



Legal psychology glasses against domestic violence

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Abstract

This study aims to find out the review of legal psychology of the KDRT, as well as preventive efforts in minimizing the occurrence of cases of Domestic Violence. The research used in this study is empirical juridical, and the data collection techniques used are field research as well as literature research. The research this uses is an empirical legal research approach. The results showed that the psychiatric condition experienced by the perpetrator when committing domestic violence against his wife was caused by emotional factors to his wife. Preventive efforts are made to suppress the occurrence of this KDRT case, namely the need to encourage gender equality education, dissemination of information and promotion of healthy living principles, anti-violence movement against women and children as well as the rejection of all forms of violence to solve problems, counseling for the prevention of violence, promotion of gender equality, promotion of attitudes not to blame victims through the media. As for perpetrators and victims of violence themselves, psychologists need help so that the problems that cause violence can be solved and learn to empathize with cognitive therapy. On the other hand for wives who are usually victims of violence should do treatment or cognitive therapy and learn to behave assertion.

Keywords: legal psychology, KDRT, preventive efforts

Introduction

One of the demands of the people's aspirations in the reform era is legal reform towards the realization of the supremacy of the legal system under an effective constitutional system, in the process of administering the state and daily national life. To achieve this, it is necessary to reorganize legal institutions, supported by the quality of human resources and culture and legal awareness of the community which continues to increase, along with the renewal of legal institutions that are structured harmoniously, and continuously, updated following the demands. Development needs.

The main purpose of a person conducting a study of the law is to understand the nature of the law, the function, and purpose of the law, as well as how to apply legal norms in everyday life, both for individual and collective benefits. First, the motivation to give the best to self and society. Motivation is a central factor because motivation functions as a motor for human movement to think behave and act. With motivation, someone will try to understand the substantial things of the law. Second, the ability to perform an accurate analysis of a problem.

A *sakinah mawaddah warahmah* household is the dream of everyone in their household. To realize *sakinah mawaddah warahmah* is very dependent on the people in the household, especially the level of behavior and self-control of every human being in the household.

The household ark may not be harmonious if the quality and self-control are not controlled, which in the end can result in domestic violence (KDRT) resulting in insecurity or injustice against people in the household. Family and violence at first glance seem like a paradox, violence is destructive, dangerous, and scary while on the other hand the family is defined as an environment to feel love for all those in the family environment, a place to regulate physical and spiritual growth, and a place where all family members

take refuge and rest.

Domestic violence is a violation of human rights, is a form of crime against humanity, and constitutes gender discrimination. Cases of domestic violence sometimes do not get the attention of the wider community, because the case is a problem in the household, and this is inappropriate to be published outside.

Therefore, both the Republic of Indonesia and its citizens are obliged to prevent, protect and take action against perpetrators of domestic violence following Pancasila. The State of Indonesia as a state of the law is of the view that all forms of violence, whatever it may be and anywhere within the Territory of the Unitary State of the Republic of Indonesia, are a violation of human rights and crimes against human dignity as well as forms of discrimination.

A household should be full of love, respect, and protection. A household is said to be harmonious when everyone in the household feels happy which is characterized by minimal conflict, minimal tension, and a sense of satisfaction with the physical state, mental state, emotional state, and social situation) of all members of the household. The integrity of the family and household can be disrupted when self-control is not controlled, then finally domestic violence can occur so that a sense of discomfort or injustice arises against humans in the household.

The responses of victims of domestic violence are almost all passive and submissive, with the assumption that this should not be known by others outside the household. Victims of violence are human beings who are weak and in a psychologically depressed position and there is a sense of fear towards the perpetrators who are mostly husbands, wives as victims do not have enough courage to fight situations that pressure them. This tends to be due to economic, social, educational, and faith factors. The level of dependence of victims on perpetrators, especially from the economic aspect, tends to be more dominant. What is the

role of legal psychology in domestic violence in Biak Numfor Regency? Can preventive measures minimize the occurrence of cases of domestic violence, especially in Biak Mumford Regency? Departing from this, it is urgent to investigate further.

