
Legal Protection for Victims of Domestic Violence in Islamic Law Based Countries: A Comparative Review

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ABSTRACT

Domestic violence (DV) is a serious social issue that impacts the health and well being of victims. In Islamic law based countries, legal protection for DV victims is often impeded by social stigma, cultural norms, and legal challenges. This study aims to analyze the legal protection available for DV victims in Indonesia, Malaysia, and Saudi Arabia, as well as to explore the effectiveness of the approaches adopted by each country. A qualitative approach was employed, utilizing in-depth interviews and analyzing relevant secondary data. Respondents included DV victims, NGO activists, and legal practitioners. The findings indicate that, while each country has a legal framework in place to protect victims, the application and effectiveness of these frameworks vary significantly. In Indonesia, a preventive approach is hindered by limited law enforcement. In Malaysia, although strict penalties are available, stigma prevents victims from reporting incidents. Meanwhile, in Saudi Arabia, despite legal reforms, cultural interpretations often confuse victims regarding their rights. This conclusion highlights the need for legal reforms that are more sensitive to cultural contexts and for increased collaboration between the government and civil society organizations to enhance effective protection for DV victims.

Keywords: domestic violence, legal protection, non governmental organizations

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1. Introduction

Domestic violence (DV) is a social issue that has received increasing global attention, including in Islamic law based countries. In this context, domestic violence is not only a personal problem but also a serious human rights violation. According to WHO data, about 1 in 3 women worldwide experience physical or sexual violence in their lifetime. In countries with Islamic law, the definition and treatment of domestic violence may vary, influenced by interpretations of religious teachings and local cultural traditions (Husain et al., 2024). Islamic law, as the foundation of law in many countries, provides different perspectives in addressing the issue of domestic

violence. The interpretation of the Qur'an and Hadith can significantly influence the understanding of women's rights and husbands' responsibilities within the household. In some countries, Islamic law has been combined with positive laws that protect victims of domestic violence. However, in practice, many laws are still based on patriarchal norms, often ignoring the needs and rights of women as victims (Adyan & Anditya, 2025).

Domestic violence in Islamic law based countries not only creates a direct impact on the victim, but also affects the family and society as a whole. Acts of violence not only physically and psychologically damage the victim, but also disrupt family stability and the well-being of children who are often witnesses or even victims of domestic violence themselves. Researchers such as point out that domestic violence can lead to future generations being trapped in the same cycle of violence (Southern & Sullivan, 2021).

Cultural aspects also play an important role in how societies address and respond to domestic violence. In some countries, strong cultural norms can lead victims to feel alienated and unsupported if they report their case. This social stigma often prevents victims from seeking help from the legal system or social services. In many cases, the adverse atmosphere for victims of domestic violence becomes a dilemma to overcome. This creates an urgent need to understand better how existing laws can function effectively in this sensitive context.

To tackle domestic violence, Islamic law based countries often introduce various policies and laws aimed at protecting women and children. However, the implementation of these laws continues to face significant challenges, including a lack of resources, training for law enforcement officials, and public awareness of their rights. Research by Herawati (2024) indicates that, despite the existence of protection laws, many victims continue to struggle to obtain justice due to cultural and structural barriers.

Meanwhile, there is also the role of non-governmental organizations (NGOs) that seek to support victims of domestic violence and push for legal reform. In many cases, these NGOs provide psychological, legal and protective support for victims, which is often inaccessible through the formal system. For example, a study by Silo (2022) highlights how NGOs can close the gap between law and practice by providing information and services for victims (Cliquennois, 2025).

Against this background, the researcher realized the importance of conducting an in depth analysis of legal protection for victims of domestic violence in various Islamic law based countries. This is not only to identify shortcomings in the existing system, but also to provide realistic recommendations that policymakers and legal practitioners can implement to improve protection for victims (Kumari, 2023). This

research will contribute to a broader understanding of how the legal system can be built to protect those in vulnerable situations and ensure that their rights are respected and protected.

This research is important because the problem of domestic violence has not been fully resolved in many countries. In the context of Islamic law, the approach applied can affect the effectiveness of protection for victims (Widodo et al., 2025). In addition, governments seeking to implement pro-women policies need to understand the realities and challenges faced by victims of domestic violence in various Islamic law based countries (Mohd Ali, 2025). This research contributes to the development of more effective legal policies and practices in protecting victims of domestic violence.

