

# ASSESSING THE RIGHTS OF WOMEN VITCIMS OF HOME VIOLENCE DURING THE COVID-19 PANDEMIC

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## **Abstracts :**

*Domestic violence occurs in the family home, be it physical, psychological, verbal, sexual, or economic violence that has legal consequences. Most of the cases of domestic violence victims are dominated by women. This is motivated by the strength of a patriarchal culture that dominates the culture and values of society. Without realizing it, this culture has silenced women's human rights. Especially in the midst of the Covid-19 pandemic because of psychological and economic pressures, it opens up great opportunities for women to become targets of domestic violence objects. Therefore this research will further study women's human rights, protection, and recovery of domestic violence victims. This article's writing applies a normative juridical approach with literature study while the data management is carried out in a qualitative descriptive manner.*

**Keyword :** Domestic Violence; Protection and Recovery, Women's Human Rights

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## 1. Introduction

Covid-19 (Coronavirus Disease 2019), a virus that infects human respiratory organs, was first discovered in Wuhan, China, at the end of 2019. In early 2020, Covid-19 quickly infected various parts of the world, including Indonesia. WHO has increased the status of the spread of Covid-19 as a pandemic, thereby causing changes to the order of life. The Covid-19 pandemic is a very complex and massive problem that simultaneously causes people to live under social and mental pressure. We know that in Indonesia, the Covid-19 pandemic has claimed thousands of lives and has negative implications for various sectors of the life of the nation and state. One of them is the economic sector. The economic sector itself is considered crucial in addition to the health and education sectors during the Covid-19 pandemic. The economic sector is the driving force for the organization of the life of the nation and state. Simultaneously with the implementation of the Large-Scale Social Restrictions (PSBB) policy in various parts of Indonesia, thus limiting all forms of activities that gather large numbers of people and requiring people to stay at home to break the chain of accelerating the spread of Covid-19. Thus, like it or not, work from home and physical distancing are applied to implement the PSBB. This is what makes Indonesia's economic sector experience a slowdown. The economic slowdown was supported by many community businesses that closed down and even went out of business and the high wave of layoffs by companies and also affected groups of daily workers. This causes people to lose their jobs and livelihoods while the necessities of life continue to survive. This is what makes people live under mental and economic pressure amid the Covid-19 pandemic.

During the Covid-19 pandemic, people lived under mental and economic pressure. It did not rule out the possibility of creating new social problems, one of which was gender-based violence in the private area in the form of Domestic Violence (KDRT). According to Article 1 of Law no. 23 of 2004 concerning the Elimination of Domestic Violence, domestic violence is any act against a person, especially a woman, which results in physical, sexual, psychological, and/or domestic neglect, including threats to commit acts, coercion or deprivation of liberty. Against the law in the household sphere.<sup>1</sup> During the Covid-19 pandemic, cases of domestic violence increased, especially for women. Given that women are vulnerable to being the object of violence, this is not without the influence of the patriarchal culture that has become ingrained in society. Besides that, also at the time The Covid-19 pandemic causes women to have an increasing burden, taking care of the household and accompanying children to study and school from home and helping to earn a living to meet the economic needs of the family.

Based on data from the Symphony of the Ministry of PPPA during the period 2 March-26 April 2020, cases of violence against women aged 18 years reached 173 cases with an average of 3 cases per day. Meanwhile, the number of adult women who became victims of violence reached 174 cases, of which 66% (114 people) were victims of domestic violence.<sup>2</sup> Meanwhile, based on Komnas Perempuan survey data, it shows that there has been an increase in cases of violence against women during the Covid-19 pandemic. The survey results show that 80% of female respondents earn less than 5 million 2,285, female

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<sup>1</sup> Pasal 1 Undang-Undang Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga

<sup>2</sup> Deputi Perlindungan Hak Perempuan Kementerian PPPA RI. (2020). Protokol Kasus Kekerasan terhadap Perempuan di Masa Pandemi Covid-19. Jakarta: Kementerian PPPA. P. 667.

and male respondents experienced violence.<sup>3</sup> The survey stated that psychological and economic violence dominated domestic violence. This indicates that economic pressures have major implications for potential domestic violence. Sadly, based on the survey, only 10% of women victims of violence dare to report their cases to the authorities. The number of cases presented only reported cases of violence and did not include violence cases that were not reported. So it is likely that the graph of cases of violence against women continues to increase, considering that in the situation of the Covid-19 pandemic, almost all levels of society experienced economic and psychological deterioration.

