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DOI: 10.46924/jihk.v6i2.238



# A Comparative Study of Laws in Indonesia and Malaysia Pertaining to the Crime of Domestic Violence

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## How to cite

Chandra, Jessica. 2025. "A  
Comparative Study of Laws in  
Indonesia and Malaysia Pertaining  
to the Crime of Domestic  
Violence". *Jurnal Ilmu Hukum  
Kyadiren* 6 (2), 93-104.  
<https://doi.org/10.46924/jihk.v6i2.238>

*Original Article*

## Abstract

Domestic Violence (DV) is a significant issue in Indonesian society, with the majority of victims being women, particularly wives, who endure physical, psychological, sexual, or economic abuse perpetrated by their husbands. A deeply rooted patriarchal culture often discourages victims from reporting such violence, as it is regarded as a private matter. Moreover, social stigma leads victims to feel ashamed, largely due to cultural norms, religious beliefs, and limited legal awareness. This study employs a normative legal approach to compare domestic violence laws in Indonesia and Malaysia. The comparison examines the number of articles, types of offenses, classifications of injuries, and criminal penalties. In Indonesia, domestic violence is addressed under Law Number 23 of 2004 concerning the Elimination of Domestic Violence. The findings highlight both similarities and differences in the two countries' policies regarding domestic violence.

**Keywords:** *Comparative Law, Criminal Act, Domestic Violence*

## Abstrak

Kekerasan Dalam Rumah Tangga (KDRT) merupakan isu penting dalam kehidupan masyarakat Indonesia. Sebagian besar korban adalah perempuan, terutama istri, yang mengalami kekerasan fisik, psikis, seksual, atau ekonomi dari suami. Budaya patriarki yang kuat seringkali menghambat korban untuk melapor, karena kekerasan dianggap sebagai urusan pribadi. Selain itu, stigma sosial membuat korban merasa malu karena terkait dengan norma budaya, agama, dan kurangnya pemahaman hukum. Penelitian ini membandingkan hukum KDRT di Indonesia dan Malaysia dengan pendekatan yuridis normatif. Perbandingan meliputi jumlah pasal, jenis delik, klasifikasi luka, serta ancaman pidana. Di Indonesia, pengaturan ini diatur dalam Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan KDRT. Hasil penelitian menunjukkan adanya persamaan dan perbedaan dalam kebijakan kedua negara terkait KDRT.

**Kata kunci:** *Perbandingan Hukum, Tindak Pidana, Kekerasan Dalam Rumah Tangga*

## 1. INTRODUCTION

Every individual who is entering, or aspires to enter, the stage of marriage will seek to establish a family with the aspiration of achieving a harmonious and prosperous life.<sup>1</sup> This aligns with the provisions of Law Number 1 of 1974 on Marriage, which stipulates in Article 1, Clause 1, that marriage is a spiritual and physical union between a man and a woman as husband and wife, with the objective of establishing a happy and enduring family or household founded on belief in the One and Only God. Domestic violence is one of several forms of violent criminal acts that frequently occur in society and have garnered significant public attention both nationally and internationally.<sup>2</sup>

Violence can generally be defined as an act intended to cause harm to an individual or to damage property. However, in this context, all forms of speech, threats, and insults within a family relationship may also be construed as acts of violence.<sup>3</sup> Violence, particularly that which occurs within the home, constitutes a violation of human rights, an act that undermines human dignity, and a form of discrimination. Any form of violence, regardless of the underlying reasons, is a criminal act that cannot be justified.<sup>4</sup> Domestic violence is not an isolated phenomenon but a global issue that impacts individuals across diverse backgrounds and economic strata.<sup>5</sup> This occurs partly due to the persistent perception among some individuals that domestic violence is a core family issue of a personal or private nature. Additionally, some individuals often regard such family matters as a source of shame, thereby believing that external parties have no right to intervene.

