



THE FEMICIDE IN INDONESIA: CRITICAL ANALYSIS AND INNOVATIVE LEGAL RECONSTRUCTION

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ABSTRACT

The purpose of this study is to examine the legal vacuum surrounding femicide in Indonesia and to urge legal reform to address this most extreme form of gender-based violence. Femicide, the killing of women for gender reasons, is not explicitly recognized in Indonesian positive law and is still processed under general murder provisions, thus ignoring the structural and gender dimensions of the crime. The research method used was normative juridical method as well as a conceptual and comparative approach in specification analytical descriptive. The results of the study show that although femicide cases are increasing and judges are starting to consider gender motives as an aggravating factor, the absence of specific regulations leads to inconsistent legal protection and opens up opportunities for impunity. This article proposes three forms of legal reconstruction: the creation of a specific femicide crime or its recognition as an aggravating factor, the development of gender-based sentencing guidelines, and the development of technical judicial guidelines that ensure contextual interpretation of gender-based violence. These reforms are necessary to achieve substantive justice, legal certainty, and fulfill Indonesia's constitutional and international obligations to eradicate violence against women.

1. Introduction

Femicide is the most extreme form of violence against women, which not only takes lives, but also reflects the failure of the state and society to guarantee women's rights to life, liberty and *self-determination*¹ Femicide can also be seen as the killing of women that occurs because of a failure to respect these basic rights. Femicide can also be understood as the killing of women, girls, or infant girls because of their sex. It is a form of gender-based violence that can be perpetrated in the context of family, domestic relations, community, and even

1 R. Cecchi et al., A Medico-Legal Definition of Femicide, *Legal Medicine*, Vol.59, 2022;

by the state or its agents either actively or passively through negligence.²

It is different from ordinary murder.³ The victim loses her life not because of personal conflict or economic motives, but because of her gender identity - against a background of unequal power relations, discrimination and misogynistic hatred. Various cases of femicide in Indonesia show the high rate of fatal violence against women. Data from the Witness and Victim Protection Agency (LPSK) reveals a number of real cases that reflect these atrocities. For example, the case on December 29, 2024 in Sukabumi, when Gagan (59) poured acid on his wife, DK, as well as three children and one grandchild. DK eventually died in January 2025. In Aceh, RNF (13) was the victim of acid dousing by her stepfather, causing severe burns that led to her death. In Palembang, AA (14), a junior high school student, was the victim of sexual violence and murder. The case of DSA (28) who was abused by her partner, Gregorius Ronald Tannur, until he died, also became a concern, although the restitution proposed was not granted by the Supreme Court. In addition, the case of the murder of V and E in Cirebon, which was brought to the big screen, reflects a crime with a clear gender dimension, but still faces irregularities in the investigation and trial.⁴ All of these cases show that extreme violence against women continues to occur, yet the legal response has not been fully in line with this reality.

Although femicide is a real and significant phenomenon in Indonesia, in national positive law, the killing of women because of their gender identity has not been recognized as a criminal⁵ act that is different from ordinary murder. In Indonesia, there have been several previous studies related to femicide, including studies on the role of literature as an educative-protective tool for women in facing the threat of femicide.⁶ Research that focuses on efforts to find effective legal instruments to reduce the increasing number of femicides.⁷ As well as studies that analyze gender relations in family institutions by examining social and feminist theories, which examine how socio-cultural constructions affect the creation of equality or inequality between men and women.⁸ However, none of these studies have examined the legal role of judges and the position of the judiciary in addressing femicide cases from a normative perspective. This research fills that gap by analyzing how the

2 Monica Caicedo-Roa, Tiago Da Veiga Pereira, and Ricardo Carlos Cordeiro., PROTOCOL: Risk Factors for Femicide, *Campbell Systematic Reviews*, Vol.16 No.4 2020;

3 Anis Mashdurohatun et al., Contemporary Reassessment of Punishment in Islamic and Secular Law: A Comparative Study of Justice and Penal Philosophy, *MILRev: Metro Islamic Law Review*, Vol.5 No.1, January 1, 2026, page. 80–100

4 Lembaga Perlindungan and Saksi dan Korban., Femisida Bukan Pembunuhan Biasa, Cegah Dan Lindungi Korban, 2025.

5 Chuasanga A., Ong Argo Victoria., Legal Principles Under Criminal Law in Indonesia and Thailand, *Jurnal Daulat Hukum*, Vol.2 No.1, 2019

6 Hascaryo Pramudibyanto., Peran Literatur Dalam Menumbuhkan Sikap Preventif Perempuan Terhadap Femisida, *Anuva: Jurnal Kajian Budaya, Perpustakaan, Dan Informasi*, Vol.7 No.1, 2023

7 Siti Zulaichah., Femisida Dan Sanksi Hukum Di Indonesia, *Egalita*, Vol.17 No.1, 2022;

8 Teddy Farhan., Tinjauan Konsep Segitiga Kekerasan Terhadap Kasus Femisida Di Meksiko Tahun 2019-2021, *Skripsi*, 2022.

judiciary can play a proactive and reconstructive role in establishing a concrete legal framework for femicide in Indonesia. From several previous studies, there has been no in-depth examination regarding the role of judges and the position of the judiciary in handling femicide cases.⁹ The topic is important to study because femicide has not been specifically regulated in Indonesian national law, while judges will face this issue in practice within the judicial system. Therefore, this issue is very important to be further researched to reconstruct the laws related to femicide so that it can provide a clear and effective legal foundation in its handling.

This research aims to fill this void by examining the ideal role of judges in responding to femicide and formulating an ideal legal concept. Based on Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD 1945) which states that "judicial power is an independent power to administer justice in order to uphold law and justice," judges have the authority to ensure that the law is upheld by considering substantive justice and the social context of the crime being tried.¹⁰ In relation to this, judges are interpreters of the values of justice that live in society, including in terms of addressing extreme violence against women.

There is a study conducted by Yonna Beatrix Salamor stating that the regulation of femicide in Indonesian positive law has not been explicitly stated, and is not even regulated in a comparative study of the Human Rights Law and the TPKS Law. The Human Rights Law and the TPKS Law are the state's response in providing protection for women victims of gender-based violence that results in loss of life or femicide. In the formulation of Articles, both the Human Rights Law and the TPKS Law do not regulate femicide as a criminal act.¹¹ Furthermore, research on femicide was also conducted by Siti Aminah stating that the concept of femicide has not been fully recognized, and the criminal justice system is still not adequately integrated with comprehensive recovery mechanisms for victims and their families. Further research is needed to deepen the understanding of femicide and its broader impact on society, as well as to produce evidence that can inform regulatory reform, strengthen victim support structures, and increase public awareness to prevent IPF (Infantile Progressive Fistula).¹² Further research conducted by Bertha Bintari stated that there is a failure to frame femicide cases as structural issues rooted in gender inequality. Through Entman's framing model, the analysis reveals that most posts define femicide as a personal criminal act, emphasizing personal motives, and ignoring broader socio-cultural causes such as patriarchy and

9 Issa, H. A., & Shibli, M. A., The Avenge as a Motive of Homicide Crimes in Jordan for the Period 2017–2021, *Pakistan Journal of Criminology*, Vol.14 No.1, 2022, page. 113–128.

