


Legal Reforms on Femicide in Indonesia: The New Criminal Code, Victim Protection, and the Role of Islamic Law

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Abstract

Femicide, the killing of women based on their gender, is a grave issue with widespread societal implications. This phenomenon reflects the high level of gender-based violence and demands urgent attention from all sectors, including the government, legal institutions, and society at large. This study aims to examine femicide within the context of national law, victimology, and Islamic law, with a focus on the protection and justice for victims in Indonesia. This research utilizes normative legal methods by adopting statutory, conceptual and comparative approaches. The nature of this research is descriptive-prescriptive. The collected data is analyzed using content analysis method. The findings of this research indicate that Law No. 1 of 2023 on the Criminal Code regulates various forms of murder, including premeditated murder and serious maltreatment, with different sanctions. The articles in this law, while not specifically mentioning femicide, provide an important legal framework for prosecuting perpetrators of violence against women that leads to death. Despite not explicitly using the term “femicide,” these provisions establish a protective framework for women against extreme violence. Learning from countries such as Mexico, Spain, India which have clear femicide laws, can strengthen the legal framework in Indonesia, and integrating Islamic principles, such as the sanctity

of life emphasized in Surah Al-Ma'idah verse 32, Surah An-Nisa verse 93, Surah Al-Isra verse 33, Surah An-Nisa verse 1, Surah Al-Baqarah verse 195, and Surah Al-Mumtahanah verse 8, with modern laws can further strengthen efforts to combat femicide. A holistic approach, including prevention, protection, and healing for victims, is essential to creating a safer environment for women and ensuring justice.

Keywords

Femicide, Gender-based violence, Criminal Code, Islamic law, Victim.

Introduction

Asia is the region with the world's largest number of femicide cases.¹ Out of the approximately 45,000 femicide cases recorded in 2021, 17,800 occurred in Asia. This figure demonstrates how serious the issue of violence against women is in this region. The high number of femicide cases reflects a complex range of factors, including cultural, social, economic, and legal factors. In many Asian countries, women still face various forms of discrimination and violence, both in the domestic and public spheres.² According to the National Commission on Violence Against Women (Komnas Perempuan), there were 159 cases of femicide or gender-based hate crimes in Indonesia in 2023. Komnas Perempuan obtained this data by monitoring media coverage in the same year. All 34 provinces in Indonesia recorded femicide cases, with East Java Province recording the highest number with 28 cases. West Java and Central Java provinces occupied the next position with 24 and 18 cases, respectively. Furthermore, North Sumatra Province recorded 10 cases, while Riau Province found 8 cases. These findings indicate that femicide is a serious problem that occurs in various parts of Indonesia, requiring more intensive attention and handling efforts from various related parties.³

¹ Emma Fulu et al., "Understanding Femicide Using a Global Social Ecological Model," in *The Routledge International Handbook of Femicide and Feminicide* (Routledge, 2023), 40–49, <https://doi.org/10.4324/9781003202332-6>.

² Alfons Yoshio Hartanto, "Menilik Data Perempuan Korban Pembunuhan Di Indonesia," *Tirto.id*, 2023, <https://tirto.id/data-dan-angka-kasus-femisida-di-indonesia-gQZ1>.

³ Yoanes Litha, "Komnas Perempuan: 159 Perempuan Jadi Korban Femicide Sepanjang 2023," *Voaindonesia.com*, 2023,

Throughout 2023, most femicide cases in Indonesia took place in the form of intimate femicide, with 109 cases. Next in line were 15 cases of non-intimate femicide and 12 cases of gender-based violence-related suicide. The largest group of victims, comprising 72 individuals, were wives. Other victims included 33 girlfriends and 9 ex-girlfriends. The main motives of the perpetrators in these cases include jealousy, often sparked by their inability to accept the victim's attention or relationship with another person. Another significant motive was the aggravation of masculinity, as the perpetrator perceived a threat to his self-esteem and masculine identity. Additionally, sexual violence is one of the underlying motives for many femicide cases, reflecting the influence of sexual dominance and aggression on women. Resistance to divorce or relationship termination is another common cause of femicide, in which the perpetrator seeks to maintain control and power over the victim.⁴ For example, Gregorius Ronald Tannur's case of mistreatment led to the murder of his girlfriend, Dini Sera Afrianti, has put the spotlight back on the issue of femicide in Indonesia. Ronald, aged 31, was reportedly involved in a dispute with Dini that led to acts of physical abuse against the victim. The incident included dragging and running over the victim with a car, which occurred on Tuesday, October 3, 2023. This tragic incident led to Dini's death on Wednesday, October 4, 2023, in the early morning. Her death is believed to have occurred while she was en route to the hospital.⁵

The most recent case highlighting femicide in Indonesia is the murder and rape of Vina Dewi in Cirebon, which went viral and was made into a movie called "Vina: Before 7 Days." The movie, which highlights the alleged fabrication of the case and violence against women, has been watched by millions of people. The eight-year journey since the death of Vina Dewi, a 16-year-old girl from Kampung Samadikun, Kejaksan Subdistrict, Cirebon City, West Java, has been marked by

<https://www.voaindonesia.com/a/komnas-perempuan-159-perempuan-jadi-korban-femisida-sepanjang-2023-/7386291.html>.

⁴ Yoanes Litha.

⁵ Denza Perdana, "Kronologi Lengkap Ronald Anak Anggota DPR RI Aniaya Dini Hingga Tewas," Detik.com, 2023, <https://www.detik.com/jatim/hukum-dan-kriminal/d-6969278/kronologi-lengkap-ronald-anak-anggota-dpr-ri-aniaya-dini-hingga-tewas>.

enigma since the tragic incident occurred on August 27, 2016. On that day, Vina and her boyfriend, Rizky (also known as Eky or Eki), were allegedly murdered. Vina's body was found the next day, August 28, 2016, on the Majasem overpass in Cirebon City. The investigation report (BAP) of eight of the eleven arrested perpetrators, namely ER, HS, JY, ES, SP, SK, SD, and RW, was considered full of irregularities. This case continues to attract public attention and symbolizes how difficult it is to seek justice in cases of gender-based violence in Indonesia. Vina Dewi's death not only reflects extreme violence against women but also underscores serious problems in the law enforcement system that require deep attention and reform.⁶

This phenomenon highlights the intricate and profound problem of femicide in Indonesia, where various social, cultural, and psychological factors intersect to elevate the risk of violence against women. Addressing and preventing femicide requires a comprehensive approach, encompassing legal reforms, educational initiatives, and transformative social change to tackle the root causes of gender-based violence.⁷ From the perspective of victimology, it is essential to understand not only the profiles and vulnerabilities of victims but also the systemic factors that perpetuate these crimes. Victimology emphasizes the importance of victim-centered justice, focusing on the needs and rights of victims while addressing the broader societal and cultural structures that enable violence. A holistic and sustainable approach to reduce and ultimately eliminate femicide cases must involve all segments of society, including families, communities, educational institutions, and government agencies. This approach should integrate education on gender equality, raising public awareness of gender-based

⁶ Muhammad Isa Bustomi, "Kilas Balik Kasus Pembunuhan Vina Cirebon, Kronologi Hingga Rekayasa Kematian," Kompas.com, 2024, <https://megapolitan.kompas.com/read/2024/05/17/14251011/kilas-balik-kasus-pembunuhan-vina-cirebon-kronologi-hingga-rekayasa>.

⁷ Esperanza Garcia-Vergara et al., "A Comprehensive Analysis of Factors Associated with Intimate Partner Femicide: A Systematic Review," *International Journal of Environmental Research and Public Health* 19, no. 12 (June 1, 2022): 1–22, <https://doi.org/10.3390/IJERPH19127336>.

violence, and enforcing laws that are not only stricter but also fairer and more attuned to the needs of victims.⁸

In this context, the role of Islamic law can make a significant contribution by providing a strong framework to protect women from violence.⁹ Islamic law, with its principles of justice, humanity, and protection, offers a comprehensive perspective in the fight against femicide. We can use principles such as *qisas* (retribution) and *diyat* (compensation) to ensure that perpetrators of violence against women receive appropriate punishment and provide justice for victims.¹⁰ Additionally, Islamic law emphasizes the importance of protecting the dignity and honor of women, which can be a strong basis for countering all forms of gender-based violence.¹¹ Through the synergy between secular legal approaches and Islamic legal principles, Indonesia can build a more effective protection system for women. This includes not only strict action against violent perpetrators, but also prevention through education and empowerment of women.¹² By synergizing secular legal approaches with the victim-centered perspective of victimology and the principles of Islamic law, Indonesia can establish a more robust and effective system for protecting women. This includes not only stringent actions against perpetrators but also preventive measures through

⁸ Baris Cayli Messina, "Breaking the Silence on Femicide: How Women Challenge Epistemic Injustice and Male Violence," *The British Journal of Sociology* 73, no. 4 (September 1, 2022): 859–84, <https://doi.org/10.1111/1468-4446.12968>.

