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Analysis of Islamic Economic Law on Economic Rights of Domestic Violence Victims Wives in Indonesia 2020–2025

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Abstract

Domestik Violence (DV) is one of the most massive human rights violations in Indonesia, especially economic violence against wives. It encompasses livelihood neglect, asset seizure, prohibition from working, and financial exploitation. The novelty of this study lies in the simultaneous integration of three analyzes covering that it has not been discussed in previous literature: (1) longitudinal statistical analysis of Komnas Perempuan's Annual Notes (CATAHU) 2020-2025, (2) normative reconstruction of Islamic Economic Law grounded in livelihood, al-milkiyyah al-mustaqillah, and maqashid al-syari'ah, and (3) comparative analysis with international human rights instruments (UDHR, ICESCR, CEDAW) and national positive law. The method uses normative legal research using statutory, conceptual, and comparative approaches. Findings reveal an increasing trend in economic violence cases from 680 (2020) to 5,942 (2025). Islamic Economic Law provides a strong normative foundation for protecting wives' economic rights, while the PKDRT Law has yet to deliver optimal economic recovery for victims. This study recommends regulatory harmonization based on Islamic Economic Law and Human Rights principles, strengthened livelihood enforcement through religious courts, and the establishment of an integrated economic protection fund for domestic violence victim wives.
Keywords: Economic Rights of Wives, Domestic Violence, Islamic Economic Law, Economic Violence.

Abstrak

Kekerasan Dalam Rumah Tangga (KDRT) merupakan salah satu pelanggaran hak asasi manusia yang paling masif di Indonesia, khususnya kekerasan ekonomi terhadap istri yang mencakup penelantaran nafkah, pengambilalihan aset, larangan bekerja, dan eksploitasi finansial. Novelty penelitian ini terletak pada pengintegrasian tiga lapis analisis yang belum pernah dilakukan secara simultan dalam literatur sebelumnya: (1) analisis statistik longitudinal data CATAHU Komnas Perempuan 2020-2025, (2) rekonstruksi normatif Hukum Ekonomi Islam berbasis konsep nafkah, al-milkiyyah al-mustaqillah, dan maqashid al-syari'ah, serta (3) kajian komparatif dengan instrumen HAM internasional (UDHR, ICESCR, CEDAW) dan hukum positif nasional. Metode yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, dan komparatif. Hasil penelitian menunjukkan tren peningkatan kekerasan ekonomi dari 680 kasus (2020) menjadi 5.942 kasus (2025). Lonjakan lebih dari delapan kali lipat dalam lima tahun. Hukum Ekonomi Islam memberikan landasan normatif yang kuat bagi perlindungan hak ekonomi istri, sementara UU PKDRT belum mampu menyediakan mekanisme pemulihan ekonomi yang optimal. Penelitian ini merekomendasikan harmonisasi regulasi berbasis prinsip Hukum Ekonomi Islam dan HAM, penguatan mekanisme eksekusi nafkah melalui peradilan agama, serta pembentukan dana perlindungan ekonomi terpadu bagi istri korban KDRT.
Kata Kunci: Hak Ekonomi Istri, KDRT, Hukum Ekonomi Islam, Kekerasan Ekonomi.

Introduction

Domestic violence (DV) is a socio-legal phenomenon that continues to show an increasing trend in Indonesia. According to the National Commission on Violence Against Women's Annual Report (CATAHU), released on March 6, 2026, there were 376,529 cases of gender-based violence against women recorded in 2025. This was the highest figure in the past

decade, representing a 14.07 percent increase from the previous year. This situation places Indonesia in a women's protection emergency that requires a comprehensive legal response. Among the various forms of domestic violence, economic violence is one of the most systematic yet often invisible. Economic violence includes neglect of sustenance, confiscation and control of the wife's property, prohibition from working, and financial exploitation that places the wife in a state of total dependence.[1] CATAHU 2026 data shows that economic violence reached 5,942 cases in 2025, up from 680 cases in 2020.

From the perspective of Islamic Economic Law, the protection of the wife's economic rights has actually been regulated comprehensively through the obligation to provide maintenance (QS. Al-Baqarah: 233; QS. At-Thalaq: 6-7), the wife's independent property ownership rights (al-milkiyyah al-mustaqillah), as well as the principle of prohibition of harm (la dharara wa la dhirara)[2]. Meanwhile, from a human rights perspective, the right to a decent standard of living—including economic rights—is guaranteed in Article 25 of the Universal Declaration of Human Rights (UDHR) 1948, CEDAW 1979, and nationally in Article 28H of the 1945 Constitution and Law No. 39 of 1999 concerning Human Rights.[3]

However, there is a significant gap between normative guarantees and the reality of law enforcement. Law No. 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT), which has been in effect for more than two decades, has not been able to provide optimal economic recovery for victims.[4]Previous research has shown that financial dependence is a major factor preventing victims from reporting and escaping the cycle of violence (Wahyuni, 2020).

