



Beyond Reconciliation: A *Mubādalāh*-Based Victim-Centred Legitimacy Test for *Islāḥ* and Restorative Justice in Indonesian Domestic Violence Cases

Radin Ahmad Taufik Salikin Izaddin^{1*} Vivi Purnamawati²

¹ Faculty of Social Sciences and Humanities, Universiti Teknologi Malaysia (UTM), Malaysia

² Pengadilan Negeri Jambi Class I-A, Jambi, Indonesia

Abstract: Domestic violence (DV) is frequently resolved through reconciliation, either within the framework of restorative justice or through the concept of *islāḥ*, owing to its occurrence within ongoing personal and familial relationships. However, reconciliation is not always a neutral mechanism; it may function as an instrument of coercion against victims when conducted under conditions of economic dependency, psychological trauma, social stigma, and unequal power relations. This study examines the normative boundaries of integrating *islāḥ*, restorative justice, and *mubādalāh* theory in the resolution of domestic violence cases by positioning victim protection as the primary parameter of legitimacy. The research employs a normative legal method using conceptual and statutory approaches, analyzing Law No. 23 of 2004 on the Elimination of Domestic Violence, restorative justice regulations, judicial decisions, and Islamic legal literature concerning *islāḥ*, *maṣlahah*, *maqāṣid al-sharī'ah*, and *mubādalāh*. The findings demonstrate that *islāḥ* should not be construed as a moral obligation to preserve the family unit at all costs; rather, it constitutes a conditional mechanism that must be aligned with the principles of reciprocity, relational justice, victim safety, autonomy, and voluntariness. This article proposes a victim-centred *mubādalāh*-based legitimacy test comprising risk assessment, independent assistance, informed written consent, offender accountability, and institutional oversight to prevent revictimization. This framework may serve as a practical guideline for judges, mediators, law enforcement officials, and victim-support institutions involved in domestic violence cases.

Keywords: Domestic Violence, *Islāḥ*, *Mubādalāh*, Restorative Justice, Victim Protection.

Abstrak: Kekerasan dalam rumah tangga (KDRT) kerap diselesaikan melalui rekonsiliasi, baik melalui keadilan restoratif maupun konsep *islāḥ*, karena terjadi dalam relasi personal yang berkelanjutan. Namun, rekonsiliasi tidak selalu netral; ia dapat menjadi alat tekanan terhadap korban ketika berlangsung dalam ketergantungan ekonomi, trauma psikologis, stigma sosial, dan relasi kuasa yang timpang. Penelitian ini menganalisis batas normatif integrasi *islāḥ*, keadilan restoratif, dan teori *mubādalāh* dalam penyelesaian perkara KDRT dengan menempatkan perlindungan korban sebagai parameter utama legitimasi. Penelitian ini menggunakan metode hukum normatif dengan pendekatan konseptual dan peraturan perundang-undangan, melalui analisis terhadap UU No. 23 Tahun 2004, regulasi keadilan restoratif, putusan pengadilan, serta literatur hukum Islam tentang *islāḥ*, *maṣlahah*, *maqāṣid al-sharī'ah*, dan *mubādalāh*. Hasil penelitian menunjukkan bahwa *islāḥ* tidak boleh dipahami sebagai kewajiban moral mempertahankan rumah tangga, melainkan mekanisme bersyarat yang harus sejalan dengan prinsip kesalingan, keadilan relasional, keselamatan, otonomi, dan kesukarelaan korban. Artikel ini merekomendasikan uji legitimasi berbasis korban-*mubādalāh* melalui asesmen risiko, pendampingan independen, persetujuan tertulis, akuntabilitas pelaku, dan pengawasan institusional untuk mencegah reviktifikasi. Kerangka ini dapat menjadi pedoman bagi hakim, mediator, aparat penegak hukum, dan lembaga layanan korban terkait.

Kata Kunci: Domestic Violence, *Islāḥ*, *Mubādalāh*, Restorative Justice, Victim Protection.

Corresponding author:

Radin Ahmad Taufik Salikin Izaddin
Email: radin@graduate.utm.my

Copyright:

© The Author (s). 2026 Open Access

This is an open access article under the (CC BY-SA 4.0) license.

How to cite this article:

Izaddin, R. A. T. S., & Purnamawati, V. (2026). Beyond Reconciliation: A *Mubādalāh*-Based Victim-Centred Legitimacy Test for *Islāḥ* and Restorative Justice in Indonesian Domestic Violence Cases. *Journal of Islamic Mubadalāh*. 3 (1). 60-87.

DOI: <https://doi.org/10.70992/q7kjzf49>

Introduction

Domestic violence (*Kekerasan dalam Rumah Tangga/KDRT*) remains a legal, social, and human rights issue that continues to pose a serious challenge to Indonesia's victim protection system (Mansyur, [2016](#)). Normatively, the state has affirmed that domestic violence is not merely a private family conflict but rather a form of human rights violation that causes physical, psychological, sexual, and/or neglect-related suffering within the household (Susilawati et al., [2024](#)). This principle is reflected in Law Number 23 of 2004 concerning the Elimination of Domestic Violence, which establishes victim protection, violence prevention, perpetrator prosecution, and victim recovery as its primary legal mandates (Halawa et al., [2025](#)). However, in practice, the resolution of domestic violence cases does not always proceed through formal criminal justice mechanisms (Sonia & Prakasa, [2023](#)). Many cases instead move toward reconciliation through family settlement, mediation, withdrawal of police reports, or *restorative justice* approaches. This condition demonstrates the persistent tension between the need to protect victims and the socio-legal tendency to preserve family relationships (Purnamawati, [2024](#)).

This phenomenon is reflected in data on violence against women in Indonesia. Data from the Ministry of Women's Empowerment and Child Protection indicate that in 2023 there were 18,466 reported cases of violence, with women constituting the overwhelming majority of victims (88.5%), while 12,158 victims fell within the category of domestic violence. Data from the National Commission on Violence Against Women (*Komnas Perempuan*) further reveal that violence against wives remained the most prevalent form of violence in the personal sphere, with 674 complaints submitted directly to *Komnas Perempuan* and 1,573 cases recorded by service institutions throughout 2023. These figures demonstrate that domestic violence is not a sporadic phenomenon but rather a structural problem that continues to persist within domestic relationships and is frequently concealed behind economic pressures, social stigma, emotional dependency, and unequal power relations (KPPPA, [2024](#); *Komnas Perempuan*, [2024](#)). These statistics also underscore that domestic violence should be understood not merely as an issue of law enforcement but also as a manifestation of victims' vulnerability in exercising their legal autonomy. The 2023 KPPPA data reporting 18,466 cases of violence and 12,158 domestic violence victims are likewise documented in secondary-source summaries citing KPPPA statistics, while *Komnas Perempuan* identified violence against wives as the highest category of violence in the personal sphere in the 2023 *CATAHU* report (Lukman, [2025](#)).

Specifically, this article examines the phenomenon of resolving domestic violence cases through reconciliation mechanisms as reflected in several judicial decisions in Indonesia, including [Religious Court Decision Number 192/Pdt.G/2024/PA.Prob](#), [Religious Court Decision Number 45/Pdt.G/2018/PA.Tahuna](#), [Makassar High Court Decision Number 489/PID.SUS/2018/PT MKS](#), and [Bantul District Court Decision Number 15/Pid.Sus/2015/PN Bantul](#). These decisions demonstrate that cases involving elements of domestic violence may still provide room for reconciliation, whether through agreements between the parties, judicial considerations aimed at restoring family relationships, or the imposition of more lenient criminal sanctions based on the interests of the family and children. This phenomenon indicates that reconciliation in domestic violence cases occurs not only within the social sphere but is also reflected in the legal reasoning adopted by judicial institutions.

The central issue lies in the tension between *das sollen* and *das sein*. At the level of *das sollen*, the law requires the maximum protection of domestic violence victims by ensuring their safety, preventing recurrent violence, and holding perpetrators accountable for their actions. However, at the level of *das sein*, victims are often not in a position to exercise genuine freedom in determining their legal course of action. Economic dependency, family pressure, the interests of children, the stigma associated with divorce, fear of the perpetrator,

and religious interpretations emphasizing the preservation of the family may encourage victims to accept reconciliation even when their objective circumstances remain unsafe. Under such conditions, reconciliation risks ceasing to function as a mechanism for recovery and instead becomes an instrument of coercion that perpetuates victims' subordination while creating opportunities for *revictimization* (Hamamah, F., Sukardi, D., & Kulkarni, S., 2025).

It is within this context that the *restorative justice* approach becomes both important and problematic (Zehr, 2015). On the one hand, *restorative justice* offers a more humane alternative to the retributive model of criminal punishment by emphasizing victim recovery, offenders' acknowledgment of wrongdoing, the participation of all parties, and the restoration of social relationships (Nascimento et al., 2023). A systematic review conducted by Nascimento, Andrade, and de Castro Rodrigues (2023) demonstrates that *restorative justice* practices may generate positive psychological outcomes for victims under certain conditions, particularly when victims are provided with meaningful opportunities for participation and acknowledgment of their suffering (Campos, C. H., & Oliveira, C. R., 2021). Nevertheless, in cases involving domestic violence or *intimate partner violence*, this approach cannot be implemented simplistically. Daly and Stubbs (2006), as well as Stubbs (2007), caution that the application of *restorative justice* in cases involving violence within intimate relationships risks overlooking existing power imbalances, pressuring victims to forgive, and normalizing violence unless accompanied by rigorous victim protection standards (Jeffries, S., Wood, W. R., & Russell, T., 2021). Accordingly, *restorative justice* presents significant potential as a recovery-oriented approach, while simultaneously posing serious risks if implemented without comprehensive victim safety assessments, genuine voluntariness, and effective institutional oversight (Barocas, B., Avieli, H., & Shimizu, R., 2020).

Within Islamic law, the concept of *islāḥ* is likewise relevant because it is fundamentally oriented toward reconciliation, the restoration of relationships, and the prevention of harm (Syarifah, Z. I., 2025). From a normative perspective, *islāḥ* may be understood as an effort to resolve conflicts through improving existing conditions, reducing harm, and achieving *maṣlahah*. However, in cases of domestic violence, *islāḥ* must not be construed as a moral obligation to preserve a marriage at the expense of the victim's safety. Rather, the principles of *maṣlahah* and *maqāṣid al-sharī'ah* place the protection of life (*ḥifẓ al-naḥs*), human dignity, and the prevention of harm (*dar' al-mafāsid*) at the core of legal evaluation (Kamali, 2019). Consequently, reconciliation that compels victims to remain in abusive circumstances cannot be regarded as normatively valid *islāḥ*, as it contradicts the fundamental objectives of Islamic law to safeguard human life, dignity, and security (Mol, 2019).

In this context, the theory of *mubādalāh* assumes particular significance as a relational interpretive framework that positions men and women as equal moral, legal, and social subjects (Rohmadi, R. 2024). *Mubādalāh* is concerned not merely with reciprocity within the marital relationship but also with ensuring that every resolution of family conflict is examined from the perspective of protecting the dignity, safety, and welfare of both parties, particularly those in vulnerable positions (Nastangin, N., & Huda, M. C. 2022). In domestic violence cases, the *mubādalāh* perspective prevents *islāḥ* from being understood unilaterally as an obligation imposed upon victims to forgive the perpetrator or preserve the marriage (Na'mah, U., Qamaria, R. S., & Makrufah, H. A. 2022). Instead, *mubādalāh* requires reconciliation to be assessed on the basis of relational equality, the victim's freedom to provide genuine and voluntary consent, perpetrator accountability, and the prevention of recurrent violence.

Previous studies have examined domestic violence, *restorative justice*, penal mediation, and family conflict resolution within Islamic law. Rahayu (2019) and Sari and Wardani (2020), for example, positioned the restorative approach as an alternative to the formalistic criminal justice system. Several other studies have likewise suggested that peace-based settlements may reduce the burden on judicial proceedings while providing greater opportunities for

victim participation. Nevertheless, these studies have generally treated reconciliation as a procedural solution and have not adequately examined the circumstances under which reconciliation becomes legitimate, when it becomes harmful, or the standards that must be satisfied to ensure that reconciliation does not become a form of pressure upon victims. At the international level, the studies of Daly and Stubbs (2006), Stubbs (2007), Goodmark (2020), and Nascimento et al. (2023) have provided important warnings regarding the risks associated with *restorative justice* in cases of intimate partner violence. Meanwhile, studies of Islamic law concerning *iṣlāḥ*, *maṣlaḥah*, and *maqāṣid al-sharī'ah* have generally placed greater emphasis on the values of harmony, peace, and family welfare; however, they have not systematically formulated these concepts as instruments for assessing the legitimacy of reconciliation in domestic violence cases.

