliberate strategy to create economic dependency and restrict the victim's capacity to exercise independent choices.[11] Economic abuse therefore extends beyond the simple failure to provide financial support; it encompasses systematic efforts to manipulate the economic conditions under which victims live. The distinguishing feature lies in the perpetrator's intention to maintain power by limiting the victim's economic autonomy, thereby reducing the possibility of resistance or escape from the abusive relationship.[12]

Recent criminological literature increasingly situates economic abuse within the broader theory of coercive control. Originally developed to explain the dynamics of intimate partner violence, coercive control refers to a continuous pattern of domination through which perpetrators regulate victims' everyday lives by combining intimidation, surveillance, isolation, and deprivation.[13] Under this perspective, violence is understood not merely as episodic physical assaults but as a persistent process of subordinating another individual through multiple interconnected mechanisms.[14] Economic abuse occupies a central position within this framework because financial dependency substantially enhances the effectiveness of other coercive behaviors.[15] Victims who lack independent income, employment, or access to personal assets frequently encounter significant barriers to leaving abusive relationships, seeking legal assistance, or rebuilding their lives following separation. Economic control therefore serves as both an independent form of abuse and a mechanism that reinforces other forms of domestic violence.[16]

The manifestations of economic domestic violence are diverse and frequently cumulative. One of the most common forms involves restricting victims'

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10 Adrienne E. Adams, et al. "Development of the Scale of Economic Abuse." *Violence Against Women* 14, no. 5 (2008): 563-588. https://doi.org/10.1177/1077801208315529;

11 Judy L. Postmus, et al. "Understanding Economic Abuse in the Lives of Survivors." *Journal of Interpersonal Violence* 27, no. 3 (2012): 411-430. https://doi.org/10.1177/0886260511421669. *See also* Stylianou, "Economic Abuse Experiences and Depressive Symptoms among Victims of Intimate Partner Violence."

12 *See* Rachel J. Voth Schrag, "Experiences of Economic Abuse in the Community: Listening to Survivor Voices." *Affilia* 34, no. 3 (2019): 313-324. https://doi.org/10.1177/0886109919851142

13 Jane Wangmann, "Coercive Control as the Context for Intimate Partner Violence: The Challenge for the Legal System." *Criminalising Coercive Control: Family Violence and the Criminal Law*. (Singapore: Springer Singapore, 2020), pp. 219-242. https://doi.org/10.1007/978-981-15-0653-6_11; Julia Tolmie, Rachel Smith, and Denise Wilson. "Understanding Intimate Partner Violence: Why Coercive Control Requires a Social and Systemic Entrapment Framework." *Violence Against Women* 30, no. 1 (2024): 54-74. https://doi.org/10.1177/10778012231205585

14 *See* Gregg Barak, *Violence and Nonviolence: Pathways to Understanding*. (London: SAGE, 2003).

15 Supriya Singh, "Economic Abuse and Family Violence Across Cultures: Gendering Money and Assets Through Coercive Control." *Criminalising Coercive Control: Family Violence and the Criminal Law*. (Singapore: Springer Singapore, 2020), pp. 51-72. https://doi.org/10.1007/978-981-15-0653-6_3

16 Deborah M. Weissman, "The Personal Is Political--and Economic: Rethinking Domestic Violence." *Brigham Young University Law Review* 2007, no. 2 (2007): 387-450.

participation in paid employment by prohibiting them from working, forcing them to resign from employment, or interfering with their professional development. Such restrictions systematically eliminate victims' opportunities to generate independent income and increase long-term financial dependence upon perpetrators.[17] Economic violence may also involve confiscating salaries, controlling bank accounts, withholding financial information, preventing access to household resources, or requiring victims to justify every personal expenditure.[18] In other situations, perpetrators deliberately incur debt in the victim's name, manipulate jointly owned property, force victims to transfer ownership of assets, or exploit victims' labor without providing fair compensation.[19] Although these actions may individually appear to concern ordinary financial arrangements, their cumulative effect is to undermine victims' economic independence and reinforce asymmetric power relations within the household.

The consequences of economic domestic violence extend far beyond immediate financial deprivation. At the individual level, victims frequently experience prolonged economic insecurity, reduced employment opportunities, deteriorating physical and mental health, and diminished self-confidence resulting from sustained financial dependence. Economic abuse also limits victims' ability to obtain legal representation, secure alternative housing, access healthcare, or provide adequate support for dependent children. Consequently, financial control significantly increases victims' vulnerability to continued abuse by making separation economically impossible or socially risky.[20] At the societal level, economic violence contributes to broader patterns of gender inequality by reinforcing traditional assumptions that household financial authority should remain concentrated in one partner, typically the male head of the household. These structural consequences illustrate that economic abuse constitutes not merely a private financial matter but a significant human rights issue with implications for social justice, economic participation, and gender equality.

International legal developments increasingly reflect this broader understanding of economic violence. Although earlier international instruments primarily emphasized physical and sexual violence, subsequent interpretations have progressively recognized economic abuse as a form of gender-based violence capable of producing serious human rights violations. International human rights bodies have acknowledged that restricting women's access to employment, property ownership, inheritance, or financial resources may perpetuate discrimination and prevent the effective realization of substantive equality. Likewise, several national jurisdictions have expanded domestic violence legislation to explicitly recognize economic abuse as a legally actionable form of

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17 *See* Marie Eriksson, and Rickard Ulmestig. ""It's not all about money": Toward a more comprehensive understanding of financial abuse in the context of VAW." *Journal of Interpersonal Violence* 36, no. 3-4 (2021): 1625-1651. https://doi.org/10.1177/0886260517743547

18 Olufunmilayo I. Fawole, "Economic Violence to Women and Girls: Is It Receiving the Necessary Attention?." *Trauma, Violence, & Abuse* 9, no. 3 (2008): 167-177. https://doi.org/10.1177/1524838008319255

19 Elizabeth Branigan, "'Who Pays in the End?': The Personal and Political Implications of Financial Abuse of Women in Intimate Partner Relationships." *Just Policy: A Journal of Australian Social Policy* 44 (2007): 31-36. https://search.informit.org/doi/10.3316/informit.532660156571328

20 *See* Stark, *Coercive Control: How Men Entrap Women in Personal Life*.

coercive behavior.[21] These developments demonstrate an emerging international consensus that effective legal protection requires recognition of the diverse mechanisms through which perpetrators exercise control, including those operating through financial dependency rather than physical force alone.

Despite these advances, considerable conceptual ambiguity persists regarding the distinction between economic violence and ordinary household financial management.[22] Families naturally make joint financial decisions concerning budgeting, expenditure, investment, and allocation of resources, and such decisions do not automatically constitute abusive conduct. The defining characteristic of economic domestic violence therefore lies not in financial inequality itself but in the presence of coercion, domination, and deprivation. Financial arrangements become abusive when one party intentionally exploits economic power to restrict another person's autonomy, deny access to essential resources, or prevent independent participation in economic life. Accordingly, the assessment of economic violence should focus upon patterns of control, the absence of genuine consent, and the resulting loss of individual agency rather than merely examining disparities in household income or asset ownership. This distinction is particularly important within criminal law because it prevents the overcriminalization of legitimate family financial arrangements while ensuring that genuinely coercive conduct receives appropriate legal recognition.

This conceptual clarification has significant implications for the interpretation of domestic violence legislation, particularly in jurisdictions where economic abuse has been formally criminalized. When economic violence is viewed narrowly as a failure to provide financial maintenance, legal enforcement tends to focus exclusively on economic neglect and overlook broader forms of financial domination that equally undermine victims' autonomy. Conversely, understanding economic violence through the lens of coercive control enables legal institutions to recognize financial deprivation, employment restriction, asset manipulation, and economic dependency as interconnected components of abusive relationships rather than isolated financial disputes. Such an approach better reflects the lived experiences of victims and aligns domestic criminal law with contemporary developments in international human rights jurisprudence.

For Indonesia, this conceptual reconceptualization is particularly important because the statutory recognition of economic domestic violence under Law No. 23 of 2004 has not been accompanied by an equally expansive interpretative framework. Legal practice continues to emphasize economic neglect while paying comparatively limited attention to systematic financial control as an instrument of domination within households. Consequently, understanding economic domestic violence as an autonomous manifestation of coercive control provides the necessary analytical foundation for evaluating whether the existing legal

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[21] Pavithra Rajendran, ""Economic Abuse" as an Element of Domestic Violence Against Women: A Comparative Analysis of Sri Lanka and United Kingdom." *Notre Dame Journal of International & Comparative Law* 15, no. 2 (2025): 210; Nicola Sharp-Jeffs, "Understanding the Economics Of Abuse: An Assessment of the Economic Abuse Definition Within the Domestic Abuse Bill." *Journal of Gender-Based Violence* 5, no. 1 (2021): 163-173.

[22] *See* Pernilla Liedgren, Marie Eriksson, and Helena Blomberg. "Protocol for a Qualitative Study on Household Economic Discourses: From Everyday Talk About Money to Economic Abuse and the Financial Consequences of Intimate Partner Violence." *International Journal of Qualitative Methods* 24 (2025): 16094069251369294. https://doi.org/10.1177/16094069251369294

framework adequately captures the realities experienced by victims. This conceptual perspective also establishes the basis for examining the scope of Article 9 of the Domestic Violence Elimination Law and assessing why its implementation has remained relatively limited despite explicit statutory recognition of economic abuse.[23]

III. THE LEGAL RECOGNITION OF ECONOMIC DOMESTIC VIOLENCE UNDER INDONESIAN CRIMINAL LAW

Indonesia has been widely regarded as one of the Southeast Asian jurisdictions that formally recognizes domestic violence as a distinct criminal offense through Law No. 23 of 2004 concerning the Elimination of Domestic Violence (*Undang-Undang Penghapusan Kekerasan dalam Rumah Tangga*, hereinafter the PKDRT Law). Prior to its enactment, acts occurring within domestic relationships were predominantly addressed through the Indonesian Criminal Code (Kitab Undang-Undang Hukum Pidana), which largely emphasized conventional offences such as assault, homicide, or sexual crimes without adequately considering the unique dynamics of violence occurring within families.[24] This legislative approach reflected the traditional public-private dichotomy in criminal law, whereby violence committed inside the household was frequently perceived as a private matter rather than a subject of state intervention. Consequently, many victims, particularly women, experienced considerable obstacles in obtaining legal protection because abusive conduct that did not result in visible physical injury often remained beyond the reach of criminal law.

