

# Application of CEDAW in Domestic Violence Cases in Indonesia: Case Study of Domestic Violence against Venna Melinda

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**Abstract.** Domestic violence is a form of human rights violation. Even though domestic violence has been prohibited, this kind of violence still often occurs in Indonesia. On Sunday, January 8, 2023, Venna Melinda experienced an incident of domestic violence committed by her husband, Ferry Irawan, resulting in a nose injury. This normative juridical research was conducted through a literature review using a legal framework and then evaluated using descriptive analytical methodology. Regarding the domestic violence faced by Venna Melinda, it should be noted that although CEDAW does not specifically address domestic violence, it requires member states to enact laws that address all types of discrimination against women, including domestic violence. Indonesia's ratification of CEDAW shows Indonesia's dedication to eliminating gender-based discrimination, which was transformed by the enactment of the PKDRT Law. The police have resolved the domestic violence case involving Venna Melinda so that the perpetrator received a criminal sentence from the judge. However, the Domestic Violence Law in Indonesia still has shortcomings in its regulation, so the handling of domestic violence situations is not optimal. Therefore, the author believes that the PKDRT Law has not effectively implemented CEDAW's directives to eliminate gender-based discrimination against women. Based on the author's point of view, the Domestic Violence Law needs to be revised, and its implementation should be improved as required by CEDAW.

## 1 Introduction

Domestic violence is a violation of human rights. On Sunday, January 8, 2023, a well-known Indonesian artist and politician named Venna Melinda became a victim of domestic violence. The violence caused injuries to the nose. Ferry Irawan, Venna Melinda's husband, forced Venna Melinda's nose until it bled, and this could be classified as a violation of human rights. Gender-based violence is a type of discrimination that significantly hinders a woman's ability to exercise her rights and freedoms as a woman on the basis of equal rights with men [1].

In 1984, Indonesia ratified the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) with Law Number 7 of 1984 concerning

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Ratification of the Convention on the Elimination of All Forms of Discrimination against Women (Convention on the Elimination of All Forms of Discrimination against Women). This action shows Indonesia's commitment to safeguarding women's rights. Indonesia wishes to be involved in global efforts aimed at eliminating all forms of gender-based discrimination against women. Indonesia has issued Law Number 23 of 2004, which is known as the Law on the Elimination of Domestic Violence (UU PKDRT), which specifically addresses domestic problems. This law contains provisions that consider gender perspectives [2].

Discrimination against women, especially in the household, often arises because of the perception of women as vulnerable and often under the control of more powerful men. Women often receive unfavorable opinions. Women are often considered more emotional, while men are usually considered more logical. When women voice their ideas or objections, women are sometimes considered trivial or seen as women who are too brave to go beyond their nature.

Venna Melinda, who was a victim of domestic violence perpetrated by her husband, stated through her lawyer that the cause of the violence was her inability to fulfil her husband's sexual demands. Specifically, Venna Melinda refused her husband Ferry Irawan's request for sexual relations because she was tired. Basically, this is a type of discrimination against women, even though sexual relations are a human right of husband and wife. However, it is important to underline that this intimate relationship can only exist if both individuals agree with each other, thereby ensuring that neither party is harmed in any form.

Article 16 paragraph (1) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires participating countries to enact appropriate laws to eliminate gender-based discrimination against women in all aspects relating to marriage and family relations and ensure equality between men and women [3]. The domestic violence experienced by Venna Melinda can be linked to the rights protected by CEDAW, especially the personal rights contained in Article 16 paragraph (1) letter g, which guarantees equal rights for both partners, including freedom to choose their family name, profession, and work. Both husband and wife have the same personal rights [4].

## **2 Problem Formulation**

How does the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) regulate domestic violence, especially in the case of Venna Melinda?

## **3 Literature Review**

### **3.1 Domestic Violence**

Domestic violence includes all behavior specifically directed at women that results in physical, sexual, or psychological violence, as well as neglect within the household. This includes carrying out acts of intimidation, using force, and unlawfully obstructing someone's freedom within the household [5].