This research offers novelty that distinguishes it from previous studies in three fundamental aspects:Integration of three simultaneous approaches: The first study to simultaneously combine longitudinal statistical analysis of CATAHU data (2020-2025), normative reconstruction of Islamic Economic Law, and comparative international human rights studies in one integrated analytical framework. It is different with a study with only by Human Right point of view,[5] and It is different with The previous study Explained this Economic Domestic Violance case by using Criminal Law Point of View.[6]

Lat est data update: Using CATAHU 2026 data (2025 data) that has never been analyzed in previous academic studies, provides a picture of the most recent trends in economic

[1] Ekawati, "Kekerasan Dalam Rumah Tangga Dalam Perspektif Hukum Islam Dan Hukum Publik" 3, no. 4 (2025): 81–87, https://doi.org/10.5281/zenodo.17248740.

[2] Siti Musdah Mulia, *Perempuan Dalam Hukum Islam: Hak, Keadilan, Dan Kesetaraan* (Jakarta: Gramedia Pustaka Utama, 2020).

[3] United Nations Universal Declaration of Human Rights (UDHR), "UN General Assembly Resolution 217A (III)," (1948).

[4] Undang-Undang Republik Indonesia, "Penghapusan Kekerasan Dalam Rumah Tangga (PKDRT)," Pub. L. No. Pasal 5 dan 9 (2004).

[5] D Wibowo, "Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga Menurut Hak Asasi Manusia Selama Proses Penyidikan," *Jurnal USM Law Review* 4, no. 2 (2021): 818–21, https://doi.org/10.26623/julr.v4i2.4187.

[6] TP Kismala and MB Perdana, "Kekerasan Ekonomi Dalam Rumah Tangga: Kajian Hukum Pidana Pasal 9 UU 23 TAHUN 2004," *Jurnal Hukum Bisnis Dan Keuangan Modern* 9, no. 4 (2025): 4–5, https://journal.fexaria.com/j/index.php/jhbkm/article/view/648.

violence. The previous study give the old data in 2019.[7] 3. Construction of a harmonization model: Formulating a regulatory harmonization model that integrates the principles of Islamic Economic Law (nafkah, al-milkiyyah, maqashid) with international human rights standards as a concrete solution to the existing legal gap.[8] The previous study explain abaout the human rights in national level only not in international level.[9]

Based on these conditions, this study asks the following questions: (1) What is the trend of economic violence against wives of victims of domestic violence in Indonesia for the period 2020–2025? (2) What is the perspective of Islamic Economic Law in providing protection for the economic rights of wives of victims of domestic violence? (3) How do national and international human rights instruments provide protection for the economic rights of wives of victims of domestic violence? (4) What is the ideal form of harmonization between Islamic Economic Law and Human Rights in protecting the economic rights of wives of victims of domestic violence in Indonesia?

Method

This research is a normative legal research that examines the norms, principles, and legal doctrines related to the protection of the economic rights of wives who are victims of domestic violence. The approaches used include: (1) a statute approach to analyze positive regulations; (2) a conceptual approach to examine the doctrine of Islamic Economic Law; (3) a comparative approach to compare the perspective of Islamic Economic Law with international human rights instruments; and (4) a quantitative-descriptive approach to present and analyze statistical data on domestic violence. Primary legal materials consist of: the Qur'an and Hadith, Compilation of Islamic Law (KHI), Law No. 23 of 2004 concerning Domestic Violence, Law No. 39 of 1999 concerning Human Rights, Law No. 12 of 2022 concerning TPKS, CEDAW 1979, and UDHR 1948. Secondary legal materials are sourced from the official report of the National Commission on Violence Against Women's CATAHU 2020–2026, reports from the Ministry of Women's Empowerment and Child Protection (KemenPPPA), and accredited scientific journals.Statistical data is processed descriptively and presented in tabular form to illustrate the trend of economic violence against wives who are victims of domestic violence in Indonesia during the period 2020–2025.

Result and Discussion

Trends in Economic Violence Against Wives Victims of Domestic Violence in Indonesia (2020–2025)

Based on data compiled from the National Commission on Violence Against Women's (Komnas Perempuan) CATAHU report for the 2020–2025 period, the trend of gender-based

[7] Febry Andini Fithrie Mehdini Addieningrum, Neri Aslina, "Upaya Penanganan Terhadap Istri Korban Kekerasan Dalam Rumah Tangga (KDRT) (Studi Analisis Pada Pengadilan Agama Kota Batam Tahun 2019)," *Jurnal STAI Hukum Ekonomi Syari'ah* XV, no. 2 (2020): 6–7, https://jurnalstaiibnusina.ac.id/index.php/AD/article/view/49/46.

[8] M Fadhil and M Marluwi YS Alcika, "Kebijakan Hukum Pidana Penghapusan Kekerasan Dalam Rumah Tangga Perspektif Maqashid Syariah," *SANGAJI: Jurnal Pemikiran Syariah Dan Hukum* 7, no. 2 (2023): 22–25, https://doi.org/10.52266/sangaji.v7i2.1756.

