



RESEARCH ARTICLE

The Conflict between Malaysia Law and Patriarchal

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ABSTRACT

Domestic violence reflects a complex interaction between culture and law, where ideology and cultural norms have reinforced patriarchal power structures. Under Malaysian law, domestic violence is recognized as a criminal offense, with the Domestic Violence Act 1994 enacted specifically to address this issue. However, the tension between legal frameworks and entrenched patriarchal values has complicated efforts to resolve domestic violence cases. This study employed a qualitative approach, selecting a homogeneous sample of 32 informants based on predefined criteria. Semi-structured interview protocols were developed to gather in-depth data, which was subsequently coded and analyzed using Atlas.ti version 23. The findings indicate that patriarchy exerts a significant influence on domestic violence, often resulting in divorce. Consequently, fostering societal support for gender equality and combating domestic violence is essential.

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INTRODUCTION

Domestic violence is considered a cancer that corrodes the family system. It is a global issue, with cases being reported worldwide, affecting rich and poor nations alike, regardless of caste, class, gender, or social status. In Asian countries, domestic violence is viewed through cultural, religious, family, and patriarchal lenses. From a Western perspective, it is often examined in terms of patriarchy, psychology, sociology, or criminology (Brown, 2014). These varied perspectives lead to discrimination within society, such as gender-based discrimination. Gender discrimination has long-term effects on women and girls who survive gender-based violence (Bradbury et al., 2019). Generally, domestic violence refers to an individual in an intimate relationship behaving in a way that is frightening or harmful to another person (Susmitha, 2016).

Domestic violence is generally defined as a recurring pattern of behavior within a relationship aimed at gaining or maintaining power and control over an intimate partner (United Nations, n.d.). The Women's Aid Organization (2022) describes it as a pattern of violence, abuse, or intimidation intended to exert control or dominance over a partner, whether in a current or past intimate relationship. Similarly, the Home Office (2013) defines domestic violence as any incident or pattern of controlling, coercive, or threatening behavior, violence, or abuse directed toward individuals aged 16 and above, affecting those who are or have been in intimate relationships or are family members, regardless of gender or sexuality.

Domestic violence is also defined as violence between intimate partners who live together or have cohabited (Randawar & Jayabalan, 2018). According to Siti Hajar et al. (2022), it encompasses actions intended to instill fear in the victim, inflict physical injuries, compel or threaten sexual

acts, detain the victim against their will, or damage the victim's property, leaving the victim feeling distressed and angry. This pattern of violence or power imbalance places victims of domestic violence in a constant state of fear.

While domestic violence can affect both men and women, data shows that women are more frequently victimized. Statistics from the Royal Malaysia Police (PDRM) indicate that in 2020, there were 1,644 cases of domestic violence involving men as victims, compared to 3,616 cases involving women. In 2021, the number of cases rose to 2,337 for men and 5,131 for women. Meanwhile, in 2022, there were 1,778 cases involving men and 4,762 cases involving women. This data highlights a significant difference in the number of cases reported by men and women, with women consistently recording higher numbers. Based on these statistics, women are the predominant victims. Therefore, in the Malaysian context, domestic violence is generally more associated with violence against women.

In 2020, an estimated 81,000 women and girls were killed worldwide, with about 47,000 (58%) of these deaths caused by intimate partners or family members (Pycroft, 2022). According to the World Health Organization (WHO) (2024), approximately 1 in 3 women (30%) globally have experienced physical and/or sexual violence by an intimate partner or sexual violence by a non-partner at some point in their lives. Additionally, the Centers for Disease Control and Prevention (CDC) (2020) reports that 1 in 5 women have experienced physical and/or sexual violence from a partner during their lifetime.

Patriarchy According to the Feminist Perspective

Culture and tradition play a significant role in the lives of communities. According to Khaironisak et al. (2016), patriarchal dominance, or male dominance, is widespread in Malaysian cultural practices. The belief that men hold a more significant role than women persists in society (Nuruaslizawati & Siti Hajar, 2021). Many women also hold the belief that they are "owned" by their husbands and that husbands have the right to physically punish them (Nuruaslizawati & Siti Hajar, 2021; Othman et al., 2014).