⁹ Dedisyah Putra and Nuriza Acela, "Human Rights Protection in the Islamic Family Law: A Case Study Concerning Domestic Violences," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (September 26, 2023): 1–16, <https://doi.org/10.22373/UJHK.V6I1.18511>.

¹⁰ Johar Wajahat, Hira Shahjehan, and Rafia Naz Ali, "An Analysis of Qisas and Diyat Laws, Inadequately Encompassed the Islamic Gist as Fused in Judicial System of Pakistan," *Journal of Social Sciences Review* 3, no. 2 (June 30, 2023): 532–37, <https://doi.org/10.54183/JSSR.V3I2.287>.

¹¹ M Thahir Maloko and Sippah Chotban, "Perlindungan Hak Asasi Perempuan Dalam Hukum Islam Protection of Women's Rights in Islamic Law," *Jurnal Al-Ahkam: Jurnal Hukum Pidana Islam* 6, no. 1 (March 30, 2024): 54–68, <https://doi.org/10.47435/AL-AHKAM.V6I1.2632>.

¹² Doni Azhari and Asmuni Asmuni, "Progressive Steps in Reforming Indonesian Islamic Family Law Through Gender Studies," *Syakhshiyyah Jurnal Hukum Keluarga Islam* 3, no. 2 (2023): 210–25, <https://doi.org/10.32332/syakhshiyyah.v3i2.8020>.

education, empowerment, and support for victims. Such a comprehensive approach aims to significantly reduce femicide cases, fostering a safer and more equitable environment for women in Indonesia.

Method

This research utilizes normative legal methods¹³ by adopting statutory, conceptual and comparative.¹⁴ The statutory approach involves examining the laws and regulations that pertain to femicide and how they are applied within the legal framework of Indonesia. The conceptual approach focuses on understanding the underlying principles and theories that define femicide, particularly from the perspective of Islamic law and its interpretation of justice and protection for victims. The comparative approach involves analyzing how different legal systems, including both Islamic and secular laws, address the issue of femicide, identifying best practices, and drawing lessons that could be applied in the Indonesian context. The nature of this research is descriptive-prescriptive.¹⁵ It aims to describe the current state of femicide in Indonesia, including the prevalence, causes, and impacts of such violence. Simultaneously, it prescribes solutions and recommendations for addressing femicide through a combination of Islamic legal principles and modern legal practices. The data collected through various sources, including legal documents, case studies, and media reports, is analyzed using the content analysis method.¹⁶ This method allows for a systematic

¹³ Anis Widyawati et al., “The Regulation of Integrity Zone and the Corruption-Free Zone in Indonesia and Rusia,” *Bestuur* 11, no. 2 (December 19, 2023): 253–70, <https://doi.org/10.20961/BESTUUR.V11I2.76306>.

¹⁴ Zico Junius Fernando et al., “Robot Lawyer in Indonesian Criminal Justice System: Problems and Challenges for Future Law Enforcement,” *Lex Scientia Law Review* 7, no. 2 (November 14, 2023): 489–528, <https://doi.org/10.15294/LESREV.V7I2.69423>.

¹⁵ Kiki Kristanto et al., “The Convergence of Drug Trafficking and Terrorism: Uncovering the Dynamics of Narco-Terrorism,” *Yustisia* 13, no. 3 (2024): 261–82, <https://doi.org/10.20961/yustisia.v13i3.81599>.

¹⁶ Herawan Sauni et al., “Beyond Borders: Shedding Light on Foreign Bribery through an Islamic Legal Lens,” *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (September 20, 2024): 649–78, <https://doi.org/10.29240/JHI.V9I2.9752>.

examination of the content to identify patterns, themes, and insights relevant to femicide and its legal treatment. By employing these approaches, the research seeks to provide a comprehensive understanding of femicide in Indonesia and propose effective strategies for its prevention and the protection of victims.

Result and Discussion

A. Understanding Victimology in the Context of Femicide: A Comprehensive Approach

Femicide, defined as the gender-based killing of women, represents one of the most extreme and egregious forms of violence against women. This phenomenon is deeply rooted in systemic gender inequality, patriarchal structures, and cultural norms that devalue women's lives.¹⁷ Femicide goes beyond physical violence, symbolizing the domination and normalization of gender-based violence across multiple facets of life.¹⁸ In the field of victimology, femicide holds significant importance as it focuses on the victims' experiences, the context of their victimization, and the societal response to such crimes. Victimology provides a framework for analyzing femicide by examining the social, economic, legal, and cultural factors that contribute to its occurrence, thereby laying the groundwork for more effective prevention measures and victim protection policies.

Femicide is not a monolithic phenomenon but encompasses various forms of gender-based killings. Below are some of the primary categories of femicide:

1. Intimate Partner Femicide

This type of femicide is perpetrated by current or former intimate partners, often as the culmination of prolonged domestic violence. Chronic abuse, emotional control, and systemic neglect of domestic violence cases frequently escalate

¹⁷ R Cecchi et al., "A Medico-Legal Definition of Femicide," *Legal Medicine* 59 (2022): 1–6, <https://doi.org/10.1016/j.legalmed.2022.102101>.

¹⁸ Consuelo Corradi and Daniela Bandelli, "Femicide," *Handbook on Gender and Violence*, January 1, 2019, 131–45, <https://doi.org/10.4337/9781788114691.00015>.

to the fatal victimization of women by their partners. Intimate partner femicide highlights systemic failures in protecting women from domestic violence and underscores the urgent need for addressing this issue comprehensively.

2. Honor Killings

Honor killings are carried out by family members under the pretext of preserving or restoring perceived family honor. In certain cultures, women who are deemed to have violated social or moral norms, such as engaging in relationships outside marriage or even becoming victims of sexual violence, are targeted. This practice not only strips women of their right to life but also reinforces patriarchal norms that place family honor above women's lives.

3. Dowry-Related Femicide

This form of femicide is prevalent in societies where dowry practices persist. Economic and social pressures associated with dowry often lead to violence against women, including murder. Dowry-related femicide frequently involves coercion from the spouse's family, who may demand additional financial or material contributions, leading to the tragic victimization of women.

4. Cultural or Religious Femicide

This category involves killings linked to cultural or religious practices, such as female genital mutilation or witch-hunting. While often justified as traditional customs, these acts fundamentally violate human rights and reflect deep-rooted gender injustices within society.

5. Non-Intimate Femicide

Non-intimate femicide includes murders committed by individuals with no direct relationship to the victim. These cases often occur during crimes such as sexual assault, human trafficking, or other forms of exploitation. Additionally, this type of femicide can arise in contexts of armed conflict, where women become targets of organized gender-based violence.

The various forms of femicide outlined above demonstrate the complexity of this phenomenon and its structural underpinnings. Victimology plays a crucial role in providing a nuanced understanding of femicide by placing the victims at the center of the discourse.

Victimology provides a critical view through which the phenomenon of femicide can be analyzed, focusing on the experiences of victims and the systemic factors contributing to their victimization. One of the key areas of study within this framework is the victim-offender relationship, which explores whether the perpetrator is known to the victim and examines the dynamics of power, control, or dominance involved. In many cases, femicide is committed by intimate partners or family members, revealing patterns of coercive control and prolonged abuse. This relational analysis helps identify warning signs and underlying causes, such as unresolved domestic violence, cultural acceptance of male dominance, or the normalization of harmful gender norms.

Another essential element in victimology is understanding patterns of victimization, which involves analyzing risk factors that make certain women more vulnerable to femicide. These factors can include age, socioeconomic status, and cultural or religious background. For instance, younger women, economically disadvantaged women, or those belonging to marginalized communities are often at a higher risk due to limited access to support systems and institutional protection. Examining these patterns provides a foundation for developing targeted interventions to reduce vulnerability and enhance safety for women at risk.

