



Analysis Of Non-Physical Violence In The Household From The Point Of Positive Law And Islamic Criminal Law

Desi Aprianti^{1✉}, Ruslan Abdul Gani², Maryani³

Universitas Islam Negeri Sulthan Thaha Saifuddin Jambi, Indonesia

Email : 1desiaprianti@gmail.com

Received: 2025-11-18; Accepted: 2025-12-29; Published: 2025-12-31

ABSTRACT

This study discusses the phenomenon of non-physical domestic violence, which often goes unnoticed by the public because it does not leave visible wounds, yet has serious effects on the psychological, emotional, and spiritual well-being of the victims. Non-physical violence includes behaviors such as humiliation, threats, emotional neglect, and psychological control that cause inner suffering. The aim of this study is to analyze the forms of non-physical violence occurring in society, identify the contributing factors, and examine the perspectives of Indonesian positive law and Islamic criminal law on this phenomenon. This research uses a normative-legal approach and a comparative law approach. Data is obtained from primary and secondary legal materials in the form of laws, fiqh books, academic literature, and previous research results. The analysis is conducted descriptively and analytically by examining the similarities and differences between the two legal systems. Research results show that in Indonesian positive law, non-physical violence is regulated in Law Number 23 of 2004 on the Eradication of Domestic Violence, specifically Article 7, which defines psychological violence as acts that cause mental suffering and emotional pressure. Perpetrators can be subjected to criminal sanctions of up to three years' imprisonment or a maximum fine of nine million rupiah. Meanwhile, in Islamic criminal law, non-physical violence is categorized as *jarimah ta'zīr*, which refers to acts whose penalties are not specifically outlined in the Qur'an and Hadith, but are left to the authorities or judges to determine appropriate punishment for the sake of public welfare.

Keywords: *Non-Physical Violence, Household, Positive Law, Islamic Criminal Law, Ta'zīr Crime, Domestic Violence Law*

INTRODUCTION

Domestic violence is a social and legal issue that is receiving increasing attention in society. Violence manifests not only in visible physical forms but also in non-physical forms such as verbal, psychological, emotional, and economic abuse. This form of violence often goes unrecognized by victims and their surroundings because it leaves no visible scars, yet its impact is deeply damaging to the mental, emotional, and even spiritual well-being of victims. This phenomenon demonstrates the complexity of domestic violence, which requires special legal attention.

Violence comes from the Latin word "violentus," derived from the words "vi" and "vis," meaning "power or authority." Violence is the act of an individual or group of individuals that causes injury or death to another person or causes physical damage or property damage. Many factors contribute to domestic violence, including a lack of parental or caregiver knowledge, parents who are unaware of proper parenting practices, and the possibility that excessive physical or psychological punishment is normal.

The family is the smallest institution in social life and serves as the primary foundation for a harmonious and civilized society. In Islam, the household is seen as a place to foster affection, tranquility, and mutual respect between husband, wife, and children. This value is confirmed in the word of Allah SWT in QS. Ar-Rum verse 21:

﴿وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا فِيهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ۝۲۱﴾

Meaning: "Among His signs is that He created mates for you from yourselves, that you may find repose in them. He has placed love and compassion between you. Indeed, in this are signs for a people who give thought." (Quran, Ar-Rum: 21)

Domestic violence (DV) is a form of human rights violation that frequently occurs in the family environment, in both physical and non-physical forms. Public attention has traditionally focused on physical violence that results in injury or death. However, non-physical violence, such as verbal, psychological, and emotional abuse, often goes unnoticed, even though its impact on victims can be long-term and complex, including mental trauma, reduced self-esteem, and serious psychological disorders.

Ideally, domestic relationships are built on mutual love and respect. However, in practice, these relationships often become arenas of power imbalances that allow for oppression. Non-physical violence can be perpetrated by anyone in a household, including husband and wife, parents against children, or vice versa. When acts of demeaning, intimidating, neglectful, or emotionally controlling become a recurring pattern, the household is no longer a place of refuge but a source of suffering.

However, in reality, not all households are able to create the peace and compassion that Islam teaches. One cause is domestic violence (KDRT), which encompasses not only physical violence but also non-physical violence such as verbal, psychological, and emotional abuse. Non-physical violence often takes the form of insults, humiliation, threats, harassment, or actions that cause mental distress and fear. Although it may not leave physical scars, its impact can damage self-esteem, psychological well-being, and family harmony.

From an Islamic legal perspective, all forms of violence, both physical and non-physical, contradict the basic principles of sharia, which prioritize mercy (rahmah) and justice. The Prophet Muhammad (peace be upon him) exemplified a gentle household relationship, as he said:

"The best of you are those who are best to their families, and I am the best to my family." (Narrated by Tirmidhi)

In the context of national law, non-physical violence has received attention through Law Number 23 of 2004 concerning the Elimination of Domestic Violence, which is regulated in Article 5 as follows: "Everyone is prohibited from committing domestic violence against anyone within their household, through: a. Physical violence; b. Psychological abuse; c. Sexual violence; or d. Domestic neglect."