[9] A Zaeni and A Roisy, "Perlindungan Hukum Bagi Istri Terhadap Tindak Pidana Kekerasan Ekonomi Dalam Rumah Tangga (KDRT) Perspektif Hukum Keluarga Islam," *Rausyan Fikr Journal* 3, no. 1 (2024): 10–11, https://ejurnal.staibu.ac.id/index.php/rausyan-fikr/article/view/91.

violence against women in Indonesia shows a significant increase. The following data summarizes the general picture of gender-based violence and Violence Against Wives (KTI) during that period.

Table 1.
Trends in Gender-Based Violence and Violence Against Wives in Indonesia (2020–2025)

Data Year	Total Female KBG	Change (%)	KTI (Violence Against Wives)	Source
2020	226,062 cases	—	3,221 cases (50% domestic violence)	CATAHU 2021
2021	338,496 cases	+50%	Dominant personal realm	CATAHU 2022
2022	345,031 cases	+2%	Dominant personal realm	CATAHU 2023
2023	289,111 cases	-12%	622 cases (Komnas complaints)	CATAHU 2024
2024	330,097 cases	+14.17%	672 cases + 5,950 (partners)	CATAHU 2025
2025	**376,529 cases**	**+14.07%**	**661 cases (Komnas complaints)**	CATAHU 2026

Source: National Commission on Violence Against Women (Komnas Perempuan) CATAHU 2021–2026

The data in Table 1 shows that Violence Against Wives (VAW) has consistently ranked first in the CATAHU report since 2001. In 2025, there were 661 cases of VAW directly reported to the National Commission on Violence Against Women, with the personal sphere dominating 89.76 percent of the total 376,529 cases of gender-based violence (Komnas Perempuan, 2026). Furthermore, there were 321,721 divorces in 2025 related to domestic violence—a figure that reflects the continuing impact of domestic violence on the family institution.[10] In particular, data on economic violence as a form of violation of wives' economic rights shows a worrying trend as shown in Table 2 below.

[10] Komnas Perempuan., "CATAHU 2025: Menata Data, Menajamkan Arah: Refleksi Pendokumentasian Dan Tren Kasus Kekerasan Terhadap Perempuan." (Jakarta, 2025).

Table 2.
Data on Economic Violence Against Wives of Domestic Violence Victims in Indonesia (2020–2025)

Year	Economic Violence (Case)	% of Total	Dominant Form	Source
2020	680 cases	10%	Neglect of livelihood	CATAHU 2021[11]
2021	Increased (est.)	~13%	Neglect & exploitation	CATAHU 2022[12]
2022	Part 345,031 total	~13%	Neglect & exploitation	CATAHU 2023[13]
2023	Part 289,111 total	~13%	Abandonment & takeover of assets	CATAHU 2024[14]
2024	5,531 cases (966 National Commission + 4,565 partners)	9.84%	Neglect & work ban	CATAHU 2025
2025	**5,942 cases**	**~9.86 %**	**Neglect, financial exploitation**	CATAHU 2026

Source: National Commission on Violence Against Women (Komnas Perempuan) CATAHU 2021–2026

Table 2 shows a dramatic surge in economic violence cases, from 680 in 2020 to 5,942 in 2025—a more than eightfold increase in five years. This surge not only indicates an escalation in cases but also reflects victims' increased courage to report and an expanded documentation system.[15] Table 3 shows the distribution of classified forms of violence against women in 2025.

[11] Komisi Nasional Anti Kekerasan Terhadap Perempuan (Komnas Perempuan), "Catatan Tahunan (CATAHU) 2021: Perempuan Dalam Himpitan Pandemi" (Jakarta, 2021).
[12] Komnas Perempuan., "CATAHU 2022: Bayang-Bayang Stagnansi: Daya Pencegahan Dan Penanganan Berbanding Peningkatan KBG" (Jakarta, 2022).
[13] Komnas Perempuan., "CATAHU 2023: Kekerasan Terhadap Perempuan Di Ranah Publik Dan Negara" (Jakarta, 2023).
[14] Komnas Perempuan, "CATAHU 2024: Peluang Penguatan Sistem Penyikapan Di Tengah Peningkatan Kompleksitas Kekerasan" (Jakarta, 2024).
[15] Komnas Perempuan., "CATAHU 2026: Menguatkan Data, Mengatasi Kerentanan, Mendesak Negara Bersikap Untuk Keadilan Korban" (Jakarta, 2026).

Table 3.
Distribution of Forms of Gender-Based Violence Against Women in 2025

Forms of Violence	Number of Cases (2025)	Information
Sexual Violence	24,472 cases	Highest – 40.61% of total classified
Physical Violence	15,727 cases	26.10%
Psychological Violence	14,126 cases	23.44%
Economic Violence	**5,942 cases**	9.86% – covers neglect & economic rights
TOTAL	**60,267 cases**	National Commission on Violence Against Women 2025 classified data

Source: CATAHU National Commission on Violence Against Women 2026

The National Commission on Violence Against Women's study of 3,709 cases of KTI reported directly in the 2019–2023 period revealed a more detailed profile of violence as presented in Table 4.