Domestic violence, particularly against women who are married or have families, can serve as an outlet for feelings of anger, instilling fear in the victim. Victims often tend to remain silent or secretive to conceal the issues occurring within the family.<sup>6</sup> Domestic violence, particularly against wives, is frequently encountered and often occurs in significant numbers.<sup>7</sup> In Western literature, the term ‘domestic violence’ is used in various contexts, including terms such as ‘domestic violence,’ ‘rampant violence,’ ‘wife abuse,’ and ‘marital violence’ (violence within marriage). Forms of physical violence may include actions such as pinching, pulling, biting, strangling, soaking, dousing, tying up, pushing,

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<sup>1</sup> Ana Indah Cahyani, Yulia Monita, and Elizabeth Siregar, “Pidana Denda Sebagai Alternatif Pemidanaan Pada Tindak Pidana Kekerasan Dalam Rumah Tangga,” *Pampas: Journal of Criminal Law* 1, no. 2 (2020): 176–92, <https://doi.org/10.22437/pampas.v1i2.9560>.

<sup>2</sup> Aroma Elmina Martha, *Perempuan Dan Kekerasan Dalam Rumah Tangga Di Indonesia Dan Malaysia* (Yogyakarta: FH UII Press, 2012).

<sup>3</sup> Adi Pratama, Suwarno Abadi, and Nur Hidayatul Fithri, “Keadilan Hukum Bagi Perempuan Sebagai Korban Kekerasan Dalam Rumah Tangga (KDRT),” *Jurnal Ilmu Hukum Wijaya Putra* 1, no. 2 (2023): 148–59, <https://doi.org/10.38156/jihwp.v1i2.105>.

<sup>4</sup> Agung Budi Santoso, “Kekerasan Dalam Rumah Tangga (KDRT) Terhadap Perempuan: Perspektif Pekerjaan Sosial,” *Komunitas: Jurnal Pengembangan Masyarakat Islam* 10, no. 1 (2019): 39–57, <https://doi.org/10.20414/komunitas.v10i1.1072>.

<sup>5</sup> Maslihati Nur Hidayati, “Upaya Perlindungan Pekerja Rumah Tangga Sebagai Kelompok Masyarakat Yang Termarginalkan Di Indonesia,” *Jurnal Al-Azhar Indonesia Seri Pranata Sosial* 1, no. 1 (2011): 11–18, <https://jurnal.uai.ac.id/index.php/SPS/article/view/8>.

<sup>6</sup> Makhfudz Makhfudz, *Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga* (Yogyakarta: Deepublish, 2020).

<sup>7</sup> Guse Prayudi, *Berbagai Aspek Tindak Pidana Kekerasan Dalam Rumah Tangga* (Yogyakarta: Merkid Press, 2012).

throwing, dragging, hitting, kicking, stomping, slamming, striking, beating, or subjecting the victim to punitive exercises such as push-ups, running, or walking on their knees.<sup>8</sup>

Domestic violence, referred to as ‘crime’ in Indonesia, possesses distinct characteristics compared to other forms of violence against women due to the presence of a power dynamic between the victim and the perpetrator.<sup>9</sup> Domestic violence, which occurs across various strata of society, necessitates attention and concrete measures to mitigate its negative impacts.<sup>10</sup> According to the Ministry of Women’s Empowerment and Child Protection (Kemen PPPA), 8,637 cases of domestic violence were reported between 1 January and 30 May 2024, with 7,544 of these cases involving female victims. The significant number of cases of domestic violence reported in the past six months suggests that many families have failed to embody the definition outlined in Article 1, Clause 1 of Law Number 1 of 1974.

This law stipulates that marriage is intended to establish a physical and spiritual bond within a family, with the aim of creating a happy and enduring household based on belief in the Almighty God.<sup>11</sup> The rise in domestic violence cases has drawn considerable attention from both the public and the government, prompting the enactment of Law Number 23 of 2004 on the Elimination of Domestic Violence, also referred to as the PKDRT Law. The PKDRT Law is regarded as a significant legal breakthrough, introducing several reforms in criminal law that were previously unaddressed by earlier legislation.<sup>12</sup>