The novelty of this article lies in the integration of *mubādalāh*, *iṣlāḥ*, and *restorative justice* into the *victim-centred legitimacy test* model. This model positions *mubādalāh* as the analytical lens through which reconciliation in domestic violence cases is evaluated to determine whether it genuinely reflects reciprocity, relational justice, and victim protection or instead functions as a mechanism that reproduces perpetrator domination. Reconciliation in domestic violence cases cannot be regarded as sufficient merely because it involves a peace agreement, the withdrawal of a complaint, a family settlement, or considerations aimed at preserving family unity. Rather, reconciliation may be regarded as legitimate only when it guarantees the victim's safety, ensures consent that is entirely free from coercion, prevents the recurrence of violence, and simultaneously maintains perpetrator accountability.

The principal contribution of this article is the development of a victim protection-based normative framework for assessing the legitimacy of integrating *iṣlāḥ* and *restorative justice* in domestic violence cases. This framework places the victim at the centre of the analysis rather than treating the victim merely as a party expected to reconcile. Through this approach, *iṣlāḥ* is reconstructed not as an obligation to preserve the family but as a conditional mechanism that is legitimate only when it is consistent with the principles of protecting life, human dignity, individual autonomy, and the prevention of *revictimization*. Accordingly, this article introduces the *victim-centred legitimacy test* as a normative standard for distinguishing reconciliation that advances substantive justice from reconciliation that instead reproduces violence.

Based on the foregoing background, this article addresses three principal questions. First, what forms of reconciliation are available in the resolution of domestic violence cases in Indonesia? Second, how can the integration of *iṣlāḥ* and *restorative justice* be normatively justified in domestic violence cases? Third, what standards of victim protection must be satisfied to ensure that reconciliation does not become an instrument of coercion and *revictimization*? By addressing these questions, this article responds to the urgent need to confront the challenges of victim protection within mechanisms for resolving domestic violence cases that increasingly accommodate reconciliatory approaches. This article argues that the future of domestic violence case resolution should not be directed solely towards procedural efficiency, family harmony, or reducing the burden on the judiciary, but must instead ensure that every mechanism of reconciliation genuinely protects victims, constrains perpetrator power, and preserves legal accountability.

Method

This study employs a normative legal research method. It does not seek to measure judicial practice empirically or to generalize court behaviour quantitatively. Instead, it examines legal norms, doctrines, principles, and judicial reasoning concerning the use of reconciliation, restorative justice, and *iṣlāḥ* in domestic violence cases. This method is appropriate because the principal issue addressed in this article is not how frequently reconciliation occurs in domestic violence cases, but rather the normative conditions under

which such reconciliation can be legally, ethically, and religiously justified without compromising victim protection.

The study applies two principal approaches: a statutory approach and a conceptual approach. The statutory approach is used to examine the legal framework governing domestic violence and victim protection in Indonesia, particularly Law No. 23 of 2004 on the Elimination of Domestic Violence, as well as relevant legal instruments concerning restorative justice in criminal proceedings. This approach is intended to identify the extent to which Indonesian positive law provides room for reconciliation, the limits of such mechanisms, and the legal safeguards required to prevent victim coercion and revictimization.

The conceptual approach is used to analyse the Islamic legal concepts of *iṣlāḥ*, *maṣlaḥah*, and *maqāṣid al-sharī'ah*. These concepts are examined to determine whether reconciliation in domestic violence cases can be justified within Islamic legal reasoning. In this study, *iṣlāḥ* is not treated as a moral obligation to preserve the household but as a conditional mechanism that must be assessed against the principles of victim safety, human dignity, voluntariness, and the prevention of harm. In addition to the conceptual approach to *iṣlāḥ*, *maṣlaḥah*, and *maqāṣid al-sharī'ah*, this study also employs the perspective of *mubādalah* as a relational analytical lens. This perspective is used to assess whether reconciliation mechanisms in domestic violence cases reflect the principles of reciprocity, justice, and the protection of vulnerable parties. In this study, *mubādalah* is not treated as an independent normative theory but rather as an interpretative framework for re-reading *iṣlāḥ* so that it is not understood as an obligation to preserve the household but instead as a restorative mechanism that must guarantee the victim's safety and autonomy (Muthohar, M. A., Cholil, M., & Rizki, K. F. 2025).

The legal materials used in this research consist of primary and secondary legal materials. Primary legal materials include statutory regulations, court decisions, and relevant sources of Islamic law. Secondary legal materials comprise peer-reviewed journal articles, academic books, legal commentaries, research reports, and scholarly works on domestic violence, restorative justice, victim protection, feminist legal theory, Islamic legal ethics, *maṣlaḥah*, and *maqāṣid al-sharī'ah*. These materials were selected purposively based on their relevance to the research questions and their contribution to the development of a victim-centred normative framework.

This study also analyses several court decisions, namely Decision of the Religious Court No. 192/Pdt.G/2024/PA.Prob, Decision of the Religious Court No. 45/Pdt.G/2018/PA.Tahuna, Decision of the Makassar High Court No. 489/PID.SUS/2018/PT MKS, Decision of the Bantul District Court No. 15/Pid.Sus/2015/PN Bantul, and Decision of the Stabat District Court No. 29/Pid.Sus/2011/PN Stb. These decisions were selected because they involve issues of domestic violence and judicial considerations concerning reconciliation, peace agreements, family restoration, conditional sentencing, or restorative justice. The selected decisions are not treated as empirical samples but rather as normative illustrations for examining how reconciliation, victim protection, and restorative reasoning are reflected in judicial considerations relating to domestic violence cases.

The analysis of court decisions is therefore not intended to measure the frequency or statistical patterns of judicial practice. Rather, it seeks to identify the structure of legal reasoning employed by courts when adjudicating domestic violence cases involving reconciliation-based considerations. Through this analysis, the study examines whether judicial reasoning adequately addresses victim safety, voluntariness, power imbalances, perpetrator accountability, and the risk of recurrent violence. The analysis is conducted by integrating positive legal norms, the doctrine of *iṣlāḥ*, the principles of *maqāṣid al-sharī'ah*, and the perspective of *mubādalah*. These four elements are employed to construct a normative standard for determining when reconciliation may be regarded as legitimate and when it

instead risks becoming an instrument of coercion against victims (Al-Fitri, A. R. I., & Baharuddin, A. Z. 2025).

Data collection was conducted through systematic document analysis. Legal texts, court decisions, and scholarly sources were examined by identifying relevant norms, arguments, doctrines, and principles relating to domestic violence, reconciliation, restorative justice, and *islāh*. The collected materials were subsequently classified into three analytical categories: first, the normative basis of reconciliation in positive law; second, the conceptual foundation of *islāh* within Islamic legal thought; and third, the limits of victim protection that must be observed when these two concepts are integrated.

The data were analysed using a prescriptive-analytical method. This method was employed to interpret legal norms and Islamic legal doctrines systematically, identify points of convergence between *islāh* and restorative justice, and determine the normative limits of reconciliation in domestic violence cases. The analysis focuses on whether reconciliation is capable of protecting victims, ensuring voluntary consent, preventing revictimization, and maintaining legal accountability. Based on this analytical approach, the article formulates a victim-centred normative framework for assessing the legitimacy of reconciliation in domestic violence cases.

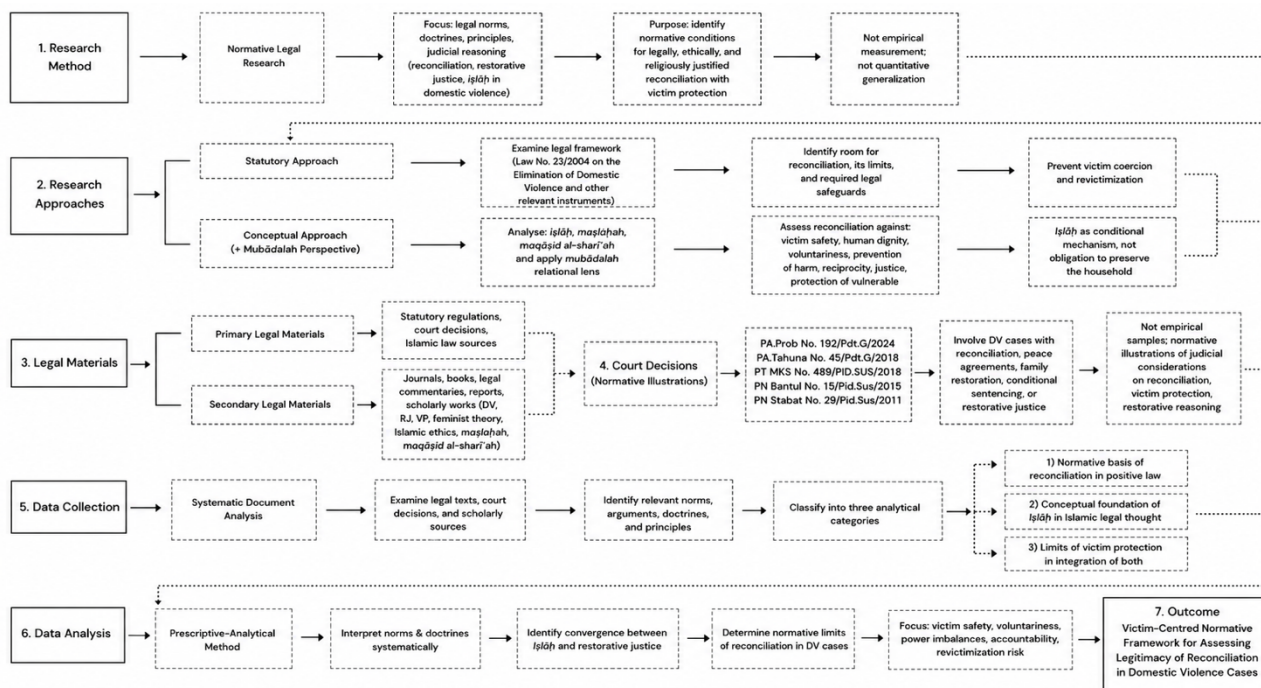


Figure 1: Research Methodology Workflow

Results

Table 1. Reported Domestic Violence Cases Against Women in Indonesia (2023)

Indicator	Number of Cases/Victims	Percentage	Source
Total reported violence cases against women and children	18,466 cases	100%	KPPPA (2024)
Female victims	16,343 victims	88.5%	KPPPA (2024)
Domestic violence (KDRT) cases	12,158 victims	65.8%	KPPPA (2024)
Non-domestic violence cases	6,308 victims	34.2%	KPPPA (2024)

Source: Ministry of Women’s Empowerment and Child Protection (KPPPA), 2024.

Table 2. Forms of Violence in the Personal Sphere Reported to Komnas Perempuan (2023)

Type of Violence	Number of Cases	Percentage
Violence against wives	1,573	56.4%
Violence in dating relationships	622	22.3%

Violence against girls	418	15.0%
Other domestic/personal violence	177	6.3%
Total	2,790	100%

Source: Komnas Perempuan, *CATAHU* (2024).

Table 3. Factors Influencing Victims to Accept Reconciliation in Domestic Violence Cases

Contributing Factors	Description	Potential Impact on Victim Autonomy
Economic dependency	Victim relies financially on perpetrator	Reduced freedom to reject reconciliation
Psychological trauma	Fear, intimidation, emotional attachment	Difficulty making autonomous decisions
Social stigma	Fear of divorce-related stigma	Pressure to maintain marriage
Child-related considerations	Concern over child custody and welfare	Increased likelihood of coerced reconciliation
Religious/family pressure	Moral expectation to preserve family unity	Victim may feel guilty refusing reconciliation

Source: Adapted from Stubbs (2007); Daly & Stubbs (2006); Nascimento et al. (2023); Komnas Perempuan (2024).