The enactment of the PKDRT Law represented a fundamental shift in Indonesia's criminal justice policy. Rather than treating domestic violence merely as an ordinary assault committed within a family setting, the legislation introduced a broader understanding of violence that encompasses physical, psychological, sexual, and economic dimensions. This expansion reflects Indonesia's growing commitment to international human rights norms, particularly following the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which requires States Parties to adopt effective legal

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23 *See* Dyah Syifa Herawati, et al. "Dynamics and Effectiveness of Domestic Violence Law in Indonesia (Law No. 23 of 2004 on the elimination of domestic violence)." *Dauliyah: Journal of Islam and International Affairs* 9, no. 2 (2024): 53-66; Mahfud Mahfud, and Rizanizarli Rizanizarli. "Domestic Violence Against Women in Indonesia: The Recent Domestic Violence Elimination Law Analysis." *Fiat Justisia: Jurnal Ilmu Hukum* 15, no. 4 (2021): 385-398; Iwan Hertanto, et al. "Police and Law Enforcement of Domestic Violence Crimes Based on Human Rights in Indonesia." *Khazanah Hukum* 6, no. 2 (2024): 134-144.

24 *See also* Siti Aisyah, and Lyn Parker. "Problematic Conjugations: Women's Agency, Marriage and Domestic Violence in Indonesia." *Asian Studies Review* 38, no. 2 (2014): 205-223. https://doi.org/10.1080/10357823.2014.899312; Siti Mas'udah, "Power Relations of Husbands and Wives Experiencing Domestic Violence in Dual-Career Families in Indonesia." *Millennial Asia* 14, no. 1 (2023): 5-27. https://doi.org/10.1177/09763996211039730; Ani Agus Puspawati, Bambang Utoyo, and Yudha Suchmasasi. "Analysis of the Implementation of Domestic Violence Prevention in Indonesia." *Sosiohumaniora* 25, no. 3 (2023): 379-392. https://doi.org/10.24198/sosiohumaniora.v25i3.42362

measures to eliminate discrimination and violence against women.[25] By recognizing non-physical forms of abuse, the PKDRT Law acknowledges that domination within intimate relationships frequently occurs through mechanisms that extend beyond bodily harm. The legislation therefore signifies a paradigm shift from an injury-based model of criminalization toward a protection-oriented framework that seeks to preserve victims' dignity, autonomy, and equality within domestic relationships.

Among the most distinctive features of Indonesia's Law No. 23 of 2004 on the Elimination of Domestic Violence (*Undang-Undang Penghapusan Kekerasan dalam Rumah Tangga* or PKDRT Law) is its explicit recognition of economic violence as a legally prohibited form of domestic abuse. Article 9 prohibits acts that result in economic neglect within the household, including the failure to fulfill legal obligations to provide financial support, care, and maintenance to family members.[26] More significantly, the provision criminalizes conduct that intentionally restricts or prohibits an individual from engaging in employment or earning an independent income, thereby creating or perpetuating economic dependency.[27] This aspect distinguishes the Indonesian legal framework from many traditional criminal law systems, which have historically focused on physical or psychological abuse while giving limited recognition to coercive economic control.[28] By recognizing that financial domination may occur not only through the withholding of economic resources but also through the deliberate obstruction of victims' access to employment and financial autonomy, Article 9 adopts a broader understanding of domestic violence that aligns with contemporary scholarship on coercive control.[29] Accordingly, the PKDRT Law extends the concept of domestic violence beyond material deprivation and implicitly acknowledges that the control of economic opportunities constitutes a mechanism of coercion capable of sustaining power imbalances and limiting victims' ability to leave abusive relationships.[30]

From a doctrinal perspective, Article 9 of the PKDRT Law comprises two interrelated legal elements that collectively define economic violence within the

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25 *See* Alfitri Alfitri. "Protecting Women from Domestic Violence: Socio-Legal Approach to CEDAW Bill in Indonesia." *Studia Islamika* 27, no. 2 (2020). *See also* Aisah Agustin, "The Protection of Women as a Victim of Domestic Violence in Indonesia based on CEDAW and Law Number 23 of 2004. *Thesis.* (Yogyakarta: Universitas Muhammadiyah Yogyakarta, 2017).

26 Republic of Indonesia. *Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence (Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga)*. Jakarta: State Secretariat of the Republic of Indonesia, 2004.

27 See *Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga.*

28 Evan Stark, *Coercive Control: How Men Entrap Women in Personal Life*. (New York: Oxford University Press, 2007).

29 Adrienne E. Adams, Megan R. Greeson, Angela K. Littwin, and Megan Javorka. "The Revised Scale of Economic Abuse (SEA2): Development and Initial Psychometric Testing." *Psychology of Violence* 10, no. 2 (2020): 268–278. https://doi.org/10.1037/vio0000242. *See also* Stark, *Coercive Control: How Men Entrap Women in Personal Life*.

30 Adrienne E. Adams, Cris M. Sullivan, Deborah Bybee, and Megan R. Greeson. "Development of the Scale of Economic Abuse." *Violence Against Women* 14, no. 5 (2008): 563–588. https://doi.org/10.1177/1077801208315529. *See also* Committee on the Elimination of Discrimination against Women (CEDAW Committee). *General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19*. (Geneva: United Nations, 2017).

domestic sphere. The first concerns economic neglect, namely the intentional failure of an individual who bears a legal obligation within the household to provide adequate financial support, care, and maintenance necessary for the victim's subsistence and welfare.[31] This obligation reflects long-established principles of Indonesian family law concerning the duty of maintenance between spouses and other dependent family members. The second element concerns economic restriction, whereby a perpetrator intentionally prevents or limits a household member from engaging in employment, entrepreneurship, or other productive activities capable of generating independent income.[32] Although these two forms of conduct differ in their immediate manifestations, both function as mechanisms of economic abuse by reinforcing victims' financial dependence, reducing their economic autonomy, and restricting their capacity to exercise independent decision-making.[33] Contemporary scholarship further recognizes that economic abuse extends beyond the mere deprivation of financial resources to include systematic control over a victim's access to employment, assets, and economic opportunities as part of a broader pattern of coercive control.[34] Accordingly, the legislative structure of Article 9 indicates that economic violence should not be interpreted narrowly as financial abandonment but rather as encompassing a wider spectrum of economic control intended to sustain unequal power relations and constrain victims' ability to leave abusive relationships.[35]

The criminalization of economic violence under the PKDRT Law is reinforced by Article 49, which prescribes criminal sanctions for individuals who violate the obligations established under Article 9. The existence of a specific penal provision demonstrates the legislature's intention to treat economic violence as an autonomous criminal offence rather than merely as a matter of civil or family law. This legislative approach is particularly significant because disputes concerning household finances have traditionally been addressed through private legal mechanisms, such as divorce proceedings, maintenance claims, or the enforcement of family support obligations.[36] By imposing criminal liability on acts of economic abuse, the PKDRT Law acknowledges that deliberate financial deprivation and coercive economic control may inflict serious harms that warrant intervention through the criminal justice system rather than relying solely on private legal remedies.[37] This approach is consistent with the broader international recognition that domestic violence encompasses patterns of coercive control extending beyond physical violence, including conduct that undermines victims' economic autonomy

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31 See *Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga.*

32 See *Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga.*

33 *See* Adams, et.al. "Development of the Scale of Economic Abuse." *See also* Adams, et.al. "The Revised Scale of Economic Abuse (SEA2): Development and Initial Psychometric Testing."

34 *See* Stark, *Coercive Control: How Men Entrap Women in Personal Life*.

35 *See* CEDAW Committee. *General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19.*

36 United Nations. *In-Depth Study on All Forms of Violence against Women: Report of the Secretary-General.* (New York: United Nations, 2006).

37 Adams, et.al. "Development of the Scale of Economic Abuse." *See also* Judy L. Postmus, Sarah M. Stylianou, Cristina McMahon, and Anne E. Plummer. "Measuring Economic Abuse in the Lives of Survivors: Revisiting the Scale of Economic Abuse." *Journal of Interpersonal Violence* 35, no. 1–2 (2020): 95–120.

and restricts their capacity to exercise fundamental freedoms.[38] Accordingly, the criminalization of economic violence reflects the understanding that economic abuse threatens not only an individual's financial security but also internationally protected rights relating to human dignity, equality, personal security, and freedom from gender-based violence.[39]

Nevertheless, the wording of Article 9 presents important interpretative challenges that may affect its practical enforcement. The statutory language primarily employs the concept of economic neglect (*penelantaran ekonomi*), which may encourage legal practitioners to interpret the offence narrowly as the failure to provide financial maintenance or fulfill support obligations within the household.[40] Such an interpretation risks overlooking more complex forms of economic abuse that have increasingly been recognized in comparative legal scholarship, including coercive financial control, deprivation of access to jointly owned assets, confiscation of earnings, forced indebtedness, restrictions on employment, and the systematic exclusion of victims from financial decision-making.[41] Contemporary understandings of economic abuse emphasize that perpetrators often employ financial control not merely to deprive victims of resources but to establish long-term dependency and maintain coercive control over their autonomy.[42] In contrast to several modern legal frameworks that expressly define economic abuse through non-exhaustive lists of coercive conduct—including interference with employment, control over financial resources, and deprivation of economic assets—the PKDRT Law adopts relatively general terminology that affords considerable discretion in judicial interpretation.[43] Consequently, the practical scope of Article 9 depends largely on how investigators, prosecutors, and judges interpret the relationship between economic neglect and broader patterns of coercive economic control, an interpretative issue that will ultimately shape the effectiveness of legal protection afforded to victims of domestic violence.