The government itself is moving quickly in addressing the problem an increase in domestic violence cases that occurred in the midst of a pandemic. Given the severe impact of violence on victims, both in the short and long term, which will affect physical, psychological, and social aspects. Through the Ministry of PPPA in collaboration with the United Nations Population Fund (UNFPA), has assisted in the form of handling women victims of violence by issuing several protocols for handling cases of gender-based violence against women during the Covid-19 pandemic.<sup>4</sup> This protocol was issued aimed at providing justice and maximum service to women victims of violence in the midst of the Covid-19 pandemic. Talking about domestic violence's legal umbrella, Indonesia itself already has a legal umbrella regarding domestic violence, namely Law no. Stairs. In addition, Indonesia has ratified CEDAW (The Convention on the Elimination of All Forms of Discrimination against Women) through Law No. 7 of 1984 concerning the Elimination of All Forms of Discrimination against Women. It has also been stated in Article 45-51 of the Human Rights Law.<sup>5</sup> The existence of CEDAW itself aims to emphasize the equality of rights, equality, and justice between women and men. Nevertheless, the government is expected to give consistent and systematic attention to the protection and recovery of women victims of domestic violence. Protection of women is a form of implementation in protecting women's human rights to provide a sense of security and fairness in fulfilling their rights. Although Indonesia already has a legal umbrella regarding eliminating domestic violence and has ratified CEDAW, cases of violence against women, especially domestic violence in Indonesia, are still high. So it can be concluded that the PDKRT Law and regulations that intersect with the issue of domestic violence do not have a significant effect on the protection and justice of women victims of domestic violence in particular.

So, in reality, the increase in women victims of domestic violence is contrary to the objectives of regulations related to the issue of women victims of violence. Therefore there is a need for follow-up on the issue of violence against women, especially in the scope of domestic violence by emphasizing women's human rights and legal protection. And its recovery during the Covid-19 pandemic. So it can be concluded that the PDKRT Law and regulations that intersect with the issue of domestic violence do not have a significant effect on the protection and justice of women victims of domestic violence in particular. So, in reality, the increase in women victims of domestic violence is contrary to the objectives of regulations related to the issue of women victims of violence. Therefore there is a need for follow-up on the issue of violence against women, especially in the scope of domestic violence by emphasizing women's human rights and legal protection. And its recovery during the Covid-19 pandemic. So it can be concluded that the PDKRT Law and

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<sup>3</sup> Kompas. (2020). Komnas Perempuan: KDRT Meningkat Selama Pandemi Covid-19, Mayoritas Korban Bungkam. Retrieved from <https://nasional.kompas.com/read/2020/06/03/21392401/komnas-perempuan-kdrtmeningkat-selama-pandemi-covid-19-mayoritas-korban?page=all>. diakses 12 Agustus 2020.

<sup>4</sup> Deputi Perlindungan Hak Perempuan Kementerian PPPA RI, Loc.cit.

<sup>5</sup> Wiwik Sri Widiarty. (2017). Perlindungan Hukum Persamaan Hak Asasi Perempuan dalam Meningkatkan Perekonomian Indonesia. *Tô-râ*, 3(3), p. 641.

regulations that intersect with the issue of domestic violence do not have a significant effect on the protection and justice of women victims of domestic violence in particular. So, in reality, the increase in women victims of domestic violence is contrary to the objectives of regulations related to the issue of women victims of violence. Therefore there is a need for follow-up on the issue of violence against women, especially in the scope of domestic violence by emphasizing women's human rights and legal protection. And its recovery during the Covid-19 pandemic.

### **Formulation of Problem**

From the explanation of this background, the writer draws the issue that becomes the problem formulation. First, how is the existence of the regulation of women's basic rights in a regulation? Second, how are efforts to protect women victims of domestic violence in the midst of the Covid-19 pandemic? Third, the recovery strategy for women victims of domestic violence in the midst of the Covid-19 pandemic.

## **2. Research Method**

This article's writing applies a normative juridical approach with literature study, which is obtained from books, documents, news, and laws and regulations, both printed and online. So the approach taken refers to legal material by examining data sources, both theory, legal principles, and legislation by comparing what kind of practice in the field. The author does not go directly to the field to examine what kind of comparison of practice in the field. But, the author examines the source of the case through various fact stories and expert opinions from online media that are directly related to the issues raised in this article.