According to Article 7 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, it is explained that "Psychological violence as referred to in Article 5 letter b is an act that results in fear, loss of self-confidence, loss of ability to act, feelings of helplessness, and/or severe psychological suffering in a person."

This law recognizes that violence is not only physical but also includes psychological violence, neglect, and economic violence. While this regulation is progressive, its implementation faces serious obstacles, particularly in proving and handling cases of violence that do not result in physical injury.

Behavior that causes mental suffering is considered a form of injustice (zulm), which is strictly prohibited by Allah SWT, as stated in Surah Al-Hujurat, verse 11:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَسْخَرُ قَوْمٌ مِنْ قَوْمٍ عَلَىٰ أَنْ يَكُونُوا خَيْرًا مِنْهُمْ وَلَا نِسَاءٌ مِنْ نِسَاءٍ عَلَىٰ أَنْ يَكُنَّ خَيْرًا مِنْهُنَّ وَلَا تَلْمِزُوا أَنْفُسَكُمْ وَلَا تَنَابَرُوا بِالْأَلْقَابِ بِئْسَ الْأَسْمُ الْفُسُوقُ بَعْدَ الْإِيمَانِ وَمَنْ لَمْ يَتُبْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ ﴿١١﴾﴾

Meaning: "O you who believe, let not a people make fun of another people (because) it may be that they (those who are made fun of) are better than those (who make fun of) and do not let women (make fun of) other women (because) it may be that the women (who are made fun of) are better than the women (who make fun of). Do not criticize each other and call each other with bad names. The worst call is (the call of) wickedness after believing. Who those who do not repent, they are the wrongdoers. The call of wickedness is a call that uses words that contain insults or do not reflect the character of a believer." (Al-Hujurat/49:11)

This verse emphasizes the prohibition on insulting, demeaning or humiliating

other people, including partners in the household. In the context of Islamic criminal law, non-physical violence can be categorized as an act that violates the maqasid al-Shariah (the principles of Islamic law), particularly in terms of safeguarding reason (hifz al-'aql), honor (hifz al-'ird), and the soul (hifz an-nafs). This means that Islam views psychological violence as an act that disrupts the balance and peace of human life.

Meanwhile, under Indonesian positive law, protection for victims of non-physical violence is regulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law). Article 7 states that psychological violence is an act that causes fear, loss of self-confidence, loss of ability to act, and severe mental suffering in an individual. This provision demonstrates the state's recognition of the importance of protecting the psychological aspects of individuals within the household.

Thus, it can be concluded that both Islamic law and Indonesian positive law have consistent views in rejecting and criminalizing non-physical violence in the household. Islamic law views it as a form of injustice that violates the values of compassion and human honor, while positive law provides the legal basis for criminalizing perpetrators. Through an analysis of these two perspectives, it is hoped that synergy can be found between Islamic sharia values and national legal norms in creating a just, harmonious, and loving household.

One example of a domestic violence case that did not result in physical injury is the case between defendant Valency and victim Chan Yung Ching. The trial revealed that the defendant had committed psychological violence against the victim, including excessive anger, abusive language, and psychological pressure, including demanding that the victim's company be transferred to the defendant's name. As a result of this treatment, the victim suffered serious psychological disorders, such as excessive anxiety, severe stress, and psychotic symptoms that required regular treatment.

In this case, the "every person" element was deemed fulfilled based on the fact that the defendant who appeared before the trial was an individual suspected of committing a crime. The panel of judges stated that the defendant could be held accountable for his actions, thus the "every person" element was legally proven. Regarding the charges filed by the Public Prosecutor, the judge concluded that the defendant had been proven to have committed psychological violence within the household, which violates Article 5(a) of Law Number 23 of 2004.

Legally, proving non-physical violence presents a unique challenge for law enforcement. The lack of tangible physical evidence makes it difficult for victims to prove they have experienced violence. Furthermore, society tends to view domestic conflict as a private matter that should not be discussed in public. As a result, many cases of non-physical violence go unreported, and victims choose to remain silent for fear of stigma and re-victimization.

Islamic law views the household as a sacred institution, built on the foundation of love (mawaddah), mercy (rahmah), and peace (sakinah). Islamic teachings strictly prohibit acts of injustice in any form, including within the domestic sphere. Non-physical violence such as insults, threats, ostracism, or economic neglect contradict Islamic values of justice and human dignity. However, in practice, some patriarchal-biased interpretations are still used to justify the dominance of one party in the household.

In Islamic criminal law, the sanctions for perpetrators of psychological domestic violence are because they fall under the category of ta'zir (infringement of religious freedom), for which sanctions have not yet been established. The authority to impose sanctions for this ta'zir crime is the Ulil Amri (the authority in authority). Furthermore, from the perspective of Maqasid al-Shariah (the principle of Islamic law), committing psychological violence violates the principle of preserving the mind and soul, as outlined in Islamic law. This is because: (1) the preservation of the mind (Hifz al-Aql) in Islamic law emphasizes the protection of the mind, namely the rational and understanding faculties.

