

Children, Justice, and Femicide: Assessing Victim Rights in Indonesia's Legal System

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ABSTRACT. The death of a parent profoundly affects a child's well-being, particularly when caused by homicide committed by a father or the mother's intimate partner. Research on gender-based killings, or femicide, identifies husbands, boyfriends, and former partners as the most common perpetrators. Yet, children of intimate partner femicide (IPF) victims remain largely invisible in both public discourse and legal protections. This study examines the impacts of IPF on children and evaluates how Indonesia's legal system supports family recovery, particularly for children who have lost their mothers. Using a qualitative approach, the study draws on literature and an analysis of key Indonesian laws, including the Witness and Victim Protection Act, Criminal Procedure Code, Domestic Violence Elimination Act, Child Protection Act, and Sexual Violence Act. Findings indicate that IPF produces multifaceted harms, including physical and psychological trauma, social challenges, and legal vulnerabilities. Impacts are gendered: girls often assume caregiving roles and mediate between families, while all children experience instability in caregiving, financial insecurity, and increased exposure to trauma. Research on femicide in Indonesia is limited, particularly regarding its effects on children. The study highlights the need for legal reforms to clarify definitions of crime victims and strengthen the rights of family members, ensuring children's access to comprehensive and sustainable recovery services. Addressing these gaps is crucial for promoting justice and protection for children affected by intimate partner femicide.

KEYWORDS. Intimate Partner Femicide, Child Victims, Victim Rights, Indonesia Legal System, Gender-Based Violence

Children, Justice, and Femicide: Assessing Victim Rights in Indonesia's Legal System

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Introduction

UN Women and the United Nations Office on Drugs and Crime (UNODC) reported that 85,000 women were intentionally killed worldwide in 2023, with approximately 60 percent—51,100 cases—perpetrated by intimate partners or family members. This translates to an average of 140 women killed every day and marks an increase from 2022, when an estimated 48,800 women and girls were killed by intimate partners or family members.¹ A similar upward trend is evident in Indonesia—the National Commission on Violence Against Women (*Komnas Perempuan*) recorded 290 femicide cases in 2023, including 147 committed by intimate partners or family members, compared with 159 cases in 2022, of which 109 involved intimate

¹ UNODC and UN Women. *Femicides in 2023: Global Estimates of Intimate Partner/Family Member Femicides*. (New York: United Nations Publication, 2024), p.36; UNODC and UN Women. *Gender-Related Killings of Women and Girls (Femicide/Feminicide): Global estimates of female intimate partner/family-related homicides in 2022*. (New York: United Nations, New York, 2023), p.32

partners.² These patterns indicate that lethal violence against women, particularly femicide committed within intimate or familial relationships, remains a persistent and escalating global and national concern.

The term '*femicide*' refers to the killing of women because of their gender roles. Diana E. H. Russell (1976) introduced this term as a feminist political concept to distinguish murders of women due to their gender roles from homicide³. Consequently, not all murders of women qualify as femicide; rather, the classification requires gender-based motivations. Such motivations stem from factors such as gender role stereotypes, systemic discrimination against women and girls, and disparities and imbalance in power relations between men and women within society—the characteristics of specific context in which the murder occurs.⁴

² Komnas Perempuan, "Pengembangan Pengetahuan, Pendokumentasian dan Penanganan Korban Femicida", *Press Release*, December 12, 2024. Retrieved from <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-tentang-peluncuran-pemantauan-femicida-2024>. See also Komnas Perempuan. *Namai, Kenali dan Akhiri Kekerasan Berbasis Gender Berakhir Kematian (Femicida)*. (Jakarta: Komnas Perempuan, Jakarta, 2023), p. 8.

³ At the International Tribunal on Crimes Against Women, a meeting attended by 2,000 women from 40 countries in Brussels in 1976. The term femicide itself comes from Carol Orlock, a woman writer from the United States. In her introductory speech to the symposium, Russell stated the importance of recognizing the sexual political dimension in a murder against women and proposed the use of the term femicide as a feminist political choice. Although Russell did not provide an explicit definition of femicide in 1976, she stated that the term refers to "the misogynistic killing of women and girls". See Russell, Diana EH, and Nicole Van de Ven, eds. *Crimes against women: Proceedings of the International Tribunal*. (East Palo Alto, CA: Frog in the Well, 1976). See also Corradi, Consuelo, et al. "Theories of femicide and their significance for social research." *Current Sociology* 64, no. 7 (2016): 975-995; Taylor, Rae, and Jana L. Jasinski. "Femicide and the feminist perspective." *Homicide Studies* 15, no. 4 (2011): 341-362. See also Oktarina, Tri Nurmega, and Anisa Yulianti. "The Role of Women in Sustainable Development and Environmental Protection: A Discourse of Ecofeminisme in Indonesia." *Indonesian Journal of Environmental Law and Sustainable Development* 1, no. 2 (2022): 107-138.