10 Al-Billeh, T. N., Legal Framework for Protecting the Right to Private Life in the Digital Space: The Extent to which Jordanian Constitution and Legislation Takes into Account International Requirements, *Revista de Investigacoes Constitucionais*, 2024;

11 Salamor, Y. B., Purwanti, A., & Rochaeti, N. Pengaturan Tentang Femisida Dalam Hukum Pidana Indonesia (Kajian Perbandingan Uu Ham Dan Uu Tpk), *Litigasi*, Vol.25 No.1, 2024, page. 95-109

12 Aminah, Siti, Elizabeth Kristi Poerwandari, and Mariska Putri., Children, Justice, and Femicide: Assessing Victim Rights in Indonesia's Legal System. *Unnes Law Journal*, Vol.11 No.1, 2025, page. 1-26

systemic violence.¹³

Considering that Indonesia has ratified the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) through Law Number 7 of 1984, the state is obliged to eliminate all forms of discrimination against women, including by establishing an effective national legal framework. Therefore, it is necessary to carry out legal reconstruction so that femicide is not only seen as a social problem, but also as a clear legal category that can be used by judges as an aggravating basis in sentencing decisions.¹⁴ This research aims to construct the legal basis that can be used by judges in handling femicide cases, as well as formulate an ideal national legal reconstruction model.

2. Research Methods

The research method used in this paper was normative juridical approach (doctrinal legal research), focusing on the study of positive legal norms applicable in Indonesia, especially laws and regulations, court decisions, and relevant international legal principles.¹⁵ The research specification used in this study was analytical descriptive. The use of analytical descriptive research specifications is due to its attempt to describe and analyze problems based on specific specifications.¹⁶ This research also utilized a conceptual and comparative approach by examining legal doctrine,¹⁷ academic literature, and the practice of regulating femicide in various countries. Secondary data was collected through a literature study and analyzed qualitatively to formulate legal arguments that encourage the need for the establishment of a special law on femicide in Indonesia.

3. Results and Discussion

3.1 The Femicide Regulation in the Legal System

The term *femicide* (*femicidio*) is specifically used in the Latin American region in response to the increasing number of brutal killings of women and girls committed because of their gender identity. In addition, the term *femicidio* emphasizes the dimension of impunity, namely the failure or negligence of the state to provide adequate protection to women,¹⁸ due to weak accountability and unresponsiveness of legal institutions when fatal violence against female

13 Wahyujati, B. B., & Herawati, F. A., Femicide Framing and Ethics Violation on Indonesian Instagram News Contents. *Jurnal Ilmu Komunikasi*, Vol.22 No.2, 2025

14 Khater, M. N., Issa, H. A., Meqdad, S. A. A., & Al-Hawawsheh, S., The Semiotics of Threatening Language in Jordanian Courts: A Forensic-Linguistic Analysis of Criminal Cases from 2023 To 2024, *International Journal for the Semiotics of Law*, Vol.39 No. 1, 2026, page. 127-142

15 Zainuddin Ali., *Metode Penelitian Hukum*, Jakarta: Sinar Grafika, 2022.

16 Bambang Tri Bawono, Moh Nurul Huda., State Responsibility Towards Abandoned Children In The Concept Of Legal Certainty, *Jurnal Pembaharuan Hukum*, Vol.13 No.1, March 2026, page.19-31

17 Anis Mashdurohatun and Abdul Hanis Embong., Legal Protection of Coastal Community Land Tenure Rights, *Contrarius*, Vol.1 No.2, 2025, page. 89–108.

18 Al-Zubi, J. K., Maaqqbeh, M., Awaisheh, S. M., Mofleh, Y. A., Awaisheh, S. M., & Alhasan, T. K., Progress and Challenges in the Legal Framework of Women's Rights in Jordan, *International Journal of Criminal Justice Sciences*, Vol.19 No.1, 2024, page.519–531

victims occurs.¹⁹ The term not only underscores individualized violence, but also reveals structural inequalities inherent in legal and social systems.²⁰

In general, femicide can be understood as the killing of women because of their gender, and can be identified through five gender dimensions: the sex of the victim, the sex of the perpetrator, the relationship between victim and perpetrator (such as intimate partner or family), the association of sexual elements such as rape,²¹ and gender motivations such as hatred of women or honor killings.²² The simplest indicator to identify femicide is when a killing occurs solely because the victim is female.

Femicide is the most extreme form of gender-based violence. The concept was explicitly introduced by Diana Russell in 1976 in an international forum, who asserted that the killing of women cannot be equated with ordinary murder because of the deep dimension of misogyny.²³ In its development, the definition of femicide includes various contexts: intimate partner killings, honor killings, killings in human trafficking and forced prostitution, killings resulting from female genital mutilation, or even deaths resulting from unsafe abortion practices. Marcela Lagarde in Mexico expanded the concept through the term *feminicidio*, based on the mass murder of women in Ciudad Juárez, which became a global symbol of resistance to impunity for gender-based violence.²⁴

The phenomenon of femicide is not only limited to developing countries, but also occurs in developed countries.²⁵ In the United States, based on FBI data in 2019, around 21.5% of murder victims were women, the majority of whom were killed by intimate partners. In Canada, 83% of homicides against women are committed by current or former partners.²⁶ Latin American countries have responded by making femicide a criminal offense in its own right, reflecting an understanding that killing women is not simply a criminal matter, but part of institutionalized social and cultural inequalities.²⁷

These legislative developments suggest that the legal system needs to present femicide regulations more concretely. To make this concept effective, femicide must be codified within national criminal law through clear statutory definitions, recognition of gender motivation as an aggravating factor in sentencing, and

19 European Institute for Gender Equality., Femicide, 2025.

20 Alison Brysk and Vitória Moreira, Femicide and the Global Political Economy, *The Routledge International Handbook of Femicide and Feminicide*, April 20, 2023, page. 29–39

21 Al-Billeh, T. N., The Role of Forensic Dentistry in Detecting Crimes in Jordanian Law and Judiciary, *Journal of Forensic Medicine Science and Law*, 2023

22 Sylvia Walby., What Is Femicide? The United Nations and the Measurement of Progress in Complex Epistemic Systems, *Current Sociology*, Vol.71 No.1, 2023;

23 Camila Ordorica Bracamontes., The Invention of a Concept for the Murder of Women: A Historical Study on the Development of Feminist Knowledge Production, *Contributions to the History of Concepts*, Vol.13 No.1, 2018, page. 1–91.

24 *Ibid.*

25 Alison Brysk and Vitória Moreira., Femicide and the Global Political Economy, *The Routledge International Handbook of Femicide and Feminicide*, April 20, 2023, page. 29–39;

26 Raina Lamade and Chloe R Grabanski., Femicide, *Encyclopedia of Domestic Violence*, No. October 2023

27 Caroline Davidson., Speaking Femicide, *The American University Law Review*, Vol.71 No.2, 2021

the establishment of gender-sensitive investigation and prosecution mechanisms.²⁸ Without such concrete legal articulation, femicide risks being treated as ordinary homicide, thereby neglecting its structural and discriminatory dimensions.

However, the implementation of the femicide law still faces serious challenges. The gap between legal norms and implementation on the ground is still large. Many law enforcement officials do not have a full understanding of the gender dimensions of this crime, so femicide cases are often underreported, underestimated, or even justified on the grounds of cultural norms,²⁹ such as family honor.³⁰ In addition, the absence of accurate and specific data systems related to femicide complicates effective prevention and law enforcement efforts.³¹

Historically, Bracamontes mentions that the concept of femicide was born from feminist socio-political constructions that continue to develop and adjust to the socio-cultural context of each country. Therefore, an approach to femicide cannot be separated from a reading of historical and structural gender power relations. Without this understanding, legal responses to femicide will tend to be mechanistic and lose their meaning.³²

Femicide is a very complex and multidimensional crime, fundamentally triggered by the power imbalance between men and women in various aspects of social, political, and cultural life.³³ This imbalance is often reinforced by rigid and discriminatory gender stereotypes, which place women in lower positions and make them vulnerable to various forms of violence. Moreover, femicide is also supported by the normalization of violence within the patriarchal culture that still dominates many societies, where violence against women is considered something ordinary or even justified in certain contexts. The weak social and legal protections for victims, who often lack adequate access to protection, justice, and recovery, exacerbate this situation. As a result, femicide is not just a criminal issue but also reflects the failure of the legal system to protect women's rights and uphold gender justice comprehensively. Therefore, addressing femicide requires a holistic and interdisciplinary approach, involving structural changes in the legal system.