Psychological violence can damage a person's mental health, affect emotional stability, and threaten psychological balance, all of which contradict the principle of preserving the mind. Second, (2) the preservation of the soul (Hifz al-Nafs): the soul in the context of Islamic law refers to the life and well-being of an individual. Psychological violence can harm mental health, create excessive mental stress, and even increase the risk of mental disorders.

Psychological violence, according to Islam, is a criminal act or action that requires sanctions as retribution for the offense. This type of violence is categorized as a ta'zir crime, where the sanctions are determined by the ulil amri (the authority to decide a case), often referred to as a judge.

Although Islamic law prohibits all forms of violence, its application to the context of non-physical domestic violence remains largely undiscussed in contemporary Islamic jurisprudence (fiqh) literature. This creates a gap in understanding and practice in society, where acts such as mental pressure or psychological control are often not considered violations. A critical examination of classical texts and modern interpretations is needed to strengthen the understanding that non-physical violence also contradicts Islamic values.

One of the challenges in enforcing the law against non-physical violence is the inconsistency between social values, the legal system, and religious norms. When society does not view non-physical violence as a violation, victims will struggle to obtain protection. Therefore, a holistic legal approach is needed that bridges positive law and Islamic criminal law to respond to such cases fairly and effectively.

Efforts to protect victims of non-physical violence also require a deep understanding from stakeholders, including law enforcement officials, religious

leaders, and social workers. Without systemic support and progressive legal interpretation, victims of non-physical violence will continue to be marginalized. Therefore, an in-depth analysis of positive legal norms and Islamic criminal law is crucial to creating effective and pro-victim legal protection. By critically understanding non-physical domestic violence from the perspective of two different legal systems, it is hoped that common ground can be found that strengthens victim protection and encourages legal reform that is more responsive to evolving social realities.

The comparison between positive law and Islamic criminal law in viewing non-physical violence is interesting to study because both have different foundations but share the same goal: protecting human dignity and maintaining the integrity of the household. Positive law is normative and prioritizes legal sanctions, while Islamic law emphasizes moral, spiritual, and responsibility before God Almighty.

Therefore, analyzing non-physical domestic violence from the perspective of positive law and Islamic criminal law is important to understand the extent to which these two legal systems can complement each other in upholding justice and providing optimal protection for victims, as well as providing a basis for developing more just legal policies based on humanitarian and Islamic values.

METHODOLOGY

The research approaches used in this study are the normative-juridical approach and the comparative legal approach. The normative-juridical approach is used to analyze applicable laws and regulations, legal doctrines, and Islamic criminal law norms that regulate non-physical violence in the household, with a focus on literature review and legal text analysis. Meanwhile, the comparative legal approach is used to compare provisions in Indonesian positive law with Islamic criminal law, in order to identify similarities, differences, and the strengths and weaknesses of each legal system, thereby obtaining a more comprehensive understanding of the protection of victims of non-physical violence in the household.

RESULT AND DISCUSSION

Non-physical domestic violence occurring in society

Non-physical domestic violence is one of the most difficult forms of violence to detect, as it leaves no visible wounds or signs. However, its impact can be far more profound than physical violence, particularly on the mental, psychological, and emotional well-being of the victim. In Indonesian society, the phenomenon of non-physical violence is often considered a domestic issue that does not require legal action, leading victims to often remain silent and endure the suffering they experience.

Common forms of non-physical violence in society include insults, harsh language, threats, emotional neglect, controlling behavior, and prohibiting a partner's social or economic activities. For example, a husband who continually belittles his wife, limits her social interactions, or threatens divorce without any clear reason falls under the category of psychological violence as regulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law). These actions cause victims to feel fearful, depressed, helpless, and lose their self-esteem.

In social reality, non-physical violence often arises due to unequal gender roles and power within the household. Men are still considered the ones with the highest authority, while women are expected to be completely obedient and submissive. This patriarchal mindset is the root cause of psychological violence. When husbands feel they have complete power over their wives, any disagreement is often viewed as disobedience that must be "punished" with demeaning words or behavior.

Furthermore, economic factors, work stress, and a lack of religious understanding also contribute to the emergence of non-physical violence. Many perpetrators are unaware that hurtful verbal treatment, such as shouting or insults, falls under the category of violence prohibited by law. Society often considers it normal for husbands to scold their wives, as long as they do not resort to physical violence. However, persistent verbal violence can cause severe psychological trauma for the victim.

From a positive legal perspective, acts of non-physical violence are clearly categorized as criminal acts. The state, through Articles 5 and 7 of the Domestic Violence Law, provides protection for victims of psychological violence. In fact, Article 45 paragraph (1) states that perpetrators of psychological violence can be punished with a maximum of three years' imprisonment or a maximum fine of nine million rupiah. This provision emphasizes that the state does not tolerate any form of domestic violence, whether physical or non-physical.

