

Criminology Study of Crime Causes of Crime Study of Domestic Violence (Kdrt)

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ABSTRACT

Domestic violence (KDRT) is a form of criminal act that still often occurs in society and causes physical, psychological, social, and economic impacts on victims. In some cases, wives who commit criminal acts against their husbands have previously been victims of physical, psychological, neglect, and emotional violence that lasts continuously. This phenomenon shows the concept of "crime that causes crime", which is a criminal act that arises as a result of violence or ill-treatment experienced previously. This study aims to analyze the factors that cause wives to commit domestic violence, the concept of crime that causes crime from a criminological perspective, criminal liability for the wife of domestic violence perpetrators according to positive law, and a review of Islamic criminal law on these acts. The research methods used are normative legal research with a normative juridical approach, a conceptual approach, and an Islamic criminal law approach. Data sources are obtained through literature studies consisting of primary, secondary, and tertiary legal materials. The data was analyzed qualitatively using an analytical descriptive method to describe problems based on laws and regulations, criminological theory, and Islamic criminal law. The results of the study showed that domestic violence committed by wives was influenced by various factors, such as economic factors, psychological pressure, family environment, jealousy, infidelity, and patriarchal culture in the household. From a criminological perspective, the act is related to the concept of crime that causes the crime because it appears as a reaction to the violence experienced before. Positive law in Indonesia still views acts of violence as a criminal act, but psychological factors and the condition of the perpetrator can be considered by judges in mitigating the sentence. Meanwhile, Islamic criminal law views that criminal liability is not only based on outward acts, but also considers motives, psychological conditions, self-defense, and forced circumstances experienced by the perpetrator. Therefore, law enforcement against the wives of domestic violence perpetrators needs to be carried out fairly, humanely, and considering the factors that cause the crime to occur.

Keywords: Criminology, Domestic Violence, Crime Causing Crime, Criminal Liability, Islamic Criminal Law.

A. Introduction

Domestic violence (KDRT) is a form of criminal act that still often occurs in the lives of Indonesian people and has a wide impact, both physically, psychologically, socially, and economically on victims. Juridically, domestic violence is regulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence which states that domestic violence can be in the form of physical violence, psychological violence, sexual violence, and domestic neglect.¹ In practice, domestic violence does not only occur because of momentary emotional impulses, but is often influenced by ongoing domestic conflicts such as repeated physical violence, psychological pressure, unhealthy domestic relationships, economic conflicts, infidelity, neglect of livelihood, to the attitude of the spouse that causes heartache and inner suffering. This condition shows that in some cases, acts of violence committed by a wife against her husband do not always appear as an act of standing alone, but are triggered by the bad treatment previously received by the perpetrator. This phenomenon is interesting to study from a criminological perspective because it shows the relationship between the victim and the perpetrator in a circle of violence, where a person who was originally a victim can turn into a perpetrator due to the pressure and suffering he or she experiences continuously.²

Based on data from Komnas Perempuan and the Ministry of Women's Empowerment and Child Protection (KemenPPPA), domestic violence cases in Indonesia still show high numbers every year. Although the majority of victims were women, in some cases it was also found that husbands were victims of violence by wives. This reality can be seen from various cases that occurred in Indonesia. Several cases that occurred in Indonesia show that there are acts of violence committed by wives against their husbands. Several cases of domestic violence (KDRT) in the city of Medan show that domestic crimes do not always appear spontaneously, but are often triggered by other acts of violence that have occurred previously in family relationships. This condition can be seen from various cases of domestic violence involving wives as perpetrators of violence against their husbands, but in reality these actions are suspected to have started from physical violence that is carried out repeatedly, psychological pressure, economic conflicts, infidelity, domestic neglect, to unhealthy and long-lasting domestic relationships. In some cases, husbands are suspected of often physically abusing their wives and creating domestic relationships full of quarrels and emotional distress, causing prolonged psychological suffering for the perpetrators. In addition, there is also a case of a wife who killed her husband because she was allegedly no longer able to withstand the physical violence that she constantly received, often received beatings, experienced inner pressure, and lived in a toxic domestic relationship even though she had previously tried to maintain the household. Another case shows a wife committing

¹ Law Number 23 of 2004 concerning the Elimination of Domestic Violence Article 1 paragraph (1) and Article 5

² Nur Chasanah Maria Febriana, Adwi Mulyana Hadi, Aria Roby Putra, Febrina Annisa, Kartika Youri Widodo, Galieh Damayanti, Zulfiqar Bhisma Putra Rozi, Hendri Yuliwarso, Afrizal Mukti Wibowo, Khofidhotur Rovida, Dony Setiawan Putra, Lucky Elza Aditya, Dian Rosita, Maria, "Introduction to Criminology", n.d.

