



## Legal Awareness of Marital Rape as Criminalisation: A Comparison of Perspectives in Urban and Rural Areas

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**Abstract:** This study discusses the critical issue of marital rape in Indonesia, a form of domestic sexual violence that continues to occur despite being criminalised by the PKDRT Law and the TPKS Law. The increase in reported cases shows the gap between legal provisions and public perceptions, which are still influenced by social, cultural and religious values. This study analyses public legal awareness and the role of these values in viewing the criminalisation of marital rape comparatively in urban and rural areas. Using a juridical-empirical method, data was collected through questionnaires administered to 49 respondents in the city of Palangka Raya and several surrounding villages, then analysed using the approaches of legal positivism, legal realism, and natural law. The results of the study show a significant gap between the understanding of the term marital rape and the appreciation of its substantive legal aspects, especially in rural areas. Patriarchal mindsets are still very strong, with the majority of respondents rejecting women's bodily autonomy in marriage. Social values (57.1%) were the most influential factor compared to religion (37.7%) and culture (6.1%). These findings confirm that social and religious norms are more dominant than positive law, thereby hindering victims from reporting and society from accepting marital rape as a criminal act. This study concludes that the existence of a legal

*framework alone is not sufficient to protect victims. A holistic approach is needed through continuous legal education, public socialisation, and the reconstruction of social, cultural, and religious values towards gender equality and respect for human rights, particularly women's rights to their bodies and safety in marriage.*

**Keywords:** Legal Awareness, Rape, Marriage, Criminalisation

## **Introduction**

Marriage in Indonesian law is recognised as a bond between a man and a woman in a household, with the aim of building a happy and eternal family based on God Almighty, as stipulated in Law Number 1 concerning Marriage. From a social perspective, marriage is also considered a sacred institution, influenced by cultural and religious values.

From this perspective, the relationship between husband and wife is not only governed by law, but also by social, cultural and religious norms. However, marriage can face various problems, such as domestic violence. One form of this is *marital rape*, which is the forcing of sexual relations by a married partner without consent, which can cause physical, psychological and mental suffering to the victim.

According to Andy Yetriyani, Chair of the National Commission on Violence Against Women, *marital rape* is the act of forcing sexual relations between married couples, with the victim often being the woman due to male dominance in society. This act violates human rights, which shows the imbalance of power and roles between men and women in the household.

In Indonesia, cases of *marital rape* are on the rise, as evidenced by reports from victims. Data from the National Commission on Violence Against Women shows that the number of cases in 2022 reached 591, up from 57 cases in 2021<sup>1</sup>. This increase is thought to be due to growing awareness and courage among victims to report incidents, as well as campaigns by women's advocacy organisations and strengthened regulations on domestic violence. However, the actual number may be much higher,

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<sup>1</sup> "Lembar Fakta Dan Poin Kunci Catatan Tahunan Kompas Perempuan Tahun 2022." Komnasperempuan.Go.Id. [Https://Komnasperempuan.Go.Id/Download-File/736 Km](https://Komnasperempuan.Go.Id/Download-File/736 Km)," accessed August 25, 2025.

as many victims are reluctant to report incidents due to social stigma and fear of their surroundings.

Previous research has focused more on formal law and victim protection, but research on comparative perspectives, legal awareness, and social, cultural, and religious influences in urban and rural areas on *marital rape* as a criminalisable act is still very limited. This gap is an important reason for researchers to conduct further studies to understand how social, cultural, and religious perspectives and influences on urban and rural communities affect the issue of *marital rape*.

Based on the background described above, the research questions in this study are: First, how do urban and rural communities perceive *marital rape* as a criminal act? Second, how do social, cultural, and religious factors in urban and rural communities influence their views on *marital rape* as a criminal act?

This research uses a juridical-empirical research method, which combines a normative (legal) study with an empirical study (field)<sup>2</sup> with a descriptive-analytical research nature<sup>3</sup> , which systematically describes the legal awareness and socio-cultural norms of the community regarding *marital rape* and analyses them using a legal and social approach.

