# Law Enforcement of Femicide in Indonesia from a Feminist Legal Theory Perspective

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## ABSTRACT

The study of femicide as a serious crime against women requires in-depth research because it involves gender bias and should not be treated the same as general murder. This research aims to examine law enforcement related to femicide in Indonesia from the perspective of Feminist Legal Theory. It analyzes femicide criminal policies within the context of Indonesian law enforcement and their impact on protecting women's rights, all from this theoretical perspective. It employs a normative-empirical legal research design that combines a doctrinal analysis of criminal legislation and protection frameworks in Indonesia with semi-structured interviews and group discussions involving informants from the judiciary, institutions, and civil society, conducted in August 2025. This study describes femicide as a form of gender-based violence that is not specifically regulated in Indonesian legislation, based on the legal framework in effect at the time the fieldwork was conducted, namely, before the entry into force of Law Number 1 of 2023 concerning the new Criminal Code on January 2, 2026. Feminist Legal Theory is crucial for analyzing and addressing femicide by revealing the patriarchal structures underlying legal injustice. This theory critiques laws that seem neutral but are gender-biased and promotes gender-responsive reforms. This theory is operationalized through four concepts: substantive equality, gender-based power relations, institutional stereotypes, and compounded (intersectional) disadvantage, applied to the doctrinal and empirical material discussed below. With this understanding, femicide can be addressed more comprehensively, encompassing not only the act of killing but also social issues rooted in patriarchal culture and recurring violence. The study finds that Indonesia's general criminal provisions, combined with the absence of a specific criminal offense for femicide, result in inconsistent recognition of gender-based motives during investigation and adjudication, undermine data collection, and leave the needs of victims' families unmet.

**Keywords**: Law Enforcement, Femicide, Feminist Legal Theory

## INTRODUCTION

The rise in cases of violence against women has become an urgent issue that needs attention and serious attention from a committed state of law to protect basic human rights. In recent years, various problems related to gender inequality and discrimination have received global attention, with women as the main victims. This often comes from viewing the superiority of men, who look at women as a group prone to to treatment discriminatory and violent treatment. Violence against Women (violence against women), physical or verbal, can be carried out by individuals, families, communities, or even the country.

The United Nations (UN) defines violence against women based on Article 1 of the United Nations Declaration on Violence Against Women (violence against women) as every action driven by gender gaps, which has the potential to cause physical, sexual, or psychological suffering. Action. This can happen in public and private, with threats or deliberate coercion. Extreme violence. This is the murder of women, who are known as femicide. Phenomenon: This is considered a manifestation of discrimination against women. Reporter: The UN specifically defines femicide as "The Killing of women because of their sex and/or gender. It constitutes the most extreme form of violence against women and the most violent manifestation of discrimination against women and their inequality" (Maulidiana, 2025).

In Indonesia, femicide has become an issue: a serious gender-based crime, attracting gender- based international attention to provide more protection Good to women. Since 2015, many countries have supported this initiative in the form of monitoring femicide, collecting murder data related to gender, and conducting studies about femicide and other measures to prevent it. (United Nations Human Rights Office of the High Commissioner, 2022). However, the case of femicide is often treated as murder without considering gender aspects.

The UN Human Rights Council interprets femicide as murder motivated by hatred, revenge, domination, or viewing women as property. Although often considered general murder, femicide differs because it involves oppression, domination, and gender inequality, which are born from a system and hatred (misogyny) in the spheres of the individual, society, or the state. (Rainy Maryke Hutabarat et al., 2022).

Femicide is a topic of interest because the perpetrator is often the closest person to the victim. Although murders committed by strangers do occur, the term "stranger" refers to a perpetrator unknown to the victim, not one who is a foreign national. The crime is shaped by social motives, the victim's identity, and disparities in economic, social, and cultural power relations that render the victim vulnerable.(Salamor et al., 2024)

Global data compiled by UNODC and UN Women indicate that in 2023, approximately 85,000 women and girls worldwide were killed intentionally; of these, 60 per cent, around 51,000, were killed by an intimate partner or other family member. In Asia specifically, more than 18,000 women were killed by an intimate partner or family member in the same year, a figure that captures intimate partner/family femicide in the region rather than the total number of female homicides overall. These figures show that the home, which should be a place of safety, is in practice among the most dangerous spaces for women. (Maulida & Khofifah, 2024).

In 2024, the National Commission on Violence Against Women (Komnas Perempuan) published the results of online media monitoring conducted between October 1, 2023, and October 31, 2024. Out of 33,225 news reports screened for content related to gender-based cases, 290 cases were identified as indicative of femicide (Komnas Perempuan, 2024). Several viral cases including the murder of NKS (18) by Ind (26) on September 6 2024, which involved hostage taking, rape and burial; murder Kra (20) by Arg (20) in Depok which started rejection connection intimate; the murder of Aa (12) by Is (16) and his friends on September 1, 2024, involving smothering, rape taking turns, and dragging body; and murder Ej (20) who is pregnant by her lover Mau in Bangkalan, which involves beatings and burning body.

These cases describe a significant challenge for Indonesian women related to gender-based violence and inadequate legal protection. This calls for stronger cooperation between civil society and government to increase awareness and prevention of femicide. Women are victims of gender inequality and discrimination, but Indonesia has no regulation specifically addressing femicide. Law enforcement is often influenced by social stigma and gender bias, so many cases are not adequately reported or processed. Indonesia has Law No. 23 of 2004 on the Elimination of Domestic Violence (PKDRT) and Law No. 12 of 2022 on Sexual Violence Crimes, though implementation of both is often weak.