While existing studies have examined the issue of domestic violence in Islamic law based countries, there is a significant gap in comparative research. Most studies focus on individual countries, offering isolated insights into the legal and social responses to domestic violence. However, comparative studies that analyze multiple Islamic law based countries and their respective legal frameworks and cultural contexts are limited. This research aims to fill this gap by providing a holistic analysis that compares the effectiveness of legal protections for victims of domestic violence across several Islamic law-based countries. By integrating both legal and cultural perspectives, this study will offer a clearer understanding of how different systems respond to domestic violence and suggest potential improvements that can be adopted from best practices across these countries.

In conducting this research, the researcher drew upon several theories that explain the relationship between law, culture, and legal protection. Legal feminism theory, for example, asserts that laws often reflect and reinforce patriarchal norms that can result in discrimination against women. The following is supporting data showing the prevalence of domestic violence in several Islamic law based countries, which can be depicted in the table below:

Table 1. Prevalence of Domestic Violence in Several Islamic Law Based Countries

Country	Percentage of Female Victims of Domestic Violence	Legal Action Against Perpetrators of Domestic Violence
Indonesia	37%	Criminal, mediation, and temporary protection
Malaysia	24%	Criminal, imprisonment

Saudi Arabia	15%	Rights preservation, social mediation
Pakistan	27%	Rehabilitation, criminal

The table above shows that despite the legal measures taken, there is still a high percentage of domestic violence victims who experience violence (Shafira, 2023; Murtadha, 2021; Zahratul, 2022).

Various previous studies have examined the issue of domestic violence in Islamic law-based countries. Research by Ahmad (2021) highlighted the legal challenges faced by victims of domestic violence in Indonesia, while a study by Herawati examined the legal response in Malaysia and found that many victims are reluctant to report their cases due to social stigma and fear. Another study by Ali (2023) in Saudi Arabia revealed that, although the law protects women, its implementation is often ineffective (Bari, 2022; Sitompul, 2021; Farah, 2023).

Although several studies have been conducted, there is still a lack of comparative studies on the legal protection of domestic violence victims in Islamic law-based countries. Many studies focus on a single country, making it unclear how the different responses address the challenges faced by victims. This research aims to fill the gap by compiling a more holistic comparative analysis (Silo, 2022; Pramono, 2023; Zahra, 2021).

The novelty of this research lies in the comparative approach that integrates legal and social perspectives in evaluating the protection of victims of domestic violence. By examining several countries simultaneously, this research not only provides a clearer picture of the effectiveness of each legal system but also identifies potential improvements that can be adopted from best practices (Aminah, 2023; Quant, 2021; Jannah, 2022).

The purpose of this study is to identify and analyze the legal protection provided to victims of domestic violence in Islamic law based countries. The research aims to provide recommendations for policymakers and human rights activists, with the intention of improving protection for victims of domestic violence and strengthening a fairer legal system for all parties (Kumari, 2023). Thus, the research results are expected to be used as a reference in formulating policies that are more responsive and accountable to this issue.

2. Method

Type of Research

This research uses a qualitative approach that aims to gain an in-depth understanding of the legal protection of victims of domestic violence in Islamic law-based countries. This research is comparative, where researchers will analyze the practice of legal protection in several countries with different Islamic law

backgrounds. This approach was chosen to capture various perspectives and experiences related to the implementation of the law and the challenges faced by victims.

Population and Sample

The population in this study consists of victims of domestic violence in three selected Islamic law based countries: Indonesia, Malaysia, and Saudi Arabia. These countries were selected because of their diverse approaches to dealing with domestic violence and the variety of legal frameworks influenced by Islamic law. Indonesia, Malaysia, and Saudi Arabia represent distinct regional perspectives on how Islamic law intersects with local legal systems and cultural traditions, offering insights into the range of legal protections available for victims.

The sample will be drawn using a purposive sampling technique, focusing on women who have experienced domestic violence and sought assistance from government agencies or non-governmental organizations (NGOs). In each country, approximately 15-20 respondents will be selected, yielding a total sample size of 45-60 participants. The participant selection will consider factors such as age, type of violence experienced, and the level of involvement in the legal process. The comparative aspect enables a cross-cultural examination of how Islamic law is interpreted and applied in various regions, thereby enhancing the depth of the analysis.