Domestic violence is the impact of patriarchy, a social system that prioritises male domination and gives men the authority to dominate and control women. Domestic violence includes physical, sexual, psychological, and financial aspects, as well as controlling or coercive behavior. Violence perpetrated by husbands, commonly known as domestic violence, has a greater impact on women, as approximately one in three women experience physical or sexual violence in their lifetime [6].

Patriarchy is a theoretical framework that explains the factors that contribute to women's subordinate position and describes the power dynamics between women and men. This power

is manifested in the form of male independence, which allows men to dominate women. The existence of a patriarchal societal structure is rooted in the assumption that because of biological differences between men and women, men are, therefore, considered to have greater authority than women [6].

In fact, in the household sphere, the husband's higher position than the wife is intended to emphasise the differentiation of responsibilities between men in their role as husbands and women in their role as wives, not to subjugate each other. The husband's responsibility is to look after, care for, protect and ensure livelihood. In contrast, apart from her responsibility to serve her husband, the wife also has the right to guarantee security and support. However, these benefits do not guarantee a husband's ability to carry out arbitrary behavior towards his wife [7].

Domestic violence is still widely recognised as the main type of violence affecting women and often results in serious physical injury. In some cases, women refrain from reporting incidents of domestic violence because the victims are optimistic that their partners will change for the better over time, and the victims still want to maintain an intact family [8].

Every married couple certainly dreams of a family life full of love and happiness. Every family hopes to have a safe, comfortable, and enjoyable household atmosphere. Nevertheless, it cannot be denied that family life includes more than just love and happiness. Marital or family relationships can sometimes give rise to complicated problems caused by misunderstandings or lack of compatibility between family members. Unresolved differences of opinion have the potential to escalate into Domestic Violence (KDRT) cases.

Common catalysts that cause domestic violence include economic difficulties, the involvement of third parties, and social factors. The increasing prevalence of domestic violence is a socio-cultural factor that can hamper efforts to deal with this problem. Women's vulnerability to violence is exacerbated by low economic conditions, characterised by increasing unemployment and poverty, plus political unrest and armed conflict. Women are often ostracised in situations like this because of women's vulnerable status in society [9].

Households often become a fertile environment for domestic violence, which deviates from applicable social and legal norms. The household, as a social institution, is a highly effective means for interpersonal interactions among its members, making it the most important place for building moral ideals [10]. As a legal entity, the household should function as a place of protection, promoting an atmosphere of security, mutual respect, mutual support, and a space of calm.

Prolonged cases of domestic violence are seen as ongoing events and trigger psychological stress in a person's life. By applying the theoretical framework of coping techniques, one can gain insight into how women effectively handle and overcome cases of domestic violence. Religious doctrines significantly influence conventional principles, highlighting the importance of male authority figures in women's existence. Therefore, women are expected to obey their husband's orders. Our understanding of the influence of socio-cultural and psychological factors on women's coping strategies in dealing with domestic violence is still limited [11].

From an early age, girls are socialised to accept and adhere to societal norms surrounding femininity, domesticity, conformity, and prioritising family [12]. Women's feelings of subordination are embedded in family responsibilities and the acquisition of gender norms. Domestic violence can also be analysed using the framework of "social structural theory," which states that violence is related to societal conditions that require women to depend on men for their economic stability, even in relationships characterised by abuse [13].

### **3.2 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), also known as *Konvensi Penghapusan Segala Bentuk Diskriminasi terhadap Perempuan* in Bahasa Indonesia, was adopted by the United Nations General Assembly on December 18, 1979, and came into force on December 18, 1979. September 3, 1981. According to the UN Commission on Human Rights (UNCHR), as of March 2023, CEDAW has 189 party states [14].

CEDAW, as an international human rights instrument, imposes legally enforceable responsibilities on state parties with respect to gender equality. CEDAW aims to eliminate discrimination on the basis of sex and gender carried out by individuals, organisations, or groups, including prejudiced views of society. Therefore, CEDAW's goal is to eliminate gender gaps. In this regard, CEDAW strongly urges state parties to implement measures aimed at achieving equality in various areas of society [15].