The concept of Feminist Legal Theory emphasizes gender justice in the system of law, in line with the principle of equality before the law in Article 27 paragraph (1) of the 1945 Constitution and human rights guarantees in Article 28I of the 1945 Constitution. Feminist circles have the opinion that the law is inadequate in handling violence against women because it ignores gender differences and perpetuates patriarchy. (LawTeacher, 2019). Criticism of feminism highlights that the law does not protect women from violations invasive to their existence. The challenge for feminists is to bring change in the rules and practices of law that respect agency, autonomy, and rationality. Women as victims or perpetrators, without demeaning them (Bibbings & Nicolson, 2013). Based on what was said, it is important to study femicide as an object of research, because the legal process does not consider gender aspects. Applying Feminist Legal Theory to criminal policies regarding femicide could help achieve justice and protection for women within Indonesia's law enforcement.

This study examines criminal law policies regarding femicide (the killing of women) in the context of law enforcement in Indonesia from the perspective of Feminist Legal Theory, employing a normative-empirical

legal research method. It analyzes the relationship between criminal policies on femicide and law enforcement in Indonesia from this perspective, as well as how these policies impact the protection of women's rights in the country. The study characterizes femicide as a form of gender-based violence that had not yet received specific attention in Indonesian legislation at the time the field research was conducted.

The fieldwork underpinning the empirical component of this research was conducted in August 2025, under the legal framework in force at that time. Indonesia's new Criminal Code (KUHP), Law Number 1 of 2023, entered into force on January 2, 2026; this date falls after the fieldwork period but before the submission of this manuscript. Where the status of a provision changed between these two dates, this is noted in the relevant sections of the discussion below to ensure that the analysis and recommendations are not interpreted as a description of a legal framework that has since been superseded.

## Research Methods

This study is designed as an applied law research study combining a normative (doctrinal) component with an empirical component. (Suratman & Dillah, 2014). The normative component uses a statute approach (analysis of positive law provisions), a socio-legal approach, and a conceptual approach linking the case material to the theoretical literature on criminal policy and Feminist Legal Theory discussed above; it examines the Criminal Code (KUHP), Law No. 23 of 2004 on the Elimination of Domestic Violence (UU PKDRT), Law No. 21 of 2007 on the Eradication of the Criminal Act of Trafficking in Persons (UU TPPO), Law No. 35 of 2014 on Child Protection, Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS), and Supreme Court Regulation (Perma) No. 3 of 2017 on Guidelines for Adjudicating Cases Involving Women in Conflict with the Law. The research is descriptive-analytical: it first sets out the relevant phenomena and theory, then analyzes the applicable normative provisions.

Data were drawn from primary and secondary sources. Primary data were obtained through open, semi-structured interviews with judges, prosecutors, and advocates who had handled femicide related cases, and with Komnas Perempuan, where the interview results were audio-recorded, transcribed, and translated by the authors; secondary data consisted of relevant legal materials obtained through library research. Interviews were conducted in August 2025 with nine informants: : (i) Ainal Mardhiah, S.H., M.H., Justice (Hakim Agung) of the Supreme Court of the Republic of Indonesia, interviewed individually on 20 August 2025; (ii) a group discussion held on 21 August 2025 with four Judicial Justices (Hakim Yustisial) at the Supreme Court's Center for Legal and Judicial Policy Strategy Djoni Witanto, S.H., M.H.; Rahayuningsih, S.H., M.H.; Cecep Mustafa, S.H., L.L.M., Ph.D; and Ari Gunawan, S.H., M.H. ; (iii) Devi Rahayu and Rr. Sri Agustini, Komnas Perempuan Commissioners for 2025–2030, interviewed individually, on 22 August 2025; (iv) Siti Aminah Tardi, Director of the Indonesian Legal Resource Center (ILRC) and former Komnas Perempuan Commissioner (2020–2024), interviewed on 22 August 2025; and (v) Maidina Rahmawati, S.H., LL.M., Acting Executive Director of the Institute for Criminal Justice Reform (ICJR), interviewed on 22 August 2025. Interviews with the individual informants above are accordingly distinguished below from the single group discussion held with the four Judicial Justices; statements are identified as a research interview or the group discussion accordingly, and are not treated as equivalent forms of evidence.

This study employs qualitative analysis to align existing data with relevant theories, specifically feminist legal theory, and the statutory provisions governing criminal policy on femicide within the context of law enforcement in Indonesia. Findings from research interviews are categorized by informant group, then identified and analyzed as appropriate. Based on this analysis, deductive reasoning is applied, proceeding from general provisions to specific instances to conclude.

## An Overview of Femicide and Feminist Legal Theory

### Know Femicide

The term femicide has been used since the beginning of the 19th century to describe the murder of women, and she submitted it as an alternative to a gender - neutral term because the latter ignores the fact of inequality,

oppression, and violence systematically experienced by women. In the context of law, femicide or femicide is defined as murder where the main victim is a woman. (Ranuhandoko, 2003). In ancient cultures, women were often viewed as owned by men, so violence against them was considered normal, and the laws that regulated problems were dominated by patriarchal values. As an illustration, in Roman law, violence against women could be accepted because considered related to family honor, where women could be killed by members of their family if it was considered to have polluted the family's good name. (Kouta et al., 2018).

As an extreme form of violence against women, femicide not only claims lives but also demonstrates society's failure to protect women from discrimination and structural violence. Generally, femicide occurs in the context of domestic violence, sexual violence, or honor-based crimes. The term was first used by feminists to highlight extreme violence that cannot be described by the general term murder. Femicide has a clear gender dimension, where the perpetrator's motives often stem from a demeaning or objectifying view of women. A classic example is murder as "punishment" for behavior deemed to violate social norms, such as choosing one's partner or rejecting the perpetrator's advances. From a criminal law perspective, femicide cases often involve regulations on gender-based violence, premeditated murder, and human rights violations. In various countries, femicide is increasingly recognized as a distinct category of crime requiring a specific approach. (Oktadiana et al., 2025).

