



Criminal Sanctions for Severe Assault against Unmarried Women in the Perspective of Islamic Law

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ABSTRACT

Violence against women, particularly severe assault, remains a critical issue in Indonesia, while studies specifically addressing unmarried women (ghairu muhsan) within a comparative legal framework remain limited. This study aims to analyze the perspective of Fiqh Jinayah on severe assault and to examine the relevance of sanctions in Indonesian positive law from the standpoint of Maqashid Sharia. This research employs a normative legal method with statute, conceptual, and comparative approaches based on library research. The findings reveal that Islamic criminal law applies differentiated sanctions through Qisas, Diyat, and Ta'zir, which combine punishment, victim compensation, and reconciliation, whereas Indonesian positive law primarily relies on imprisonment with limited victim involvement. Both systems share the objective of protecting human life (hifz an-nafs), but differ in their justice orientation and mechanisms for victim recovery. Practically, integrating restorative justice principles from Fiqh Jinayah into the national criminal law system may strengthen victim protection and promote more balanced justice.

Keywords: Fiqh Jinayah; severe assault; women; Maqashid Sharia; criminal law.

ABSTRAK

Kekerasan terhadap perempuan, khususnya penganiayaan berat, masih menjadi persoalan serius di Indonesia, sementara kajian yang secara spesifik menyoroti perempuan yang belum menikah (ghairu muhsan) dalam perspektif perbandingan hukum masih terbatas. Penelitian ini bertujuan untuk menganalisis perspektif Fiqh Jinayah terhadap penganiayaan berat serta mengkaji relevansi sanksi dalam hukum positif Indonesia ditinjau dari Maqashid Syariah. Metode yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, dan komparatif berbasis studi kepustakaan. Hasil penelitian menunjukkan bahwa hukum pidana Islam menerapkan sanksi yang beragam melalui Qisas, Diyat, dan Ta'zir yang mengintegrasikan penghukuman, kompensasi korban, dan rekonsiliasi, sedangkan hukum positif Indonesia lebih berfokus pada pidana penjara dengan keterlibatan korban yang terbatas. Kedua sistem memiliki tujuan yang sama dalam melindungi jiwa manusia (hifz an-nafs), namun berbeda dalam orientasi keadilan dan mekanisme pemulihan korban. Secara praktis, integrasi prinsip keadilan restoratif dalam Fiqh Jinayah ke dalam sistem hukum pidana nasional berpotensi memperkuat perlindungan korban dan mewujudkan keadilan yang lebih seimbang.

Kata Kunci: Fiqh Jinayah; penganiayaan berat; perempuan; Maqashid Syariah; hukum pidana.

INTRODUCTION

Violence against women in Indonesia remains a serious issue that continues to show an increasing trend from year to year (Sodah, 2023). This phenomenon not only affects the physical aspect but also causes prolonged psychological trauma for victims. The 2024 Annual Report of the National Commission on Violence against Women recorded 401,115 cases of violence against women throughout 2023, in which physical violence in the form of severe assault still dominates both in domestic and public spheres (Asih & Prawitasari, 2025); (Rednianti, 2026). This condition confirms that legal protection for women, particularly those who are unmarried, is still not optimal and requires greater attention within the framework of the national legal system (Asih & Prawitasari, 2025).

Normatively, the Indonesian Criminal Code (KUHP) has regulated sanctions for severe assault (Saputra, Karamoy, & Mandey, 2025). However, in practice, the implementation of these sanctions is often considered insufficient in providing a deterrent effect for perpetrators as well as a sense of justice for victims (Syahyudin, Puluhulawa, & Mantali, 2025). Criticism of the national criminal law system also highlights the tendency of a predominantly retributive approach, which is not balanced with comprehensive restoration of victims' rights (Adelia, 2026). This indicates limitations in addressing the need for substantive justice, particularly in cases of gender-based violence.

In contrast to Indonesian positive law, Islamic law through the concept of Fiqh Jinayah offers a more comprehensive approach in dealing with criminal acts of assault (Nikmah, 2015). This system recognizes the concept of Qisas as a form of equivalent retaliation, as well as Diyat as financial compensation to victims or their families (Muslich, 2005). In addition, there is also a mechanism of forgiveness (Islah), which provides space for peaceful settlement (al-Tamimi, 2013). This approach not only emphasizes punishment for perpetrators but also focuses on restoring victims' rights both materially and morally (Sigli, 2025); (Supyadi & Prayuti, 2025). Within the framework of Maqasid Sharia, the protection of life (hifz an-nafs) is a primary objective; therefore, all forms of violence must be addressed firmly and justly (Adinda, Rosadi, & Naisabur, 2025).