28 Abu Issa, H., Khater, M., Almanasra, M., & Wreikat, N. A., Common Belief vs. Science: Scientific Fallacies in Proving the Victim's Consent and Lies in Sexual Crimes, *Social Sciences and Humanities Open*, Vol.12 2025

29 Khater, M., Abu Issa, H., & Alwerikat, N., The Mother Killing of her Newborn to Avoid Disgrace under Jordanian Law, *Pakistan Journal of Criminology*, Vol.15 No.4, 2023, page. 21–27.

30 Rosemary Barberet and Aneesa A. Baboolal., The Global Femicide Problem: Issues and Prospects, in *Research Handbook on Gender, Sexuality and the Law*, 2020

31 *Ibid.*

32 Camila Ordorica Bracamontes., The Invention of a Concept for the Murder of Women: A Historical Study on the Development of Feminist Knowledge Production, *Contributions to the History of Concepts*, Vol.13 No.1, 2018, page. 1–91.

33 Rosemary Barberet and Aneesa A. Baboolal., The Global Femicide Problem: Issues and Prospects, *Research Handbook on Gender, Sexuality and the Law*, March 2, 2020, page. 286–300

According to Kabylova, the main causes of femicide are a culture of male dominance, economic inequality, and a legal system that is permissive of violence against women.³⁴ This is reinforced by the findings of Hassan et al., who consider that low education, financial dependence, and a weak justice system increase the risk of femicide.³⁵ The majority of femicide perpetrators are intimate partners of the victim who are unable to accept the victim's decision to leave the abusive relationship. In many cases, emotional abuse, physical violence, and control over the victim's life occur on an ongoing basis before leading to murder.³⁶ The impact of femicide does not stop with the victim; families, especially children who witness or are abandoned by the victim, experience deep and long-term psychological trauma.³⁷ LPSK, defines femicide as consisting of several types³⁸ Intimate Femicide, murder committed by a husband, ex-husband, boyfriend, ex-girlfriend, or other party with whom the victim had an intimate relationship, Cultural Femicide, a killing that occurs in the name of honor, related to dowry, race, accusation, or other cultural norms, Femicide in the Context of Armed Conflict, killings targeting women in armed conflict, including the use of sexual violence as a weapon of war, Femicide in the Context of the Commercial Sex Industry, the killing of a female sex worker by a client or other party due to a dispute over fees or resentment towards the sex worker group, Femicide of Women with Disabilities, the killing of women with disabilities because of their condition or as a result of the domino effect of sexual violence and pregnancy, Sexual Orientation and Gender Identity Based Femicide, killings motivated by hatred and prejudice against sexual minorities, Prison Femicide, the killing of female prisoners that occurs within the correctional system. Non-Intimate Femicide (Systematic Murder), murder by a perpetrator who does not have an intimate relationship with the victim, but is carried out systematically, Femicide of Human Rights Activists/Humanitarian Activists, killings by state or non-state actors of women who struggle for the fulfillment of human rights in the community or wider society. Femicide committed against women and girls is a violation of human rights. Human rights are defined as a set of rights inherent in the essence of human existence as creatures of God Almighty and are His gifts that must be respected and upheld by the state, law, government, and every individual for the sake of honor and protection of human dignity.³⁹

From an international perspective, femicide has been recognized as a serious

34 Moldir Kabylova., Examining the Causes of Femicide in Kazakhstan, *Central Asia Program*, No. 256, 2021

35 Fatma Mohamed Hassan, Maged Nabil Hussein, and Asmaa Mohammad Moawad., Investigating Causes of Femicide in Egypt: Review, *Egyptian Journal of Forensic Sciences*, Vol.14 No.1, 2024

36 Wilson Hernández., Violence With Femicide Risk: Its Effects on Women and Their Children, *Journal of Interpersonal Violence*, Vol.36 No.11–12, 2021

37 Chiara Stassi et al., Femicide Circumstances and Harmfulness: Case Report and Focusing Review, *Diagnostics*, Vol.14 No.13, 2024, page. 1–8

38 Perlindungan and Korban., *Femisida Bukan Pembunuhan Biasa, Cegah Dan Lindungi Korban*

39 Yonna Beatrix Salamor, et.al, Pengaturan Tentang Femisida Dalam Hukum Pidana Indonesia (Kajian Perbandingan UU HAM Dan UU TPKS), *Jurnal Litigasi*, Vol.25 No.1, April, 2024, page.65-109

violation of human rights, particularly the rights to life, security and freedom from discrimination.⁴⁰ The UN through its *Model Strategies on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice* calls on member states to integrate the crime of femicide into national legal systems and take concrete steps in prevention, protection, and remedy.⁴¹

CEDAW (1979), as a core convention that Indonesia has ratified through Law Number 7 of 1984, emphasizes that states have the responsibility to eliminate all forms of discrimination against women, including extreme violence such as femicide.⁴² WHO, UN Women, and OHCHR also emphasize that femicide is a violation of women's right to life and dignity, and must be responded to legally and socially.⁴³ However, in Indonesian positive law, femicide is not yet recognized as a separate category of crime. Acts of murder against women are still processed under general provisions in the Criminal Code (KUHP), such as Article 338 on murder, Article 340 on premeditated murder, and articles on serious maltreatment resulting in death. Additional protections for women have so far been scattered in several sectoral laws such as the Law on the Elimination of Domestic Violence, Child Protection, Eradication of Trafficking in Persons, and the Law on Sexual Violence. However, none of these laws explicitly mention or define femicide as a gender-based crime with its own characteristics.⁴⁴

As a result, femicide in Indonesia tends to be processed as ordinary murder, and potentially without considering the gender motivations, power relations, or structural impacts experienced by the victim. This creates a large legal gap, while also demonstrating the urgency to formulate specific rules on femicide in the national legal system.⁴⁵ Explicit recognition of femicide as a gender-based crime would strengthen legal protection for women, provide a strong normative basis for judges to impose appropriate punishment, and promote collective awareness that the killing of women because of their gender is a form of crime against humanity that cannot be tolerated in a society that values justice and equality

3.2 Legal Basis that can be used by Judges in Deciding Cases Related to Femicide and Ideal Legal Reconstruction

40 Al-Billeh, T., Al-Hammouri, A., Khashashneh, T., Al Makhmari, M., & Al Kalbani, H., Digital Evidence in Human Rights Violations and International Criminal Justice, *Journal of Human Rights, Culture and Legal System*, 2024

41 Fatma Mohamed Hassan, Maged Nabil Hussein, and Asmaa Mohammad Moawad., Investigating Causes of Femicide in Egypt: Review, *Egyptian Journal of Forensic Sciences*, Vol.14 No.1, 2024

42 Chiara Stassi et al., Femicide Circumstances and Harmfulness: Case Report and Focusing Review, *Diagnostics*, Vol.14 No.13, 2024, page. 1–8

43 Moldir Kabylova., Examining the Causes of Femicide in Kazakhstan, *Central Asia Program*, No. 256, 2021

44 Ainal Mardhiah., *Femisida Dalam Kerangka Hukum Indonesia*, Pengadilan Tinggi Banda Aceh, 2015.

45 Al-Billeh, T., & Issa, H. A., Jordanian Women's Political Participation in The Nineteenth Parliament Elections (2020): The Beginning of the Political Rise of Jordanian Women?, *Dirasat: Human and Social Sciences*, Vol.50 No.5, 2023, page. 244–255