Victimology also emphasizes the role of systemic failures in enabling or perpetuating femicide. This includes identifying gaps in societal structures, law enforcement, and judicial processes that fail to prevent these crimes or offer adequate protection to victims. Weak implementation of laws, lack of sensitivity in law enforcement, and societal stigmatization of victims are among the most pressing issues. By highlighting these systemic shortcomings, victimology advocates for comprehensive reforms, such as improving the responsiveness of legal and social systems, increasing awareness about gender-based violence, and empowering victims through education and support services.

Legal frameworks play a pivotal role in preventing femicide and ensuring justice for victims. At the international level, several human rights instruments address the issue of gender-based violence, including femicide. One prominent example is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which emphasizes the need to protect women from all forms of violence, including femicide. CEDAW requires states to take proactive measures to eliminate gender-based discrimination, strengthen laws against violence, and provide support for victims.¹⁹ Similarly, the Istanbul Convention, adopted by the Council of Europe, is a landmark treaty that mandates comprehensive legal and social measures to prevent violence against women, protect victims, and prosecute offenders.²⁰ This convention serves as a model for countries worldwide, demonstrating how integrated strategies can address the multifaceted nature of femicide and gender-based violence.

Victimology offers a crucial framework for understanding the multifaceted dynamics of femicide and its profound impacts on victims, families, and communities. Various theories in victimology provide insight into the causes, consequences, and necessary interventions to address femicide comprehensively. Mendelsohn's theory of victim typology, for instance, highlights the dynamics between victims and offenders, particularly in cases of intimate partner violence, which often account for a significant proportion of femicide incidents. This understanding helps develop prevention strategies and tailored support systems for families of victims. Hans von Hentig's victim precipitation theory, while controversial, sheds light on societal tendencies to blame victims for their victimization, emphasizing the need to dismantle cultural biases and promote fair treatment in law enforcement and judicial systems. Similarly, the lifestyle-exposure theory by Hindelang, Gottfredson, and Garofalo examines how societal conditions and

¹⁹ Khadija Saad, "Is CEDAW an Effective Tool in Preventing Femicide?," *SSRN Electronic Journal*, October 18, 2020, 1–23, <https://doi.org/10.2139/SSRN.3883073>.

²⁰ Jackie Jones, "The European Convention on Human Rights (ECHR) and the Council of Europe Convention on Violence Against Women and Domestic Violence (Istanbul Convention)," *The Legal Protection of Women from Violence*, March 22, 2018, 139–65, <https://doi.org/10.4324/9781315185002-6>.

gendered risks, such as economic dependence or cultural norms, increase women's vulnerability to femicide, highlighting the importance of systemic reforms to reduce such risks. Critical victimology offers a broader perspective by focusing on structural inequalities and systemic power dynamics that perpetuate gender-based violence. It emphasizes the intersectionality of oppression, where victims often face multiple layers of vulnerability, such as discrimination based on race, class, or sexual orientation. This perspective calls for addressing femicide not only through legal frameworks but also by challenging structural injustices and advocating for gender equality in policy and practice. Furthermore, feminist victimology underscores the gendered nature of victimization, advocating for specific interventions, such as the explicit recognition of femicide in criminal codes and the development of victim-centered policies. Restorative justice approaches, though traditionally associated with less severe crimes, can also be adapted to provide emotional and psychological support for the families of femicide victims, fostering community awareness and collective action against gender-based violence.

By integrating these theories, victimology provides a comprehensive understanding of femicide and the steps needed to address it effectively. Legal reforms, such as defining femicide as a distinct crime, combined with robust victim support services, community engagement, and education on gender equality, are essential components of a holistic response. Moreover, addressing structural inequalities and cultural norms that perpetuate gender-based violence ensures a systemic approach to prevention, protection, and recovery for victims and their families. Victimology, thus, offers a pathway to create a safer and more equitable society, emphasizing the importance of justice, dignity, and support for those affected by femicide.

National legal frameworks also offer insights into how different countries address femicide through legislation and policy. Mexico has taken a progressive step by explicitly criminalizing femicide under Article 325 of the *Federal Penal Code*. This article defines femicide as the murder of a woman based on gender, reflecting the understanding that violence against women is rooted in systemic issues such as gender inequality,

discrimination, and patriarchal culture.²¹ The definition of femicide includes various conditions that indicate a gender-based element, such as when the victim reveals signs of sexual violence before death, had previously been subjected to threats or harassment, had a personal or intimate relationship with the perpetrator that contributed to the crime, or when the victim's body is disposed of in a public place, symbolizing a dehumanizing act of contempt. Through this legal recognition, Mexico underscores its commitment to addressing gender-based violence with clear and decisive legal measures. The penalties for femicide in Mexico are significantly harsher than those for ordinary homicide, with sentences ranging from 40 to 60 years in prison, alongside substantial fines. This distinction serves as a strong statement that gender-based crimes are intolerable. In addition to imposing severe penalties, Mexican law mandates specialized investigations for femicide cases, ensuring that gender factors are thoroughly considered during the investigation process. These investigations aim to enhance accountability, prevent impunity, and deliver justice for victims and their families. Furthermore, the Mexican government has established specialized units within law enforcement and prosecution agencies to handle femicide cases. These units are designed to ensure professional investigations that integrate gender-sensitive elements. This effort is supported by the *Ley General de Acceso de las Mujeres a una Vida Libre de Violencia* (General Law on Women's Access to a Life Free of Violence), which promotes a gender-based approach to addressing violence against women. These measures represent Mexico's effort to create a more just and responsive judicial system for femicide victims. However, significant challenges remain, including issues of law enforcement, entrenched patriarchal attitudes, and the need to raise public awareness about gender issues.

In Spain, the 2004 Organic Law on Integrated Protection Measures Against Gender Violence serves as a significant milestone in the country's efforts to comprehensively address gender-based violence. This law was designed to protect victims through various integrated measures, including the provision of legal assistance, access to social protection

²¹ Thiago Pierobom de Ávila, "The Criminalisation of Femicide," *Intimate Partner Violence, Risk and Security*, June 14, 2018, 179–98, <https://doi.org/10.4324/9781315204765-11>.

services, and strengthened law enforcement mechanisms.²² Additionally, it includes public awareness campaigns aimed at transforming societal perceptions of gender-based violence and embedding gender equality values into everyday life. The approach also emphasizes prevention by addressing the root causes of gender violence, such as structural inequality, gender stereotypes, and deeply ingrained patriarchal culture. Educational programs, especially in schools, are implemented to teach younger generations about the importance of respecting women's rights and avoiding discriminatory behavior. The government also provides specialized training for law enforcement officers, such as police and judges, to ensure that cases of gender-based violence are handled sensitively and professionally. This law ensures the active involvement of various stakeholders, including civil society, non-governmental organizations, and government agencies, in designing and implementing gender-sensitive policies. For example, emergency service centers and shelters have been established across regions to provide physical protection and psychological support to victims. A 24-hour hotline service is also available to facilitate victims' access to immediate assistance. The impact of this law is evident in the reduction of femicide rates and the increase in reported cases of gender-based violence, demonstrating that more victims feel safe seeking help. Moreover, this comprehensive approach has created a policy ecosystem that integrates prevention, protection, and empowerment of victims, positioning Spain as a global model for addressing gender-based violence. These measures highlight how effective collaboration between civil society, the government, and legal institutions can significantly reduce gender-based violence and build a more just and equitable society.

Dowry-related violence in India is a form of gender-based violence that often results in the death of women. The practice of dowry, which involves the transfer of assets or money from the bride's family to the groom's family as a symbol of social status, has evolved into a source of domestic conflict. When dowry demands are unmet, it frequently leads to physical abuse, psychological violence, or even murder of the bride. In

²² Magdalena Grzyb, "A Criminal and Political Analysis of The Spanish Gender Violence Law," *Archives of Criminology*, no. XXXIX (January 2, 2017): 339–68, <https://doi.org/10.7420/AK2017L>.

academic and legal contexts, this violence is often categorized as femicide, defined as the killing of women driven by gender inequality. The legal framework in India addresses this issue through several key provisions. The *Dowry Prohibition Act of 1961* explicitly prohibits the giving or receiving of dowry in marriage, imposing penalties of up to five years imprisonment and significant fines, although its enforcement is often hindered by societal pressures and the stigma faced by victims.²³ *Section 304B* of the *Indian Penal Code (IPC)* addresses dowry-related deaths, stipulating that if a woman dies of bodily harm or burns within seven years of marriage and there is evidence of dowry-related violence, the death is classified as a dowry death, with perpetrators facing life imprisonment. Additionally, *Section 498A* IPC provides protection to women from domestic violence, including physical and psychological abuse related to dowry demands, allowing for arrests without a warrant to underscore the seriousness of such offenses. According to data from the *National Crime Records Bureau (NCRB)*, India reports over 6,000 dowry-related deaths annually, with the majority of victims being young women.