Several previous studies have examined aspects of Islamic criminal law and its relevance to national law. Research by (Adha & Akuntari, 2025) highlights the importance of a restorative justice approach in modern legal systems. Meanwhile, (Ihkhsan, Kurniati, & Ilyas, 2026) emphasize that the concepts of Qisas and Diyat possess a high value of justice because they directly involve victims in the law enforcement process. Other studies by (Ahadi, 2022); (Yusuf DM, Putra, Hasibuan, & Giawa, 2025) show that the effectiveness of law is largely determined by its ability to fulfill the sense of justice in society. However, these studies still tend to be general and do not specifically address the protection of unmarried women as a vulnerable group.

Based on this analysis, the research gap lies in two main aspects. First, the absence of focused comparative studies examining sanctions for severe assault against unmarried women within both Fiqh Jinayah and Indonesian positive law. Second, the lack of analytical frameworks that incorporate Maqasid Sharia in

evaluating the effectiveness and justice orientation of these legal systems. This study seeks to address these gaps by offering a more specific, comparative, and normative analysis.

Accordingly, this research is guided by the following questions: (1) How does Fiqh Jinayah conceptualize and regulate sanctions for severe assault against unmarried women (ghairu muhsan)? (2) How are such sanctions regulated and implemented within Indonesian positive law? (3) To what extent are the sanctions in Indonesian positive law aligned with the principles of justice in Maqasid Sharia?

By addressing these questions, this study aims to contribute to the development of a more just, victim-oriented, and gender-sensitive criminal law system, as well as to provide recommendations for strengthening national legal policies in protecting women.

METHOD

This study employs a normative legal research method, focusing on the analysis of legal norms derived from statutory regulations, legal doctrines, and relevant sources of Islamic law (Ahadi, 2022); (Adinda, Rosadi, & Naisabur, 2025). This approach is chosen as the study aims to examine and compare normative frameworks governing severe assault rather than empirical legal practices (Adha & Akuntari, 2025).

The research applies three main approaches. First, the statute approach is used to analyze legal provisions related to severe assault within the Indonesian Criminal Code (KUHP). Second, the conceptual approach is employed to explore key doctrines in Fiqh Jinayah, particularly the concepts of Qisas, Diyat, and Ta'zir. Third, the comparative approach is applied to identify similarities and differences between Islamic criminal law and Indonesian positive law, as well as to evaluate their alignment with the principles of Maqasid Sharia (Ahadi, 2022); (Adinda, Rosadi, & Naisabur, 2025). These approaches are selected to provide a comprehensive and systematic legal analysis.

The object of this research is the regulation of severe assault against unmarried women (ghairu muhsan) within both legal systems. The study relies on legal materials rather than statistical data, consisting of primary legal materials (the Qur'an, Hadith, KUHP, and the Compilation of Islamic Law), secondary materials (books, journal articles, and prior studies), and supporting tertiary materials. Data are collected through library research by reviewing relevant and authoritative literature.

The analysis is conducted qualitatively using descriptive-analytical and prescriptive methods. The descriptive-analytical method is used to systematically outline and compare legal concepts in both systems, while the prescriptive method is employed to formulate legal arguments regarding the relevance of Indonesian criminal law sanctions when assessed through the principles of Maqasid Sharia, particularly the protection of life (hifz an-nafs).

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RESULTS AND DISCUSSION

The results of this study demonstrate fundamental differences between Islamic criminal law (Fiqh Jinayah) and Indonesian positive law in addressing severe assault against unmarried women (ghairu muhsan). As presented in Table 1, Islamic law applies a multi-layered sanctioning system through Qisas, Diyat, and Ta'zir, which not only functions as proportional punishment but also accommodates victim recovery and social reconciliation. In contrast, Indonesian positive law, as regulated in the KUHP, predominantly relies on imprisonment as a form of retributive justice.