⁴ The United Nations Office on Drugs and Crime (UNODC) plays a key role in combating illegal drugs and international crime while also

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To systematically document femicide, UN Women and UNODC have identified three (3) primary categories of femicide: murders committed by intimate partners, murders by family members, and murders by other known or unknown individuals. Within these three classifications, gender-based motivation can be established based on at least one of the following eight (8) indicators: (i) the victim had previously reported physical, sexual, or psychological violence by the alleged murder perpetrator to authorities, or the authorities had obtained evidence of such violence through alternative means, including protection or detention orders; (ii) the victim was subjected to various forms of exploitation, such as human trafficking, forced labor, or slavery; (iii) the victim was in a situation of deprivation of liberty; (iv) the victim was engaged in the sex industry; (v) the victim experienced sexual violence before, during, and/or after the murder; (vi) the victim's body was mutilated, subjected to sadistic acts, or otherwise degraded; (vii) the victim's body was disposed of in a public space, either naked, partially clothed, or fully clothed, deliberately exposed in an open area, moved from the original crime scene; and (viii) the murder was motivated by hatred toward women and girls, including female human rights defenders and LGBTI women.⁵

One form of femicide is '*intimate partner femicide*' (IPF), which refers to femicide committed in interpersonal relationships, by husbands, ex-husbands, boyfriends, ex-boyfriends, cohabiting partners, or dating partners. In the Indonesian context, the definition of intimate partners also extends to individuals in undocumented marriages, including both religious and

overseeing the United Nations' primary counterterrorism initiative. Additionally, UNODC focuses on enhancing crime prevention and supporting criminal justice reforms to reinforce the rule of law, establish effective justice systems. To establish a statistical system on femicide, UNODC and UN Women, at the request of the General Assembly, categorize the killing of women and girls into three groups: (i) The killing of women and girls as unnatural deaths caused by another person, with or without the intent to cause death or serious injury; (ii) The intentional killing of women and girls, referring to unlawful deaths inflicted on women and girls with the intent to cause death or serious harm; and (iii) Gender-related killings of women and girls (femicide/feminicide), which are intentional killings motivated by gender-related factors. See UNODC and UN Women. *Statistical Framework for Measuring the Gender-Related Killing of Women and Girls (Also Referred to as "Femicide/Feminicide")*. (New York: United Nations, 2022).

⁵ UNODC and UN Women, 2022.

customary unions⁶. The IPF phenomenon has been widely covered in mass media over the past year. In one case, a woman was stabbed with a knife six times by her husband in front of their toddler because she requested a divorce⁷. Similarly, in Serdang Bedagai, North Sumatra, a woman was fatally stabbed five times by her husband while livestreaming a karaoke session with her relative on her social media. The perpetrator attacked her after receiving information that she had been seen going out with her ex-husband.⁸ Another case in Cimahi, West Java, involved a husband who killed his wife and left her body to decompose for seven days, wrapped in a sack and plastic. His actions were allegedly triggered by anger after discovering a romantic message on his wife's phone from a guy, leading to a bickering and eventually a strangulation⁹.

IPF also occurs in dating relationships. In South Lampung, Lampung, a man fatally assaulted his girlfriend by striking her crown three times with the back of an axe. The attack was motivated by pressure to take responsibility

⁶ European Institute for Gender Equality (EIGE). *Femicide: A Classification System*. (Lithuania: European Institute for Gender Equality, 2021); Komnas Perempuan. *Femisida Tidak Dikenal: Pengabaian Terhadap Hak Atas Hidup dan Hak Atas Keadilan Perempuan dan Anak Perempuan*. (Jakarta: Komnas Perempuan, 2021); Roth, Françoise, Mariela Labozzetta, and Agustina Rodríguez. "The Latin American Model Protocol for the Investigation of Gender-Related Killings of Women (Femicide/Feminicide): A Partially Achieved Success Story." *The Routledge International Handbook on Femicide and Feminicide*. (London: Routledge, 2023), pp. 433-442.

⁷ Fawdi, Maulana Ilhami. "Suami di Jaksel Bunuh Istri di Depan Anaknya yang Berusia 5 Tahun". *Detikcom*, September 4, 2024. Retrieved from <https://news.detik.com/berita/d-7524680/suami-di-jaksel-bunuh-istri-di-depan-anaknya-yang-berusia-5-tahun>

⁸ Utomo, Rahmat, and Rachmawati Rachmawati. "Kronologi Pria Bunuh Istri Saat Live Karaoke, Mengaku Cemburu pada Mantan Suami Korban". *KOMPAS*, November 5, 2024. Retrieved from <https://regional.kompas.com/read/2024/11/05/175700978/kronologi-pria-bunuh-istri-saat-live-karaoke-mengaku-cemburu-pada-mantan?page=all>

⁹ Antara, Antara. "Motif Kasus Suami Bunuh Istri di Cimahi, Polisi: Cemburu Baca Pesan Mesra di Ponsel". *TEMPO*, Agustus 15, 2024. Retrieved from <https://www.tempo.co/hukum/motif-kasus-suami-bunuh-istri-di-cimahi-polisi-cemburu-baca-pesan-mesra-di-ponsel--25025>.