According to Article 1, Clause 1 of the PKDRT Law, domestic violence is defined as any act committed against an individual, particularly a woman, that results in physical, sexual, or psychological distress or suffering, and/or neglect within the household. This includes threats to commit such acts, coercion, or the unlawful deprivation of liberty within the domestic sphere. In this context, domestic violence takes several forms as outlined in Article 5 of the PKDRT Law, which states that individuals are prohibited from committing acts of domestic violence against members of their household, including physical violence, psychological violence, sexual violence, or neglect within the household. "Regulations concerning domestic violence are not exclusive to Indonesia but are also established in other countries, including Malaysia. Notably, Malaysia was the first Asian nation to enact laws aimed at protecting victims of domestic violence and to acknowledge domestic

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<sup>8</sup> Maidin Gultom, “Perlindungan Hukum Terhadap Anak Dan Perempuan. Bandung: Refika Aditama,” 2014.

<sup>9</sup> Harkristuti Harkrisnowo, “Domestic Violence (Kekerasan Dalam Rumah Tangga) Dalam Prospektif Kriminologis Yuridis,” *Indonesian Journal of International Law* 1, no. 4 (2021): 709–34, <https://doi.org/10.17304/ijil.vol1.4.563>.

<sup>10</sup> Siti Syafa Az Zanubiya and Marjan Miharja, “Pertimbangan Hakim Dalam Memutus Perkara Tindak Pidana Kekerasan Dalam Rumah Tangga,” *Mimbar Keadilan* 16, no. 2 (2023): 277–87, <https://doi.org/10.30996/mk.v16i2.8705>.

<sup>11</sup> Daniel Daniel and Rugun Romaida Hutabarat, “Perlindungan Hukum Terhadap Penelantaran Yang Dilakukan Oleh Suami Terhadap Anak Dan Istri Pada Putusan Nomor 54/PID/2020/PT MND,” *Unes Law Review* 6, no. 2 (2023): 5659–566, <https://doi.org/10.31933/unesrev.v6i2.1393>.

<sup>12</sup> Joko Sriwidodo, “Pengantar Hukum Kekerasan Dalam Rumah Tangga” (Yogyakarta: Kepel Press, 2021).

violence as an issue of growing concern among the populace.<sup>13</sup> In Malaysia, the term for domestic violence is “Domestic Violence.”

From March to April 2020, 353 cases of domestic violence were reported to the Royal Malaysian Police (PDRM). Physical violence or domestic violence is governed by the Domestic Violence Act 1994 (Act 521), which is designed to protect victims of domestic violence and address related matters. Perpetrators are also subject to penalties as outlined in the Malaysian Penal Code (Act 574). To this day, Malaysia continues to rely on these laws to address incidents of physical domestic violence. Building on the background outlined above, this research aims to achieve the following objectives: 1) to conduct a comparative legal analysis of Indonesia and Malaysia in addressing cases of domestic violence within their respective jurisdictions, and 2) to examine the differences and similarities between Indonesia and Malaysia in addressing cases of domestic violence.

## 2. RESEARCH METHODOLOGY

The research methodology employed in this study is normative juridical legal research, which involves reviewing all relevant legal materials to address the problem formulations outlined by the author.<sup>14</sup> Normative legal research is conducted following research procedures that rely on institutional materials or secondary data.<sup>15</sup> The legal materials utilized in this research are secondary data. The technique for gathering materials involves data acquisition methods, specifically literature reviews, which entail searching for legal materials through defined stages: classification, analysis, and drawing conclusions. This process also includes the formulation of actionable recommendations. The data analysis employed by the researcher is descriptive qualitative analysis, which systematically and coherently presents the research findings by explaining the mechanisms and provisions related to the research topic in a structured manner.

## 3. RESEARCH RESULT AND DISCUSSION

### 3.1. Legal Regulations in Indonesia and Malaysia Governing the Crime of Domestic Violence

Protection for victims encompasses both physical and psychological support.<sup>16</sup> In Republic of Indonesia Law Number 23 of 2004 concerning the Elimination of Domestic Violence, protection is all efforts aimed at providing a sense of security to the victim carried out by the family, advocates, social institutions, police, prosecutors, courts, or other parties

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<sup>13</sup> Daleer Kaur Randawar and Sheela Jayabalan, “The Definition of Domestic Violence in Malaysia: A Cross-National Comparison,” *Akademika* 88, no. 3 (2018): 77–89, <https://ejournal.ukm.my/akademika/article/view/20928>.