Method of Research

The approach used is an empirical juridical approach. This approach examines the legal provisions in the elimination of domestic violence, the application of such provisions in Biak Numfor Regency. Because this research also tends to countermeasures used by legal psychology that tends to approach domestic violence cases from the psychiatric side of every household involved in domestic violence cases in Biak Numfor Regency. This research was conducted at Biak Numfor Resort Police and Biak District Court, considering that the location can provide the required data related to the theme of this research, and by researching this location the author can obtain accurate data so that it can obtain objective research results and related to the research object. The data that has been obtained both primary data and secondary data will then be processed and analyzed to produce conclusions. Then presented descriptively, to provide a clear and directed understanding of the results of later research.

Research Result and Discussion

Legal Psychology's View on Domestic Violence

The term psychology comes from the Greek word psyche meaning soul, and logos meaning science. Some understand that the two terms are not entirely the same, as gerungan states, namely as follows:

1. Psychology is a term in everyday Indonesian, which is known and commonly used in a broad sense. As for psychology, it is a scientific term that is scientific, so its use only refers to the knowledge of psychology that is scientific in nature legal Psychology's View on Domestic Violence.
2. Psychology is generally used in a much broader sense than psychology. In terms of psychology, it includes all knowledge, opinions, fantasies, and speculations about the soul. Psychology is an activity that refers only to the science of the soul, which is obtained systematically by scientific methods that meet the conditions agreed upon by scholars and psychologists today.

In the psychological perspective, the human soul and its body are an inseparable entity. What happens in the soul will be seen in his body. In addition, the reaction speed of the human soul can be measured at the speed of reaction in its physical movements. Legal psychology is a branch of science that studies law as an embodiment of the development of the human soul. According to Purnadi Purbacaraka and Soerjono Soekanto, Legal psychology includes the science of reality that highlights law as behavior or attitude which includes several branches of study methods, which seek to study law in greater depth from various perspectives, namely legal sociology, legal anthropology, legal psychology, comparative and legal history.

The essential purpose of law enforcement is the creation of a civilized society or civil society, namely people who truly realize and live that without consistent law enforcement, society will be in an anomaly situation, far from glory and

high dignity. In this condition, humans become figures that are no different from wolves that are ready to pounce or are always restless for fear of being attacked.

Therefore, in the context of achieving a civil society and a state full of grace from Allah, God Almighty, law enforcement is very necessary by paying attention to its consistency with human rights. The description of the above formulation is as follows:

1. There are pairs of values that need to be harmonized, which are then described concretely in everyday life;
2. Legal rules which are judgmental views, which then become guidelines for the community;
3. Attitudes of action or behavior to create maintain and maintain peace.

In law enforcement, the three legal meanings are trinity. The law will not be enforced, if there is a disturbance in the trinity, the possibilities are:

1. There is a mismatch between the values in question.
2. This confuses the applicable rules, which then results in a violation of the rules.
3. Undirected education that disturbs the peace.

When the view is directed at behavior, then there is behavior that is following the law and there is something that violates the law. Domestic violence, one of which is abuse by a husband against his wife, is one of the causes of disharmony in social life. Research conducted by experts shows that wife abuse does not only stop at the suffering of a wife or child, but this situation will continue to develop out into people's lives.

"Violence is an attack or invasion of the physical or mental integrity of a person's psychological integrity". Domestic violence, especially against wives, is still common. Of all the cases of domestic violence that occurred, not many could be solved fairly. This is due to the growing public view that domestic violence is a secret in the household and becomes a disgrace that does not deserve to be discussed on the surface and becomes unfit for public consumption.

"Forms of violence can be in the form of psychological violence. This violence is difficult to detect because it involves the sensitivity of a person's emotions, let alone the sensitivity of people who vary greatly. When associated with domestic life, this psychological violence can be in the form of not giving the wife an atmosphere of affection so that her emotional needs are met".

This physical violence, not because of an accident to women, this violence can be caused by violence that occurs either only once or repeated violence, both minor forms of violence to severe forms of violence.