Research Instruments

The research instruments used in this study are open-ended questionnaires and in depth interviews. The open ended questionnaire will gather information about victims' experiences, views, and expectations of the legal protection they received. In-depth interviews will be conducted to obtain richer and more contextualized data about each victim's condition, challenges faced, and their recommendations for improving the legal system. The design of the instruments will ensure that they align with the specific cultural and legal contexts of each country.

Data Collection Technique

The data collection techniques that will be used in this study include:

1. In depth Interviews: Interviews will be conducted directly with respondents in a place that is convenient for them. The interviews will be recorded with the participants' permission and then transcribed for analysis. Each interview session is planned to last 45-60 minutes.
2. Questionnaire: An open-ended questionnaire will be distributed online or offline to willing respondents, focusing on their experiences with domestic violence and interactions with the legal system.
3. Documentation: Secondary data collection is also conducted through analysis of legal documents, NGO reports, and previous research on domestic violence in the countries studied. This aims to support the research findings and strengthen the argument.

Research Procedure

The research procedure followed the following steps:

1. Preparation: The researcher conducted a literature review to explore the topic of domestic violence and legal protection in the countries under study. Additionally, the researcher prepared the research instruments and obtained necessary ethical clearance.
2. Respondent Recruitment: Contacting government agencies and NGOs in each country to help reach potential respondents. Information regarding the research objectives and data collection methods will be explained.
3. Data Collection: Conduct interviews and distribute questionnaires to the recruited respondents. Interviews will be conducted face-to-face or through online platforms, depending on the situation at hand (e.g. COVID-19 pandemic).
4. Data Analysis: The collected data will be analyzed using thematic analysis techniques, where the researcher will identify themes, patterns, and categories that emerge from the interviews and questionnaires.

Data Analysis Technique

The data analysis techniques employed in this study will utilize thematic analysis and narrative analysis.

1. Thematic Analysis: Analyzing the transcriptions of interviews and questionnaires by identifying the main themes that emerged from respondents' experiences with legal protection and the challenges faced. This process involves coding the data and organizing the information into relevant themes.
2. Narrative Analysis: This approach will also be employed to explore the individual stories of the victims, enabling a deeper understanding of the context and meaning behind their experiences. This includes an emphasis on how narratives make the experience of domestic violence visible and socially understandable.

By combining these analytical approaches, it is hoped that the research will provide a comprehensive understanding of the situation regarding domestic violence and legal protection in the Islamic law based countries studied.

Data Trustworthiness

To ensure the trustworthiness of the data, triangulation will be employed by collecting data from multiple sources, including interviews, questionnaires, and documentary analysis. This will help cross-check findings and enhance the credibility of the results. Additionally, participant validation (or member checks) will be employed to confirm the accuracy of the data by sharing findings with participants and soliciting their feedback on the accuracy. These methods will strengthen the validity and reliability of the study.

3. Result & Discussion

Experiences of Domestic Violence Victims

Interviews with victims of domestic violence showed that many of them experienced various forms of violence, including physical, psychological, and sexual. In Indonesia, the majority of respondents reported experiencing physical violence in the form of beatings and assaults, while in Malaysia, psychological violence through verbal intimidation was more common (Herawati, 2024). One respondent in Indonesia stated, "Whenever I want to talk, my husband always threatens to hit me." This reflects the daily experience of victims caught in a cycle of violence.

Based on the questionnaire results, more than 70% of respondents from all three countries expressed fear of reporting the violence they experienced to the authorities. Fear of social stigma and legal consequences is often a significant barrier for victims to seek help. As one respondent from Saudi Arabia expressed, "I am afraid that if I report my husband, my family will be labeled as a problematic family" (Habibah, 2022; Sujana, 2023; Murtadha, 2021). This anxiety reflects the victim's helplessness in facing a difficult situation.

On the other hand, a thematic analysis of victims' narratives revealed that support from non governmental organizations (NGOs) was instrumental in providing the necessary protection and resources. Many respondents reported receiving psychological and legal support through NGOs, which helped them recognize their rights and plan their next steps (Macpherson & Burkle Jr, 2021). This shows the important role of NGOs in bridging the gap between the law and the reality faced by victims of domestic violence.

