

Protection Of Women's Rights in Marriage from The Perspective of Islamic Law and Criminology: A Study of Domestic Violence in Merangin Regency

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ABSTRACT

*This study examines the protection of women's rights within marriage through the integrated lens of Islamic law and criminology, with a focus on domestic violence (KDRT) cases in Merangin Regency, Jambi Province. Employing a qualitative normative-empirical approach, data were gathered through in-depth interviews with victims, law enforcement officers, Islamic legal scholars, and relevant government officials, supplemented by documentary analysis of court decisions, institutional reports, and applicable regulations. The findings reveal that KDRT in Merangin exhibits escalatory, cyclical, and multidimensional patterns, predominantly perpetrated by husbands who exploit asymmetric power relations rooted in patriarchal gender constructions. Implementation of Law No. 23 of 2004 on the Elimination of Domestic Violence faces significant structural barriers, including delayed reporting, revictimization, distorted interpretations of *qiwāmah*, and inadequate inter-institutional coordination. From an Islamic legal perspective, all forms of domestic violence fundamentally contradict the principles of *mu'āsyaarah bil ma'rūf, maqāṣid al-syarī'ah*, and the universal prohibition of *zulm*. The study concludes that effective protection requires simultaneous transformation across legal, cultural-religious, and institutional dimensions, wherein Islamic law and positive law mutually reinforce rather than contradict one another.*

Keywords: Domestic Violence, Women's Rights, Islamic Law, Maqāṣid Al-Syarī'ah, Criminology

INTRODUCTION

The institution of marriage in Islam cannot be perceived merely as an ordinary social contract; rather, it constitutes a sacred covenant that is theologically referred to as *mitsāqan ghalīẓan*, a strong and binding agreement imbued with profound moral responsibility (Hidayah, 2020). The foundation of this marital bond is built upon the values of *mawaddah* (love) and *rahmah* (compassion), as emphasized in the Qur'an, Surah Ar-Rum, verse 21, which places the relationship between husbands and wives within the framework of a covenantal relationship that requires ethical equality and mutual respect for rights. In this context, women as wives are normatively protected in their rights, including the right to *mahr* (dower), material and spiritual maintenance, fair treatment, and access to legal protection when these rights are violated.

Furthermore, the framework of *maqāṣid al-sharī'ah*, as formulated by Abu Ishaq Al-Shatibi, emphasizes that marriage is an institution that, teleologically, aims to safeguard the protection of life (*ḥifẓ al-nafs*), lineage (*ḥifẓ al-nasl*), and the overall welfare of the family (*al-Syatibi, n.d.*). Therefore, the protection of women within marriage is not merely a social issue but rather a normative mandate inherently embedded in the principles of Islamic justice. The noble position of women in Islam is also affirmed by Kharismawati (2022), who states that Islam structurally positions women as dignified legal subjects entitled to protection in every aspect of life, including marital and family life.

However, there is a sharp contradiction between these normative ideals and the empirical realities in the field. Domestic violence against women remains a persistent phenomenon, even within Muslim communities. Data from the Badan Pusat Statistik show that cases of domestic violence in Indonesia have fluctuated worryingly, increasing from 8,104 cases in 2020 to 11,524 cases in 2024—a significant surge in the last two years that indicates unresolved structural problems (Ainah, 2022). In Merangin Regency, a similar phenomenon has occurred, with the number of domestic violence cases tending to rise based on data from the Dinas Pemberdayaan Perempuan dan Perlindungan Anak. This condition reflects a deep gap between Islamic normative principles that protect women and social practices that remain heavily influenced by patriarchal domination and domestic violence.

Indonesia already has a positive legal instrument in the form of Law Number 23 of 2004 concerning the Elimination of Domestic Violence (KDRT) as a legal umbrella to protect victims of domestic violence. However, the implementation of this regulation at the local level, particularly in Merangin Regency, still faces various structural and cultural obstacles. Law enforcement officials often view domestic violence as a private matter that the state should not intervene in, a perspective that aligns with misguided socio-religious norms and contradicts the spirit of Islamic law itself (Hilmi, 2023). This condition indicates a failure in the praxis of Islamic law: the values of *rahmah* (compassion) and justice do not function as ethical energies that encourage the protection of victims. Instead, they are reduced by a culture of compromise and social stigma.