The protection of victims of gender-based violence in Indonesia requires a comprehensive approach, including practical application, identification of challenges, and addressing cultural and systemic barriers. Several measures have been implemented, such as providing reporting services through the National Commission on Violence Against Women (Komnas Perempuan) and the Women and Children Service Unit (UPPA) in the police force, establishing Integrated Service Centers for the Empowerment of Women and Children (P2TP2A), and offering safe houses (shelters) for victims. Additionally, legal aid organizations provide assistance to victims throughout the legal process. However, despite these mechanisms, implementation faces significant challenges. Limited resources, such as funding and trained personnel, are a primary obstacle, while a lack of coordination among government

²³ Pakhi Tandon, "Evaluating the Efficacy of the Dowry Prohibition Act 1961 in India: An Analysis of Legal Provisions, Enforcement Mechanisms, and Their Alignment with Changing Social Realities Addressing Emerging Challenges and Proposing Enhancements Strategies," *IJFMR - International Journal For Multidisciplinary Research* 6, no. 3 (June 21, 2024): 1–15, <https://doi.org/10.36948/IJFMR.2024.V06I03.14532>.

agencies, law enforcement, and support organizations often leads to suboptimal case handling. The complex and lengthy legal process also discourages many victims from pursuing their cases. Beyond practical challenges, cultural and systemic barriers exacerbate the situation. Strong patriarchal norms in communities regard violence against women as acceptable, making victims reluctant to report due to fear of blame or stigmatization. Social stigma against victims of gender-based violence, particularly women, further worsens their plight, while low public awareness about the importance of respecting victims' human rights diminishes support for protection efforts. Geographic barriers also pose a serious issue, especially in remote areas where access to protective services such as healthcare facilities and shelters is limited. Law enforcement plays a critical role in victim protection, including receiving reports, conducting investigations, and prosecuting perpetrators. However, a lack of gender sensitivity training often results in inadequate handling of cases. Additionally, healthcare services provide physical and psychological care and document medical evidence crucial for legal proceedings. Non-governmental organizations (NGOs) also contribute significantly by offering emotional support, legal assistance, and advocacy campaigns to change social norms that perpetuate gender-based violence. To address these barriers, strategic measures are needed, such as improving training for law enforcement and social workers on gender sensitivity and trauma-informed practices, and conducting public education campaigns to eliminate stigma against victims and change harmful social norms. Strengthening infrastructure, such as increasing the availability of safe houses and integrated service centers in remote areas, is also essential to ensure equal access to protection. Moreover, comprehensive policy reforms are required to enhance legal protections for victims. With these measures, it is hoped that victims of gender-based violence will receive better protection, their rights will be respected, and justice will be achieved holistically.

B. Femicide Protection in Law 1 of 2023 concerning the New Indonesian Criminal Code

Article 458 of Law Number 1 of 2023 on the Criminal Code in Chapter XXI on Crimes Against Life and the Fetus contains provisions regarding murder and divides murder into several categories with different sanctions. In paragraph (1), murder is generally punishable by a maximum imprisonment of 15 years. Paragraph (2) states that if murder is committed against a family member such as a mother, father, wife, husband, or child, then the penalty can be increased by one third. Paragraph (3) regulates murder, which is followed, accompanied, or preceded by another criminal act with a specific purpose and is punishable by life imprisonment or a maximum prison sentence of 20 years. In relation to femicide, Article 458 provides an important legal basis for prosecuting perpetrators of murder against women. Femicide is the killing of women because they are women and is often rooted in gender inequality and gender-based violence. Paragraph (2) of this article, which provides an additional one-third penalty if the victim is a family member, may indirectly cover many cases of femicide, considering that domestic violence is one of the main contexts in which femicide occurs. However, despite this, this law does not specifically recognize or regulate femicide as a form of violence with a gender dimension. To strengthen protection for women and effectively handle cases of femicide, a legal approach that is more focused on gender aspects is needed. This could include legal recognition of femicide as a separate category of murder with more severe sanctions, as well as specific prevention measures such as public education programs, increased support services for victims of gender-based violence, and special training for law enforcement officials on gender sensitivity. Thus, although Article 458 provides a framework for the prosecution of murder, including potentially femicide, the need for further improvements and adjustments to the law is clear to ensure better justice for victims of femicide and to address the root causes of gender-based violence more comprehensively.

Article 459 regulates premeditated murder, where every person who, with prior planning, takes another person's life is threatened with the death penalty, life imprisonment, or a maximum imprisonment of 20 years. This article places special emphasis on the planning aspect of the

act of murder, which denotes that the act was carried out deliberately and with thorough preparation. In the context of femicide, this article is very relevant because many cases of femicide involve prior planning by the perpetrator. Femicide, or the killing of women because they are women, often occurs in situations where the perpetrator, who is usually an intimate partner or former partner, plans the killing as part of a pattern of violence and control over the victim. This gender-based violence is often driven by motives such as jealousy, a desire for control, or revenge for an ending relationship. Premeditated murder in cases of femicide usually involves acts such as stalking, repeated threats, and acts of physical or psychological violence that escalate before finally culminating in murder. In situations like this, Article 459 provides a strong legal basis for prosecuting perpetrators with serious criminal penalties. The threat of the death penalty or life imprisonment reflects how serious this crime is considered in criminal law, especially when there is an element of planning that shows malicious intent and a high level of deliberateness.

Article 460 regulates the killing of a child by the mother immediately after birth. This article states that a mother who takes the life of her child at or shortly after birth because she is afraid that the child's birth will become known to others can be punished with imprisonment for a maximum of 7 years. If the action is carried out with prior planning, the criminal threat increases to a maximum of 9 years. Apart from that, other people who take part in this criminal act are subject to the same crime as in Article 458, paragraph (1), if without planning, or Article 459, if with planning. Relating Article 460 to the concept of femicide, there are several aspects that need to be considered. Femicide is the killing of women because they are women and often occurs in the context of gender inequality and gender-based violence. Article 460 relates to situations where the mother may be under social pressure, stigma, or fear of societal repercussions if the child's birth is discovered, all of which are rooted in gender discrimination and inequality in a patriarchal society. Article 460(1) provides for a maximum prison sentence of 7 years for a mother who murders her child because she is afraid that the child's birth will be discovered. This fear can stem from social stigma against out-of-wedlock pregnancies or situations where women feel they do not have adequate social or economic support. In this case, the murder can be seen as a form of violence imposed by

unfair social conditions on women. Article 460(2) increases the penalty to 9 years if the murder is carried out with prior planning. This indicates that there was an element of intention and more thorough preparation in committing this criminal act. Here, social pressure and stigma may have reached a point where the mother feels there is no other choice but to plan the act as a last resort to save herself from social judgment or punishment. Article 460 (3) regulates the punishment for other people who participate in this criminal act, with the same punishment as Article 458 paragraph (1) if without planning (imprisonment up to 15 years) or Article 459 if with planning (death penalty, life imprisonment, or imprisonment for a maximum of 20 years). This shows that anyone who assists or is involved in the murder of a child by the mother will also be subject to severe sanctions, emphasizing collective responsibility and deterrence against the involvement of other parties in this criminal act.

Article 461 and Article 462 in Chapter XXI concerning Crimes Against Life and Fetus regulate murder at the request of the victim and assistance in suicide. Article 461 states that a person who takes another person's life at that person's request, which is stated with sincerity, is punished with a maximum imprisonment of 9 years. Article 462 stipulates that a person who encourages, helps, or advises another person to commit suicide, which then causes that person to die, is punished with a maximum imprisonment of 4 years. Article 461 states that in the context of femicide, there are situations where women who are victims of domestic violence or other gender-based violence may feel hopeless and depressed to the point of asking for their lives to end. Although these requests are expressed with sincerity, it is important to remember that they often arise as a result of extreme pressure and violence experienced by the victim. In many cases of femicide, the perpetrator uses the victim's requests as justification for his actions, even though the requests may be made under duress or as a result of an intensely violent situation. Article 461 provides a legal basis for prosecuting perpetrators who take a victim's life at the victim's own request, but it is important to consider the context of violence that underlies the request. Article 462 states that in cases of femicide, the perpetrator of domestic violence or other gender-based violence may directly or indirectly encourage the victim to commit suicide as a form of psychological abuse or control. Suicidal urges can take the form of threats, intimidation, or constant emotional stress. The

psychological violence experienced by women in abusive relationships can cause them to feel they have no way out other than suicide. Article 462 provides a legal framework for prosecuting people who play a role in encouraging or assisting suicide, but it is important to ensure that the context of gender-based violence is recognized in the legal process.