Meanwhile, in Islamic law, non-physical violence is viewed as an act that contradicts the principle of love and compassion (*mawaddah wa rahmah*), which is the foundation of marriage. Islam teaches that husbands and wives must respect each other, maintain honor, and treat each other well. Allah SWT states in Surah An-Nisa, verse 19:

"And behave with them (your wives) in a proper manner. Then if you dislike them, (be patient) for it may be that you dislike a thing while Allah places in it much good."

This verse emphasizes the importance of patience, gentleness, and respect for one's partner, even when differences or conflicts arise. Violence in any form, including verbal and emotional abuse, contradicts the moral values and teachings of Islam.

Thus, it can be concluded that non-physical domestic violence is not a trivial matter that only concerns personal matters. This phenomenon is a social and legal problem that requires serious attention from various parties—including law enforcement officials, religious institutions, and society itself. Legal awareness and religious understanding must continue to be improved so that every individual is able to build healthy household relationships, mutual respect, and free from violence in any form.

Factors Causing Non-Physical Domestic Violence

Non-physical domestic violence does not emerge suddenly, but rather is the result of various interrelated factors, including psychological, social, economic, cultural, and even religious aspects. Psychological or verbal violence often stems from an imbalance in power relations within the family, unhealthy communication patterns, and an individual's inability to manage emotions and stress. This phenomenon illustrates that non-physical violence is not only a personal issue, but also a reflection of the social structure and cultural values prevailing in society.

1. Psychological Factors

Psychological factors are a fairly dominant cause in cases of non-physical violence. Perpetrators with personality disorders, poor emotional control, and past trauma tend to vent their anger and frustration on their partners. The inability to manage stress due to work pressures, financial problems, or domestic conflict can also lead to verbally aggressive behavior.

Psychological factors are a fairly dominant cause in cases of non-physical violence. Many perpetrators have personality disorders, unstable emotional levels, and traumatic past experiences, such as witnessing violence in their families. This condition forms a pattern of aggressive behavior that carries over into domestic relationships.

The inability to control emotions and manage stress due to work pressure, financial problems, or domestic conflict can trigger verbal abuse. In certain situations, perpetrators feel more powerful when they can demean their partners with hurtful words, insults, or threats. This form of violence is carried out to psychologically pressure the victim into submission and a feeling of powerlessness.

The impact is very serious: victims often experience anxiety disorders, depression, loss of self-confidence, and even long-term trauma. These psychological factors indicate that non-physical violence is not always related to malicious intent alone, but also to the perpetrator's mental health, which requires psychological treatment and moral guidance.

2. Economic Factors

Economic instability is often a major trigger for conflict in the household. When the family's basic needs are not met, psychological stress increases and triggers negative emotions. Husbands who lose their jobs or have low incomes often feel their self-esteem is threatened, then vent their frustration on their wives through hurtful remarks or demeaning behavior. Likewise, wives who feel financially burdened sometimes use offensive language against their husbands, causing the conflict to escalate into prolonged psychological violence.

Economic instability is often a major trigger for domestic conflict, which then escalates into non-physical violence. When the family's basic needs are not met, emotional stress and frustration increase. The perpetrator is usually the husband, who feels his self-esteem is threatened by his inability to fulfill his economic responsibilities. As a result, he vents his anger at his wife through hurtful remarks, such as blaming, belittling, or comparing her to others.

Conversely, wives who feel financially burdened or disappointed with their husbands' attitudes may also use offensive language. This situation leads to unhealthy communication, mutual disrespect, and the recurrence of psychological violence. This means that economic factors are not just about money.

3. Social and Cultural Factors

In Indonesian society, the influence of patriarchal culture remains very strong. Men are often positioned as leaders and primary decision-makers in the family, while women are expected to be obedient and not express much opinion. When wives dare to express their opinions or refuse unfair orders, some husbands view this as defiance and feel entitled to inflict "punishment" in the form of verbal abuse, such as shouting, insults, or demeaning remarks.

This culture is exacerbated by a societal perception that still considers domestic issues a private matter. As a result, victims often choose to remain silent for fear of being labeled as disrespectful to their husbands or being accused of exposing the family's shame. This makes non-physical violence difficult to uncover and tends to recur without legal resolution.

Thus, social and cultural factors are the root causes that must be taken seriously in efforts to prevent non-physical violence. Changing societal mindsets towards gender equality and respect for individual rights needs to be continuously promoted.

Education and Religious Understanding

Low levels of education and religious understanding also contribute significantly to the emergence of non-physical violence. A lack of knowledge

about the rights and obligations of marriage can lead one partner to feel dominant. However, Islam strictly prohibits physical or verbal abuse of a partner. Allah SWT states in Surah Ar-Rum, verse 21:

"And among His signs is this: He created for you wives from among yourselves, that you may find repose in them and find tranquillity, and He placed between you love and compassion."