## **3. Research and Methods**

### **3.1 Existence of Regulation of Women's Rights in a Regulation**

#### **a. Main Rights of Women**

The socio-cultural conception often marginalizes women in a society that tends to be patriarchal regardless of rights. Discriminatory treatment is often accepted by Indonesian women, both in social life and in the professional world. What rights? Here are five of them that we summarize from the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was signed in 1979 at a conference organized by the UN Commission on the Status of Women.<sup>6</sup>

#### **1. Rights in employment**

Every woman has the right to have the same work opportunities as men. This right includes equal opportunities from the selection process, work facilities, benefits, and up to the right to receive equal wages. In addition, women are entitled to receive paid leave, including during maternity leave. The employer cannot dismiss women for reasons of pregnancy or marital status.

#### **2. Rights in the health sector**

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<sup>6</sup> Kementerian PPPA. (2017). 5 Hak-Hak Utama Perempuan. Retrieved from <https://www.kemennppa.go.id/index.php/page/read/31/1437/5-hak-hak-utamaperempuan>. Accessed on 7 September 2020..

Women are entitled to the opportunity to be free from death at the time of childbirth, and the state must pursue this right. The state is also obliged to guarantee that health services are obtained, particularly family planning, pregnancy, childbirth, and post-delivery services.

3. The same rights in education

As one of RA Kartini's points of struggle, every woman has the right to have the opportunity to attend education, from elementary to university level. There must be an elimination of stereotypical thinking about men and women's roles in all levels and forms of education, including equal opportunities for scholarships.

4. Rights in marriage and family

Women must remember that they have the same rights as men in marriage. Women have the right to choose their husbands freely, and there can be no forced marriage. The marriage that is carried out must be based on the agreement of both parties of the family. Women also have the same rights and responsibilities, both as parents to their children, as well as husband-wife partners.

5. Rights in public and political life

In public and political life, every woman has the right to vote and be elected. After being elected successfully through a democratic process, women must also have the same opportunity to participate in government policies formulation until their implementation.

b. Human Rights in Women's Perspective

Definition of Human Rights according to Law No. 39 of 1999 is a set of things that are inherent in the nature and existence of humans as creatures of God Almighty and are His gifts that are honored, upheld, and protected by the rule of law, government, and every human dignity. Article 3 of the Law expressly states the following:

1. Every human being is born free with the same and equal human dignity and is endowed with a mind and conscience to live in society, nation, and state in a brotherhood spirit.
2. Everyone is entitled to recognition and guarantees of protection and fair legal treatment and to receive legal certainty and equal treatment before the law.
3. Everyone has the right to protection of human rights and basic human freedoms without discrimination.

The birth of various national and international instruments regarding human rights shows the progress and efforts to achieve the enforcement and protection of human rights, both at the world level and in this country. The human rights law adheres to the principles of the DUHAM, which basically guarantees the dignity and dignity of a person, both women, and men regarding the right to personal freedom, family rights, rights to work, welfare, political rights, women's rights with respect to reproductive rights, rights to participate in the executive, judicial and legislative sectors, rights to education. Human rights are rights that humans own, not because they are given to them by society. Thus, human rights are not based on the positive laws that apply but are based on their dignity as human beings. Man has it because he is human. These human rights cannot be eliminated or declared invalid by the state.

Human rights are not based on positive law, it is based on his dignity as a human being. Humans have it because he's human. These human rights cannot be eliminated or

declared invalid by the state. The existence of violations of women's human rights certainly requires us to study and identify our laws, which laws are under the sense of justice and women's human rights, and which laws are not appropriate. This is very important to know the extent to which we have anticipated the development of laws that guarantee and provide respect and high respect for women's human rights.<sup>7</sup>

### 3.2 Protection Measures Rights of Women Victims of Domestic Violence Amid the Covid-19 Pandemic

Women's vulnerability to violence, especially domestic violence, increased during the COVID-19 pandemic, as evidenced by the increase in reports of violence against women in the middle of March - April in several regions in Indonesia. The Ministry of Women's Empowerment and Child Protection (PPPA) noted that as of March 2 - April 25 2020, there were 275 cases of violence experienced by adult women, with a total of 277 victims. The same thing happened to women in various countries, along with the implementation of social restrictions and isolation in other parts of the world. Referring to a report by the United Nations Organization for Women (UN Women), the number of violence against women tends to increase during a pandemic because concerns over security, health, and money increase tensions and tensions due to narrow and limited living conditions.