### **Public Awareness of Marital Rape as a Criminal Act**

Legal awareness is the way people feel and understand existing laws or the laws they expect. This aims to assess the role of law in society and evaluate the law in relation to real events in society. Good legal awareness is expected to encourage people to follow the rules that are enforced or avoid things that are prohibited by law<sup>4</sup> . Legal awareness not only teaches people to obey the law, but also instils the importance of law in maintaining order and justice in society. Legal awareness needs

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<sup>2</sup> Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2015), 13-15.

<sup>3</sup> Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, dan R&D* (Bandung: Alfabeta, 2018), 28-30.

<sup>4</sup> "Ihsan Harits Rustian, Ahmad Rizal Oktaviano, Sofian Hadi, 'TINJAUAN TERHADAP PANDANGAN MASYARAKAT TERHADAP TRANSGENDER DALAM KONTEKS SOSIAL, AGAMA, BUDAYA, HUKUM, DAN MEDIS BERBASIS BUKU PANDUAN', Journal Education and Government Wiyata, Volume 2 Nomor 1, Februari 2024. Hlm. 20-21.

to be integrated into education and public policy so that legal norms are strengthened and society is more active in implementing the legal system.

Building legal awareness in society is not easy, as not everyone has the same level of legal awareness. Law, as part of society, is a social control tool that needs to be cultivated and developed so that society<sup>5</sup> understands and complies with existing laws, both written and those that develop naturally within society. Everyone must know their rights and obligations under the law. If everyone is able to understand these rights and obligations, then they will be able to exercise their rights properly and comply with their obligations in accordance with the law<sup>6</sup> .

Legally, *marital rape* is the act of forcing someone to have sexual intercourse without the victim's consent, whether committed by a husband against his wife or vice versa. In the Criminal Code, Article 285 prohibits forced sexual intercourse through violence or threats of violence, but does not explicitly mention that marriage is included in the scope of this law.

Legal developments were later regulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law). Article 8 letter a states that forcing sexual intercourse on a person living in a household is prohibited, which means that this act constitutes sexual violence. In addition, Law No. 12 of 2022 on Criminal Acts of Sexual Violence also strengthens the protection of victims of *marital rape* by including the act of forced sexual intercourse within the household<sup>7</sup> as a criminal offence. Thus, from a positive law perspective, *marital rape* can now be prosecuted as a criminal act of sexual violence within the household, which was previously not classified as a criminal act but can now be subject to legal sanctions.

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<sup>5</sup> "Ramadhan, Alexander Hero. 2024. 'Kepatuhan Hukum Mewujudkan Kesadaran Hukum Masyarakat'. *De Cive: Jurnal Penelitian Pendidikan Pancasila Dan Kewarganegaraan* 4 (3):92. <Https://Doi.Org/10.56393/Decive.V4i3.2075.>," accessed September 5, 2025,.

<sup>6</sup> M. Yahya Harahap, *Penyelidikan Dan Penyidikan*, 2nd ed., Ed.2 17 (Jakarta: Sinar Grafika, 2016), 59.

<sup>7</sup> Jamiliya Susantin and Farhan Fadli, "Analisis Advokasi Kebijakan Berhubungan Seks Suami Istri Secara Paksa Termasuk Kategori Tindak Pidana Pemeriksaan Dalam Undang-Undang Nomor 1 Tahun 2023 Tentang KUHP," *Qanuni : Journal of Indonesian Islamic Family Law* 1, no. 1 (March 2023): 49, <https://doi.org/10.31102/qanuni.2023.1.1.45-56>.