In 1976, feminist Diana Russell introduced the term “femicide” as resistance to violence and discrimination against women by men for a long time. He defines it as murder. Women's consequences include grudges, hatred, and viewing women as objects, property that can be treated at will, showing strong patriarchy and misogyny in the world. Phenomenon: This covers violence- physical, psychological, and sexual- in connection with intimate partners, family, or strangers (Caputi & Russell, 1990).

Latin American Model Protocol differentiates femicide into two main categories: active or direct (active/direct) and passive or indirect (passive/indirect). The classification highlights that femicide is not limited to murders committed with the explicit intent of ending life because of gender identity, but also includes the woman who suffered consequences of neglect, negligence, or the inability of the state to give protection to women from gender -based violence. In addition to that, the classification designed by the European Institute for Gender Equality expands the outlook on femicide by defining it as gender -based murder, which can occur in various social, political, criminal, sexual, and interpersonal forms, both in form intentional and unintentional femicide unintentional femicide. (Maulida & Khofifah, 2024).

The National Commission on Violence Against Women classifies femicide based on the motivation for the killing into two categories: direct and indirect femicide. Direct femicide refers to killing carried out with the intention to end the victim's life because of her gender from the outset. Indirect femicide, by contrast, refers to a woman's death resulting from gender-based violence, neglect, or a harmful practice that was not originally intended to kill; for example, death following female genital mutilation, an unsafe abortion forced on the victim, or prolonged neglect linked to gender-based abuse. (Komnas Perempuan, 2021a). In addition, the National Commission on Violence Against Women explained that cases like violent sexual activity that follows murder, jealousy, hidden marriages that are not wanted to be revealed, as well as disguised prostitution are forms of common femicide that happen in Indonesia. (Komnas Perempuan, 2024).

Within limits, understanding of femicide, various international organizations such as the WHO, the UN Special Rapporteur on Violence against Women, the Vienna Declaration, as well as UN Women and UNODC, through document Work between institutions (victim disaggregations) have set nine categories classified as femicide, which include (Mardhiah, 2021):

- Femicide Intimate: Murder by a partner or ex-partner, such as a husband or boyfriend, and party-related others.
- Femicide Culture: Includes subcategories like honor killing, family because of violation of norms, conflict over dowry, murder based on race, ethnicity, or ethnic minority, accusation of witchcraft, fatal female

genital mutilation, and murder of a baby, Woman, or abortion, selective because of gender preference or disability in culture.

- Femicide in Conflict Armed: Murder in the middle of a war, often preceded by physical violence by state or non-state actors, including the use of sexual violence as a weapon, for public damage.
- Femicide Industry Sex Commercial: Murder of a sex worker by clients or other groups due to a dispute over price or hatred of the profession.
- Femicide of Women with Disabilities: Murder because of a condition or disability, or a consequence of sexual violence, causing pregnancy.
- Femicide Orientation, Sexuality, and Gender Identity: Murder based on hatred of minority sexual orientation.
- Femicide in Prison: Murder of women prisoners in the system of detention.
- Non-Intimate Femicide: Murder committed systematically by foreigners, both random as well as by state/non-state actors.
- Femicide: Human rights activists: Killings by state or non-state actors against women who fight for the right to basic human rights are considered a threat to certain interest groups.

**Review of Feminist Legal Theory**

Feminist Legal Theory is initially known as Feminist Jurisprudence. Ann Scales first used this term in the 1970s at a conference celebrating graduation at Harvard Law School, and published it in the Harvard Women's Law Journal (1978). Scales then switches to “feminist legal theory” to avoid misunderstanding as an argument supportive of the politics of the Constitution, especially for women, because the term more accurately reflects his activities towards “feminist jurisprudence” (Berliantha & Fasya, 2023).

Idea-beginning theory. This originated from the wave of second-wave American feminism in the 1960s, marked by consciousness-raising groups that increased awareness about the oppression of patriarchy against women. The focus is "women's liberation" as a social revolutionary movement, responding to persistent discrimination, even though the first wave gave freedom, law, and politics. Waves. This emphasizes the issue of housework, parenting children, violence, sexuality, and reproduction for women. Conscious raising is used as a method to produce a perspective critical of the experience of women. (Berliantha & Fasya, 2023).

According to Ann C. Scales, gender inequality is related to the continuity of life. Division of work based on type and sex maintains a pattern of aggression and pathological explanations of inequality. If the relationship can be solved for continuity to live, a serious approach to equality is needed. The law must apply equality that emphasizes dominance, powerlessness, difference, and violence between the sexes. (Ann C. Scales, 1986).

Feminist legal theory holds that gender plays a significant role in everyday life and approaches the study of law by analyzing how gender shapes legal development and how the law affects men and women differently. Three main schools of thought are generally identified. (Teacher, 1919):

- Liberal Feminism: This aim seeks the subjectivity of law for women to be equivalent to that of men. Patricia Cain explains that Liberal feminism is rooted in the belief that women, like men, are entitled to rights and freedoms. Concepts such as rationality, individual choice, equal rights, and opportunities become the focus for pushing for legal reform. Liberal feminists believe that rationality in women and men is the same, so that inequality appears from the rejection of basic human rights, including learned behavioral consequences and reluctance in women. Gender equality is achieved through changing beliefs, individuals, and socialization.
- Radical Feminism: This sees the public as a system of oppressive patriarchy by men. Cain stated that feminist radicals emphasize differences between men and women, which are used to strengthen inequality, where the law ignores the reality of women. They argue that reasoning law strengthens the power of men, and the "equality" that is given is just a concession. Different from liberal feminism, which emphasizes equality, radical feminism rejects integration into the structure.

- Cultural Feminism: Affirming qualities historically associated with women such as care, a relational orientation, and a communal ethic as distinct from (rather than inferior or superior to) qualities associated with men, and arguing that legal and moral reasoning should accord equal weight to these qualities.