The research was carried out in Biak Numfor Regency, especially the Biak District Court, which can support providing information to writers related to the existence of domestic violence that occurred in Biak Numfor Regency. For example, at the Biak District Court to get a decision related to domestic violence, then at the Biak Numfor Resort Police to obtain data for the last 3 years related to domestic violence cases that were submitted to the police and at the same time conducting interviews with the Women's Empowerment Unit and Children who are competent in handling cases of domestic violence, such as interviews with the Women and Children Protection Office (PPA).

Based on the results of research that the author did at the

Biak Numfor Resort Police, below is a description of the data as follows :

Table 1: Police Data on Number of Cases of Domestic Violence in Biak Numfor Regency in 2016 – 2018

Month	Years			Total
	2016	2017	2018	
January	5	2	1	8
February	3	2	2	7
March	3	1	2	6
April	0	2	2	4
May	2	1	1	4
June	0	1	2	3
July	1	2	3	6
August	0	5	3	8
September	1	0	2	3
October	1	3	2	6
November	1	1	2	4
December	1	2	3	6
Total	18	22	25	65

Data Source: Biak Numfor Police, 2020

Based on the table, that in 2016 and above there was a considerable increase that gave birth to the opinion that the public began to recognize and understand the existence of domestic violence. So that the community begins to entrust the problems that occur in their families to be resolved with the help of the Police following the existing laws and regulations. Domestic violence cases handled by the Biak Numfor Resort Police (Polres) have increased in the last three years. And the forms of violence also vary, such as psychological violence, sexual violence, and physical violence.

The following is a brief chronological description of the events of the Decision Number: 11/Pid.Sus/2016/PN.BIK. Case position: On Thursday, December 24, 2015, at around 01.30 WIT or at any other time in December 2015 or at least at some point in 2015, at the house of the victim Ester Tetelepta which is located at the SMP Negeri 2 Biak complex (behind the Rica-Rica stall) Samofa District, Biak Numfor Regency or at least in a place that is still included in the Legal Area of the Biak District Court, committed acts of physical violence within the household, which the defendant carried out in the following manner:

1. At the time and place as mentioned above, at that time the victim Ester Tetelepta was sleeping with her two children in the room, then the defendant, who had just returned home, banged on the doors and windows of the house so that the victim's child, witness Frederika Latuperrisa, got up and opened the door;
2. That after that the defendant entered the house and went into the room and ordered the two children of the victim-witness to sleep in the back room so that the two children of the victim-witness came out of the room then the defendant spoke in a harsh voice so that the victim-witness did not want to answer the defendant's words then the defendant who was already emotional stood in front of the victim's witness and the victim's witness was sitting on the bed and then slapped the victim on the left cheek of the victim's witness after that the defendant strangled the victim's witness' neck and then wrapped a blanket around the victim's neck.
3. Whereas the defendant then pulled the victim's witness by using the defendant's hand on the victim's hair and threw the victim onto the bed so that at that time the

victim's witness fell on the bed but at that time the defendant was not satisfied with hurting the victim's witness and again strangled the victim's neck and scolded the witness. the victim and after that the defendant left the room and then sat in the living room;