*Marital rape* can be considered a criminal act for several important reasons. First, from a human rights perspective, forcing a wife to have sexual relations within marriage is contrary to the principles of human rights as enshrined in Article 28G paragraph (1) of the 1945 Constitution, which protects the right to dignity, physical integrity, and freedom from inhumane treatment. Second, from the perspective of victim protection, criminalisation is important to provide legal protection because victims often experience physical and psychological trauma but find it difficult to seek protection due to cultural pressures or household obligations. Third, from the perspective of legal certainty, criminalisation shows that sexual coercion in marriage has the same serious legal consequences as rape outside of marriage. Finally, from a social and moral perspective, criminalisation is necessary to change the mindset of a society that is still influenced by patriarchal culture, which allows for the subordination of women in marital relationships.

### Comparison of Urban and Rural Communities

**Table 1. Results of the Questionnaire on *Marital Rape* as Criminalisation among Urban and Rural Communities in Central Kalimantan, 2025.**

No	Question	Respondents	Survey Results			
			Urban		Rural	
			Yes	No	Yes	No
1.	Have you ever heard of " <i>marital rape</i> "?	49 respondents (28 urban and 21 rural)	22 78.2	6 21.4%	14 66.7%	7 33.3%
2.	Are you aware that <i>marital rape</i> is a criminal offence in Indonesia?	49 respondents (28 urban and 21 rural)	19 75	9 25%	11 46.7%	10 53.3%
3.	In your opinion, is <i>marital rape</i> considered a criminal offence?	49 respondents (28 urban and 21 rural)	21 75%	7 25%	13 46.7%	8 53.3%
4	Do you agree that a husband/wife has full rights over their body and may	49 respondents	9 32.1%	19 67.9%	6 28.6%	15 71.4%

	refuse to have sexual relations with their partner for any reason?	(28 urban and 21 rural)						
5	In your opinion, is the public sufficiently aware of <i>marital rape</i> and its consequences?	49	8	20	5	16		

Source: Research Data

Based on the results of a survey conducted on 28 respondents in the Palangka Raya City area and 21 respondents in the surrounding rural areas, with a total of 49 respondents, a comprehensive picture was obtained. The data collected not only concerned familiarity with the term "*marital rape*" but also covered aspects of legal knowledge, beliefs about individual rights, and perceptions of the level of public awareness.

In general, public awareness of the term *marital rape* is relatively high. A total of 78.3% of respondents in urban areas and 66.7% in rural areas claimed to have heard the term before. If we refer to the theory used by Riduan in his book, which explains the classification of percentages (0-20% (Very Low), 21-40% (Low), 41-60% (Moderate), 61-80% (High), 81-100% (Very High))<sup>8</sup>, both figures fall into the high category. However, upon closer examination, the actual level of legal awareness, which includes understanding of legal status, belief in individual rights, and perception of collective awareness, shows much lower and more concerning results.

First, in terms of legal understanding, only 75% of urban respondents and 46.7% of rural respondents knew that *marital rape* is a criminal offence. The figure in rural areas, which is below 50%, falls into the low category according to Riduan's Classification<sup>9</sup>. This is also evident in the question regarding the legal status of *marital rape*, where the percentage is the same, indicating that although many people have heard the term, not everyone understands the legal consequences, and there is a huge knowledge gap between urban and rural areas.

<sup>8</sup> Riduan dan Sunarto, *Pengantar Statistika untuk Penelitian : Pendidikan Sosial, Ekonomi, Komunikasi dan Bisnis* (Alfabeta, 2013), <https://openlibrary.telkomuniversity.ac.id/pustaka/7945/pengantar-statistika-untuk-penelitian-pendidikan-sosial-ekonomi-komunikasi-dan-bisnis.html>.

<sup>9</sup> Riduan dan Sunarto. 47

Second, the most critical issue is the perception of the right to one's own body. Only 32.1% of respondents in urban areas and 28.6% of respondents in rural areas agree that husbands or wives have the right to their own bodies and the right to refuse to have sex with their partners. This very low percentage indicates that social and cultural norms that consider sexual relations to be an obligation in marriage are still very strong and dominant<sup>10</sup>, even exceeding existing legal understanding.