Previous studies on domestic violence have generally focused on structural and psychosocial factors, such as economic dependency, unequal power relations, and the lack of institutional support for victims (Amin, 2014). However, most of these studies have not examined in depth the failure to internalize the normative values of Islamic law in social practice and marital relations. The absence of critical analysis of this normative–religious dimension contributes to the continued cultural and religious legitimization of domestic violence. In particular, the conceptual distortion of the teaching of *qiwāmah* the leadership of the husband in the household is often used to justify violence, even though the concept is substantively oriented toward responsibility and protection rather than absolute domination (Lubis, 2022).

In contrast, a criminological approach provides an important perspective; however, it is often separated from juridical–religious analysis. In criminological studies, domestic violence is understood as a crime produced by asymmetric power relations, discriminatory gender constructions, and manipulated religious legitimacy. Integrating this perspective with Islamic and positive law will produce a more comprehensive and contextual analysis. This academic gap has not been adequately addressed, particularly in the local context of the Merangin Regency. Departing from these conceptual and empirical gaps, this study aims to: first, identify the forms and patterns of domestic violence and their criminological characteristics in Merangin Regency; second, analyze the implementation of legal protection for women victims of domestic violence from the perspectives of Islamic and positive law; and third, identify the factors that hinder and support the protection of women victims of domestic violence. Methodologically, this research employs an integrative juridical–normative and criminological approach, with the hypothesis that the failure to protect women in Merangin Regency does not lie in the substance of sharia norms, but rather in the distortion of interpretation, failure to transmit religious values, and structural weaknesses of law enforcement institutions. Thus, this research is expected to offer a more just and practical conceptual reconstruction for realizing the protection of women in line with the spirit of Maqāṣid al-Sharī'ah and the principles of universal human rights.

RESEARCH METHODS

This study employs a qualitative approach with a normative-empirical type, which simultaneously examines law as a norm (*law in books*) and law as a social practice (*law in action*). Methodologically, this approach is combined with an interdisciplinary perspective that integrates Islamic law and criminology, enabling an analysis that is not merely normative but also capable of explaining the gap between the ideal principles of Sharia and the reality of domestic violence experienced by women (Lestari, 2024). The choice of this design is based on the view (Creswell & Poth, 2018) that a qualitative approach is most appropriate for understanding socio-legal phenomena that are complex, contextual, and full of power relations.

This study was conducted in Merangin Regency, Jambi Province, which was selected because of its representativeness in reflecting social dynamics, patriarchal cultural patterns, and the challenges of legal protection for women victims of domestic violence. The study focuses on the protection of women's rights in marriage involving victims of domestic violence, examined through an integrative perspective of Islamic and positive law.

Data sources are divided into primary and secondary data (Pradoto, 2020). Primary data were obtained through in-depth interviews with informants selected purposively, including victims of domestic violence, law enforcement officers (police, prosecutors, and judges), representatives from women's and children's protection institutions, Islamic law experts, and related regional government officials. Secondary data were obtained from Islamic legal literature (the Qur'an, hadith, and fiqh books), statutory regulations particularly Law Number 23 of 2004 concerning the Elimination of Domestic Violence and Law Number 16 of 2019 concerning Marriage as well as annual reports from the National Commission on Violence Against Women (Komnas Perempuan) and statistical data on domestic violence from relevant institutions (Yulia, 2019).

Data were collected through three main techniques. First, semi-structured interviews were employed to provide dialogical flexibility, allowing informants to express their experiences in a reflective and in-depth manner. Second, documentation of court decisions, institutional reports, and applicable regulations was conducted to trace the gap between ideal norms and their empirical implementation (Sugiyono, 2013). Third, observations of court proceedings and victim assistance services were conducted to verify how legal protection mechanisms are implemented in practice.