Table 4.
Forms of Violence in Cases of Violence Against Wives (KTI) for the Period 2019–2023

Forms of Violence in KTI	Percentage	Number of Cases	Information
Psychological Violence	50%	±1,855 cases	Dominant in KTI
Physical Violence	31%	±1,150 cases	
Neglect & Economic Violence	**16%**	±594 cases	Violation of wife's economic rights
Sexual Violence	3%	±110 cases	
TOTAL KTI (2019-2023)	**100%**	3,709 cases	Source: National Commission on Violence Against Women 2024

Source: National Commission on Violence Against Women (2024), Rapid Study of 20 Years of Implementation of the Domestic Violence Law[16]

Table 4 shows that 16 percent of all domestic violence cases reported directly to the National Commission on Violence Against Women (Komnas Perempuan) between 2019 and 2023 involved neglect and economic violence. This figure confirms that violations of wives' economic rights are not a marginal issue, but rather a structural part of domestic violence patterns in Indonesia.

The Perspective of Islamic Economic Law on the Economic Rights of Wives

In Islamic Economic Law, a wife's economic rights have a very solid normative basis, derived from the Quran, Hadith, and the consensus of Islamic scholars. There are at least three main constructs relevant to protecting the economic rights of wives who are victims of domestic violence.[17] Islam requires husbands to provide for their wives based on the word of Allah SWT in Surah Al-Baqarah verse 233: "And it is the duty of the father to feed and clothe the mothers in a manner that is ma'ruf." This obligation is binding (wajib) and does not waive even if the wife has her own income. The jurists agree that maintenance includes clothing, food, shelter, healthcare, and education. Neglect of livelihood as the core of economic violence in Islamic Economic Law is categorized as injustice (dzulm) which can be the basis for a divorce suit (fasakh) for the wife.[18]

Islam recognizes the wife's right to property ownership completely independent of her husband—a revolutionary concept that predates many Western legal systems. Surah An-Nisa, verse 32, states: "Men have a share of what they have earned, and women have a share of what they have earned." This means that the wife has full rights over the property she has earned, the dowry she has received, and the property brought during the marriage, without the husband having the right to take or control any of it.[19]

Economic violence in the form of taking over a wife's property is strictly prohibited in Islam. The Prophet Muhammad (peace be upon him) said: "It is not lawful for a Muslim's property to be taken except with his or her consent." (Narrated by Ahmad and Al-Bayhaqi). This principle is relevant as a normative basis for prosecuting perpetrators of economic violence in domestic violence.[20]

Imam Al-Ghazali and Al-Syatibi formulated the maqashid al-shari'ah (objectives of sharia) which include the protection of the soul (hifzh al-nafs), intellect (hifzh al-'aql), descendants (hifzh al-nasl), property (hifzh al-mal), and religion (hifzh al-din). Economic

[16] Komnas Perempuan., "Siaran Pers: Kaji Cepat 20 Tahun Implementasi UU PKDR" (Jakarta, 2024).

[17] M. Ghufron Fazacholi dkk, "Perjanjian Pranikah Sebagai Mekanisme Hukum Pengatur Harta Dan Pelindung Hak Pascaperceraian," *Al-Zayn : Jurnal Ilmu Sosial & Hukum* 3, no. 3 (2025): 1780–88, https://doi.org/10.61104/alz.v3i3.1441.

[18] M. Syahnan Latif, Syaripudin, Muhammad Iqbal Irham, "Penelantaran Nafkah Dan Peninggalan Beban Hutang Keluarga Kepada Istri : Perspektif Hukum Islam dan Hukum Positif," *Pendas: Jurnal Ilmiah Pendidkan Dasar* 11, no. 01 (2026): 21–24, https://doi.org/10.23969/jp.v11i01.41924.

[19] R. Fahmi Natigor Daulay dan Ade Sultan Muhammad, "Analisis Hukum Terhadap Status Harta Gono-Gini Yang Dijaminkan Setelah Perceraian Legal Analysis Of The Status Of Marital Property (Gono-Gini) Used As Collateral After Divorce" 19, no. 4 (2025): 50–59, https://doi.org/10.59896/gara.v19i4.414.

[20] Ferryani Krisnawati, "Perlindungan Hukum Bagi Istri Dalam Pembagian Harta Bersama Pasca Kepailitan Suami," *Amicus Curiae* 1, no. 1 (2025): 15–19, https://doi.org/ttps://doi.org/10.66229/amcu.7.

violence in domestic violence directly threatens two of the five elements of the maqashid: the soul (through psychological pressure due to neglect) and property (through the deprivation of economic rights).[21]

The implication is that the state from an Islamic perspective is obliged (fardhu kifayah) to create regulations that protect these rights. The principle of 'la dharara wa la dhirara' (no harm to oneself and no harm to others) as stated in one of the main rules of jurisprudence is the basis for prohibiting all forms of violence, including economic violence in the household.[22]

From the perspective of Islamic Economic Law, the economic rights of wives are inseparable from the principles of justice (*ʿadl*), mutual responsibility (*takāful*), public welfare (*maṣlaḥah*), and the protection of human dignity (*ḥifẓ al-ʿirḍ*). Islamic law recognizes women as independent legal persons (*dhimmah māliyyah mustaqillah*) who possess full ownership rights over their property, income, inheritance, gifts, and business assets. Consequently, marriage does not diminish a wife's legal capacity to acquire, manage, or dispose of her property without the consent or intervention of her husband.