Another important doctrinal issue concerns the interaction between the PKDRT Law and other branches of Indonesian law. Indonesian family law establishes reciprocal rights and obligations concerning financial maintenance between spouses and imposes a legal duty upon a husband to provide for the needs of the household, while civil law governs marital property, ownership rights, and contractual relationships arising within marriage.[44] At the same time, the

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38 *See* CEDAW Committee. *General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19*.

39 *See* United Nations. *Declaration on the Elimination of Violence against Women.* (New York: United Nations, 1993). *See also* Council of Europe. *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).* (Istanbul: Council of Europe, 2011).

40 See *Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga.*

41 *See* Nicola Sharp-Jeffs, *A Review of Research and Policy on Financial Abuse within Intimate Partner Relationships*. (London: Child and Woman Abuse Studies Unit, London Metropolitan University, 2015).

42 *See* Adams, et.al. "Development of the Scale of Economic Abuse." *See also* Adams, et.al. "The Revised Scale of Economic Abuse (SEA2): Development and Initial Psychometric Testing."

43 See *Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga.*

44 *See* Republic of Indonesia. *Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage (Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan).* (Jakarta: State Secretariat

Indonesian Criminal Code (*Kitab Undang-Undang Hukum Pidana* or KUHP) criminalizes offences such as fraud, embezzlement, extortion, and coercion that may, in certain circumstances, overlap with financially abusive conduct occurring within domestic relationships. These legal regimes, however, pursue fundamentally different normative objectives. Family law principally regulates the legal consequences of marriage by defining the rights and obligations of family members, whereas criminal law seeks to protect fundamental legal interests by imposing sanctions on conduct considered sufficiently harmful to justify public intervention.[45] The PKDRT Law occupies an intermediate position by recognizing that conduct originating in the domestic sphere—including the deliberate violation of financial obligations or the exercise of coercive economic control—may transcend the boundaries of private family disputes and constitute criminal violence when it forms part of a broader pattern of domination, coercion, or abuse.[46] This legislative approach reflects the contemporary understanding that domestic violence is not merely a private family matter but a violation of human rights requiring effective protection through the criminal justice system.[47] Accordingly, interpreting Article 9 solely as an ordinary maintenance provision would undermine its protective function and disregard the legislature's intention to criminalize economic abuse as a distinct form of domestic violence.

Comparative legal developments further demonstrate that Indonesia's legislative recognition of economic violence is broadly consistent with the evolving international approach to domestic violence regulation. Numerous jurisdictions have expanded the legal definition of domestic violence to encompass economic abuse, including coercive financial control, restriction of employment, deprivation of access to financial resources, and interference with victims' economic autonomy.[48] Some legal systems, such as the United Kingdom, incorporate economic abuse within broader offences of controlling or coercive behaviour, while others, including New Zealand, expressly recognize economic or financial abuse as an independent form of family violence.[49] Despite differences in legislative drafting, these jurisdictions share the common understanding that economic dependency constitutes one of the principal mechanisms through which perpetrators sustain long-term domination and impede victims' ability to leave abusive relationships.[50] From this comparative perspective, Indonesia cannot be regarded as lacking an adequate statutory basis for addressing economic violence,

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of the Republic of Indonesia, 1974). See also *Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga.*

45 *See* Andrew Ashworth, *Principles of Criminal Law*. 7th ed. (Oxford: Oxford University Press, 2013).

46 See *Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga.* See also Stark, *Coercive Control: How Men Entrap Women in Personal Life*.

47 *See* CEDAW Committee. *General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19*; United Nations. *Declaration on the Elimination of Violence against Women.*

48 *See* Council of Europe. *Istanbul Convention,* 2011.

49 *See* United Kingdom. *Domestic Abuse Act 2021*. (London: The Stationery Office, 2021); New Zealand. *Family Violence Act 2018*. (Wellington: New Zealand Parliamentary Counsel Office, 2018).

50 Stark, *Coercive Control: How Men Entrap Women in Personal Life*. See also Nicola Sharp-Jeffs, *A Review of Research and Policy on Financial Abuse within Intimate Partner Relationships*. (London: Child and Woman Abuse Studies Unit, London Metropolitan University, 2015).

as Article 9 of the PKDRT Law already criminalizes both economic neglect and restrictions on victims' ability to obtain independent income (The principal challenge instead lies in ensuring that these provisions are interpreted consistently with contemporary understandings of coercive control rather than through a narrow conception of financial neglect alone.

Although the PKDRT Law represents a significant normative achievement, statutory recognition alone does not automatically guarantee effective legal protection. The effectiveness of criminal legislation depends not only upon the existence of penal provisions but also upon coherent doctrinal interpretation, appropriate evidentiary standards, institutional capacity, and the willingness of law enforcement agencies and courts to implement the law. The relatively limited application of Article 9 in reported cases suggests that the formal criminalization of economic violence has not yet produced corresponding changes in legal practice. This implementation gap reflects a broader challenge frequently identified in comparative domestic violence scholarship, namely that legislative reform must be accompanied by institutional and cultural change if legal protection is to become genuinely effective.[51] Accordingly, the following section examines why Article 9 remains substantially underenforced by analysing the doctrinal ambiguities, evidentiary barriers, institutional limitations, and socio-cultural factors that continue to impede the effective prosecution of economic domestic violence in Indonesia.

IV. WHY ARTICLE 9 REMAINS UNDERENFORCED?

A. Doctrinal Barriers and the Narrow Interpretation of Economic Domestic Violence

Despite the explicit criminalization of economic domestic violence under Article 9 of the PKDRT Law, its practical enforcement remains comparatively limited within Indonesia's criminal justice system. The disparity between legislative recognition and judicial application reflects a broader phenomenon commonly described in socio-legal scholarship as the implementation gap, whereby statutory reforms fail to achieve their intended objectives because legal interpretation, institutional practices, and enforcement mechanisms do not evolve alongside legislative change.[52] In the Indonesian context, the principal challenge is not the absence of a legal norm but the limited capacity of that norm to influence the legal reasoning of investigators, prosecutors, and judges responsible for interpreting and enforcing Article 9. Accordingly, understanding the underenforcement of economic domestic violence requires moving beyond textual analysis of the statute to examine the doctrinal assumptions and institutional practices that shape criminal law enforcement.

[51] Leigh Goodmark, *Decriminalizing Domestic Violence: A Balanced Policy Approach to Intimate Partner Violence*. (Oakland: University of California Press, 2018).

[52] *See* Brian Z. Tamanaha, *Law as a Means to an End: Threat to the Rule of Law*. (Cambridge: Cambridge University Press, 2006). *See also* United Nations. *Handbook for Legislation on Violence against Women*. (New York: United Nations, 2010).

One of the principal doctrinal barriers derives from the persistence of a traditional conception of criminal violence. Indonesian criminal law has historically developed around offences involving identifiable physical injury, tangible property loss, or direct threats to public order, reflecting the classical orientation of criminal law toward observable acts and demonstrable harm.[53] Although the PKDRT Law significantly broadened the legal concept of domestic violence by expressly recognizing psychological, sexual, and economic abuse as criminal offences[54], legal interpretation has not always adapted to this expanded framework. In practice, offences involving visible bodily injuries continue to receive greater attention because they correspond more closely with conventional evidentiary standards and established investigative and prosecutorial practices.[55] Economic violence, by contrast, commonly manifests through sustained patterns of coercive financial control, deprivation of economic resources, restrictions on employment, or manipulation of financial dependency, forms of abuse that rarely produce immediate physical evidence despite their capacity to inflict profound and long-term harm upon victims.[56] As a result, conduct that falls squarely within the scope of Article 9 is frequently perceived as a private financial dispute or a family matter rather than as criminal violence warranting prosecution, thereby contributing to the persistent underenforcement of the provision.[57]

The wording of Article 9 itself contributes to significant interpretative challenges in the enforcement of economic domestic violence. The provision employs the concept of *economic neglect* (*penelantaran ekonomi*), a term that is commonly associated with the failure to discharge legal obligations of financial maintenance within the household (Republic of Indonesia 2004). Such terminology naturally encourages an interpretation centred on economic abandonment rather than on broader patterns of coercive economic control. Consequently, legal practitioners may be inclined to equate violations of Article 9 primarily with situations in which a spouse deliberately refuses to provide financial support despite having the economic capacity to do so. Although this interpretation captures one important manifestation of economic violence, it risks excluding other forms of abuse that contemporary domestic violence scholarship recognizes as equally harmful, including restrictions on employment, confiscation of personal income, denial of access to bank accounts, forced financial dependency, interference with credit, and manipulation of jointly owned assets.[58] These forms of conduct frequently operate as mechanisms of domination without necessarily constituting conventional economic neglect. Accordingly, an unduly narrow interpretation risks reducing the normative scope of Article 9 beyond that originally

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[53] *See* Ashworth, *Principles of Criminal Law*. 7th ed.

[54] *See* Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga.

[55] *See* United Nations. *Handbook for Legislation on Violence against Women*

[56] *See* Stark, *Coercive Control: How Men Entrap Women in Personal Life*; Adams, et.al. "The Revised Scale of Economic Abuse (SEA2): Development and Initial Psychometric Testing."

[57] *See* CEDAW Committee. *General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19*.