Table 4. Judicial Patterns of Reconciliation in Domestic Violence-Related Cases

Court Decision	Type of Case	Reconciliation/Restorative Element	Main Judicial Consideration
No. 192/Pdt.G/2024/PA.Prob	Divorce case	Agreement regarding post-divorce consequences	Child custody and visitation
No. 45/Pdt.G/2018/PA.Tahuna	Divorce case	Judicial attempt at reconciliation	Preservation of family relations
No. 489/PID.SUS/2018/PT MKS	Criminal domestic violence	Conditional sentence	Child welfare and family restoration
No. 15/Pid.Sus/2015/PN Bantul	Criminal domestic violence	Restorative sentencing reasoning	Recovery of family condition
No. 29/Pid.Sus/2011/PN Stb	Criminal domestic violence	Consideration of peace agreement	Mitigation in sentencing

Source: Processed from selected court decisions analysed in this study.

Table 5. Victim-Centred Legitimacy Test Indicators in Domestic Violence Reconciliation

Indicator	Operational Meaning	Risk if Ignored
Victim safety	Protection from repeated violence	Revictimization
Voluntary consent	Freedom from coercion	Forced reconciliation
Perpetrator accountability	Admission of wrongdoing and responsibility	Normalization of violence
Independent assistance	Legal and psychosocial support	Unequal bargaining position
Institutional supervision	Monitoring by legal institutions	Informal and unsafe settlements
Prevention of repeated violence	Risk assessment and behavioural control	Recurring abuse
Protection of dignity	Respect for victim autonomy	Psychological harm
Child safety	Ensuring safe domestic environment	Intergenerational violence

Source: Developed by the author based on restorative justice, *maqāsid al-sharī'ah*, and *mubādalāh* framework.

Tables 1 and 2 demonstrate that domestic violence (Kekerasan Dalam Rumah Tangga/KDRT) constitutes an urgent issue requiring scholarly attention because its incidence remains substantial, with women representing the predominant group of victims. Data from the Ministry of Women's Empowerment and Child Protection (KPPPA) for 2023 recorded 18,466 cases of violence, of which 12,158 victims were classified under domestic violence. Data

from the National Commission on Violence Against Women (Komnas Perempuan) further indicate that violence against wives constitutes the most prevalent form of violence within the personal sphere. These findings reinforce the existence of a gap between *das sollen* and *das sein*: normatively, the law guarantees protection for victims through Law No. 23 of 2004, yet, in practice, domestic violence continues to occur and frequently remains concealed within family relationships.

Tables 3 and 4 illustrate why reconciliation in domestic violence cases cannot be understood merely as a neutral process of achieving peace. Economic dependency, psychological trauma, social stigma, the interests of children, and pressure from family members or religious communities may all affect a victim's freedom to accept reconciliation. This pattern is likewise reflected in the judicial decisions analysed, in which opportunities for reconciliation continued to emerge in both divorce proceedings and criminal cases involving domestic violence. Accordingly, reconciliation must be examined critically to determine whether it genuinely facilitates the victim's recovery or instead functions as a mechanism that perpetuates unequal power relations.

Table 5 represents the article's principal conceptual contribution by formulating the indicators of the *victim-centred legitimacy test*. Indicators such as victim safety, voluntary consent, perpetrator accountability, independent assistance, institutional oversight, prevention of repeated violence, protection of human dignity, and child safety demonstrate that reconciliation is legitimate only when it satisfies stringent standards of victim protection. Accordingly, the integration of *iṣlāḥ*, *mubādalāh*, and restorative justice must not be confined to the achievement of a formal settlement but should instead be assessed according to its capacity to protect victims, prevent revictimisation, and ensure that perpetrators remain accountable.

Judicial Reconciliation in Domestic Violence-Related Divorce Cases

The first finding demonstrates that divorce cases involving elements of domestic violence continue to provide opportunities for reconciliation within the Religious Courts. This is evident in Religious Court Decision Number 192/Pdt.G/2024/PA.Prob and Religious Court Decision Number 45/Pdt.G/2018/PA.Tahuna. Both decisions demonstrate that although domestic violence constituted a significant ground for filing divorce petitions, the courts nevertheless provided opportunities for reconciliation, judicial advice to the parties, or agreements concerning the legal consequences of divorce.

In Decision Number 192/Pdt.G/2024/PA.Prob, the petitioner sought divorce on the grounds of physical violence and the respondent's failure to provide financial maintenance. Nevertheless, the case incorporated a settlement agreement concerning the legal consequences of divorce, including child custody, the waiver of maintenance claims, and visitation rights. This demonstrates that *iṣlāḥ* in judicial practice does not invariably signify the complete restoration of the marital relationship but may instead take the form of an agreement governing the legal consequences of divorce. In this context, reconciliation functions to regulate the transition of family relationships following divorce rather than to compel victims to return to relationships characterised by violence (Source: PA Decision Number 192/Pdt.G/2024/PA.Prob, p. 2).

Decision No. 45/Pdt.G/2018/PA.Tahuna demonstrates a different pattern. The court continued to perform its advisory function by providing the parties with an opportunity for reconciliation, although the divorce petition was based on physical violence, adultery, and neglect. The reconciliation attempt proved unsuccessful because the respondent failed to appear before the court, resulting in the case being adjudicated *verstek*. The court's reasoning demonstrates that reconciliation remains an integral component of family court procedure; however, it cannot be imposed once domestic violence, prolonged separation, and the failure

to achieve the objectives of marriage have been established (Source: Religious Court No. 45/Pdt.G/2018/PA.Tahuna).

The findings from these two decisions reveal a normative tension. On the one hand, the Religious Courts are mandated to pursue reconciliation in family disputes. On the other hand, domestic violence cases involve power relations that differ fundamentally from those found in ordinary family conflicts. Reconciliation in domestic violence-based divorce cases can be justified only when it does not undermine the victim's status as a rights-holder entitled to legal protection. This principle is consistent with the view advanced by Stubbs (2007, pp. 169–187), who emphasises that reconciliation in domestic violence cases must be approached with caution because victims are often subjected to emotional, economic, and social pressures.

Restorative Reasoning in Criminal Domestic Violence Decisions

The second finding demonstrates that *restorative justice* considerations also appear in criminal domestic violence decisions. This is evident in the Decision of the Makassar High Court No. 489/PID.SUS/2018/PT MKS, the Decision of the Bantul District Court No. 15/Pid.Sus/2015/PN Bantul, and the Decision of the Stabat District Court No. 29/Pid.Sus/2011/PN Stb. These three decisions demonstrate that the courts considered not only the perpetrator's culpability but also the restoration of family relationships, the best interests of the child, and the possibility of the perpetrator's behavioural reform (Source: Court No. 489/PID.SUS/2018/PT MKS).

In Decision No. 489/PID.SUS/2018/PT MKS, the appellate court converted the sentence of imprisonment into a suspended sentence. The court's principal consideration was that incarcerating the perpetrator could further damage the marital relationship and adversely affect the child. The court also considered that the perpetrator should be given an opportunity to improve his conduct and fulfil his responsibilities as a husband and father. This pattern of reasoning demonstrates an orientation towards the restoration of family relationships as one of the underlying objectives of sentencing.

Decision No. 15/Pid.Sus/2015/PN Bantul likewise demonstrates the application of restorative considerations. The court stated that criminal punishment is intended not merely to retaliate against the perpetrator's wrongdoing but also to restore the condition of the victim, the perpetrator, and society. The consideration that the child continued to require the care of both parents constituted an important factor in determining the sentence. This decision demonstrates that the court adopted a more flexible approach than a purely retributive model of punishment (Source: Bantul District Court No. 15/Pid.Sus/2015/PN Bantul). Decision No. 29/Pid.Sus/2011/PN Stb demonstrates that reconciliation between the perpetrator and the victim may constitute part of the legal considerations in criminal domestic violence cases. Although the perpetrator was ultimately found guilty, the reconciliation reached during the trial became one of the factors taken into account by the court. This finding demonstrates that, in criminal judicial practice, reconciliation does not necessarily eliminate criminal liability but may influence the manner in which the court evaluates the objectives of sentencing (Source: Stabat District Court No. 29/Pid.Sus/2011/PN Stb).

This pattern demonstrates that judicial reasoning in criminal domestic violence cases tends to operate through three principal forms: the imposition of suspended sentences, consideration of the best interests of the child, and recognition of reconciliation between the parties. This approach possesses important restorative value because it promotes recovery and avoids excessively punitive responses. Nevertheless, significant risks arise when the restoration of family relationships is prioritised over the victim's safety. Daly and Stubbs (2006, pp. 9–28) warned that *restorative justice* in cases of intimate partner violence may obscure existing power imbalances unless it is accompanied by robust standards of victim protection (Nurhidayah, Y., 2025).

Normative Convergence between *Islāh* and Restorative Justice

The third finding demonstrates the existence of a normative convergence between *islāh* and *restorative justice*. Both are founded on the premise that conflict resolution cannot rely solely on punitive sanctions. An effective resolution must also take into account victim recovery, perpetrator accountability, the restoration of social relationships, and the prevention of greater harm (Barocas, B., Avieli, H., & Shimizu, R. [2020](#)). Within the framework of *restorative justice*, dispute resolution is understood as a process involving the victim, the perpetrator, and the community in repairing the harm caused by criminal wrongdoing (Zehr, [2015](#), pp. 35–45). Within the framework of *islāh*, dispute resolution is directed towards restoring social conditions, reducing harm, and achieving *maṣlahah* (Nasution, K., [2026](#)).

This convergence is reflected in the judicial decisions analysed. The Religious Courts provide opportunities for reconciliation in domestic violence-based divorce cases, while the criminal courts incorporate restorative considerations into sentencing decisions (Darmawan, [2025](#)). These two judicial practices demonstrate that the Indonesian legal system does not entirely preclude recovery-oriented mechanisms for resolving domestic violence cases. Reconciliation is understood as a means of reducing conflict, regulating legal consequences, safeguarding the best interests of the child, and encouraging behavioural reform on the part of the perpetrator (Hardani, S., [2026](#)).

The convergence between *islāh* and *restorative justice* may also be understood through the principles of *maṣlahah* and *maqāṣid al-sharī'ah* (Kamali, [2019](#), pp. 1–20). In Islamic law, reconciliation should not be understood merely as the cessation of conflict but should instead be evaluated according to its capacity to prevent harm and protect the fundamental interests of human beings. The principle of *hifz al-nafs* identifies the protection of human life as the foremost objective of the law. Accordingly, every reconciliation in domestic violence cases must ensure the victim's safety rather than merely preserving the formal structure of the family (Mol, [2019](#), pp. 180–206).

This convergence demonstrates that *islāh* and *restorative justice* can mutually reinforce one another when both are situated within a victim-centred framework of protection. *Restorative justice* provides a participatory mechanism for recovery, whereas *islāh* offers an ethical and religious foundation for restoring social conditions and preventing harm. The integration of these two concepts should not be interpreted as an automatic justification for reconciliation in all domestic violence cases. Rather, such integration possesses normative legitimacy only when reconciliation genuinely restores the victim, ensures perpetrator accountability, and effectively prevents the recurrence of violence.

This convergence, however, should not be read as a simple equation between *islāh* and restorative justice. Restorative justice primarily offers a procedural model for involving victims, offenders, and relevant social actors in repairing harm, whereas *islāh* carries a broader ethical and religious orientation that places peace within the framework of *maṣlahah*. The concept of *as-ṣulḥu* in Islamic legal discourse is not merely a contractual agreement to end a dispute, but a normative instrument aimed at preventing further harm and rebuilding social balance (Muflikhudin, [2020](#), pp. 107–122). In this regard, the meeting point between *islāh* and restorative justice lies in their shared rejection of purely punitive logic. Both require that legal settlement should not stop at the punishment of the offender, but must also address the concrete injury suffered by the victim, the moral responsibility of the perpetrator, and the social conditions that allow violence to recur (Ichsan et al., [2025](#), pp. 1401–1410).