CEDAW is a Convention that regulates the principles of gender equality between men and women. Although CEDAW does not explicitly regulate domestic violence, the convention highlights that domestic violence is a significant form of gender-based discrimination and a violation of human rights. CEDAW aims to recognise and achieve gender equality in both theoretical and practical aspects. This can be achieved by enacting laws that explicitly prohibit gender-based discrimination against women and include all related legal and administrative procedures [16].

CEDAW consists of three main concepts. The first principle is the concept of equality, which specifically focuses on ensuring a consistent level of equality between men and women. The second principle is non-discrimination, which includes equal treatment of men and women in various areas, such as the actualisation of human rights and basic freedoms. The third principle is the government's obligations. The government needs to fulfil its responsibilities by ensuring that women are given fair opportunities to exercise their civil, political, social, and cultural rights [16].

As the name suggests, CEDAW exists to guarantee the realisation and enjoyment of women's human rights and basic freedoms. This is done by defining and prohibiting gender-based discrimination, encouraging women's political participation and reproductive rights, and protecting women's rights in the areas of law, education, work, culture, and family life [17].

CEDAW can be interpreted with a focus on the phrases contained in it to encourage progress in a more emancipatory and inclusive understanding of gender in the realm of international and national law. The comprehensive prohibition of discrimination on several overlapping grounds confirms the importance of CEDAW as an important, or even exclusive, solution to address discrimination based on sex and gender.

Article 2 of CEDAW mandates that states must take action to prevent and eliminate all forms of discrimination against women. The state is obliged to establish a national constitution or law that contains the idea of gender equality, implements penalties, and prohibits acts of discrimination [3].

In addition, Article 2 of CEDAW mandates the regulation of legal protection for women's rights based on the principle of equality. This ensures a competent national judiciary and prohibits all forms of discrimination against women. In addition, regulations are established to eliminate discriminatory practices against women carried out by individuals, companies, and organisations. Implement regulations aimed at changing and eliminating all types of discrimination and repealing national criminal laws that discriminate against women.

### **3.3 Implementation of International Agreements in Indonesia**

CEDAW is an international agreement in the form of a convention, where the convention is the main source of international law used by the International Court of Justice (ICJ) to resolve disputes. This is in accordance with Article 38, paragraph (1) of the ICJ Statute (International Court Statute) [18].

The application of international law in the national legal system is something that is still being debated in legal science. Various theories have been developed to determine the relationship and overlap between international law and national law. Although there is no conclusive theory, international law scholars mainly focus on monism and dualism when analysing the relationship between international law and state law. Apart from that, several alternative hypotheses have also emerged, such as the third-way hypothesis proposed by the leading international law expert Gerald Fitzmaurice. This is called harmonisation theory by other experts [19]. Below are some theories of the relationship between International Law and National Law [20]:

#### **3.3.1 Monism Theory**

According to Monism Theory, all law is seen as a single set of provisions consisting of binding legal principles, which can be in the form of norms that impose obligations on the state, individuals, or other entities that are not the state. Legal science is seen as a cohesive realm of science where there is no distinction between International Law and National Law because both are systems of legal regulations that are interrelated within a legal framework.

As a result of this point of view, the application of International Law to the National Law of a country can occur without requiring a transformation procedure first. Adherents of this understanding argue that if there is a legal dispute between International Law and National Law, then International Law has the potential for National Law.

The Monism Theory gave rise to the development of the Delegation Theory, which states that there is a delegation to each state constitution by the constitutional rules of International Law, which includes the authority to determine the validity of the provisions of international agreements and how these provisions are incorporated into National Law.

In this case, there is no legal transformation or creation of new national rules or laws. Instead, there is simply an extension of the existing legal framework. National Law is seen as an extension of International Law so that International Law can be directly applied without the need to create new national laws.

#### **3.3.2 Dualism Theory**

Dualism theory argues that International Law and National Law are different systems that cannot conflict with each other. In international relations, the International Law system is governed by the idea of *pacta sunt servanda*, which means that countries are obliged to uphold the agreements they have signed. On the other hand, the National Law system is based on the principle that countries must comply with their own laws and regulations.

In dualism theory, International Law and National Law work independently, meaning that International Law cannot directly influence National Law. On the other hand, International Law must be changed or combined with National Law in order to have a meaningful impact on individuals in a country.