[58] *See* Sharp-Jeffs, *A Review of Research and Policy on Financial Abuse within Intimate Partner Relationships*; Judy L. Postmus, Sarah M. Stylianou, Cristina McMahon, and Anne E. Plummer. "Measuring Economic Abuse in the Lives of Survivors: Revisiting the Scale of Economic Abuse." *Journal of Interpersonal Violence* 35, no. 1–2 (2020): 95–120. https://doi.org/10.1177/1077801215610012

contemplated by the legislature and inconsistent with contemporary understandings of economic abuse as a form of coercive control.[59]

This interpretative tendency reflects a broader doctrinal distinction between omission and affirmative control. Economic neglect is generally understood as an omission, namely the failure to perform a legally imposed duty of financial maintenance. By contrast, economic abuse as coercive control primarily consists of affirmative conduct intended to regulate, restrict, or eliminate another person's financial autonomy and decision-making capacity.[60] This distinction is legally significant because criminal law has traditionally differentiated liability arising from omissions from liability based on positive acts, each requiring distinct doctrinal analysis and evidentiary assessment.[61] Where investigators, prosecutors, and judges focus predominantly upon failures to provide financial support, they may overlook affirmative conduct that systematically deprives victims of economic independence without breaching maintenance obligations in the conventional sense. Consequently, legal analysis becomes confined to determining whether statutory support obligations have been fulfilled rather than assessing whether financial power has been exercised coercively to establish dependency, domination, or control.[62]

The absence of an explicit statutory definition of economic abuse further contributes to inconsistent legal interpretation. Unlike several contemporary domestic violence statutes that provide non-exhaustive illustrations of abusive financial conduct—including interference with employment, deprivation of economic resources, restrictions on access to financial information, and control over assets—the PKDRT Law affords considerable discretion to law enforcement authorities in determining the substantive scope of Article 9.[63] While legislative flexibility permits adaptation to diverse factual circumstances, it also creates uncertainty regarding the threshold at which ordinary household financial management becomes criminal economic violence. Financial arrangements within families often involve unequal income, shared expenditure, and mutual decision-making, none of which are inherently unlawful. Rather, the defining characteristics of criminal economic abuse are coercion, deprivation, and the intentional exercise of control that substantially restricts another person's economic autonomy.[64] Because these concepts are not expressly elaborated within the PKDRT Law, legal practitioners frequently rely upon personal assumptions, prevailing social norms,

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59 Stark, *Coercive Control: How Men Entrap Women in Personal Life*; Domestic Abuse Commissioner. *Safety Before Status: The Solutions*. (London: Domestic Abuse Commissioner for England and Wales, 2021).

60 Adams, et.al. "Development of the Scale of Economic Abuse." *See also* Stark, *Coercive Control: How Men Entrap Women in Personal Life.*

61 *See* Ashworth, *Principles of Criminal Law*. 7th ed.

62 Leigh Goodmark, *Decriminalizing Domestic Violence: A Balanced Policy Approach to Intimate Partner Violence*. (Oakland: University of California Press, 2018). *See also* Sharp-Jeffs, *A Review of Research and Policy on Financial Abuse within Intimate Partner Relationships*.

63 *See* Mochamad Agus Rizal Dwi Santoso, "Analisis Pasal 9 Undang-Undang Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan dalam Rumah Tangga Perspektif Hak Asasi Manusia dalam Undang-Undang Dasar 1945." *Thesis*. (Malang: Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2022). *See also* Sibarani, "Prospek Penegakan Hukum Undang-Undang Penghapusan Kekerasan dalam Rumah Tangga (UU PKDRT)."

64 *See* United Nations. *Handbook for Legislation on Violence against Women*; CEDAW Committee. *General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19*.

or traditional understandings of marital roles when interpreting Article 9, resulting in inconsistent application across cases and weakening the provision's protective function.

Another doctrinal limitation concerns the continuing influence of the public–private distinction within Indonesian legal culture. Although the PKDRT Law was enacted to reject the traditional perception that domestic violence constitutes a purely private family matter, elements of this perspective continue to shape legal interpretation and institutional responses.[65] Financial disputes between spouses are frequently perceived as ordinary marital disagreements that should be resolved through negotiation, mediation, or family reconciliation rather than criminal prosecution. Consequently, economic abuse is often treated as an extension of domestic conflict instead of a violation of legally protected rights. This tendency reflects the broader historical separation between the public sphere of criminal law and the private sphere of family relations, a distinction that feminist legal scholarship has long criticized for obscuring violence occurring within intimate relationships.[66] In the Indonesian context, the normalization of financial control as an aspect of household leadership or marital authority may further discourage legal recognition of coercive economic domination, leading victims who report financial deprivation to encounter skepticism regarding whether the conduct constitutes criminal violence or merely a domestic disagreement.[67]

These interpretative challenges become particularly evident where economic violence occurs without accompanying physical abuse. In many domestic violence cases, economic deprivation coexists with physical assault, psychological abuse, or sexual violence, enabling investigators and prosecutors to prioritize offences supported by visible physical evidence while treating financial abuse as secondary or incidental.[68] However, economic violence may also occur independently through prolonged restrictions on employment, control over income, deprivation of financial resources, or manipulation of household finances without ever escalating into physical assault.[69] In such circumstances, the absence of bodily injury frequently diminishes the perceived seriousness of the offence despite its profound consequences for victims' autonomy and long-term wellbeing. This hierarchy of harm reflects a continuing institutional preference for forms of violence that are immediately observable and medically verifiable, rather than

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[65] *See* Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga. *See also* Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan). *Catatan Tahunan tentang Kekerasan terhadap Perempuan 2024*. (Jakarta: Komnas Perempuan, 2024).

[66] Elizabeth M. Schneider, *Battered Women and Feminist Lawmaking*. (New Haven: Yale University Press, 2000); Sally Engle Merry, "Legal Pluralism." *Law & Society Review* 22, no. 5 (1988): 869–896.

[67] *See* Komnas Perempuan. *Catatan Tahunan tentang Kekerasan terhadap Perempuan 2024*. See also Republic of Indonesia. *Peraturan Mahkamah Agung Nomor 3 Tahun 2017 Tentang Pedoman Mengadili Perkara Perempuan Berhadapan Dengan Hukum*. (Jakarta: Mahkamah Agung, 2017). Available online at https://jdih.mahkamahagung.go.id/legal-product/perma-nomor-3-tahun-2017/detail

[68] United Nations. *Handbook for Legislation on Violence against Women*.

[69] Sharp-Jeffs, *A Review of Research and Policy on Financial Abuse within Intimate Partner Relationships*; Adams, et.al. "The Revised Scale of Economic Abuse (SEA2): Development and Initial Psychometric Testing."

recognising sustained economic dependency and coercive financial control as equally capable of trapping victims in abusive relationships.[70]

Furthermore, a narrow interpretation of Article 9 limits the capacity of Indonesian criminal law to respond to the contemporary concept of coercive control that increasingly informs comparative domestic violence jurisprudence. Under this framework, abusive relationships are understood through recurring patterns of domination rather than isolated unlawful acts.[71] Individual incidents—such as confiscating wages, restricting employment, monitoring expenditure, withholding financial information, or preventing access to bank accounts—may appear legally insignificant when examined in isolation. Their cumulative effect, however, is to create a persistent structure of dependency that systematically undermines the victim's autonomy and capacity for independent decision-making.[72] Effective criminal enforcement therefore requires an interpretative framework capable of evaluating the overall pattern of abusive conduct rather than treating each financial act as a discrete event. Continued emphasis upon isolated incidents of economic neglect prevents Article 9 from fully addressing the relational dynamics that characterize economic domestic violence.

The doctrinal emphasis on maintenance obligations also creates uncertainty regarding the legal interests protected by Article 9. If interpreted narrowly, the provision primarily enforces financial support obligations derived from family law. A broader purposive interpretation, however, indicates that Article 9 protects more fundamental legal interests, including personal autonomy, equality within intimate relationships, human dignity, and freedom from coercive domination. This distinction has important implications for criminal liability because offences protecting autonomy require courts to assess how perpetrators exercise power and control rather than merely calculating financial losses or unpaid maintenance. A victim-centred interpretation therefore shifts the analytical focus from whether adequate financial support was provided to whether the victim retained meaningful control over personal economic decisions and opportunities.[73]

From a normative perspective, such an interpretation is consistent with the underlying objectives of the PKDRT Law. The legislation was enacted not merely to punish isolated acts of violence but to redefine the relationship between the State and victims of domestic abuse by recognising violence within the family as a matter of public concern, criminal accountability, and human rights protection. Restricting Article 9 to cases of economic abandonment undermines this protective purpose because it excludes numerous coercive financial practices that produce equally serious consequences for victims. Consistent with purposive methods of statutory interpretation, Article 9 should therefore be understood as encompassing intentional conduct that substantially restricts a household member's economic

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[70] Stark, *Coercive Control: How Men Entrap Women in Personal Life*.

[71] Stark.

[72] Postmus, et.al. "Measuring Economic Abuse in the Lives of Survivors: Revisiting the Scale of Economic Abuse."

[73] *See* Leigh Goodmark, *Decriminalizing Domestic Violence: A Balanced Policy Approach to Intimate Partner Violence*. (Oakland: University of California Press, 2018); Satjipto Rahardjo, *Hukum Progresif: Sebuah Sintesa Hukum Indonesia*. (Yogyakarta: Genta Publishing, 2009).

autonomy, irrespective of whether the perpetrator formally fulfils maintenance obligations.[74]

Accordingly, the principal explanation for the underenforcement of Article 9 is doctrinal rather than legislative. Indonesia already possesses a statutory framework capable of criminalising economic domestic violence, yet prevailing legal interpretation remains closely aligned with traditional understandings of maintenance obligations and family financial responsibility. This narrow doctrinal approach limits the capacity of investigators, prosecutors, and judges to recognise coercive financial control as criminal violence, thereby reducing the practical effectiveness of the legal protection afforded to victims. Nevertheless, doctrinal ambiguity alone does not fully explain the implementation gap. Even where Article 9 is interpreted broadly, significant evidentiary challenges remain in proving sustained patterns of economic control within criminal proceedings. The following section therefore examines the evidentiary barriers that continue to impede the effective prosecution of economic domestic violence in Indonesia.

B. Evidentiary Challenges in Prosecuting Economic Domestic Violence

Beyond doctrinal ambiguity, the practical enforcement of Article 9 is significantly constrained by evidentiary difficulties that distinguish economic domestic violence from conventional criminal offences. Criminal prosecution in Indonesia requires investigators and prosecutors to establish the elements of an offence through legally recognized evidence and to satisfy the evidentiary threshold required by criminal procedure. Under the Indonesian Criminal Procedure Code (*Kitab Undang-Undang Hukum Acara Pidana* or KUHAP), a criminal conviction requires at least two valid forms of evidence accompanied by the judge's conviction that the accused has committed the offence.[75] This framework serves the fundamental purpose of protecting defendants from arbitrary prosecution, yet it also creates particular challenges for economic domestic violence because the abusive conduct frequently emerges through prolonged patterns of financial restriction, dependency, and control rather than through a single identifiable criminal event.[76] Consequently, the central evidentiary challenge is not merely determining whether economic abuse occurred, but translating complex relational patterns of domination into legally persuasive evidence capable of satisfying criminal adjudication standards.