The Indonesian legal context shows that this convergence has begun to appear in institutional practice, although its implementation remains uneven. At the prosecution level, restorative justice has been used as an alternative mechanism in domestic violence cases, particularly after the emergence of prosecutorial regulations on termination of prosecution based on restorative justice (Firdaus, [2024](#), pp. 79–96). Similar discussions also appear in

studies on domestic violence settlement at the police and prosecution stages, where peace agreements, apology, and victim forgiveness are often treated as important indicators for case resolution (Sitorus & Maysarah, 2023). Yet, this practice requires serious caution. When reconciliation is treated only as administrative evidence of peace, restorative justice may lose its restorative character and become a procedural shortcut. The decisive issue is not whether peace has been formally declared, but whether the process truly repairs harm and removes the victim from conditions of vulnerability (Dityariyan et al., 2025, pp. 1–13).

For that reason, *maqāṣid al-sharī'ah* provides an important evaluative standard for determining the validity of reconciliation in domestic violence cases (Fahrurrozi et al., 2022, pp. 201–222). The protection of life, dignity, lineage, reason, and property should not be understood abstractly, but must be translated into concrete protection for victims. Research on the Indonesian Domestic Violence Law from the perspective of *maqāṣid al-sharī'ah* shows that the legal prohibition of domestic violence is consistent with the objectives of protecting life, family welfare, property, religion, and reason (Alcika et al., 2023, pp. 148–162). Therefore, reconciliation cannot be justified when it places the victim back into a harmful relationship without safety guarantees, psychological recovery, and institutional supervision. In the context of KDRT, *ḥifẓ al-naḥs* should operate as a substantive filter: reconciliation is valid only when it secures the victim's safety, limits the perpetrator's power, and prevents renewed violence (Wicaksono et al., 2024, pp. 888–904).

The novelty of this article lies in its effort to develop a more precise normative framework for reading the convergence between *islāḥ* and restorative justice in domestic violence cases (Akbar, 2022, pp. 199–208). Earlier Indonesian studies have generally discussed restorative justice as criminal law reform, as a comparative concept between Islamic law and national law, or as a practical mechanism in KDRT settlement (Wulandari, 2021, pp. 233–249). This article goes further by arguing that convergence is not automatically legitimate; it must pass a victim-centred *maqāṣid* test. The main contribution, therefore, is the reformulation of *islāḥ* as a conditional mechanism of justice rather than a mere instrument of family preservation (Fauzi et al., 2023, pp. 183–204). In this model, reconciliation is accepted only when it restores the victim, ensures perpetrator accountability, and prevents the repetition of violence. This distinction gives the article a stronger theoretical position than studies that merely emphasize harmony, forgiveness, or non-punitive settlement.

***Mubādalāh* as a Relational Lens in Domestic Violence Reconciliation**

The findings demonstrate that reconciliation in domestic violence cases cannot be evaluated solely on the basis of the existence of a formal settlement between the perpetrator and the victim (Hester, M. 2006). Rather, reconciliation must also be examined through the perspective of *mubādalāh* to determine whether the process reflects equality, mutual respect, and freedom from domination. In domestic violence cases, the relationship between the perpetrator and the victim is frequently characterised by structural inequality. Victims may accept reconciliation because of economic dependency, concerns for the welfare of children, social stigma, or pressure from family members. The *mubādalāh* perspective provides an analytical framework for assessing whether the victim's consent genuinely arises from free and voluntary choice or instead results from coercive relational structures (Ibrahim, M., Alfani, M. 2025).

From the perspective of *mubādalāh*, *islāḥ* cannot be interpreted as imposing an obligation upon victims to preserve the integrity of the household. Rather, *islāḥ* should be understood as a process of restoration that requires perpetrator accountability, victim recovery, and the complete cessation of violence (Junaidi, 2025). Accordingly, *mubādalāh* reinforces the normative boundary that reconciliation is legitimate only when unequal power relations have been effectively addressed, victims receive meaningful protection, and

perpetrators demonstrate a concrete commitment to refraining from future acts of violence (Muhammad, A. B., Ismail, B. 2025).

This finding also suggests that formal reconciliation should be treated as a contested legal moment rather than as a neutral indicator of peace. In domestic violence cases, the victim's agreement to reconcile may be shaped by layered vulnerability, including economic dependence, fear of social stigma, concern for children, and the persistence of patriarchal authority within the family (Fakhruzy, 2022). Indonesian studies on penal mediation and family mediation show that domestic violence is closely connected to unequal power relations, while mediation becomes meaningful only when it is carried out carefully and prioritises victim protection rather than merely producing a peace agreement (Maysal et al., 2025). Thus, reconciliation must be examined by asking not only whether the victim has agreed, but also whether the social and psychological conditions surrounding that agreement allow the victim to speak freely, safely, and without pressure.

The *mubādalāh* perspective strengthens this analysis by shifting the focus of marital relations from hierarchy to reciprocity. In this framework, the household is not understood as a space where one party holds unilateral authority over the other, but as a moral relationship built on mutual responsibility, respect, and protection. Studies on *mubādalāh* in Indonesian Islamic family law explain that the concept challenges rigid gender roles and promotes a more balanced distribution of rights, obligations, and decision-making between husband and wife (Daharis et al., 2025). Likewise, the reinterpretation of *nusyūz* through *mubādalāh* shows that disobedience or relational harm cannot be attached only to wives; husbands may also commit relational violations when they neglect, dominate, or harm their spouses (Ghummiyah, 2023). This argument is important because domestic violence often begins when religious or cultural authority is used to justify control.

In this sense, *iṣlāḥ* should be placed within a hierarchy of protection, not within a mere rhetoric of family unity (Nuraeni et al., 2025). The preservation of marriage cannot override the protection of life, dignity, and psychological safety. Recent research on wives who remain in violent marriages for the sake of children shows that such resilience is not always a sign of recovery; it may instead represent defensive adaptation under pressure, especially when victims continue to experience fear, emotional exhaustion, and repeated violence (Azizah et al., 2026). Therefore, the principle of *hiḥz al-nafs* must guide the evaluation of reconciliation. A settlement that returns the victim to an unsafe household, without risk assessment, psychological support, and perpetrator accountability, cannot be considered true restoration. It may formally end a dispute, but substantively it leaves the structure of violence intact (Fakhruzy, 2022).

The novelty of this article lies in its effort to formulate a victim-centred reading of *iṣlāḥ* through the lens of *mubādalāh* and restorative justice. Previous studies have discussed mediation in KDRT cases, *mubādalāh* in marital relations, or gender-responsive restorative justice as separate themes (Nurlaila et al., 2026). This article moves beyond those discussions by proposing that reconciliation must pass a substantive legitimacy test: it must protect the victim, dismantle coercive power relations, ensure voluntary consent, and require concrete accountability from the perpetrator (Daharis et al., 2025). The novelty, therefore, is not merely in combining Islamic legal concepts with restorative justice, but in redefining *iṣlāḥ* as a conditional mechanism of justice. Reconciliation is legitimate only when it ends violence, restores dignity, and strengthens the victim's agency; otherwise, it risks becoming a religiously framed instrument for maintaining domination.

Normative Gap in Victim Protection

The fourth finding reveals the existence of a normative gap in victim protection. This gap constitutes the most significant finding of the present study. The judicial decisions analysed demonstrate the availability of reconciliation mechanisms and restorative

considerations; however, they do not establish clear operational standards for determining whether victims have provided genuinely voluntary consent, whether they remain safe following reconciliation, whether family or economic pressures have influenced their decisions, or whether effective mechanisms exist to monitor perpetrators after judicial decisions have been rendered.

This gap is evident in both divorce and criminal proceedings. In divorce cases, settlement agreements may regulate the legal consequences of divorce; however, they do not always reflect a comprehensive assessment of the power relations between the victim and the perpetrator. In criminal proceedings, considerations relating to the best interests of the child and the preservation of family harmony may function as mitigating factors, yet they do not necessarily address the risk of recurrent violence. Excessive emphasis on restoring family relationships may ultimately divert attention from the victim's safety and protection.

The gap in victim protection also arises because the concept of *iṣlāḥ* is frequently understood in a general sense as reconciliation. Such an interpretation risks oversimplifying domestic violence by treating it as an ordinary family dispute. Domestic violence possesses distinctive characteristics because it frequently involves repeated abuse, economic dependency, fear, and unequal power relations. Nascimento, Andrade, and de Castro Rodrigues (2023, pp. 1929–1947) demonstrate that the practice of *restorative justice* may produce positive outcomes for victims; however, such outcomes depend substantially upon the conditions under which the process is implemented, the position of the victim within that process, and the availability of effective safeguards to ensure the victim's safety.

The absence of clear operational standards creates a significant risk of revictimization. Victims may appear to consent to reconciliation, yet such consent does not necessarily arise from genuine free will. Consent may instead be shaped by economic pressure, fear of losing custody of children, pressure from the extended family, the social stigma associated with divorce, or religious understandings that prioritise family unity over the victim's safety. Under such circumstances, reconciliation ceases to function as an instrument of recovery and instead becomes a mechanism that confines victims within structures of violence.

The findings of this study demonstrate that the integration of *iṣlāḥ* and restorative justice requires more rigorous normative standards. At a minimum, these standards should include an assessment of the risk of recurrent violence, verification of the victim's voluntary consent, independent victim assistance, acknowledgment of wrongdoing by the perpetrator, a comprehensive victim recovery plan, guarantees against the repetition of violence, and institutional monitoring following reconciliation. Reconciliation should not automatically terminate legal accountability. Rather, victim protection must serve as the primary criterion for determining the legitimacy of reconciliation.

Based on these findings, this study argues that *iṣlāḥ* and restorative justice may be integrated into domestic violence cases only as a conditional mechanism. Their integration is normatively legitimate only when it satisfies the victim-centred legitimacy test. This test evaluates reconciliation according to four principal criteria: victim safety, the autonomy of the victim's decision-making, perpetrator accountability, and the prevention of revictimization. This framework distinguishes reconciliation that advances justice from reconciliation that merely appears peaceful in a formal sense while, in reality, perpetuating unequal power relations within domestic relationships.

Discussion

This discussion is directed towards addressing the objectives of the study, namely to evaluate the appropriateness of applying restorative justice in domestic violence cases, to analyse the position of *iṣlāḥ* as a normative framework within Islamic law, and to formulate

the limits of the legitimacy of integrating these two approaches by placing victim protection as the primary evaluative parameter.

The findings demonstrate that *islāh* and restorative justice share a similar normative orientation, namely the restoration of relationships and the resolution of conflict beyond a purely retributive approach. In the international literature, restorative justice is understood as a paradigm that positions victims, perpetrators, and the community as the principal actors in conflict resolution (Zehr, 2015, pp. 35–45). Within the framework of Islamic law, *islāh* functions as a mechanism for restoring conditions, guided by the principles of *maṣlaḥah* and the prevention of harm.

Such convergence does not automatically confer normative legitimacy in domestic violence cases. International scholarship consistently demonstrates that the application of restorative justice in cases of intimate partner violence involves serious risks when it is not accompanied by robust victim protection. Daly and Stubbs (2018, pp. 5–24) emphasise that reconciliation processes in domestic violence cases frequently fail to account for the unequal power relations between perpetrators and victims, thereby creating the risk of pressuring victims into accepting reconciliation that is not entirely voluntary. This finding is reinforced by Braithwaite and Daly (2019, pp. 179–201), who argue that restorative justice can be normatively justified only when it guarantees victim safety, voluntary participation, and equality between the parties.

In the context of domestic violence, continuing personal relationships, economic dependency, and social and familial pressures frequently limit the victim's ability to make genuinely autonomous decisions. The study by Nascimento et al. (2023, pp. 1929–1947) demonstrates that victim consent in restorative processes does not always reflect authentic recovery but is often influenced by external pressures. This finding indicates that reconciliation cannot be regarded as an indicator of successful case resolution; rather, it must be assessed against rigorous standards of victim protection.

This analysis is consistent with the reinterpretation of the concept of *islāh* within Islamic law. Normatively, *islāh* is indeed oriented towards reconciliation and the restoration of relationships. However, the principles of *maṣlaḥah* and *maqāṣid al-sharī'ah* identify the protection of life *ḥifz al-nafs* and human dignity as the foremost objectives of the law (Kamali, 2019, pp. 1–20). Mol (2019, pp. 180–206) further argues that any form of reconciliation that compromises the safety of vulnerable individuals is incompatible with the fundamental objectives of Islamic law. Accordingly, *islāh* in domestic violence cases cannot be understood as a moral obligation to preserve the household but rather as a conditional mechanism that is legitimate only when it guarantees the victim's safety and prevents recurrent violence.