These three schools have different approaches to patriarchy. Liberal feminism seeks to integrate women into existing structures through legal reform. Radical feminism wants to overthrow patriarchy for a structure centered on women. Meanwhile, feminist culture, such as radical, respectful differences, however, pushes for connection, equality, and integration of women into patriarchy.

Feminist legal theory therefore requires analyzing both how women's rights should be protected and how law can become more inclusive in handling cases in which women are the primary victims.

For this study, Feminist Legal Theory is operationalized through four concepts applied to the doctrinal and empirical material discussed below: (i) substantive equality whether legal outcomes, rather than merely formal rules, treat gender-motivated killings with a level of seriousness commensurate with the gravity of the act; (ii) gender-based power relations whether coercive control, economic dependence, or prior intimate relationship dynamics are taken into account during the investigation and sentencing stages; (iii) institutional stereotypes whether law enforcement narratives tend to treat the killing of women as ordinary homicide without examining the possibility of gender-based motives; and (iv) intersecting disadvantages how age, disability, economic dependence, or place of residence exacerbate the victim's vulnerability and affect the victim's family's access to justice. Each concept serves as the basis for specific analytical questions in the subsequent discussion, rather than merely functioning as background description.

**Policy Criminal Feminicide in Enforcement Law in Indonesia from the perspective of Feminist Legal Theory**

Law is a set of rules derived from legislation designed to guide society as a whole. Because it encompasses the public sphere, law enforcement must accommodate the interests of highly vulnerable groups, such as women.

Within the framework of Feminist Legal Theory, the law serves as an instrument that protects women from criminal acts by imposing sanctions on perpetrators while simultaneously facilitating redress for victims. Feminist analysis of criminal law evolved alongside the second wave of feminism. (Teacher, 1919). addressing issues ranging from general criminal law doctrines to the formulation of specific criminal offenses affecting women; particular attention is paid to legal constructions regarding rape, domestic violence, and sexual violence, areas that feminist scholars argue are often treated ambiguously or discriminatorily under current legal doctrines. (Berliantha & Fasya, 2023).

In Indonesia, the phenomenon of the murder of women is not outside the mark of patriarchy, and the roles women play are shaped by the socio-cultural system of society. According to Notes on Annual Violence Against Women in 2020 by the National Commission on Violence Against Women, this event is called " femicide " to differentiate it from murder, with an emphasis on gender inequality, subjugation, oppression, and systematic violence against female victims.(Maulida & Khofifah, 2024) Referring to the Declaration of Vienna about Femicide (2012), frequent femicide found in Indonesia, based on research by the National Commission on Violence Against Women in 2020, includes: consequences, violence, housewife partner or intimate partner, torture, and misogynistic murder, murder on an “honorary” name, as well as related to sexual orientation and gender identity. This shows that women are still considered a second-class gender (second-class gender), so that prone to becoming victims of murder by a patriarchal man. Many cases of domestic violence also show that women are still shackled in domestic roles, while men hold more power in public and intimate settings. (Maulida & Khofifah, 2024).

The urgency of legal protection against femicide is reflected in international instruments protecting victims. These include the Universal Declaration of Human Rights (UDHR), particularly Article 5, which prohibits torture or cruel, inhuman, or degrading treatment or punishment; and the International Covenant on Civil and

Political Rights (ICCPR), particularly Article 6 on the right to life and Article 7 on freedom from torture and cruel, inhuman, or degrading treatment. (Mardhiah, 2021). Also relevant is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which prohibits gender based discrimination and mandates that states take legal measures to prevent violence against women, including femicide. (Maulidiana, 2025). As well as the role of UN Women in the implementation of policies, such as the Law for a Life Free of Violence against Women, for the support, protection, and empowerment of women (Rea Abada Chiongson, 2010).

Meeting results and recommendations internationally show global commitment to end femicide, such as Recommendations at the Meeting Beijing+25 Regional Review (2019) and call UN Secretary General (2020), which encourage the formation of a multidisciplinary national body and strengthening protection laws for women. (Mardhiah, 2021) Although not yet, there is an international instrument of law specifically for femicide protection integrated into anti-discrimination and rights instruments, and through national and international recommendations. (Sooai et al., 2025) Commitment: This is in line with Sustainable Development Goal (SDG) 16.1 on the elimination of violence and death against women. (Komnas Perempuan, 2021b)

Indonesia currently has no regulation specific to femicide as a gender-based crime; femicide cases are processed under the Criminal Code's general murder provisions and other laws, without gender motive being treated as a distinct factor. Justice (Hakim Agung) Ainal Mardhiah of the Supreme Court of the Republic of Indonesia stated in a research interview on 20 August 2025 that femicide is a relatively new term in Indonesia, alongside a rising number of killings of women:

“The term femicide emerged with the introduction of Diana Russel in 1976, when she defended a woman in a murder case. Femicide is the murder of a woman. However, not all murders of women are considered femicide. Instead, they are preceded by other acts such as domestic violence. Femicide is the most extreme form of criminal activity against women. Investigators should be able to classify cases as femicide from the outset. However, in Indonesia, there are no specific regulations regarding femicide. However, in Indonesia, there is no specific regulation for femicide, so severe penalties have so far been applied only in extreme cases.”

In the group discussion with Judicial Justices at the Supreme Court's Center for Legal and Judicial Policy Strategy on 21 August 2025, Judicial Justice Djoni Witanto stated that “formally, gender-based cases are resolved based on Supreme Court Regulation No. 3 of 2017 on Guidelines for Adjudicating Cases Involving Women in Conflict with the Law.”