Almost every field of psychology (ie developmental, social, clinical, and cognitive) is relevant to a particular aspect of the law, one example being social psychology. Where this social psychology sees how the police who carry out interrogations use the principles of coercion and persuasion to make suspects admit their crimes. This can be seen from the minutes of opinion from the police, that the perpetrator confirmed that he had abused his wife so that Ester Tetelepta's sister reported her husband that he had committed an act of domestic violence because the suspect had mistreated him, then on the answers of the reporting party and the perpetrator to the questions asked. By the police, there is a match. The job of the police is to find the person who committed the crime and collect evidence that is strong enough to support their belief in the guilt of the suspect. As investigators, the police are more likely to use or use the guilty confession of the perpetrator than any other evidence. First, a guilty plea saves time. Because suspects who plead guilty often also tell their interrogators where important evidence can be found, related to the case above the defendant pleaded guilty to assaulting the victim's witness by slapping the victim on the cheek of the victim's witness on the left, after which the defendant strangled the victim's witness' neck and then wrapped it around the victim's neck. Blanket to the neck of the victim's witness. Second, the confession of guilt by the perpetrator is very much needed by the prosecutor to strengthen his accusation. The defendant in questioning both the judge and the police during the examination did not raise any objections and justified all the witness statements presented. So it looks like an admission of guilt from the defendant. Thus, with the conclusion of the examination conducted by the police against the suspect and the witnesses, the suspect Yacob Latuperisa has been proven to have committed a criminal act of domestic violence and is threatened with imprisonment for a maximum of 9 (nine) months, as referred to in Article 44 paragraph (1) of the Republic of Indonesia Law. Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence. When the examination at the police has been completed, then the case files for domestic violence cases will be transferred to the Prosecutor's Office. In the indictment made by the Public Prosecutor, in this case, the Prosecutor uses a single indictment, namely Article 44 paragraph (1) of Law Number 23 of 2004 concerning the Elimination of Domestic Violence. And after the indictment by the Public Prosecutor in the trial, the defendant stated that he had understood the indictment, and did not raise any objections to the indictment of the public prosecutor. The demands of the Public Prosecutor, the facts revealed at the trial in the form of statements of witnesses, documentary evidence, and statements of the accused, are briefly described and presented by the Public Prosecutor in the trial. The defendant's actions have been legally and convincingly proven to fulfill the formulation of the criminal act charged in the indictment of Article 44 paragraph (1) of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

Based on the testimony of the victim-witness Ester Tetelepta in answering the judge's questions, the author thinks that witness Ester Tetelepta was motivated by the defendant's actions so that she reported the defendant to the police so that the defendant would not repeat his actions. In this case, the author uses a behavioral approach and learning process so that the perpetrator commits a crime.

In law enforcement, this learning process is very useful, especially to identify factors that influence legal compliance. When all the examination processes have been carried out, it will come to the criminal responsibility that will be accepted by the defendant, Mr. James Latuperisa. These responsibilities include: "Stating that the defendant is legally and convincingly proven guilty of committing the crime of "physical violence in the household". The judge sentenced the defendant to imprisonment for 6 (six) months and determined that the period of detention the defendant had served was deducted entirely from the sentence imposed. Then ordered the defendant to remain in custody and charged the defendant to pay court fees of Rp. 1,000, - (one thousand rupiah)". Based on Article 44 paragraph (1) of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, there are elements of punishment that are deemed appropriate by the judge to impose this article, including:

The element of every person, that what is meant by "Everyone" here is a person or human being as a legal subject who is suspected of committing a criminal act; Considering, whereas in this case the defendant Yacob Latuperisa whose complete identity is as clearly and completely stated in the Public Prosecutor's indictment which has been confirmed by the witnesses and the Defendant's confession at trial, the Panel of Judges believes that the element of "Everyone" has been fulfilled;

Elements of committing acts of physical violence within the household. Considering, whereas in Article 6 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence it is explained that physical violence as referred to in Article 5 letter a is that which results in pain, illness, or serious injury.

Based on the legal facts found in the trial, the defendant's actions have fulfilled the elements of a criminal act of physical violence in the household. This can be seen based on the statements of witnesses, defendants, and evidence as follows:

- a. That it is true that the defendant explained that the criminal act of Domestic Violence occurred on Thursday, December 24, 2015 at approximately 01.30 WIT at the SMP Negeri 2 Biak Complex (Rica-Rica Stall) Samofa District, Biak Numfor Regency.
- b. That the defendant committed domestic violence against the victim's witness and where the victim's witness was the defendant's legal wife.
- c. That the defendant at the time of committing violence against the victim's witness by slapping the victim's witness on the left cheek with his right hand.
- d. That the defendant hit the victim by using an iron pipe and then hitting the victim 2 (two) times using an iron pipe and then hitting the victim 2 (two) times hitting the hand and left shoulder so that the victim fell into the sea or the water, then the defendant leave the victim.
- e. That the defendant slapped the victim's left cheek and then the defendant strangled the witness' neck and at that time the defendant used a blanket wrapped around

his neck then the defendant pulled the witness and immediately slammed the witness 1 (one) time onto the bed which Previously the witness was sitting on the bed angry at the victim.