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for her pregnancy, and the victim was then discovered by her child¹⁰. In another case, a woman's refusal to marry her boyfriend led to her being fatally attacked in Jember, East Java, where the perpetrator slashed her head three times¹¹. Furthermore, some of these murders are carried out in front of the victims' children. For example, in Sleman, Yogyakarta, a perpetrator strangled a widow at her home, carried her to a car, brought her along with her two children (one of which was a 3 years-old toddler) to Tasikmalaya, West Java. When the victim was heard snoring, he ultimately strangled her again in front of the children and eventually disposed of her body in a ravine.¹² Another case in Tangerang, Banten, involved a mutilation of a widow who had four children. Her body was wrapped in multiple layers of small and big plastic sacks, cardboard, blankets, and foam mattresses. Both of her hands were tied, and she was found without clothing. Her head was discovered 600 meters from her body.¹³

The impact of IPF is devastating at the micro, *meso*, and macro levels. At the micro level, femicide affects not only the victim but also her family members' lives, particularly when she is a mother, daughter, or sister. The impacts are further exacerbated when the victim was the head of the family as well as the primary breadwinner for not only her nuclear family but also for her parents and siblings. The most vulnerable group in these femicide cases is children—those who witness the murder or become motherless as a result. However, little is known about the fate of these children post-IPF or

¹⁰ Munthe, Ardhi. "Kronologi Janda Dibunuh Pacar karena Hamil dan Minta Dinikahi", *Liputan6*, December 25, 2024. Retrieved from <https://www.liputan6.com/regional/read/5846110/kronologi-janda-dibunuh-pacar-karena-hamil-dan-minta-dinikahi>.

¹¹ Mulyono, Yakub. "Motif Duda Habisi Janda di Jember, Kesal Ajakan Nikah Ditolak Korban", *Detik.com*, December 9, 2024. Retrieved from <https://www.detik.com/jatim/hukum-dan-kriminal/d-7678779/motif-duda-habisi-janda-di-jember-kesal-ajakan-nikah-ditolak-korban>.

¹² Ahdani, Denden, and Fikri Syauckani. "Tragis! Janda Asal Sleman Dibunuh di Hadapan Anaknya, Jasadnya Dibuang di Tasikmalaya". *TVOne News*, December, 3, 2024. Retrieved from <https://www.tvonenews.com/daerah/jabar/274225-tragis-janda-asal-sleman-dibunuh-di-hadapan-anaknya-jasadnya-dibuang-di-tasikmalaya?page=2> Date accessed 16/02/2025

¹³ Oesman, Djono W. "Kejam, Kepala Janda Terpenggal". *Harian Disway*, October 31, 2024. Retrieved from <https://harian.disway.id/read/832271/kejam-kepala-janda-terpenggal/15>

the extent of psychological and social services provided by the state to aid their recovery to continue their lives.

As a relatively new concept, research on the impact of femicide in Indonesia remains limited. A 2022 study conducted by Komnas Perempuan (2022) utilized qualitative methods to analyze data from online media reports and court rulings. The study focused on cases of IPF within domestic violence contexts that resulted in the death of women. Key findings included: (1) the presence of multiple layers of violence in the femicide process, sometimes continuing even after the victim's death, and (2) femicide as the most extreme form of gender-based violence. The study underscored the need for policy reforms to ensure restitution, compensation, and support for the victim's surviving children and family members, particularly in cases where the victim was the primary provider. Additionally, the study highlighted the importance of preventing domestic violence that could escalate into femicide.¹⁴ However, it did not specifically analyze the impacts of femicide.

Therefore, this study aims to examine the impacts of femicide on children in countries where femicide is more widely recognized and studied, and identifying the guarantee of the rights of families of victims of crimes in the Indonesian legal system. By understanding the impacts of femicide on children, and lack of regulation in concerning victim protection in Indonesia, we can advocate for the state to provide or facilitate the rights of the IPF victims' family members, especially children, through reforming the legal system and strengthening social support necessary for their recovery.

This study employs a qualitative approach using a literature review method. The literature search was conducted through subscribed journal databases accessible at the University of Indonesia library, using the keyword "intimate partner femicide" in English. A total of 88 articles were identified. These articles were then screened based on these three criteria: (1) identification of the impact of femicide on children; (2) detection of the needs of IPF victims' children; and (3) empirical research. After screening and aligning the articles with the study's objectives, five key articles were selected for analysis. Meanwhile, for the juridical analysis, data collection was conducted through a literature review by examining the the Protection of Witnesses and Victims Act the Criminal Procedure Code, the Child

¹⁴ Hutabarat, Rainy Maryke et.al. *Lenyap dalam Senyap: Korban Femisida dan Keluarganya Berhak atas Keadilan*. (Jakarta: Komnas Perempuan, 2022).

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Protection Act, the Elimination on Domestic Violence Act and the Sexual Violence Crime Act. The data was analyzed using a descriptive-analytical approach to identify the rights of the families of crime victims. This identification aims to provide recommendations and input for legal reforms related to victim protection.