Within the Indonesian legal context, the integration of *islāh* and *restorative justice* continues to face significant normative shortcomings. Although national regulations provide opportunities for peace-based dispute resolution, they have yet to establish clear operational standards for protecting victims in domestic violence cases. Gavrielides (2020, pp. 923–941) demonstrates that the effectiveness of *restorative justice* depends substantially on institutional capacity and the existence of robust normative standards. In the absence of such standards, restorative mechanisms risk becoming informal settlement processes that ultimately undermine the protection and legal position of victims.

These findings demonstrate that the central issue is not whether reconciliation should be permitted, but rather how the limits of its legitimacy should be determined in domestic violence cases. Reconciliation cannot be regarded as a universally appropriate solution. Instead, it should be understood as a conditional mechanism that remains subject to the principles of victim protection, voluntary participation, and legal accountability.

Mubādalāh and the Reconstruction of *Islāh* in Domestic Violence Cases

The perspective of *mubādalāh* enriches the discourse on *islāḥ* and *restorative justice* by offering an interpretative approach that is more responsive to power relations within the household. In domestic violence cases, the primary concern extends beyond the mere existence of conflict between spouses; rather, it lies in the unequal power relations that enable one party to dominate, coerce, or inflict harm upon the other. Accordingly, dispute resolution grounded in *islāḥ* must not be confined to the objective of restoring family harmony. Instead, *islāḥ* should be directed towards achieving just restoration that is, a form of restoration that ends violence, restores the victim's dignity, and ensures perpetrator accountability (Muhtarom, M. Ali. 2025).

Within the *mubādalāh* framework, reconciliation is meaningful only when both parties are recognised as equal legal and moral subjects. Victims must not be placed in the position of bearing the moral burden of forgiving the perpetrator, accepting the perpetrator back into the household, or preserving the marriage. Likewise, perpetrators must not derive legal advantages solely because they have formally expressed remorse or offered an apology (Mustofa, Rizal Bahrul. 2025).

The principle of reciprocity embedded in *mubādalāh* requires mutual responsibility; however, in domestic violence cases, such responsibility must be interpreted proportionately (Mahdaliyah, M., Assaad, A. S., & Nur, M. T. 2024). Perpetrators bear the responsibility to cease all forms of violence and to remedy the harm they have caused, whereas victims retain the right to determine their legal choices in a manner that is safe, voluntary, and consistent with their dignity.

This analytical position indicates that the application of *islāḥ* in domestic violence cases cannot be separated from a careful reading of the social structure in which violence occurs. Domestic violence is not merely a private dispute that emerges from temporary emotional conflict; it is often sustained by unequal authority, economic dependence, patriarchal culture, and the normalization of male control within the household. Studies on domestic violence in Indonesia show that the causes and impacts of violence are complex, involving psychological, social, economic, and cultural dimensions that frequently place women in a vulnerable position (Alimi & Nurwati, 2021). In this context, *mubādalāh* functions as a corrective interpretive framework because it prevents religious language from being used to preserve domination. Its emphasis on reciprocity, equality, and shared dignity requires every legal and moral reading of the family to be tested against the concrete experience of harm suffered by the victim (Basid & Jazila, 2023; Rohman & Amin, 2025).

Therefore, reconciliation should be treated as a legal-ethical process, not simply as an emotional return to marital togetherness. In many domestic violence cases, mediation or restorative settlement may appear peaceful at the surface, but it can reproduce injustice when the victim is pressured to forgive, withdraw the report, or accept the perpetrator without adequate protection (Sopacua, 2024). Empirical research on mediation for victims of domestic violence in Central Java shows that victims often avoid the criminal justice system because of financial, psychological, and social burdens, yet mediation itself still faces serious problems when facilitators are not sufficiently trained and when institutional responses are inconsistent (Sukendar et al., 2023). This means that *islāḥ* can only be considered legitimate when it is conducted under conditions of safety, voluntariness, informed consent, and institutional supervision. Without these safeguards, reconciliation risks becoming a mechanism that silences victims rather than restores justice (Ludfi et al., 2018)

From the perspective of Islamic legal objectives, the substance of *islāḥ* must be measured by its capacity to protect life, dignity, and family welfare. The *maqāṣid* orientation in handling domestic violence places the preservation of the soul, honor, and human dignity above the formal preservation of marriage. Recent studies on domestic violence within Islamic law frameworks emphasize that victim protection must cover both substantive recognition of

harm and procedural responsiveness in law enforcement (Nuroniya et al., 2025). Thus, restorative justice in domestic violence cases should not stop at apology or peace agreement; it must include concrete accountability, behavioral correction, restitution where relevant, psychological recovery, and mechanisms to prevent repeated violence. In this sense, *islāh* becomes meaningful only when it transforms the condition that produced violence, not when it merely covers the conflict with the language of harmony (Cahayani et al., 2024).

The novelty of this article lies in its attempt to place *mubādalah*, *islāh*, and *restorative justice* within one integrated analytical framework for reading domestic violence cases. Previous studies have generally discussed *mubādalah* as a method of gender-just interpretation, restorative justice as an alternative legal mechanism, or domestic violence as a problem of victim protection (Mua'malah, 2025). This article moves further by arguing that reconciliation in domestic violence must pass through a "just restoration" test: whether it guarantees victim safety, restores dignity, and establishes perpetrator accountability (Rohman & Amin, 2025). Compared with studies that mainly emphasize harmony, mediation, or the general value of reciprocity, this article offers a more critical formulation by distinguishing between reconciliation that merely ends conflict and reconciliation that truly ends violence (Faizah, 2025). This distinction is essential because, in domestic violence cases, peace is not achieved when the household is formally reunited, but when domination is dismantled and the victim's agency is fully restored (Sopacua, 2024).

***Mubādalah*-Based Victim-Centred Legitimacy Test for *Islāh* and Restorative Justice**

The victim-centred legitimacy test model proposed in this article is further strengthened through the perspective of *mubādalah*. This perspective ensures that the legitimacy test for reconciliation focuses not only on the individual safety of the victim but also on rectifying the unequal relationship between the perpetrator and the victim (Jones, B. 2023). Accordingly, reconciliation should not merely produce formal peace but must also establish relationships that are more just, secure, and free from domination.

The integration of *islāh* and restorative justice in domestic violence cases requires a legitimacy test that evaluates not only whether reconciliation has occurred but also whether such reconciliation genuinely protects the victim (Mills, L. G., Barocas, B., & Ariel, B. 2013). In domestic violence cases, a settlement agreement does not necessarily reflect the victim's genuine free will. Victim consent may instead arise from economic pressure, emotional dependency, social stigma, the interests of the child, pressure from the extended family, or religious understandings that prioritise family unity over the victim's safety. Stubbs (2007, pp. 169–187) emphasises that restorative justice in domestic violence cases must be critically evaluated because dialogue and formal apologies may overlook unequal power relations unless they are accompanied by robust standards of victim protection.

The victim-centred legitimacy test model is proposed as both a conceptual and an operational framework for assessing the legitimacy of reconciliation in domestic violence cases. This model rests upon three normative foundations. First, the principle of victim protection in Indonesian positive law, which identifies victim safety, recovery, and the prevention of recurrent violence as the primary objectives of domestic violence case management. Second, the principles of restorative justice, which require victim participation, perpetrator accountability, restoration of harm, and fair procedural oversight. UNODC (2020) emphasises that restorative justice programmes must be carefully designed, voluntary, safe, and must not further disadvantage victims, particularly where vulnerable individuals are involved. Third, the principles of *maqāsid al-sharī'ah*, particularly *ḥifẓ al-nafs* and the protection of human dignity, which reject any form of reconciliation that leaves victims trapped in situations of violence.

Conceptually, the victim-centred legitimacy test defines legitimate reconciliation as a dispute resolution process that satisfies four principal criteria: victim safety, the autonomy of

the victim's decision-making, perpetrator accountability, and the prevention of revictimization. Under this framework, reconciliation is no longer regarded as an end in itself but rather as a conditional mechanism. Reconciliation is acceptable only when it provides genuine protection for the victim and does not extinguish the perpetrator's legal responsibility. Daly and Stubbs (2006, pp. 9–28) caution that the principal challenge of restorative justice in cases of intimate partner violence lies not in the concept of restoration itself, but in the risk that such processes may overlook gender inequality, perpetrator control, and pressures exerted upon victims. This model incorporates eight principal indicators that may be applied by judges, prosecutors, investigators, mediators, religious leaders, and victim support institutions.

1. **First**, the victim must be in a condition of physical and psychological safety. Victim safety cannot be assessed solely on the basis of a formal declaration that the victim is “*willing to reconcile*.” Law enforcement officials or facilitators must ensure that the victim is not subject to threats, intimidation, acute psychological trauma, or any form of dependency that compromises the ability to make a genuinely autonomous decision. This criterion should be assessed through an evaluation of the risk of recurrent violence, the victim's history of abuse, the forms and severity of violence experienced, threats made by the perpetrator, the victim's access to a place of safety, and the victim's psychological condition. Reconciliation must not proceed where the assessment indicates that the victim remains at risk of further violence.
2. **Second**, the victim's consent must be genuinely voluntary and free from economic, familial, religious, or social pressure. In domestic violence cases, victims frequently agree to reconciliation not because they feel safe but because they fear losing financial support, losing custody of their children, bringing shame upon their families, or believing that refusing reconciliation would constitute a religious or moral failing. Consent provided under such circumstances cannot be regarded as legally valid. Facilitators must determine whether the victim fully understands the legal consequences of reconciliation, has been afforded sufficient time to make an informed decision, has access to independent legal advice, and has not been subjected to coercion by either the perpetrator or members of the extended family.
3. **Third**, the perpetrator must provide a clear acknowledgment of wrongdoing. Reconciliation must not be based upon narratives suggesting that the violence resulted merely from “a misunderstanding,” “a momentary emotional outburst,” or “an ordinary marital dispute” when the evidence demonstrates that domestic violence has in fact occurred. Such acknowledgment is an indispensable requirement because *restorative justice* is concerned not only with restoring harmony but also with ensuring accountability. Without an acknowledgment of responsibility, reconciliation becomes little more than a procedural formality that silences the victim and obscures the underlying causes of violence.
4. **Fourth**, there must be concrete guarantees that violence will not recur. Such guarantees must extend beyond verbal promises. They may take the form of written agreements, mandatory participation in behavioural counselling programmes, temporary restrictions on contact, supervision by victim-support institutions, or periodic reporting obligations to the competent authorities. Nascimento et al. (2023, pp. 1929–1947) demonstrate that *restorative justice* may generate positive psychological outcomes for victims; however, these outcomes depend substantially upon the quality of the restorative process, the victim's sense of safety, and meaningful recognition of the victim's needs.
5. **Fifth**, the victim must receive independent assistance. Such assistance may be provided by legal counsel, psychologists, social workers, women's protection organisations, or victim-support institutions. The presence of an independent advocate is essential to ensure that

victims are not required to confront the perpetrator, the perpetrator's family, or broader social pressures without appropriate support. Independent assistance also enables victims to understand their legal options, the risks associated with reconciliation, their rights to protection, and the mechanisms available for recovery.

6. **Sixth**, the reconciliation process must remain subject to institutional oversight. Reconciliation in domestic violence cases must not be left entirely to families, community leaders, or religious leaders without effective state supervision. Such oversight may be exercised by judges, prosecutors, investigators, certified mediators, or victim-protection institutions. Institutional supervision is indispensable because domestic violence is not merely a private family matter but a violation of the law that directly threatens human safety and dignity.
7. **Seventh**, reconciliation must not automatically extinguish the perpetrator's legal accountability. In domestic violence cases, terminating legal proceedings solely because reconciliation has been achieved may create the impression that violence can be resolved merely through an apology or a family agreement. Such an approach risks undermining both the deterrent and protective functions of the law. Although reconciliation may properly be taken into account during legal proceedings, it must not relieve the State of its responsibility to determine the perpetrator's culpability, protect the victim, and prevent the recurrence of violence.
8. **Eighth**, the best interests of the child must not be invoked as a means of pressuring the victim to return to the perpetrator. In many domestic violence cases, arguments advanced "for the sake of the child" are frequently used to persuade victims to accept reconciliation. Although the best interests of the child are of fundamental importance, they must not be interpreted narrowly as requiring the preservation of the household. Children likewise possess the right to live in an environment free from violence. Accordingly, claims based on the child's best interests must be assessed objectively to determine whether reconciliation genuinely provides safety for both the child and the victim or instead perpetuates their entrapment within a continuing cycle of violence.