Third, respondents also realised that the level of public legal awareness of *marital rape* was still low. A total of 71.4% of respondents in urban areas and 76.2% of respondents in rural areas assessed that the general public did not yet sufficiently understand the issue of *marital rape* and its impacts. The high percentage of this assessment confirms that legal awareness of this issue is still very low. It can then be concluded that although the level of understanding of legal terms among the public is quite high, the level of legal awareness, which includes understanding, application, and acceptance of the law and human rights values, is still relatively low.

The results of this study show that there is a significant difference between existing legal regulations and the social and cultural values that prevail in society. Factors such as the surrounding environment, access to information, level of education, and community culture are thought to be the main causes of the differences between urban and rural areas and the low level of in-depth legal understanding in both areas.

From the perspective of Hans Kelsen's legal positivism theory, the validity of law is determined by its formal applicability, so even if society rejects it, the regulation remains in force and must be enforced<sup>11</sup>. Meanwhile, legal realism theory explains that the effectiveness of law does not only depend on the text of the regulation, but also on the extent to which the law can be internalised in the public consciousness. Meanwhile, in Thomas Aquinas' natural law theory, *marital rape* is contrary to moral principles and human dignity, so it cannot be justified even if it is considered socially

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<sup>10</sup> Riduwan dan Sunarto. 52

<sup>11</sup> Darmini Roza, *TEORI POSITIVISME HANS KELSEN MEMPENGARUHI PERKEMBANGAN HUKUM DI INDONESIA*, *Iex Jurnalica* Volume 18 Nomor 1, April 2021., 22.,

acceptable. The low level of legal awareness seen in the survey is evidence of the gap between legal norms and social reality.

Furthermore, the issue of *marital rape* in Indonesia is not only related to gaps or weaknesses in the substance of the law, but also to social acceptance and the process of internalising legal values within society.

Thus, in addition to describing the level of public legal awareness, it is also important to highlight the various efforts that have been made by the government, state institutions, community leaders and women's activists to address public understanding of the issue of marital rape.

The government, through the National Commission on Violence Against Women (Komnas Perempuan), has consistently conducted campaigns and socialisation activities on sexual violence in the domestic sphere, including marital rape, emphasising that such acts are a violation of human rights that can be prosecuted. In addition, the ratification of the TPKS Law is an important milestone in reinforcing the legal protection of victims of marital rape ( ) and expanding the mechanisms for reporting and recovery of victims.

On the other hand, community leaders, academics, and non-governmental organisations (NGOs) such as the Rifka Annisa Women's Crisis Centre, Nurul Ilmi Idrus, and LBH APIK are actively engaged in advocacy and legal education, especially in rural areas where legal awareness is still relatively low. They strive to change the community's paradigm through cultural and religious approaches, involving religious and traditional leaders so that messages related to gender equality and bodily rights can be more easily accepted. In addition, programmes such as the Integrated Service Centre for Women and Children Empowerment (P2TP2A) established by local governments also play an important role in providing legal and psychological assistance to victims of sexual violence in the household, including within marriage.

### **Social, Cultural, and Religious Influences on the Views of Urban and Rural Communities**

Issues regarding sexual relations in marriage and the role of wives towards their husbands, or vice versa, cannot be separated from social, cultural, and religious influences in society. Several studies show that society still understands husband-wife relationships from a patriarchal perspective, as expressed by Ratna Batara Munti in

her book "Violence against Women: A Feminist and Legal Review"<sup>12</sup> . Cultural constructs dictate that women must submit to their husbands, including in sexual matters. This makes the practice of sexual coercion in marriage considered legitimate, even though it actually violates human rights.

Furthermore, research conducted by Mega Puspita and Khairul Umami explains that religion is often understood narrowly, thereby reinforcing the husband's dominance over his wife<sup>13</sup> . In fact, from a legal and human rights perspective, coercion into sexual relations within marriage is a form of sexual violence that cannot be justified. This is in line with the PKDRT Law, which clearly regulates this violation as a criminal offence.