Table 1. Comparative Analysis of Sanctions for Severe Assault

Aspect	Islamic Criminal Law (Fiqh Jinayah)	Indonesian Positive Law (KUHP)
Legal Basis	Al-Qur'an, Hadis, Ijma', Qiyas	KUHP (Pasal 354, 355)
Type of Sanction	Qisas, Diyat, Ta'zir	Imprisonment (Pidana Penjara)
Victim Position	Central (has forgiveness rights)	Limited (state-centered)
Justice Approach	Retributive + Restorative	Retributive
Protection Principle	Hifz an-Nafs	Legal Protection of Citizens

The differences shown in Table 1 are not merely technical but reflect distinct paradigms of justice. Islamic law positions victims as active subjects with the authority to influence case resolution, including granting forgiveness ('afw) or accepting compensation (diyat). This aligns with the principles of restorative justice, which emphasize victim recovery and social balance. In contrast, Indonesian positive law adopts a state-centered approach, where the crime is viewed primarily as a violation against the state, thereby limiting direct victim participation. This finding reinforces previous studies highlighting the dominance of retributive justice in modern legal systems (Awaluddin, 2024) while also supporting arguments that victim-oriented mechanisms enhance the effectiveness of legal outcomes (Syahyudin, Puluhalawa, & Mantali, 2025); (Pratama & Winarto, 2025).

Furthermore, although both legal systems share the same fundamental objective protecting human life and maintaining social order—their operational approaches differ significantly. As illustrated in Table 2, Islamic law integrates retributive and restorative elements, whereas Indonesian positive law remains largely punitive.

Table 2. General Analysis of Research Findings

Indicator	Research Findings	Interpretation
Concept of Severe Assault	Both legal systems recognize severe assault as a serious crime	Indicates a shared objective of protecting human life
Sanction Orientation	Islamic law: Qisas, Diyat, Ta'zir; Indonesian law: imprisonment	Islamic law is more varied and flexible
Victim Involvement	Islamic law provides an active role for victims	More victim-oriented justice approach
Justice Model	Islamic: retributive + restorative; Indonesian: retributive	Islamic law is more comprehensive in achieving substantive justice
Social Impact	Diyat contributes to victim recovery	Islamic law is more responsive to victims' needs
Legal Objective	Protection of life and social order	Both systems share aligned objectives

A deeper analysis of Table 2 indicates that the flexibility of sanctions in Islamic law is closely related to its philosophical foundation in Maqasid Sharia, particularly the principle of *hifz an-nafs* (protection of life). This flexibility allows legal responses to be adjusted according to the severity of harm and the needs of the victim, thereby reflecting the principle of proportionality in criminal law (Setiawan, et al., 2024). In contrast, the rigidity of imprisonment in Indonesian positive law may limit its capacity to address the broader impacts of crime, especially those experienced by victims.

Moreover, the mechanism of Diyat demonstrates a concrete form of restorative justice by directly addressing the socio-economic consequences faced by victims. This supports the theoretical framework that effective criminal law should not only impose sanctions but also restore the condition of victims (Awaluddin, 2024). In this context, Islamic law provides a more holistic response by combining deterrence, accountability, and restoration within a single legal framework.

However, it is important to critically note that the application of Islamic criminal law mechanisms such as Qisas and Diyat requires a socio-legal context that supports their implementation, including legal culture and institutional readiness. This indicates that while Islamic law offers a conceptually comprehensive model, its integration into the national legal system must consider practical and structural constraints.

Overall, these findings confirm that Islamic criminal law offers a more integrative and victim-oriented approach compared to Indonesian positive law, particularly in addressing severe assault. At the same time, the shared objective of protecting human life suggests a potential point of convergence, where elements of restorative justice from Fiqh Jinayah can be adapted to enrich the national criminal law system.

DISCUSSION

Comparison of Sanction Systems in Fiqh Jinayah and Indonesian Positive Law

The findings indicate fundamental differences between Islamic criminal law (Fiqh Jinayah) and Indonesian positive law in addressing severe assault against unmarried women (ghairu muhsan). Islamic law integrates aspects of retribution, restoration, and reconciliation through the mechanisms of Qisas, Diyat, and Ta'zir, whereas Indonesian positive law emphasizes imprisonment as a form of retributive justice (Ihkhsan, Kurniati, & Ilyas, 2026). This difference confirms that Islamic law adopts a more holistic approach in achieving substantive justice (Murtaqi, 2026); (Ihkhsan, Kurniati, & Ilyas, 2026).

These findings are consistent with restorative justice theory, which emphasizes the importance of victim recovery alongside the punishment of offenders (Awaluddin, 2024). Moreover, they support the theory of legal effectiveness, which posits that law is considered effective when it fulfills the sense of justice within society (Pratama & Winarto, 2025). Thus, Fiqh Jinayah can be viewed as a legal system that is more responsive to the needs of victim justice.