Concept and Causes of Intimate Partner Femicide (IPF)

Intimate Partner Femicide (IPF) is defined as the killing of a woman by a man with whom she shares a relationship or an intimate relationship, including a husband, ex-husband, cohabiting partner, boyfriend, ex-boyfriend, lover, or the father of her children. It also encompasses cases where a man murders a woman or acquaintance who has rejected his emotional or sexual advances¹⁵. According to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), IPF falls within the personal realm of violence, which includes categories such as violence against wives, violence by ex-husbands, violence in dating, and violence by ex-boyfriends¹⁶

Feminist research has consistently highlighted the strong connection between violence against women within personal realm, coercive and control (CC) behaviors by perpetrators towards the victims. Evan Stark (2007) conceptualized violence in intimate relationships as a consequence of, and the effort to, maintain CC, where one partner is trapped in a relationship that builds and exacerbates one's dominance over the other. Stark defined CC as:

¹⁵ See Roth, Labozzetta, and Rodríguez. "The Latin American Model Protocol for the Investigation of Gender-Related Killings of Women (Femicide/Feminicide): A Partially Achieved Success Story." See also European Institute for Gender Equality (EIGE). *Femicide: A Classification System*, 2021

¹⁶ Gender-based violence against women not only occurs in the personal realm, but also in the public and state realm. The public realm is where there is no intimate relationship (such as marriage, household, cohabitation, courtship or dating between the perpetrator and the victim). Meanwhile, violence in the state realm is committed by the state against female citizens either directly or negligently. See Komnas Perempuan. *Kajian 21 Tahun Catatan Tahunan Komnas Perempuan Tahun 2001-Tahun 2021: Dalam Rangka Peringatan 25 Tahun Komnas Perempuan*. (Jakarta: Komnas Perempuan, 2024).

*"A strategic course of self-interested behavior designed to secure and expand gender-based privilege by establishing a regime of domination in personal life"*¹⁷. Violence against women in intimate relationships often escalates to death. Therefore, IPF generally involves CC—when perceiving a diminishing control over the victims, the perpetrators “shift” from controlling to punishing them for their non-compliance with gender role norms¹⁸. Daly and Wilson’s (1988) cross-cultural study on homicide cases supported this view, identifying jealousy, possessiveness, and the desire to control as primary factors preceding intimate femicide worldwide. The study further argued that sexual proprietariness is a form of masculinity expression that grows. Violence occurs in situations where men perceive a loss of control over their partners, such as infidelity—either actual or suspected—or the victim demands a separation, triggering excessive jealousy, possessiveness, and uncontrolled anger.¹⁹

Further supporting this, research by Garcia-Vergara *et al.* (2022) identified nine (9) key risk factors contributing to intimate femicide: (i) history of violence against intimate partners, family members, or involvement in violent conflicts; (ii) experience of violence during childhood, particularly within the family and school, that linked to mental health issues; (iii) addiction to addictive substances, drugs, or alcohol; (iv) beliefs in women’s subordinate position, and to maintain dominance, they use violence and blame the victims or the environmental circumstances, minimizing or denying the damage; (v) rigid male conceptions of authority, possessiveness, and control over women leading to intense fear of abandonment by their partners through separation or divorce, perceiving it as a loss of control over their partners and interpersonal relationships; (vi) extreme jealousy; (vii) controlling women by isolating victims, reproductive coercion, and avoiding pregnancies of the victims; (viii) purchase, access to, and use weapons, particularly firearms; and (ix) sexual violence against partners²⁰. These CC-based IPF factors have also been observed Indonesia.

¹⁷ Ferguson, Claire, and Freya McLachlan. "Continuing coercive control after intimate partner femicide: The role of detection avoidance and concealment." *Feminist Criminology* 18, no. 4 (2023): 353-375.

¹⁸ Johnson, Holly, et al. "Intimate femicide: The role of coercive control." *Feminist Criminology* 14, no. 1 (2019): 3-23.

¹⁹ Johnson, et al. "Intimate femicide: The role of coercive control."

²⁰ Garcia-Vergara, Esperanza, et al. "A comprehensive analysis of factors associated with intimate partner femicide: a systematic review."

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Of the identified motives, the most common ones are “jealousy” and “offended masculinity”, followed by “sexual violence” and “refusal to accept divorce or separation”²¹.

General Impacts of IPF on Children

In this context, a child refers to anyone under the age of 18 whose mother was killed by their father, stepfather, her boyfriend, cohabiting partner, or dating partner. The impacts of IPF on children are identified as occurring both immediately²² and after IPF, including until the children reach adulthood²³. In general, boys and girls experience the same impacts, including:

1. The physical impacts on children are among others children suffer injuries as they are also the target of violence other than their mothers²⁴ as well as getting killed alongside their mothers. IPF also eventually

International Journal of Environmental Research and Public Health 19, no. 12 (2022): 7336.

²¹ Komnas Perempuan identified 17 motivations underlying the killing of women, with jealousy emerging as the most prevalent. Monitoring conducted by Komnas Perempuan in 2023 and 2024 shows consistent patterns, indicating that emotions rooted in jealousy, hurt, and anger toward the victim constitute the primary drivers of femicide.

²² In-depth interviews were conducted with the children’s primary caregivers to learn about the children’s experiences before and after the IPF occurred, between 5 weeks and 5 years after the IPF. *See more at:* Hardesty, Jennifer L., et al. “How children and their caregivers adjust after intimate partner femicide.” *Journal of Family Issues* 29, no. 1 (2008): 100-124. While Akbaş conducted interviews with 23 participants—6 children and 17 caregivers—from 10 femicide cases that occurred after the enactment of the Law on the Protection of Women from Violence (2012). *See* Erükçü Akbaş, Gamze, and Kasım Karataş. “The depth of trauma: The children left behind after femicide in Turkey.” *International Social Work* 65, no. 1 (2022): 113-126.