All eight of the foregoing requirements must reflect the principle of *mubādalāh*, namely just reciprocity that does not place the burden of recovery upon the victim. Reciprocity must not be interpreted as an equal allocation of responsibility between the perpetrator and the victim, because domestic violence inherently involves one party who commits violence and another who suffers harm. Rather, the principle of *mubādalāh* should be understood as a corrective to unequal power relations, whereby the perpetrator bears the primary responsibility for ending the violence, repairing the harm caused, and rebuilding a relationship that is no longer characterised by domination.

The *victim-centred legitimacy test* can be operationalized through four sequential stages. The first stage is initial screening, which involves determining whether a case is appropriate for reconciliation. Cases involving severe violence, serious threats, repeated abuse, or extreme coercive control by the perpetrator should not be directed toward reconciliation. The second stage is victim assessment, encompassing the victim's physical safety, psychological condition, economic dependency, access to support services, and capacity to make a free and voluntary decision. The third stage is perpetrator assessment, which examines acknowledgment of wrongdoing, willingness to accept responsibility, history of violence, and commitment to participating in behavioural change programmes. The fourth stage is post-reconciliation monitoring, involving supervision of the implementation of the agreement, the victim's ongoing safety, the fulfilment of the perpetrator's obligations, and the risk of recurrent violence.

This model offers several significant advantages. First, it establishes a clearer distinction between legitimate reconciliation and reconciliation that poses risks to the victim. Peace is

no longer assessed merely on the basis of a signed agreement but rather on the quality of protection afforded to the victim. Second, the model prevents *revictimization* by ensuring that victims are not compelled to participate in reconciliation without adequate guarantees of safety. Third, it strengthens perpetrator accountability, as reconciliation does not automatically extinguish legal responsibility. Fourth, it provides law enforcement officials and mediators with a more objective framework for assessing the appropriateness of reconciliation. Fifth, it reinforces the interpretation of *islāh* within Islamic law by emphasizing that *islāh* should not be understood as an obligation to preserve the marital relationship at all costs, but rather as a process of restoration that remains subject to the protection of life, human dignity, and the prevention of *mafsadah*.

Another important benefit of this model is the enhancement of both judicial decision-making and dispute resolution processes. Judges, prosecutors, investigators, mediators, and religious leaders may employ this framework to avoid relying on overly generalized considerations, such as "preserving family harmony" or "giving the perpetrator an opportunity to change," without first ensuring the victim's safety. The model may also assist judicial institutions in developing more consistent standards for adjudicating domestic violence cases. Such consistency is essential because, in the absence of clear standards, case resolution tends to depend heavily on the subjective judgment of law enforcement officials or the social pressures surrounding the victim.

Conversely, the absence of a *victim-centred legitimacy test* may give rise to several serious risks. Reconciliation may become an instrument for pressuring victims to withdraw complaints or to resume the relationship with the perpetrator. Perpetrators may exploit reconciliation as a strategy to evade legal accountability. Family members or community leaders may encourage victims to reconcile in the name of family honour, religion, or the interests of children, even when the victim has not yet achieved a safe condition. Under such circumstances, *restorative justice* loses its restorative function and instead becomes an informal mechanism that perpetuates existing power imbalances.

The absence of this model may also weaken the state's protection of victims. When reconciliation is treated as a final resolution without a legitimacy assessment, the state risks withdrawing prematurely from its legal responsibilities. Consequently, domestic violence is once again relegated to the private sphere as a family matter. This situation is inconsistent with the fundamental principles of domestic violence law, which recognize domestic violence as a violation of both the law and human rights rather than merely a private family conflict.

Accordingly, the *victim-centred legitimacy test* constitutes both a conceptual and practical contribution of this article. Rather than rejecting either *islāh* or *restorative justice*, the model situates both concepts within boundaries that are safer, fairer, and more measurable. Reconciliation can be regarded as legitimate only when it protects the victim, safeguards the victim's autonomy, ensures the perpetrator's accountability, and prevents the recurrence of violence. Through this framework, the integration of *islāh* and *restorative justice* may be directed toward a genuinely justice-oriented mechanism of recovery, rather than serving merely as a form of formal reconciliation that conceals domestic violence.

Theoretical and Practical Contribution

The theoretical contribution of this article lies in redefining the way *islāh* and *restorative justice* are understood in domestic violence cases. Reconciliation has traditionally been regarded as a desirable form of dispute resolution because it is assumed to reduce conflict and preserve family relationships. This article demonstrates that such an understanding is not always appropriate in the context of domestic violence. Reconciliation acquires legitimacy only when it effectively protects the victim, safeguards the victim's autonomy, and prevents the recurrence of violence (Nur et al., 2025).

Through the *victim-centred legitimacy test*, this article proposes a new normative framework for distinguishing between reconciliation that is genuinely just and reconciliation that risks reproducing violence. This framework expands the interpretation of *iṣlāḥ* within Islamic law. Rather than positioning *iṣlāḥ* as an obligation to preserve the marital relationship, it reconceptualizes it as a protective mechanism that must remain subject to the principles of *ḥifẓ al-nafs*, human dignity, and the prevention of *mafsadah*. Accordingly, this article brings Islamic legal values and victim-protection principles into dialogue within a more critical and operational framework (Candra, [2013](#)).

From a practical perspective, this framework may be employed by judges, prosecutors, police officers, mediators, religious leaders, and victim-support institutions when assessing whether reconciliation is appropriate in domestic violence cases. Every reconciliation process should be preceded by a comprehensive risk assessment, verification of the victim's voluntary consent, access to independent support services, and effective institutional monitoring. Reconciliation should never serve as an automatic justification for terminating legal proceedings, particularly where the victim's safety has not yet been secured.

Accordingly, the integration of *iṣlāḥ* and *restorative justice* in domestic violence cases can only be regarded as acceptable when it is directed toward victim protection rather than merely restoring family relationships (Imtihanah, [2020](#)). This approach ensures that the value of reconciliation does not become a mechanism for legitimizing violence and that the law continues to fulfil its primary function of protecting vulnerable individuals, limiting the power of perpetrators, and ensuring substantive justice for victims.

This argument further shows that the legitimacy of reconciliation in domestic violence cases must be assessed not only from the existence of agreement between the parties, but also from the quality of the situation in which the agreement is produced. In cases involving violence, consent may be shaped by fear, economic dependence, social pressure, religious guilt, or the victim's limited access to legal protection. For this reason, a formal statement of peace cannot automatically be interpreted as a just settlement. Islamic legal reasoning itself does not justify violence in the household, because harm, humiliation, and coercion contradict the ethical purpose of marriage as a space of protection and dignity (Aziz, [2017](#)). In this regard, the *mubādalāh* approach strengthens the critique of reconciliation by insisting that family law must be read through mutuality, equal moral agency, and the rejection of domination within marital relations (Anggoro, [2020](#)).

This also means that *iṣlāḥ* should not be understood as a neutral concept detached from the lived reality of victims. In ordinary family disputes, reconciliation may function as a constructive mechanism for restoring communication and preventing prolonged conflict. However, in domestic violence cases, reconciliation becomes problematic when it is used to normalize the perpetrator's control or to place the victim under renewed pressure to maintain the marriage. Restorative justice, therefore, must not be reduced to the achievement of agreement, apology, or withdrawal of legal complaints. Its moral value depends on whether the process is capable of repairing harm, limiting the perpetrator's power, and ensuring that the victim is not returned to the same structure of vulnerability (Oktapiani et al., [2024](#)). This is why reconciliation requires substantive safeguards, not only procedural formality.

At the practical level, the victim-centred legitimacy test proposed in this article offers a more careful standard for legal and non-legal actors. Judges, prosecutors, police officers, mediators, religious counsellors, and community leaders should not ask only whether both parties agree to reconcile, but whether the victim is safe, informed, supported, and free from intimidation. Research on restorative justice in domestic violence cases in Indonesia indicates that protection for women and children must include safe houses, psychological assistance, legal support, and continued institutional supervision when reconciliation is considered (Suartini & Hidayati, [2023](#)). Without these elements, restorative justice may shift from a

mechanism of recovery into a shortcut for case termination. The same concern appears in studies that underline the tension between restorative settlement and victim protection, especially when legal institutions prioritise peace over accountability (Moshe, 2025).

The novelty of this article lies in its formulation of reconciliation as a conditional legal-ethical mechanism rather than as an automatic virtue in domestic violence cases (Candra, 2013). Earlier studies have discussed restorative justice as a reform in Indonesian criminal law, *mubādalāh* as a gender-just interpretive method, and Islamic family law as a framework for building reciprocal marital relations (Imtihanah, 2020). This article differs by bringing those discussions into a single analytical model through the victim-centred legitimacy test. The proposed model makes a sharper distinction between reconciliation that merely restores household continuity and reconciliation that genuinely restores justice (Anggoro, 2020). In this sense, the article contributes a new normative lens: *iṣlāḥ* is acceptable not because it preserves marriage, but because it protects life, dignity, autonomy, and the victim's right to live free from violence.

Conclusion

This study concludes that *iṣlāḥ* and *restorative justice* share a restorative orientation because both emphasize recovery, conflict de-escalation, responsibility, and the repair of damaged social relations. However, this similarity does not automatically make reconciliation legitimate in domestic violence cases. Domestic violence involves unequal power relations, psychological pressure, economic dependency, and the risk of repeated violence. Therefore, reconciliation in domestic violence cases can only be justified when it protects the victim's safety, autonomy, dignity, and freedom from coercion. The principal contribution of this article lies in formulating a *mubādalāh*-based *victim-centred legitimacy test* as a normative framework for distinguishing between reconciliation that is just and reconciliation that risks reproducing violence. Within this framework, *iṣlāḥ* is not understood as a moral obligation to preserve the marital relationship but as a conditional mechanism that must remain subject to the principles of *ḥifẓ al-nafs*, human dignity, equitable reciprocity, perpetrator accountability, and the prevention of *revictimization*. The *mubādalāh* perspective reinforces the position of victims as autonomous subjects rather than objects of reconciliation who are pressured in the name of family unity, religion, or the interests of children.

The findings imply the need for clear operational standards for judges, mediators, police officers, prosecutors, religious leaders, and victim-support institutions when handling reconciliation in domestic violence cases. Such standards should include risk assessment, verification of voluntary consent, independent victim assistance, monitoring of perpetrator compliance, and safeguards against repeated violence. Since this study is normative in nature, future research should examine empirically how courts, law enforcement agencies, mediators, religious authorities, and victim-support institutions apply reconciliation mechanisms in actual domestic violence cases. Empirical studies are needed to test whether the proposed *victim-centred legitimacy test* can effectively prevent coercive reconciliation and strengthen victim protection in practice. From a practical standpoint, judges, mediators, police officers, prosecutors, religious leaders, and victim-support institutions should also adopt the *mubādalāh* perspective when assessing the legitimacy of reconciliation. This perspective is essential to ensure that reconciliation is not viewed merely as a formal settlement but is evaluated according to the quality of the relationship, the victim's freedom to give genuine consent, the perpetrator's accountability, and effective guarantees against the recurrence of violence.