Article 463 states that a woman who has an abortion can be punished with imprisonment for a maximum of 4 years, unless she is the victim of a criminal act of rape or other sexual violence that results in a pregnancy whose gestational age does not exceed 14 weeks or has indications of a medical emergency. Article 464 regulates sanctions for people who carry out abortions on women, with consent a maximum prison sentence of 5 years and without consent a maximum sentence of 12 years, with heavier sanctions if it results in death. Article 465 provides additional provisions for medical personnel who perform abortions. Relating these articles on femicide, there are several important aspects that need to be considered. Femicide often occurs in the context of gender-based violence, where women experience physical, sexual, and psychological violence leading to their deaths. Although these articles do not directly mention femicide, provisions regarding abortion in this law can relate to situations where women are victims of violence and attempt to terminate an unwanted or dangerous pregnancy. In Article 463, in the context of femicide, many women who experience gender-based violence may seek abortion as a step to save themselves from dangerous or unwanted situations. However, criminal threats to abortion in general can limit women's access to safe and legal health services, increasing the risk of death from unsafe abortions. Article 464 states that in the context of femicide, violence and control carried out by a partner or other person against a woman can include coercion to have an abortion. When women are forced to have abortions without consent, this is a serious form of violence that can be considered an act of femicide if it results in death. These laws aim to protect women from such coercion but must also ensure that women have access to safe and legal abortions when needed.

Articles 466 to 471 in Chapter XXII Crimes Against the Body explain various categories of abuse, from mild to severe, as well as conditions that increase the punishment, such as premeditation or impacts that result in death. Article 466(3) stipulates that abuse resulting in the death of a person is punishable by a maximum imprisonment of

seven years. In the context of femicide, if the abuse of women is carried out with gender motivation and causes death, the perpetrator may be subject to punishment under this article. Likewise, Article 467(3), which deals with maltreatment with the intent resulting in death, provides for a prison sentence of up to nine years. Furthermore, Article 468 (2) and Article 469 (2) increase the punishment for serious ill-treatment resulting in death, with prison sentences of up to ten and fifteen years, respectively. These articles are relevant for cases of femicide, especially when there are elements of planning or intentional serious violence against women. Article 470 adds a third penalty for abuse committed against officials while on duty, with dangerous substances, or against the elderly. Although it does not specifically mention women, this provision indicates that certain factors can increase punishment, which is important in the context of femicide, where violence often occurs with elements of planning and sadism.

Article 473, which has significant relevance in the context of femicide, this article stipulates that anyone who commits rape with violence or makes threats of violence can be punished with a maximum imprisonment of 12 years. This provision also covers various forms of rape, including sexual intercourse with children, unconscious or helpless people, and people with mental or intellectual disabilities. In the context of femicide, many cases of sexual violence end with the murder of the victim. Article 473 (8) states that if the act of rape results in death, the penalty can be increased by one-third of the main penalty. This highlights how sexual violence and femicide are often closely linked, with sexual violence often being the initial stage of an attack that leads to murder. Article 473 also increases penalties in various conditions, such as when the act of rape is committed against a biological child, stepchild, or child under the guardianship of the perpetrator (paragraph 9), as well as when the crime is committed jointly, in a state of danger, emergency or conflict situation, disaster, or war (verse 10). This increase in penalties indicates the seriousness of legislators in handling cases of sexual violence that can escalate into femicide. In relation to femicide, strict law enforcement against sexual violence is an important step in preventing the escalation of violence, which can lead to murder. The provisions in Article 473 of the Criminal Code reveal how Indonesian criminal law seeks to address and provide severe sanctions for sexual violence, which is often part of a

pattern of gender-based violence that can lead to femicide. Article 474 regulates the consequences of negligence resulting in serious injury or death. Despite its focus on negligence, this provision is relevant in the context of femicide when violence continues to cause death. Article 475 increases penalties for crimes committed in the exercise of office or profession, which can be applied in cases of domestic or workplace violence related to femicide. Articles 479(3) and (4) regulate penalties for theft accompanied by violence or threats of violence resulting in serious injury or death. If these acts are committed collectively or in certain situations, such as disasters or conflicts, the punishment can reach the death penalty or life imprisonment. This is relevant in the context of femicide because domestic or community violence often escalates to cause the death of a woman.

From the several examples in the articles above, although Indonesia has not explicitly recognized femicide in the Criminal Code, various provisions in the criminal law provide an important basis for taking action against perpetrators of gender-based violence, which can lead to the murder of women. By learning from best practices in other countries, such as Mexico, which has adopted laws that explicitly define femicide and prescribe harsh penalties for perpetrators, or Spain, which has a strong legal framework for recognizing femicide as a form of gender-based violence, Indonesia can strengthen its legal framework. In Mexico, femicide is regulated in the Federal Penal Code (Código Penal Federal), which includes Article 325.²⁴ This article defines femicide as the killing of women for gender reasons, including domestic violence, sexual harassment, and denial of relationships. The penalties set are very severe, namely up to 60 years in prison, showing the state's commitment to treating these cases seriously. The advantage of Mexico's approach lies in its clear and explicit definition of femicide and its tough sanctions, which help increase awareness and prevention. In Spain, femicide is recognized as part of gender-based violence in the Organic Law on Integrated Action against Gender Violence (Ley Orgánica de Medidas de Protección

²⁴ Alejandra Araiza Diaz, Flor Carina Vargas Martínez, and Uriel Medécigo Daniel, *La Tipificación Del Femicidio En México. Un Diálogo Entre Argumentos Sociológicos y Jurídicos*, *Revista Interdisciplinaria de Estudios de Género de El Colegio de México*, vol. 6, 2020, <https://doi.org/10.24201/reg.v6i0.468>.

Integral contra la Violencia de Género) passed in 2004. This law not only provides a clear definition of gender-based violence but also provides a comprehensive framework for the prevention, protection, and treatment of victims of violence. Its advantages include the existence of strong protection mechanisms for victims, such as legal protection, psychological support, and social assistance. This holistic approach ensures that victims of violence get the support they need to recover and move on with their lives safely. By learning from these best practices, Indonesia can strengthen its legal framework to include an explicit definition of femicide and ensure more effective law enforcement and support for victims. This step is important to address systemic injustice and ensure that women receive proper protection and equitable justice. In addition, a holistic approach that includes prevention, protection, and recovery for victims will help create a safer and fairer environment for women in Indonesia. Including an explicit definition of femicide and ensuring more effective law enforcement and support for victims are important steps to address systemic injustice.²⁵ This will ensure that women receive adequate protection and equitable justice. Thus, recognizing and addressing femicide firmly in Indonesian criminal law would be a step forward in protecting women's rights and reducing gender-based violence in this country.²⁶

As previously explained, Indonesia currently does not have specific regulations explicitly addressing femicide in its criminal law system. Although various articles in Law Number 1 of 2023 concerning the Criminal Code (KUHP) can be used as a legal basis to prosecute perpetrators of murder against women, there is no clear and explicit legal recognition of femicide as a form of gender-based violence. This lack of specific provisions creates a gap in the legal system that can hinder protection and justice for victims of femicide. For example, murders of

²⁵ Richard Whittington, Alina Haines-Delmont, and Johan Håkon Bjørngaard, "Femicide Trends at the Start of the 21st. Century: Prevalence, Risk Factors and National Public Health Actions," *Global Public Health* 18, no. 1 (January 2, 2023): 1–14, <https://doi.org/10.1080/17441692.2023.2225576>.

²⁶ Togap Silalahi and Junifer Dame Panjaitan, "The Mechanism Of The Criminal Justice System In Indonesia Towards Women's Legal Protection," *International Journal of Social Research* 1, no. 2 (December 25, 2023): 69–81, <https://doi.org/10.59888/INSIGHT.V1I2.9>.

women motivated by gender reasons may be treated the same as ordinary murders, without considering the underlying gender motives. However, these gender motives have significant social impacts, including the perpetuation of patriarchal culture and the normalization of gender-based violence.