In the Indonesian constitutional system,⁴⁶ judicial power is expressly regulated in Article 24 paragraph (1) of the 1945 Constitution which states that, "Judicial power is an independent power to administer justice in order to uphold law and justice." This formulation confirms that judges as executors of judicial power have full independence, may not be intervened by other powers, and are obliged to maintain the rule of law and realize substantive justice. Furthermore, Article 24 paragraphs (2) and (3) stipulate that this power is exercised by the Supreme Court and the judicial bodies under it, as well as the Constitutional Court, with the support of other institutions regulated by law in order to ensure the fair and professional implementation of judicial power.⁴⁷

Furthermore, Article 5 paragraph (1) of Law No. 48/2009 on Judicial Power states that "Judges and constitutional judges are obliged to explore, follow, and understand the legal values and sense of justice that live in society."⁴⁸ This provision underscores the strategic function of judges as *justice seekers*, not merely implementers of legal texts. In this framework, judges are required to be grounded in social realities, living norms, and values of justice that develop in society. This concept is known as *living law*, which provides interpretative space for judges to make certain social phenomena - including femicide - as important considerations in making fair and contextual decisions.⁴⁹

This authority becomes even more relevant when faced with the escalation of femicide cases in Indonesia. LPSK data recorded at least 26 femicide cases from 2023 to 2025, with the majority of perpetrators coming from the victim's closest circle such as husbands, boyfriends, family members, or friends. The violence experienced by victims varies widely, ranging from acid dousing (5 cases), severe maltreatment (5 cases), beatings with blunt objects (4 cases), to a combination of rape and beatings (3 cases). West Java was recorded as the region with the highest number of cases (16 cases), followed by East Nusa Tenggara (5 cases), South Sumatra (3 cases), and East Java (1 case). At the same time, throughout 2024, LPSK also received 1,296 requests for protection due to sexual violence, including 1,018 requests for children and 278 requests from adults - representing a 9% increase over the previous year.⁵⁰

A similar report from the Jakarta Cross Feminist Association in *Femicide Data 2023* recorded 180 cases of female murder throughout 2023 spread across 38 provinces, with 187 victims. The majority of perpetrators (94%) were men, while the majority of victims were cisgender adult women (145 cases), transgender women (6 cases), girls (12 cases), and female victims of general

46 Anis Mashdurohatun., Reconstruction Of The Implementation Of Regional Head Elections Based On The Value Of Justice, *International Journal of Business, Economics and Law*, Vol.28 No.1, 2022, page. 120–32.

47 Emerald Magma Audha., Purifikasi Judicial Review Dalam Sistem Ketatanegaraan Indonesia, *Jurnal Legislasi Indonesia*, Vol.18 No.2, 2021

48 M Moh Mujibur Rohman, M Mark, and E Maharjan., The Position of Judges in the Indonesian Legal Idea, *Rechtsnormen Journal of Law*, Vol.1 No.2, 2023, page. 95–104

49 Muhammad Helmi., Penemuan Hukum Oleh Hakim Berdasarkan Paradigma Konstruktivisme, *Kanun Jurnal Ilmu Hukum*, Vol.22 No.1, 2020

50 Perlindungan and Korban, "Femisida Bukan Pembunuhan Biasa, Cegah Dan Lindungi Korban, 2025

criminal crimes (17 cases). The data shows that femicide does not only occur in the domestic sphere, but also in the public sphere, with the majority of victims being in the productive age range (26-40 years), signifying the seriousness of the threat of systemic gender-based violence.⁵¹

This condition reinforces the urgency of handling femicide through a legal approach that is more progressive and responsive to social reality.⁵² Although femicide cases in Indonesia show serious and systemic patterns of gender-based violence, national positive law to date has not explicitly regulated femicide as a special criminal offense, either as a stand-alone offense or as an automatically aggravating circumstance in the criminalization process. In practice, killings of women are still processed based on general articles in the Criminal Code, such as Article 338 on murder and Article 340 on premeditated murder, without considering aspects such as power relations, misogynistic motives, or forms of sexual violence inherent in the act. As a result, the gender perspective has not been fully internalized in the law enforcement process.

In this situation of imbalance, the concept of *living law* developed by Eugen Ehrlich can provide a philosophical and methodological basis for judges to respond to legal phenomena that have not been explicitly regulated. According to Ehrlich, law is not only formed from written norms produced by the state, but also born from social practices, habits, and values that live in society. Law, in this sense, grows and develops from the norms that apply in everyday life, including norms in communities, religious organizations, customary groups, and families.⁵³ These norms, although not formally codified, still have binding power and normative force because they are consistently implemented and accepted by society as legitimate standards of behavior.⁵⁴

Ehrlich asserts that the center of legal development is not in the law or jurisprudence, but in the social structure in which the law is implemented.⁵⁵ This view was later expanded by Gunther Teubner through autopoietic legal theory, which views law as a social system that independently reproduces itself through communication in a complex and fragmented global society.⁵⁶ In the current context of legal pluralism, the living law approach strengthens the legitimacy of using social values and community morals as the basis for interpreting the law contextually, including to consider gender-based violence

51 Syifana Ayu Maulida and Nur Khofifah., *Laporan Femisida 2023 Kekejaman Sistematis: Memahami Brutalitas Femisida Dan Perlakuan Terhadap Jenazah*, Jakarta, 2023.

52 Isabel Anayanssi Orizaga Inzunza and Isabel Anayanssi Orizaga Inzunza, Femicides: Different Approaches from the Regional Protection of Human Rights, *Mexican Law Review*, Vol.14 No.1, 2021, page. 53–87

53 Al-Kasassbeh, F. Y., Awaisheh, S. M., Odeibat, M. A., Awaesheh, S. M. A., Al-Khalaileh, L., & Al-Braizat, M., Digital Human Rights in Jordanian Legislation and International Agreement, *International Journal of Cyber Criminology*, Vol.18 No.1, 2024, page. 37–57

54 Walter Fuchs., Litigious Bukovina: Eugen Ehrlich's ›Living Law‹ and the Use of Civil Justice in the Late Habsburg Monarchy, *Administory*, Vol.5 No.1, 2020

55 Wojciech Zomerski and Wojciech Zomerski, Stanisław Ehrlich's Critique of Legal Dogmatics: Then and Now, *Review of Central and East European Law*, Vol.45 No.2–3, June 23, 2020, page. 314–33

56 Hugues Rabault., Global Bukovina: Gunther Teubner's Homage to Eugen Ehrlich, *Zeitschrift Fur Rechtssoziologie*, Vol.44 No.1, 2024, page. 48–66

as an aggravating factor in the punishment of femicide perpetrators.

The importance of this approach becomes clearer when linked to Gustav Radbruch's views through the *Radbruchsche Formel*.⁵⁷ Originally known as a legal positivist, Radbruch switched sides after witnessing the moral and legal breakdown during the Nazi regime. He then argued that in situations where there is an extreme conflict between positive law and justice, justice should take precedence.⁵⁸ According to him, laws that blatantly contradict the principles of justice, especially the principle of human equality,⁵⁹ should not be recognized as valid laws. In such conditions, legal certainty must give way in favor of substantive justice.⁶⁰

Radbruch's principle is important for judges in deciding cases involving femicide. When positive legal norms have not explicitly regulated a criminal act as femicide, but the facts in court show the existence of extreme and systemic gender-based violence, the judge has the moral and juridical authority to use the value of substantive justice as a basis for consideration. This is in line with Article 197 paragraph (1) of the Criminal Procedure Code, which requires judges to include aggravating and mitigating circumstances in the verdict.⁶¹ In this context, if the perpetrator's actions reflect a pattern of gender-based violence that dehumanizes and eliminates women's lives because of their gender identity, then femicide can be used as an aggravating circumstance, even though it has not been explicitly regulated in the law.