acts of severe violence against her husband triggered by infidelity, humiliation, domestic neglect, and psychological suffering due to the victim's attitude which is considered to degrade the dignity of the perpetrator. Infidelity is not directly a form of domestic violence, but its impact can cause psychological violence, neglect, and prolonged domestic conflicts. Furthermore, there are also cases of wives who lost their husband's life because they felt often hurt, experienced constant domestic conflicts, felt jealous, and were no longer able to withstand pressure due to the victim's attitude. Not only that, the case of a policewoman who burned her husband because his husband allegedly spent his salary and spending money to play online gambling also shows how economic conflicts and neglect of livelihood can trigger acts of domestic violence. These various cases show the existence of the same pattern, namely criminal acts committed by female perpetrators preceded by experiences of being victims of physical violence, psychological violence, domestic neglect, and social and economic pressure in the family as stipulated in Article 5, Article 44, Article 45, and Article 49 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.³

In positive law in Indonesia, the regulation regarding domestic violence is regulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence. The law emphasizes that any form of domestic violence is a criminal act that can be subject to legal sanctions. Positive law provides protection for victims of domestic violence regardless of gender, so that both husband and wife who are victims continue to receive legal protection. However, in practice, there are still various cases that show that the handling of wives as domestic violence perpetrators often raises debate, especially when the action is carried out as a form of reaction to the violence or pressure previously received from the husband. On the other hand, Islamic criminal law views that every criminal act is basically prohibited because it is contrary to the principles of justice, benefit, and protection of the human soul.⁴

Islam teaches domestic relationships based on love, mutual respect, and abstinence from acts of violence. However, in the study of Islamic criminal law, it is also known that there is consideration of the causes behind a criminal act, including forced circumstances and self-defense that can affect a person's accountability.

From an Islamic perspective, law enforcement must be carried out based on the principle of justice and should not be influenced by the position or status of the parties. Allah SWT said: *"O you who believe! Be the enforcers of justice, be witnesses for Allah, whether it be against yourselves or against your parents and relatives. If he is rich or poor, then Allah knows better about his benefits. So do not follow your passions because you want to deviate from the truth. And if you twist words or refuse to bear witness, then verily Allah is Aware of all that you do."* (QS. An-Nisa' [4]: 135).

³ Law Number 23 of 2004 concerning the Elimination of Domestic Violence Article 44, Article 45, and Article 49.

⁴ Abdul Qadir Audah, *At-Tasyri' Al-Jina'i Al-Islami*, translated by Pustaka Azzam Team, (Jakarta: Pustaka Azzam, 2018), p. 112.

The verse emphasizes that every legal event must be assessed objectively and comprehensively by taking into account the facts and the factors behind it. In the context of domestic violence, the principle of justice is important because in some cases a person who was originally a victim can turn into a perpetrator due to the violence he experiences continuously. Therefore, the analysis of the concept of crime that causes crime in domestic violence cases needs to be carried out not only from the normative aspect of law, but also from the perspective of criminology and Islamic criminal law. The phenomenon of "crime triggered by crime" in domestic violence cases is an interesting issue to analyze because it shows a causal relationship between the behavior of the victim and the perpetrator. This condition raises questions about how the law views these actions and how criminal liability is applied to perpetrators who are in certain situations. Based on previous research, studies on domestic violence have so far placed women or wives as victims of violence. Previous research generally discussed legal protection for victims of domestic violence, factors that cause violence, and the application of criminal sanctions against perpetrators from the perspective of positive law and Islamic criminal law. Meanwhile, research that specifically examines wives as perpetrators of domestic violence using the principle approach of "crime causes crime" is still very limited. In addition, there has not been much research linking trauma, psychological distress, previous violence, and self-defense factors with criminal liability of perpetrators from the perspective of positive law and Islamic criminal law at the same time. Therefore, this research is here to fill the void of the study. This article aims to first study the factors that cause a wife to commit a crime of domestic violence. Second, this article also discusses the concept of crime that causes crime in the case of the wife of a domestic violence perpetrator. Third, this article wants to examine criminal liability for the wives of domestic violence perpetrators according to positive law and fourth, analyze the review of Islamic criminal law against the wives of domestic violence perpetrators who committed criminal acts due to previous violence.

From the above background, the author is interested in elaborating it in the topic of the article entitled "Criminological Studies: Violence Causes Violence Case Study of Domestic Violence" This research is important to study because it discusses the phenomenon of domestic violence from a different perspective, namely the wife as a perpetrator of domestic crimes influenced by previous violence or pressure. This study not only highlights the normative aspects of the law, but also links criminological and psychological factors with the criminal liability of the perpetrator. Meanwhile, research on wives as perpetrators who commit criminal acts due to violence, psychological pressure, or bad treatment that they have previously received is still relatively little discussed. This is interesting because it shows the causal relationship between the victim and the perpetrator in the crime of domestic violence and raises a debate about the criminal responsibility of the perpetrator under certain conditions.