This verse emphasizes that the relationship between husband and wife should be based on love, not power and fear. Therefore, a shallow understanding of religion is often at the root of abusive behavior justified on the basis of gender dominance or cultural justification.

Environmental Factors and Parenting

The family environment in which a person is raised also has a strong influence on behavior within the household. According to Albert Bandura's Social Learning theory, aggressive behavior can be learned through observation and imitation. Individuals who grow up in a family environment with harsh or conflict-ridden communication patterns tend to replicate these same patterns in their households later in life. When verbal violence is considered "normal," it will continue to be repeated across generations.

When verbal violence is considered a "normal" way to resolve problems, it will continue to be repeated across generations. Harsh, critical, and empathetic parenting styles can shape individuals who are unable to express their emotions in a healthy manner. Therefore, efforts to prevent non-physical violence must begin early, through character education and the establishment of parenting patterns based on empathy, respect, and positive communication within the family environment.

Based on the above description, it can be concluded that non-physical violence in the household is a multidimensional phenomenon. It is not solely caused by individual factors such as personality. Therefore, efforts to prevent non-physical violence must be carried out comprehensively through increasing legal awareness, gender education, strengthening religious understanding, and providing social support for victims. Indonesian positive law, through Law No. Law No. 23 of 2004 concerning the Elimination of Domestic Violence and Islamic teachings both reject all forms of domestic violence. Both emphasize the importance of relationships based on justice, compassion, and respect for human dignity.

Positive Law and Islamic Criminal Law Address Non-Physical Domestic Violence

Non-physical domestic violence is a very serious violation of human dignity and rights. Although it does not leave physical injuries, its psychological impact

can disrupt the victim's mental balance, lower self-esteem, and disrupt domestic harmony. Both Indonesian positive law and Islamic criminal law recognize that violence, in any form, including non-physical or psychological, is reprehensible and prohibited. However, they have different normative bases and approaches in addressing such acts.

1. Positive Legal Perspective

In Indonesia's positive legal system, non-physical domestic violence is expressly regulated through Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law). This law represents the state's commitment to providing legal protection to every citizen, especially women and children, from all forms of violence occurring in the domestic sphere. The Domestic Violence Law serves as a legal umbrella that not only addresses physical violence but also recognizes other, less visible forms of violence, such as psychological or non-physical violence.

Article 5, letter b, of the Domestic Violence Law explicitly states that domestic violence includes "psychological violence," namely any act that results in fear, loss of self-confidence, loss of ability to act, feelings of helplessness, and severe psychological suffering in a person. This provision broadens public understanding that violence is not always physical, but can also include words, threats, insults, or emotional treatment that oppresses and mentally harms the victim.

Furthermore, Article 45 paragraph (1) of the Domestic Violence Law stipulates criminal sanctions for perpetrators of psychological violence, which reads:

"Any person who commits an act of psychological violence within the household shall be punished with a maximum imprisonment of three years or a maximum fine of IDR 9,000,000." This provision demonstrates that the state views psychological violence as a serious violation of the law. Legal protection is provided not only to victims of physical injuries, but also to those who experience emotional wounds and mental suffering due to verbal or emotional violence in the household. This aligns with the principles of human rights (HAM) as stipulated in Article 28G paragraph (1) of the 1945 Constitution, which affirms that everyone has the right to protection of themselves, their families, their honor, their dignity, and their property under their control.

Thus, the application of positive law in Indonesia emphasizes that protection of human dignity should not be limited to mere physical aspects. Mental suffering, emotional distress, and fear and loss of self-esteem are also forms of violation that require serious attention from law enforcement officials.

In law enforcement practice, institutions such as the police, prosecutors, and courts play a crucial role in ensuring that victims receive justice. Law enforcement officials are not only tasked with punishing perpetrators but also

with ensuring rehabilitation and psychological support for victims, as mandated by the Domestic Violence Law. This approach demonstrates that Indonesian positive law is both repressive and preventive in nature. This means that the law serves to prosecute perpetrators while simultaneously protecting and restoring victims so they can return to a healthy and dignified social life.

Furthermore, the Domestic Violence Law is a transformational legal instrument, as it encourages a paradigm shift in society's view of domestic violence. Previously, domestic issues were often considered private matters that should not be brought to the legal realm. However, with the enactment of the Domestic Violence Law, the state affirms that domestic violence, including non-physical violence, is a public crime that must be prosecuted regardless of the relationship status of the perpetrator and victim.

Thus, it can be concluded that Indonesian positive law defines non-physical violence as a criminal act that cannot be tolerated for any reason, including customary, cultural, or familial reasons. The Domestic Violence Law exists to ensure that every individual in a household has the same right to live safely, with dignity, and free from all forms of violence, both visible and invisible.