<sup>14</sup> Depri Liber Sonata, “Metode Penelitian Hukum Normatif Dan Empiris: Karakteristik Khas Dari Metode Meneliti Hukum,” *Fiat Justisia: Jurnal Ilmu Hukum* 8, no. 1 (2014): 15–35, <https://doi.org/10.25041/fiatjustisia.v8no1.283>.

<sup>15</sup> Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tujuan Singkat* (Jakarta: PT.Raja Grafindo Persada, 2003).

<sup>16</sup> Siswanto Sunarso, *Viktimologi: Dalam Sistem Peradilan Pidana* (Jakarta: Sinar Grafika, 2012).

whether temporarily or based on a court order. Protection for victims of domestic violence has been regulated in Law No. 23 of 2004 concerning the Elimination of Domestic Violence in the form of temporary protection provided by the Police, health services, social worker services, spiritual guidance services.<sup>17</sup> Legal protection for victims of criminal acts often receives less attention under the law—both substantive criminal law and procedural criminal law—when compared to the protection afforded to suspects and defendants. This disparity is influenced by various factors, including legal frameworks, victim-related legal provisions, supporting facilities, and the availability of human resources.<sup>18</sup>

However, the PKDRT Law (Elimination of Domestic Violence) selectively distinguishes between protection functions and service functions. This implies that not all organizations and institutions are authorized to provide protection or to undertake legal actions aimed at imposing sanctions on perpetrators. The protection outlined in Government Regulation No. 2 of 2002 on Procedures for the Protection of Victims and Witnesses in Cases of Serious Human Rights Violations constitutes a form of service that must be provided by law enforcement officers or security forces. This service aims to ensure the physical and mental security of victims and witnesses against threats, harassment, terror, and violence from any party. Such protection is provided during the stages of investigation, inquiry, prosecution, and/or examination in court proceedings. Legal protection involves safeguarding human rights that have been violated by others, ensuring that such protection is afforded to the community so they can fully enjoy the rights granted by law.<sup>19</sup>

This pertains to Article 5, Paragraph (1) of Law Number 13 of 2006 on the Protection of Witnesses and Victims, which stipulates that witnesses and victims are entitled to protection ensuring the security of their person, family, and property, as well as freedom from threats related to their testimony. This includes the right to participate in selecting and determining the form of security protection and support, to provide information without coercion, to access a translator, to be free from leading or entrapment questions, to receive updates on the progress of the case, to be informed of court decisions, to be notified if the perpetrator is released, to obtain a new identity, to relocate to a new residence, to receive reimbursement for transportation costs as necessary, to access legal advice, and/or to receive temporary financial assistance until the protection period concludes.

Furthermore, Article 5, Paragraph (2) of Law Number 13 of 2006 stipulates that the rights outlined in Paragraph (1) are granted to witnesses and/or victims of criminal acts in specific cases, as determined by the Witness and Victim Protection Agency (LPSK). Additionally, Article 7 provides that victims, through the LPSK, have the right to submit claims for compensation to the court in cases of serious human rights violations, as well as the right to restitution or compensation for losses borne by the perpetrator of the criminal

<sup>17</sup> Bambang Waluyo, *Vitikologi: Perlindungan Korban Dan Saksi*, 1st ed. (Jakarta: Sinar Grafika, 2012).

<sup>18</sup> Muhammad Ali Zaidan, *Menuju Pembaruan Hukum Pidana*, 1st ed. (Jakarta: Sinar Grafika, 2015).