Men are often conditioned to believe that masculinity equates to dominance over women, while women are taught to accept male authority. Women often hold the belief that "the men in their lives will be the ones to make the major decisions about their lives" (Susmitha, 2016). However, this perspective undermines the reality that women possess and should exercise full agency over their own lives and decisions.

Patriarchy denotes a mindset and cultural practice of male dominance that shapes gender equality dynamics in society (Hirschman, 2017). It serves as a form of restriction or suppression directed at women. In patriarchal societies, women are not only conditioned to remain silent about their experiences; traditional norms have also led them to accept, endure, and even normalize domestic violence. According to Walsh (2018), conventional beliefs about gender roles, especially in societies that undervalue or marginalize women, significantly contribute to this issue.

As a concept, patriarchy was initially developed and applied within feminist theory to elucidate the ongoing male dominance in contemporary society (Okten, 2019). It is understood as a social structure that bestows advantages on men, enabling them to maintain control over women both institutionally and ideologically. This structure also reinforces the standards and expectations set by patriarchal family systems (Fatima, 2023). Hadi (2019) suggests that the primary and prevailing driver of violence against women is patriarchy—a societal framework that positions women below or under male authority. Tsegay (2022) observes that in developing nations, patriarchy is often enforced through gender separation, rigid behavioral codes, and ideologies that pressure women to comply with family values and traditional cultural expectations.

Patriarchy operates within both public and private realms. However, it becomes even more harmful when it occurs in the private sphere. Mshweshwe (2020) notes that the institution of marriage reinforces patriarchal ideals, where gender role norms amplify male privileges. Men

with controlling tendencies often utilize family dynamics to establish rules and dominate decision-making. Elabani (2015) explains that these actions intend to secure or uphold their status and power. Traditionally, men are expected to fulfill roles as the “protector” and “provider” within the household (Sivakumar & Manimekalai, 2021). In societies affected by patriarchy, however, there is a tendency to prioritize masculine attributes or individual rights, particularly within domestic spaces. This emphasis complicates the pursuit of equality or personal rights, as patriarchal norms persist, cloaked by the glorification of masculine traits. Power misuse and abuse are evident across family structures, where many men regard their partners and children as possessions (Vasudevan et al., 2015). This often leads to the mistreatment of women, who, due to their perceived lower status, are regarded as second-class citizens with limited standing in patriarchal communities (Mazibuko, 2017; Mshweshwe, 2020; Basar et al., 2019). Lelaurain et al. (2021) suggest that dominant, powerful men play a significant role in perpetuating domestic violence.

Domestic violence is rooted in a global culture that discriminates against women and does not give them the same rights as men. There exists a significant disparity between men and women in society (Nuruaslizawati et al., 2021). Gender stereotypes describe differences in characteristics and personalities, with men having strong characters and women being characterized as loving. Women are also often seen as weak and easily manipulated. This situation is reinforced by the unequal power distribution between men and women. For example, in the social aspect, men are more dominant in holding a position. After marriage, women mostly become housewives and go out of the realm of work to “take care” of their household. According to Suratman (2011), after marriage, women are expected to be a “supermom”, i.e., a working mother who can combine unpaid housework with paid work. This is seen as protracted as society is constantly pressured to conform and follow masculinity's given characteristics to protect their identity and status in traditional households (Saigaran & Bada, 2023).

Feminist perspectives suggest that domestic violence in heterosexual relationships stems from patriarchy—a system of social structures and practices where men dominate, oppress, and exploit women (Dobash & Dobash, 2017). This violence is perceived as an expression of men's desire to exert power and control over their female partners, a behavior historically permitted and even legitimized within patriarchal systems (Quek, 2019). Conservative and widespread patriarchal gender attitudes significantly impact the status of women, aligning with a deep-rooted belief in male superiority, which grants men the privilege to discipline women.

This concept of trust has also led many women to endure violence in silence. The explanation of the causes of domestic violence is divided into two, namely structural factors and cultural factors (Okten, 2019). Structurally, patriarchy has weakened the status of women. Women are often put on the bottom and accept the violence that occurs. From cultural factors, most men believe that a wife's role and duty is to obey their instructions or orders, leading them to feel they have the “right” to physically punish their partners if they fail to comply. Consequently, this ideology enables men to oppress women under the guise of “disciplining.”

