

INCREASE VALUES LAW ISLAM IN THE FORMATION OF INDONESIAN CRIMINAL LAW (A REVIEW OF THE DEATH PENALTY)

Adi Mansar

¹ University Muhammadiyah of Sumatra North (email: adimansar@umsu.ac.id)

Vania Micha Dwilizadi

President University, West Java (email: vania.micha.25@gmail.com)

Abstract: Indonesian criminal law constitutes a fundamental component of the national legal system, functioning to maintain public order and to realize justice. However, the criminal law framework in Indonesia remains significantly influenced by colonial legal legacies, which creates an urgent need for reform grounded in the philosophical and sociological values of the nation. One of the relevant sources of values in the development of national criminal law is Islamic law, considering that Indonesia has a Muslim-majority population and is founded upon the principles of Pancasila. This study aims to analyze how Islamic legal values can be enhanced and integrated into the formation of Indonesian criminal law, particularly in relation to the regulation of the death penalty. This research employs a normative legal researcher method, utilizing statutory, conceptual, and philosophical approaches. The data were collected through library research, including legislation, judicial decisions, and relevant scholarly literature and academic journals. The analysis was conducted qualitatively by examining the concept of punishment in Indonesian criminal law and Islamic criminal law, as well as by comparing their fundamental objectives and principles. The findings indicate that Islamic legal values such as justice, public interest (maslahah), prudence in the imposition of punishment, protection of the right to life, and the concept of forgiveness possess strong relevance in the reform of Indonesian criminal law. In the context of the death penalty, Islamic law positions this sanction as an ultimate ratio, whose application is subject to strict requirements and oriented toward the protection of human life. These values are consistent with recent developments in Indonesian crime law, which increasingly emphasize a humane and restorative approach, as reflected in contemporary penalty policy reforms. This study concludes that enhancing Islamic legal values in the formation of Indonesian criminal law does not aim to formalize religious law, but rather to strengthen the principles of justice and humanity within the national legal system. The integration of these values is expected to reinforce the moral and social legitimacy of Indonesian criminal law in achieving civilized and equitable justice.

Keywords: Islamic Law, Indonesian Criminal Law, Death Penalty

Introduction

Criminal law has always experienced dynamics and developments throughout history. These changes encompass both the nature and substance of criminal law. Which directed For create control mechanisms social more Effective. Law, as a normative reflection of societal

dynamics, is a silent yet objective historical witness, making it a worthy source for reading legal history. In this context, it is important to note that the criminal law system in Indonesia still refers to the legacy of law colonial, Which until now Not yet get attention Serious For comprehensive reconstruction or renewal is carried out. ¹

The process of reforming Indonesian criminal law cannot be separated from the dynamics of social development, including the integration of customary law and Islamic law values through a bottom-up approach , which is ultimately reflected in the construction of national criminal law. ² The historical journey of Indonesian law, the relationship between Islamic law and Islamic law national show that law Islam own position Which inherent in Indonesia's national legal system. This is evident from the increasing tendency strengthening against accommodation Islamic legal values in national legislation. Reformation law criminal should be directed on policy law Which value -oriented Therefore , every effort to reform criminal law must be based on the basic idea of Pancasila as the philosophical basis of the state, which represents the fundamental values of national and state life as aspired to and derived from the identity of the Indonesian nation.

The death penalty has historically served a combination of retributive, preventive, and societal protection purposes . However, in the context of Islamic law, the death penalty has specific rationales and mechanisms that differ from modern secular law. put punishment dead in category hudud (for example For murder subject to proof certain), qisas (reply worth it Which can demanded by the victim's family), and ta'zir (events left to the judge's discretion) if they do not meet the requirements of hudud or qisas . ³

Indonesia, as a country with a Muslim majority population, faces a normative challenge : to what extent can and should the values of Islamic law be included or used as a reference? in formation law criminal national, specifically on issue punishment dead?

Discourse This No only related with aspect legality formal, but Also with Moral legitimacy, legal effectiveness , and harmony between traditional social values and positive legal norms. In Indonesia's national legal system, Islamic law is positioned as a source of inspiration or moral reference in the formation of positive law, but not as a direct source of law that is generally binding for all citizens. This is in line with the principles of a unitary state based on Pancasila and the 1945 Constitution. 1945. Chapter 29 Constitution 1945 state that country ensure independence religion, so that all citizens have the right to live according to their respective religious beliefs. However, the Muslim majority in Indonesia means that Islamic law is often taken into consideration when formulating certain criminal law norms .

In law Islam, punishment dead No automatic charged For every offense.

Law Islam share it in three category main:

¹ Roli Pebrianto (2025). Integration of Islamic Legal Values in National Criminal Law Reform Related to The Crime of Adultery and Cohabitation. *Journal of Justice Cultivation* . Vol. 2 No. 3.

² Jazuni , *Legislation Law Islam in Indonesia* , (Jakarta: Image Aditya Devotion, 2005), p. 124.

³ Eiman Elmighani . (2018) Hudud, Qisas and Ta'zir in Islamic Criminal Law: A Comparative Survey . *Journal of Islamic Law* .