<sup>19</sup> Satjipto Rahardjo, *Ilmu Hukum*, 8th ed. (Bandung: PT Citra Aditya Bakti, 2014).

act. This aligns with the provisions of Article 4 of Law Number 13 of 2006, which states that the purpose of Witness and/or Victim Protection is to ensure the security of witnesses and/or victims in providing information during any stage of the criminal justice process. Under the PKDRT Law, victims of domestic violence are entitled to receive protection from the police, as specified in Chapter VI, Article 16 and Article 22, which address protection measures.

These provisions mandate that police protection is temporary, lasting a maximum of seven days, and requires the police to request a protection order from the court within 24 hours of initiating such protection. Under the PKDRT Law, victims of domestic violence are indirectly guaranteed their rights as outlined in Article 10. These rights include receiving protection from family members, the police, prosecutors, courts, advocates, social institutions, or other entities, either temporarily or pursuant to a protection order issued by the court. Additionally, victims are entitled to health services tailored to their medical needs, special measures to ensure confidentiality, support from social workers, legal assistance at every stage of the investigative process in accordance with statutory provisions, and spiritual guidance services. Providing protection for victims is a fundamental principle that must be prioritised to safeguard them from ongoing acts of domestic violence, whether physical, psychological, sexual, or neglect-based.

Protection is defined in Article 1, Clause 4 of Law Number 23 of 2004 as all efforts undertaken to ensure the safety of victims, carried out by families, advocates, social institutions, police, prosecutors, courts, or other entities, either temporarily or under a court order. The protection provided by the police to victims is broader in scope compared to that offered by other related parties. This includes safeguarding victims from threats or further acts of violence by domestic violence suspects or perpetrators, escorting victims home if they wish to return after being examined, referring or transferring victims to the Integrated Service Centre or the nearest hospital, taking victims to the hospital for medical treatment and obtaining a *Visum et Repertum* promptly processing suspects as a form of deterrent action, ensuring the confidentiality of obtained information, guaranteeing the safety and security of the reporter and victim, and immediately contacting various support services to assist the victim.

Regulations addressing domestic violence are not confined to Indonesia but are also established in other countries, including Malaysia. Notably, Malaysia is the first Asian country to enact legislation specifically aimed at protecting victims of domestic violence and to acknowledge domestic violence as an issue of growing concern.<sup>20</sup> The term used for domestic violence in Malaysia is Domestic Violence. Between March and April 2020, 353 cases of domestic violence were reported to the Royal Malaysia Police (PDRM). Domestic violence, including physical violence, is governed by the Domestic Violence Act 1994 (Act 521), which remains the primary legal framework for addressing physical violence within households in Malaysia.

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<sup>20</sup> Randawar and Jayabalan, "The Definition of Domestic Violence in Malaysia: A Cross-National Comparison."

Under the Domestic Violence Act 1994 (Act 521), one key provision concerning physical violence is outlined in Section 2. This section defines physical violence as intentionally or knowingly placing, or attempting to place, the victim in a state of fear of physical harm, as well as causing physical harm to the victim through acts that are known, or should reasonably be known, to result in physical injury. The concept of physical violence in Section 2 encompasses both the deliberate intention to instill fear of harm and the actual infliction of physical injury on the victim through actions that are, or should reasonably be, understood to cause such harm. The PKDRT Law in Indonesia and the Domestic Violence Act 1994 (Act 521) in Malaysia share several similarities.

These can be observed in the concept of physical violence, which is regulated under Article 6 of the PKDRT Law in Indonesia and in various sections of the Malaysian Penal Code (Act 574), including Sections 319, 320, 340, and 349. Additionally, the classification of victims is addressed in Article 2 of the PKDRT Law in Indonesia and in Section 2 of the Domestic Violence Act 1994 (Act 521) in Malaysia. However, there is a noted ineffectiveness in certain provisions of the PKDRT (Law Elimination of Domestic Violence), particularly regarding the implementation of protection measures. This ineffectiveness is attributed to various factors, including challenges within the community and inadequacies among law enforcement officials.<sup>21</sup> The legal protection of children's rights has garnered significant global attention. Various forms of legal protection for children are established in international legal instruments, such as the Universal Declaration of Human Rights, which serves as a standard for assessing matters pertaining to human freedom and distinguishing between right and wrong, with a focus on upholding and respecting human rights.