In addition, sexual differences between men and women have created a role of mutual dependence and complementarity in the formation of the family, bearing and raising children. Women are generally seen as mothers in the household, while men are viewed as the heads of households. Moreover, the societal expectation that a husband should safeguard his wife and children frequently provides him with a justification to assert control over them (Dolunay-Cug et al., 2017; Elabani, 2015). In a marriage, the mistreatment of a wife is often not perceived as an improper act (Cools & Kotsadam, 2017). They act with the aim of controlling the woman by emphasizing the appropriateness of her role as a wife, daughter, mother and supported by culture and religion. Furthermore, masculinity ideologies, attitudes, beliefs, and behaviors related to patriarchy given to men during socialization are associated with domestic violence (Graaff & Heinecken, 2017).

The patriarchal ideology that is enforced directly and indirectly has limited the participation of women in life and is particularly impactful for women who are low-income, low-educated, and ethnic minorities (Nabilah Husna, 2021). This condition is also associated with forms of violence such as physical, economic, emotional, and sexual violence. According to Makharia (2023), domestic violence also occurs due to economic, social, and cultural factors. From a feminist perspective, domestic violence is seen as a product of patriarchy, serving as part of a systematic effort to preserve male dominance both within the household and in society (Knickmeyer et al., 2004). A study by Mshweshwe (2020) revealed that in traditional rural, patriarchal settings, domestic violence is not exclusively perpetrated by men; mothers-in-law also play a role by encouraging their sons to demand respect and submission from their wives through violent means. A study by Mitra (2013) also found that mothers-in-law are individuals who are directly related to committing violence against daughters-in-law.

Normalizing acts of violence fundamentally changes the behavior that is a possible cause of domestic conflict. This normalization has been found to cause women to remain in abusive relationships, as they perceive the violence inflicted upon them as normal behavior (Svallfors, 2021). Svallfors (2021) found that when conflict occurs, violence becomes normal. Finally, most women persistently return to their husbands and reconciliation and do not take seriously the incidence of domestic violence (Makharia, 2023; Saigaran & Bada, 2023).

Domestic Violence Under the Domestic Violence Act 1994

The role of law in shaping new social norms relies on a comprehensive understanding of society (Rothman et al., 2019), underscoring the importance of community awareness in addressing domestic violence. According to statistics from the Royal Malaysia Police, 5,421 cases of domestic violence were reported in 2018, which increased to 5,657 cases in 2019. In 2020, there was a slight reduction of 397 cases, bringing the total to 5,260. However, following the implementation of the Movement Control Order (MCO), cases rose again in 2021. In 2022, domestic violence cases decreased to 6,540, and in 2023, 5,057 cases were reported. Although the number of cases in 2022 and 2023 declined compared to 2021, the high incidence in previous years remains concerning.

The Domestic Violence Act 2005 defines domestic violence as any act, conduct, omission, or behavior that causes or has the potential to cause injury or harm and considers such actions as domestic violence under the law. In fact, a single act or conduct alone can constitute domestic violence—in other words, women do not have to endure prolonged periods of abuse before taking legal action (Susmitha, 2016).

The Domestic Violence Act outlines various forms of domestic violence recognized by the law, including actions that cause physical, psychological, or sexual harm. This legislation was enacted to tackle the issue of domestic violence in Malaysia, irrespective of an individual's religion or ethnicity. According to Section 2 of the Domestic Violence Act 1994, domestic violence is defined as:

- a) wilfully or knowingly placing, or attempting to place, the victim in fear of physical injury;
- b) causing physical injury to the victim by such act which is known or ought to have been known would result in physical injury;
- c) compelling the victim by force or threat to engage in any conduct or act, sexual or otherwise, from which the victim has a right to abstain;
- d) confining or detaining the victim against the victim's will;
- e) causing mischief or destruction or damage to property with intent to cause or knowing that it is likely to cause distress or annoyance to the victim;
- ea) dishonestly misappropriating the victim's property, which causes the victim to suffer distress due to financial loss;

eb) threatening the victim with intent to cause the victim to fear for his safety or the safety of his property, to fear for the safety of a third person, or to suffer distress;

ec) communicating with the victim, or communicating about the victim to a third person, with intent to insult the modesty of the victim through any means, electronic or otherwise;”