2. From the perspective of Islamic criminal law (fiqh jinayah),

non-physical violence in the household is strictly prohibited because it contradicts the basic principles of marriage in Islam, namely *mawaddah wa rahmah* (compassion and peace of mind). Islam views the household as a sacred institution that must be built on a foundation of mutual respect, understanding, and love between husband and wife. The primary purpose of marriage is not only to fulfill biological needs, but also to create peace, harmony, and a blessed life together.

Islam regulates not only the relationship between humans and God (*hablum minallah*) but also relationships between humans (*hablum minannas*), including the relationship between husband and wife. Therefore, all forms of violence, whether physical or non-physical, violate the moral and spiritual values established by Sharia. Verbal abuse, insults, threats, and emotional actions that hurt a partner's feelings are seen as violations of Islamic ethics, morals, and etiquette in domestic life.

CONCLUSION

Forms of non-physical domestic violence occurring in today's society include various acts that cause psychological suffering, such as insults, harsh language, threats, excessive control, emotional neglect, and verbal abuse. This violence is often invisible to the naked eye, yet it has a significant impact on mental health, self-esteem, and household harmony. These forms demonstrate that non-physical violence is a real social phenomenon and still occurs frequently in

modern society.

Factors that cause non-physical domestic violence include low levels of education and legal awareness, economic pressure, differences in character and communication patterns, the influence of patriarchal culture, and weak emotional control on the part of one of the parties. Furthermore, a lack of knowledge about religious teachings and family moral values exacerbates psychological violence, where the perpetrator feels they have emotional power over their partner without realizing that their actions constitute violence.

Positive law and Islamic criminal law, in addressing non-physical domestic violence, both emphasize that such acts are violations that must be prosecuted. Under Indonesian positive law, Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law) clearly defines psychological violence as a criminal offense. Article 45 paragraph (1) states that perpetrators can be sentenced to a maximum of three years' imprisonment or a maximum fine of IDR 9,000,000.00. This demonstrates the state's recognition of the victim's psychological suffering and its commitment to providing concrete legal protection.

Meanwhile, under Islamic criminal law (jurisprudence), non-physical violence is viewed as an act that contradicts the principle of love and tranquility (*mawaddah wa rahmah*) as affirmed in Surah An-Nisa, verse 19. Verbal violence, insults, and emotional pressure against a partner are violations of Islamic morals and can be categorized as *ta'zir* crimes, namely violations for which sanctions are determined by a judge to provide a deterrent effect and moral improvement.

Thus, both legal systems, positive law and Islamic criminal law, share the same goal: to maintain human dignity, protect victims, and create harmonious and just families. Positive law upholds justice through formal legal channels, while Islamic law prioritizes moral, educational, and spiritual values. Both complement each other in building a system of protection against non-physical domestic violence.

Non-physical violence is not only a moral issue, but also a violation of law and social justice. Therefore, prevention and handling efforts need to be carried out through a synergy between firm law enforcement, religious guidance, and increasing public awareness of the importance of communication, compassion, and mutual respect within the family.

REFERENCE

- A. C. M. Anjani, 'Penegakan Hukum Terhadap Pelaku Tindak Pidana Kekerasan Seksual Secara Fisik Dan Nonfisik Oleh Kepolisian Daerah Istimewa Yogyakarta' ((Doctoral dissertation, Universitas Islam Indonesia)., 2024).Hlm. 24
- A. Nurmala and I. Iwan, 'Analisis Komparatif Hukum Pidana Indonesia Dan Fiqh Jinayah Terhadap Kekerasan Dalam Rumah Tangga Yang Dilakukan Istri