²³ Erükçü Akbaş, and Karataş; Hardesty, et al. *See also* Kapardis, Andreas, Anna Costanza Baldry, and Maria Konstantinou. “A qualitative study of intimate partner femicide and orphans in Cyprus.” *Qualitative Sociology Review* 13, no. 3 (2017): 80-100.

²⁴ Erükçü Akbaş, and Karataş. “The depth of trauma: The children left behind after femicide in Turkey.”

affects the child's physical health, such as: somatic complaints, changes in weight and appetite, asthma and allergy symptoms²⁵, dizziness of unknown cause, and constipation.

2. Child, depending on their age when IPF occurs, whether or not they witnessed the incident. Shortly after IPF, there are children who experience temporary memory loss, not recognizing others, curl up, and delay in crying because they first attempt to seek help for their mother²⁶ There are psychological impacts in the form of various sleep disorders such as waking up during sleep, nightmares, sleepwalking (*somnambulism*), moving around during sleep, must be accompanied, and fear of the dark. In addition, they also avoid people who remind them of the IPF incident, lie, suffer from Post Traumatic Depression Syndrome (PTSD), bedwetting, anxiety, suicidal ideation, suicide, separation anxiety, post-incident hallucinations, psychosis, self-destructive behavior, being a worrier, feel guilt, negative self-image, and have difficulty trusting or building relationships with others.
3. Psychological impacts and physical health vulnerabilities affect the changes in children's behavior and social life, such as destructive and impulsive behavior: fighting, hanging out with negative people, pregnancy, and illegal activities such as theft and drug use ²⁷. The use of addictive substances also continues into adulthood²⁸ These impacts contribute to academic struggles, difficulty returning to school,

²⁵ Hardesty, et al. "How children and their caregivers adjust after intimate partner femicide."

²⁶ Erükçü Akbaş, and Karataş. "The depth of trauma: The children left behind after femicide in Turkey."

²⁷ See Erükçü Akbaş, and Karataş. "The depth of trauma: The children left behind after femicide in Turkey"; Hardesty, et al. "How children and their caregivers adjust after intimate partner femicide." See also Pitcho-Prelorentzos, Shani, Elazar Leshem, and Michal Mahat-Shamir. "Mitigating loss and trauma: The continuing bonds experience of daughters bereaved to intimate partner femicide." *Violence against Women* 29, no. 11 (2023): 2170-2193; Alisic, Eva, et al. "Children's mental health and well-being after parental intimate partner homicide: A systematic review." *Clinical Child and Family Psychology Review* 18, no. 4 (2015): 328-345.

²⁸ See Pitcho-Prelorentzos, Leshem, and Mahat-Shamir. "Mitigating loss and trauma: The continuing bonds experience of daughters bereaved to intimate partner femicide."

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- problems concentrating on homework, aggression, absenteeism, feelings of shame, and feeling misunderstood by teachers and peers.²⁹
4. Socially, children of IPF victims face negative stigmas such as being labeled as “murderer’s children”. Within themselves, there is a feeling of shame as well as difficulty in describing their identity, as they are both the children of a murdered mother and a murderer father. Prelorentzos describes the difficulties faced by the daughters of the IPF female victims in building their identity: they are not like their father nor mother, nor like what the society perceives; contributing to difficulties in building intimate relationships and fear of parenthood.³⁰
 5. Legal challenges: where the impacts on children who directly witness the IPF incident, are the target of IPF, or find the body of their mother, differ from and more severe than the impacts on children who are absent during the incident. This is because former will face the law in their capacity as the witness to the criminal act. A criminal justice system not yet responsive to the needs of victims—especially children—will exacerbate these impacts.

Different Impacts of IPF on Girls

The death of a mother affects the children left behind, both boys and girls. However, the impacts differ due to the gender role of women as family caregivers. Older girls will be more affected as they bear the burden of caring for their younger siblings. They assume the role of substitute caregivers not only because of the death of their mother, but also because of the absence of their father who is serving a prison sentence³¹ Kapardis’s research documented the experiences of two motherless girls aged 4 and 8 years and an orphaned girl aged 10 years. Following IPF cases, they found themselves forced to take on parental responsibilities at a very young age, such as feeding

²⁹ Erükçü Akbaş, and Karataş. “The depth of trauma: The children left behind after femicide in Turkey.”

³⁰ Pitcho-Prelorentzos, Leshem, and Mahat-Shamir. "Mitigating loss and trauma: The continuing bonds experience of daughters bereaved to intimate partner femicide."