- f. That due to the actions of the accused, the victim-witness Ester Tetelepta, the victim-witness experienced pain in the neck and pain in the left ear as described in the letter of visum et repertum Number: Ver/451.6/003/II/2016/RSUD with the results of the examination as follows: there is a bruise on the lower left ear, irregular shape, bluish color measuring two centimeters long and one centimeter wide, around the wound there is no swelling.
There is a pain in the back of the neck, it hurts when the neck is moved.
- g. That the defendant and the victim's witness were legally married and it was recorded in the Marriage Certificate Number: 474.2/027/XI/2024 on the twenty of November Two Thousand and Four, which was held in the presence of a Protestant Christian religious leader named Pdt. A. Womsiwor, SM., TH., at the Bethlehem Church of the Sumberker Biak Congregation in the Klasis GKI South Biak.

"Considering, that because all elements of Article 44 paragraph (1) of the Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence have been fulfilled, the defendant must be declared to have been legally and convincingly proven to have committed the crime as charged".

"Considering that in the trial the Panel of Judges did not find things that could eliminate criminal liability, both as justification and or excuses, the defendant must be held accountable for his actions." "Based on the facts mentioned above, the element of "everyone" has been legally and convincingly proven according to law. The element of committing violence that is meant by "physical violence" is an act that causes pain, falls ill, or is seriously injured, as referred to in the provisions of the legislation. Whereas based on the facts that were revealed before the trial obtained from the testimony of witnesses who were sworn in and supported also by the testimony of the defendant himself in the trial, it was found that it was true that on Thursday, December 24, 2015, at approximately 01.30 WIT at the victim's house, the address was at Complex SMP Negeri 2 Biak (Stall Rica-Rica) Samofa District Biak Numfor Regency, the defendant has committed domestic violence against the victim's witness and where the victim's witness is the defendant's legal wife, by slapping the victim's witness on the left cheek with his right hand, then hit the victim utilizing the defendant using an iron pipe and then hitting the victim 2 (two) times hitting the hand and left shoulder so that the victim fell into the sea or the water and then the defendant left the victim. Then the defendant also slapped the victim's left cheek on the left and the defendant strangled the witness' neck and at that time the defendant used a blanket wrapped around the victim's neck then the defendant pulled the witness and immediately slammed the witness 1 (one) time onto the bed which Previously the witness was sitting on the bed angry at the victim. As a result of the defendant's actions, the victim-witness experienced pain in the neck and pain in the left ear as described in the Visum ET Repertum Letter Number: Ver/451.6/003/I/2016/RSUD".

“That based on the facts mentioned above, this element has been legally and convincingly proven according to law. The elements within the household scope, as explained in this law, are:

1. Husband, wife and children;
2. People who have family relationships with people as referred to in letter a, because of blood relations, marriage, breastfeeding, care and representatives who live in the household and or;
3. People who work help the household in the house and stay in the household”.

Following Article 2 paragraph (1) of Law Number 23 of 2004 concerning the Elimination of Domestic Violence that based on the facts revealed in front of the trial obtained from the testimony of the victim-witness Ester Tetelepta is the wife of the defendant where the defendant lives with the victim.

In this case, the victim-witness Ester Tetelepta is part of the household as referred to in the provisions of this legislation that based on the facts mentioned above, this element is legally and convincingly proven according to law. The elements that the husband does to his wife. Then based on the facts revealed in front of the trial obtained from the statements of the witnesses and also supported by the statements of the defendant himself, it is clear that the defendant Yacob Latuperisa has physically abused his wife, the victim-witness Ester Tetelepta.

That based on the facts above, the elements have been legally and convincingly proven according to law. After the description of Article 44 paragraph (1) of the Domestic Violence Law was elaborated and linked to the defendant's behavior, the Panel of Judges said that the defendant's behavior had fulfilled all the elements of the article and the defendant must serve his criminal responsibility. And here as a defendant, he did not raise any objections and accepted all the decisions that had been submitted by the Panel of Judges, and was aware of all his actions.