(f) causing psychological abuse, which includes emotional injury to the victim;

(g) causing the victim to suffer delusions by using any intoxicating substance or any other substance without the victim’s consent or if the consent is given, the consent was unlawfully obtained; or

(h) in the case where the victim is a child, causing the victim to suffer delusions by using any intoxicating substance or any other substance by a person, whether by himself or through a third party, against—

(i) his or her spouse;

(ii) his or her former spouse;

(iii) a child;

(iv) an incapacitated adult; or

(v) any other member of the family;

The Domestic Violence Act 1994 (amendment 2017) classifies domestic violence as a crime. This act is a civil law that provides emergency remedies to protect family members from persecution and abuse (physical, emotional, or economic) among spouses and family members living together (Mohamed Azam, 1997; Jam et al., 2016). The act may provide for protection for victims of domestic violence. The Domestic Violence Act also protects victims of domestic violence to report any threats or wrong actions that occur in the family, as outlined in Section 2 of the Domestic Violence Act 1994.

The Domestic Violence Act provides protection for a wife or husband, an ex-wife or husband, a child under 18 living as a family member, an adult with a disability, or any other family member living together. Victims of domestic violence can seek protection by applying to the police for protection orders under Section 4, such as the Interim Protection Order (IPO), Protection Order (PO) under Section 5, and also under Section 3A (1) Emergency Protection Order (EPO) at the nearest Social Welfare Department (JKM) (Ministry of Women, Family and Community Development, 2023).

An IPO is an order issued by the Magistrate's Court that remains valid throughout the police investigation before the case is prosecuted. The purpose of the IPO is to protect survivors by preventing perpetrators from committing further acts of domestic violence. Within seven (7) days after the IPO expires or after the police notify in writing that the case has been prosecuted in court, the victim can make a PO application. Meanwhile, PO refers to the PO issued by the magistrate's Court and is valid immediately after the case is prosecuted in court and during the court hearing (after completion of the police investigation). PO aims to prevent perpetrators from continuing to commit violence against survivors. EPO is a form of emergency protection authorized in writing by the Director General to *authorise* the Social Welfare Officer for each state to protect victims of domestic violence. Provisions under Act 521, the EPO is issued immediately in situations where the victim needs immediate protection, especially when there is a serious and urgent threat of violence (AKRT, 1994). Protection will be provided to valid victims for 7 days only.

EPOS, in turn, are issued by Social Welfare Officers and authorities to stop perpetrators from committing more physical violence or threats of harm to victims of domestic violence. Social Welfare Officers are accountable to the victims for organizing and coordinating their relocation to a safe environment. For serious cases, especially life-threatening violence, the victim should be taken to a nearby medical care center immediately. In this situation, the victim will be

accompanied by the authorities to their residence or previous residence to collect the necessary items (Zuraimy et al., 2023). Further, IPO and PO can be carried out in court. The victim must apply for a protection order under Section 5 of Act 521. The police will arrest the suspect and take the case to court. The court will impose a fine according to the type of offense if the suspected person is found guilty.

A study by Webster et al. (2014) found that women's attitudes and behaviors have influenced domestic violence. Cao et al. (2016) argue that the environment plays an important role in shaping attitudes. This indicates that the local socio-cultural context significantly influences the transformation of an individual's attitudes. Through a detailed definition of domestic violence in law, courts are able to mitigate and protect victims from patriarchal tendencies. Archer (2006) States women are surrounded by deeply rooted religious and cultural norms that uphold patriarchy, and they are often seen as meek, polite, cooperative, and weak in masculine societies.