Although judges have the authority to enforce justice progressively through the *living law* approach and the principle of substantive justice in femicide cases, the effectiveness of law enforcement against this crime still requires a solid normative foundation in the form of positive legal arrangements. In this case, the establishment of a special law on femicide is very urgent. This special regulation will strengthen the legal position of women as a vulnerable group in the criminal justice system, as well as provide legal certainty for judges, prosecutors and other law enforcement officials in handling cases of extreme gender-based violence.

Practices in various countries show that the recognition of femicide as a specific criminal offense is not new. Mexico, for example, has passed the *Ley General*

57 Rahmanu Wijaya and Ade Putra Hasibuan., Justice Versus Certainty: The Antinomy of Law in the New Indonesian Criminal Code from the Perspective of Radbruch's Formula, *Novum: Jurnal Hukum*, Vol.12 No.03, 2025

58 Cristian Kiefer da Silva., Uma Investigação a Partir Do Pensamento De Gustav Radbruch: A Proposta De Superação Da 'Injustiça Extrema' Através Da Necessidade De (Re)Construção Conceitual Do Direito, *Revista Brasileira de Filosofia Do Direito*, Vol.7 No.1, 2021, page. 257–76

59 Alshible, M., & Abu Issa, H., Criminal Protection to the Digital Right to be Forgotten in Jordan, *International Journal of Electronic Security and Digital Forensics*, Vol.17 No.3, 2025, page.295–306.

60 Seow Hon Tan., Radbruch's Formula Revisited: The Lex Injusta Non Est Lex Maxim in Constitutional Democracies, *Canadian Journal of Law and Jurisprudence*, Vol.34 No.2, 2021

61 M Ilham and Wira Pratama., Penerapan Pasal 54 Ayat (1) KUHP Oleh Hakim Dalam Menjatuhkan Putusan Pidana, *Indonesian Journal of Criminal Law and Criminology (IJCLC)*, Vol.5 No.3, 2024, page. 125

de Acceso de las Mujeres a una Vida Libre de Violencia (General Law on Women's Access to a Life Free from Violence) since 2012.⁶² In the law, femicide is explicitly defined as the killing of a woman because of gender-based hatred, with a number of important indicators such as the presence of sexual violence before death, mutilation or degrading injuries, a previous history of violence, a complex emotional relationship between the perpetrator and the victim, the presence of documented threats, and the isolation of the victim before death.⁶³ This law not only provides special protection for women, but also establishes more severe criminal sanctions against perpetrators of misogynistic crimes.

Guatemala pioneered the legal regulation of femicide through the *Ley Contra el Femicidio y Otras Formas de Violencia Contra la Mujer* (2008).⁶⁴ This law classified femicide as a stand-alone serious crime, and introduced institutional reforms such as the creation of specialized courts and gender-based violence investigation units.⁶⁵ A similar step was taken by El Salvador with the *Ley Especial Integral para una Vida Libre de Violencia para las Mujeres*, which emphasizes that femicide is not just murder, but a serious crime that threatens the fabric of social justice and requires a separate response.⁶⁶

Apart from the national level, regulations on femicide have also received attention in the international and regional frameworks.⁶⁷ In the European region, the *Istanbul Convention or Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence* is a legal instrument that explicitly recognizes femicide as a form of gender-based violence that requires preventive, repressive and restorative measures. Meanwhile in Latin America, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (*Convention of Belém do Pará*) obliges member states to formulate policies and legal instruments to eradicate violence against women, including femicide, with an approach that respects the principles of equality and non-discrimination.⁶⁸

At the global level, the UN through CEDAW has laid a normative framework that binds states parties to eliminate all forms of discrimination against women,

62 Sonia M. Frías., Protection and Access to Justice of Victims of Gender-Based Violence in Mexico: An Institutional Critique, *Gender-Based Violence in the Global South: Ideologies, Resistances, Responses, and Transformations*, January 1, 2024, page.143–63

63 Peter Hanna., The Crisis of Femicides in Mexico, *Themis: Research Journal of Justice Studies and Forensic Science*, Vol.11 No.2, 2023, page. 1–20.

64 Vinicius Ferreira Baptista., Medidas Penales Ante El Asesinato de Mujeres En América Latina En El Siglo XXI: Aproximaciones Jurídicas Al Femicidio y Al Femicidio, *Crítica Penal y Poder*, No. 25, November 29, 2023, page. 25

65 Erin Beck and Amir Mohamed., A Body Speaks: State, Media, and Public Responses to Femicide in Guatemala, *Laws*, Vol.10 No.3, 2021

66 *Ibid.*

67 Myrna Dawson and Michelle Carrigan., Identifying Femicide Locally and Globally: Understanding the Utility and Accessibility of Sex/Gender-Related Motives and Indicators, *Current Sociology* Vol.69 No.5, 2021, page. 682–704

68 Georgia Iokasti Balantina., Femicides in Human Rights Law: A Comparative Study of the Regional Human Rights Protection Mechanisms in Europe and Latin America, *Human Rights and Migration Studies*, 2023.

including violence that leads to murder.⁶⁹ This is reinforced by the *Declaration on the Elimination of Violence against Women* (1993), as well as the *Vienna Declaration on Femicide* (2012) which emphasizes that femicide is the most serious human rights violation because it is rooted in gender inequality.⁷⁰ In Europe, instruments such as the *European Convention on Human Rights* and the *European Social Charter* also emphasize the prevention of gender-based violence as part of the state's obligation to guarantee the right to life and personal security.⁷¹

In Indonesia, the fact that women are still frequently victimized by brutal gender-based killings suggests an urgent need to fill this legal void.⁷² On the one hand, Indonesia has ratified CEDAW through Law Number 7 of 1984,⁷³ which normatively binds the state to eliminate discrimination against women, including in extreme forms of violence such as femicide. But on the other hand, the national legal system has not explicitly regulated femicide as a separate criminal offense or as an aggravating circumstance in the criminalization process.

The establishment of a special law on femicide will provide legal legitimacy for law enforcement officials, especially judges, to include gender as an important factor in legal considerations. This regulation will also prevent disparities in law enforcement, strengthen the protection of women, and ensure that crimes committed because of gender hatred are not treated merely as individual crimes, but as manifestations of structural inequality that must be eradicated systemically. Thus, regulating femicide through law is not only a response to juridical needs, but also a tangible manifestation of the state's commitment to upholding the principle of "just and civilized humanity" as mandated in Pancasila and the state constitution.

In various court decisions, femicide has begun to be implicitly recognized as an aggravating factor in sentencing.⁷⁴ Although not yet explicitly regulated in the legislation, judges' considerations in a number of cases show the judges' awareness of extreme and systemic patterns of gender-based violence against women. This is reflected in several important Supreme Court decisions.

In Decision Number 1296 K/Pid/2024, the defendant Hendro alias Hen was

69 Ramona Vijeyarasa., *International Women's Rights Law and Gender Equality: Making the Law Work For Women*, New York: Routledge, 2021.

70 Juliana M. Streva, Notes on Femicide/Feminicidio and the Limits of Justice., *Sortuz: Oñati Journal of Emergent Socio-Legal Studies*, Vol.12 No.1, 2022, page. 103–28

71 Georgia Iokasti Balantina., Femicides in Human Rights Law: A Comparative Study of the Regional Human Rights Protection Mechanisms in Europe and Latin America, *Human Rights and Migration Studies*, 2023

72 Antory Royan Adyan and Ariesta Wibisono Anditya., Legal Reforms on Femicide in Indonesia: The New Criminal Code, Victim Protection, and the Role of Islamic Law, *Journal of Law and Legal Reform*, Vol.6 No.2, 2025, page. 617–658

73 Widya Naseya Tuslian., Equality before the Law for Women in Indonesia: An Analysis of International Law and Its Implementation at the National, Regional, and Sector Level, *Advancing Rule of Law in a Global Context*, February 26, 2020, page.219–27

74 Pina Lalli and Maria (Milli) Virgilio., Femicide as an Extreme Crime: Judicial Framing Narratives, *AG About Gender-International Journal of Gender Studies* Vol.14 No.28, 2025, page. 49–71

found guilty of committing premeditated murder against his wife by poisoning the victim's food and drink using pesticides. The actions were carried out systematically, and the defendant left the victim dying without help. The Supreme Court said that the act was committed against someone who was socially and legally in the closest relationship of trust, namely his own wife. Although the term *femicide* is not explicitly mentioned, the judges' reasoning shows recognition of the dimensions of power relations and male dominance in the domestic sphere. The judge emphasized that the defendant's actions were "very contrary to human values."