In the same group discussion, Cecep Mustafa explained three models of femicide criminal policy used elsewhere:

“First, the autonomous criminal offense model, which defines femicide as a distinct crime separate from ordinary homicide due to its classification as a particularly heinous act; this model is widely adopted in Latin American countries and entails special investigative procedures. Second, the aggravating factor model, wherein femicide remains encompassed by existing homicide provisions, but a gender-based motive is treated as an aggravating factor during sentencing; this model is easier to integrate but carries less symbolic weight, as seen in Spain, Argentina, and Canada. Third, the gender-based violence legislation model, in which femicide is addressed within a broader legal framework for gender-based violence that emphasizes state obligations regarding prevention, protection, and investigation, without establishing a new criminal offense; this model is more prevention-oriented but weaker in terms of law enforcement, as femicide is not categorized as a distinct crime. Regarding current law enforcement, when viewed from both normative and empirical perspectives, Indonesian practice follows the second model, treating gender as an aggravating factor.”

**Judge Ari Gunawan, in the same group discussion, added:**

“Femicide is not yet treated as an extraordinary crime in the same way as narcotics offenses; however, law enforcement needs to pay greater attention to victims' rights, such as restitution or compensation.”

These perspectives highlight various facets of the same issue, rather than simply asserting a single, consistent claim that gender-based motives are absent from Indonesia's criminal justice process. Mardhiah's explanation outlines the lack of a specific criminal offense for "femicide" and the resulting absence of mandatory provisions requiring law enforcement to identify gender-based motives. Meanwhile, Cecep Mustafa points out that when a gender-based motive is successfully identified, it can already be accepted as an aggravating factor for sentencing under the existing homicide provisions of the Criminal Code. When these two views are juxtaposed, the core issue in Indonesia emerges not as a total lack of legal basis, but rather as inconsistency in the identification and application of gender-based motives during the investigation and trial stages a distinction that lies at the heart of this study's recommendations-as opposed to resolving the matter by reverting to the generalized claim that gender issues are completely excluded from the process.

The absence of a dedicated chapter or reporting category for femicide means that patterns of gender-based violence underlying many killings often go unrecognized by authorities and law enforcement. These frequently overlook factors such as gender, sexual violence, or prior persecution when handling cases, resulting in a response to both perpetrators and victims that is less fair and less responsive than it should be.

In the absence of specific criminal provisions regarding femicide (the killing of women), Indonesian courts and prosecutors rely on various existing general provisions in practice. Homicide is most frequently charged under the provisions of the Criminal Code (KUHP): Article 338 (ordinary homicide, punishable by up to 15 years in prison), Article 339 (homicide accompanied by another criminal offense, punishable by life imprisonment or up to 20 years), and Article 340 (premeditated murder, punishable by death, life imprisonment, or up to 20 years). If death results from assault rather than an intent to kill, prosecutors invoke Articles 351(3), 353(3), 354(2), and 355(2) of the Criminal Code (assault, premeditated assault, and aggravated assault resulting in death), or Articles 304–306 (abandonment resulting in death). Sexual violence resulting in death may be charged under Article 291(2) in conjunction with Articles 285–290 of the Criminal Code; the killing of a newborn by the mother is specifically regulated under Articles 341–342; and death resulting from abortion may involve Article 75 of Law Number 36 of 2009 concerning Health, Article 45A of the Child Protection Law, as well as Articles 346–349 and 449 of the Criminal Code. Violence against children is charged under Articles 76C–76D of Law Number 35 of 2014 concerning Child Protection. None of these provisions establish a gender-based motive as an element of the offense or a mandatory aggravating factor; if such a motive is considered, it rests entirely on the judge's discretion during sentencing. This confirms specific legal details of the pattern qualitatively described by earlier informants: while current laws can procedurally accommodate gender-motivated murder cases, they do not mandate the specific identification or weighting of that motive. This is the specific gap this study's recommendations should target rather than a general claim that the law is silent on the subject.

To understand the importance of addressing femicide in Indonesia, it is necessary to see the policy laws of countries that have handled violence against women in their systems. Research by the National Commission on Violence Against Women shows that although few countries have a legal definition of femicide, some countries have adopted their own elements to classify murder as femicide. Nicaragua is one of the first countries with a law on femicide, which appears from the ratification of the 1994 Inter-American Convention on the Prevention, Punishment, and Elimination of Violence against Women. This allows the state to be held accountable if it fails to prevent, investigate, or punish violence, both by state and non-state actors, in private or public spaces. A similar example is seen in Nicaragua, Guatemala, and Mexico.

In the late 1990s, almost all Latin American countries ratified the convention and validated a new Constitution for the House of Violence. The women's movement in Nicaragua, such as the Maria Elena Cuadra Women's Movement, is pushing for the ratification of the law on violence against women. In 2012, Nicaragua confirmed the Ley Integral Contra La Violencia Hacia Las Mujeres (Law 779), governing femicide in Article IX. Punishment for femicide in public space is 15-20 years' imprisonment; in a private room, 20-25 years; and a maximum of 30 years If There are two or more conditions. Established 17 special courts and a special prosecutor for the case. However, in practice, the definition of femicide was reduced for the country's image, so that many victims did not get justice.

Guatemala has a framework law on femicide. The rise in the murder of women pushed the ratification of the Law Against Femicide and Forms of Violence Against Women 2008 (Decree 22-2008), which defines and criminalizes femicide with punishment up to 50 years without reduction. This arrangement assigns a role to state institutions in prevention and action, as well as the rights of women. Guatemala became the first country with a special court for gender-based violence gender- based in 2010 (Rainy Maryke Hutabarat et al., 2022).

Mexico's approach to femicide evolved in tandem with the 1994 Inter-American Convention. The General Law on Women's Access to a Life Free of Violence (2007) established a broad framework regarding the state's obligation to prevent, address, and eliminate gender-based violence, including femicide, as cited in Article 21; yet the law neither defined the specific criminal offense nor prescribed legal sanctions for it. The federal crime of femicide, along with the 40-to-60-year prison sentence applicable at the time the cited sources were published, was introduced separately via Article 325 of the Federal Penal Code in 2012. Implementation of both instruments continues to face obstacles, particularly in cases where the perpetrator holds a position within the state apparatus.(Rainy Maryke Hutabarat et al., 2022).