³¹ Erükçü Akbaş, and Karataş. “The depth of trauma: The children left behind after femicide in Turkey.”

and caring for their younger siblings³² This gender role also extends to the girls' efforts to reconcile both sides of the family—the mother's and the father's—after the IPF case³³

In addition, in a patriarchal society, each individual builds their identity based their experiences as gendered social entities. Therefore, the formation of women's identities is often linked or associated with statuses or identities such as “being someone's wife” or “being someone's daughter”. Women's identity depends on the mother-daughter bond, where girls form their identity similar to their mothers' while also develop their capacity for empathy, nurturing, and dependence. On the other hand, girls also form various social relationships and deep interpersonal bonds, including with their fathers, which also impacts their identity formation. However, in IPF cases, girls are both the daughters of murderers as well as the daughters of the murder victims, making it difficult for them to build intimate relationships and form families and they also have fear about parenthood.³⁴

Impacts of Child Care by Substitute Family

Children for whom the care is transferred following an IPF case—whether to the mother's or father's side or in a substitute family—face numerous challenges that must be managed. Child care by substitute family affects the child's recovery process, among others:

1. Children are affected by the death and illness of the substitute caregiver which is related to the fear of loss. Deaths that affect children include the death of a grandmother, grandfather, aunt, or pet.³⁵
2. Financial struggles faced by the substitute family will affect the children's life. This is because the substitute family suddenly must bear the burden of financing the IPF victims' children in addition to their original family members, including health care costs.

³² Kapardis, Andreas, Anna Costanza Baldry, and Maria Konstantinou. "A qualitative study of intimate partner femicide and orphans in Cyprus."

³³ Alisic, et al. "Children's mental health and well-being after parental intimate partner homicide: A systematic review."

³⁴ Pitcho-Prelorentzos, Leshem, and Mahat-Shamir. "Mitigating loss and trauma: The continuing bonds experience of daughters bereaved to intimate partner femicide."

³⁵ Hardesty, et al. "How children and their caregivers adjust after intimate partner femicide."

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3. Children are exposed to conflict in the extended family, between the mother's family as the victim side and the father's family as the perpetrator side. The conflict begins with tension in their child care: where the children will live and who will take over the responsibility of child care. Suppose the father's extended family wants to divide the children among relatives, maternal grandmother may insist they remain together under her care³⁶. This feud will affect the child's growth and development as they are forced to be separated from their siblings who are actually the source of strength for each other's recovery. Children who then grow up in a family violence environment eventually prefer to discuss their worrisome issues with their peers. In addition, post-IPF tensions arise from differing motivations between the two sides of the family. The father's family needs to manage their shame and guilt, while for the mother's family it is due to their grief and mourning. Forgiveness from the mother's parents is more likely if: (1) the father accepts responsibility for the murder and expresses genuine remorse; (2) the father's parents acknowledge their shame and share their grief for their daughter-in-law; (3) there is encouragement for reconciliation; and (4) the punishment is appropriate.³⁷
4. Beyond the trauma of the murder itself, children experienced secondary trauma that is also related to their substitute caregivers. Ideally, the caregiving family are people who are expected to contribute to the children's recovery process. However, when the caregivers are the relatives of the murdered mother, it is inevitable that they also mourn. Caregivers who mourn and assume the child care responsibility will bring their psychological stress along. For example, an aunt caring for her late sister's children suppressed her emotions and refrained herself from discussing the past. It caused the children impacted by IPF to be unable to mourn and eventually suppressed their emotions as well.³⁸
5. Frequent transfers in children care affect their recovery process. For instance, their mother's family had their legal custody, but later the court transfers it to the father's family. In another instance, the father

³⁶ Alisic, et al. "Children's mental health and well-being after parental intimate partner homicide: A systematic review."

³⁷ Kapardis, Andreas, Anna Costanza Baldry, and Maria Konstantinou. "A qualitative study of intimate partner femicide and orphans in Cyprus."

³⁸ Alisic, et al. "Children's mental health and well-being after parental intimate partner homicide: A systematic review."

completed his sentence and the children are then “returned” to their father. These transfers make it difficult for the children to bond with new family members and exacerbate the impacts they experience.

TABLE 1. The Impacts of Intimate Femicide on Children

| Reference | Country | Total Sample | Sample Characteristic | Methodology | Impacts on Children | Exacerbating Impact on Children’s Lives |
|--|------------------------------|---|--|--|---|--|
| Hardesty, Jennifer L., Jacquelyn C. Campbell, Maryland Judith, Linda A. Lewandowski (2008) | The United States of America | 10 caregivers | Primary caregivers of IPF children Know the children’s experiences before and after IPF Conducted 5 weeks to 5 years after IPF | Qualitative research with in-depth interviews | Mental Health: depression, anxiety, prolonged grief and post-traumatic stress symptoms, suicidality, suicidal ideation, separation anxiety, and sleep disorder Physical Health: Somatic complaints, changes in weight and appetite, and asthma and allergy symptoms Behavioral Changes: Being destructive, impulsive, peer problems (fighting, hanging out with negative people, unwanted pregnancy), and law violations such as theft and drug use | Witnessing IPF Death and/or illness of substitute caregiver Financial hardship Exposure of children to family conflict and violence Stress from caregivers in the child care |
| Akbas, Gamze Erükçü dan Karatas, Kasım (2020) | Turkey | 23 people (6 children and 17 caregivers) from 10 femicide cases | Femicide cases after the Law on protection of violence against women had been passed | Qualitative research with semi-structured interviews | temporary memory loss, not recognizing others, curl up, sleep disorders and nightmares, fears; academic struggle; difficulty to remember; post- | Children witnessing IPF as well as inappropriate crisis intervention |