To address this issue, legal reforms are needed to include explicit recognition of femicide as a distinct category of crime with harsher penalties. This step is not only essential to provide justice for victims but also to raise public and law enforcement awareness about the importance of a gender perspective in addressing gender-based violence. Learning from best practices in other countries, such as Mexico and Spain, which have explicitly incorporated femicide into their criminal laws, Indonesia can strengthen its legal framework by adopting a similar approach. This includes clear definitions, severe penalties for perpetrators, and mechanisms for victim protection and recovery. By taking these measures, Indonesia can ensure that women receive adequate protection and that justice for femicide victims is achieved.

C. Integrating Islamic Legal Principles with Modern Legal Practices to Fight Femicide and Protect Victims

Integrating the principles of Islamic law with modern legal practices to combat femicide requires a holistic approach that includes both religious teachings and applicable legal rules.²⁷ In Islamic law, the protection of human life is highly emphasized, as stated in the Qur'an, Surah Al-Ma'idah verse 32, which states:

“Whoever kills a human being, not because he has killed another or because he has caused mischief on earth, it is as if he has killed all human beings. And whoever preserves the life of one human being, it is as if he has preserved the life of all human beings. And indeed, our messengers had come to them with clear proofs. But many of them thereafter transgressed in the earth.”

²⁷ Aldona Piwko, “Contemporary Islamic Law Between Tradition and Challenges of Modernity: Some Examples Worth Consideration,” *Bogoslovni Vestnik* 81, no. 1 (2021): 91–101, <https://doi.org/10.34291/BV2021/01/PIWKO>.

Surah Al-Ma'idah verse 32 in the Qur'an states that killing one human being without a justifiable reason is as if killing the entire human race, and conversely, saving one life is as if saving the entire human race. This verse emphasizes the importance of human life and condemns all forms of unlawful killing.²⁸ In the context of femicide, this verse is particularly relevant because femicide is the killing of women, often based on gender hatred, domination, and inequality. Femicide, as an extreme form of gender-based violence, involves killing women because of their gender. It reflects deep-seated hatred and discrimination against women, which goes against the principles of justice and protection in Islam. Verse 32 of Surah Al-Ma'idah condemns the act of killing without a legitimate reason, which includes killings based on gender hatred, such as femicide. This act violates not only human law but also the law of Allah, showing contempt for the value of life bestowed by Him. Furthermore, this verse emphasizes the importance of preserving life, which includes providing protection to women from all forms of violence and discrimination. In societies where femicide occurs, there is often a strong patriarchal culture and systematic gender inequality. Islamic teachings, through this verse, encourage their followers to fight such injustices and work to protect every life, regardless of gender. This includes efforts to eliminate femicide by enforcing just laws and providing effective protection for women. The implementation of this verse in a legal and social context should include concrete measures to prevent femicide. This could include public education on gender equality, training of law enforcement officials to understand and deal with gender-based violence, and strict law enforcement against perpetrators of violence. In addition, support for victims and their families, including recovery and rehabilitation services, is essential to restoring justice and protecting threatened lives. Thus, Surah Al-Ma'idah verse 32 not only condemns femicide but also teaches the importance of collective efforts to protect lives and ensure justice for all, especially for women who are victims of gender-based violence. This verse provides a

²⁸ Muhammad Suleman Nasir, "Rights of Non-Muslim and Sanctity of Human Life: In the Light of the Era of Prophet (S.A.W) and the Righteous Caliphate Periods," *Al-Milal: Journal of Religion and Thought* 2, no. 2 (December 26, 2020): 288–311, <https://doi.org/10.46600/ALMILAL.V2I2.79>.

moral and legal foundation for efforts to eliminate femicide and build a more just and equal society.

Surah An-Nisa verse 93 states:

“And whoever kills a believer intentionally, his recompense shall be Jahannam, and he shall abide therein, and Allah shall be angry with him, curse him, and prepare a great punishment for him.”

This verse confirms that intentionally killing a believer is a grave sin that will have a very severe punishment, namely the hell of *Jahannam*, as well as the wrath and curse of Allah. In the context of femicide, which is the killing of women motivated by gender hatred, this verse is particularly relevant. Femicide is an extreme form of gender-based violence that reflects deep-seated discrimination and inequality. Islamic law condemns intentional killing, and this includes femicide, indicating that this act not only violates human rights but also Islamic law and morality. Islamic legal principles such as *qisas* (retribution) and *diyat* (compensation) provide mechanisms to ensure that perpetrators of violence receive punishment commensurate with their crimes.²⁹ In an effort to prevent femicide, Muslim societies must instill values that value and protect women’s lives through education, social change, and strict law enforcement. Support for victims and their families is also crucial, including recovery services and psychological support. As such, this verse provides a strong moral and legal foundation to fight femicide, ensure justice for all women, and eliminate gender-based violence from society.

In Surah Al-Isra Ayat 33, it states:

“And kill not the soul which Allah has forbidden, but with a just cause. And whoever is unjustly killed, we have given power to his heirs, but let not the heirs exceed the limit in killing. Verily, he is one who is helped.”

This verse emphasizes the prohibition of killing without justification and gives the victim’s heirs the right to seek justice. This is particularly relevant in the context of femicide, the killing of women

²⁹ Universiti Sultan et al., “A Comparative Analysis of Retributive Justice and The Law of Qisas,” *Journal of Nusantara Studies (JONUS)* 2, no. 2 (December 31, 2017): 169–77, <https://doi.org/10.24200/JONUS.VOL2ISS2PP169-177>.

motivated by gender hatred and discrimination. In the context of femicide, the killing of women is often done without just cause and driven by unjust motivations such as hatred, dominance, and gender-based violence. This verse strictly prohibits such acts, emphasizing that killing an innocent soul is a grave sin that goes against the teachings of Islam. When a woman is unjustly killed because of her gender, this act is not only a violation of criminal law but also a violation of God's law. Furthermore, this verse gives the victim's heirs the right to seek justice. In cases of femicide, the victim's family has both the right and the duty to seek justice for the victim. This principle is important to ensure that perpetrators of femicide are punished according to the severity of their crime, reflecting the principle of *qisas* (just retribution) in Islamic law. However, the verse also warns the heirs not to go overboard in seeking justice, emphasizing the importance of proportionate justice and avoiding excessive acts of revenge. In a society where femicide is often not explicitly recognized as a unique crime, it is important to apply Qur'anic teachings to uphold justice. Strict and fair law enforcement, as well as support for victims' families, are important steps in the fight against femicide. Public education and awareness regarding the strict prohibition against killing without just cause also need to be increased to change social norms that support gender-based violence. Surah Al-Isra Verse 33 thus provides a strong moral and legal foundation to fight femicide. This verse not only condemns unlawful killing but also supports the rights of the victim's family to seek justice, while emphasizing the importance of proportionate and measured justice. The application of this teaching in law enforcement and public education can help reduce cases of femicide and provide better justice for victims and their families.

Surah An-Nisa Verse 1 states:

"O people! Fear your Lord, who has created you from one soul, and from it, Allah created its mate, and from them Allah multiplied men and women. And fear Allah, by whose name you ask one another, and keep in touch. Verily, Allah is always watching over you."

This verse emphasizes equality between men and women and the importance of maintaining fair and respectful relationships, and it rejects all forms of violence and discrimination, including femicide. In the context of femicide, which is the killing of women because of their gender, this verse is particularly relevant. Allah created men and women from the same soul, indicating that both are equal before Him.³⁰ As such, any form of violence and discrimination against women, including femicide, is a serious violation of the principles of equality and justice taught in Islam. This verse also underscores the importance of maintaining fair and respectful relationships, meaning that any form of violence, domination, or gender discrimination is unacceptable. In a society that still often practices patriarchal culture and gender discrimination, this teaching emphasizes that the protection and respect of women is an obligation that cannot be ignored. Islam teaches that the relationship between men and women should be based on mutual respect and care for each other, not on violence or oppression. By understanding and applying the teachings of Surah An-Nisa Verse 1, we can develop a stronger social awareness of the importance of gender equality and respect for women. This includes opposing all forms of gender-based violence and working towards the elimination of femicide. Strict law enforcement against perpetrators of femicide, education that raises awareness of gender equality, and support for victims and their families are important steps to take to uphold Islamic teachings of justice and protection of all human beings. In addition, Muslim communities can strengthen solidarity and friendship by ensuring that women are protected and their rights are respected. Religious and community leaders can play an important role in spreading this teaching and providing education and guidance that emphasizes gender equality and the protection of women. As such, this verse provides a moral and theological foundation to fight femicide and build a just and equal society in accordance with Islamic values.