In addition to the aforementioned Latin American countries, informants from Indonesia also pointed to the "aggravating circumstances" model applied in Spain, Argentina, and Canada (see Cecep Mustafa's explanation above). Given this, the question arises as to whether establishing a distinct offense in Indonesia would automatically provide stronger protection than the aggravating circumstances model currently in use there.

**According to Devi Rahayu, Commissioner of Komnas Perempuan for 2025-2030, in a research interview:**

"There are currently no specific provisions regarding femicide (the killing of women) in the Criminal Code (KUHP); however, the motive of femicide should be included as an aggravating factor in homicide cases. This is crucial because femicide represents the most extreme form of gender-based violence, carrying specific consequences for women, who are highly vulnerable to it."

Despite the continuing rise in femicide cases in Indonesia, law enforcement practices have largely remained unchanged and lack specific protections. Legal proceedings are often overly formalistic, treating these incidents as ordinary homicides without investigating the underlying domestic violence, sexual violence, or gender-based violence; judges, prosecutors, and police tend to focus solely on the loss of life, failing to examine the preceding patterns of violence and systemic discrimination.

**Devi Rahayu explained in the same interview:**

"The understanding of femicide has not been integrated into normative legal regulations, so a gender perspective is not applied. Without specific regulations, it is difficult to require law enforcement officials (APH) to use it as a basis. The solution is to increase the capacity of APH through a gender perspective, so they can examine the victim's position holistically, exploring facts such as power relations, histories of domestic violence, threats, manipulation, and sexual exploitation. This way, they can apply relevant articles from the Criminal Code, the Domestic Violence Law, the Human Trafficking Law, the Child Protection Law, and the Women's Empowerment and Child Protection Law, with specific penalties for femicide."

Indonesia's criminal registration system does not disaggregate data by gender, so data on gender motives in the murder of women is still inadequate. Data collection is still based on police data without gender disaggregation. Siti Aminah Tardi, who once raised the issue of femicide with Komnas Perempuan, formerly of Komnas Perempuan, stated in a research interview:

"Femicide differs from ordinary murder because of its gender-based motivation, which differs from the motives of criminal acts in general. This is based on experience and research by UN Women and UNODC. The motives for criminal acts, including gender-based motivation, are referred to as the 3+8 criteria, which constitute femicide. This differs from the criteria outlined by Komnas Perempuan, such as sadism and other

factors, which were used before 2022. The 3+8 indicator only emerged in 2022. The 3+8 indicator relates to power relations, including intimate femicide, family femicide, and femicide outside the intimate and family member categories. The 8, on the other hand, includes victims who have experienced various forms of violence, victims who are deprived of liberty, victims who have experienced sexual assault, murder in the sex industry, in the context of human trafficking, hatred of women, sadism, and victims who were displaced from the place of murder. This is what distinguishes femicide from ordinary murder. Meanwhile, our criminal law registration system does not discriminate by gender. The data collection system still refers to police data, which has not yet been compiled. Conducting case sorting by gender. Although data collection on femicide cases can actually be identified, for example, it can be seen through the investigation report (BAP), which provides a chronological description so that cases can be identified using the femicide indicators formulated by the National Commission on Violence Against Women. Another challenge in the data collection system is that guidelines for compiling international femicide statistics were only available in 2022. These guidelines were published by UN Women and UNODC at a request from the UN Council. Given the newness of these recommendations, the issue of femicide has not yet been integrated into policies in ministries/agencies."

Maidina Rahmawati of the Institute for Criminal Justice Reform (ICJR), in a research interview on 22 August 2025, stated that "ICJR emphasizes awareness and data collection on femicide, not just criminalization, with attention to the pattern of violence within relationships that precedes it, and that authorities should commit to seeing the series of violence that leads to femicide." Devi Rahayu added that there is no specific data collection, so official data is minimal. And that Komnas Perempuan's own monitoring of media reporting is the main source tracking the rise in cases.

A systematic analysis of Supreme Court rulings on this matter is challenging because Indonesian law lacks an official definition of femicide, and the Supreme Court's judgment directory does not employ the term. To address this, Komnas Perempuan analyzed the directory for rulings concerning the deaths of women between 2015 and 2022, utilizing proxy keywords such as "wife murder," "wife abuse," and "victim was a wife." This search yielded 100 cases involving the death of a wife; further screening narrowed this figure to 15 cases categorized as intimate partner femicide, 60 percent of which occurred within the home (Rainy Maryke Hutabarat et al., 2022). As Indonesian law does not yet recognize femicide as a distinct criminal offense, these cases are prosecuted under the Law on the Elimination of Domestic Violence (UU PKDRT) and general provisions regarding assault and homicide in the Criminal Code (KUHP), rather than under specific legislation. Intimate partner femicide cases are also frequently linked to pregnancy, infidelity, jealousy, and cultural norms shaped by gender relations that view women as property; in the absence of specific criminal provisions, such cases continue to be prosecuted under general homicide statutes. (Komnas Perempuan, 2021c). Research by Komnas Perempuan on femicide notes that the term remains relatively unfamiliar in Indonesia; it recommends the use of detection tools based on domestic violence reports to protect victims from revictimization, and recommends that the media, in reporting cases of femicide, focus more on the angle that looks at the victim to identify various forms of gender-based violence.

The handling of femicide as a criminal offense in Indonesia remains inadequate, and relevant institutional mechanisms have yet to show significant improvement, even though the phenomenon is increasingly recognized internationally as a crime against women with distinct patterns, one that several countries have even addressed through specific legislation. Addressing femicide from a policy perspective requires comprehensive attention to substantive, structural, and cultural aspects, grounded in the understanding that such killings are not ordinary incidents but rather sadistic acts driven by gender-based factors.

