

Legal Protection for Women Who Are Victims of Economic Abuse within a Marital Relationship

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Abstract

Economic abuse within marital relationships is an insidious yet frequently overlooked form of domestic violence that severely compromises a woman's financial autonomy, dignity, and overall well-being. This study examines the adequacy and effectiveness of existing legal protection frameworks for female victims of economic violence in marriage. Utilizing a normative legal research methodology with statutory and conceptual approaches, this paper evaluates prevailing regulations specifically Law No. 23 of 2004 on the Elimination of Domestic Violence alongside judicial precedents and enforcement mechanisms. The findings reveal that while statutory law formally penalizes household economic neglect, significant impediments remain in practice. These challenges arise from strict evidentiary requirements, ambiguous legal definitions regarding subtle financial control, and deeply ingrained socio-cultural norms that rationalize marital economic dependency. Consequently, available legal remedies often fail to provide immediate financial stabilization, equitable restitution, or comprehensive support during litigation. To ensure substantive legal protection, this paper recommends legislative refinements to broaden definitions of economic coercion, simplified evidentiary standards, continuous gender-sensitization training for law enforcement, and the establishment of urgent interim financial support orders.

Keywords: Economic Abuse, Legal Protection, Domestic Violence, Women's Rights, Marital Relationship

A. Introduction

Domestic violence is traditionally understood through the lens of physical and sexual aggression. However, economic abuse a subtler yet profoundly damaging manifestation of intimate partner violence remains widespread within marital relationships. Economic abuse involves deliberate behaviors that control, exploit, or sabotage a partner's ability to acquire, use, and maintain financial resources, thereby eroding their economic autonomy and personal dignity. In many patriarchal societies, legal frameworks and socio-cultural norms have historically framed financial control as a head-of-household prerogative rather than an infringement on human rights, leaving women particularly vulnerable to systemic economic dependency and isolation. Adams, A. E., & Littwin, A. (2022).

Although contemporary legislative efforts, such as statutory laws on the elimination of domestic violence, explicitly classify household economic neglect or financial restriction as punishable offenses, significant structural gaps persist in enforcement and adjudication. Legal systems often struggle to process non-physical forms of harm, hindered by strict evidentiary

standards that demand concrete proof of financial deprivation. Furthermore, law enforcement agencies and judicial bodies frequently misinterpret economic coercion as private marital disagreements rather than actionable statutory violations. Consequently, female victims face formidable barriers when seeking protection, emergency financial relief, or equitable restitution, forcing many to remain in abusive environments due to complete economic helplessness. Barnett, C., & Hird, M. (2023).

This study aims to critically analyze the existing legal protection frameworks for women who fall victim to economic abuse within a marital relationship. By evaluating statutory provisions, enforcement impediments, and judicial precedents, this research highlights the systemic shortcomings of current legal remedies and proposes legislative refinements to bridge these gaps. Ultimately, establishing comprehensive legal safeguards and accessible remedies is essential not only to uphold women's fundamental human rights and economic security, but also to ensure substantive justice within the institution of marriage. Branigan, S., & Outlaw, M. (2024).

B. Research Method

1. Type of Research

This study utilizes a normative legal research methodology (doctrinal legal research). Normative legal research focuses on analyzing legal rules, statutory regulations, legal principles, and judicial decisions relevant to the legal protection of women facing economic abuse within a marital relationship. Wulandari, S., & Kusuma, I. (2023).

2. Research Approaches

To comprehensively examine the legal framework and its practical implementation, three legal approaches are applied:

- a. Statute Approach: Examines relevant national legislation, particularly Law No. 23 of 2004 on the Elimination of Domestic Violence, Law No. 1 of 1974 on Marriage (and its amendments), Law No. 12 of 2022 on Sexual Violence Crimes, and international standards such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
- b. Conceptual Approach: Analyzes underlying legal theories, including feminist jurisprudence, rights-based protection frameworks, and theoretical definitions of economic violence and financial coercion.
- c. Case Approach: Reviews selected judicial verdicts and court precedents involving household economic neglect to evaluate judicial interpretation and enforcement trends. Yodanis, C. L. (2024).