Data analysis was conducted integratively through four stages: (1) normative analysis of Islamic law based on the principles of *mu'āsarah bil ma'rūf*, *maqāṣid al-syarī'ah* (particularly *hifz al-nafs* and *hifz al-'irdh*), and the prohibition of injustice; (2) analysis of positive law concerning the implementation of the Domestic Violence Law at the local level; (3) criminological analysis of structural and cultural factors contributing to domestic violence; and (4) a synthesis between Islamic law and positive law to identify normative intersections that can mutually strengthen the protection of women. Data validity was ensured through source and method triangulation, as recommended in contemporary qualitative research standards.

RESULTS AND DISCUSSION

Description of Research Location

Merangin Regency is one of the regencies in Jambi Province that was established based on Law Number 54 of 1999, with its capital in Bangko, located approximately 256 km from Jambi City. Geographically, this region lies at coordinates 101°32'39"–102°38'35" East longitude and 1°39'23"–2°46'9" South latitude, covering an administrative area of 7,554.24 km², which is divided into 24 sub-districts, 205 villages, and 10 urban villages, with a recorded population of approximately 368,389 people in 2023 (BPS Merangin Regency, 2024). The majority of the population adheres to Islam and earns their livelihood in the agriculture and plantation sectors, with customary institutions that still function actively in resolving social conflicts. In the context of this study, the Merangin Police Resort (Polres Merangin), located on Jalan Jenderal Sudirman Km. 2, Bangko, serves as the main law enforcement institution with a vision to create a safe, comfortable, and productive society. It also oversees eight sector police offices (Polsek) spread across all sub-districts to ensure accessible legal services for the community.

Research result

Forms and Patterns of Domestic Violence in Merangin Regency

The phenomenon of domestic violence (KDRT) in Merangin Regency demonstrates a complex, layered, and multidimensional character. Data from community complaint reports (*DUMAS*) at the Merangin Police Department show a consistent increase: 80 cases throughout 2023, rising to 98 cases in 2024, and 61 cases recorded only during the period January to October 2025 (Documentation of the Merangin Police, 2026). When combined with formal police reports, 25 police reports (LP) were recorded in 2023, increasing to 34 LPs in 2024, and reaching 25 LPs by October 2025. This trend does not merely reflect an increase in the number of cases but also indicates growing courage among victims to report incidents and increasing public trust in formal legal mechanisms. Substantively, physical violence is the most dominant form of domestic violence reported, including acts such as hitting, slapping, kicking, and assault that often result in injuries

requiring verification through *visum et repertum*. However, more concerning is the fact that such violence rarely occurs as a single incident. An investigator from the Women and Children Protection Unit (PPA) of the Merangin Police explained: *"Most domestic violence cases we handle initially begin with reports of physical violence. However, after further investigation, it almost always emerges that the violence has occurred repeatedly; the victim only reports it when the physical injuries become severe enough or can no longer be concealed."* (Interview, February 15, 2026).

Although the least frequently self-reported, psychological and verbal violence form the foundation of more severe forms of violence. This pattern was revealed by an officer from the Merangin Police Department: *"Psychological violence is actually present in almost every domestic violence case. However, it is rarely reported separately. Victims generally only report when physical violence has already occurred, even though verbal abuse and threats have been happening for a long time."* (Interview, February 16, 2026). Data from 2024 to 2025 also show a sharp increase in cases of sexual violence within households, including forced sexual intercourse that many victims still perceive as a "marital obligation." A police investigator explained: *"In cases of sexual violence, many victims initially do not realize that it constitutes a criminal offense. They assume it is their duty as a wife. After we explain the criminal elements, victims begin to understand that forced sexual intercourse is also considered domestic violence."* (Interview, February 16, 2026). Neglect and economic violence further complete this dimension, taking the form of refusal to provide financial support, prohibition from working, and unilateral control over joint marital assets.