Fiqh Jinayah Perspective on Severe Assault (Jarimah al-Jirah)

In the perspective of Fiqh Jinayah, severe assault is classified as jarimah al-jirah, referring to acts that cause serious physical harm, such as the loss of organ function or body parts (Audah, 2028) (Wahyudi, 2017). This classification demonstrates that Islamic law places strong emphasis on the protection of bodily integrity (Sabiq, 1983); (Ekawati, 2025). Normatively, such acts fall under the category of 'itida' (transgression), which is strictly prohibited as it contradicts the principle of protecting life (hifz an-nafs); (hifz an-nafs); (Diana, Mahmudi, & Anam, 2025).

The determination of sanctions in Fiqh Jinayah depends heavily on the element of intent, namely al-'amdu and syibh al-'amdu, which determine whether the offender is subject to Qisas or Diyat (Az-Zuhaili, 1985); (Andrianto, 2022). These findings align with the principle of proportionality in criminal law, which requires a balance between the act committed and the sanction imposed (Setiawan, et al., 2024). Therefore, the classification system in Islamic law reflects a high degree of legal rationality in determining criminal responsibility (Rohmatuloh, Denasetya, Wahyudi, & Padillah, 2023); (Marzuki, Pengantar Studi Hukum Islam, 2017).

The Position of Unmarried Female Victims (Ghairu Muhsan) in Islamic Law

The findings reveal that Islamic law does not differentiate protection based on social or marital status. Unmarried women (ghairu muhsan) are fully entitled to protection of their physical integrity (Bassiouni, M. C., 1982); (Muslich, 2005). This underscores the principle of equality in Islamic law, which guarantees the protection of life without discriminations.

Furthermore, female victims of violence often experience more complex social and psychological impacts; therefore, Islamic law also accommodates the protection of dignity through the concept of hifz al-'ird (Diana, Mahmudi, & Anam,

2025). These findings support the view that Islamic law is universal and upholds human rights values, particularly in protecting life and dignity (Auda J. , 2008); (Marzuki, Pengantar Studi Hukum Islam, 2017).

Sentencing Mechanisms: Integration of Retributive and Restorative Justice

Fiqh Jinayah offers a sentencing mechanism that reflects a balance between retributive and restorative justice (Ihkhsan, Kurniati, & Ilyas, 2026). Qisas functions as proportional retaliation to create a deterrent effect, while *Diyat* serves as compensation aimed at restoring the victim's condition (Harisudin, 2012); (Ihkhsan, Kurniati, & Ilyas, 2026). Meanwhile, *Ta'zir* provides flexibility for the state to impose sanctions based on the severity of the offense (Audah, 2028); (Ihkhsan, Kurniati, & Ilyas, 2026).

These findings are in line with modern legal theories emphasizing a victim-oriented justice approach, where the victim becomes the central focus in the law enforcement process (Ramadhanu, 2025); (Dinata, 2020); (Nasution & Harahap, 2025). Thus, Islamic law is not only offender-oriented but also ensures comprehensive victim recovery (Nasution & Harahap, 2025); (Maswandi, 2025).

The Aspect of Reconciliation and Victim Forgiveness ('Afw)

Islamic law grants victims or their families the right to forgive ('afw), which can nullify the application of Qisas and replace it with peaceful settlement (islah) (Laila, Kurniati, & Mustafa, 2026). This concept indicates that Islamic law is not solely retributive but also promotes social reconciliation (Bassiouni, M. C., 1982); (Syah, Muslih, & Ubaidillah, 2025).

Additionally, *Diyat* as a form of compensation provides direct benefits to victims, particularly in physical and economic recovery (Sabiq, 1983). These findings align with restorative justice theory, which emphasizes victim recovery as a primary goal of criminal law (Auda J. , 2008); (Pratama & Winarto, 2025).

Maqasid Sharia Principles in Addressing Severe Assault

Within the framework of Maqasid Sharia, the handling of severe assault is oriented toward the protection of life (hifz an-nafs) and justice (al-'adalah) (Diana, Mahmudi, & Anam, 2025). Every sanction imposed aims to safeguard human life and prevent broader social harm (Sabiq, 1983).