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| Reference | Country | Total Sample | Sample Characteristic | Methodology | Impacts on Children | Exacerbating Impact on Children's Lives |
|---|-----------------|--|---|--|---|---|
| | | | | | incident hallucinations; psychosis; suicide; self-destructive behavior, and bitterness | |
| Prelorentzos, Shani Pitcho, Elazar Leshem, and Michal Mahat-Shamir (2022) | Israel | 11 adult women | Their biological mothers were killed by their biological fathers | Qualitative research with in-depth interviews | Difficulty constructing self-identity, difficulty forming intimate relationships, legal problems, and substance use, difficulty forming self-identity, fear of parenthood | Participants' identities were narrated as not similar to their fathers, mothers or societal perceptions |
| Alisic, Eva; Arend Groot, Hanneke Snetselaar, Tielke Stroeken, Lieve Hehenkamp, and Elise van de Puttec (2018). | The Netherlands | 23 young people (15 women, 8 men) from 14 families | The murders occurred from 18 months to 18 years. Occurred from 1993 to 2012 | Qualitative research with in-depth interviews | Irritable, delinquency, and impulsive, difficulty describing identity, being a 'worrier', highly negative self-image, feeling stupid, full of uncertainty, stigma, various forms of fear, PTSD symptoms, having intrusive thoughts about the murder and avoiding remembering it, feelings of guilt for not being able to save the parent, depressive symptoms, and difficulty trusting others | Relocating to one more living place, caregiver capacity, the development of legal procedures, difficulties forming relationships with new family members, being separated from siblings |
| Kapardis, Andreas. Anna Costanza Baldry, and Maria Konstantinou (2017) | Cyprus | 40 orphans from 18 femicide cases | Femicides in 2001–2014 | Qualitative research with semi-structured interviews | Sleep disorder; waking up during sleep; bedwetting; somnambulism; feeling dizzy; hospital visits for tests; believing | Living in a stressful and violent environment |

| Reference | Country | Total Sample | Sample Characteristic | Methodology | Impacts on Children | Exacerbating Impact on Children's Lives |
|-----------|---------|--------------|-----------------------|-------------|---|---|
| | | | | | there is no life, having no energy; constant negative thoughts; frequent screaming; constipation; avoiding people who remind them of the event; lying; suicide attempts; longing for their parents; daydreaming; creating a false self-image; prone to accidents such as car accidents; hyperactivity; and excessive attention-seeking behavior. Increased risk of poor scholastic achievement, antisocial behavior, substance abuse, Post-Traumatic Stress Disorder (PTSD), depression, and suicide risk, as well as overwhelming feelings of guilt. | |

The Rights of Intimate Femicide Victims' Children in Indonesia

The studies above highlight that children affected by IPF become invisible victims. These children and their caregivers face crises in their psychological, financial, familial relation, and social aspects, all of which significantly impact their growth and development as well as the fulfilment of the children's other rights. These include the right to be free from violence, the right to education, the right to participate, and the right to receive proper care and upbringing.

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The Indonesia Criminal Procedural Code focuses on protecting perpetrators' rights, with minimal attention to victims. Legal developments now emphasize a balance between the rights of perpetrators and victims. Special criminal laws—such as the Elimination on Domestic Violence Act, The Witness and Victim Protection Act, and the Sexual Violence Crime Act—integrate criminal justice with victim recovery systems.

Legal recognition of crime victims has only been formulated in law on the Protection of Witnesses and Victims (2014). This law defines victims as “*people who experience physical, mental suffering, and/or economic loss caused by a criminal act*” (Article 1(3)). However, this definition primarily applies to direct victims—in the case of IPF, the child’s mother. Meanwhile, a witness is defined as “*a person who can provide information for the purposes of investigation, inquiry, prosecution, and court examination regarding a criminal act that they personally heard, saw, and/or experienced*” (Article 1(1)). This framework fails to recognize that children affected by IPF are more than just witnesses. The law grants victims the right to restitution, which includes compensation for financial loss, compensation for suffering directly linked to the criminal act, and/or reimbursement for medical or psychological care (Article 7A). If the victim dies, restitution is granted to their heirs (Article 7). However, medical assistance as well as psychosocial and psychological rehabilitations are limited to victims of terrorism, human trafficking, torture, sexual violence, and severe abuse (Article 6)³⁹. Consequently, children of mothers who are victims of IPF do not qualify for these rights unless they are designated as protected witnesses.

Meanwhile, the provisions related to IPF, i.e. Law on the Elimination of Domestic Violence (2004), encompasses violence against wives and children (Article 2) and physical violence resulting in death (Article 44). This law ensures domestic violence victims’ rights to protection (temporary or permanent), healthcare services, assistance by social worker, and legal aid throughout the examination process⁴⁰. It allows children who are direct

³⁹ Republic of Indonesia. *Undang-Undang Republik Indonesia Nomor 31 Tahun 2014 tentang Perubahan Atas Undang-Undang Nomor 13 Tahun 2006 tentang Perlindungan Saksi dan Korban*. (Jakarta, Sekretariat Negara, 2014).