Unlike physical violence, economic abuse rarely produces immediate or visible evidence. Physical assault cases may be supported by medical examinations, forensic documentation, photographs, or eyewitness accounts demonstrating the occurrence of bodily harm. Economic violence, by contrast, commonly develops through repeated financial decisions and restrictions that may appear ordinary when examined separately. Limiting access to bank accounts,

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74 Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*. (Jakarta: Rajawali Pers, 2014). *See also* Rahardjo, *Hukum Progresif: Sebuah Sintesa Hukum Indonesia*.

75 Republic of Indonesia. *Law Number 8 of 1981 concerning Criminal Procedure Law (Kitab Undang-Undang Hukum Acara Pidana).* (Jakarta: State Secretariat, 1981).

76 M. Yahya. Harahap, *Pembahasan Permasalahan dan Penerapan KUHAP: Pemeriksaan Sidang Pengadilan, Banding, Kasasi, dan Peninjauan Kembali*. (Jakarta: Sinar Grafika, 2016).

preventing employment, controlling personal expenditure, withholding income, or restricting access to household resources may each appear insufficient to establish criminal liability when viewed in isolation. However, their cumulative effect may demonstrate a systematic pattern of economic domination that substantially restricts the victim's autonomy and decision-making capacity.[77] This difference between the lived experience of abuse and conventional evidentiary structures represents one of the principal obstacles in prosecuting economic violence, as criminal proceedings have traditionally been structured around identifiable acts and measurable harm rather than continuing patterns of coercive control.[78]

A central evidentiary difficulty concerns establishing the element of intentional economic control. Article 9 does not criminalize economic hardship as such; poverty, unemployment, business failure, or insufficient household income do not automatically constitute domestic violence. Rather, criminal liability requires proof that the deprivation or restriction resulted from deliberate conduct by the perpetrator that neglected legal obligations or intentionally limited another household member's economic autonomy.[79] This distinction is essential because criminal responsibility is based upon culpable conduct rather than unfavorable economic circumstances.[80] In practice, however, distinguishing intentional economic coercion from ordinary household financial arrangements may be difficult, particularly in relationships where financial responsibilities have developed informally and where decisions concerning income, expenditure, and property have not been documented.

The evidentiary burden becomes particularly complex in cases involving restrictions on employment or economic opportunities. Victims may experience prohibition from working, pressure to resign, interference with professional development, or restrictions on education and skills development. Such forms of control often occur through verbal intimidation, emotional manipulation, threats concerning childcare responsibilities, or appeals to traditional gender expectations rather than through explicit written commands capable of direct verification.[81] Although victim testimony constitutes a legally recognized form of evidence under Indonesian criminal procedure, its effectiveness may depend on the availability of supporting evidence capable of demonstrating the broader context of coercive control.[82] The difficulty is therefore not necessarily the legal inadmissibility of victim testimony, but the challenge of presenting such testimony within an evidentiary framework traditionally oriented toward concrete and externally verifiable events.

Financial control within informal household arrangements creates additional evidentiary complications. In many Indonesian families, financial management is conducted without comprehensive documentation concerning income distribution,

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77 *See* Postmus, et.al. "Measuring Economic Abuse in the Lives of Survivors: Revisiting the Scale of Economic Abuse."

78 *See* United Nations Office on Drugs and Crime (UNODC). *Handbook on Effective Prosecution Responses to Violence against Women and Girls*. (Vienna: United Nations, 2014).

79 *See* Undang-Undang Penghapusan Kekerasan dalam Rumah Tangga.

80 *See* Ashworth, *Principles of Criminal Law*. 7th ed.

81 *See* Sharp-Jeffs, *A Review of Research and Policy on Financial Abuse within Intimate Partner Relationships*. See also Komnas Perempuan. *Catatan Tahunan tentang Kekerasan terhadap Perempuan 2024.*

82 See *Kitab Undang-Undang Hukum Acara Pidana. See also PERMA No. 3 of 2017.*

expenditure patterns, ownership of assets, or access to financial accounts. Household expenses may be managed through cash transactions, bank accounts may be controlled exclusively by one spouse, and property arrangements may not accurately reflect each partner's economic contributions. As a result, demonstrating intentional economic deprivation may require reconstructing a long-term financial relationship through fragmented evidence, including banking records, employment information, ownership documents, electronic communications, and testimony from individuals familiar with the household circumstances.[83] This difficulty is particularly significant because economic abuse often operates precisely through the perpetrator's control over information and resources, thereby limiting the victim's ability to collect evidence independently.

The increasing complexity of modern financial systems further expands the evidentiary challenges associated with economic domestic violence. Contemporary economic abuse may involve digital banking, electronic transfers, online lending platforms, unauthorized use of personal financial information, or manipulation of shared digital accounts. Although technological developments provide new possibilities for documenting financial misconduct, they also require investigative expertise capable of identifying, preserving, and interpreting digital financial evidence.[84] In Indonesia, the practical effectiveness of Article 9 therefore depends not only on the existence of legal provisions but also on the institutional capacity of investigators and prosecutors to recognize financial patterns that may constitute coercive control rather than merely ordinary household transactions.

Another significant difficulty arises from the cumulative nature of economic violence. Criminal investigations frequently seek to identify a specific unlawful act occurring at a particular time and place, whereas economic abuse is generally characterized by repetition, continuity, and escalation over an extended period. Individual incidents—such as refusing to provide money for daily necessities, restricting transportation expenses, or withholding access to personal income—may appear minor when assessed independently. Their legal significance becomes apparent only when viewed collectively as part of a broader pattern of domination and dependency.[85] A fragmented approach to investigation may therefore underestimate the seriousness of economic violence by separating incidents that derive their coercive meaning from their cumulative effect.

Victim testimony remains central in many economic domestic violence cases, yet its evidentiary assessment must consider the specific dynamics of coercive relationships. Victims who experience prolonged financial dependency may have limited access to bank records, employment documents, property certificates, or information concerning household assets because such information has historically been controlled by the perpetrator. Furthermore, prolonged coercive control may affect the victim's ability to provide a complete chronological account of financial

[83] Harahap, *Pembahasan Permasalahan dan Penerapan KUHAP: Pemeriksaan Sidang Pengadilan, Banding, Kasasi, dan Peninjauan Kembali*. See also UNODC. *Handbook on Effective Prosecution Responses to Violence against Women and Girls*.

[84] *See* UNODC. *Handbook on Effective Prosecution Responses to Violence against Women and Girls*.

[85] *See* Stark, *Coercive Control: How Men Entrap Women in Personal Life*. See also CEDAW Committee. *General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19.*

restrictions, particularly where the abuse developed gradually over many years.[86] These circumstances should be assessed within the broader context of victim vulnerability rather than interpreted automatically as indicators of unreliability.

The relationship between evidentiary requirements and gendered economic inequality further reinforces these barriers. Women remain disproportionately affected by economic domestic violence due to structural inequalities in employment access, unpaid caregiving responsibilities, and traditional divisions of household labour.[87] Such conditions may limit victims' knowledge of family finances, ownership structures, and economic decision-making processes. The result is a paradox in which the very dependency created through economic abuse may simultaneously reduce the victim's ability to produce the evidence required to obtain legal protection.

Comparative legal developments demonstrate that conventional incident-based evidentiary approaches are increasingly considered insufficient for addressing coercive forms of domestic violence. Jurisdictions that recognize coercive control have encouraged courts and law enforcement agencies to evaluate patterns of behaviour, contextual evidence, and the cumulative impact of controlling conduct rather than focusing exclusively on isolated incidents.[88] Such approaches do not eliminate the requirement of proof or weaken defendants' procedural rights; rather, they seek to ensure that the legal analysis corresponds with the actual manner in which coercive abuse operates within intimate relationships.

For Indonesia, these developments indicate that improving enforcement of Article 9 does not necessarily require immediate legislative reform. The existing framework of criminal procedure already recognizes various forms of evidence, including documentary evidence, witness testimony, expert opinions, and electronic information where legally applicable.[89] The principal challenge lies in developing investigative and prosecutorial practices capable of identifying and presenting economic abuse as a pattern of coercive conduct rather than as isolated financial disputes. A contextual approach that combines financial records, digital evidence, employment history, witness testimony, and expert analysis may provide a more accurate evidentiary representation of economic domestic violence while remaining consistent with fundamental principles of criminal justice.

Accordingly, evidentiary limitations constitute the second major explanation for the underenforcement of Article 9. Economic violence is not inherently incapable of proof; rather, its defining characteristics differ from the evidentiary assumptions traditionally associated with criminal violence. Whereas conventional criminal offences often involve discrete incidents producing visible harm, economic abuse develops through continuity, dependency, and control. Unless investigative and judicial practices adapt to recognize these characteristics, Article 9 will continue to be applied only in limited circumstances despite its significant normative potential. However, evidentiary reform alone cannot ensure effective

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86 *See* Stark, *Coercive Control: How Men Entrap Women in Personal Life*. See also *PERMA No. 3 of 2017.*

87 *See* CEDAW Committee. *General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19;* Komnas Perempuan. *Catatan Tahunan tentang Kekerasan terhadap Perempuan 2024.*

88 *See* Council of Europe. *Istanbul Convention.* See also United Kingdom. *Domestic Abuse Act 2021*.

89 See *Kitab Undang-Undang Hukum Acara Pidana.*

enforcement. The implementation of Article 9 also depends upon institutional capacity, professional practices, and the broader legal culture of criminal justice institutions, which will be examined in the following section.