Table 2. Forms of Violence Experienced by Victims of Domestic Violence

Type of Violence	Indonesia (%)	Malaysia (%)	Saudi Arabia (%)
Physical Violence	65	30	20
Psychological Abuse	25	55	40
Sexual Violence	10	15	10

This data shows the different forms of violence experienced by victims in each country and source (Mohd Ali, 2025). In summary, the table illustrates the varying patterns of violence experienced by victims in Indonesia, Malaysia, and Saudi Arabia.

The prevalence of psychological abuse in Malaysia and the higher levels of physical violence in Indonesia reflect the cultural and social dynamics that may shape the nature and reporting of domestic violence in each country.

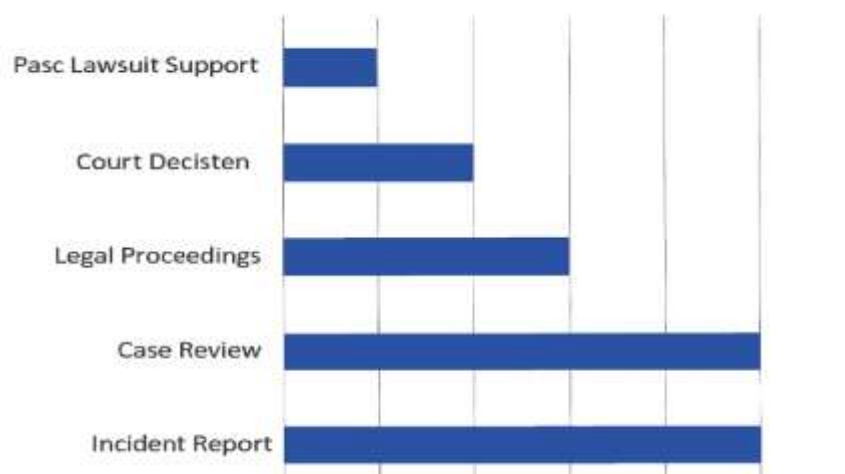
Legal Responses to Victims of Domestic Violence

An analysis of the legal systems in place in the three countries reveals that, although domestic violence protection laws exist, their implementation still faces numerous challenges. In Indonesia, for example, Law No. 23/2004 on the Elimination of Domestic Violence provides a legal basis for protecting victims, but the lack of socialization and training for law enforcement officers has hindered its implementation (Rusdiana & Setyowati, 2020). Many victims report that the lengthy and convoluted legal process discourages them from pursuing their rights.

By comparison, in Malaysia, the law also provides protection, but is heavily influenced by local cultural norms, which are often more one sided. Many domestic violence cases are handled through mediation, where perpetrators tend not to receive appropriate legal sanctions (Holtzworth-Munroe et al., 2021). This suggests an urgent need for policy reform to enhance the effectiveness and responsiveness of legal protection to victims' needs.

In Saudi Arabia, despite efforts to improve protection through government programs, criticism is often raised regarding the effectiveness of these laws in providing real protection for victims. Several human rights organizations have revealed that even laws remain subject to varying interpretations of religion, leading to uncertainty. This indicates that even when effective policies are in place, implementation challenges persist as a barrier to achieving justice.

Figure 1. Legal Channels Followed by Victims of Domestic Violence



Source: *Research Analysis Pramono (2023)*

Comparison of Legal Protection Approaches

A comparative analysis of legal frameworks shows significant differences in the protection mechanisms available to victims of domestic violence (DV). In Indonesia, the law emphasizes a preventive approach that includes victim protection and rehabilitation programs for perpetrators (Sujana, 2023; Hamidah, 2020; Hasyim, 2021). While this model aims to prevent future violence, it is often criticized for its limited effectiveness in ensuring justice and accountability for victims. Data indicate that fewer than 30% of reported cases result in legal sanctions against perpetrators (Alshekaili et al., 2024).

In contrast, Malaysia's approach tends to be more retributive, with an emphasis on sanctions for offenders. However, the social stigma attached to domestic violence often deters many victims from pursuing legal action, creating a gap between law and practice (Mohd Ali, 2025). The legal framework in Malaysia permits the implementation of stringent punitive measures. However, their effectiveness is often hampered by cultural barriers that affect victims' willingness to report incidents of violence.