⁴⁰ The rights of victims of domestic violence are: (a) protection from family, police, prosecutors, courts, advocates, social institutions, or other parties either temporarily or based on the stipulation of a protection order from the court; (b) health services in accordance with medical needs; (c) special

victims of domestic violence to access the services provided by the state, but does not extend such access for children who are merely witnesses. Similarly, Law on Child Protection (2014) states the central government, local government, and state institutions are obliged and responsible for providing special protection to children (Article 59). This special protection encompasses children who are victims of physical and/or psychological violence and those who face stigma due to their parents' circumstances⁴¹. It is not clear what is meant by parents' circumstances.

The only law that explicitly guarantees rights for the victim's family members, children, or dependents is law on Sexual Violence Crimes (2022). Children or other family members who depend on the victim for their livelihood, or parents who are not the perpetrators, are entitled to: educational facilities, healthcare services and insurance, and social security.⁴² However,

handling related to victim confidentiality; (d) assistance by social workers and legal aid at every level of the examination process in accordance with statutory provisions; and (e) spiritual guidance services. *See at Republic of Indonesia. Undang-Undang Republik Indonesia Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan Dalam Rumah Tangga Indonesia.* (Jakarta: Sekretariat Negara, 2004).

⁴¹ Republic of Indonesia, *Undang-Undang Republik Indonesia Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak.* (Jakarta: Sekretariat Negara, 2014).

⁴² Article 71 guarantees the Rights of the Victim's Family which include: (a) the right to information about Victim's Rights, the rights of the Victim's Family, and the criminal justice process from the start of reporting until the completion of the criminal period served by the convicted person; (b) the right to confidentiality of identity; (c) the right to personal security and freedom from threats related to the testimony that will, is, or has been given; (d) the right to be free from threats related to the testimony that will, is, or has been given. (d) the right not to be criminally prosecuted and not to be civilly sued for reports of Sexual Violence Crimes; (e) custody of the Child who is a Victim, unless the right is revoked through a court decision; (f) the right to psychological strengthening; (g) the right to economic empowerment; and (h) the right to obtain population documents and other supporting documents needed by the Family of the Victim. required by the Victim's Family. In addition to these rights, children or other Family members who are dependent on the Victim or parents who are not perpetrators are entitled to: (a) educational facilities; (b) health services and insurance; and (c) social security. *See at Republic of Indonesia. Undang-undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan*

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this provision is limited to sexual femicide and does not apply to other types of femicide

In contrast, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) provides a guidance that the definition of a victim includes close family members or dependents of the direct victim, as well as those who suffer harm while assisting the victim. Under this framework, victims are not limited to only the direct victims of criminal acts. Therefore, victims in this broader sense are entitled access to justice, restitution, compensation, and support.⁴³ This means that there is a legal vacuum for the protection of the families of victims of crimes, including for the families of femicide victims.

Conclusion

Existing scholarship on the impacts of intimate partner femicide (IPF) on children demonstrates significant and multifaceted challenges to their psychological, emotional, and social well-being, emphasizing the essential role of State intervention in supporting their long-term recovery. However, the available literature remains concentrated in a limited number of countries—such as the United States, Cyprus, the Netherlands, Israel, and Turkey—where institutionalized support systems, including psychological, psychosocial, and social-worker services, have been established. In Indonesia, by contrast, the concept of femicide has yet to gain full recognition, and the criminal justice system remains insufficiently integrated with comprehensive recovery mechanisms for victims and their families. Consequently, further empirical research is required to deepen the

Seksual. (Jakarta: Sekretariat Negara, 2022). See also Setiawan, Andry, et al. "Gender Based Violence in Higher Education: A Model of Protection and Law Enforcement." *Indonesian Journal of Advocacy and Legal Services* 5, no. 1 (2023): 65-80; Chuldun, Ibnu, Fathur Rokhman, and Widiyanto Widiyanto. "Women Between Jail: A Discourse of Women Protection on Indonesia Correctional Act." *Journal of Law and Legal Reform* 5, no. 2 (2024): 893-868; Choirunnisa, Sutiani. "Legal Protection Against Women Victims of Sexual Harassment Through Social Media (Cyberporn)." *The Indonesian Journal of International Clinical Legal Education* 3, no. 3 (2021): 367-380.

⁴³ Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power Adopted by General Assembly resolution 40/34 of 29 November 1985

understanding of femicide and its broader societal impacts, and to generate evidence capable of informing regulatory reform, strengthening victim-support structures, and enhancing public awareness to prevent IPF.

To address the needs of children affected by IPF, legal reforms aimed at harmonizing and synchronizing relevant regulatory frameworks are urgently needed. Priority areas include amendments to the Criminal Procedure Code and the Law on the Protection of Witnesses and Victims, such as the development of a distinct legal definition of “victim”; the recognition of “indirect victims,” including family members, dependents, and individuals harmed while assisting victims; the assurance of restitution, compensation, and support for victims’ families; and the expansion of criminal acts eligible for protection. Beyond legal provisions, recovery must be supported through sustainable services that integrate psychosocial, economic, and caregiving assistance. In the context of family law, substitute caregiving arrangements should ensure child participation, regular monitoring, and adequate support for substitute families, thereby fostering stability and facilitating the holistic recovery of children in the aftermath of IPF.

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