In Decision Number 1466 K/Pid/2024, the Supreme Court overturned the acquittal of Gregorius Ronald Tannur and imposed a sentence for violence that caused the death of Dini Sera Afrianti, the defendant's spouse. The acts of violence were committed in stages, starting from a nightlife venue to inside a car. The judge stated that the defendant left the victim in a critical condition without assistance, reflecting a total disregard for the life of his female partner. This case shows a pattern of *intimate partner femicide*, which is murder committed by a partner against a woman in an unequal relationship.

Something similar was seen in Decision No. 1508 K/Pid/2024, when Hubertus Kusi was sentenced to twenty years in prison for killing his wife, Imakulata Nabu, in front of their children. In his reasoning, the judge noted that the act was committed in the private space of the household, which is supposed to be a place of protection. This confirms that power in domestic relations can be a fatal arena of violence when dominated by male perpetrators.

In Decision No. 1556 K/Pid/2024, Irfando Vici Arsito poisoned his partner with cyanide for the motive of covering up their relationship. The Court emphasized that the murder was committed against a woman who was in a personal relationship with the defendant and stated that the act was "totally contrary to human values." Again, while not explicitly using the term *femicide*, the judges' reasoning reflects a pattern of gender-based violence and betrayal of the relationship of protection.

Decision Number 29 K/Pid/2025 on behalf of Selamat Efendi also considered murder committed with violence against women in a state of helplessness. In its reasoning, the Court said that the defendant's actions reflected the dehumanization of the female body - reinforced by evidence in the form of the victim's underwear which became a symbol of harassment and objectification.

Interestingly, in Judicial Review Decision Number 31 PK/Pid/2025, the Supreme Court explicitly stated that violence that led to the death of a wife in a *siri* marriage relationship is more appropriately applied through the Law on the Elimination of Domestic Violence (PKDRT Law). This shows a shift in the juridical approach from a general criminal offense to the meaning of gender-based violence in the Indonesian Supreme Court Decision.

Decision No. 39 K/Pid/2025 also contained elements of heinous violence against female victims in the context of murder and theft. Although the main motive was economic, the Court considered that the defendants' actions reflected a lack of respect for the lives and dignity of women, so the identity of the victim

became part of the aggravating considerations.

In the context of Indonesian national law, dissecting the legal norms regarding femicide becomes very important and urgent to reconstruct.⁷⁵ This is due to the fact that until now, the term "femicide" has not been explicitly regulated in the Indonesian criminal justice system, even though the phenomenon of murders of women motivated by power relations and gender-based violence is already evident and has become a serious social issue.

First, from the existing jurisprudence, it is evident that although judges have not explicitly used the term femicide, they have acknowledged that the murder of women in the context of gender-based violence is a more complex form of crime compared to ordinary murder. This is in line with the provisions of Article 197, paragraph (1), letter f of the Criminal Procedure Code, which requires judges to consider aggravating circumstances in criminal decisions. However, without clear and explicit legal regulations regarding femicide, the handling of such cases is prone to legal uncertainty.

Therefore, the reconstruction of femicide legal norms must be a top priority in the national criminal justice system. This urgency arises from the continuing increase in femicide cases, the absence of explicit legal provisions, and the inconsistency of judicial decisions, all of which create legal uncertainty and perpetuate impunity. This reconstruction must begin with a new paradigm that recognizes femicide not merely as an ordinary murder but as a crime rooted in power relations, discrimination, and hatred towards women. Concretely, this reconstruction aims to establish a clear legal category for femicide within the Criminal Code, supported by judicial and institutional reforms that ensure effective prevention, prosecution, and victim protection. In this case, the definition of femicide must be formulated comprehensively, encompassing female victims (cisgender, transgender, and girls) and motives for murder directly related to the victim's gender identity, as well as elements of sexual violence, intimate power relations, gender-based hatred, or murder in the context of domestic violence, societal violence, or state negligence. This clear definition will make femicide a separate crime from other types of murder.

The socio-cultural construction that forms the normalization of gender-based violence that leads to femicide in Indonesia is the result of the lack of a comprehensive gender perspective in law enforcement as should be regulated and guaranteed through Article 338 of the Criminal Code, Article 340 of the Criminal Code, and Article 4 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, which should position femicide not as ordinary murder, but as the most extreme form of gender-based violence that demands special legal protection for women.⁷⁶ Furthermore, in the Criminal Code or its

⁷⁵ Sandra Irawan, Idzam Fautanu, and Tofik Yanuar Chandra Yanuar Chandra., Reconstruction of the Enforcement of Domestic Violence Law in Divorce Cases: Towards an Integrated Framework for Legal Certainty and Victim Protection in Indonesia, *Advances In Social Humanities Research*, Vol.3 No.12, 2025, page. 924–32

⁷⁶ Sagala Tantiar Anggraeni & Leni Widi Mulyani., Femisida Sebagai Tindak Pidana Dalam Sudut Pandang Gender, *(JIHHP) Jurnal Ilmu Hukum, Humaniora dan Politik*, Vol.6 No.2, 2025, page.1177-1199

revision, a specific article needs to be added that regulates femicide as a murder offense with aggravating factors. If it is not possible to make it a separate crime, femicide must be explicitly included as an aggravating circumstance in the verdict of murder or severe assault resulting in death. This article must assert that the murder of women because of their gender identity is an aggravating factor that judges are required to consider.

In addition, the reconstruction of legal norms must also include the obligation for judges to consider the gender dimension in handling cases of femicide. To ensure this runs effectively, it is necessary to issue technical guidelines or judicial regulations, such as in the form of Supreme Court Regulations, which explain femicide indicators and how to identify power relations, misogynistic motives, and structural contexts in these cases. This obligation is in line with the mandate of Article 5, paragraph (1), of Law No. 48 of 2009, which requires judges to uphold the value of justice.

Thus, the reconstruction of femicide legal norms in Indonesia will not only provide legal certainty and better protection for women victims of gender-based violence but also prevent impunity and strengthen gender-perspective justice enforcement. This concrete reconstruction will serve as the novelty of this study, offering an applicable model for integrating femicide into Indonesia's criminal justice system as an independent legal norm that fulfills both national and international human rights obligations.

4. Conclusion

Femicide is one of the most brutal crimes against women that stems from structural inequality and misogynistic power relations, yet it has yet to receive adequate legal recognition in Indonesia's national legal system. Although some court decisions show judicial awareness of the gender dimensions of femicide, the absence of rules that explicitly regulate femicide as a special criminal offense or as an aggravating factor in sentencing results in a lack of uniformity in legal protection and has the potential to perpetuate impunity. Therefore, the establishment of a special law on femicide is an urgent need to ensure legal consistency, strengthen the position of women as equal subjects of law, and provide normative guidelines for judges in interpreting and enforcing substantive and gender-responsive justice. This legal reconstruction can be achieved through normative recognition of femicide, the addition of specific provisions in the Criminal Code, and the issuance of judicial technical guidelines. By reconstructing the law through normative recognition of femicide, the addition of special provisions in the Criminal Code, and the establishment of judicial technical guidelines, Indonesia can demonstrate its commitment to upholding the principles of justice, equality, and protection of women's human rights in a concrete and systemic manner.