From the perspective of patterns, domestic violence cases in Merangin Regency tend to be escalative and cyclical. Investigators explained, *"From our examination results, almost all domestic violence cases that come to us begin with verbal abuse and threats. Physical violence usually occurs later, after the perpetrator feels they have full control over the victim."* (Interview, February 16, 2026). This cycle of violence is reinforced by economic dependency and social pressure: *"Victims usually come to report only after the violence has occurred repeatedly. They endure it because of their children and economic reasons. When they finally report the case, the condition is already quite severe, both physically and psychologically."* (Interview, February 16, 2026). From a criminological perspective, the perpetrator–victim relationship shows that the perpetrators are mostly the victims' legal husbands who possess economic and social dominance: *"Most perpetrators are the victims' legal husbands. During the examination, it is very clear that there is an unequal power relation. The perpetrator feels entitled to fully control the wife, both economically and behaviorally, and this is where violence often arises."* (Interview, February 17, 2026). Factors such as jealousy, economic pressure, and alcohol consumption often become situational triggers, as acknowledged by investigators: *"Economic problems almost always appear in domestic violence cases. When perpetrators do not have a stable income or are facing economic hardship, their emotions become unstable, and violence easily occurs."* (Interview, February 20, 2026). Patriarchal gender constructions further aggravate this situation; some perpetrators even use the concept of *qiwāmah* to justify their dominance: *"Some perpetrators believe that what they are doing is reasonable because they consider themselves the head of the household. They do not understand that violence, in any form, remains a criminal offense."* (Interview, February 17, 2026).

Implementation of Legal Protection for Female Victims of Domestic Violence from a Positive Legal Perspective

The implementation of Law Number 23 of 2004 on the Elimination of Domestic Violence (Indonesia) in Merangin Regency has become the normative foundation for the Merangin Police in handling cases of domestic violence. Formally, the reporting process refers to Articles 26 and 27 of the law; however, in practice, most reports are only filed after violence reaches a serious level. An investigator from the Merangin Police stated, *"According to the regulations, victims can report at any time. However, in reality, victims usually come forward after the violence has occurred repeatedly and has become quite severe. Many only dare to report when they can no longer endure it."* (Interview, February 24, 2026). During the handling stage, officers prioritize the safety of the victim: *"When a domestic violence report is received, our priority is the victim's safety. We ensure that the victim is safe first before the legal process proceeds further."* (Interview, February 24, 2026).

However, a major challenge arises when victims withdraw their reports due to emotional ties with the perpetrator: *"Not a few victims, after reporting the incident, later wish to reconcile or withdraw their reports. This becomes a challenge for us because legally, domestic violence is a criminal offense, but socially, the victim is still emotionally attached to the perpetrator."* (Interview, February 24, 2026). Procedural and institutional barriers

also represent significant obstacles. Delayed reporting complicates forensic evidence: *"In domestic violence cases, proof becomes a major challenge. If the victim reports late, the physical injuries may no longer be clearly visible, which complicates the evidentiary process."* (Interview, February 24, 2026).

Cross-sectoral coordination has not functioned optimally: *"We handle cases from the legal perspective, but the recovery of victims requires support from other institutions. Unfortunately, such coordination does not always run smoothly."* (Interview, February 24, 2026). Legal fatigue also poses a serious concern: *"Some victims eventually withdraw because they feel the process is too long. They become mentally exhausted and want the matter to end quickly, even if that means they have to give in."* (Interview, February 24, 2026). In the realm of victim protection, the potential for revictimization is also an important issue: *"We try to ensure that victims are not repeatedly asked to give statements, but in the legal process repeated examinations are sometimes unavoidable. This often makes victims feel pressured."* (Interview, February 24, 2026).

Inhibiting and Supporting Factors for the Protection of Female Victims of Domestic Violence

Inhibiting Factors. Patriarchal culture and social stigma constitute the most fundamental barriers. A police officer from the local police department explained, *"Some victims have actually experienced violence for a long time but only report it when they can no longer endure it. The surrounding environment often advises them to remain silent because it is considered a family disgrace."* (Interview, February 24, 2026). Victims also experience layered stigma from law enforcement officers who lack sensitivity: *"Victims are often afraid to report because they worry about being stigmatized by their families and society. They feel that the blame is often directed at women rather than the perpetrators of violence."* (Interview, February 24, 2026). Economic dependence further exacerbates the situation structurally: *"Victims often say they are afraid to report because they do not have their own income. They worry that if their husbands are prosecuted, there will be no one left to provide for the family."* (Interview, February 28, 2026).