Bibliography

- Afifah, H. (2026). Restorative Justice And As-Şulhu In Islamic Law: A Maqaşid Sharia Perspective On Criminal Justice Reform In Indonesia. *Jurnal El-Thawalib*, 7(3). <https://doi.org/10.24952/el-thawalib.v7i3.19752>
- Akbar, M. F. (2022). Pembaharuan Keadilan Restoratif Dalam Sistem Peradilan Pidana Indonesia. *Masalah-Masalah Hukum*, 51(2), 199–208. <https://doi.org/10.14710/mmh.51.2.2022.199-208>
- Al-Fitri, A. R. I., & Baharuddin, A. Z. (2025). Repositioning of Female Children’s Inheritance in Indonesia Through Jurisprudence in the Perspective of Mubadalah Theory. (2025). *Journal of Islamic Mubadalah*, 2(1), 1-19. <https://doi.org/10.70992/banhpc96>
- Alcika, Y. S., Fadhil, M., & Marluwi. (2023). Kebijakan Hukum Pidana Penghapusan Kekerasan Dalam Rumah Tangga Perspektif Maqashid Syariah. *Sangaji: Jurnal Pemikiran Syariah Dan Hukum*, 7(2), 148–162. <https://doi.org/10.52266/sangaji.v7i2.1756>
- Alimi, R., & Nurwati, N. (2021). Faktor Penyebab Terjadinya Kekerasan Dalam Rumah Tangga Terhadap Perempuan. *Jurnal Penelitian Dan Pengabdian Kepada Masyarakat (JPPM)*, 2(2), 211–218. <https://doi.org/10.24198/jppm.v2i2.34543>
- Anggoro, T. (2020). The Methodology Of Contemporary Gender Interpretation: A Study Of Qirā’ah Mubādalah. *Sawwa: Jurnal Studi Gender*, 15(1), 53–74. <https://doi.org/10.21580/sa.v15i1.5198>
- Aziz, A. (2017). Islam Dan Kekerasan Dalam Rumah Tangga. *Kordinat: Jurnal Komunikasi Antar Perguruan Tinggi Agama Islam*, 16(1), 177–196. <https://doi.org/10.15408/kordinat.v16i1.6460>
- Azizah, N., Fahmi, M. N., & Al BIRTHA, U. (2026). Resiliensi Istri Korban KDRT demi Anak: Analisis Maqashid Syari’ah pada Hifz Al-Nafs dan Hifz Al-Nasl. *Al-Usariyah: Jurnal Hukum Keluarga Islam*, 4(1), 18–30. <https://doi.org/10.37397/al-usariyah.v4i1.1291>
- Barocas, B., Avieli, H., & Shimizu, R. (2020). Restorative justice approaches to intimate partner violence: A review of interventions. *Partner Abuse*, 11(3), 318–349. <https://doi.org/10.1891/PA-2020-0010>
- Basid, A., & Jazila, S. (2023). Tinjauan Konsep Mubadalah Dan Tafsir Maqashidi Dalam Merespon Isu Kekerasan Seksual. *Islamic Review: Jurnal Riset Dan Kajian Keislaman*, 12(1), 117–132. <https://doi.org/10.35878/islamicreview.v12i1.722>
- Brookes, Derek, Restorative Justice and Domestic Violence (September 1, 2019). SSRN: <http://dx.doi.org/10.2139/ssrn.3756614>
- Cahyani, N. L. P. A., Sugiarta, I. N. G., & Widyantara, I. M. M. (2024). Implementasi Restorative Justice Pada Kasus Tindak Pidana Kekerasan Dalam Rumah Tangga Di Polres Karangasem. *Jurnal Konstruksi Hukum*, 5(1), 104–110. <https://doi.org/10.22225/jkh.5.1.8587.104-110>
- Campos, C. H., & Oliveira, C. R. (2021). Judicial restorative justice and domestic violence in Brazil: Setting problems and challenges from the field. *International Journal for Crime, Justice and Social Democracy*, 10(4), 146–157. <https://doi.org/10.5204/ijcjsd.2015>
- Candra, S. (2013). Restorative Justice: Suatu Tinjauan Terhadap Pembaharuan Hukum Pidana Di Indonesia. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 2(2), 263–277. <http://dx.doi.org/10.33331/rechtsvinding.v2i2.76>

- Crawford, A. (2015). Temporality in restorative justice: On time, timing and time-consciousness. *Theoretical Criminology*, 19(4), 470-490. <https://doi.org/10.1177/136248061557580>
- Daharis, A., Pradana, S. Y., Hasibuan, K., Fadjriani, L., & Mardiansyah, H. (2025). Relevansi Konsep Mubadalah Dalam Relasi Suami-Istri Menurut Hukum Keluarga Islam. *Jurnal Kolaboratif Sains*, 8(3), 1557-1563. <https://doi.org/10.56338/jks.v8i3.7201>
- Daly, K., & Stubbs, J. (2006). Feminist engagement with restorative justice. *Criminology & Criminal Justice*, 6(1), 9-28. <https://doi.org/10.1177/1362480606059980>
- Darmawan, J. B., Suhariadi, F., Widjojo, S., Amiati, M., & Abdullah, A. H. (2025). Incorporating *islah* principles into restorative justice: Bridging contemporary legal practice and Islamic values. *MILRev: Metro Islamic Law Review*, 4(1), 269-294. <https://doi.org/10.32332/milrev.v4i1.10435>
- Dityariany, W. O. M., Marsuni, L., & Assaad, A. I. (2025). Restorative Justice Dalam Penyelesaian Tindak Pidana Kekerasan Dalam Rumah Tangga Pada Tingkat Kejaksaan. *Legal Dialogica*, 1(1), 1-13. <https://jurnal.fh.umi.ac.id/index.php/legal/article/view/1559>
- Fahrurrozi, Apipuddin, & Sunardi, H. (2022). Penyelesaian Kasus KDRT Menggunakan Restoratif Justice Perspektif Maqashid Syari'ah: Studi Kasus Di Kepolisian Resort Kota Mataram. *Al-IHKAM: Jurnal Hukum Keluarga Jurusan Ahwal Al-Syakhshiyah Fakultas Syariah IAIN Mataram*, 14(2), 201-222. <https://doi.org/10.20414/alihkam.v14i2.6929>
- Faizah, N. R. N. (2025). Telaah Konseptual Qira'ah Mubadalah Terhadap Fenomena Kekerasan Dalam Rumah Tangga. *Values: Jurnal Kajian Islam Multidisiplin*, 2(3), 378-385. <https://doi.org/10.61166/values.v2i3.76>
- Fakhruzy, A. (2022). Mediasi Penal Dalam Penyelesaian Tindak Pidana Kekerasan Dalam Rumah Tangga Yang Dilakukan Suami Terhadap Istri: Studi Di Polres Pamekasan. *As-Shahifah: Journal of Constitutional Law and Governance*, 1(1), 91-116. <https://ejournal.iainmadura.ac.id/index.php/asshahifah/article/view/5874>
- Fauzi, I., Ismayawati, A., & Hanani, A. (2023). Seeking Harmony Over Punishment: Restorative Justice Approaches To Domestic Violence In Islamic And Indonesian Legal Frameworks. *Al-Mazaahib: Jurnal Perbandingan Hukum*, 11(2), 183-204. <https://doi.org/10.14421/al-mazaahib.v11i2.3192>
- Firdaus, M. N. E. (2024). Restorative Justice Dalam Kekerasan Dalam Rumah Tangga Pada Tingkat Penuntutan. *Jurnal Ilmu Hukum: ALETHEA*, 7(2), 79-96. <https://doi.org/10.24246/alethea.vol7.no2.p79-96>
- Fox, C. (2017). Book review: R McGarry and S Walklate, Victims: Trauma, Testimony and Justice. *Theoretical Criminology*, 21(1), 103-105. <https://doi.org/10.1177/13624806166678>
- Ghummiah, S. M. (2023). Qira'ah Mubadalah Sebagai Dialektika Penafsiran Ayat-Ayat Nusyūz Di Era Kontemporer. *Al-Tadabbur: Jurnal Ilmu Al-Qur'an Dan Tafsir*, 8(2), 359-374. <https://doi.org/10.30868/at.v8i02.5321>
- Goodmark, L. (2020). Restorative and responsive human services. In T. Gavrielides (Ed.), *Restorative justice and violence against women* (pp. 165-178). Routledge. <https://doi.org/10.4324/9780429398704-11>

- Halawa, Y., et al. (2025). Implementation of the principle of restorative justice in domestic violence (KDRT). *Jurnal Penelitian Hukum*, 8(1). <https://doi.org/10.31949/jpl.v8i1.17494>
- Hamamah, F., Sukardi, D., & Kulkarni, S. (2025). The application of restorative justice in domestic and child violence cases in Indonesia and Finland. *SASI*, 31(1), 44-59. <https://doi.org/10.47268/sasi.v31i1.2448>
- Hardani, S., Munir, A. A., Sahid, M. M., Nelli, J., & Hasanah, N. (2026). *Financial provision by migrant husbands and its impact on family resilience in Kampar Regency, Riau*. *Samarah*, 10(1). <https://doi.org/10.22373/sjhk.v10.i1.32738>
- Hester, M. (2006). Making it through the criminal justice system: Attrition and domestic violence. *Social Policy and Society*, 5(1), 79-90. <https://doi.org/10.1017/S1474746405002769>
- Ibrahim, M., Alfani, M. (2025). Role of Women in Higher Education in the Digital Age: Analysis of Challenges and Gender Equality, *Journal Discrimination and Injustice*, 1. (1): 01-14. <https://doi.org/10.70992/foz72p82>
- Ichsan, N., Attas, N. H., Kuswiyanto, Talli, A. H., & Ridwan, M. S. (2025). Restoratif Justice Dalam Maqasid Al-Shariah: Fondasi Perdamaian Dalam Hukum Islam. *El-Iqthisady: Jurnal Hukum Ekonomi Syariah*, 7(2), 1401-1410. <https://doi.org/10.24252/el-iqthisady.v7i2.59055>
- Imtihanah, A. H. (2020). Hukum Keluarga Islam Ramah Gender: Elaborasi Hukum Keluarga Islam Dengan Konsep Mubadalah. *Kodifikasia: Jurnal Penelitian Islam*, 14(2), 263-282. <https://doi.org/10.21154/kodifikasia.v14i2.2197>
- Jeffries, S., Wood, W. R., & Russell, T. (2021). Adult restorative justice and gendered violence: Practitioner and service provider viewpoints from Queensland, Australia. *Laws*, 10(1), 13. <https://doi.org/10.3390/laws10010013>
- Jones, B. (2023). Inside Indonesia's religious courts: An argument for reform. *Oxford Journal of Law and Religion*, 12(2), 217-231. <https://doi.org/10.1093/ojlr/rwado15>
- Junaidi. (2025). Media Influence on Women's Beauty, Psychology and Social Perceptions: A Longitudinal Study. *Journal Discrimination and Injustice*, 1 (1): 39-48. <https://doi.org/10.70992/dbyeq032>
- Kamali, M. H. (2019). *Maqāṣid al-sharī'ah* and human dignity. *Journal of Islamic Ethics*, 3(1-2), 1-20. <https://doi.org/10.1163/24685542-12340031>
- Kementerian Pemberdayaan Perempuan dan Perlindungan Anak. (2024). *Ringkasan data kekerasan terhadap perempuan dan anak*. KPPPA. <https://kekerasan.kemenpppa.go.id/ringkasan>
- Khuzaimah, M., & Nurani, S. (2022). Mubadalah Dalam Hak Cerai: Interpretasi QS. An-Nisa Ayat 128-130 Perspektif Nalar Keadilan Gender. *Aqwal: Journal of Qur'an and Hadis Studies*, 3(1), 1-15. <https://doi.org/10.28918/aqwal.v3i1.5700>
- Komnas Perempuan. (2024). *CATAHU 2023: Peluang penguatan sistem penyikapan di tengah peningkatan kompleksitas kekerasan terhadap perempuan*. Komisi Nasional Anti Kekerasan terhadap Perempuan. <https://komnasperempuan.go.id/catatan-tahunan-detail/catahu-2023-peluang-penguatan-sistem-penyikapan-di-tengah-peningkatan-kompleksitas-kekerasan-terhadap-perempuan>