From these two legal frameworks, similarities can be identified in the regulation of criminal acts involving domestic physical violence under Indonesian and Malaysian criminal law, namely:

**Table 1.**

*Similarities in Indonesian's and Malaysian's Regulations and Criminal Sanctions for Domestic Physical Violence*

No	Equality	Indonesian	Malaysia
1	Concept of Physical Violence	Under the PKDRT (Elimination of Domestic Violence) Law, it is defined as an act that causes physical pain, illness, or serious injury.	Under the Malaysian Penal Code (Act 574), an act that causes pain, illness, or physical debilitation to an individual is classified as an offence.
2	Victim classification	Under the PKDRT Law, victims are defined as individuals within the household.	Under the Domestic Violence Act 1994 (Act 521), a victim is defined as an individual within the household.

<sup>21</sup> Aroma Elmina Martha and Endah Rizki Ekwanto, "Reformulasi Prosedur Perlindungan Dalam Undang-Undang Penghapusan Kekerasan Dalam Rumah Tangga Yang Tidak Efektif," *Lex Renaissance* 4, no. 2 (2019): 317–37, <https://doi.org/10.20885/JLR.vol4.iss2.art7>.

No	Equality	Indonesian	Malaysia
3	Formulation of criminal sanctions	Criminal sanctions constitute a fundamental component of the PKDRT Law	The sanctions are incorporated within the Malaysian Penal Code (Act 574).
4	Pattern of threat of imprisonment	Maximum.	Maximum.

From the table above, it is evident that the PKDRT Law, the Domestic Violence Act 1994 (Act 521), and the Malaysian Penal Code (Act 574) share several similarities. These include the regulation of the concept of physical violence, which is addressed in Article 6 of the PKDRT Law in Indonesia and in Section 319 of the Malaysian Penal Code (Act 574) in Malaysia. Additionally, the classification of victims is outlined in Article 2 of the PKDRT Law in Indonesia and in Section 2 of the Domestic Violence Act 1994 (Act 521) in Malaysia. The table further highlights those criminal sanctions for physical violence are incorporated in both the PKDRT Law and the Domestic Violence Act 1994 (Act 521).

The third similarity lies in the formulation of criminal sanctions; in Indonesia, these are an integral part of the PKDRT Law, whereas in Malaysia, they are similarly embedded within the Malaysian Penal Code (Act 574). A fourth similarity concerns the pattern of imprisonment threats, with both Indonesia and Malaysia adopting the maximum threat pattern. Despite these similarities, differences also exist in the criminal sanctions for physical violence within households under Indonesian and Malaysian criminal law. These differences are detailed in the table below.

**Table 2.**

*Differences in Indonesian's and Malaysian's Regulations and Criminal Sanctions for Domestic Physical Violence*

No	Difference	Indonesian	Malaysia
1	Classification of serious injuries	The PKDRT Law contains a single article that addresses physical violence.	The Domestic Violence Act 1994 (Act 521) includes one article that addresses the concept of physical injury. In contrast, the Malaysian Penal Code (Act 574) contains seven articles that regulate the consequences of physical injury.
2	Classification of serious injuries	The Domestic Violence Act 1994 (Act 521) includes one article that addresses the concept of physical injury. In contrast, the Malaysian Penal Code (Act 574) contains seven articles that regulate the consequences of physical injury	This is explicitly regulated under Section 320 of the Malaysian Penal Code (Act 574).
3	Type of Crime	The primary punishments include imprisonment and fines, while the supplementary punishments consist of movement restrictions imposed on the perpetrator and mandatory participation in a counselling programme.	The primary punishments include imprisonment, fines, and caning for specific offences. Additionally, supplementary punishment involves participation in a rehabilitation programme.