The importance of studying this topic lies in the need to understand more deeply how positive law and Islamic criminal law view the actions of the wife as a domestic violence perpetrator who commits violence due to pressure, trauma, self-defense, or

violence that she has experienced before. In law enforcement practice, not all cases of domestic violence can be viewed simply as a relationship between the perpetrator and the victim, because in some cases the victim actually turns into a perpetrator due to certain conditions. Therefore, this research is important to examine criminologically how one crime becomes another crime in the case of domestic violence. In addition, this study is also important to see whether positive law and Islamic criminal law provide room for consideration of the factors behind the occurrence of these criminal acts.

The contribution of this study is expected to contribute to the development of legal science, especially criminal law, criminology, and Islamic criminal law regarding "crimes that cause crimes" in domestic violence cases. This research can also be considered for law enforcement officials in understanding the psychological condition and background of the perpetrator before determining criminal responsibility. In addition, this research can provide an understanding to the public that domestic violence cases cannot always be seen in black and white between the perpetrator and the victim, but need to be analyzed based on the causative factors, psychological conditions, and background situations so that more fair, humane, and oriented to the value of justice and benefit can be created. The novelty of this research lies in the analysis of the wife as a perpetrator of domestic violence which is reviewed through the principle of "crime that causes crime" from the perspective of positive law and Islamic criminal law. This study not only discusses the prohibition of domestic violence or protection for victims, but also examines the causal relationship between previous experiences of violence and criminal responsibility of the perpetrator.

B. Research Methods

The research method used in this study is normative legal research with a normative juridical approach and an Islamic criminal law approach. This research is descriptive and analytical, namely describing and analyzing how the review of positive law and Islamic criminal law on the principle of crime causes crime in the case of the wife of a perpetrator of domestic violence (KDRT). The approaches used include the statute approach, the conceptual approach, and the comparative approach. The legislative approach is carried out by examining Law Number 23 of 2004 concerning the Elimination of Domestic Violence, the Criminal Code (KUHP), and other legal rules related to domestic violence. The conceptual approach is used to examine the concepts of crime, criminal responsibility, self-defense, and criminological theories regarding crimes triggered by crime, while the comparative approach is carried out by comparing positive legal views and Islamic criminal law on the actions of wives as perpetrators of domestic violence. The data sources in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations, the Qur'an, Hadith, and other sources of Islamic law, while secondary legal materials are books, journals, scientific articles, and research results related to domestic violence and Islamic criminal law. The tertiary legal materials are in the form of legal dictionaries, encyclopedias, and other supporting materials. The data collection technique is carried

out through library research by collecting various literature and documents relevant to the research object. The data obtained was then analyzed qualitatively by systematically describing the data and drawing deductive conclusions, namely from general provisions to specific conclusions regarding the accountability of the wife of domestic violence perpetrators in the perspective of positive law and Islamic criminal law.

C. Results and Discussion

1. A Review of Islamic Criminal Law Against the Wife of a Domestic Violence Perpetrator Who Committed A Crime Due to Previous Violence

In Islamic criminal law, criminal acts committed by wives against their husbands in cases of domestic violence (KDRT) cannot be separated from the causative factors behind the act. Islam places the family as an institution built on the basis of compassion, protection, and justice. Therefore, all forms of domestic violence are acts that are contrary to the purpose of the sharia (*maqashid al-shari'ah*), especially in protecting the soul (*hifz al-nafs*) and maintaining human honor. In some cases, criminal acts committed by wives appear as a reaction to physical, psychological, and prolonged pressure previously committed by the husband. Such conditions show that the crime was not solely born from malicious intent, but was influenced by the distressed state and suffering experienced by the previous victim.⁵

In Islamic criminal law, the assessment of a criminal act is not only based on the consequences of the act alone, but also pays attention to the motive, condition of the perpetrator, and the circumstances behind the occurrence of the criminal act. A wife who experiences persistent violence in the household can experience mental distress, psychological trauma, fear, and even loss of emotional control due to her husband's treatment. This condition in the study of Islamic criminal law can be a factor that affects a person's criminal liability. Therefore, when a wife commits violence against her husband as a form of reaction to the suffering she has experienced, the act needs to be analyzed in depth and cannot be equated with ordinary criminal acts committed consciously and plannedly.⁶

Islam strictly prohibits acts of violence and tyranny in the household. The relationship between husband and wife in Islam is built on mutual respect and protection. This is as explained in the Qur'an that husband and wife must get along well with each other (*mu'asyarah bil ma'ruf*). Thus, the actions of the husband who commit violence against his wife are a form of violation of the principles of Islamic law. Under certain conditions, repeated violence can give rise to retaliatory actions from the victim as a form of venting fear, hurt, or trying to defend themselves from ongoing threats. Therefore, Islamic criminal law views that the causative factor before the occurrence of

⁵ muhammad Abdul Basit, Deden Satiawan, Abdul Hayyi Nukman, Sahman. "Review of the Application of Islamic Criminal Law in Domestic Violence Management," *Squirrelly* Vol. 1, no. 1 (2021): 89–102.