These findings support the theory that Islamic law primarily seeks to achieve public welfare (al-maslahah) (Hasan, 2022); (Amri, 2018). Accordingly, sanctions in Fiqh Jinayah are not only repressive but also preventive and rehabilitative (Bassiouni, M. C., 1982); (Radhita, Basri, & Jailani, 2021).

Relevance of Indonesian Positive Law from the Perspective of Maqasid Sharia

The provisions in Articles 354 and 355 of the Indonesian Criminal Code (KUHP) demonstrate that Indonesian positive law shares the same objective as hifz an-nafs, namely the protection of human life (Diana, Mahmudi, & Anam, 2025). This indicates a harmonization of values between national law and Islamic law in terms of life protection (Az-Zuhaili, 1985); (Diana, Mahmudi, & Anam, 2025).

However, Indonesian positive law still tends to emphasize punitive justice through imprisonment. These findings are consistent with critiques of modern legal systems that are considered to inadequately address victim recovery (Siagian, 2025); (Putra, Ilham, Purwanto, & Asmak Ul Hosnah, 2025). Therefore, integrating restorative justice values from Islamic law becomes important to enrich the national legal system.

Furthermore, the application of criminal sanctions in national law remains relevant to the principle of al-maslahah, as it aims to create a deterrent effect and maintain social order. In this regard, Indonesian positive law remains consistent with Maqasid Sharia values as long as it ensures justice and societal protection (Harisudin, 2012); (Maswandi, 2025).

Synthesis and Theoretical Implications

Overall, the findings demonstrate that there is a convergence between Islamic criminal law and Indonesian positive law in their objectives of protecting life and upholding justice. However, Islamic law has an advantage in integrating retributive and restorative justice, as well as actively involving victims in the legal process.

These findings are consistent with the theory of legal integration, which suggests that different legal systems can complement each other in achieving substantive justice (Asa & Shidarta, 2025); (Diana, Mahmudi, & Anam, 2025). Therefore, the values embedded in Fiqh Jinayah have strong potential to serve as a foundation for developing a more just, humane, and victim-oriented national criminal law system (Yasir, Patimah, & Haddade, 2026); (Asyuari, 2025); (Maswandi, 2025).

CONCLUSION

This study confirms that the key distinction between Islamic criminal law (Fiqh Jinayah) and Indonesian positive law in addressing severe assault against unmarried women (ghairu muhsan) lies in their orientation of justice and victim positioning. Islamic law applies a differentiated sanctioning system (Qisas, Diyat, and Ta'zir) that integrates punishment with victim recovery and reconciliation, whereas Indonesian positive law remains predominantly punitive and state-centered, with limited mechanisms for direct victim restoration.

The main contribution of this study is the identification of a normative gap in Indonesian criminal law, particularly the absence of structured mechanisms for victim compensation and participation, which are central in Fiqh Jinayah. This finding highlights that victim-oriented justice is not yet optimally accommodated within the national legal framework.

Based on these findings, this study recommends several operational measures: (1) strengthening restorative justice policies by incorporating formal victim compensation schemes within criminal law procedures; (2) expanding the

role of victims in the resolution process, including mediated settlement mechanisms under judicial supervision; and (3) developing legal policy frameworks that adapt selected principles of Fiqih Jinayah, particularly those aligned with Maqasid Sharia (hifz an-nafs), into national criminal law reform. These measures are expected to enhance legal effectiveness, ensure more balanced justice, and improve victim protection in cases of severe assault.

Research Limitations This study is limited by its normative approach based on library research, which does not capture the empirical implementation of Qisas, Diyat, and Ta'zir within Indonesian legal practice. In addition, the analysis is confined to a doctrinal comparison and does not fully address socio-cultural and institutional factors influencing legal application. The focus on unmarried female victims (ghairu muhsan) also limits broader generalization across other victim groups.

Future Research Future studies are encouraged to adopt empirical methods to examine the practical application of restorative justice in criminal cases, particularly in relation to victim recovery mechanisms. Further research may also explore interdisciplinary approaches combining legal, sociological, and criminological perspectives to assess the feasibility of integrating Fiqih Jinayah principles into national legal policy. Expanding the scope to include diverse victim groups is also necessary to develop a more inclusive and adaptive criminal justice system.