According to dualism theory, international law rules cannot be applied directly in a national context by National Courts or other bodies. If you want to apply the rules of International Law to National Law, a specific adoption or incorporation process into National

Law is required. This theory argues that International Law and National Law are different systems and are basically structurally different.

### *3.3.3 Harmonisation Theory*

Harmonisation Theory is a theory put forward by Dionisio Anzilotti and Fitzmaurice that aims to provide an alternative approach to prevent the barriers of monism and dualism theories. This perspective rejects the assumption that one legal system is superior to other legal systems, especially between International Law and National Law. This legal system is dominant in their respective regions. In this theory, the position of International Law plays a harmonising role. If there is a dispute between International Law and National Law, then National Law takes precedence by holding the state accountable at the international level, especially if there is a violation of international legal obligations.

Indonesia does not explicitly regulate the relationship between international law and national law. This is also not regulated in the 1945 Constitution of the Republic of Indonesia. Therefore, it is difficult to determine whether Indonesia adheres to monism or dualism. Indonesia's strategy in incorporating international law into national law is marked by inconsistencies because it uses incorporation and transformation methods [21].

Countries that adhere to dualism change International Law into National Law through a process called transformation. This allows the rules of International Law to be used as legal principles in the National Law system. Countries that adhere to the principle of monism believe that International Law must be incorporated into the National Law system (incorporation), side by side with National Law without changing its substance. This is done as long as the content of International Law is suitable for implementation in National Law.

A country's agreement to be bound by a convention is expressed by means of ratification. In this case, CEDAW has been ratified by Indonesia since 1984 with Law Number 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination against Women.

Law Number 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination against Women in its substance, the provisions in CEDAW were not changed and were simply embedded in the ratification law. However, Indonesia stated that the Indonesian Government was not willing to bind itself to the provisions of Article 29 CEDAW because, in principle, it could not accept an obligation to submit international disputes in which Indonesia was involved to the International Court of Justice.

Regarding other CEDAW substances, since it was ratified, the law has come into force and has legal force, so the government is obliged to comply with international agreements that have been stated in national law unless otherwise stipulated in Indonesian laws and regulations.

In relation to cases of domestic violence (KDRT), Indonesia has passed Law Number 23 of 2004 concerning the Elimination of Domestic Violence (UU PKDRT), which focuses on resolving domestic violence cases and protecting victims of domestic violence. This proves Indonesia's seriousness in eliminating discrimination against women, especially in the household sphere, by improving existing legal arrangements in Indonesia.

## **4 Research Methods**

The paper employs a normative juridical approach, focusing on the analysis of written legal documents such as laws, court decisions, and legal expert opinions, to address the legal issues surrounding the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in cases of domestic violence in Indonesia, specifically the case involving Venna Melinda. To guarantee consistency between the

research technique and the research subject, the study conducts a comprehensive investigation of the implementation of international law, namely CEDAW [22], combining qualitative legal analysis and technology methodologies. The study employs grammatical, systematic, teleological, and historical legal interpretation methodologies to properly comprehend and interpret the legal principles and regulations outlined in CEDAW, assuring their applicability to domestic abuse situations in Indonesia. The major data source is secondary, acquired from a thorough literature research that included legal documents such as legislation, court judgments, academic papers, and books, all of which were methodically collected and analyzed utilizing qualitative data analysis methodologies [23]. To strengthen the analysis and correspond with the conference subject, the study includes statistical analysis of domestic abuse cases in Indonesia, with a focus on the patterns and outcomes of instances that have invoked CEDAW [24].

This is accomplished by using legal databases and statistical tools to statistically evaluate the success of CEDAW implementation. Furthermore, the case of Venna Melinda serves as a major case study, and the results are contrasted to comparable domestic abuse instances in Indonesia that have or have not employed CEDAW as a legal framework. This comparison is helped by the use of legal data mining tools, which allow for a more in-depth knowledge of the actual implementation of international legal norms in the Indonesian legal system. In keeping with the conference subject, the study suggests using legal technology tools, such as AI-powered legal research portals, to enhance the accessibility and implementation of CEDAW in domestic abuse situations. According to the report, integrating these instruments might improve judicial procedures and the enforcement of international legal norms. This methodological approach guarantees a thorough and coherent study of the research topic, combining normative legal analysis with technical solutions to give a more rigorous assessment of CEDAW's effect on domestic abuse cases in Indonesia.