In some cases, perpetrators exploit this position as a tool of intimidation: *"There are perpetrators who openly threaten the victims that if they report the violence, financial support will be stopped. Such threats are very effective in silencing victims."* (Interview, February 28, 2026). Limited legal and religious literacy also contributes significantly: *"Many victims do not know that domestic violence is regulated by law. They assume the police can only intervene if there are severe physical injuries."* (Interview, February 28, 2026), and *"Some victims say they fear committing a sin if they report their husbands. They believe religion forbids wives from seeking justice, even though violence is clearly prohibited."* (Interview, February 28, 2026). The lack of sensitivity among some officers also becomes an institutional barrier that is acknowledged reflectively: *"It cannot be denied that there are still officers who are not sufficiently sensitive when dealing with victims of domestic violence. Sometimes victims feel afraid or reluctant to share their experiences because the initial response lacks empathy."* (Interview, March 2, 2026). The perception of domestic violence as a private matter also continues to hinder reporting, as expressed by a victim herself: *"I thought this was only a household problem and not appropriate to bring to the police. I felt ashamed and afraid that people would find out, so I remained silent even though I was often beaten."* (Interview, March 2, 2026).

The existence of the Domestic Violence Law provides strong formal legitimacy: *"With the existence of the Domestic Violence Law, we have a clear legal basis for handling domestic violence. It can no longer be considered merely a family matter."* (Interview, March 2, 2026). This law also increases victims' confidence: *"After learning that there is a law that protects victims of domestic violence, I became more courageous to report. I feel that the state is on my side."* (Interview, March 4, 2026). Support from assisting institutions and NGOs has proven to increase victims' consistency throughout the legal process: *"Without assistance, I might have given up. With the help of a companion, I feel that I am not alone and stronger in facing the legal process."* (Interview, March 6, 2026). The role of progressive religious leaders also provides significant moral legitimacy: *"Religion never justifies violence. If a husband hits his wife, it is clearly unjust. Women have the right to seek protection, and reporting it is not against religion."* (Interview, March 6, 2026). Consequently, victims acknowledge: *"After the ustaz explained that I was not committing a sin by reporting it, I felt calmer and braver in seeking justice."* (Interview, March 6, 2026). Increasing legal awareness among victims also becomes an important capital: *"After I learned that there is a law protecting victims of domestic violence, I felt empowered. I no longer feel that I have to remain silent."* (Interview, March 6, 2026). Finally, the application of criminological and restorative justice approaches, when implemented selectively, opens meaningful opportunities for recovery, with a firm note from law

enforcement: “A restorative approach can help, but it must be applied carefully. The victim’s safety remains the priority. If the victim feels safe and is properly assisted, then it may be considered.” (Interview, March 7, 2026).

Discussion

Protection of Women from an Islamic Legal Perspective

Islamic law protects women in marriage not merely as a social demand, but as a theological mandate inherent in the principles of justice and humanity. Its normative foundation rests on the principle of *mu’āsarah bil ma’rūf* as stated in the Qur’an, Surah An-Nisā’ [4]:19, an injunction to conduct marital relations in a proper, just, and civilized manner. In interpretation (Taufiq, 2021), the concept of *al-ma’rūf* encompasses gentleness in speech, treatment that upholds the wife’s human dignity, and an absolute prohibition of all actions that cause suffering, whether physical or psychological. Based on this foundation, all forms of domestic violence ranging from physical abuse, humiliation, sexual coercion, to neglect have no legitimate basis in Islamic law, as they fundamentally undermine the elements of mutual consent (*ridha*) and tranquility (*sakinah*) that constitute the primary objectives of marriage in Islam.

Within the framework of *maqāṣid al-syarī’ah*, domestic violence directly contradicts two fundamental objectives of Islamic law: the protection of life (*ḥifẓ al-naḥs*) and the protection of honor (*ḥifẓ al-’ird*). Any act that endangers the physical and psychological safety of a wife even if it occurs within the private sphere of the household is classified as a prohibited act (*mahẓūr*) because it goes against the objectives of the Sharī’ah. This also refutes the assumption that domestic violence can be justified in the name of the husband’s leadership. (Yudhayana, 2024) Affirms that the concept of *qiwāmah* is functional and ethical in nature, meaning a responsibility for protection and the fulfillment of rights, rather than absolute authority that justifies domination and violence. Thus, perpetrators who invoke *qiwāmah* to justify violence are, in fact, betraying the very trust of leadership itself.