Law and patriarchy refer to situations where inclusive principles of law or regulation conflict with society's underlying structure of values. Despite having acts that help address the problem of domestic violence, implementation and enforcement often face challenges. This is because violence has been influenced by religious and cultural norms and patriarchal structures. As mentioned, the difference between the law and the patriarchal system has become an obstacle in helping to resolve conflicts in the household. Al-Ubaidi (2017) mentioned there are various barriers, such as cultural or traditional, fear of losing custody of children, fear of revenge, lack of family support, lack of economic support, or fear of domestic dysfunction; many cases go unreported.

Therefore, the Domestic Violence Act plays an important role in providing protection to victims, promoting community safety, and supporting national interests. In the future, there are a number of interests that should be addressed to victims, society, and the state. This act will provide victims with legal protection from physical, emotional, and sexual violence that occurs in the household. This helps the victim feel safer and avoid danger (Siti Hajar et al., 2023).

METHODOLOGY

This study uses a qualitative design with a phenomenological approach. The phenomenological approach was chosen because it is suitable for understanding the life experiences of divorced victims of domestic violence. This approach emphasizes in-depth exploration of the essence and meaning of their experiences, giving the informant space to explore and describe deep feelings and thoughts about their situation. According to Aldea et al. (2022), phenomenology seeks to explain or describe the essence of a phenomenon by exploring human experience from multiple perspectives to generalize. In this study, 32 researchers were involved.

For the selection of informants, the researchers used purposive and snowball sampling methods. In the intended sampling technique, the researcher has set certain criteria for the selected informants, namely (i) Female, (ii) divorced, and (iii) living in Terengganu. The snowball technique is used to get more informants with the help of already existing informants. The advantage of these two techniques is their ability to identify informants that may be difficult, especially in populations that are difficult to predict.

Semi-structural interview protocols are designed to gain a deep understanding of the informant's feelings and experiences. During the interview, informants are given the opportunity to explain their experiences without being influenced by any party. In order to maintain the validity and reliability of the data, aspects such as "member checking" or triangulation of the data can be applied to ensure the accuracy of the reported experience. The audio-recorded data is then translated into text form using Microsoft Word.

Then, all documents are uploaded into the ATLAS software.ti 23 to analyze. In the data analysis process, coding and categorization are performed to identify the main themes that capture the meaning and essence of the informant's experience. The use of ATLAS.ti version 23 assists in data management and theme Mapping, ensuring a systematic and orderly analysis process.

FINDING

Table 1 presents a brief overview of the demographics of the study informants. A total of 32 informants consented to participate in the study. To maintain confidentiality, each informant was assigned a title, ranging from "Informant 1" to "Informant 32," ensuring their identities were protected. The use of these assigned titles helps prevent others from identifying informants. This is because the study involves personal matters of a person, which are considered sensitive. Therefore, compliance with the research's ethical standards is important. In this study, 11 informants showed power and control in the household, such as organizing everything, claiming ownership, and making all decisions without any negotiation.

Table 1 Profil Demographic

No.	Name	State	Gender	Religion	Age (Year)	Occupation	Education	Period of marriage (Year)	Income (RM)	Children
	Informant 1	Terengganu	Female	Islam	43 year	Private	Certificate	14 year	RM1,500	4
	Informant 2	Terengganu	Female	Islam	43 year	Self-employed	PMR	12 year	RM1,000	4
	Informant 3	Terengganu	Female	Islam	52 year	Government	Diploma	3 year	RM3,884	1
	Informant 4	Terengganu	Female	Islam	60 year	Self-employed	SPM	4 year	Not fixed	1
	Informant 5	Terengganu	Female	Islam	42 year	Private	SPM	19 year	RM 1500	5
	Informant 6	Terengganu	Female	Islam	55 year	Retired	SPM	23 year	RM2,900	6
	Informant 7	Terengganu	Female	Islam	64 year	Self-employed	STPM	14 year	Not fixed	8
	Informant 8	Terengganu	Female	Islam	43 year	Self-employed	SPM	22 year	RM700	2
	Informant 9	Terengganu	Female	Islam	52 year	Government	Degree	27 year	RM7,000	6
	Informant 10	Terengganu	Female	Islam	57 year	Retired	SPM	12 year	RM300(Maidam)	4
	Informant 11	Terengganu	Female	Islam	43 year	Self-employed	SPM	24 year	RM30/day	7