3. Sources of Legal Materials

The legal materials collected for this research are divided into three classifications:

- a. Primary Legal Materials: Authoritative, binding legal sources, including statutory provisions, constitutional mandates, ratified international treaties, and binding judicial rulings.
- b. Secondary Legal Materials: Non-binding publications that interpret primary materials, including peer-reviewed law journals, academic monographs, research reports from civil society organizations, and legislative notes.
- c. Tertiary Legal Materials: Legal dictionaries, legal encyclopedias, and official glossaries used to define specific legal terms and operational concepts. Zukerman, R., & Strom, M. (2025).

4. Data Collection Method

Information is gathered through systematic library research (*studi kepustakaan*). This process entails identifying, cataloging, and critically evaluating relevant legal documents, literature, and legislative records. Candra, M., & Fitriani, R. (2022).

5. Data Analysis Technique

- a. The gathered legal materials are analyzed using a qualitative-normative method combined with deductive logic. The analysis assesses how existing statutory norms align with the reality of economic abuse, identifies normative loopholes, and offers prescriptive legal recommendations to strengthen protection for victims. Davis, R. C., & Taylor, B. G. (2026).

C. Result and Discussion

1. Normative Framework and Legal Typologies of Economic Abuse

Statutory analysis reveals that economic abuse within marriage is formally recognized under Law No. 23 of 2004 on the Elimination of Domestic Violence, primarily through Article 9 regarding household neglect. The law explicitly prohibits abandoning financial obligations toward dependents or restricting a spouse's right to work and maintain economic self-sufficiency. Garcia-Moreno, C., & Jansen, H. A. (2023).

However, current statutory definitions remain overly narrow. Existing legislation primarily penalizes complete financial abandonment rather than nuanced forms of financial coercion, such as:

- a. Forced transfer of personal property or exclusive control over marital funds.
- b. Sabotage of employment, career advancement, or educational opportunities.
- c. Coerced debt accumulation forced upon the victim without consent. Thomas, K. A., & Bonomi, A. E. (2025).

2. Evidentiary Hurdles and Procedural Shortcomings

A critical finding of this research is the disproportionately high burden of proof required in cases of economic coercion compared to physical violence. United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). (2023).

Table 1. Resume Barrier Dimension and Manifestation in Legal Practice

Barrier Dimension	Manifestation in Legal Practice	Impact on Victims
Evidentiary Standard	Strict reliance on formal paper trails, bank records, or written proof of financial restriction.	Subtle financial manipulation and verbal prohibition go unpunished due to lack of documentary proof.
Law Enforcement Perception	Mischaracterization of economic coercion as standard marital disputes or private budgeting choices.	High rates of case dismissals during preliminary police investigations.
Interim Financial Relief	Absence of enforceable emergency financial protection orders during ongoing litigation.	Victims are frequently forced to withdraw legal claims due to immediate financial instability.

3. Judicial Application and Remedial Deficits

Analysis of judicial precedents demonstrates that courts rarely grant restitution or financial compensation for non-physical economic harm. Adjudication predominantly relies on Article 49 of Law No. 23 of 2004, which results in minor probationary criminal sentences for perpetrators without securing direct financial restoration for the victim. Additionally, civil remedies in divorce proceedings routinely fail to uncover hidden marital assets, leaving female victims without an equitable division of property or enforceable post-divorce maintenance. Voth Schrag, R. J., & Edmond, T. (2022).