Indonesia's general criminal justice policy, which lacks specific instruments addressing femicide (the killing of women), does not yet fully accommodate a gender perspective. In this context, criminal justice policy must be understood as a state effort to identify, prevent, and address violence rooted in gender inequality and patriarchal dominance.

Law enforcement efforts need to be accompanied by social initiatives and policies that view femicide as a multidimensional issue, addressing root causes rather than relying solely on criminal sanctions, and must be

supported by a gender-responsive criminal justice policy oriented toward inclusive protection for female victims of femicide.

**Impact of Criminal Femicide Policy on the Protection of Women's Rights in Indonesia**

Indonesia has grappled with gender-based violence for decades, with femicide, the killing of women driven by gender factors or patriarchal power imbalances, representing its most extreme manifestation. Femicide has not yet been fully recognized as a distinct criminal offense within criminal law policy. The consequences are far-reaching; it not only harms victims and their families but also serves as an indicator of systemic weaknesses in the protection of women's fundamental rights.

Currently, Indonesia lacks positive law that explicitly categorizes femicide (the killing of women) as a distinct criminal offense with its own specific legal provisions. Law enforcement authorities still treat femicide as an ordinary homicide case; consequently, the motive, mode, and gender-based relationship are often not made into a basis for punishment or part of the case analysis.

In Indonesia, femicide is still classified as a general criminal offense, without the gender dimension being factored into sentencing decisions. As a result, protections for victims remain severely limited and inadequate. While Komnas Perempuan has noted developments regarding femicide cases, there is still no regulation explicitly addressing it within the criminal justice system. Perpetrators are often prosecuted solely for homicide, without regard for the specific nature of the violence inherent in gender-based femicide.

Available data indicate that the definition and sentencing provisions regarding femicide have not yet been fully integrated into Indonesia's national legal system. This raises serious concerns: many killings of women that ought to be categorized as femicide stemming from misogyny or gender inequality are instead processed as ordinary homicide cases, meaning perpetrators may not receive sentences commensurate with the gender-based violence underlying the crime. The high prevalence of violence against women, coupled with the absence of specific provisions for femicide, represents a glaring gap; however, this fact alone does not prove that specific homicide cases have been misclassified or met with overly lenient sentences. Demonstrating this would require a systematic comparison between sentences handed down in gender-motivated homicide cases and those in similar cases lacking such a motive, an analysis that falls outside the scope of the case material available in this study. Consistent with these limitations, the review of practices in this research report finds that gender motives, the perpetrator's history of violence, and power dynamics between the perpetrator and the victim generally do not feature as aggravating factors in sentencing or as elements of case analysis in current practice; consequently, killings amounting to femicide continue to be recorded and handled merely as ordinary crime statistics. These findings are presented as an institutional assessment based on a qualitative review of cases, rather than as quantitative evidence that specific individual sentences were unduly lenient; nevertheless, they underscore the importance of integrating femicide into national law to facilitate prevention and ensure victims' access to appropriate forms of justice. (Ramadhan & Sulistyawan, 2024)

Law enforcement regarding femicide in Indonesia faces significant challenges. Police officers and other officials often lack an adequate gender perspective and tend to blame the victim, which in turn exacerbates trauma and hinders victims' access to justice and protection. Indonesia's criminal record-keeping system has not yet adopted femicide as an indicator; consequently, national case data remains scarce and unrepresentative, complicating the formulation of effective policies. Komnas Perempuan is advocating for the inclusion of femicide as an indicator in legal case recording systems to support systematic data collection and case mapping.

In terms of policy, Indonesia has made progress through instruments such as the 1945 Constitution, the Law on Sexual Violence Crimes (UU TPKS), the Child Protection Law, and the Law on the Elimination of Domestic Violence. However, there are currently no specific provisions recognizing femicide as a criminal offense with aggravating factors a gap that various parties, including Komnas Perempuan, have recommended addressing by explicitly criminalizing femicide as a gender-based crime or by establishing gender as an aggravating factor in sentencing.

Femicide impacts not only the individual victim but also the surviving family; their lives, including their mental well-being and economic circumstances, can undergo significant changes. Several countries, such as Mexico, the Netherlands, and the United Kingdom, have implemented compensation and recovery policies for the families of homicide and femicide victims; these measures include psychosocial support, peer support, and financial assistance to aid recovery and prevent the families from falling into poverty. (Komnas Perempuan, 2021c).

**Devi Rahayu from Komnas Perempuan stated in a research interview:**

"Because the concept of femicide has not been incorporated into normative legal provisions, law enforcement officials do not apply a gender perspective, nor are there specific regulations mandating its use as a basis for handling cases. A necessary step is to build the capacity of officials to identify femicide and view the victim's situation holistically, including power dynamics, histories of domestic violence, threats, manipulation, and sexual exploitation, so that legal provisions incorporating gender-based aggravating factors can be applied under the Criminal Code (KUHP) and laws regarding the Elimination of Domestic Violence (PKDRT), Human Trafficking (TPPO), Child Protection, and Sexual Violence Crimes (TPKS). Komnas Perempuan has conducted training for law enforcement officials to support the implementation of the PKDRT and TPKS laws through the application of a gender perspective."

**Rr. Sri Agustini from Komnas Perempuan, in a research interview on August 22, 2025, added:**

"Law enforcement officials should treat gender as an aggravating factor in femicide cases. However, due to the absence of specific regulations, such cases are still processed under general legal provisions. Deterrence and social sanctions also need to be strengthened. In principle, femicide can be minimized if the substantive law exists and is effectively enforced, although in practice, implementation often remains inadequate."

Siti Aminah Tardi notes that the majority of femicide cases occur within domestic and intimate relationships. However, femicide in this context is not specifically addressed in the Law on the Elimination of Domestic Violence, resulting in minimal protection for victims.