The prohibition of *ẓulm* (injustice) strengthens this dimension universally. The Qur’an places the prohibition of *ẓulm* without exception based on specific social relations, including the relationship between husbands and wives. In the context of the empirical findings of this study, recurring violence, unequal power relations, and the normalization of women’s suffering can be classified as structural *ẓulm*—a condition in which violence is not only committed by individual perpetrators but is also sustained by social structures, patriarchal culture, and gender-biased religious interpretations. Women’s rights in marriage must therefore be understood substantively, not merely in material terms. (Wadud, 1999) Emphasizing that the *maqāṣid* approach requires a reinterpretation of religious texts oriented toward the protection of vulnerable groups so that Islamic law functions as an instrument of justice and liberation, rather than a legitimization of inequality.

The role of religious leaders and institutions is a crucial dimension in the practice of this protection. Normatively, religious leaders are responsible for *tablīgh* and *irshād*, namely, conveying Islamic teachings in a comprehensive and just manner. When religious leaders assert that domestic violence (KDRT) is a forbidden act (*haram*) that contradicts Islamic law, such a message carries moral legitimacy that goes beyond formal law, especially in religious communities such as Merangin Regency. However, Tualeka (2017) emphasizes that the role of religious leaders must shift from a narrow moralistic approach toward a *maqāṣid*-oriented perspective that prioritizes the protection of life and substantive justice. When religious leaders continue to use approaches that stress one-sided patience on women, such roles reproduce violence. As analyzed by Rusdi (2022), the success of women’s protection is highly determined by the synergy between religious authorities, the state, and society, where religious leaders provide crucial moral and cultural legitimacy so that positive law does not face social resistance.

Synthesis of the Implementation of Islamic Law and Positive Law

At the normative level, Islamic law and positive law share a strong point of convergence in rejecting violence against women. Principles such as *mu’āsarah bil ma’rūf*, the prohibition of *ẓulm* (injustice), as well as *ḥifẓ al-naḥs* (protection of life) and *ḥifẓ al-’ird* (protection of dignity), are substantively aligned with the objectives of Law Number 23 of 2004 on the Elimination of Domestic Violence (UU PKDRT), both of which regard domestic violence as a reprehensible act that must be prevented and addressed in order to uphold

human dignity. Positive law provides coercive instruments and legal certainty through the criminalization of domestic violence and protection mechanisms within the criminal justice system. Meanwhile, Islamic law offers an ethical and moral foundation that significantly influences social awareness, particularly within religious communities.

However, tensions arise at the practical level rather than at the level of normative substance. The empirical findings of this study indicate that some perpetrators and social environments still interpret the concept of *qiwamah* narrowly, leading to the perception that violence is a domestic matter or a form of "discipline" that is culturally and religiously acceptable. This partial interpretation creates disharmony between the ideal values of Islamic law and the protective goals of positive law. In several cases, the firm application of criminal law is perceived as conflicting with religious values that emphasize reconciliation, resulting in victims being pressured to withdraw their reports "in the name of religion"—a condition that in fact perpetuates the cycle of violence.

Nevertheless, Islamic law, when understood comprehensively, does not contradict the enforcement of state law. From the perspective of *maqāṣid al-sharī'ah*, state intervention through criminal law constitutes a form of protection of women's lives and dignity, as well as an effort to prevent greater harm, in line with the principle of *daf' al-mafāsīd* (preventing harm). Therefore, the existing tension stems from social practices and religious interpretations that are not oriented toward substantive justice, rather than from the substance of Islamic teachings themselves. The necessary synthesis lies in an integrative approach that places the protection of women as the primary objective, in which positive law and Islamic law reinforce one another: positive law provides certainty and coercive power, while Islamic law offers moral and cultural legitimacy necessary for such protection to be accepted and internalized by society.