The following survey provides an overview of how social, cultural and religious values still influence people's views on sexual relations within marriage.

**Table 2. Questionnaire Results from Urban and Rural Communities in Central Kalimantan on the Influence of Social, Cultural, and Religious Factors on Marital Rape, 2025.**

No	Question	Respondents	Survey Results			
			Urban		Rural	
			Agree	Disagree	Agree	No Agree
1.	In religious teachings, is sexual intercourse within marriage an obligation that cannot be refused?	49 respondents (28 urban and 21 rural)	15 53.6	13 46.4	13 61.9%	8 38.1%
2	Is a wife obliged to always obey her husband in all matters, including forced sexual relations?	49 respondents (28 urban and 21 rural)	4 14.3	24 85.7	5 23.8%	16 76.2%
3	In society, does the husband have full	49 respondents	12 42.9	16 57.1	12 57.1%	9 42.9

<sup>12</sup> Rheina Saputri, Elsa Harliana, and Syihabuddin, "Perbuatan Kekerasan/Pelecehan Seksual Terhadap Perempuan," *KEADILAN: Jurnal Penelitian Hukum dan Peradilan* 2, no. 1 (March 2024): 43, <https://doi.org/10.62565/keadilan.v2i1.39>.

<sup>13</sup> Mega Puspita and Khairul Umami, "Mengeksplorasi Dampak Kekerasan dalam Rumah Tangga dan Pemerksaan dalam Perkawinan di Indonesia," *Syakhshiyah Jurnal Hukum Keluarga Islam* 4, no. 1 (June 2024): 1–23, <https://doi.org/10.32332/syakhshiyah.v4i1.9369>.

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rights over his wife's body in marriage?	(28 urban and 21 rural)
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Data source: Survey results

Based on the survey results of 49 respondents regarding public views on sexual relations in marriage, the results varied considerably between urban and rural areas in Central Kalimantan, particularly in Palangka Raya City and several surrounding villages. This survey aimed to examine how social, cultural, and religious influences shape public views in both areas, particularly regarding the issue of *marital rape*. The results not only confirmed geographical differences but also revealed the complex dynamics of influencing factors.

On the first question, respondents were evenly divided. In urban areas, 53.6% (15) of respondents agreed, while 46.4% (13) disagreed. Meanwhile, in rural areas, 61.9% (13) of respondents agreed and 38.1% (8) disagreed. These results indicate that religious teachings are still considered an absolute obligation, although some respondents are beginning to realise that wives have the right to refuse sexual relations.

The second question revealed a strong rejection of sexual coercion. In urban areas, only 14.3% (4) of respondents agreed, while 85.7% (24) disagreed. In rural areas, 23.8% (5) of respondents agreed and 76.2% (16) disagreed. This shows an awareness that a wife's obedience cannot be used as a reason to force sexual relations.

The third question still shows differences in opinion. In urban areas, 42.9% (12) of respondents agreed, while 57.1% (16) disagreed. In rural areas, 57.1% (12) of respondents agreed and 42.9% (9) disagreed. These findings indicate that patriarchal views are stronger in rural areas, while in urban areas there has been a shift towards a more equal understanding.

The survey data also shows that many people still view negatively when women decide to report sexual violence in the household. Many people believe that such actions bring shame to the family and should not be discussed openly. In fact, some people even blame the victim for embarrassing the perpetrator or damaging the family's reputation. This shows that the obstacles faced by victims are not only legal

proceedings, but also pressure from their surroundings, which makes women reluctant to report cases of *marital rape*.

In addition, the way society views this issue varies greatly. In rural areas, culture and religion are still the main basis for assessing sexual relations in marriage. This reflects a social structure that is still traditional and patriarchal. On the other hand, in urban areas, there has been a shift in society's understanding of the issue of *marital rape* due to the role of the media, legal education, and access to information, even though the influence of culture and religion is still strong. This difference shows the dynamics between tradition and modernity, where urban communities tend to be more open to perspectives on gender equality and the protection of women's rights.