	Informant 12	Terengganu	Female	Islam	40 year	Private	SPM	10 year	RM1500	4
	Informant 13	Terengganu	Female	Islam	35 year	Private	SPM	9 year	RM1500	2
	Informant 14	Terengganu	Female	Islam	37 year	Self-employed	Diploma	1 year	RM800	1
	Informant 15	Terengganu	Female	Islam	34 year	Private	SPM	3 year	RM1500	2
	Informant 16	Terengganu	Female	Islam	34 year	Private	SPM	3 year	RM1500	3
	Informant 17	Terengganu	Female	Islam	63 year	Retired	SPM	4 year	RM1000	2
	Informant 18	Terengganu	Female	Islam	57 year	Housewife	SPM	19 year	-	6
	Informant 19	Terengganu	Female	Islam	50 year	Housewife	SPM	14 year	-	3
	Informant 20	Terengganu	Female	Islam	54 year	Self-employed	UPSR	19 year	RM45/day	7
	Informant 21	Terengganu	Female	Islam	39 year	Self-employed	Certificate	14 year	RM50/per day	2
	Informant 22	Terengganu	Female	Islam	49 year	Government	SPM	8 year	RM2000	3
	Informant 23	Terengganu	Female	Islam	68 year	Housewife	SPM	2 year	-	-
	Informant 24	Terengganu	Female	Islam	63 year	Housewife	SPM	4 year	-	-
	Informant 25	Terengganu	Female	Islam	66 year	Self-employed	SPM	17 year	RM500	5
	Informant 26	Terengganu	Female	Islam	64 year	Housewife	SPM	1 year	-	-
	Informant 27	Terengganu	Female	Islam	55 year	Private	UPSR	13 year	RM1200	5
	Informant 28	Terengganu	Female	Islam	30 year	Self-employed	SPM	10 year	RM2000	2

	Informant 29	Terengganu	Female	Islam	43 year	Self-employed	PMR	7 year	RM300	1
	Informant 30	Terengganu	Female	Islam	60 year	Self-employed	SPM	19 year	RM1000	3
	Informant 31	Terengganu	Female	Islam	64 year	Self-employed	STPM	9 year	Not fixed	3
	Informant 32	Terengganu	Female	Islam	37 year	Self-employed	Diploma	1 year	RM800	-

In this study, a total of 12 informants demonstrated power and control within the household, such as organizing everything, managing all situations, and making all decisions without any consultation.

According to several informants, their partners tended to be more dominant and regarded themselves as authoritative without considering the informants' opinions. Informants 2, 17, 21, 25, 26, and 30 stated:

"...He believes that we must follow everything he says. He alone has the right to manage everything. As a wife, I have to obey all his instructions without any objection..." (Informant 2, 12 July 2023)

"...He thinks that everything belongs to him, and he has authority over it all..." (Informant 17, 16 September 2023)

"...He makes all the decisions. I can't say anything..." (Informant 21, 7 October 2023)

"...He considers himself the most powerful. Everyone must seek his approval. Even if I ask for permission, he never grants it..." (Informant 25, 21 October 2023)

"...He is very egotistical. He sees himself as having absolute power within the household. He feels powerful because his family is wealthy. Back in the day, when copper was famous, only his family could make it. His parents were rich and well-known, but he himself lacks any skills..." (Informant 26, 28 October 2023)

"...He very much asserts his authority. I am unable to speak up about anything..." (Informant 30, 9 December 2023)

The informants also indicated that their partners often issued commands and demanded that all their wishes be followed without any objections. Several informants recalled words their partners used when giving instructions that were not followed. Informants 16, 18, 19, 20, and 28 stated:

"...He does not allow me to leave the house. He forces me to stay at home. If I still want to go out, he uses his power. He often says, 'I am more important than your brother. I am your husband. I have more power than a king.' He wants to have control over everything, yet he doesn't fulfill his responsibilities..." (Informant 16, 13 September 2023)