C. Institutional Limitations within the Indonesian Criminal Justice System

In the contaxt of institutional limitation, at this circumstances, while doctrinal ambiguity and evidentiary difficulties provide important explanations for the underenforcement of Article 9 of the PKDRT Law, they do not fully account for the persistent gap between statutory recognition and practical enforcement. Criminal law does not operate through legal provisions alone; its effectiveness depends upon the institutional actors responsible for transforming legal norms into practice. As socio-legal scholarship emphasizes, the implementation of law is shaped not only by statutory design but also by organizational structures, professional practices, resources, and institutional cultures as higlighted by Soekanto[90] and Tamanaha.[91] In the Indonesian context, the enforcement of economic domestic violence is influenced by the extent to which police officers, prosecutors, judges, victim assistance institutions, and related agencies understand economic abuse as a legally significant form of domestic violence rather than merely as a private family dispute. The institutional challenge, therefore, lies not in the absence of legal authority but in the capacity of criminal justice institutions to operationalize the protective objectives of the PKDRT Law.

The first institutional challenge concerns police discretion at the initial stage of reporting and investigation. As the primary entry point into the criminal justice system, police officers exercise significant influence in determining whether allegations proceed as criminal investigations or are redirected toward non-criminal mechanisms. Indonesian law requires law enforcement authorities to provide protection and respond to reports of domestic violence, yet the practical handling of complaints remains affected by institutional perceptions regarding the seriousness and nature of domestic abuse.[92] In cases involving physical violence, visible injuries and medical documentation often provide immediate indicators of criminal conduct. By contrast, complaints involving economic violence require investigators to assess financial relationships, household arrangements, and patterns of conduct over time. Where institutional understanding remains primarily oriented toward visible physical harm, reports of economic abuse may be interpreted as marital disputes, financial disagreements, or matters more appropriately addressed through family mechanisms rather than criminal proceedings.[93] Such an approach risks narrowing the protective scope of Article 9 by placing excessive emphasis on the appearance of immediate physical harm.

This institutional tendency reflects broader challenges in the professional culture of law enforcement agencies. Domestic violence legislation requires

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90 *See* Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*.

91 *See* Tamanaha, *Law as a Means to an End: Threat to the Rule of Law*.

92 *See* Kementerian Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia (KPPPA). *Pedoman Perlindungan Perempuan Korban Kekerasan dalam Rumah Tangga*. (Jakarta: KPPPA, 2021).

93 *See* Komnas Perempuan. *Catatan Tahunan tentang Kekerasan terhadap Perempuan 2024*.

officials to recognize forms of harm that do not always correspond with traditional criminal law models focused on physical injury or direct threats to public order. Although Indonesia has developed specialized mechanisms for handling cases involving women and domestic violence, implementation remains dependent upon the availability of training, operational guidelines, and institutional commitment at the local level.[94] Without adequate understanding of economic abuse, investigators may have difficulty identifying conduct such as employment restriction, control over financial resources, or deprivation of economic autonomy as components of domestic violence rather than ordinary household financial arrangements. This limitation illustrates the distinction between *law in books* and *law in action*, where formal legal recognition does not automatically transform institutional practice.[95]

Prosecutorial decision-making represents another important institutional factor. Under Indonesian criminal procedure, prosecutors play a central role in determining whether a case is sufficiently supported to proceed to trial.[96] Economic domestic violence cases may require broader contextual analysis than conventional offences because the alleged harm often emerges from a combination of financial conduct, relationship dynamics, and long-term dependency. Prosecutors must therefore evaluate not only whether financial deprivation occurred but also whether the conduct falls within the criminal framework established by Article 9. In practice, institutional considerations such as workload, evidentiary complexity, and expectations regarding successful prosecution outcomes may influence prosecutorial priorities.[97] Cases involving economic violence may consequently receive less attention when compared with offences involving clearer physical evidence and more established prosecutorial patterns.

Judicial interpretation also plays a significant role in determining the practical meaning of Article 9. Courts contribute to the development of legal standards because judicial reasoning influences how future cases are investigated and prosecuted. Where judicial interpretation remains focused primarily on the failure to provide financial support, the scope of Article 9 may be confined to economic neglect rather than broader forms of economic control. Conversely, judicial recognition of economic violence as a form of abuse affecting autonomy and equality within intimate relationships could provide stronger guidance for law enforcement institutions.[98] The limited development of jurisprudence specifically addressing economic violence creates uncertainty regarding the boundaries of

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94 *See* Komnas Perempuan. *Catatan Tahunan tentang Kekerasan terhadap Perempuan 2024;* KPPPA. *Pedoman Perlindungan Perempuan Korban Kekerasan dalam Rumah Tangga*

95 *See* Tamanaha, *Law as a Means to an End: Threat to the Rule of Law*.

96 *See* Kitab Undang-Undang Hukum Acara Pidana.

97 *See* Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*.

98 It should be noted that Article 9 referred to in this discussion is Article 9 of Law No. 23 of 2004 on the Elimination of Domestic Violence (the Domestic Violence Law), rather than Article 9 of Supreme Court Regulation (PERMA) No. 3 of 2017. Article 9 of the Domestic Violence Law addresses economic violence within the household context, particularly through the prohibition of neglecting persons who are legally entitled to receive care, maintenance, or support. Furthermore, Article 9(2) extends this protection beyond mere failure to provide financial support by recognizing situations where a person creates economic dependency by restricting or prohibiting the victim from engaging in decent employment. Therefore, Article 9 encompasses both economic neglect and broader forms of economic control. PERMA No. 3 of 2017 does not establish a separate definition of economic violence but provides procedural guidance for judges in cases involving women before the law, requiring the consideration of gender equality, power imbalances, and discriminatory practices in judicial proceedings.

criminal liability and reduces opportunities for establishing consistent interpretative approaches.

Institutional coordination presents an additional challenge. Cases of domestic violence frequently require cooperation among multiple actors, including police investigators, prosecutors, courts, victim protection services, social workers, psychologists, shelters, and legal aid providers. The PKDRT Law itself adopts an integrated protection approach that recognizes the need for cooperation among state institutions and support organizations. However, economic violence often intersects with issues beyond criminal law, including employment, housing, financial assistance, and family welfare. Weak coordination between institutions may result in fragmented responses, where individual agencies address separate aspects of the victim's situation without developing a comprehensive understanding of the economic dependency created by the abusive relationship.[99] Such fragmentation may reduce both the effectiveness of victim protection and the quality of information available for criminal investigation.

Resource limitations further affect institutional capacity. Effective investigation of economic violence may require access to financial records, employment information, property documentation, and digital transaction evidence. These forms of investigation demand specialized knowledge and institutional support that may not be equally available across all regions. Financial investigation practices within criminal justice institutions have traditionally been associated with offences such as fraud, corruption, and money laundering rather than domestic violence cases. As a result, economic abuse occurring within intimate relationships may not always receive the same investigative attention or technical resources as other forms of financial misconduct.[100] Strengthening institutional capacity therefore requires not only legal awareness but also practical skills in identifying and documenting economic forms of abuse.

Victim support mechanisms also influence enforcement outcomes. Economic dependency frequently affects victims' ability to participate in criminal proceedings because reporting abuse may create immediate risks concerning housing, income, childcare, and access to essential resources. The PKDRT Law recognizes victims' rights to protection, assistance, and recovery services, yet the availability and accessibility of such services remain important factors in determining whether victims can sustain their engagement with legal processes.[101] When victims withdraw complaints because of economic vulnerability, this should not automatically be interpreted as evidence of weak allegations but rather as an indication of the structural barriers affecting access to justice.

Professional education and continuing training constitute another important institutional dimension. Although Indonesia has maintained a legal framework addressing domestic violence for more than two decades, effective implementation requires continuous development of legal professionals' understanding of evolving concepts of violence and victim protection. Training that focuses primarily on physical assault may leave limited space for understanding economic abuse as an

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99 *See* KPPPA. *Pedoman Perlindungan Perempuan Korban Kekerasan dalam Rumah Tangga*

100 *See* UNODC. *Handbook on Effective Prosecution Responses to Violence against Women and Girls*.

101 *See* Komnas Perempuan. *Catatan Tahunan tentang Kekerasan terhadap Perempuan 2024.*

independent form of violence requiring distinct analytical approaches.[102] Institutional reform therefore requires sustained capacity-building among police officers, prosecutors, and judges so that Article 9 is interpreted within its broader protective purpose.

Finally, institutional effectiveness is closely connected to public confidence in the criminal justice system. Victims are more likely to report economic domestic violence when they perceive that authorities will recognize their experiences and provide meaningful protection. Conversely, perceptions that financial control is merely a private household matter may discourage reporting and contribute to continued invisibility of the offence.[103] This creates a cycle in which limited reporting produces fewer prosecutions, limited prosecutions generate fewer judicial interpretations, and the absence of legal development reinforces institutional uncertainty. Breaking this cycle requires sustained institutional commitment to treating economic domestic violence as a legitimate form of criminal harm.

Taken together, institutional limitations demonstrate that the underenforcement of Article 9 is not solely a consequence of legislative or evidentiary problems. Rather, it reflects the broader challenge of translating legal recognition into institutional practice. Effective enforcement requires not only appropriate interpretation of the statutory provision but also institutional capacity, coordinated responses, professional training, and victim-centred mechanisms capable of addressing the distinctive realities of economic domestic violence. However, institutional reform alone cannot fully resolve the persistence of underenforcement because legal responses remain embedded within wider social structures concerning gender roles, household authority, and economic dependency. These socio-cultural factors therefore constitute a further dimension requiring examination.

D. Socio-Cultural Norms, Economic Dependency, and Victim Reluctance

The persistent underenforcement of Article 9 cannot be explained solely by doctrinal ambiguity, evidentiary constraints, or institutional limitations. Criminal law operates within a broader social environment in which legal norms interact with cultural values, gender relations, and patterns of social organization. Socio-legal scholarship has long emphasized that the effectiveness of legal reform depends not only on the content of legislation but also on the extent to which legal norms are accepted, internalized, and reflected in everyday social practices.[104] In Indonesia, the implementation of Article 9 continues to be shaped by social understandings of family authority, gender roles, and economic responsibility that frequently influence how financial control within intimate relationships is perceived. Consequently, the implementation gap surrounding economic domestic

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[102] *See* United Nations Women. *Handbook for National Action Plans on Violence against Women*. (New York: UN Women, 2012).