LIST OF REFERENCES

- Audah, A. (2028). *Ensiklopedi Hukum Pidana Islam (At-Tasyri' Al-Jina'i Al-Islami)*. Jakarta: Pt Kharisma Ilmu.
- Sabiq, S. (1983). *Fiqh Sunnah Jilid*. Beirut: Darul Fikr.
- Az-Zuhaili, W. (1985). *Al-Fiqh Al-Islami Wa Adillatuhu*. Damaskus: Dar Al-Fikr.
- Bassiouni, M. C. (1982). *The Islamic Criminal Justice System*. London: Oceana Publications.
- Muslich, A. W. (2005). *Hukum Pidana Islam*. Jakarta: Sinar Grafika.
- Harisudin, M. N. (2012). *Fiqh Jinayah*. Surabaya: Pena Salsabila.
- Auda, J. (2008). *Maqasid Al-Shariah As Philosophy Of Islamic Law*. London: International Institute Of Islamic Thought.
- Sodah, Y. (2023). Kekerasan Terhadap Perempuan: Pencegahan Dan Penanganan Suatu Tinjauan Psikologi Sosial. *Journal Syntax Idea*, 5(11), 2328-2338. <https://doi.org/10.46799/syntax-idea.v5i11.2912>
- Rednianti, A. (2026, 3 9). Angka Kekerasan Terhadap Perempuan Dalam 1 Dekade, 2025 Tertinggi. Diambil Kembali Dari Good Stats: <https://Data.Goodstats.Id/Statistic/Angka-Kekerasan-Terhadap-Perempuan-Dalam-1-Dekade-2025-Tertinggi-Zoczs>

- Asih, T., & Prawitasari, N. (2025). Efektivitas Komisi Nasional Anti Kekerasan Terhadap Perempuan Dalam Menanggulangi Tindak Pidana Kekerasan Seksual. *Iuris Studia: Jurnal Kajian Hukum*, 6(2), 604-610. <https://doi.org/10.55357/is.v6i2.1009>
- Saputra, E., Karamoy, R., & Mandey, M. (2025). Tinjauan Yuridis Tindak Pidana Penganiayaan (Analisis Putusan Nomor: 17/Pid.B/2024/Pn Mnd). *Jurnal Fakultas Hukum Unsrat*, 13(3), 1-10. <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/63942>
- Syahyudin, I., Puluhalawa, M., & Mantali, A. (2025). Implikasi Penerapan Restorative Justice Terhadap Kepastian Hukum Dan Perlindungan Hak Korban Residivis Penganiayaan Berat. (Konstitusi) *Jurnal Hukum, Administrasi Publik, Dan Ilmu Komunikasi*, 2(4), 78-98. <https://doi.org/10.62383/Konstitusi.V2i4.1153>.
- Adelia, D. (2026). Restorative Justice Sebagai Pembaharuan Sistem Peradilan Pidana Di Indonesia. *Journal Of Artificial Intelligence And Digital Business (Riggs)*, 5(1), 4742-4750. <https://doi.org/10.31004/riggs.v5i1.6625>
- Nikmah, F. (2015). Tinjauan Fiqh Jinayah Terhadap Tindak Pidana Penganiayaan Yang Dilakukan Anak Di Bawah Umur. *Al-Qānūn*, 18(1), 39-65. <https://doi.org/10.15642/alqanun.2015.18.1.38-63>
- Al-Tamimi, U. (2013). Lembaga Pemaafan Sebagai Alternatif Penyelesaian Perkara Pidana Perspektif Hukum Islam. *Jurnal Diskursus Islam*, 1(3), 449-484. <https://doi.org/10.24252/jdi.v1i3.6641>
- Sigli, M. (2025, 8 28). Paradigma Keadilan Restoratif Dalam Hukum Pidana Islam | Oleh: Faisal Reza, S.H.I, Cpm (28/8). Diambil Kembali Dari Mahkamah Agung Republik Indonesia Direktorat Jenderal Badan Peradilan Agama: <https://badilag.mahkamahagung.go.id/artikel/paradigma-keadilan-restoratif-dalam-hukum-pidana-islam>
- Supyadi, A., & Prayuti, Y. (2025). Restorative Justice Sebagai Solusi Alternatif: Analisis Efektivitas Dalam Penanganan Tindak Pidana Anak Di Indonesia. *Rewang Rencang : Jurnal Hukum Lex Generalis*, 6(12), 1-18.
- Adinda, N., Rosadi, A., & Naisabur, N. (2025). Tindak Pidana Kekerasan Seksual Dalam Perspektif Hukum Positif Dan Hukum Islam: Sebuah Telaah Berbasis Sejarah Sosial Islam. *Indonesian Journal Of Islamic Jurisprudence, Economic And Legal Theory*, 3(4), 3019-3040. <https://doi.org/10.62976/ijjel.v3i4.1518>
- Adha, M., & Akuntari, N. (2025). Pendekatan Restoratif Sebagai Alternatif Pemidanaan Dalam Sistem Peradilan Pidana Indonesia. *Lex Stricta : Jurnal Ilmu Hukum*, 4(1), 69-80. <https://ojs.stihpada.ac.id/index.php/lexstricta>
- Ikhshan, M., Kurniati, & Ilyas, M. (2026). Implementasi Qisas Dan Diyat Dalam Sistem Hukum Pidana Indonesia: Analisis Normatif Terhadap