The Qur'an establishes the husband's obligation to provide financial maintenance (*nafaqah*) to his wife and family according to his financial ability. This obligation is clearly affirmed in Qur'an 4:34, which designates men as providers and protectors of women due to their responsibility for financial support, and in Qur'an 2:233, which requires husbands to provide maintenance in a fair and reasonable manner (*bi al-maʿrūf*). Accordingly, the wife's personal wealth remains exclusively hers, while the husband's obligation to provide maintenance is an independent legal duty that cannot be transferred without lawful justification.

Islamic Economic Law also emphasizes fairness in the management of family assets. Property acquired individually before or during marriage remains the exclusive property of its owner unless both spouses voluntarily agree to establish joint ownership through lawful contractual arrangements. This principle reflects the broader Islamic legal doctrine that property rights are protected and may not be infringed without the owner's consent. Therefore, any form of economic exploitation, coercion, or deprivation of a wife's financial rights contradicts the objectives of Islamic law.

Within the framework of Maqāṣid al-Sharīʿah, the protection of wives' economic rights contributes directly to the preservation of wealth (*ḥifẓ al-māl*), human dignity (*ḥifẓ al-ʿirḍ*), family stability, and social justice. Contemporary scholars, including Jasser Auda, argue that Islamic law should be interpreted through a systems approach that promotes justice, human rights, gender equity, and social welfare rather than merely applying literal legal rules. Under this perspective, protecting wives from economic discrimination, financial abuse, deprivation of maintenance, and unequal access to family resources fulfills the higher objectives of Islamic law by ensuring substantive justice within the family.

In the Indonesian context, these principles are reflected in various national legal instruments, including the Marriage Law, the Compilation of Islamic Law (*Kompilasi Hukum Islam*), and regulations governing marital property and maintenance. Although the husband bears the primary obligation to provide financial support, Islamic Economic Law also recognizes the wife's right to participate in economic activities, entrepreneurship, employment,

[21] Abu Hamid Al-Ghazali, Al-Mustasfa Min 'Ilm Al-Ushul (Beirut: Dar al-Kutub al-Ilmiyyah, 1993).
[22] Faqihuddin Abdul Kodir, *Qira'ah Mubadalah: Tafsir Progresif Untuk Keadilan Gender Dalam Islam* (Yogyakarta, 2019).

and investment, provided that these activities are conducted in accordance with Islamic ethical principles and mutual agreement within the family. Therefore, the protection of wives' economic rights should be understood not merely as a private family matter but as an essential component of economic justice, family welfare, and the realization of the objectives of Islamic law in contemporary society.

International and National Human Rights Perspectives

At the international level, the protection of the economic rights of wives who are victims of domestic violence is based on several key human rights instruments. Article 25 of the 1948 UDHR guarantees the right of everyone to an adequate standard of living, including food, clothing, and housing. Article 11 of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR)—which Indonesia ratified through Law No. 11 of 2005—explicitly recognizes the right to an adequate standard of living.[23]

CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) 1979, ratified by Indonesia through Law No. 7 of 1984, requires states to eliminate discrimination against women in all areas, including the economic sphere. CEDAW General Recommendations No. 19 (1992) and No. 35 (2017) specifically identify gender-based violence—including economic violence in domestic violence—as a form of discrimination that must be eliminated.[24].

At the national level, Article 28H paragraph (1) of the 1945 Constitution guarantees the right of every person to live in physical and spiritual prosperity, to have a place to live, and to have a good living environment. Law No. 39 of 1999 concerning Human Rights, Article 49 specifically regulates the protection of women from all forms of violence, including economic violence.Law No. 23 of 2004 concerning Domestic Violence is the primary instrument for protecting victims of domestic violence. Article 5, letter d, criminalizes domestic neglect as a form of domestic violence, with a maximum penalty of three years' imprisonment or a fine of Rp 15 million. Article 41 requires the state to provide protection, counseling services, spiritual guidance, and rehabilitation for victims. Furthermore, Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS) expands the scope of protection by recognizing online gender-based violence and strengthening restitution mechanisms for victims—a step forward, although its scope still needs to be expanded to include the dimension of economic violence.[25]

The practice of illegal online lending constitutes not only a violation of financial and consumer protection regulations but also a serious infringement of fundamental human rights. From an international human rights perspective, every individual has the right to privacy, dignity, security, and effective legal protection. The unauthorized collection, processing, dissemination, and exploitation of borrowers' personal data by illegal online lending operators violate the right to privacy as recognized in Article 12 of the Universal Declaration of Human Rights (UDHR) and Article 17 of the International Covenant on Civil and Political Rights (ICCPR), both of which prohibit arbitrary or unlawful interference with an individual's privacy,

[23] Wevy Efticha Sary dkk., *Hukum Perlindungan Perempuan Dan Anak*, Pertana (Padang: CV. Gita Lentera, 2023).