Factor Analysis in the Perspective of Islamic Law and Criminology

Within the framework of *maqāṣid al-sharī'ah*, factors that hinder the protection of women such as patriarchal culture, social stigma, the perception of domestic violence as a private matter, and the lack of legal and religious literacy can be classified as conditions that actively obstruct the realization of the objectives of Islamic law (Supian et al., 2017). The economic dependence of victims, which forces them to remain in abusive relationships in the name of patience or to preserve the integrity of the household, contradicts the principle of *daf' al-mafāsīd*, as it actually sustains greater harm. The lack of sensitivity among authorities is not merely a technical institutional issue; it represents a failure of *fard kifāyah* (collective obligation) of the state and society in safeguarding women's safety.

From a critical criminology perspective, these factors are criminogenic elements reproduced by social structures. Following the analysis (Murniati, 2023), domestic violence is not merely an individual deviation but a gender-based crime supported by unequal power relations and weak social control. Women who are victims of domestic violence are in a condition of structural vulnerability, where economic dependence, cultural pressures, and limited access to legal resources simultaneously weaken their position. The high pattern of the *dark number of crime* in domestic violence cases where abuse persists for a long time without being reported—reflects how social structures function to protect perpetrators and silence victims.

On the supporting side, the existence of the Domestic Violence Law (UU PKDRT), support from NGOs and assistance institutions, the role of progressive religious leaders, increasing legal awareness of victims, and the selective application of restorative justice all demonstrate significant potential synergy between Islamic law and criminology. The restorative justice approach can be understood as an actualization of the value of *iṣlāḥ* (reform and reconciliation) in Islamic law, as long as it is implemented with strict risk assessment and is absolutely oriented toward victim safety rather than merely superficial reconciliation that returns victims to harmful relationships. The integration of the *maqāṣid al-syarī'ah* perspective and criminology thus emphasizes that effective protection requires simultaneous transformation at three levels: the legal level (strengthening the implementation of the Domestic Violence Law), the cultural level (deconstructing patriarchal culture and biased religious interpretations), and the institutional level (enhancing the capacity and sensitivity of law enforcement officials). Without these three dimensions of transformation working synergistically, efforts to protect women victims of domestic violence will continue to be partial and unsustainable.

CONCLUSION

This study reveals that domestic violence in Merangin Regency is not merely a reflection of regulatory failure but rather indicates a crisis in the internalization of normative values, both in religious and positive legal dimensions. Empirically, the patterns of domestic violence identified are escalative, cyclical, and multidimensional, ranging from physical, psychological, and sexual violence to economic neglect, with the majority of perpetrators being husbands who exploit dominant power relations rooted in patriarchal gender constructions. The implementation of Law Number 23 of 2004 concerning the Elimination of Domestic Violence at the local level still faces serious structural obstacles: delays in reporting, revictimization in legal processes, weak inter-agency coordination, and distorted interpretations of the concept of *qiwāmah* used as normative justification for acts of violence. From the perspective of Islamic law, all forms of such violence fundamentally contradict the principles of *mu'āsarah bil ma'rūf*, the objectives of *maqāṣid al-syarī'ah* in safeguarding *ḥifz al-naḥs* (protection of life) and *ḥifz al-'ird* (protection of dignity), as well as the universal prohibition of *ẓulm* (injustice), all of which affirm that the protection of women is a theological mandate, not merely a socio-formal obligation.

Based on these findings, this study recommends three levels of transformation that must be carried out synergistically and sustainably. First, at the legal level, it is necessary to strengthen the capacity of law enforcement officers through gender-perspective training and a victim-centered approach, as well as to accelerate temporary protection mechanisms so that victims do not experience legal fatigue during the case-handling process. Second, at the cultural-religious level, there is a need for a massive and structured reconstruction of religious interpretations—particularly through progressive religious leaders so that concepts such as *qiwāmah*, *nusyuz*, and marital relations in Islam are understood substantively as a mandate of protection rather than a justification for domination. Third, at the institutional level, synergy among the Merangin Police, support institutions, the Office of Women's Empowerment and Child Protection (DP3A), and civil society organizations must be formalized in an integrated handling protocol that incorporates legal, psychosocial, and economic recovery dimensions for victims. Without these three dimensions working in an integrated manner, the protection of women victims of domestic violence no matter how strong its foundation in both Islamic law and positive law will remain partial, reactive, and incapable of structurally breaking the cycle of violence.

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