Picture 1. Diagram of Perpetrators and Victims of Violence Source: SIMOFONI PPPA

Based on the 2020 PPPA Symphony data, the diagram above shows that the perpetrators of violence are dominated by men, with the number as perpetrators of violence. It can be concluded that men dominate as perpetrators of violence against women due to a patriarchal culture, which is the basic factor in the occurrence of violence and other factors. From these data, it can also be seen that the places where cases of violence occur highest occur in the household realm—likewise, the perpetrators of violence based on the relationship. Husband/wife committed the highest perpetrators. Thus it can be identified that the highest number of women victims of violence occurs in the household scope. So sad, home as a place Safe and shelter in the midst of the Covid-19 pandemic, but it actually makes women victims of domestic violence increasingly trapped.

<sup>7</sup> Arbaiyah Prantiasih. (2012). Hak Asasi Manusia Bagi Perempuan. Jurnal Pendidikan Pancasila dan Kewarganegaraan, 25(1), p. 12.

Komnas Perempuan itself states that the root problem of domestic violence is the unequal power relations between men and women, where women are subordinate to men. In Indonesia, which is still thick with a patriarchal culture, men generally have control and power over other family members.<sup>8</sup> When discussing domestic violence, these cases occur because of differences in status (inequality of position) between men and women. There are still many people who think that men must have strong, courageous, and merciless traits. Domestic violence is also still seen as a problem in the private sphere of husband and wife relationships, not a social problem that can be interfered with. Four factors cause domestic violence against women, especially physically and sexually, by partners, namely individuals, couples, socio-cultural and economic.<sup>9</sup> Of the many factors that trigger domestic violence, we need to understand the importance of the concept of equality in the family. This is the key to stopping domestic violence. In each family, the roles played by men and women are divided. These roles determine various decision-making, as well as noble values, including the values of gender equality and justice that are instilled. These values should be communicated at the beginning of family formation, namely at the level of marriage. as well as noble values, including the values of gender equality and justice that are instilled. These values should be communicated at the beginning of family formation, namely at the level of marriage. as well as noble values, including the values of gender equality and justice that are instilled. These values should be communicated at the beginning of family formation, namely at the level of marriage.

The presence of Law No. 23 of 2004, which regulates the elimination of domestic violence feels very important. Legal reforms that are more pro-vulnerable or groups that are considered weak, especially women, are essential because there are still frequent acts of violence within the household sphere. After the government enacted Law no. 23 of 2004 concerning the Elimination of Domestic Violence On 22 September 2004, legal protection for victims of female violence has been regulated in this law specifically on the prohibition of committing domestic violence. The household scope under the provisions of Article 2 of Law No.23 of 2004 includes husbands, wives, children, people who are related by blood, marriage, breastfeeding, parenting, and trust who lives in the household, as well as a person who works to help the household and resides in the household for a certain period of time. In reality, the majority of victims of domestic violence are women or wives. That is why the existence of Law No.23 of 2004 is implied in its formulation to be more inclined to protection for wives or women in household or marital life.<sup>10</sup>

### **3.3 Recovery Strategy for Women Victims of Domestic Violence Amid the Covid-19 Pandemic**

Recovery of domestic violence is a crucial concern that should not be ignored by both the government and society itself. Given that recovery is an effort to strengthen domestic violence victims to be more empowered physically and psychologically. As this act of violence will have a significant impact on the physical and psychological