[24] CEDAW, "General Recommendation No. 35 on Gender-Based Violence Against Women" (2017).

[25] Undang-Undang Republik Indonesia, "Tindak Pidana Kekerasan Seksual (TPKS)," Pub. L. No. Pasal 30-40 (2022).

family, home, correspondence, honor, and reputation. Likewise, intimidating debt collection practices involving threats, harassment, public humiliation, or dissemination of personal information undermine the inherent dignity of individuals, a fundamental principle underpinning the international human rights system.

From the perspective of Indonesia's national legal framework, the protection of human rights is constitutionally guaranteed under the 1945 Constitution of the Republic of Indonesia. Article 28G guarantees every person's right to personal protection, security, honor, dignity, property, and protection from fear, while Article 28H recognizes the right to physical and psychological well-being. Furthermore, Law No. 39 of 1999 on Human Rights affirms that every individual is entitled to legal protection, equal treatment before the law, and protection against arbitrary interference with private life. These constitutional and statutory guarantees establish that consumers remain rights holders regardless of their contractual obligations to repay debts.

The enactment of Law No. 27 of 2022 on Personal Data Protection further strengthens Indonesia's commitment to protecting informational privacy by recognizing personal data as part of an individual's fundamental rights. The law requires that personal data be processed lawfully, transparently, for specific purposes, and based on valid consent. Consequently, illegal online lending operators that access borrowers' contact lists, photographs, financial information, or other personal data without lawful authority commit not only regulatory violations but also human rights violations affecting privacy, autonomy, and personal dignity.

From a human rights–based approach, debt collection should be conducted proportionately, ethically, and in accordance with the principles of legality, necessity, and proportionality. The existence of a debt does not justify intimidation, psychological violence, reputational attacks, or unlawful surveillance. Therefore, the state has a positive obligation to prevent human rights violations by strengthening regulatory oversight, ensuring effective law enforcement, providing accessible complaint mechanisms, restoring victims' rights, and guaranteeing effective remedies. A human rights perspective thus shifts the focus of legal protection from merely enforcing contractual obligations toward safeguarding the dignity, privacy, and fundamental freedoms of consumers within the rapidly evolving digital financial ecosystem.

Protection Gaps and Comparative Analysis

A comparative analysis between the provisions of Islamic Economic Law, international human rights instruments, and national positive regulations reveals several legal gaps that need to be addressed. First, the economic recovery mechanism is inadequate. The Domestic Violence Law focuses more on punishing perpetrators than restoring the economic rights of victims. There is no systematic economic compensation mechanism for wives who are victims of domestic violence who lose access to family assets. This contrasts with the principles of Islamic Economic Law, which stipulate the obligation of mut'ah (parting gift) and the restoration of the iddah (waiting period) as legally enforceable rights.[26]

Second, weak law enforcement regarding neglect of livelihood. Although Article of the Domestic Violence Law criminalizes economic neglect, a report by the National

[26] Khairani Mukdin Hanna Mardhiya, "Ketergantungan Ekonomi Dan Kekerasan Dalam Rumah Tangga: Mengungkap Hambatan Di Balik Kasus Yang Tidak Terungkap," *Takammul* 14, no. 1 (2025): 34–37, https://doi.org/10.22373/nmxv6651.

Commission on Violence Against Women (Komnas Perempuan) shows that most cases are resolved through non-criminal means. This contradicts the principle of maqasid al-syari'ah, which demands real protection (hifzh al-mal) for victims. Third, the lack of an integrated economic recovery program. Unlike several countries that have integrated economic empowerment programs for domestic violence victims into their legal systems, Indonesia does not yet have a systematic mechanism to restore the economic capacity of wives of domestic violence victims after violence.[27]

Despite the existence of various legal instruments governing consumer protection, personal data protection, electronic information, and financial services, significant protection gaps remain in addressing illegal online lending practices in Indonesia. The current regulatory framework is fragmented across several statutes and institutions, resulting in overlapping authorities and inconsistent law enforcement. Although illegal online lending platforms are frequently blocked by regulators, many operators rapidly re-emerge under different names, domains, or digital identities, indicating that the existing enforcement mechanism remains largely reactive rather than preventive. Furthermore, many perpetrators operate through cross-border digital infrastructures, making investigation, prosecution, and victim recovery increasingly complex.