⁶ Nahdia Nazmi, "Wife as a Perpetrator of Domestic Violence (Domestic Violence) Reviewed from a Criminal Law Perspective," *Badamai Law Journal* 8, no. 2 (2023): 366–75.

a criminal act must be an important consideration in determining the criminal liability of the perpetrator.⁷

Islamic criminal law also recognizes the concept of *emergency* and *daf'u al-shail* (self-defense), which is an action taken by a person to protect himself from threats or attacks that endanger his life and safety. If a wife commits violence against her husband because she defends herself from constant persecution, then the element of criminal liability can be considered in particular. In jinyayah fiqh, if a person commits an act out of force or to avoid danger, the action can reduce or even eliminate the punishment imposed. The rules of fiqh also affirm that "danger must be eliminated" (*al-dhararu yuzal*), so that the protection of victims of violence is part of the purpose of Islamic law.⁸

In addition to the concept of self-defense, Islamic criminal law also recognizes the element of *udzur* or excuses for forgiveness that can lighten a person's sentence. This element arises when the perpetrator commits a criminal act in a state of distress, fear, or is under the influence of severe threats. In the case of the wife of the perpetrator of domestic violence due to previous violence, the psychological pressure experienced by the victim can be one of the factors considered by the judge. This shows that Islamic criminal law is not only oriented towards punishment, but also considers the values of humanity, justice, and protection of victims. This approach reflects that the purpose of Islamic law is not only to provide sanctions, but also to create benefits and prevent tyranny in the life of the community.⁹

In addition, the Islamic criminal law approach to the case of the wife of the perpetrator of domestic violence due to previous violence is also related to the purpose of criminalization in Islam, which is to maintain a balance between the rights of the victim, the rights of the perpetrator, and public order. In this context, the judge not only considers the actions taken by the wife as the perpetrator, but also looks at whether she was previously a victim of repeated violence. With these considerations, the application of punishment can be carried out proportionately and fairly. If it is proven that the criminal act was triggered by violence committed by the previous husband, then the punishment can be reduced because there is a causal relationship between the victim's suffering and the crime that occurred.

2. Factors that cause wives to commit domestic violence crimes

From a criminological perspective, the crime of Domestic Violence (KDRT) committed by the wife against the husband does not occur alone, but is influenced by various interrelated factors. Crime is seen as the result of interaction between

⁷ "Your Excellency, Your Excellency, Your Excellency, *Juridical Review of Legal Protection for Wives as Victims of Domestic Violence Carried Out by Husbands (Study of Court Decision Number: 102/Pid.Sus./2023/Pn.Dpk.)*," *Causa: Journal of Law and Citizenship* 16, no. 3 (2026): 1–11.

⁸ Zidan Al Fadlil Sukatma's son. "Analysis of Islamic Criminal Law on Law Enforcement of Domestic Violence Crimes at the Ciamis Police Station," *Al Jina'i Al-Islami* 2, no. 2 (2025): 70–81.

⁹ Harmuzan, Kemala Dewi Sembiring Brahmana, Joharsah. "Juridical review of the crime of domestic violence (Kdrt) committed by the husband against the wife," *Al-Zayn: Journal of Social Sciences & Law* Vol. 4, no. 2 (2026): 6062–6067.

individuals and their social environment. Therefore, to understand the occurrence of domestic violence, it is necessary to study the factors that encourage the emergence of domestic violence behavior;

a. Economic Factors

Economic problems are often a trigger for conflicts in the household. Difficulty meeting family needs, unemployment, and income instability can cause psychological distress that leads to quarrels and violent acts. In the *strain* theory put forward by Robert K. Merton, the pressure due to the inability to achieve life goals can drive a person to commit deviant actions. In the domestic context, this condition can trigger wives to commit violence against their husbands because they feel burdened by prolonged economic problems.¹⁰

b. Emotional and Psychological Factors

Emotional and psychological conditions have a great influence on a person's behavior. Stress, depression, trauma, pent-up anger, and mental distress due to domestic conflicts can lead to loss of self-control. The frustration-aggression theory explains that individuals who experience frustration tend to channel their emotions through aggressive actions. Therefore, persistent psychological pressure can be a driving factor for domestic violence.¹¹

c. Family Environment Factors

The family environment is one of the factors that shape a person's character and behavior. According to *social learning* theory, violent behavior can be learned through the process of observation and experience in the surrounding environment. A person who grew up in a family that often uses violence as a way to resolve conflict has the potential to repeat the same pattern in his or her home life. In addition, disharmonious family relationships and poor communication can also increase the risk of domestic violence.