No	Difference	Indonesian	Malaysia
3	Criminal formulation system	The PKDRT Law employs an alternative formulation system.	The Malaysian Penal Code (Act 574) adopts an alternative-cumulative formulation system, an alternative formulation system, and a cumulative formulation system.
4	The amount of criminal threat	Under the PKDRT Law, the maximum penalty for imprisonment is 15 years, while the maximum fine is 45 million rupiah.	Under the Malaysian Penal Code (Act 574), the maximum penalty for imprisonment is 20 years, and fines begin at 1,000 ringgit.
5	Type of offense	Ordinary offences and offences subject to relative complaints.	Absolute complaint offence.

From Table 2 above, it is evident that the PKDRT Law and the Domestic Violence Act 1994 (Act 521) differ in several aspects, including the number of articles regulating them, the criminal formulation systems, and the types of offences. The PKDRT Law contains only one governing article, Article 44, while the Malaysian Penal Code (Act 574) includes seven relevant sections. The maximum penalty for physical violence under the PKDRT Law is 15 years of imprisonment and a fine of up to 45 million rupiah. In contrast, under the Malaysian Penal Code (Act 574), the maximum penalty is 20 years of imprisonment, with fines starting at 1,000 Malaysian Ringgit. However, in certain sections of the Malaysian Penal Code, the specific amount of the fine is not stipulated. "In terms of the type of fine, the principal punishment under Article 44 of the PKDRT Law includes imprisonment and a fine, while additional punishments under Article 50 include restrictions on the perpetrator's movements to maintain a specific distance from the victim for a defined period, limitations on certain rights of the perpetrator, and mandatory participation in a counselling program under the supervision of a designated institution. In Malaysia, the principal punishments are outlined in the Malaysian Penal Code (Act 574) and include imprisonment, fines, and caning for specific offences. Additional penalties under Malaysian criminal law are stipulated in Section 8 of the Domestic Violence Act (Amendment 2017), which provides for a recovery program, akin to the counselling program under the PKDRT Law. Regarding the criminal formulation system, the PKDRT Law employs an alternative formulation system, wherein criminal penalties are prescribed using the conjunction *or*, as seen in Article 44, Paragraphs (1), (2), (3), and (4). Conversely, the Malaysian Penal Code (Act 574) employs alternative, cumulative, and alternative-cumulative formulation systems. An example of the alternative formulation system can be found in Section 323. The fundamental difference between these two regulations lies in the classification of offences. Under the PKDRT Law, physical violence is categorized as comprising both ordinary offences and relative complaint offences.<sup>22</sup> An ordinary offence refers to a criminal act that can be prosecuted without the necessity of a complaint, whereas a complaint offence

<sup>22</sup> P.A.F. Lamintang and Franciscus Theojunior Lamintang, *Dasar-Dasar Hukum Pidana Indonesia* (Jakarta: Sinar Grafika, 2022).

requires a formal complaint from the individual who has been harmed for prosecution to proceed.

## CONCLUSION

The regulation and sanctions for domestic violence crimes in Indonesia and Malaysia exhibit both similarities and notable differences. Although the two countries operate under distinct criminal law systems, both demonstrate a strong commitment to protecting victims of domestic violence. The differences encompass various aspects, including provisions addressing the concept of physical violence, criteria for serious injuries, types of criminal penalties, systems for criminal formulation, as well as the severity of punishments and the specific offenses defined by each legal framework. These distinctions reflect the unique legal philosophies and national policies of each country.

Conversely, the similarities between the two countries are also significant. Both Indonesia and Malaysia share a common understanding of physical violence, which is defined as acts causing physical harm to the victim. Additionally, the qualifications of victims outlined in the criminal laws of both nations emphasize protection for specific individuals, such as family members, partners, or others within a household relationship. Similarities are also evident in the formulation of criminal sanctions and the penalties imposed on perpetrators of domestic violence, with both countries aiming to provide a deterrent effect and robust victim protection through stringent sanctions. A comparison of the criminal laws of Indonesia and Malaysia in addressing domestic violence offers valuable insights into the legal approaches to this sensitive issue. Despite differences in certain aspects, both countries remain committed to eradicating domestic violence and safeguarding victims' rights. By analyzing these differences and similarities, opportunities emerge to enhance legal protections and advance justice for victims in both jurisdictions.

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