## **5 Discussion**

### **5.1 Domestic violence case against Venna Melinda**

Police Commissioner Dirmanto, Head of Public Relations of the East Java Regional Police, stated that the domestic violence incident started when Venna Melinda and Ferry Irawan argued at a hotel in Kediri. Dirmanto said that Kediri City Police investigators had studied the case files reported by Venna Melinda. Based on his search, Venna Melinda lives in Surabaya. Therefore, investigators sent the case files to the East Java Regional Police.

Venna Melinda revealed that the act of domestic violence started when Ferry Irawan asked for sexual intercourse. However, Venna Melinda refused because her stomach acid disease had recurred. This was because Venna Melinda and Ferry Irawan actually left for Kediri because of work obligations at that time. However, when Venna was preparing to leave for her destination, Venna suddenly experienced health problems.

Venna experiences pain, especially in the stomach area, so she needs adequate rest. Venna revealed that at around 03.00 in the morning, Ferry asked to have sexual intercourse with her. Venna refused because she was tired and had to go to work in the morning. Venna Melinda also said that during the trip, Venna took stomach medicine, which caused her to feel tired and made her fall asleep when she arrived in Kediri. Ferry Irawan had another seizure when Venna Melinda showed her great dislike for unimportant things. At exactly 07.00, Venna changed clothes and then closed the bathroom door where Ferry Irawan was defecating. Venna took this step because she was experiencing nausea. As a result, Ferry Irawan was furious when he saw the situation.

Venna Melinda attributed the source of her nosebleed to the actions of Ferry Irawan, who held Venna's hand, pressed Venna's head, and locked Venna's forehead with his hand. Next, Venna observed a noticeable change in the color of the roof of the hotel room from the original white to black. This was a direct result of the pain Venna experienced when Ferry pressed her head. After Venna said that her nasal bone had shifted or was broken, Ferry began to loosen the locks and reduce pressure on Venna's forehead. At that moment, Venna Melinda felt a warm sensation in her nose area, which was soon accompanied by a sudden flow of blood. Based on Venna's account, the blood found on the floor, towels, and bed sheets did not come from a nosebleed but from Venna's nose wound.

Based on Article 5 of the PKDRT Law, several forms of domestic violence are stated, including physical violence, psychological violence, sexual violence, and domestic neglect [25]. Reviewing the chronology of Venna Melinda's domestic violence, which has been explained above, the type of domestic violence experienced by Venna Melinda was included in the type of physical violence that resulted in injuries to Venna's nose.

Not only does it affect physical conditions, but domestic violence also has an impact on Venna Melinda's psychological conditions [26]. From the post-mortem results, Venna Melinda did not suffer a broken nose but a broken blood vessel. It was reported that her ribs were also fractured and required intensive medical treatment. Venna Melinda said the findings of the medical report from a team of doctors at Mitra Keluarga Hospital located in Jakarta. Venna felt a deep sense of hopelessness characterised by emotions of helplessness and deep regret toward herself and others. Venna Melinda said that after the incident, Venna's anxiety, tension, worry, and discomfort increased. This reduces his enthusiasm for activities.

## **5.2 Evaluation of the Implementation of CEDAW in the Venna Melinda Domestic Violence Case**

Ferry Irawan was arrested on Monday, January 16, 2023, after being named a suspect in a domestic violence case to assist in the investigation process. Ferry was arrested after undergoing a thorough examination for 7 hours at the East Java Regional Police in Surabaya. Ferry, accompanied by his attorney Jeffry Simatupang, denied the allegations of domestic violence against Venna.