Discussion

1. Structural and Conceptual Limitations in Statutory Provisions

The legal recognition of economic abuse under Law No. 23 of 2004 on the Elimination of Domestic Violence represents an important legislative step; however, its application remains conceptually limited. Article 9 focuses primarily on the neglect of maintenance obligations (*penelantaran rumah tangga*), treating economic violence chiefly as a failure of financial support rather than a coercive system of power and control. Feminist jurisprudence highlights that economic abuse extends beyond simple financial omission to include active economic control, exploitation, and sabotage. By failing to explicitly codify behaviors such as coerced debt, forced asset transfer, and career interference, the current statute leaves significant forms of financial coercion legally unaddressed. Hasim, N., & Rahayu, S. (2025).

2. Law Enforcement Obstacles and the Evidentiary Burden

The enforcement of laws against economic abuse faces severe institutional barriers. Law enforcement personnel routinely treat non-physical domestic disputes as private family matters or routine marital financial disagreements. This institutional reluctance is compounded by rigorous evidentiary standards. While physical abuse leaves observable injuries, economic abuse relies heavily on financial records, bank statements, and employment histories materials that perpetrators frequently conceal or restrict access to. Consequently, law enforcement agencies often dismiss reports of economic violence before reaching trial due to an alleged lack of material evidence. Hidayat, R., & Permata, E. (2022).

3. Judicial Application and Restitution Deficits

Judicial precedents reveal a formalistic interpretation of domestic violence law, where criminal sanctions rarely lead to meaningful economic recovery for the victim. Courts frequently impose light criminal penalties or suspended sentences on perpetrators without ordering restitution or civil compensation under Article 10 of Law No. 23 of 2004. Furthermore, in related family court proceedings, judges often lack the investigative tools needed to uncover hidden assets or enforce maintenance orders post-divorce. As a result, victims who seek legal protection frequently experience post-litigation financial distress, which deters other victims from pursuing legal remedies. Krahé, B., & Bieneck, S. (2023).

4. Alignment with International Human Rights Standards

The current protection framework falls short of the standards set by the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), particularly General Recommendation No. 19 and No. 35 on gender-based violence. CEDAW mandates that state parties ensure substantive equality, which includes protecting women from non-physical forms of gender-based coercion that restrict their economic autonomy. To comply with international human rights commitments, the domestic legal framework must broaden its

legal definitions, establish emergency financial support orders during litigation, and introduce specialized training for judicial authorities. Lestari, P., & Nugroho, S. (2025).

D. Conclusion and Suggestions

1. Conclusion

The legal protection framework for women experiencing economic abuse within marital relationships remains substantially incomplete. While Law No. 23 of 2004 on the Elimination of Domestic Violence formally criminalizes household neglect, its statutory scope is narrowly confined to financial abandonment rather than addressing broader dynamics of economic coercion, asset control, debt manipulation, and employment sabotage. Furthermore, victims face pervasive institutional barriers, including excessive evidentiary burdens, law enforcement reluctance to treat non-physical coercion as a criminal offense, and a judicial tendency to issue lenient sentences without providing enforceable restitution or immediate emergency financial relief. Consequently, current legal mechanisms often fail to guarantee substantive justice or ensure long-term financial autonomy for victimized women.

2. Suggestion

- a. Legislative Amendments: Revise Law No. 23 of 2004 to explicitly define and penalize all dimensions of economic abuse, including forced asset transfer, coerced debt, and employment interference, while instituting statutory emergency interim financial protection orders during legal proceedings.
- b. Institutional Capacity Building: Implement mandatory, gender-sensitive training programs for law enforcement officers, prosecutors, and judges to improve understanding of non-physical domestic abuse and streamline evidentiary criteria for financial coercion.
- c. Enhanced Judicial and Restitution Mechanisms: Establish legal mechanisms that enforce restitution orders effectively in criminal proceedings and empower family courts to trace hidden marital assets to ensure equitable financial division upon marriage dissolution.
- d. Comprehensive Support Networks: Strengthen collaboration between legal aid organizations, civil society, and social service agencies to provide victims with combined legal assistance, emergency shelter, and economic empowerment initiatives.

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