[103] *See* Komnas Perempuan. *Catatan Tahunan tentang Kekerasan terhadap Perempuan 2024*.

[104] *See* Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice*. (Chicago: University of Chicago Press, 2006). *See also* Tamanaha, *Law as a Means to an End: Threat to the Rule of Law*.

violence reflects not only challenges within the legal system but also the persistence of social norms that continue to normalize unequal economic power within households.

A central socio-cultural factor concerns the enduring influence of patriarchal gender relations. Although Indonesia has experienced significant economic and social transformation, many households continue to operate within normative expectations that assign men primary responsibility as economic providers while women assume greater responsibility for unpaid domestic work and caregiving. Feminist scholarship has demonstrated that such divisions are not merely functional arrangements but also structures of power that influence access to resources, decision-making authority, and personal autonomy.[105] Within this framework, the concentration of financial authority in one spouse may be regarded as a natural consequence of household leadership rather than a manifestation of unequal power. As a result, practices such as restricting employment, controlling household income, or limiting access to financial resources may become socially accepted despite substantially diminishing the economic autonomy of other family members.

The normalization of unequal financial authority directly affects how economic domestic violence is perceived by victims, families, and communities. Economic control is often embedded within everyday family practices and therefore may not immediately be recognised as abusive conduct. Victims may interpret restrictions on employment, compulsory surrender of earnings, or exclusive control over household finances as expressions of marital obligation, family responsibility, or appropriate financial management rather than mechanisms of coercion. Sally Engle Merry argues that human rights norms become effective only when translated into local understandings capable of challenging existing cultural assumptions.[106] Where financial domination continues to be regarded as a legitimate aspect of marital authority, the legal recognition of economic violence under Article 9 may have only limited influence on social perceptions. This helps explain why many incidents remain unreported despite causing substantial economic and psychological harm.

Economic dependency further reinforces these socio-cultural dynamics. As Evan Stark argues, economic dependency functions not merely as a consequence of abuse but as an instrument through which coercive relationships are maintained over time.[107] Victims who lack independent income, employment opportunities, or access to financial resources frequently confront difficult choices between remaining in abusive relationships and risking economic insecurity for themselves and their dependants. Martha Fineman similarly observes that vulnerability arising from dependency is a structural condition that legal institutions must recognise rather than treat as an individual failure.[108] Within the Indonesian context, limited employment opportunities, unequal labour market participation, and the unequal distribution of unpaid care responsibilities may intensify this dependency, making

105 *See* Sylvia Walby, *Theorizing Patriarchy*. (Oxford: Basil Blackwell, 1990); R. W. Connell, *Gender and Power: Society, the Person and Sexual Politics*. (Stanford, CA: Stanford University Press, 1987).

106 *See* Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice*.

107 *See* Stark, *Coercive Control: How Men Entrap Women in Personal Life*.

108 *See* Martha Albertson Fineman, *The Autonomy Myth: A Theory of Dependency*. (New York: New Press, 2004).

criminal reporting economically risky even where legal protection formally exists.[109]

These structural conditions also challenge conventional assumptions regarding victim behaviour within criminal justice systems. Victims of economic domestic violence frequently balance legal protection against competing responsibilities relating to childcare, housing, family welfare, and long-term financial survival. Decisions to delay reporting, seek reconciliation, or withdraw complaints should therefore be understood within the broader context of structural vulnerability rather than interpreted simply as indicators of inconsistency or unwillingness to cooperate. Contemporary victim-centred approaches increasingly recognise that such decisions often reflect rational responses to unequal economic conditions rather than diminished credibility.[110]

Social stigma further contributes to the invisibility of economic domestic violence. Despite substantial legal reform, domestic violence continues in many communities to be regarded primarily as a private family matter in which external intervention should remain limited. Cultural expectations emphasising family harmony, marital endurance, and social cohesion may discourage victims from disclosing abusive financial practices, particularly where criminal proceedings are perceived as threatening family unity or social reputation.[111] Because financial matters are commonly regarded as private household affairs, economic abuse may be even less visible than physical violence, reducing opportunities for intervention by relatives, neighbours, or community institutions before the abuse becomes entrenched.

Socio-cultural norms also shape broader patterns of structural inequality that influence vulnerability to economic abuse. Intersectional scholarship demonstrates that experiences of domestic violence vary according to factors such as age, disability, education, geographical location, employment status, and access to social support.[112] Within Indonesia, women in rural areas, persons with disabilities, elderly family members dependent on relatives, and individuals with limited educational or economic opportunities may encounter additional barriers in achieving financial independence and accessing legal remedies. Recognising these intersecting forms of disadvantage is essential because a uniform legal response may fail to address the diverse realities experienced by victims whose vulnerability arises from multiple forms of social inequality.

The persistence of these socio-cultural conditions demonstrates that criminal law alone cannot eliminate economic domestic violence. While the criminalization of economic abuse under Article 9 establishes an essential normative foundation, sustainable implementation also requires broader strategies aimed at transforming the social conditions that enable coercive financial control. Public legal education, programmes promoting women's economic empowerment, initiatives challenging discriminatory gender norms, and efforts to increase financial literacy constitute

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[109] *See* Badan Pusat Statistik. *Statistik Gender Indonesia 2024*. (Jakarta: BPS, 2024).

[110] *See* UN Women. *Progress on the Sustainable Development Goals: The Gender Snapshot 2022*. (New York: UN Women, 2022).

[111] *See* Komnas Perempuan. *Catatan Tahunan tentang Kekerasan terhadap Perempuan 2024.*

[112] *See* Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color." *Stanford Law Review* 43, no. 6 (1991): 1241–1299.

important complements to criminal justice reform.[113] Strengthening public understanding that economic control, employment restriction, and financial deprivation constitute legally recognised forms of domestic violence may contribute to earlier reporting while simultaneously reducing the social acceptance of coercive financial practices.

In addition, the analysis demonstrates that the underenforcement of Article 9 results from the interaction of legal, institutional, and socio-cultural factors. Doctrinal interpretation, evidentiary practice, institutional capacity, and prevailing gender norms reinforce one another in ways that limit the practical effectiveness of statutory protection. Addressing the implementation gap therefore requires a comprehensive approach extending beyond legislative reform toward institutional strengthening, consistent legal interpretation, improved investigative practice, victim-centred support mechanisms, and long-term transformation of the social norms that continue to legitimise unequal economic power within intimate relationships.

V. TOWARD A VICTIM-CENTERED ENFORCEMENT FRAMEWORK FOR ECONOMIC DOMESTIC VIOLENCE

The persistent underenforcement of economic domestic violence under Indonesian criminal law demonstrates that statutory recognition alone is insufficient to ensure effective protection for victims. Although Article 9 of the PKDRT Law provides a legal foundation for addressing economic abuse, its practical limitations reveal the need for a more comprehensive enforcement framework capable of addressing the distinctive characteristics of economic violence. Unlike conventional criminal offences that are often identified through isolated incidents producing immediate physical harm, economic domestic violence operates through prolonged patterns of dependency, deprivation, and control. Therefore, an effective legal response requires a shift from an incident-based approach toward a victim-centered framework that recognizes the relational, structural, and cumulative nature of economic abuse.

A victim-centered approach requires a fundamental reconsideration of the objectives of criminal enforcement in domestic violence cases.[114] Traditional criminal justice models primarily emphasize the identification of unlawful acts, attribution of individual responsibility, and imposition of punishment. While these objectives remain essential, domestic violence cases require additional consideration of the victim's vulnerability, autonomy, and capacity to recover from the consequences of abuse. In cases involving economic violence, punishment alone may not adequately address the harm experienced by victims because the abuse frequently affects their long-term economic independence and social

[113] *See* UN Women. *Progress on the Sustainable Development Goals: The Gender Snapshot 2022*; World Bank. *Women, Business and the Law 2023*. (Washington, DC: World Bank, 2023).

[114] *See* Donna Coker, "Crime Control and Feminist Law Reform in Domestic Violence Law: A Critical Review." *Buffalo Criminal Law Review* 4, no. 2 (2001): 801-860. https://doi.org/10.1525/nclr.2001.4.2.801

security.[115] Accordingly, enforcement mechanisms should not only determine whether a perpetrator violated Article 9 but also consider how legal intervention can restore victims' ability to exercise economic agency and rebuild independent lives.

The first element of such a framework involves expanding the interpretation of Article 9 through a coercive control perspective. As discussed previously, the current emphasis on economic neglect risks limiting the provision to situations involving failure to provide financial support. A victim-centered interpretation should instead recognize that economic violence includes broader patterns of intentional financial domination, including restricting employment, controlling access to financial resources, manipulating property rights, concealing economic information, and creating dependency through continuous financial restrictions. Such an interpretation would not transform every household financial disagreement into a criminal offence.[116] Rather, it would require courts and law enforcement authorities to examine whether financial conduct constitutes a deliberate pattern of coercion that substantially undermines another person's autonomy. This approach would align Article 9 with contemporary understandings of domestic violence while preserving the fundamental principles of criminal legality.

Second, improving enforcement requires the development of specialized investigative and prosecutorial guidelines for economic domestic violence cases. Existing domestic violence procedures often focus on immediate physical threats and visible injuries, whereas economic abuse requires different methods of investigation. Law enforcement officials should be equipped with guidance on identifying indicators of economic control, collecting relevant financial evidence, and assessing patterns of behaviour over time. Such guidelines may include consideration of employment restrictions, access to bank accounts, control over household assets, financial decision-making authority, debt manipulation, and the victim's degree of economic dependency. By establishing clearer investigative standards, criminal justice institutions can reduce uncertainty and prevent economic violence cases from being dismissed merely because they do not conform to conventional models of physical abuse.