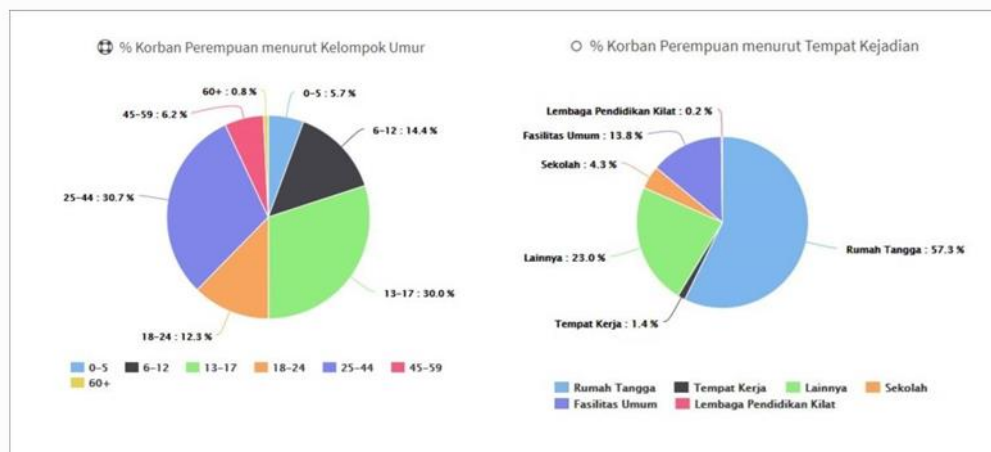
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<sup>8</sup> BBC News.Com. (2020). KDRT: Perempuan kian 'terperangkap' di tengah pembatasan sosial Covid-19, 'Saya tak mau menyerah tanpa perlawanan. Retrieved from <https://www.bbc.com/indonesia/indonesia-52713350>. Accessed on 10 September 2020.

<sup>9</sup> I Nyoman Galih Wiantaka & I Wayan Suarbha. (2014). Perlindungan Hukum Terhadap Perempuan Korban Kekerasan Dalam Rumah Tangga. Kertha Wicara: Journal Ilmu Hukum, 3(3). p. 5-6.

<sup>10</sup> Ibid.

condition of the victim, the process of recovering the condition of victims of violence takes a long and long time. Victims of domestic violence will basically experience psychological violence along with physical violence. The impact of this psychological violence will affect the mental and mental health of the victim. Feelings of depression, stress, fear of being unprotected and fear of neglect in the household as well as other mental disorders that are very vulnerable to female victims of domestic violence. Nevertheless, there needs to be special attention to women, especially women victims of domestic violence. This is done not without basis, considering that women's position is very vulnerable to being the object of violence by men. This cannot be separated from the existence of a patriarchal culture coupled with the various driving factors for domestic violence amid the Covid-19 pandemic.



**Picture 2.** Female Victims Based on Age Group and Place of Incident  
Source: SIMFONI PPA

From the PPPA SIMFONI data, the record year 2020 shows that women who become victims of violence are highest in the age group 25-44 years, which is higher than other age groups. The 25-44 year age group is the married and married age group, this does not rule out the possible cause of the high number of female victims based on the 25-44 age group due to domestic violence cases. As the percentage of data on female victims according to location. The incident shows that 57.3% of women are victims of violence in the household sphere. There are so many domestic violence cases that need special attention in handling this problem, especially women victims of domestic violence, which dominate the number of victims.

In 2002, it was the initial milestone in establishing a policy regarding the recovery of victims of violence, which was marked by the signing of the Joint Agreement (SKB) 3 Ministers and the Chief of Police regarding Integrated services for Victims of Violence against Women and Children.<sup>11</sup> The government responded by collaborating in an integrated service specifically aimed at women and children victims of violence. As time went on, the recovery movement for women victims of violence was getting more intense. This happened because it was encouraged by the increasing number of cases of violence against women. Law no. 23 of 2004 PKDRT and PP No. 4 of 2006 concerning the Implementation and Cooperation for Recovery of Victims of Domestic Violence is the

<sup>11</sup> Komnas Perempuan. (2012). *Layanan Terpadu: Pengalaman Korban Mengakses Lembaga Layanan*. Jakarta: Komnas Perempuan. p. 1



basis for the implementation of recovery for women victims of domestic violence in particular.

Regarding the implementation of recovery for victims of violence carried out by central and regional government agencies that concern the scope of women's protection, namely the Ministry of PPPA and the Office of Women's Empowerment and Child Protection and related institutions. The government itself, in handling the recovery of victims, has provided services and assistance. According to Government Regulation No.4 of 2006, recovery services include health services, victim assistance, counseling, spiritual guidance, and resocialization.<sup>12</sup> The government works in collaboration with health workers, spiritual assistants, and workers. social, as well as companion volunteers. Recovery for victims of violence must be carried out simultaneously with responses from both families and communities because families and communities have a significant influence on the victims' psychological condition. Thus the community is expected to be able to support the psychological condition of the victim by not issuing a negative stigma in the community regarding the victim.