³⁰ Chapman, "The Breath of Life: Speech, Gender, and Authority in the Garden of Eden," *Journal of Biblical Literature* 138, no. 2 (2019): 241–62, <https://doi.org/10.15699/JBL.1382.2019.655524>.

Surah Al-Baqarah Verse 195 states:

“And spend your wealth in the way of Allah, and do not throw yourselves into destruction with your own hands, and do good; surely Allah loves those who do good.”

This verse teaches Muslims to always do good and avoid actions that bring destruction. This teaching is particularly relevant in the context of femicide, which is an extreme form of violence against women and an act that brings destruction to both the individual and society as a whole. Femicide, which is the killing of women because of their gender, is a destructive act that directly contradicts God’s command to do good and avoid destruction. Gender-based violence not only destroys individual lives but also undermines the social fabric, causes deep trauma to families and communities, and perpetuates the cycle of violence and discrimination.³¹ Thus, the teachings in this verse emphasize the importance of rejecting all forms of violence, including violence against women, which can lead to femicide. The verse also invites Muslims to spend their wealth in the way of Allah, which can be interpreted as using resources for the good and protection of others. In the context of fighting femicide, this can be applied through financial support and resources for programs aimed at eliminating violence against women, providing shelter for victims, and funding education and awareness campaigns on gender equality. Infaq in the way of Allah also includes tangible actions that support goodness and justice, such as helping victims of violence get justice and redress. By emphasizing the importance of doing good and avoiding harm, this verse provides a strong moral foundation for opposing femicide and violence against women. Muslim communities are taught to be active in promoting good and protecting the vulnerable, including women, who are often victims of gender-based violence. Religious and community leaders can play an important role in spreading this message, encouraging positive actions that protect and respect women, and condemning all forms of violence. Surah Al-Baqarah Verse 195 reminds us of the importance of avoiding destructive actions and committing to doing good. In the context of femicide, this means taking

³¹ Quinn Wanjiru, “Causes and Effects of Gender-Based Violence. a Critical Literature Review,” *Journal of Gender Related Studies* 2, no. 1 (2021): 43–53, <https://doi.org/10.47941/jgrs.742>.

concrete steps to protect women from violence, supporting victims, and ensuring that perpetrators of violence are brought to justice. By applying these teachings, we can work towards eliminating femicide and creating a more just and compassionate society, in accordance with Islamic principles.

Surah Al-Mumtahanah Verse 8 states:

“Allah does not forbid you to be kind and just to those who do not fight you for religion or drive you from your land. Indeed, Allah loves those who are just.”

This verse emphasizes the importance of being kind and fair to all people, without discrimination. In the context of femicide, which is the killing of women because of their gender, this teaching is particularly relevant. Femicide is an extreme act of violence that reflects deep discrimination and injustice against women. This verse teaches that being just and doing good is an obligation that should be applied to all people, including women, who are often victims of violence and injustice. In Islam, justice is a fundamental principle that must be upheld in every aspect of life. The verse emphasizes that Allah loves those who are just, which means that all forms of injustice, including femicide, are strongly opposed. Protection of women from all forms of violence is part of doing good and being just. This includes not only physical protection but also legal and social protection to ensure that women do not become victims of gender-based violence. The enforcement of justice in femicide cases should include prosecuting perpetrators and providing support to victims and their families. Islamic law, with principles such as *qisas* (retribution) and *diyat* (compensation), provides a framework for enforcing justice and providing redress to victims' families. In addition, society must be educated to understand the importance of respecting and protecting women and rejecting all forms of violence and discrimination. By emphasizing the importance of justice and kindness, Surah Al-Mumtahanah Verse 8 provides a strong moral foundation to fight femicide. It encourages Muslims to be active in promoting justice and kindness and to oppose all forms of violence that harm women.³²

³² Rafia M Hamid, “Domestic Violence in Muslim Communities BT - Religion and Men’s Violence Against Women,” in *Religion and Men’s Violence Against Women*,

Religious and community leaders can play a key role in spreading this message, advocating for justice for victims of femicide, and ensuring that perpetrators of violence are punished accordingly. Thus, many verses in the Qur'an teach the importance of respecting and protecting human life, as well as upholding justice and rejecting all forms of violence and discrimination.³³ These verses, including Surah Al-Mumtahanah Verse 8, provide a strong moral and legal foundation to fight femicide and support protection and justice for women. By applying these teachings, Muslims can work towards eliminating femicide and creating a more just and compassionate society, in accordance with Islamic principles.

A hadith of the Prophet Muhammad narrated by Al-Bukhari and Muslim states:

"Whoever kills a soul that Allah has forbidden except with right, then indeed he will meet Allah bearing the sin of that killing."

This hadith confirms that killing a soul forbidden by Allah without a valid reason is a grave sin that will be severely punished by Allah. In the context of femicide, the killing of women because of their gender is deeply unjust and against the teachings of Islam. Femicide is an extreme form of gender-based violence that not only violates human rights but also violates the principles of justice and protection of life taught by Islam. As such, the principles contained in this hadith can be integrated with modern law to give special attention to the aspects of justice and protection of women. In modern law, recognition and strict enforcement of femicide as a gender-based crime are essential.³⁴ Fair enforcement against perpetrators of femicide, as well as protection and support for victims and their families, are ways to put Islamic teachings into practice. This includes measures such as providing appropriate punishment to perpetrators, supporting victims' recovery, and raising

ed. Andy J Johnson (New York, NY: Springer New York, 2015), 319–42, https://doi.org/10.1007/978-1-4939-2266-6_20.

³³ Ahmad Baidowi et al., "Promoting Qur'anic Verses That Reject Violence," *Academic Journal of Interdisciplinary Studies* 10, no. 6 (2021): 23–34, <https://doi.org/10.36941/ajis-2021-0150>.

³⁴ Wania Pasinato and Thiago Pierobom de Ávila, "Criminalization of Femicide in Latin America: Challenges of Legal Conceptualization," *Current Sociology* 71, no. 1 (April 25, 2022): 60–77, <https://doi.org/10.1177/00113921221090252>.

public awareness about the importance of gender equality and the protection of women. By combining Islamic principles of justice and protection of life with modern laws governing femicide, a more comprehensive and effective legal system can be created to combat violence against women and ensure justice for victims.

Furthermore, if we look at the Ijma's ulama, or consensus of the ulama, it supports the protection of women and prohibits all forms of violence against them. The majority of Islamic scholars agree that violence against women, including femicide, is haram and must be punished accordingly. These principles can be applied in modern legal practice by stiffening sentences for perpetrators of gender-based violence and ensuring that the legal system provides maximum protection for victims. For example, in several cases in the Sharia Court, the decisions taken have reflected efforts to protect women from violence and uphold justice in accordance with Islamic teachings.³⁵ Sharia courts can play an important role in advocating for justice for victims of femicide with an approach based on Islamic teachings while supporting the applicable national legal system.³⁶ Thus, integration between Islamic law and national law not only strengthens law enforcement but also instills deep moral and ethical values in efforts to fight femicide. Islamic principles that emphasize justice, protection, and respect for human life provide a strong moral basis for opposing femicide and gender-based violence.³⁷ Implementation of these principles in modern law could include measures such as stiffening sentences for perpetrators of violence, providing comprehensive support for victims, and educating society

³⁵ Kutbuddin Aibak, "Implementation of Maqāṣid Shari'ah in Reform of Case Management of Violence against Women and Children," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 1 (2023): 82–98, <https://doi.org/10.18860/j-fsh.v15i1.20666>.

³⁶ Rebecca Barber, "Sharia Law, Traditional Justice and Violence Against Women: Lessons from Sudan," *Journal of Human Rights* 14 (2020): 247–69, <https://doi.org/10.22096/HR.2020.121463.1200>.

³⁷ Raymond William Baker, *Justice in Islam: The Quest for the Righteous Community From Abu Dharr to Muhammad Ali* (Oxford University Press, 2022), <https://doi.org/10.1093/oso/9780197624975.001.0001>.

about the importance of respecting and protecting women.³⁸ This integration will not only help uphold justice for victims but also contribute to broader social change, reduce gender-based violence, and create a safer and fairer environment for women.