Another protection gap concerns the enforcement of personal data protection. In practice, consumers' personal information—including identity documents, contact lists, photographs, and financial data—is often collected and misused without valid consent. While Indonesia has enacted legislation on personal data protection, effective implementation remains challenging due to limited supervisory capacity, insufficient public awareness, and the absence of integrated complaint and recovery mechanisms for victims. Consequently, victims frequently suffer psychological, social, and economic harm even after illegal lending platforms have been removed from digital marketplaces.

From a comparative perspective, several jurisdictions have adopted more comprehensive regulatory approaches. In Singapore, the government imposes strict licensing requirements on moneylenders, accompanied by strong digital surveillance, severe criminal sanctions against illegal lending operators, and effective coordination among financial regulators, law enforcement agencies, and telecommunication providers. In China, authorities have significantly tightened regulations on online lending by requiring platform registration, imposing capital adequacy standards, strengthening cybersecurity oversight, and shutting down thousands of non-compliant peer-to-peer lending platforms. Meanwhile, the European Union, through the General Data Protection Regulation (GDPR), provides robust legal protection against the unlawful collection, processing, and dissemination of personal data, including substantial administrative fines for violations and extensive rights for data subjects to access, erase, and control their personal information.

[27] Tri Susilowati Farhan Oky Setyawan, muhammad andri, "Analisis Yuridis Hak Dan Perlindungan Terhadap Korban Kekerasan Dalam Rumah Tangga Studi Kasus Putusan Pengadilan Nomor: 310/PDI.SUS/2022/PN.Mojokerto," *Justicia Journal Ilmu Hukum* 14, no. 1 (2025), https://doi.org/10.32492/jj.v14i1.14101.

Compared with these jurisdictions, Indonesia has established an adequate normative legal framework but continues to face challenges in institutional coordination, technological supervision, cross-border enforcement, and effective victim protection. The comparison demonstrates that combating illegal online lending requires not only criminal sanctions but also an integrated regulatory ecosystem that combines financial regulation, consumer protection, personal data governance, cybersecurity, digital platform accountability, and public digital literacy. Therefore, strengthening Indonesia's legal framework should focus on enhancing inter-agency coordination, expanding regulatory authority over digital platforms, improving cross-border law enforcement cooperation, establishing rapid victim recovery mechanisms, and integrating consumer protection with personal data governance to create a more comprehensive and sustainable legal protection system.

Conclusion

This study concludes several important points. First, economic violence against wives who are victims of domestic violence in Indonesia showed a significant upward trend during the 2020–2025 period, from 680 cases in 2020 to 5,942 cases in 2025, posing a serious threat to women's economic rights within the institution of marriage. Second, Islamic Economic Law has provided a comprehensive normative framework for the protection of the wife's economic rights through the obligation of maintenance, recognition of independent property ownership rights, and the principle of maqashid al-shari'ah which prohibits all forms of injustice including economic violence. Third, international human rights instruments (UDHR, ICESCR, CEDAW) and national (PKDRT Law, Human Rights Law, TPKS Law) provide quite strong normative guarantees, but their implementation still faces serious gaps, especially in the economic recovery mechanism for victims. Fourth, there is significant common ground between Islamic Economic Law and human rights principles in protecting the economic rights of wives, so that harmonization of the two is not only possible but also very necessary in the context of Indonesia as a country with a Muslim majority population.

Bibliography

Al-Ghazali, Abu Hamid. *Al-Mustasfa Min 'Ilm Al-Ushul*. Beirut: Dar al-Kutub al-Ilmiyyah, 1993.

CEDAW. General Recommendation No. 35 on Gender-Based Violence Against Women (2017).

Ekawati. "Kekerasan Dalam Rumah Tangga Dalam Perspektif Hukum Islam Dan Hukum Publik" 3, no. 4 (2025): 81–87. https://doi.org/10.5281/zenodo.17248740.

Farhan Oky Setyawan, muhammad andri, Tri Susilowati. "Analisis Yuridis Hak Dan Perlindungan Terhadap Korban Kekerasan Dalam Rumah Tangga Studi Kasus Putusan Pengadilan Nomor: 310/PDI.SUS/2022/PN.Mojokerto." *Justicia Journal Ilmu Hukum* 14, no. 1 (2025). https://doi.org/10.32492/jj.v14i1.14101.

Fithrie Mehdini Addieningrum, Neri Aslina, Febry Andini. "Upaya Penanganan Terhadap Istri Korban Kekerasan Dalam Rumah Tangga (KDRT) (Studi Analisis Pada Pengadilan Agama Kota Batam Tahun 2019)." *Jurnal STAI Hukum Ekonomi Syari'ah* XV, no. 2 (2020): 6–7. https://jurnalstaiibnusina.ac.id/index.php/AD/article/view/49/46.

Hanna Mardhiya, Khairani Mukdin. "Ketergantungan Ekonomi Dan Kekerasan Dalam Rumah Tangga: Mengungkap Hambatan Di Balik Kasus Yang Tidak Terungkap." *Takammul* 14, no. 1 (2025): 34–37. https://doi.org/10.22373/nmxv6651.