d. Educational Factors

The level of education affects the mindset, the ability to control emotions, and how to resolve conflicts. Low education can lead to a lack of understanding of rights and obligations in the household and a lack of legal awareness. As a result, problem-solving is often done emotionally rather than through rational and constructive communication.¹²

e. Jealousy or Infidelity Factors

Jealousy and infidelity are factors that often cause serious conflicts in the household. Loss of trust, heartache, and deep disappointment can trigger aggressive actions towards your partner. In criminology studies, this factor is included in the emotional

¹⁰ Ramadan Siti hazar, "The prevention of domestic violence in the city of Medan is reviewed in Islamic criminal law," *Journal of Law* 8, no. 2 (2024): 480–494.

¹¹ Imroatus Sa'adah, "Domestic Violence in the Perspective of Hadith," *Journal of Hadith Studies* 1, no. 1 (2023): 105–121.

¹² Boying Hasibuan, "Protection of Victims of Domestic Violence in the Analysis of Islamic Criminal Law in the City of Medan," *Al-Qanun: Journal of Social Studies and Islamic Law* 2, no. 1 (2021): 47–62.

motives that can encourage a person to commit acts of violence when they are unable to control their emotions.¹³

f. Cultural Factors of Patriarchy or Domination in the Household

An imbalance in power relations in the household can also be a trigger for domestic violence. Excessive domination, unfair treatment, and restrictions on the couple's freedom can cause pressure and conflict. From a criminological perspective, the condition shows that acts of violence are not only influenced by individual factors, but also by social and cultural factors that develop in family life. Therefore, the prevention of domestic violence needs to be carried out through legal approaches, education, and strengthening healthy family relationships.¹⁴

The factors that cause the wife to commit domestic violence against her husband cannot be seen from one aspect only. Economic, psychological, family environment, education, jealousy, and power relations in the household interact with each other and can influence the emergence of violent behavior. By understanding these factors, efforts to prevent and handle domestic violence can be carried out more comprehensively.

3. Criminal liability for the wife of a domestic violence perpetrator according to positive law

Criminal liability for the wife of a perpetrator of domestic violence (KDRT) according to positive law in Indonesia is basically regulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law). In this provision, anyone who commits physical, psychological, sexual, or neglect violence within the scope of the household can be held criminally responsible regardless of the sex of the perpetrator. Thus, a wife who is proven to have committed an act of violence against her husband can still be convicted if she meets the elements of the criminal act as stipulated in the PKDRT Law. This shows that positive law in Indonesia is the principle of *equality before the law*, so that both husband and wife have the same position as subjects of the law.¹⁵

In positive criminal law, a person can be held criminally responsible if he meets the elements of a criminal act (*actus reus*) and a mistake (*mens rea*). These mistakes can be intentional or negligent that result in physical or psychological suffering to the victim. Therefore, when a wife commits violence against her husband, law enforcement officials will assess whether the action was done intentionally, there is a causal relationship with the consequences caused, and whether the perpetrator is able to account for his actions

¹³ Asman Asman, "Domestic Violence: A Perspective of National Law and Islamic Law," *Abdurrauf Law and Sharia* 1, no. 1 (2024): 14–39, <https://doi.org/10.70742/arlash.v1i1.15>.

¹⁴ Nurasiah. Bismar Siregar, Faisar Ananda, "Preventing Domestic Violence: Maqashid Sharia and Criminal Law," *Journal of Constitutional Law / Siyasah*, 2025, 72–81.

¹⁵ Ari Wahyudi, Nabilla Putri, Ika Yuliana Susilawati. "Criminal Responsibility for Domestic Violence Committed by Wife (Study of Decision No. 110/Pid.Sus/2021/Pn.Mtr)," *Unizar Law Journal* 2, no. 2 (2023).

legally. In practice, the judge also considers the evidence, the condition of the victim, witness statements, and the background of the crime before handing down the verdict.¹⁶

In addition to paying attention to the elements of criminal acts, positive law also considers the factors behind the occurrence of domestic violence. In some cases, the wife who was the perpetrator of violence before was a victim of physical and psychological violence committed by the husband continuously. This condition can affect the psychological state of the perpetrator so that the criminal act committed appears as a form of emotional vent, spontaneous reaction, or self-defense effort. Nevertheless, positive law still views violent acts as unlawful acts. However, the circumstances behind the criminal act can be used as a consideration that mitigates the sentence by the judge in the criminal justice process. The judge's consideration in imposing a criminal sentence on the wife of a domestic violence perpetrator is usually not only based on the juridical aspect, but also considers sociological and psychological aspects. The judge can assess whether the perpetrator committed the act due to mental distress, trauma from previous violence, or disharmonious domestic conditions. In some court decisions, judges give lighter sentences if it is proven that the perpetrator previously experienced abusive treatment or prolonged pressure from her husband. This shows that the application of criminal responsibility in domestic violence cases is not only aimed at providing punishment, but also pays attention to the sense of justice and the human condition that underlies the occurrence of criminal acts.¹⁷