- Terhadap Suami.', *Ulu muddin: Jurnal Ilmu-Ilmu Keislaman*, 15.1 (2025), Hlm. 23-46.
- Abdul Saman., "'KEKERASAN DALAM RUMAH TANGGA (KDRT): TELAAH DAMPAK KEKERASAN FISIK, KEKERASAN DOMESTIK, KEKERASAN SOSIAL DAN SOSIO-EKONOMI.'", *Jurnal Cakrawala Ilmiah*, 3.11 (2024), Hlm. 3123-3138.
- Achmad Abubakar Fadel Muhammad and Hasyim Haddade., "'Implementasi Konsep Keluarga Sakinah Dan Sibaliparriq Dalam Pencegahan Kekerasan Dalam Rumah Tangga (KDRT).'", *Qolamuna: Jurnal Studi Islam*, 8.2 (2023), Hlm. 49-65.
- Achmad Abubakar. Buhungo Ruwiah Abdullah, "'WAWASAN AL-QUR'AN TENTANG KEKERASAN DALAM RUMAH TANGGA IMPLIKASI TERHADAP PENDIDIKAN KARAKTER ISLAMIS DALAM KELUARGA.'" Irfani', *JURISY: Jurnal Ilmiah Syariah*, 3.1 (2025), Hlm. 1015-1033.
- Ahmad Wardi Muslich, *Hukum Pidana Islam*, 2nd edn (Jakarta: Sinar Grafika, 2021).
- Ali Qaimi, *Keluarga Dan Anak Bermasalah* (Jambi: Cahaya, 2021).
- ANGELICA H, 'Gambaran Kasus Korban Kekerasan Dalam Rumah Tangga (KDRT) Di RSUD Dr. Pirngadi', *Janaloka: Jurnal Ilmu Komunikasi*, 2.2 (2023), Hlm. 23.
- Beni Azwar Alfaro Muhammad Muhklisin and Jenny Fransiska., 'Pola Asuh Orang Tua Dalam Mengatasi Perilaku Agresif Anak Di SDN 06 Merigi.', *Diss. Institut Agama Islam Negeri Curup*, 5.2, Hlm. 55.
- D. I. Fitriani and K. Saifulloh, 'Konsep Keluarga Sakinah Dalam Islam Dan Implementasinya Dalam Kehidupan Rumah Tangga Muslim Perspektif Yazid Bin Abdul Qadir Jawas.', *JURISY: Jurnal Ilmiah Syariah*, 5.1 (2025), Hlm. 100-119.
- E. R. Fanani, 'Undang-Undang Nomor 23 Tahun 2004 Tentang Kekerasan Dalam Rumah Tangga, Antara Terobosan Hukum Dan Fakta Pelaksanaannya', *Jurnal Legislasi Indonesia*, 5.3 (2023), Hlm. 1-8.
- F. Faisal and N. Simatupang, 'Kebijakan Nonpenal Dalam Rangka Upaya Preventif Anak Sebagai Korban Kekerasan Fisik Dan Psikis Di Sekolah.', *Jurnal Ilmiah Kebijakan Hukum*, 15.3 (2021), Hlm. 287-304.
- F. Kusuma and D. Susanto, *KEADILAN HUKUM BAGI SUAMI KORBAN KEKERASAN RUMAH TANGGA*. (Bandung: Widina., 2025).
- F. Y. Wulandari and others, 'Tekanan Ekonomi Dan Dampaknya Terhadap Kesehatan Mental Anggota Keluarga.', *Jurnal Multidisiplin Ilmu Akademik*, 2.4 (2025), Hlm. 84-85.
- Fathul Jannah, S. H. (2003). *Kekerasan terhadap istri*. LKIS Pelangi Aksara.
- Hidayat, *Himpunan Peraturan Perundang-Undangan, Penghapusan Kekerasan Dalam Rumah Tangga*, (Bandung: Fokus Media, 2017).
- I. Harahap, 'Kekerasan Dalam Rumah Tangga Dalam Perspektif Gender.', *Jurnal Al-Maqasid: Jurnal Ilmu Kesyariahan Dan Keperdataan*, 4.1 (2018), Hlm.15-28.
- I. Syifa, 'Perilaku Agresif Peserta Didik Di SDIT Al Huda Ditinjau Berdasarkan Teori Belajar Behavioristik Albert Bandura.', *Tadrisuna: Jurnal Pendidikan Islam Dan Kajian Keislaman*, 1.2 (2018), Hlm. 138-151.
- LANTARA ANDI DIAN KUSUMA, 'Efektivitas Penegakan Hukum Terhadap Tindak Pidana Kekerasan Fisik Di Dalam Rumah Tangga (Studi Kasus: Kejaksan Negeri Lombok Tengah).' (Disertasi Universitas Islam Sultan Agung Semarang, 2024).Hlm. 23