"...He truly sees himself as a king who holds authority over everything. When I try to criticize or sulk, he speaks harshly and with no romance at all. When the washing machine broke and I asked him to help wash clothes together, he replied, 'It's your job to wash clothes.' He never helps with household tasks. When we go to the supermarket, he just sits in the car while I handle everything. Before I even get out of the car, he warns me not to waste time. I have to choose clothes quickly for fear of making him angry again..." (Informant 18, 30 September 2023)

"...He always prioritizes himself and sees himself as the one in control..." (Informant 19, 6 October 2023)

"...He controls everything. If I want to buy anything, I have to follow his wishes. If he disagrees, I am not allowed to buy it. He also doesn't support any of my interests..." (Informant 20, 6 October 2023)

"...He treats me as if I'm a servant. He considers himself a king, and I am just supposed to follow his orders..." (Informant 28, 10 November 2023)

For Informant 4, her partner does not overly control her within the household. However, her partner exercises more control over financial matters. According to Informant 4:

"...He has no authority when it comes to responsibilities. However, he exercises full control over financial matters. He insists that I must ask him for money and doesn't allow me any financial independence..." (Informant 4, 14 July 2023)

DISCUSSION

Domestic violence remains a critical issue, particularly in communities where culture and tradition are deeply valued. This study found that partners behave dominantly and control all aspects without considering their partners' views or consent. This situation highlights how men who regard themselves as "in authority" within the family seek to limit their partners' freedom, thereby violating their basic rights, which should be safeguarded by law. The concept of hegemonic masculinity explains how gender-based power operates at various levels and illustrates how gender inequality is created and maintained (Mshweshwe, 2020). Jewkes and Morrell (2018) define hegemonic masculinity as a set of beliefs that defines gender roles within society, aiming to dominate women in all aspects of life.

Kisa Gungor and Kisa (2023) assert that women's views on violence vary depending on the culture of the society they inhabit, the prevailing legal frameworks, as well as their level of education and socioeconomic status. This situation is described as personal control, as it is progressive and subtle (Troisi & Cesaro, 2021). In this study, it is evident that the informants are trapped in a patriarchal situation within marriage, yet they keep this issue secret from others. Although laws have been enacted, the norms upheld by patriarchal society often hinder their implementation. Women who experience domestic violence are mostly reluctant to report it to the authorities. This illustrates the conflict between patriarchal norms that demand absolute obedience from wives and individual rights protected by law. According to the law, every individual in a marriage has the right to make decisions for themselves; however, patriarchy often undermines this right by pressuring wives to be

"submissive" without question. This conflict refers to the clash between personal rights and social obligations, often exaggerated by patriarchy.

Mshweshwe (2020) contends that domestic violence is not solely driven by men's desire to exert power over women but also stems from intricate cultural dynamics and the formation of masculinity within the context of patriarchy. In heterosexual relationships, domestic violence is often fueled by men's urge to dominate and control their female partners (Dobash & Dobash, 2017; Mazibuko, 2017; Hamberger et al., 2017). This perception remains dominant in Malaysian culture and influences the social perception that domestic violence is a personal issue. According to Hajjar (2004), cases of domestic violence are difficult to address because they occur within the private domain of life.

Troisi and Cesaro (2021) describe patriarchy in relationships where mechanisms of power and control by partners involve all aspects of life. In the context of the household, patriarchy is observed when husbands wield power and control either through various actions or words, restrictions, or behaviors that prevent wives from socializing. According to Gayen (2022), domestic violence by men against women is another manifestation of the patriarchal system. One of the causes of patriarchy is the belief in male superiority, which views women as subservient rather than as lifelong partners (Nwankwo, 2021).

The traditional patriarchal social structure profoundly affects the enforcement of laws. Women are pressured to conform to cultural and social norms regarding domestic violence that are believed to provide them with protection. Research conducted by Akangbe Tomisin (2020) and Mshweshwe (2020) shows that this problem remains entrenched in the cycle of domestic violence, particularly within the framework of prevailing cultural traditions. Such conduct reflects a patriarchal mindset, where men perceive themselves as powerful and exert total control within their relationships. They frequently overlook the needs and rights of their female partners. This leads to a power imbalance within the household, which restricts the autonomy and freedom of the individuals involved.