Third, judicial interpretation requires greater attention to contextual analysis. Courts should avoid evaluating economic abuse through isolated financial transactions and instead examine the broader relationship dynamics between perpetrator and victim.[117] A single act, such as withholding money for household necessities or restricting access to personal funds, may appear insufficient when assessed independently. However, when combined with other forms of intimidation, isolation, or dependency creation, such conduct may demonstrate a

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[115] *See also* Angela M. Moe, and Myrtle P. Bell. "Abject Economics: The Effects of Battering and Violence on Women's Work and Employability." *Violence Against Women* 10, no. 1 (2004): 29-55. https://doi.org/10.1177/1077801203256016

[116] Sabungan Sibarani, "Prospek Penegakan Hukum Undang-Undang Penghapusan Kekerasan dalam Rumah Tangga (UU PKDRT)." *Jurnal HAM* 7, no. 1 (2016): 1-9; Adi Pratama, Suwarno Abadi, and Nur Hidayatul Fithri. "Keadilan Hukum Bagi Perempuan Sebagai Korban Kekerasan dalam Rumah Tangga (KDRT)." *Jurnal Ilmu Hukum Wijaya Putra* 1, no. 2 (2023): 148-159. https://doi.org/10.38156/jihwp.v1i2.105

[117] Cassandra Cross, Molly Dragiewicz, and Kelly Richards. "Understanding Romance Fraud: Insights From Domestic Violence Research." *The British Journal of Criminology* 58, no. 6 (2018): 1303-1322. https://doi.org/10.1093/bjc/azy005

systematic pattern of coercive control. Judicial reasoning that incorporates contextual assessment would enable courts to recognize the cumulative harm produced by economic violence while maintaining appropriate evidentiary safeguards. This approach is particularly important because the effectiveness of Article 9 depends significantly on judicial willingness to interpret the provision according to its protective purpose.

Fourth, institutional capacity-building should become a central component of domestic violence enforcement reform. Police officers, prosecutors, and judges require continuous professional training regarding the nature and consequences of economic abuse. Such training should move beyond general awareness of domestic violence and specifically address the mechanisms through which economic control operates. Legal professionals should understand that financial dependency is often deliberately produced by perpetrators and that victims may face significant barriers to leaving abusive relationships. Improved professional understanding would reduce the tendency to classify economic abuse as a private family dispute and encourage more consistent application of Article 9. Institutional reform should also promote stronger cooperation between criminal justice agencies and victim support organizations, as economic violence cases frequently require legal, psychological, and social interventions simultaneously.

Fifth, evidentiary reform should focus on recognizing the diverse forms of proof relevant to economic domestic violence. Because economic abuse frequently occurs through patterns rather than single events, courts should consider a broader range of contextual evidence, including financial records, electronic communications, employment histories, witness testimony, digital transaction records, and expert assessments regarding coercive control.[118] Such an approach does not reduce evidentiary standards but rather adapts evidentiary evaluation to the specific nature of the offence. Requiring victims to provide direct financial documentation that they may never have possessed due to deliberate economic control risks creating an impossible burden of proof.[119] A more flexible evidentiary approach would enable courts to evaluate the totality of circumstances surrounding the abusive relationship.

Beyond criminal enforcement, victim protection mechanisms must address the economic consequences of abuse. One of the defining characteristics of economic domestic violence is that victims may remain dependent upon perpetrators even after initiating legal proceedings.[120] Therefore, effective enforcement requires integration between criminal justice responses and economic recovery measures. Access to temporary financial assistance, employment support, legal aid, housing assistance, and social services can significantly influence victims' ability to participate in criminal proceedings and leave abusive relationships safely. Without such support, criminal prosecution may

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118 Adrienne Byrt, and Kay Cook. "Mapping Gendered Economic Abuse Across the Relationship Lifecourse: A Qualitative Meta-Ethnography." *Journal of Family Violence* (2025): 1-17. https://doi.org/10.1007/s10896-025-00872-7

119 *See* Megan E. Adams, "Assuring Financial Stability for Survivors of Domestic Violence: A Judicial Remedy for Coerced Debt in New York's Family Courts." *Brooklyn Law Review* 84, no. 4 (2019): 8.

120 Shafa Amalia Choirinnisa, "Law and Society Approach on Legal Protection for Victims of Domestic Violence." *Semarang State University Undergraduate Law and Society Review* 2, no. 2 (2022): 227-248.

unintentionally increase victims' vulnerability by removing their primary source of economic support without providing viable alternatives. A victim-centered framework must therefore recognize economic empowerment as an essential component of legal protection.

Public awareness and legal literacy represent another crucial dimension of reform. The continued underrecognition of economic violence is partly caused by limited public understanding that financial control may constitute a form of domestic abuse. Many individuals continue to perceive household finances as private matters beyond the legitimate concern of criminal law. Educational campaigns should therefore emphasize that economic autonomy is an essential component of personal dignity and equality within intimate relationships. Increasing awareness among communities, schools, workplaces, and social organizations may encourage earlier identification of abusive patterns and reduce the stigma associated with reporting domestic violence.[121] Prevention strategies are particularly important because economic abuse often begins gradually and may remain invisible until victims experience severe dependency.

Finally, Indonesia may consider strengthening its legislative framework by providing greater clarification regarding the scope of economic domestic violence. Although Article 9 establishes important legal recognition, future reform could incorporate more explicit descriptions of prohibited economic control behaviours while maintaining sufficient flexibility for judicial interpretation. Legislative clarification could reduce uncertainty among law enforcement authorities and provide stronger guidance regarding the relationship between economic neglect and coercive financial control.[122] Such reform would not necessarily require creating an entirely new offence but could enhance the effectiveness of existing protections by aligning statutory language with contemporary developments in domestic violence law.

The transformation of Article 9 from a formally recognized provision into an effectively enforced legal protection requires a multidimensional approach. Economic domestic violence persists not because Indonesian law completely ignores the issue, but because existing legal mechanisms have not yet fully adapted to the realities of economic coercion within intimate relationships. A victim-centered enforcement framework offers a pathway toward bridging this gap by combining broader legal interpretation, specialized institutional practices,

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121 *See* Fence M. Wantu, and Mohamad Taufiq Zulfikar Sarson. "Legal Protection of Women as Victim of Domestic Violence." *Indonesian Journal of Advocacy and Legal Services* 1, no. 2 (2020): 243-258. https://doi.org/10.15294/ijals.v1i2.22846; Nur Moh Kasim, and Sri Nanang Meiske Kamba. "Implementation of Assistance for Victims of Domestic Violence." *Indonesian Journal of Advocacy and Legal Services* 1, no. 1 (2019): 147-156. https://doi.org/10.15294/ijals.v1i1.22803; Siti Aminah, Elizabeth Kristi Poerwandari, and Mariska Putri. "Children, Justice, and Femicide: Assessing Victim Rights in Indonesia's Legal System." *Unnes Law Journal* 11, no. 1 (2025): 1-26; Sonny Saptoajie Wicaksono, Gabrielle Poetri Soebiakto, and Ridwan Arifin. "Legal Aid for the Victims of Domestic Violence: Problems and Challenges." *The Indonesian Journal of International Clinical Legal Education* 3, no. 2 (2021): 139-150.

122 Rayyan Fakhri, and Azhari Yahya. "The Protection of Women as the Victim of Economic Abuse Under International Human Rights Law in Indonesia." *Jurnal Ilmiah Mahasiswa Bidang Hukum Keperdataan* 3, no. 4 (2019): 727-738; Zahwa Nabila, and Arrie Budhiartie. "Hak Asasi Manusia Terhadap Kekerasan Pada Perempuan dalam Peraturan Perundang-Undangan di Indonesia." *Juris Humanity: Jurnal Riset dan Kajian Hukum Hak Asasi Manusia* 4, no. 1 (2025): 54-69. https://doi.org/10.37631/jrkhm.v4i1.78

contextual evidence assessment, and comprehensive victim support. Through such an approach, Indonesian criminal law can move beyond the limited recognition of economic neglect toward a more complete understanding of economic violence as a serious violation of autonomy, equality, and human dignity.

VI. CONCLUSION

This article highlighted that economic domestic violence remains underenforced in Indonesian criminal law not because of the absence of legal recognition, but because of persistent gaps between statutory norms and their practical implementation. Although Article 9 of Law No. 23 of 2004 on the Elimination of Domestic Violence explicitly criminalizes economic neglect, its application remains limited due to narrow doctrinal interpretations, evidentiary difficulties, institutional constraints, and socio-cultural barriers. Economic violence should therefore be understood not merely as a failure to provide financial support but as a form of coercive control that systematically undermines victims' autonomy, economic independence, and ability to escape abusive relationships.

The study highlights that effective enforcement requires a shift from an incident-based understanding of domestic violence toward a broader victim-centered approach that recognizes patterns of economic domination. Such an approach requires a more expansive interpretation of Article 9, specialized investigative and judicial practices, contextual assessment of evidence, and stronger coordination among criminal justice institutions and victim support services. Furthermore, addressing economic domestic violence requires attention to the structural conditions that sustain it, including gender inequality, economic dependency, limited legal awareness, and social norms that continue to frame household financial control as a private family matter. Therefore, strengthening the protection of victims of economic domestic violence requires more than legislative reform; it requires transformation in legal interpretation, institutional capacity, and social understanding. By reconceptualizing economic abuse as an autonomous form of coercive control, Indonesian criminal law can better respond to the realities of domestic violence and ensure that financial deprivation and economic domination are recognized as serious violations of human dignity, equality, and personal autonomy.

STATEMENTS

Acknowledgment
None

Funding Information
None

Conflicting Interest Statement
The authors state that there is no conflict of interest in the publication of this article.

Publishing Ethical and Originality Statement
All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.

Generative AI Statement
The authors declare that generative artificial intelligence (AI) tools were used solely to assist in improving the clarity of language, grammar, and the organization of the manuscript during the writing process. The AI tools also supported preliminary drafting and language refinement under the direct supervision of the authors. All substantive intellectual contributions, including the conceptualization of the research, legal analysis, interpretation of data, critical evaluation of the literature, and formulation of arguments and conclusions, were undertaken exclusively by the authors. Every AI-assisted output was carefully reviewed, verified, and substantially revised to ensure its accuracy, originality, and compliance with academic and ethical standards. The authors accept full responsibility for the content of this manuscript, including the accuracy of all citations, interpretations, and conclusions presented.

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