In addition, Indonesia's positive law also places the protection of victims of domestic violence as an important part of law enforcement. The PKDRT Law not only regulates criminal sanctions for perpetrators, but also provides legal protection to victims through mentoring, health services, temporary protection, and rehabilitation. Therefore, in the case of the wife as a domestic violence perpetrator, law enforcement officials need to look thoroughly at whether the previous perpetrator was also a victim of domestic violence. Such an approach is needed so that the application of the law is not only repressive, but also able to create substantive justice and prevent the recurrence of domestic violence.

So, even though the wife commits violence as a result of previously received violence, positive law still considers her actions as a criminal act if they meet the criminal elements. If the wife persecutes her husband, she can be subject to Article 44 paragraph (1) of Law Number 23 of 2004 with a maximum penalty of imprisonment of 5 (five) years or a maximum fine of Rp15,000,000. If the violence results in serious injury or death, it can be subject to Article 44 paragraph (2) and paragraph (3) with a heavier criminal threat. In addition, if the act meets the elements of persecution or murder, the provisions

¹⁶ Adi Sujatno, Amelia Chaerannisa. "Legal Accountability for Perpetrators of Domestic Violence (Case Study of West Jakarta District Court Decision Number 420/Pid.Sus/2023/Pn.Jkt Brt)," *IBLAM LAW REVIEW* 4, no. 3 (2024): 316–325.

¹⁷ Rania Mauliza Cantika Siregar. "Accountability of Perpetrators of Physical Violence Committed by Husbands Against Their Wives (Study of Decision Number 549/Pid.Sus/2023/Pn Lubuk Pakam)," 2024.

in the Criminal Code can also be applied. However, the history of violence previously experienced by the perpetrator can be a mitigating reason in the judge's decision.

4. Crime Causes Crime in the Case of the Wife of a Perpetrator of Domestic Violence

In essence, crime is a behavior that is contrary to legal norms, social norms, and values that live in society. From a criminological perspective, crime is not only understood as an act that violates criminal law, but also as a social phenomenon born from various causative factors, both from the perpetrator and from the surrounding environment. According to Edwin H. Sutherland, criminology is the entire science related to crime as a social phenomenon that includes the process of forming laws, breaking laws, and people's reactions to the violation of the law. Therefore, a criminal act does not always occur due to malicious intent alone, but can be influenced by social pressure, economic conditions, life experiences, interpersonal conflicts, and various forms of violence experienced by a person. Thus, to understand a crime in its entirety, it is necessary to analyze the factors behind the occurrence of the act.

In the case of the wife of the perpetrator of domestic violence (KDRT), it describes a condition when the criminal act committed by the wife arises as a result of violence or ill-treatment that she previously experienced in the household. In criminology studies, a crime is not always born from a single evil intention, but can be influenced by environmental factors, psychological pressure, power relations, and previous experiences of violence experienced by the perpetrator. Therefore, in some cases of domestic violence, the wife who commits a criminal act against her husband is actually in a position as a victim of violence that continues continuously. Physical, psychological, insulting, threatening, and emotional pressure carried out by the husband over a long period of time can trigger the emergence of retaliatory actions on the part of the wife as a form of emotional vent, self-defense, or spontaneous reaction due to prolonged trauma.¹⁸

From a criminological perspective, the concept of crime that causes crime is related to *causality theory*, which is that a criminal act occurs because of factors that precede it. In the case of the wife of the perpetrator of domestic violence, the act of violence committed cannot be separated from the previous act of violence committed by the husband. Violence experienced repeatedly can cause emotional disturbances, fear, depression, and loss of self-control in the victim. This condition puts the victim under heavy psychological pressure so that he has the potential to take aggressive actions as a form of reaction to the suffering he experienced. Thus, the criminal act committed by the wife is not only seen as an act against the law, but also as a result of other crimes that have occurred in the household before.¹⁹

¹⁸ Nahdia Nazmi, "Wife as a Perpetrator of Domestic Violence (Domestic Violence) Reviewed from a Criminal Law Perspective." *Badami Law Journal*, Vol. 8 No. 2, 2023

¹⁹ Muhammad Abdul Basit, Deden Satiawan, Abdul Hayyi Nukman, Sahman. "A Review of the Application of Islamic Criminal Law in Domestic Violence Management."