- Ludfi, L., Jumiati, J., & Hidayati, F. (2018). Mediasi Penal: Alternatif Penyelesaian Perkara KDRT. *Hukum Islam*, 18(1). <http://dx.doi.org/10.24014/hi.v18i1.6168>
- Lukman, U., Januardi, H., Chairil, A., Budi, D. P., & Arifin, M. D. (2025). Legal Analysis of The Criminal Acts of Domestic Violence: Decision No. 101.Pid.Sus/2023/PN. *Airlangga Development Journal*, 9(2), 196–205. <https://doi.org/10.20473/adj.v9i2.82577>
- Mahdaliyah, M., Assaad, A. S., & Nur, M. T. (2024). Protecting women from domestic violence: Islam, family law, and the state in Indonesia. *Al-Ahkam*, 34(2), 289–316. <https://doi.org/10.21580/ahkam.2024.34.2.22835>
- Mansyur, R. (2016). Tindak pidana kekerasan dalam rumah tangga dalam perspektif restorative justice. *Jurnal Hukum dan Peradilan*, 5(3), 431–446. <https://doi.org/10.25216/jhp.5.3.2016.431-446>
- Maysal, S. R. M. P., Wajdi, F., & Dafira, L. (2025). Efektivitas Mediasi Keluarga Terhadap Kasus Kekerasan Dalam Rumah Tangga (KDRT) Dalam Perspektif Islam: Antara Penyelesaian Damai Dan Perlindungan Korban. *SAMAWA: Jurnal Hukum Keluarga Islam*, 5(2), 134–147. <https://doi.org/10.53948/samawa.v5i2.268>
- Mills, L. G., Barocas, B., & Ariel, B. (2013). The next generation of court-mandated domestic violence treatment: A comparison study of batterer intervention and restorative justice programs. *Journal of Experimental Criminology*, 9(1), 65–90. <https://doi.org/10.1007/s11292-012-9164-x>
- Mol, A. Y. (2019). Islamic human rights discourse and hermeneutics of continuity. *Journal of Islamic Ethics*, 3(1–2), 180–206. <https://doi.org/10.1163/24685542-12340031>
- Moshe, R. S. (2025). Penerapan Restorative Justice Dalam Kasus KDRT: Antara Keadilan Dan Perlindungan Korban. *Jurnal Ilmu Hukum, Humaniora Dan Politik*, 6(1), 483–493. <https://doi.org/10.38035/jihhp.v6i1.6296>
- Mua'malah, A. (2025). Perspektif Maqashid Al-Syari'ah Jamaluddin Al-'Athiyyah Terhadap Urgensi Restorative Justice Sebagai Alternatif Penyelesaian Kasus KDRT. *Jurnal Hukum Lex Generalis*, 6(2). <https://doi.org/10.56370/jhlg.v6i2.1925>
- Muflikhudin, A. (2020). Akad As-Sulhu Sebagai Induk Penyelesaian Sengketa Dalam Mu'amalah Menurut Imam Jalaludin As-Suyuti. *As-Salam: Jurnal Studi Hukum Islam & Pendidikan*, 9(1), 107–122. <https://doi.org/10.51226/assalam.v9i1.185>
- Muhammad, A. B., Ismail, B. (2025). Structural Discrimination in Online Defamation Enforcement: A Hybrid Analysis of Malaysian Criminal Law and Islamic Jurisprudence. *Journal Discrimination and Injustice*, 1 (2): 75-91 <https://doi.org/10.70992/sw534g66>
- Muhtarom, M. Ali. (2025). Gender Bias and Structural Injustice in the Labor Market: Discrimination Against Single Men amid Increasing Female Labor Participation. *Journal Discrimination and Injustice*, 1 (2): 147-161. <https://doi.org/10.70992/qdmq1v89>
- Mustofa, Rizal Bahrul. (2025). Women's Dynamics in Local Economic Development Metro City Case Study: Justice Perspective. *Journal Discrimination and Injustice*, 1 (2): 162-173. <https://doi.org/10.70992/2ck9a442>
- Muthohar, M. A., Cholil, M., & Rizki, K. F. (2025). *Qiraah Mubadalah*: Solution to domestic violence. *Istinbath*, 24(1), 1–15. <https://doi.org/10.20414/ijhi.v24i1.755>
- Na'mah, U., Qamaria, R. S., & Makrufah, H. A. (2022). The concept of *Mubādalah* (mutuality) and the public role of wife to prevent domestic violence. *Al-'Adalah*, 19(2), 291–314. <https://ejournal.radenintan.ac.id/index.php/adalah/article/view/13682>

- Nascimento, A. M., Andrade, J., & de Castro Rodrigues, A. (2023). The psychological impact of restorative justice practices on victims of crimes: A systematic review. *Trauma, Violence, & Abuse, 24*(3), 1929–1947. <https://doi.org/10.1177/15248380221082085>
- Nastangin, N., & Huda, M. C. (2022). The Role of Career Women in Creating a Sakinah Family: From Mubādalah Perspective. *Adalah: Jurnal Hukum dan Politik Islam, 19*, No. 1. <https://doi.org/10.24042/adalah.v19i1.11579>
- Nasution, K., Ali, Z. Z., Mulyo, M. T., Nasution, S., & Syaefullah. (2026). *The childfree discourse in contemporary Islamic family law and human rights: Insights from young Muslim academics in Indonesia*. MILRev: Metro Islamic Law Review, 5(1). <https://doi.org/10.32332/milrev.v5i1.11080>
- Nur, H., Lananda, A., Simbolon, C. C., Rahmah, M. A., Baidhowi, N. R., Januwati, P., & Tri Cahya, M. A. (2025). Dampak Fenomena “No Viral, No Justice” Terhadap Penegakan Hukum Kasus KDRT Di Indonesia. *Jurnal Hukum Ius Publicum, 6*(1), 49–68. <https://doi.org/10.55551/jip.v6i1.325>
- Nuraeni, A., Sukardi, D., Aziz, A., & Khalimy, A. (2025). Dekonstruksi Konsep Nusyuz Dalam Hukum Keluarga Islam Dan Faqihuddin Abdul Kodir. *JSI: Jurnal Studi Islam, 14*(1), 1–21. <https://doi.org/10.33477/jsi.v14i1.9580>
- Nurhidayah, Y., Gumindari, S., Nafi’a, I., Nurhayati, E., & Firdaus, S. (2025). *Digitally connected, spiritually rooted: Mubadalah and the ethics of communication in contemporary Muslim family in Indonesia*. Afkar, 27(2). <https://doi.org/10.22452/afkar.vol27no2.5>
- Nurlaila, S., Rodliyah, N., Shafira, M., Rehulina, R., & Murdiana, E. (2026). Reconstructing Gender-Responsive Restorative Justice for Domestic Violence: A Study of Contextual Islamic Law in Indonesia. *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan, 13*(1), 344–360. <https://doi.org/10.29300/mzn.v13i1.10542>
- Nuroniyah, W., Al Azkiya, M. A., Wahid, A., Labib Shodiq, F. L., & Maula, B. S. (2025). Assessing Indonesia And Malaysia’s Legal Responsiveness To Domestic Violence Victims Within Islamic Law Framework. *Al-Manahij: Jurnal Kajian Hukum Islam, 19*(2), 247–270. <https://doi.org/10.24090/mnh.v19i2.13736>
- Oktapiani, S. T., Ikhsan, W., & Marwiyah, M. (2024). Restorative Justice Sebagai Alternatif Penyelesaian Kasus Kekerasan Dalam Rumah Tangga. *AMAR, 2*(1), 44–53. <https://doi.org/10.62734/amar.v2i1.744>
- Purnamawati, V. (2024). Islāh and restorative justice in the resolution of domestic violence cases: A normative analysis of victim protection. *SMART: Journal of Islamic Law, 14*(1). <https://doi.org/10.24042/npahd149>
- Putusan Pengadilan Agama Nomor 192/Pdt.G/2024/PA.Prob. <https://jdih.mahkamahagung.go.id/storage/uploads/putusan/2024/2024PA3533192-Pdt.G-2024-PA.Prob.pdf>
- Putusan Pengadilan Agama Nomor 45/Pdt.G/2018/PA.Tahuna. <https://putusan3.mahkamahagung.go.id/pengadilan/profil/pengadilan/pa-tahuna>
- Putusan Pengadilan Negeri Bantul Nomor 15/Pid.Sus/2015/PN Bantul. <https://putusan3.mahkamahagung.go.id/pengadilan/profil/pengadilan/pn-bantul.html>
- Putusan Pengadilan Tinggi Makassar Nomor 489/PID.SUS/2018/PT MKS. <https://putusan3.mahkamahagung.go.id/direktori/index/kategori/pidana-khusus-1/page/496.html>

- Rohmadi, R. (2024). Polygamy in Indonesia: A Critical Interpretation through the Mubādalah Perspective. *Mizani: Journal of Islamic Law*, Vol 11, No 2 (2024). <https://ejournal.uinfasbengkulu.ac.id/index.php/mizani/article/view/5068>
- Rohman, B., & Amin, A. (2025). The Epistemological Framework Of Indonesian Feminist Thought: An Analytical Study Of Faqihuddin Abdul Kodir's Qirā'ah Mubādalah Method In Qur'anic Interpretation. *QOF*, 9(1), 171–188. <https://doi.org/10.30762/qof.v9i1.2669>
- Rukayati. (2025). Women's Contribution to Preventing Adolescent Reproductive Health Risks Through Family and Community Education. *Journal Discrimination and Injustice*, 1 (1): 63-74. <https://doi.org/10.70992/jdc38724>
- Sitorus, D. F., & Maysarah, A. (2023). Penyelesaian Perkara Kekerasan Dalam Rumah Tangga (KDRT) Melalui Restorative Justice Di Tingkat Penyidikan. *Warta Dharmawangsa*, 17(1). <https://doi.org/10.46576/wdw.v17i1.2918>
- Sonia, C., & Prakasa, R. (2023). Penerapan mediasi penal sebagai penyelesaian perkara KDRT (perspektif restorative justice). *E-Science Journal*, 4(2). <https://doi.org/10.37296/esci.v4i2.94>
- Sopacua, M. G. (2024). Implementasi Keadilan Restoratif Sebagai Landasan Dalam Penyelesaian Masalah Kekerasan Dalam Rumah Tangga Di Indonesia. *Jurnal Pembangunan Hukum Indonesia*, 6(1), 96–111. <https://doi.org/10.14710/jphi.v6i1.96-111>
- Sozzo, M. (2025). Non-governmental organisations (NGOs), knowledge provision and criminal justice reform in Latin America: The case of INECIP. *Theoretical Criminology*, 29(3), 288-304. <https://doi.org/10.1177/13624806251346164>
- Stubbs, J. (2007). Beyond apology? Domestic violence and critical questions for restorative justice. *Criminology & Criminal Justice*, 7(2), 169–187. <https://doi.org/10.1177/1748895807075570>
- Suartini, S., & Hidayati, M. N. (2023). Pendekatan Restorative Justice Dalam Rangka Perlindungan Hukum Bagi Perempuan Dan Anak Sebagai Korban KDRT: Studi Putusan Pengadilan Pada Masa Pandemi. *Binamulia Hukum*, 12(1), 161–175. <https://doi.org/10.37893/jbh.v12i1.598>
- Sukendar, S., Saifullah, M., Sulistiyanto, P., Rahman, L., & Asy'ari Ulamai, A. H. (2023). Women's Access To Justice: Mediation For The Victims Of Domestic Violence In Central Java, Indonesia. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 7(1), 602–628. <https://doi.org/10.22373/sjkh.v7i1.9471>
- Susilawati, T., et al. (2024). Restorative justice in domestic violence cases: Law implementation and challenges in Indonesia. *Journal of Law*, 3(3). <https://doi.org/10.61194/law.v3i3.797>
- Syarifah, Z. I., Cipta, H., & Syukron, A. (2025). *Deconstructing misogynistic interpretations: A gender-just fiqh approach to the role of women in family and career*. *Ulumuna*, 29(2). <https://doi.org/10.20414/ujs.v29i2.1759>
- United Nations Office on Drugs and Crime. (2020). *Handbook on restorative justice programmes* (2nd ed.). United Nations. https://www.unodc.org/documents/justice-and-prison-reform/20-01146_Handbook_on_Restorative_Justice_Programmes.pdf
- Wicaksono, B., Adnan, & Ashari, W. S. (2024). Analisis Perlindungan Islam Terhadap Perempuan Korban Kekerasan Dalam Rumah Tangga Dalam Tinjauan Maqashid

Syariah. *Rayah Al-Islam: Jurnal Ilmu Islam*, 8(3), 888–904. <https://doi.org/10.37274/rais.v8i3.1027>

Wulandari, C. (2021). Dinamika Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia. *Jurnal Jurisprudence*, 10(2), 233–249. <https://doi.org/10.23917/jurisprudence.v10i2.12233>

Zehr, H. (2015). *The little book of restorative justice: Revised and updated*. Good Books.