Ferry attended the first trial at the Kediri District Court on March 27, 2023, on the agenda while the indictment was read. Ferry was charged with violating two special provisions, Article 44 and Article 45 of the Republic of Indonesia Law Number 23 of 2004, concerning the Elimination of Domestic Violence. After the Public Prosecutor read the indictment, Ferry immediately filed an exception or objection to the indictment. In the trial on May 3, 2023, the prosecutor asked Ferry Irawan for a prison sentence of 1 year and 6 months regarding the domestic violence case involving Venna Melinda. At that time, the Public Prosecutor considered this aggravating because Ferry had been convicted and involved in domestic violence. However, the defendant's attitude throughout the trial was considered polite, thus potentially mitigating the demands of the Public Prosecutor.

The Kediri District Court finally handed down a decision regarding the domestic violence case experienced by Venna Melinda, which her husband, Ferry Irawan, committed. Ferry Irawan received a one-year prison sentence from the Kediri District Court. Boedi Haryantho, the head of the Kediri District Court, sentenced defendant Ferry Irawan to one year in prison for the crime of domestic violence (KDRT) against his wife, Venna Melinda. Ferry was found guilty of the principal crime of Article 44 paragraph 4 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence in a trial held at the Kediri District Court, East Java, Tuesday, May 23, 2023. Apart from that, Ferry was also found guilty of a second violation, precisely Article 45 of the same law.



Regarding the Court's decision on the domestic violence case against Venna Melinda, with a guilty verdict against the perpetrator, Indonesia has shown serious steps in eliminating discrimination against women, especially in cases of domestic violence. This is also stated in the preamble to the PKDRT Law letter b [25], which considers “that all forms of violence, especially domestic violence, constitute a violation of human rights and a crime against human dignity and a form of discrimination that must be eliminated.”

The considerations for the PKDRT Law letter c [25] “that victims of domestic violence, most of whom are women, must receive protection from the state and/or society in order to avoid and be free from violence or threats of violence, torture, or treatment that degrades human status and dignity.” The PKDRT Law means that Indonesia carries out its obligations towards CEDAW in eliminating discrimination against women, especially in the household sphere.

In the context of the PKDRT Law, Indonesia carried out a legal transformation in implementing CEDAW as a ratified convention. When examined more deeply, the author finds that the substance of the PKDRT Law is in harmony with CEDAW. However, there are still contents that are not in accordance with the mandate of CEDAW, resulting in law enforcement in cases of domestic violence in Indonesia not being optimal. Harmonisation of legal substance between the PKDRT Law and CEDAW, among others:

**Table 1.** Comparison of CEDAW and the PKDRT Law in relation to regulating domestic violence

Comparison	CEDAW	PKDRT Law
Definition	Article 1: For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.	Article 1 paragraph (1): Domestic violence is any act against someone, especially women, which results in physical, sexual, or psychological misery or suffering and/or domestic neglect, including threats to commit acts, coercion, or unlawful deprivation of liberty within the household.
State Responsibility	Article 2: States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women, and, to this end, undertake: (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realisation of this principle; (b) To adopt appropriate legislative and other measures, including sanctions where	Article 1 paragraph (2): Elimination of Domestic Violence is a guarantee provided by the state to prevent domestic violence, take action against perpetrators of domestic violence, and protect victims of domestic violence.  Article 11: The government has a responsibility to prevent domestic violence.  Article 12 paragraph (1):

	<p>appropriate, prohibiting all discrimination against women;</p> <p>(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;</p> <p>(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;</p> <p>(e) To take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise;</p> <p>(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs, and practices that constitute discrimination against women;</p> <p>(g) To repeal all national penal provisions which constitute discrimination against women.</p>	<p>(1) To implement the provisions as intended in Article 11, the Government:</p> <p>a. formulate policies regarding the elimination of domestic violence;</p> <p>b. organise communication, information, and education about domestic violence;</p> <p>c. organise outreach and advocacy about domestic violence, and</p> <p>d. organise gender-sensitive education and training on domestic violence issues and establish standards and accreditation of gender-sensitive services</p>
<p>Protection</p>	<p>Article 3:                  States Parties shall take in all fields, in particular in the political, social, economic, and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on the basis of equality with men.</p>	<p>Article 10:                  Victims have the right to:</p> <p>a. protection from the family, police, prosecutor's office, Court, advocates, social institutions, or other parties either temporarily or based on a protection order from the Court;</p> <p>b. health services according to medical needs;</p> <p>c. special handling relating to victim confidentiality;</p> <p>d. assistance by social workers and legal assistance at every level of the examination process in accordance with statutory provisions and</p> <p>e. spiritual guidance services.</p>