BIBLIOGRAPHY

Journals:

- Abu Issa, H., Khater, M., Almanasra, M., & Wreikat, N. A., Common Belief vs. Science: Scientific Fallacies in Proving the Victim's Consent and Lies in Sexual Crimes, *Social Sciences and Humanities Open*, Vol.12 2025
- Adyan, Antory Royan, and Ariesta Wibisono Anditya., Legal Reforms on Femicide in Indonesia: The New Criminal Code, Victim Protection, and the Role of Islamic Law. *Journal of Law and Legal Reform*, Vol.6 No.2, April 30, 2025;
- Al-Billeh, T. N., Legal Framework for Protecting the Right to Private Life in the Digital Space: The Extent to which Jordanian Constitution and Legislation Takes into Account International Requirements, *Revista de Investigacoes Constitucionais*, 2024;
- ., The Role of Forensic Dentistry in Detecting Crimes in Jordanian Law and Judiciary, *Journal of Forensic Medicine Science and Law*, 2023;
- ., Jordanian Women's Political Participation in The Nineteenth Parliament Elections (2020): The Beginning of the Political Rise of Jordanian Women?, *Dirasat: Human and Social Sciences*, Vol.50 No.5, 2023;
- ., Digital Evidence in Human Rights Violations and International Criminal Justice, *Journal of Human Rights, Culture and Legal System*, 2024;
- Al-Kasassbeh, F. Y., Awaisheh, S. M., Odeibat, M. A., Awaesheh, S. M. A., Al-Khalaileh, L., & Al-Braizat, M., Digital Human Rights in Jordanian Legislation and International Agreement, *International Journal of Cyber Criminology*, Vol.18 No.1, 2024;
- Alshible, M., & Abu Issa, H., Criminal Protection to the Digital Right to be Forgotten in Jordan, *International Journal of Electronic Security and Digital Forensics*, Vol.17 No.3, 2025;
- Al-Zubi, J. K., Maaqqbeh, M., Awaisheh, S. M., Mofleh, Y. A., Awaisheh, S. M., & Alhasan, T. K., Progress and Challenges in the Legal Framework of Women's Rights in Jordan, *International Journal of Criminal Justice Sciences*, Vol.19 No.1, 2024;
- Aminah, Siti, Elizabeth Kristi Poerwandari, and Mariska Putri., Children, Justice, and Femicide: Assessing Victim Rights in Indonesia's Legal System. *Unnes Law Journal*, Vol.11 No.1, 2025;
- Audha, Emerald Magma., Purifikasi Judicial Review Dalam Sistem Ketatanegaraan Indonesia. *Jurnal Legislasi Indonesia*, Vol.18 No.2, 2021;
- Balantina, Georgia Iokasti., Femicides in Human Rights Law: A Comparative Study of the Regional Human Rights Protection Mechanisms in Europe and Latin America. *Human Rights and Migration Studies*, 2023;
- Bambang Tri Bawono, Moh Nurul Huda, State Responsibility Towards Abandoned Children In The Concept Of Legal Certainty, *Jurnal*

- Pembaharuan Hukum*, Vol.13 No.1, March 2026;
- Baptista, Vinicius Ferreira., Medidas Penales Ante El Asesinato de Mujeres En América Latina En El Siglo XXI: Aproximaciones Jurídicas Al Femicidio y Al Feminicidio. *Crítica Penal y Poder*, No.25, November 29, 2023;
- Barberet, Rosemary, and Aneesa A. Baboolal., The Global Femicide Problem: Issues and Prospects. In *Research Handbook on Gender, Sexuality and the Law*, 2020;
- ., The Global Femicide Problem: Issues and Prospects. *Research Handbook on Gender, Sexuality and the Law*, March 2, 2020;
- Beck, Erin, and Amir Mohamed., A Body Speaks: State, Media, and Public Responses to Femicide in Guatemala. *Laws*, Vol.10 No.3, 2021;
- Brysk, Alison, and Vitória Moreira., Femicide and the Global Political Economy. *The Routledge International Handbook of Femicide and Feminicide*, April 20, 2023;
- Caicedo-Roa, Monica, Tiago Da Veiga Pereira, and Ricardo Carlos Cordeiro. PROTOCOL: Risk Factors for Femicide. *Campbell Systematic Reviews*, Vol.16 No.4, 2020;
- Cecchi, R., M. Sassani, G. Agugiaro, E. Caroppo, P. De Lellis, A. Sannella, M. Mazza, T. Ikeda, T. Kondo, and V. Masotti., A Medico-Legal Definition of Femicide. *Legal Medicine*, Vol.59 2022;
- Chuasanga A., Ong Argo Victoria., Legal Principles Under Criminal Law in Indonesia and Thailand, *Jurnal Daulat Hukum*, Vol.2 No.1, 2019;
- Davidson, Caroline., Speaking Femicide. *The American University Law Review*, Vol.71 No.2, 2021;
- Dawson, Myrna, and Michelle Carrigan., Identifying Femicide Locally and Globally: Understanding the Utility and Accessibility of Sex/Gender-Related Motives and Indicators. *Current Sociology* , Vol.69 No.5, September 1, 2021;
- Equality, European Institute for Gender., Femicide, 2025;
- Frías, Sonia M., Protection and Access to Justice of Victims of Gender-Based Violence in Mexico: An Institutional Critique. *Gender-Based Violence in the Global South: Ideologies, Resistances, Responses, and Transformations*, January 1, 2024;
- Fuchs, Walter., Litigious Bukovina: Eugen Ehrlich's ›Living Law‹ and the Use of Civil Justice in the Late Habsburg Monarchy." *Administory* 5, no. 1 (2020). <https://doi.org/10.2478/adhi-2020-0015>.
- Hanna, Peter., The Crisis of Femicides in Mexico. *Themis: Research Journal of Justice Studies and Forensic Science*, Vol.11 No.2, 2023;
- Hassan, Fatma Mohamed, Maged Nabil Hussein, and Asmaa Mohammad Moawad. Investigating Causes of Femicide in Egypt: Review. *Egyptian Journal of Forensic Sciences*, Vol.14 No.1, 2024;