This form of recovery in the form of health services, the victim has the right get a medical action by a health worker because basically, the victim will experience health problems due to physical violence and/or because of mental stress in the form of depression and prolonged stress so that the immune system decreases. Thus it is necessary to have a psychological understanding of the victim by providing counseling guidance to victims by experts, which aims to assist victims in solving and finding solutions to victims' problems. In addition, resocialization and spiritual guidance are essential components of the victim's recovery strategy because resocialization and spiritual guidance will restore the victim's self-confidence. As for spiritual guidance, of course aims to increase and strengthen the faith and piety of victims of violence to God under their beliefs. Resocialization itself is providing social rehabilitation services by social agencies and social institutions to victims by restoring social values to victims. So that victims are able to carry out their social functions again. As for spiritual guidance itself, of course, it aims to increase and strengthen the faith and piety of victims of violence to God by their beliefs.

However, during the Covid-19 pandemic, there were different recovery strategies considering the existence of social distancing which affected all aspects and components of the recovery strategy for women victims of violence. During the Covid-19 pandemic, women victims of domestic violence found it difficult to access services and assistance in handling domestic violence problems. Therefore, the Ministry of PPPA issued a policy that adjusted the conditions during the Covid-19 pandemic, namely in the form of a policy for handling violence cases against women during the Covid-19 pandemic. This policy is a form of the government's first concern for fulfilling the rights of women victims of domestic violence during the Covid-19 pandemic so that it continues to run effectively and efficiently. As the health service protocol for victims is carried out by still paying attention to health protocols to prevent transmission of Covid-19 because this health service is most likely done face-to-face. In this case, the Complaints Officer will sort out the health rehabilitation needs for victims according to the service reference, whether non-critical, semi-critical, critical or medicolegal services. Based on the risk analysis results, the victim will be referred to the puskesmas or RSUD / RS appointed by the government. Meanwhile, to get medicolegal services handled by the police.

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<sup>12</sup> Pasal 4 Peraturan Pemerintah No. 4 Tahun 2006 Tentang Penyelenggaraan dan Kerja Sama Pemulihan Korban Kekerasan dalam Rumah Tangga.

This psychosocial service provides online services via telephone, video conference, and other online media according to the victim's agreement. This online service can be ruled out if the handling and service of violence cases cannot be done online. It can be transferred to face-to-face psychosocial services. This also applies to legal consulting services that provide online and face-to-face services as this service was carried out face to face before the Covid-19 pandemic. The existence of a PPPA Ministry strategy in the form of "Pick Up the Ball" to reach victims of violence during the Covid-19 pandemic indicates how important it is to handle and restore women victims of domestic violence in the midst of the Covid-19 pandemic so that their rights are fulfilled. It can reach women victims of domestic violence and fulfill the basic rights of domestic violence victims to the maximum during the Covid-19 pandemic.<sup>13</sup>

#### **4. Conclusion**

Domestic violence is a crime that occurs in the family home. Both the perpetrator and the victim are family members and other people who work or live in the family. The impact of domestic violence itself is very significant for victims both physically and psychologically. This psychological impact is a prolonged impact experienced by the victim because it affects the victim's mental health and mental condition. Knowing that the occurrence of domestic violence is motivated by many factors, including economic pressure, mental pressure, family relationships, infidelity, communication, and so on. During the Covid-19 pandemic, domestic violence tended to increase due to factors of economic and mental pressures. During the Covid-19 pandemic, all levels of society experienced isolation, and economic conditions collapsed. This is the main factor causing domestic violence. In general, domestic violence also occurs due to situational and character factors. So it is necessary to train in self-control and empower yourself by discussing with your partner, family, or seeking help from related institutions. Then regarding victims in overcoming domestic violence, victims should not hesitate to report domestic violence cases they have experienced. This is done so that victims get protection and recovery.

#### **5. Acknowledgments**

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<sup>13</sup> Kementerian PPPA. (2020). Jemput Bola Jangkau Korban KDRT Saat Pandemi Covid-19. Retrieved from <https://www.kemenpppa.go.id/index.php/page/read/29/2735/jemputbola-jangkau-korban-kdrt-saat-pandemi-covid-19>. Accessed on 12 September 2020.

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LEGAL ADAGE

**Justitiae no est neganda,  
non differenda**

**Justice Cannot be Denied or  
Delayed**