Several researchers critically examine the interconnected factors associated with domestic violence. According to Tonsing and Tonsing (2019), cultural traditions have reinforced male dominance by endorsing hegemonic masculinity, a system of gender practices that sustains men's dominant position and the oppression of women. These elements include patriarchy, cultural beliefs, societal norms, unemployment, and low educational attainment (Jewkes & Morrell, 2018; Mshweshwe, 2020). In the economic context, informants express that their partners exert control over all aspects. This is because they believe they must oversee finances and assume responsibility as the heads of the family.

The study by Alakeson (2012) explores how women are compelled to leave the workforce to care for children and handle household responsibilities, while men work full-time and earn higher wages than their partners. They dominate all economic resources and perceive their wives as belonging solely to them rather than the entire family. The study by Kisa et al. (2023) shows that most women rely on their husbands for financial support and are unaware of their rights or available legal options regarding domestic violence. This lack of awareness creates a significant barrier, preventing women from reporting their husbands' abuse to the authorities. As a result, women often remain silent or refrain from discussing the violence unless it escalates to a more extreme level.

Most women who endure abuse tend to remain "silent" and "blind," perceiving their experiences of abuse as personal or family issues. Even when physical violence is not involved, this scenario is still categorized as domestic violence, specifically referring to emotional abuse (Walker, 1977). In numerous instances, domestic violence jeopardizes women's emotional well-being and causes them to doubt their self-worth and the choices they might make to liberate themselves from patriarchal oppression (Troisi & Cesaro, 2021). In this study, informants also expressed that their partners frequently control all their actions, deciding what they can or cannot do. The power disparity

between men and women motivates men to manipulate and mistreat their partners (Tsegay & Tecleberhan, 2023).

CONCLUSION

The conflict between law and patriarchy is a highly complex issue that affects various dimensions, including religious, cultural, social, political, and legal aspects. From a legal perspective, the government continues to strive for gender balance and equality by reforming or adjusting existing social norms. However, patriarchy often defends the status quo, prioritizing men in terms of power, rights, and privileges. Efforts towards equality are frequently obstructed by cultural norms and expectations that perpetuate male dominance, thus creating a gap between legal provisions and social realities

In the context of domestic violence, patriarchy has contributed to a situation where women frequently become victims of violence due to cultural and social norms that promote male power within the family. This mindset grants men privileges that women do not possess, with domestic violence becoming a manifestation of masculine power that restricts women's freedom and rights. Patriarchal norms often regard domestic violence as a personal issue that should not be discussed publicly. Victims' experiences indicate that social stigma often makes women afraid to share their suffering (Nuruaslizawati & Siti Hajar, 2021). Indira and Vijayalakshmi (2015) further support this view by stating that men often use violence as a means to control, punish, and subjugate women, ultimately leading to adverse effects on the mental, emotional, and social as well as economic status of victims in society.

To tackle domestic violence, this study proposes that breaking the cycle of violence requires interventions that emphasize humanitarian values and gender equality. Every layer of society, from government institutions to the general public, has an important role in raising awareness about domestic violence and fostering open discussions on the issue. The primary solution to the conflict between law and patriarchy lies in changing the cultural and social norms that support male dominance. In the context of law, Article 8 of the Federal Constitution states that "all persons are equal before the law and entitled to equal protection of the law," which is an essential foundation that must be upheld and recognized by society.

This study makes a significant contribution to academia, particularly in expanding the understanding of the impact of patriarchy on the implementation of fair laws. This research can serve as a foundation for further studies on how patriarchal norms can be addressed through policy changes and educational programs. In the context of the industry, especially within the social services and health sectors, this study guides developing intervention programs that focus more on psychological and economic support for survivors of domestic violence. For the government, this study highlights the importance of reassessing policies related to gender equality and victim protection, suggesting more inclusive strategies in the implementation of laws.

In conclusion, from a societal perspective, this study urges a shift in public attitudes and acceptance regarding domestic violence issues. Communities must support initiatives that foster an inclusive environment that champions the rights of violence victims while denouncing patriarchal norms that perpetuate male authority within family structures. Achieving this transformation necessitates a united effort to alter the beliefs, norms, and expectations that sustain patriarchy, ultimately leading to the development of a more equitable and just society.

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