In the context of modern law, the application of Islamic principles that emphasize justice and protection of women can be carried out through the development of policies and programs that emphasize gender equality education and the prevention of gender-based violence.³⁹ This includes special training for law enforcement officials, such as police, prosecutors, and judges, which must include an in-depth understanding of Islamic teachings regarding justice, protection of women, and appropriate punishment for perpetrators of violence.⁴⁰ This training should also include methods for documenting and handling cases of femicide sensitively and effectively. For example, in Aceh, training for law enforcement officers includes an understanding of Islamic Sharia and its application in a modern legal context to ensure that justice is served in accordance with religious teachings. The role of mosques and Islamic educational institutions is very important in supporting this effort. Friday sermons and educational programs in madrasas and Islamic boarding schools can be a means of spreading awareness about the importance of protecting women from violence and respecting gender equality.

For example, in Malaysia, Friday sermons are often used to educate congregations about the importance of respecting women and opposing gender-based violence, warning that violent acts are against the teachings of Islam. Collaboration between government agencies, civil society organizations, and religious institutions needs to be strengthened to

³⁸ Salwa Salsabilla, Imran Bukhari Razif, and Ulil Albab, "Legal Protection Against Sexual Violence on Women: A Study on Legislation," *SIGN Jurnal Hukum* 5, no. 2 (2023): 249–62, <https://doi.org/10.37276/sjh.v5i2.288>.

³⁹ St Rahmawati, "Mainstreaming of Gender Equality in Islamic Family Law: Opportunities and Challenges," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 4, no. 2 (December 28, 2020): 360–74, <https://doi.org/10.22373/SJHK.V4I2.8110>.

⁴⁰ Donald Hunt, "Training in Law Enforcement," *The Encyclopedia of Criminology and Criminal Justice*, October 13, 2013, 1–5, <https://doi.org/10.1002/9781118517383.WBECCJ413>.

ensure that this holistic approach can be implemented effectively.⁴¹ These agencies must work together to develop policies, programs, and services that not only address femicide but also support victims' recovery and reintegration into society. For example, in Tunisia, collaboration between the government and civil society organizations has resulted in programs providing comprehensive support services for victims of gender-based violence, including shelter, legal aid, and counseling services.⁴² Another concrete example is in Saudi Arabia, where the government has launched an initiative to empower women and reduce gender-based violence through education and training programs. One such initiative is establishing relief centers that provide services for victims of violence, including legal, medical, and psychological assistance.⁴³ With support from all elements of society, the integration of Islamic legal principles with modern legal practices can create a more just and humane legal system. This includes ensuring that perpetrators of gender-based violence, including femicide, are held accountable with appropriate punishments, while victims receive the necessary protection and support. Rehabilitation and reintegration programs supported by the community and government will help victims recover and live better lives.

By combining strong religious teachings with modern laws, society can be encouraged to adopt values that respect and protect women.⁴⁴ For example, educational programs that integrate Islamic teachings about equality and justice can be included in school curricula and community activities. This will not only help prevent gender-based violence but also create a culture that respects and protects women's rights. With these

⁴¹ Jean F. Duff and Warren W. Buckingham, "Strengthening of Partnerships Between the Public Sector and Faith-Based Groups," *The Lancet* 386, no. 10005 (October 31, 2015): 1786–94, [https://doi.org/10.1016/S0140-6736\(15\)60250-1](https://doi.org/10.1016/S0140-6736(15)60250-1).

⁴² Mehdi Ben Khelil et al., "Managing Cases of Gender Based Sexual Assault in the Metropole of Tunis, a Public Health Based Approach," *Aggression and Violent Behavior* 47 (2019): 257–61, <https://doi.org/10.1016/j.avb.2018.10.005>.

⁴³ Fawziah El-Bakr, "Empowering Saudi Women under Vision 2030: Opportunities and Challenges," *International Journal of Childhood and Women's Studies* 2, no. 4 (October 1, 2022): 1–12, <https://doi.org/10.21608/IJCWS.2022.270720>.

⁴⁴ Vera Lomazzi, "Women's Rights and Shari'a Law in the Mena Region," *Migrants and Religion: Paths, Issues, and Lenses*, October 28, 2020, 231–50, https://doi.org/10.1163/9789004429604_009.

steps, Indonesia can build a legal system that is more responsive and effective in fighting femicide, providing justice for victims, and ensuring proper protection for women across the country. This integration will strengthen the national commitment to the protection of human rights and social justice, in line with Islamic values and modern legal principles.

There is a possibility of tension between Islamic law and state law in addressing femicide due to differences in interpretation, implementation, and underlying principles. One source of tension lies in the varied interpretations of Islamic law, depending on the perspectives of scholars, cultural contexts, and the schools of thought they adhere to. This variation can lead to differing views on the definition of femicide and the appropriate legal response, which may sometimes conflict with the more uniform provisions of state law. Furthermore, although Islamic teachings emphasize equality before God, certain patriarchal interpretations may clash with state laws that prioritize gender equality and women's rights in a progressive manner. In a pluralistic legal system like Indonesia's, which integrates Islamic law, customary law, and national legislation, harmonizing these legal sources often presents challenges, resulting in inconsistencies in the handling of femicide cases. Additionally, the application of Islamic legal principles may vary across regions and levels of enforcement, particularly in areas with strong customary influences, potentially leading to inconsistent treatment of femicide cases compared to state law. To address these tensions, collaborative efforts between Islamic scholars, legal practitioners, and policymakers are essential to build a shared understanding that gender-based violence is a violation of both Islamic principles and human rights. Legal reforms aligned with universal justice standards, respect for religious and cultural diversity, and equitable law enforcement across all legal systems are crucial steps in ensuring justice for victims of femicide.

Conclusion

From a victimology perspective, femicide not only claims the lives of victims but also leaves profound psychological, social, and economic impacts on the victims' families and communities. Victimology offers a holistic approach to understanding the needs of victims, including the provision of emotional support, economic recovery, and legal

empowerment. This is particularly relevant given the importance of delivering victim-centered justice as part of efforts to establish a fair and humane legal system. Law No. 1 of 2023 on the Criminal Code regulates various forms of murder, including premeditated murder and serious maltreatment, with different sanctions. The articles in this law, while not specifically mentioning femicide, provide an important legal framework for prosecuting perpetrators of violence against women that leads to death. Indonesia can strengthen its legal framework by learning from best practices in other countries, such as Mexico and Spain, which have laws that explicitly define and address femicide. Mexico defines femicide in its Federal Penal Code and stipulates severe penalties for perpetrators, while Spain has a comprehensive legal framework for the prevention, protection, and treatment of victims of gender-based violence. These measures are important to address systematic injustices and ensure proper protection and justice for women. Including an explicit definition of femicide and ensuring more effective law enforcement and support for victims, are critical to addressing gender-based violence in Indonesia. A holistic approach that includes prevention, protection, and recovery for victims will help create a safer and fairer environment for women. As such, explicitly recognizing and addressing femicide in Indonesian criminal law would be a step forward in protecting women's rights and reducing gender-based violence in the country. Additionally, integrating Islamic legal principles with modern legal practices to combat femicide requires a holistic approach that encompasses both religious teachings and applicable legal rules. The Qur'an clearly emphasizes the importance of human life and condemns all forms of unlawful killing, as expressed in Surah Al-Ma'idah verse 32: "*Whoever kills a human being, whether for the killing of another or for causing mischief on the earth, it is as if he has killed all humanity.*" And whoever preserves the life of one human being, it is as if he has preserved the life of all human beings." This verse clearly prohibits killing without justification and emphasizes the importance of protecting human life. Gender hatred and inequality often drive femicide, making this teaching particularly relevant in its context. Additionally, Surah An-Nisa verse 93, Surah Al-Isra verse 33, Surah An-Nisa verse 1, Surah Al-Baqarah verse 195, and Surah Al-Mumtahanah verse 8 provide a strong moral and legal foundation against femicide, emphasizing justice, protection, and respect for human life. The

integration of these teachings into modern law through gender equality education, fair law enforcement, and comprehensive support for victims can help create a legal system that is more effective in countering gender-based violence and ensuring justice and protection for women. Therefore, recognizing and addressing femicide in Indonesia's new Penal Code and incorporating Islamic legal principles would be a significant step in defending women's rights, reducing gender-based violence, and fostering a more just and safe society for all.

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