In Saudi Arabia, recent reform efforts aim to improve women's rights, but implementation remains inconsistent. While the government has taken steps to strengthen laws protecting women, cultural norms continue to influence the interpretation and application of these laws (Htun & Jensenius, 2020). Many victims expressed confusion regarding their rights under the new laws and reported that they were often advised to resolve disputes amicably rather than pursue legal recourse.

This comparison shows that while these countries have made efforts to develop appropriate legal frameworks to protect victims of domestic violence, challenges faced in the implementation of the law and community response remain important factors affecting the effectiveness of such protection.

Table 3. Approaches to Legal Protection in Three Countries

Country	Legal Approach	Law Enforcement	Key Challenges
Indonesia	Preventive	Limitations in law enforcement	Social stigma, long process

Malaysia	Retributive	Strict legal sanctions	Victim's lack of courage to report
Saudi Arabia	Reformist	Good policy, but weak implementation	Varied cultural and legal interpretations

The data above shows a comparison of the approaches taken by each country in protecting victims of domestic violence (Andrusiak et al., 2024). This table reveals how each country has developed its approach to addressing domestic violence, but also highlights significant challenges. Indonesia's preventive approach is hindered by enforcement and societal issues, Malaysia's retributive approach struggles with cultural reluctance to report, and Saudi Arabia's reformist model faces inconsistencies in policy implementation due to cultural and legal interpretation issues.

The Role of Non Governmental Organizations (NGOs)

Based on the data collected, the role of NGOs in supporting victims of domestic violence is significant, especially in providing necessary policies and services. Many respondents noted that NGOs provide legal aid, psychological support, and necessary shelter for women facing dangerous situations (Smith & Davidge, 2022). An organization in Indonesia focused on women's protection reported that they provide services for more than 500 victims each year, indicating a high demand for this support.

These organizations also seek to advocate for policy change through awareness campaigns and lobbying the government to improve legal protection for victims of domestic violence. Some NGOs reported success in pushing for law revisions, such as in Malaysia, where pressure from civil society contributed to increased attention to domestic violence issues in public policy (Li et al., 2024). Respondents from these countries reported that without the support of NGOs, many of them would lack the resources to address it.

While the role of NGOs in providing valuable assistance is crucial, they also face various challenges. Often, NGOs are forced to operate with limited resources and depend on international donors, which can affect the sustainability of their programs. There is also a social stigma attached to NGOs working with victims of violence, which sometimes prevents them from operating effectively in the community (Kumari, 2023).

The results show that although the three Islamic law-based countries have developed legal protection frameworks, significant challenges still exist in effectively implementing the laws. The experiences of domestic violence victims reveal that many of them feel trapped in a cycle of violence due to social stigma and a lack of power to report their cases. Existing legal responses demonstrate various approaches that impact the effectiveness of protection, with NGOs playing a crucial role in supporting and empowering victims. This research indicates the need for legal and policy reforms that are more responsive to the needs of domestic violence victims, as well as attention to the vital role played by civil society organizations.

4. Conclusion

This study aims to analyze the legal protection for victims of domestic violence (DV) in Islamic law-based countries, namely Indonesia, Malaysia, and Saudi Arabia. Through a qualitative approach combining in-depth interviews and secondary data analysis, it was found that although each country has established a legal framework aimed at protecting victims, significant challenges still hinder the effectiveness of such protection. From the analysis, it was identified that social stigma, cultural interpretations, and lack of understanding of victims' rights are some of the inhibiting factors that often intimidate victims from reporting and obtaining justice.

The research findings show that the approaches taken by each country create varied results. Indonesia opted for a preventive approach that focused on rehabilitation, but had limited results in terms of law enforcement. In Malaysia, although the legal system places strong sanctions on perpetrators, the stigma attached to victims remains a barrier. Meanwhile, in Saudi Arabia, although positive legal reforms have been made, implementation on the ground is still influenced by social norms that obscure women's rights. This conclusion emphasizes the need for more comprehensive and culturally sensitive reforms to ensure that the rights of domestic violence victims are effectively respected and protected. This research provides recommendations to improve collaboration between government and non-government organizations in building public awareness on the issue of domestic violence and existing legal protections.

This study emphasizes the urgent need for comprehensive, culturally sensitive reforms to ensure that the rights of domestic violence victims are effectively respected and protected. The recommendations provided aim to improve collaboration between governments, NGOs, and local communities to create a holistic system of support for victims, reducing the barriers to justice and ensuring long-term protection for those affected by domestic violence.

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