- Kompatibilitas Syariat Islam Dengan Hukum Positif. *Media Hukum Indonesia (Mhi)*, 4(1), 1112-1124. <https://doi.org/10.5281/zenodo.18160625>
- Ahadi, L. (2022). Efektivitas Hukum Dalam Perspektif Filsafat Hukum: Relasi Urgensi Sosialisasi Terhadap Eksistensi Produk Hukum. *Jurnal Usm Law Review*, 5(1), 110-128. <https://doi.org/10.26623/julr.v5i1.4965>
- Yusuf Dm, M., Putra, A., Hasibuan, R., & Giawa, S. (2025). Faktor-Faktor Yang Mempengaruhi Penegakan Hukum Dalam Masyarakat. *Jihhp*, 5(4), 2866-2872, <https://doi.org/10.38035/Jihhp.V5i4>.
- Murtaqi, M. (2026). Keadilan Sebagai Tujuan Hukum Islam: Telaah Filsafat Maqāṣid Al-Syari'Ah Dalam Konteks Hukum Kontemporer. *Jpim: Jurnal Penelitian Ilmiah Multidisipliner*, 3(1), 523-529. <https://ojs.ruangpublikasi.com/index.php/jpim/article/view/1740>
- Awaluddin, S. (2024). Keadilan Restoratif: Konsep Dan Pengaturannya Dalam Sistem Hukum Indonesia. *Amandemen: Jurnal Ilmu Pertahanan, Politik Dan Hukum Indonesia*, 1(1), 24-42. <https://doi.org/10.62383/amandemen.v1i1.822>
- Pratama, A., & Winarto, I. (2025). Keadilan Restoratif Sebagai Bentuk Pemulihan Korban Pada Perkara Pidana Narkotika. *Jurnal Hukum Dan Keadilan*, 1(1), 1-15.
- Wahyudi, E. (2017). Tindak Pidana Penganiayaan Dalam Fiqh Jina> Yah Dan Hukum Pidana Indonesia. *Al-Qānūn*, 20(1), 121-146.
- Ekawati. (2025). Kekerasan Dalam Rumah Tangga Dalam Perspektif Hukum Islam Dan Hukum Publik. *Media Hukum Indonesia (Mhi)*, 3(4). 81-87.
- Diana, Q., Mahmudi, Z., & Anam, K. (2025). Qudsiyatut Diana Universitas Islam Negeri Maulana Malik Ibrahim Malang 230201220007 @Student.Uin-Malang.Ac.Id Zaenul Mahmudi Universitas Islam Negeri Maulana Malik Ibrahim Malang Zenmamudi@As .Uin- Malang.Ac.Id Khoiril Anam Universitas Islam Negeri Maula. *Maqasid: Jurnal Studi Hukum Islam*, 14(3). 328-339.
- Andrianto, F. (2022). Sanksi Pembunuhan Dengan Sengaja Perspektif Hukum Pidana Islam Dan Hukum Positif. *Al-Mazaahib: Jurnal Perbandingan Hukum*, 10(1). 80-108.
- Setiawan, D., Juna, A., Fadillah, M., Sabdia Oktarianda, Zulkarnen, Rizal, A., & Satrio, I. (2024). Prinsip Proporsionalitas Dalam Penerapan Hukuman Pidana Di Indonesia . *Jimmi: Jurnal Ilmiah Mahasiswa Multidisiplin*, 1(3). 266-278.
- Rohmatuloh, P., Denasetya, M., Wahyudi, M., & Padillah, M. (2023). Pertanggungjawaban Tindak Pidana Kekerasan Seksual Ditinjau Dari Hukum Pidana Positif Dan Hukum Pidana Islam. *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial*, 1(5), 84-90.
- Marzuki. (2017). *Pengantar Studi Hukum Islam*. Yogyakarta: Ombak (Anggota Kapi).