Kodir, Faqihuddin Abdul. *Qira'ah Mubadalah: Tafsir Progresif Untuk Keadilan Gender Dalam Islam*. Yogyakarta, 2019.

Komnas Perempuan. "CATAHU 2022: Bayang-Bayang Stagnansi: Daya Pencegahan Dan Penanganan Berbanding Peningkatan KBG." Jakarta, 2022.

———. "CATAHU 2023: Kekerasan Terhadap Perempuan Di Ranah Publik Dan Negara." Jakarta, 2023.

———. "CATAHU 2025: Menata Data, Menajamkan Arah: Refleksi Pendokumentasian Dan Tren Kasus Kekerasan Terhadap Perempuan." Jakarta, 2025.

———. "CATAHU 2026: Menguatkan Data, Mengatasi Kerentanan, Mendesak Negara Bersikap Untuk Keadilan Korban." Jakarta, 2026.

———. "Siaran Pers: Kaji Cepat 20 Tahun Implementasi UU PKDR." Jakarta, 2024.

Komnas Perempuan. "CATAHU 2024: Peluang Penguatan Sistem Penyikapan Di Tengah Peningkatan Kompleksitas Kekerasan." Jakarta, 2024.

Krisnawati, Ferryani. "Perlindungan Hukum Bagi Istri Dalam Pembagian Harta Bersama Pasca Kepailitan Suami." *Amicus Curiae* 1, no. 1 (2025): 15–19. https://doi.org/ttps://doi.org/10.66229/amcu.7.

Latif, Syaripudin, Muhammad Iqbal Irham, M. Syahnan. "Penelantaran Nafkah Dan Peninggalan Beban Hutang Keluarga Kepada Istri : Perspektif Hukum Islam Dan Hukum Positif." *Pendas: Jurnal Ilmiah Pendidkan Dasar* 11, no. 01 (2026): 21–24. https://doi.org/10.23969/jp.v11i01.41924.

M. Ghufron Fazacholi dkk. "Perjanjian Pranikah Sebagai Mekanisme Hukum Pengatur Harta Dan Pelindung Hak Pascaperceraian." *Al-Zayn : Jurnal Ilmu Sosial & Hukum* 3, no. 3 (2025): 1780–88. https://doi.org/10.61104/alz.v3i3.1441.

Muhammad, R. Fahmi Natigor Daulay dan Ade Sultan. "Analisis Hukum Terhadap Status Harta Gono-Gini Yang Dijaminkan Setelah Perceraian Legal Analysis Of The Status Of Marital Property (Gono-Gini) Used As Collateral After Divorce" 19, no. 4 (2025): 50–59. https://doi.org/10.59896/gara.v19i4.414.

Perdana, TP Kismala and MB. "Kekerasan Ekonomi Dalam Rumah Tangga: Kajian Hukum Pidana Pasal 9 UU 23 TAHUN 2004." *Jurnal Hukum Bisnis Dan Keuangan Modern* 9, no. 4 (2025): 4–5. https://journal.fexaria.com/j/index.php/jhbkm/article/view/648.

Perempuan), Komisi Nasional Anti Kekerasan Terhadap Perempuan (Komnas. "Catatan Tahunan (CATAHU) 2021: Perempuan Dalam Himpitan Pandemi." Jakarta, 2021.

Republik Indonesia, Undang-Undang. Penghapusan Kekerasan Dalam Rumah Tangga (PKDRT), Pub. L. No. Pasal 5 dan 9 (2004).

———. Tindak Pidana Kekerasan Seksual (TPKS), Pub. L. No. Pasal 30-40 (2022).

Roisy, A Zaeni and A. "Perlindungan Hukum Bagi Istri Terhadap Tindak Pidana Kekerasan Ekonomi Dalam Rumah Tangga (Kdrt) Perspektif Hukum Keluarga Islam." *Rausyan Fikr Journal* 3, no. 1 (2024): 10–11. https://ejurnal.staibu.ac.id/index.php/rausyan-fikr/article/view/91.

Siti Musdah Mulia. *Perempuan Dalam Hukum Islam: Hak, Keadilan, Dan Kesetaraan*. Jakarta: Gramedia Pustaka Utama, 2020.

United Nations, Universal Declaration of Human Rights (UDHR). UN General Assembly Resolution 217A (III), (1948).

Wevy Efticha Sary dkk. *Hukum Perlindungan Perempuan Dan Anak*. Pertana. Padang: CV. Gita Lentera, 2023.

Wibowo, D. "Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga Menurut Hak Asasi Manusia Selama Proses Penyidikan." *Jurnal USM Law Review* 4, no. 2 (2021): 818–21. https://doi.org/10.26623/julr.v4i2.4187.

YS Alcika, M Fadhil and M Marluwi. "Kebijakan Hukum Pidana Penghapusan Kekerasan Dalam Rumah Tangga Perspektif Maqashid Syariah." *SANGAJI: Jurnal Pemikiran Syariah Dan Hukum* 7, no. 2 (2023): 22–25. https://doi.org/10.52266/sangaji.v7i2.1756.