Law enforcement must pay attention to the elements of legal certainty (*Rechtzekerheit*), expediency (*Zweckmassigkeit*) and justice (*Gerechtigkeit*). This is necessary to achieve legal certainty. Legal certainty which is the hope of society is very important in the law itself. This is because at the same time whatever the contents of the articles contained in a legal regulation, it means nothing if it cannot provide legal certainty in its implementation.

Law enforcement must pay attention to these three elements in a balanced proportion. However, in practice, it is very difficult to make a proportional compromise between the three elements. The basis for the judge's consideration in making a decision, including that the defendant in the trial stated that he was not accompanied by a legal advisor and would face the case himself. And after the indictment was read out by the Public Prosecutor, at the question of the Panel, the defendant said he understood the indictment and did not raise any objections to the indictment of the Public Prosecutor. The statements of witnesses presented by the defendant confirmed it and between the statements of the witnesses and the statements of the accused were mutually supported by the available evidence, thus giving birth to the conclusion that the defendant was legally and convincingly proven guilty of the crime of "having committed physical violence in the household". Because he is proven guilty, the defendant is sentenced to imprisonment for 6 (six) months

which is deemed commensurate with his actions by taking into account aggravating and mitigating factors.

The purpose of psychology is:

1. Understanding behavior by providing a formulation of the workings of the psychic factors, which together determine the development and expression of behavior;
2. Determine the greatest likelihood of individual behavior in certain situations;
3. Develop techniques that allow control of individual behavior by directing his psychological development.

Thus, when studying behavior based on these three objectives, we can find out the inner state of a person, when doing an action that is appropriate or contrary to the norms of life that apply in society.

Psychology can provide recommendations on appropriate treatment with behavioral deviations, namely:

1. Building public awareness that domestic violence is a social problem;
2. Families are obliged to practice religious teachings. Where the father must be a good priest for his wife and children and family, so that there is harmony and warmth in the family;
3. Provide briefings for husbands, wives, prospective husbands, and prospective wives on how to build good and harmonious relationships;
4. Women's empowerment organizations can play a role in socializing the importance of building a good household, mawaddah (full of love) warahmah (full of affection);
5. The role of the mass media is because access to information is getting easier, communication tools can be personal reporters who can inform all events, especially domestic violence which in a short time the news can be heard by the public and the police. Of course, all of this will be useful in contributing to reducing violence;
6. Reporting on violence and other matters related to violence should be limited for public consumption;
7. The government is responsible for preventing domestic violence, according to Articles 11 and 12 of the Law on the Elimination of Domestic Violence.
8. Assistance to victims in solving problems and the possibility of placing them in shelters, it is hoped that victims will be better monitored and protected and quickly help psychological recovery.

Of the several things above that can be done, the most important thing is to provide "education" (learning) to parents. In psychology, this is called the learning process. From learning, individuals gain something they did not have before. As an experience, learning will strengthen attitudes in taking certain actions. The learning process will essentially be related to changes in one's behavior.

In general, the learning process is something that has a good meaning, namely as a process in which a behavior is generated or corrected through a series of reactions to situations (or stimuli) that occur. Efforts to provide special education/learning for parents and the community by competent/authorized parties are very effective in reducing all forms of violence, especially domestic violence. In addition, law enforcement officers and related parties must work harder to socialize the Law on the Elimination of Domestic Violence.

This is because it is the responsibility of law enforcement and related institutions such as the Women and Children Protection Agency (LPPA). The tips in minimizing the occurrence of domestic violence are to hold more intensive socialization to the community so that people understand better in preventing cases of domestic violence that occur in the surrounding environment..

Conclusion

The psychological condition experienced by the perpetrator when he committed domestic violence against his wife was caused by emotional factors to his wife. Then preventive efforts are made to suppress the occurrence of domestic violence cases, namely gender equality education, dissemination of information and promotion of healthy living principles, anti-violence movement against women and children and rejection of all forms of violence to solve problems, counseling for violence prevention, promotion gender equality, promotion of non-victim blaming through the media. As for the perpetrators and victims of violence themselves, psychological assistance is needed so that the problems that cause violence can be resolved and learn to empathize with cognitive therapy. On the other hand, wives who are victims of violence must take medication or cognitive therapy and learn to behave assertively.

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