- Ramadhanu, A. (2025). Efektivitas Penerapan Restorative Justice Berdasarkan Victim-Oriented Principle Terhadap Tindak Pidana Penganiayaan Di Kepolisian. *Kampus Akademik Publisng Jurnal Ilmiah Nusantara (Jinu)*, 2(6), 1519-1526.
- Dinata, U. (2020). Implementasi Prinsip Restorative Justice Berdasarkan Victim Oriented Dalam Diversi Guna Penyelesaian Tindak Pidana Yang Dilakukan Oleh Anak. *Unes Law Review*, 2(4), 444-450.
- Nasution, C., & Harahap, M. (2025). Victim Blaming Terhadap Korban Kekerasan Dalam Rumah Tangga; Tinjauan Hukum Positif Dan Hukum Pidana Islam. *Legalite: Jurnal Perundang Undangan Dan Hukum Pidana Islam*, 10(2), 18-37.
- Laila, U., Kurniati, & Mustafa, Z. (2026). Tinjauan Hukum Pidana Islam Terhadap Penerapan Restorative Justice Dalam Tindak Pidana Penganiayaan Ringan. *Iqtishaduna: Jurnal Ilmiah Mahasiswa Hukum Ekonomi Syariah*, 7(2), 1558-1568.
- Maswandi. (2025). *Hukum Pidana Islam (Fiqh Jinayah)*. Pekanbaru: Cv Angkasa Media Literasi.
- Syah, M., Muslih, & Ubaidillah, I. (2025). Restorative Justice Dalam Kasus Penganiayaan Ringan: Studi Komparatif Antara Kuhp Dan Konsep Sulh Dalam Hukum Pidana Islam. *Edulaw : Journal Of Islamic Law And Yurisprudance*, 7(1), 35 - 42.
- Hasan, Z. (2022). Teori Masalahah Dalam Ekonomi Islam (Fikih Muamalah). *Jurnal Hukum*, 4(2), 65-81.
- Amri, M. (2018). Konsep Maslahat Dalam Penetapan Hukum Islam (Telaah Kritis Pemikiran Hukum Islam Najamuddin At - Thu>Fi). *Et-Tijarie | Volume*, 5(2), 52-66.
- Radhita, S., Basri, & Jailani. (2021). Nilai-Nilai Edukatif Dalam Qanun Jinayat Dalam Penerapan Syariat Islam Di Aceh. *Iconic (Hal. 73-83)*. Banda Aceh: Pascasarjana Uin Ar-Raniry.
- Siagian, F. (2025). Implementasi Prinsip Keadilan Terhadap Korban Kejahatan Dalam Proses Pidanaan Di Indonesia Berdasarkan Perspektif Filsafat Hukum Alamjustices: *Journal Of Law. Justices: Journal Of Law*, 4(4), 300-311.
- Putra, S., Ilham, Purwanto, M., & Asmak UI Hosnah. (2025). Krisis Nilai Antara Hukum Positif Dan Moral Sosial: Telaah Terhadap Penegakan Hukum Pidana Di Indonesia. *Al-Zayn : Jurnal Ilmu Sosial & Hukum*, 3(6), 8658-8665. <https://doi.org/10.61104/Alz.V3i6.2582>.
- Asa, A., & Shidarta, S. (2025). Filsafat Hukum Sebagai Jalan Masuk Pemahaman Hukum. *Reformasi Hukum*, 29(3), 238-248. <http://doi.org/10.46257/Jrh.V29i3.1284>.
- Yasir, M., Patimah, & Haddade, A. (2026). Kejahatan Dalam Perspektif Fikih Jinayah Kontemporer: Tantangan Dan Respons Hukum Islam . *Kampus Akademik*

Publising Jurnal Ilmiah Nusantara (Jinu), 3(1), 1263-1273.
<https://doi.org/10.61722/jinu.v3i1.8101>

Asyuari, A. (2025). Sanksi Tindak Pidana Anak Perspektif Fiqh Jinayah Dan Uu No. 11 Tahun 2012: Analisis Maşlahah Terhadap Sistem Peradilan Pidana Anak . Icilees (Hal. 01-14). Jember: Stis Nurul Qarnain.
<https://ejurnalqarnain.stisnq.ac.id/index.php/prosiding/article/view/1780>