Beyond its legal dimension, femicide is also a cultural issue shaped by strong patriarchal norms in Indonesia. Addressing it requires educational efforts and a shift in social norms to foster gender justice and eliminate gender-based discrimination and violence; the state's response must encompass protective measures across social, educational, and economic spheres, such as providing safe houses and counseling services for victims rather than being limited solely to law enforcement.

As a state grounded in Pancasila and the 1945 Constitution, Indonesia guarantees protection and security for everyone. Although legal protections for victims of violence exist, specific protections addressing femicide as a criminal offense remain inadequate; while various provisions ranging from the 1945 Constitution to the Law on the Protection of Witnesses and Victims regulate victims' rights to restitution and protection, these aspects must be distinguished based on the intended beneficiaries: prevention and protection target those facing ongoing threats of danger; support for victims' families addresses those affected after a death has occurred; and restitution and compensation require a distinct analysis of rights and enforcement mechanisms to ensure that the general term "victim recovery" does not obscure exactly whose needs are being addressed.

Restitution is specifically regulated under Article 7A paragraph (1) of Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 on the Protection of Witnesses and Victims, which grants victims of criminal offenses the right to compensation for the loss of property or income, suffering directly caused by the offense, and medical or psychological treatment costs. Applications may be submitted either before or after a court verdict becomes final and binding through the Witness and Victim Protection Agency (LPSK); the LPSK may request the public prosecutor to include restitution in the indictment or directly petition the court for a restitution order. In cases where the victim has died, such as in instances of femicide, the right to restitution passes to the victim's family as their heirs.

Feminist theory now acknowledges that intersecting systems of oppression shape women's lives, with intersectionality serving as a key approach to understanding how these systems interact across diverse identities and social positions. In line with this, the research report underpinning this discussion notes that Indonesia's current criminal justice policies overlook the varying vulnerabilities of victims and that an intersectional perspective encompassing social class, ethnicity, religion, and sexual orientation is generally absent from law enforcement policies that claim to protect women as a vulnerable group. The application of a feminist perspective within international law has evolved: early international law was shaped by a male-dominated international community, resulting in inequalities stemming from women's limited participation. However, the gender-based approach in international law has undergone substantial changes since then. (Dewantary & Endut, 2022).

However, weaknesses persist regarding the recognition and protection of the rights of femicide victims, a lack of legal certainty, and inadequate data collection. These issues often deny victims and their families substantive justice and leave vulnerable women exposed to repeated and prolonged trauma, a situation that contravenes the principles of non-discrimination and the recognition of fundamental rights guaranteed by the Constitution and international conventions ratified by Indonesia.

Criminal policies concerning femicide have a significant impact on the protection of women's rights in Indonesia, and the shortcomings in recognizing and protecting victims' rights stem from several factors. First, law enforcement officials often lack a gender perspective, leading to femicide cases being treated as ordinary crimes without special consideration. Second, because the criminal justice system does not specifically categorize femicide, perpetrators are punished under general homicide provisions without regard for gender-based motives, histories of violence, or power dynamics factors that could otherwise justify harsher penalties; consequently, victims and their families are deprived of substantive justice. Third, the absence of data disaggregated by gender, motive, or the relationship between perpetrator and victim hinders the mapping of femicide patterns and data-driven prevention efforts, while also disregarding victims' rights to redress and restorative justice.

The resulting lack of legal certainty often leaves female victims and their families without access to legal, social, and economic justice; weak regulations heighten the risk of revictimization and prolonged trauma, running counter to the principles of non-discrimination and women's human rights as guaranteed by the Constitution and international conventions ratified by Indonesia.

## CONCLUSION/CONCLUDING REMARKS

Femicide is the killing of women based on gender, driven by societal attitudes of superiority, dominance, and misogyny. Media monitoring conducted by Komnas Perempuan, as cited by Devi Rahayu in this study, indicates 95 cases in 2020, 237 in 2021, 307 in 2022, and 159 in 2023. This pattern shows fluctuations rather than a simple linear annual increase and reflects the scope of media coverage rather than the exact number of verified incidents; furthermore, the data spans a period during which Komnas Perempuan’s identification criteria changed (the "3+8" framework was adopted in 2022). Nevertheless, cases identified as femicide have been recorded in Indonesia in recent years, often perpetrated by intimate partners with motives involving jealousy and perceived affronts to masculinity. Consequently, this study does not claim that femicide rates are rising annually, as the available monitoring data does not support such a claim, nor was it collected using a consistent methodology throughout the period. Instead, the evidence indicates that femicide reflects women's vulnerability even within their own homes and that the lack of specific data collection and adequate regulations hinders effective prevention and response efforts.

Current criminal policies regarding femicide undermine the recognition and protection of victims' rights. The limited application of a gender perspective in law enforcement results in femicide being treated as an ordinary crime, without regard for gender-based motives, histories of prior violence, or power dynamics. The absence of data disaggregated by gender and motive leaves the issue under-documented, failing to uphold the rights of victims and their families; Weak regulations further undermine legal certainty and leave victims vulnerable to

repeated violence and prolonged trauma, contrary to the principles of non-discrimination and the guarantees of human rights enshrined in the Constitution and ratified international conventions.

The empirical basis of this study is limited to the perspectives of institutional experts, law enforcement officials, commissioners from the National Commission on Violence Against Women (Komnas Perempuan), and civil society representatives; it does not include a systematic dataset of court rulings on femicide cases. The court rulings cited above are illustrative rather than representative samples. Therefore, these findings should be understood as an overview of how these experts characterize the issue and the institutional response to it, rather than a comprehensive empirical picture of practices at the national level.

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(Given that the names and quoted statements of the resource persons, along with their institutional positions, are included in both the report and this manuscript, the authors wish to clarify—based on the actual procedures followed—the nature of the consent provided by each informant regarding participation, recording, translation, and publication with identity disclosure: specifically, consent obtained through official institutional correspondence regarding interview requests).

**Conflicts of Interest**

The authors declare no conflicts of interest regarding the publication of this legal article.

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