- M. Rifaldi and Senjaya, 'Tindak Pidana Kekerasan Dalam Rumah Tanga Berdasarkan Perspektif Sosiologi Hukum. Pendidikan', *Jurnal Ilmiah Wahana*, 8.13 (2024), Hlm. 326-336.
- M. S. A. Alfaizin, 'Studi Perbandingan Sistem Pemidanaan Pada Tindak Pidana Anak Menurut Hukum Pidana Positif Dan Hukum Pidana Islam.', *Jurnal Gagasan Hukum*, 5.1 (2024), Hlm. 65.
- M. Tholib, 'Peran LKKPBNU Dalam Memberikan Konseling Pernikahan Sebagai Upaya Pencegahan Kekerasan Dalam Rumah Tangga' ((Doctoral dissertation, UNUSIA)., 2024).
- Mahyuddin Muhammad Junaedi, 'Kecerdasan Emosi Dalam Bimbingan Konseling: Mengelola Stres Dan Konflik.', *Jurnal Analogi Hukum*, 4.2 (2025), Hlm. 99.
- N. Endira, 'Tinjauan Hukum Islam Tentang Kekerasan Non Fisik Terhadap Anak Dalam Keluarga', *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah*, 1.1 (2019), Hlm. 157.
- N. H. Ulya, 'Perlindungan Hukum Terhadap Anak Korban Kekerasan Seksual Perspektif Negara Dan Maqashid Syariah', *Journal of Islamic Law and Family Studies*, 4.1 (2021), Hlm. 1-21.
- Nova Efren., '"Implikasi Yuridis Pembuktian Tindak Pidana Kekerasan Seksual Dalam Perspektif Undang-Undang Nomor 12 Tahun 2022 Bagi Pembenuhan Keadilan Korban."', *Unes Journal of Swara Justisia*, 9.1 (2025), Hlm. 208-219.
- O. Nebi, *Hukum Kekerasan Dalam Rumah Tangga: "Perspektif Teori Perlindungan Hukum"*. (Sumatera Barat: CV. Azka Pustaka., 2021).
- Pratiwi, I. N. Sudiana, and I. W. Artika, 'ANALISIS KEKERASAN TERHADAP PEREMPUAN DALAM NOVEL SUNYI DI DADA SUMIRAH KARYA ARTIE AHMAD: ANALYSIS OF VIOLENCE AGAINST WOMEN IN THE NOVEL SUNYI DI DADA SUMIRAH BY ARTIE AHMAD.', *Jurnal Pendidikan Bahasa Dan Sastra Indonesia Undiksha*, 14.4 (2024), Hlm. 518-539.
- Putri Laela Rahmah, Pembayun Namira Infaka Putri, and Qolbiah Citra Wahyu, '"Dampak Kekerasan Seksual Terhadap Perempuan: Sebuah Sistematis Review."', *Jurnal Psikologi*, 1.4 (2024), Hlm. 17.
- Q. Mahardhikasih, 'PARADOKS KELUARGA SAKINAH: RELASI KUASA DAN WACANA PATRIARKI.', *AT-THARIQ: Jurnal Studi Islam Dan Budaya*, 5.1 (2025), Hlm. 10-21.
- QS. Al-Hujurat: 11'.
- QS. An-Nisa Ayat:19'.
- QS. Ar-Rum Ayat:21'.
- R. Risdianto, 'Hukuman Terhadap Tindak Pidana Kekerasan Dalam Rumah Tangga Menurut Hukum Islam.', *Islamic Review: Jurnal Riset Dan Kajian Keislaman*, 10.1 (2021), Hlm. 59-76.
- S. Riadi, 'Peran Pendidikan Agama Islam Dalam Pembentukan Nilai-Nilai Moral Di Lingkungan Keluarga Muslim.', *PESHUM: Jurnal Pendidikan, Sosial Dan Humaniora*, 4.1 (2024), Hlm. 134-141.
- Sihombing Gresia Njelina, '"UPAYA PEREMPUAN DALAM MENGHADAPI BUDAYA PATRIARKI PADA MASYARAKAT BATAK TOBA DI DESA PARHORBOAN KECAMATAN PAGARAN KABUPATEN TAPANULI UTARA."', *Jurnal Pendidikan Sosial Dan Humaniora*, 3.4 (2024), Hlm. 4597-4606.
- Steven Liong, 'Keadilan Yang Sulit Dipahami: Menganalisis Disparitas Putusan Hakim Dalam Kasus Kekerasan Dalam Rumah Tangga.', *Journal Rechtsidee*,

11.1 (2024), Hlm. 12.

- Sulaeman R Sari, D. Purnamawati, and S. Sukmawati, 'Faktor Penyebab Kekerasan Pada Perempuan.', *Aksara: Jurnal Ilmu Pendidikan Nonformal*, 8.3 (2022), Hlm. 2311-2320.
- T. Supriyadi and others, 'Dibalik Pintu Tertutup: Dinamika Faktor Psikologis Terhadap Terjadinya Kekerasan Dalam Rumah Tangga Pada Perempuan.', *IJBITH Indonesian Journal of Business Innovation, Technology and Humanities*, 1.1 (2024), Hlm. 150-162.
- Undang-Undang Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga'.
- Winning Son Ashari Wicaksono Adnan Bayu, . '. "Analisis Perlindungan Islam Terhadap Perempuan Korban Kekerasan Dalam Rumah Tangga Dalam Tinjauan Maqashid Syariah." *Rayah Al-Islam*', *JURISY: Jurnal Ilmiah Syariah*, 8.3 (2024), Hlm. 888-904.
- Y. A. Siswanto and F. R. D. Miarsa, 'Upaya Preventif Sebagai Bentuk Perlindungan Hukum Dari Kejahatan Kekerasan Seksual Pada Anak', *Jurnal Kolaboratif Sains*, 7.5 (2024), Hlm. 1651-1667.
- Z. Hasan and others, 'Perlindungan Hukum Terhadap Perempuan Korban Kekerasan Dalam Rumah Tangga.', *Jurnal Hukum, Politik Dan Ilmu Sosial*, 2.2 (2023), Hlm. 146-153.
- Zahra and Safrida., "'Dampak Kekerasan Dalam Rumah Tangga Serta Relevansinya Terhadap Hak Asasi Manusia: Studi Kasus Mega Suryani Dewi Tahun 2023.'", *Gema Keadilan*, 4.2 (2023), Hlm. 115-126.