- Helmi, Muhammad., Penemuan Hukum Oleh Hakim Berdasarkan Paradigma Konstruktivisme. *Kanun Jurnal Ilmu Hukum*, Vol.22 No.1, 2020;
- Hernández, Wilson., Violence With Femicide Risk: Its Effects on Women and Their Children. *Journal of Interpersonal Violence*, Vol.36 No.11–12, 2021;
- Ilham, M, and Wira Pratama., Penerapan Pasal 54 Ayat (1) KUHP Oleh Hakim Dalam Menjatuhkan Putusan Pidana. *Indonesian Journal of Criminal Law and Criminology (IJCLC)*, Vol.5 No.3, November 28, 2024;/
- Irawan, Sandra, Idzam Fautanu, and Tofik Yanuar Chandra Yanuar Chandra., Reconstruction of the Enforcement of Domestic Violence Law in Divorce Cases: Towards an Integrated Framework for Legal Certainty and Victim Protection in Indonesia. *Advances In Social Humanities Research*, Vol.3 No.12, December 23, 2025;
- Issa, H. A., & Shibli, M. A., The Avenge as a Motive of Homicide Crimes in Jordan for the Period 2017–2021, *Pakistan Journal of Criminology*, Vol.14 No.1, 2022;
- Kabylova, Moldir., Examining the Causes of Femicide in Kazakhstan. *Central Asia Program*, No. 256, 2021;
- Khater, M. N., Issa, H. A., Meqdad, S. A. A., & Al-Hawawsheh, S., The Semiotics of Threatening Language in Jordanian Courts: A Forensic-Linguistic Analysis of Criminal Cases from 2023 To 2024, *International Journal for the Semiotics of Law*, Vol.39 No. 1, 2026;
- ., The Mother Killing of her Newborn to Avoid Disgrace under Jordanian Law, *Pakistan Journal of Criminology*, Vol.15 No.4, 2023;
- Lalli, Pina, and Maria (Milli) Virgilio., Femicide as an Extreme Crime: Judicial Framing Narratives. *AG About Gender - International Journal of Gender Studies*, Vol.14 No.28, 2025;
- Lamade, Raina, and Chloe R Grabanski., Femicide, *Encyclopedia of Domestic Violence*, No. October, 2023;
- Mashdurohatun, Anis., Reconstruction Of The Implementation Of Regional Head Elections Based On The Value Of Justice. *International Journal of Business, Economics and Law*, Vol.28 No.1, 2022;
- Mashdurohatun, Anis, and Abdul Hanis Embong., Legal Protection of Coastal Community Land Tenure Rights. *Contrarius*, Vol.1 No.2, 2025;
- Mashdurohatun, Anis, Eid Abed Alhaleem Maslat Harahsheh, Muhammad Irwan Datuiding, Abun Hasbulloh Syambas, and Prasetyo Adhi Wibowo., Contemporary Reassessment of Punishment in Islamic and Secular Law: A Comparative Study of Justice and Penal Philosophy. *MILRev: Metro Islamic Law Review*, Vol.5 No.1, January 1, 2026;
- Ordorica Bracamontes, Camila., The Invention of a Concept for the Murder of Women: A Historical Study on the Development of Feminist Knowledge

- Production. *Contributions to the History of Concepts*, Vol.13 No.1, 2018;
- Orizaga Inzunza, Isabel Anayanssi, and Isabel Anayanssi Orizaga Inzunza., Femicides: Different Approaches from the Regional Protection of Human Rights. *Mexican Law Review*, Vol.14 No.1, July 1, 2021;
- Peter Hanna., The Crisis of Femicides in Mexico, *Themis: Research Journal of Justice Studies and Forensic Science*, Vol.11 No.2, 2023;
- Pina Lalli and Maria (Milli) Virgilio., Femicide as an Extreme Crime: Judicial Framing Narratives, *AG About Gender-International Journal of Gender Studies* Vol.14 No.28, 2025;
- Pramudibyanto, Hascaryo., Peran Literatur Dalam Menumbuhkan Sikap Preventif Perempuan Terhadap Femisida. *Anuva: Jurnal Kajian Budaya, Perpustakaan, Dan Informasi*, Vol.7 No.1, 2023;
- Rabault, Hugues., 'Global Bukovina': Gunther Teubner's Homage to Eugen Ehrlich. *Zeitschrift Fur Rechtssoziologie*, Vol.44 No.1, 2024;
- Rohman, M Moh Mujibur, M Mark, and E Maharjan., The Position of Judges in the Indonesian Legal Idea. *Rechtsnormen Journal of Law*, Vol.1 No.2, 2023;
- Sagala Tantiar Anggraeni & Leni Widi Mulyani., Femisida Sebagai Tindak Pidana Dalam Sudut Pandang Gender, (*JIHHP*) *Jurnal Ilmu Hukum, Humaniora dan Politik*, Vol.6 No.2, 2025;
- Salamor, Y. B., Purwanti, A., & Rochaeti, N., Pengaturan Tentang Femisida Dalam Hukum Pidana Indonesia (Kajian Perbandingan Uu Ham Dan Uu Tpk), *Litigasi*, Vol.25 No.1, 2024;
- Silva, Cristian Kiefer da., Uma Investigação a Partir Do Pensamento De Gustav Radbruch: A Proposta De Superação Da 'Injustiça Extrema' Através Da Necessidade De (Re)Construção Conceitual Do Direito. *Revista Brasileira de Filosofia Do Direito*, Vol.7 No.1, 2021;
- Sonia M. Frías., Protection and Access to Justice of Victims of Gender-Based Violence in Mexico: An Institutional Critique, *Gender-Based Violence in the Global South: Ideologies, Resistances, Responses, and Transformations*, January 1, 2024;
- Stassi, Chiara, Marco La Mantia, Giuseppe Francesco Lo Re, Valentina Martines, Stefania Zerbo, Giuseppe Davide Albano, Ginevra Malta, and Antonina Argo., Femicide Circumstances and Harmfulness: Case Report and Focusing Review. *Diagnostics*, Vol.14 No.13, 2024;
- ., Femicide Circumstances and Harmfulness: Case Report and Focusing Review, *Diagnostics*, Vol.14 No.13, 2024,
- Streva, Juliana M., Notes on Femicide/Feminicidio and the Limits of Justice. *Sortuz: Oñati Journal of Emergent Socio-Legal Studies Medidas*, Vol.12 No.1, November 4, 2022;
- Tan, Seow Hon., Radbruch's Formula Revisited: The Lex Injusta Non Est Lex

- Maxim in Constitutional Democracies. *Canadian Journal of Law and Jurisprudence*, Vol.34 No.2, 2021;
- Teddy Farhan., Tinjauan Konsep Segitiga Kekerasan Terhadap Kasus Femisida Di Meksiko Tahun 2019-2021. *Skripsi.*, 2022;
- Tuslian, Widya Naseya., Equality before the Law for Women in Indonesia: An Analysis of International Law and Its Implementation at the National, Regional, and Sector Level. *Advancing Rule of Law in a Global Context*, February 26, 2020;
- Wahyujati, B. B., & Herawati, F. A., Femicide Framing and Ethics Violation on Indonesian Instagram News Contents. *Jurnal ILMU KOMUNIKASI*, Vol.22 No.2, 2025;
- Walby, Sylvia., What Is Femicide? The United Nations and the Measurement of Progress in Complex Epistemic Systems. *Current Sociology*, Vol.71 No.1, 2023;
- Wijaya, Rahmanu, and Ade Putra Hasibuan., Justice Versus Certainty: The Antinomy of Law in the New Indonesian Criminal Code from the Perspective of Radbruch's Formula. *Novum: Jurnal Hukum*, Vol.12 No. 03, September 9, 2025;
- Zomerski, Wojciech, and Wojciech Zomerski., Stanisław Ehrlich's Critique of Legal Dogmatics: Then and Now. *Review of Central and East European Law*, Vol.45 No.2–3, June 23, 2020;
- Zulaichah, Siti., Femisida Dan Sanksi Hukum Di Indonesia. *EGALITA*, Vol.17 No.1, 2022;

Books:

- Ali, Zainuddin., 2022, *Metode Penelitian Hukum*, Sinar Grafika, Jakarta;
- Mardhiah, Ainal., 2015, *Femisida Dalam Kerangka Hukum Indonesia*. Pengadilan Tinggi Banda Aceh;
- Maulida, Syifana Ayu, and Nur Khofifah., 2023, *Laporan Femisida 2023 Kekejaman Sistematis: Memahami Brutalitas Femisida Dan Perlakuan Terhadap Jenazah*. Jakarta;
- Perlindungan, Lembaga, and Saksi dan Korban., 2025, *Femisida Bukan Pembunuhan Biasa, Cegah Dan Lindungi Korban*;
- Syifana Ayu Maulida and Nur Khofifah., *Laporan Femisida 2023 Kekejaman Sistematis: Memahami Brutalitas Femisida Dan Perlakuan Terhadap Jenazah*, Jakarta, 2023;
- Vijayarasa, Ramona., 2021, *International Women's Rights Law and Gender Equality: Making the Law Work For Women*. Routledge, New York;