<p>Elimination of Community Stereotypes</p>	<p>Article 5: States Parties shall take all appropriate measures:</p> <p>(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices that are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;</p> <p>(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it is understood that the interest of the children is the primordial consideration in all cases.</p>	<p>Article 15: Every person who hears, sees, or becomes aware of domestic violence is obliged to make efforts within the limits of their ability to do so:</p> <p>a. prevent criminal acts from taking place;</p> <p>b. provide protection to victims;</p> <p>c. provide emergency assistance, and</p> <p>d. assist in the process of submitting applications for protection determination.</p>
<p>Protection within the Family Sphere</p>	<p>Article 16 paragraph (1):</p> <p>1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and, in particular, shall ensure, on the basis of equality of men and women:</p> <p>(a) The same right to enter into marriage;</p> <p>(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;</p> <p>(c) The same rights and responsibilities during marriage and at its dissolution;</p> <p>(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases, the interests of the children shall be paramount;</p> <p>(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education, and means to enable them to exercise these rights;</p> <p>(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship, and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases, the interests of the children shall be paramount;</p>	<p>Article 5: Every person is prohibited from committing domestic violence against people within their household by means of:</p> <p>a. physical violence;</p> <p>b. psychological violence;</p> <p>c. sexual violence, or</p> <p>d. household neglect.</p>

	<p>(g) The same personal rights as husband and wife, including the right to choose a family name, a profession, and an occupation;</p> <p>(h) The same rights are for both spouses with respect to the ownership, acquisition, management, administration, enjoyment, and disposition of property, whether free of charge or for valuable consideration.</p>	
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Based on the table above, it can be concluded that almost all of the legal substance in the PKDRT Law is in line with CEDAW. However, on the other hand, domestic violence is still a criminal offense in the complaint offense category. If domestic violence is a complaint offense, it means that criminal punishment is only used as a last resort. If peace is achieved, then the trial of domestic violence cases will be stopped, resulting in reunification between the perpetrator and victim in a relationship, effectively forgetting about the occurrence of domestic violence.

This complaint offense effectively creates a passive response from the authorities in dealing with domestic violence. Domestic violence crimes can only be prosecuted if the injured victim files a complaint. Other people who are not victims are not permitted to initiate the processing of domestic violence cases. This created gaps in law enforcement regarding domestic violence cases until now, so it is not surprising that domestic violence cases are still rampant today.

## 6 Conclusions

Domestic abuse is indirectly addressed in various sections of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), including sections 1, 2, 3, 5, and 16. These rules stress that domestic violence is not a private matter, but rather a form of discrimination that the state must confront and prevent. In the instance of Venna Melinda, law enforcement action was taken under Indonesia's PKDRT Law, demonstrating the country's adherence to CEDAW. Despite this legal structure, domestic abuse remains a criminal violation in Indonesia, falling under the complaint offense category, which means that prosecution is usually only pursued if the victim makes a complaint. This categorization poses considerable issues in law enforcement. The victim must begin the legal procedure, which often results in authorities' passive responses. This requirement may dissuade victims from coming forward, resulting in underreporting and insufficient legal involvement in domestic abuse instances. As a consequence, although Indonesia has taken legislative actions in accordance with CEDAW to protect victims of domestic abuse, their efficacy is restricted by the offense's complaint-based structure, resulting in uneven law enforcement and victim protection.

The findings of this research reflect the consensus that, although Indonesia has made progress in aligning its domestic abuse legislation with CEDAW, major obstacles remain. The necessity for victim-initiated complaints impedes effective law enforcement, and this constraint must be rectified to fully achieve the safeguards envisaged by CEDAW. To really comply with CEDAW, the state must approach domestic abuse as a public problem and implement proactive enforcement measures, removing the hurdles that now prevent victims from being protected.

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