This concept also shows that there is a close relationship between the victim and the perpetrator in the crime of domestic violence. In some cases, a person who was initially a victim can turn into a perpetrator due to the accumulation of violence and constant pressure. This phenomenon in victimology studies is known as *victim-offender overlap*, which is a situation when the victim then commits a criminal act due to his previous victimization experience. In the domestic context, the unbalanced relationship between husband and wife often causes the wife to experience subordination, fear, and inability to resist the violence she experiences. As a result, when such pressure reaches a certain limit, the victim may commit violent acts as a form of resistance or escape from a stressful situation.²⁰

In addition to psychological factors, social and economic factors are also the cause of the emergence of crimes that cause crimes in domestic violence cases. Infidelity, economic problems, jealousy, alcohol consumption, and dominance in the household are often the initial triggers for violence by husbands against wives. Violence that takes place continuously without adequate protection or resolution can cause victims to lose their sense of security and experience deep emotional distress. In these conditions, criminal acts committed by wives often appear as a form of accumulation of anger and unresolved suffering. Therefore, in understanding the case of the wife of a domestic violence perpetrator, it is important to see that the crime was born from a series of violence that is interrelated and does not stand alone.²¹

In modern criminal law and criminology, the crime that causes the crime is important because it can be a consideration in determining the criminal responsibility of the perpetrator. The judge not only looks at the consequences of the act committed, but also considers the factors behind the occurrence of the criminal act. In some rulings, the psychological state of the victim who has previously experienced prolonged violence can be a reason for mitigating the sentence. This shows that law enforcement is not only oriented towards punishment, but also pays attention to the substantive justice aspects and the social conditions behind the occurrence of crimes.²²

In the study of criminology, crime is studied in terms of causes, the process of occurrence, triggering factors, the socio-psychological condition of the perpetrator, and the follow-up consequences that arise after the crime occurs. Criminology not only looks at who is at fault, but also examines how social pressure, violence, domestic, economic, emotional, and environmental conflicts can develop into criminal acts. In many domestic cases, crime usually does not appear suddenly, but rather begins with prolonged conflicts, repeated violence, mental distress, toxic relationships, and loss of emotional control. The following is a case analysis based on criminological studies.

²⁰ Rina Yulianti and Fathul Hamdani, "A Victimology Study on Victims of Domestic Violence," *Journal of Law and Justice*, Vol. 5 No. 2, 2022, p. 73.

²¹ Nimas Ayu Ramadani and Wenny Megawati, "The Application of Criminal Sanctions for Wives as Domestic Violence Perpetrators as a Form of Protection for Victims," *Audi Et AP: Journal of Legal Research*, 2025, p. 68.

²² Amelia Chaerannisa, "Legal Accountability for Perpetrators of Domestic Violence Crimes (Case Study of West Jakarta District Court Decision Number 420/Pid.Sus/2023/Pn.Jkt Brt)."

The case of Sherly in Medan, In criminological studies, the crime in this case can be understood as a result of the accumulation of long-lasting domestic conflicts. The beginning of the crime is suspected to have come from an unhealthy relationship, where the husband often commits violence and constant quarrels. These conditions cause psychological pressure, fear, anger, resentment, and feelings of distress in the victim or perpetrator. Economic factors also exacerbate the situation as the necessities of life and financial conflicts often trigger more aggressive quarrels. In criminological theory, this state is referred to as social and emotional pressure that continues to build up until a person loses the ability to control emotions. Follow-up crimes that arise are usually in the form of retaliatory violence, severe persecution, and murder. In addition, other social impacts that arise are family trauma, damage to social relationships, and the emergence of fear and stigma in the surrounding environment.

The case of the wife killing her husband in Jombang this case shows how domestic violence that occurs repeatedly can develop into an act of murder. Initially, domestic relationships were filled with physical violence that the perpetrator continued to receive from the victim. Beatings, threats, and abusive treatment cause deep psychological distress, heartache, and anger that is pent-up for a long time. From a criminological point of view, this condition is called the victimization process, which is when the victim of violence constantly experiences suffering until he finally turns into a perpetrator of a crime. Toxic domestic relationships worsen the situation because the perpetrator feels that he has been patient and serves the victim but still accepts violence. The main triggering factors are the accumulation of emotions, humiliation, and loss of hope for the domestic relationship. The next crime that emerged was the act of murder as a form of anger and an effort to stop the violence experienced. The impact is not only criminal, but also family trauma, psychological damage to children, and damage to the family's social order.

In the third case of the wife cutting off her husband's vital organs, in criminological analysis, this case began with a domestic conflict triggered by infidelity, humiliation, neglect, and possible psychological violence against the wife. Infidelity often leads to shame, jealousy, resentment, and feelings of disrespect in domestic relationships. When conflicts go on for long periods of time without resolution, emotional distress develops into deep resentment. In the frustration-aggression theory, a person who is experiencing severe emotional distress can vent anger through extreme acts of violence. The main triggering factor in this case is heartache due to betrayal and treatment that is considered degrading to the wife's dignity. The follow-up crime that emerged was in the form of severe persecution by injuring the victim's vital organs as a symbol of revenge for the husband's behavior. The impact is not only physical on the victim, but also causes psychological trauma, family shame, and social disturbances in the surrounding environment.