From the survey results, when respondents were asked about the main factors influencing their views, social values were the most dominant answer. Overall, 28 respondents (57.1%) stated that social values were the most influential, followed by religious factors chosen by 18 respondents (37.7%) and cultural values by 3 respondents (6.1%).

When viewed by region of residence, the order of these main factors remains the same, namely social values, religion and culture, both in urban and rural areas. However, a more detailed analysis shows differences in the proportion of choices. In urban areas, 17 respondents (60.7%) chose social values as the most influential factor, 10 respondents (35.7%) chose religion, and only 1 respondent (3.6%) chose culture. Meanwhile, in rural areas, 11 respondents (52.4%) chose social values, 8 respondents (38.1%) chose religion, and 2 respondents (9.5%) chose culture.

This reality indicates that in the issue of *marital rape*, collective social constructs (such as pressure from the community, family, and unwritten norms in society) have a very broad influence. Meanwhile, despite being fundamental values, religion and culture in this context are perceived by respondents as more personal factors.

The finding that social values are considered the most influential factor on a person's views and are even stronger in urban areas (60.7%) than in rural areas (52.4%) is a very important sign. This does not mean that traditional social values, such as pressure to maintain the family's good name, are stronger in urban areas. Rather, it shows a more complex social dynamic. In rural areas, prevailing social values are usually still diverse and strong, as they are still influenced by long-standing patriarchal

traditions and cultures. Meanwhile, urban communities are exposed to new values through various media, education, and more accessible information. These values place greater emphasis on human rights and gender equality. The interaction, and even tension, between traditional and modern values creates a new social construct. As a result, urban communities are more aware that their views are influenced by the social pressures around them, whether traditional or progressive. In other words, they have a better understanding that a process of value negotiation is taking place within their communities.

Therefore, efforts to create regulations, socialise, and educate the public about the essence of criminalising *marital rape* in the future need to focus on a more humanistic approach. This approach aims to reconstruct the social understanding and values that have been influential, but it is also important to ensure fair and dignified legal protection for every individual, especially women in marriage.

### **Conclusion**

Based on all the analyses and discussions, this study concludes that public legal awareness of marital rape as a criminal act is still relatively low and uneven. Although most respondents in urban (78.2%) and rural (66.7%) areas are familiar with the term, their in-depth understanding of its legal status is declining, especially in rural areas where less than half of respondents (46.7%) know that marital rape can be criminalised. This gap reveals a divide between familiarity with the term and internalisation of substantive legal values. More concerning still, patriarchal views remain very dominant, as demonstrated by the majority of respondents in both areas who reject bodily autonomy in marriage, indicating that sexual relations are still viewed as an obligation.

Another key finding is that socio-cultural-religious factors have a very strong influence and are even more dominant than positive law in shaping public perception. Of the three, social values (57.1%) are the most influential factor, surpassing religion (37.7%) and culture (6.1%). This shows that collective pressure from the community, family, and unwritten norms are the main obstacles preventing victims from reporting and society from accepting marital rape as a crime. Although there are differences—where rural communities are more influenced by religious values and patriarchal

culture while urban communities experience more complex value dynamics—social factors remain the biggest obstacle in both regions.

Therefore, this study argues that the existence of an adequate legal framework (such as the PKDRT Law and the TPKS Law) is not sufficient to guarantee the protection of victims. The effectiveness of these laws is greatly hampered by deeply rooted socio-cultural values. As a result, future efforts require a holistic approach that goes beyond the legislative aspect. There is a need for massive and continuous education and socialisation strategies that not only target legal understanding but also the reconstruction of social, cultural, and religious understanding that is more equitable and respects human rights, especially women's rights to their bodies and safety within marriage.

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