The fourth case of the wife killing her husband who works as a judge, this case from a criminological perspective shows the accumulation of emotional conflicts in the household. The beginning of the problem is suspected to have come from a relationship

that is often colored by quarrels, hurt, and dissatisfaction with the victim's attitude. The jealousy factor is also an important trigger because jealousy can lead to suspicion, resentment, and emotional instability. In the theory of social control, when emotional relationships in the family are weakened and communication is not healthy, the risk of violence increases. The perpetrator felt that he could not stand the victim's behavior so that psychological pressure developed into aggressive actions. The next crime that arises is murder as a form of emotional outlet and an attempt to end the conflict according to the perpetrator's point of view. Cases like this also have a wide social impact because they involve public figures, so that the attention of the public, the media, and legal institutions is very large.

The five cases of police officers burning their husbands, in criminological studies, this case can be understood as a crime triggered by economic conflicts and deviant behavior in the household. Initially, the problem arose because the husband spent his salary and spending money on online gambling, so that the needs of the household were disrupted. This condition causes quarrels, disappointment, mental stress, and anger that continues to increase. Online gambling in criminology includes behaviors that can trigger other crimes because it causes economic instability, family conflicts, and loss of social responsibility. The main triggering factors are frustration due to economic problems and loss of trust in the household. In an uncontrollable emotional situation, conflict develops into an act of extreme violence in the form of burning the husband. Subsequent crimes that arise are not only severe abuse, but also the possibility of victim death, family trauma, household breakdown, and profound psychological impacts on children and the social environment.

Based on the results of the analysis of the cases studied, the main causes of the emergence of follow-up crimes are, physical violence that is committed repeatedly, psychological violence in the form of insults and threats, domestic neglect regulated in Article 49 of Law Number 23 of 2004, infidelity that causes psychological pressure, economic conflicts in the family, unbalanced power relations in the household. These factors cause victims to experience trauma, depression, frustration, and loss of emotional control, triggering the emergence of new crimes. Perpetrators of Crime In the concept of crime that causes crimes, there are two perpetrators.

1. First, the initial perpetrator is the husband who commits physical, psychological, or domestic violence as stipulated in Article 44, Article 45, and Article 49 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.
2. Second, the perpetrator is the wife who persecutes or kills her husband as a result of the violence she previously experienced.

D. Conclusions and Recommendations

Domestic violence crimes committed by wives against their husbands do not occur simply, but are influenced by various interrelated factors. Economic factors, psychological pressure, family environment, jealousy, infidelity, and patriarchal culture are the main causes of domestic violence. From a criminological perspective, the act

shows that a crime can be triggered by another crime previously experienced by the perpetrator. Violence that lasts continuously causes victims to experience trauma, emotional distress, and loss of self-control, triggering aggressive actions against their partner.

Crime Causes of Crime in the case of the wife of the perpetrator of domestic violence shows that there is a causal relationship between the violence experienced by the victim and the criminal act that he then committed. In some cases, the wife who was originally a victim of violence turns into a perpetrator due to the accumulation of physical and psychological suffering that lasts for a long time. This phenomenon in criminology and victimology studies shows that there is a relationship between the victim and the perpetrator in the circle of domestic violence. Therefore, handling domestic violence cases cannot be done just by looking at the perpetrator and victim in black and white, but it is necessary to consider the psychological, social, and environmental factors behind the crime.

In Indonesia's positive law, criminal liability against the wife of a domestic violence perpetrator is still based on the provisions of Law Number 23 of 2004 concerning the Elimination of Domestic Violence. Every act of violence is still considered a criminal act as long as it meets the predetermined criminal elements. However, factors behind the crime, such as mental stress, trauma, and previous violence, can be considered by the judge in determining the severity of the crime. This shows that positive law not only emphasizes the aspect of punishment, but also considers the sense of justice and the human condition of the perpetrator.

From the perspective of Islamic criminal law, criminal acts committed by wives due to previous violence are viewed more comprehensively by considering the motives, psychological conditions, and circumstances behind the occurrence of the crime. Islamic criminal law recognizes the concept of self-defense (*daf'u al-shail*), emergencies, and excuses (*udzur*) that can affect a person's criminal liability. Therefore, if the criminal act committed by the wife is proven to be caused by the violence and suffering she experiences continuously, then the punishment can be reduced for the sake of creating justice and benefits. Thus, both positive law and Islamic criminal law basically provide room for consideration of the factors that cause criminal acts to occur in domestic violence cases.

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