1. **Hudud:** Punishment that has been determined specifically by Islamic law. An example of a hudud offense for example adultery (adultery) in terms of certain, or aggravated robbery (*ḥirābah*). However, condition proof in hudud very strict And almost impossible met in modern judicial practice (e.g., overwhelming witness evidence or consistent confessions). Therefore, hudud punishments are rarely applied in classical and contemporary Islamic law without legal reform.
2. **Qisas :** Retribution in kind, especially in cases of murder and serious assault. In qisas , the victim or the victim's heirs have the right to demand retribution (life for life), forgiveness, or diyat (compensation). This different from approach secular Because There is element choice the victim's family and a very prominent forgiveness mechanism.
3. **Ta'zir :** Type a punishment left to the discretion of a judge or ruler for crimes that do not fall under hudud or qisas . The death penalty in the ta'zir category may be imposed for certain serious crimes after deliberation by a panel of judges.

The Islamic approach to the death penalty shows that it is not simply a matter of revenge, but Also about not quite enough answer social And protection public balanced with the principles of justice and mercy. Viewed from a maqasid perspective According to the objectives of Sharia (al-shariah), criminal penalties, including the death penalty, aim to protect life, religion, reason, descendants, and property. Therefore, the application of the death penalty in Islam must always adhere to the principle of benefit (*maslahah*) and not exceed its limits.

Review Library

1. Law Islam

Islamic law is a set of norms and legal provisions that originate from Islamic teachings. Islam And arrange behavior man in the relationship with Allah Almighty (*ḥabl min Allāh*) and with fellow human beings (*ḥabl min al-nās*). In scientific literature, Islamic law is often called with term sharia And jurisprudence , although both of them own difference meaning. Sharia is law divine Which nature still And sourced direct from revelation, while fiqh is understanding man to sharia Which nature dynamic And can change accordingly context room And time.⁵ Law Islam No only arrange aspect worship, but also includes field transactions, criminal law (criminal), government (state administration), as well as morals. With thus, law Islam own character comprehensive Which covers dimensions moral, social, and positive law. The Qur'an and Sunnah are the primary sources of Islamic law. However, the study of journal confirms that verses the law in the Qur'an is limited and contains more general principles than technical rules.

⁴ Rahman, F. *Islam & Modernity : Transformation of an Intellectual Tradition* . London: University of Chicago Press .

⁵ Yildirim , H. (2010). Distribution of Surplus in Sequential Bargaining with Endogenous Recognition . *Public Choice* , 142 (1/2), 41–57.

Conceptually, Islamic law consists of two main elements: sharia and fiqh . Sharia is understood as divine law derived directly from the revelation of Allah SWT, while fiqh is the

result of *ijtihad* (intelligence) by scholars in understanding and applying *sharia* to social realities. This distinction demonstrates the dynamic and contextual nature of *fiqh*, allowing for differences of opinion between schools of thought^{and} for legal development to adapt to societal needs.

The relationship between Islamic law and human rights is a significant theme in contemporary literature. Some critics argue that Islamic law contradicts modern human rights, particularly in criminal matters. Through the *maqasid* approach^{and} *ijtihad* reform, Islamic law is seen as being able to align with human rights principles, such as justice, protection of life, and the prohibition of torture.

2. Law Criminal in Indonesia

Criminal law is a branch of public law that plays a strategic role in maintaining order, security, and justice in society. In Indonesia, criminal law serves as a state instrument for regulating prohibited acts and establishing sanctions for violations deemed harmful to the public interest. According to Moeljatno, law criminal offenses only oriented on sentencing, but also aims to protect society and create social order. This view later developed in academic literature, which^{positions} criminal law as a means of social control and protection of human rights.⁸

In a way historical, system law criminal Indonesia very influenced by law Dutch colonialism, especially through the implementation of *the Wetboek van Strafrecht* which was later adopted as the Criminal Code (KUHP). Despite Indonesia's independence, the colonial legacy of the Criminal Code remained in effect for quite some time. This drew criticism from legal academics who argued that the Criminal Code did not fully reflect the social, cultural, and moral values of Indonesian society. According to Sudarto, national criminal law should be based on the nation's character and the values inherent in Indonesian society.⁹

In context the, objective criminalization become aspect important Which Lots discussed in Indonesian criminal law literature. The purpose of punishment is no longer solely retribution for the perpetrator's wrongdoing, but also crime prevention, perpetrator rehabilitation, and community protection. Muladi, in his journal review, emphasized that the Indonesian criminal justice system must integrate the values of justice, utility, and legal certainty in a balanced manner. These three values are fundamental principles that must be reflected in the formulation of criminal norms and the imposition of sanctions.

The issue of the death penalty is one of the the most controversial topic in criminal law Indonesia And Lots reviewed in journal academic. In One side, punishment dead

⁶ Boxberger, L. (1998). Avoiding Riba : Credit and Custodianship in Nineteenth - and Early Twentieth Century Ḥaḍramawt . *Islamic Law and Society* , 5 (2), 196–213. <http://www.jstor.org/stable/3399340>

⁷ (Leich), M. N. (1996). Contemporary Practice of the United States Relating to International Law. *The American Journal of International Law* , 90 (2), 263–279.

⁸ Muladi . (2002). Right basic man And system justice criminal. *Journal Law IUS QUIA IUSTUM* , Vol. 9 No. 21.

⁹ Sudarto. (1986). Law criminal And development public. *Journal Law And Development* , 16 (6).

It is maintained as a form of protection for society from extraordinary crimes, such as terrorism and narcotics. On the other hand, the death penalty is seen as contradicting the principle of the right to life as stipulated in international human rights instruments. *Constitutional Journal Review* noted that the Indonesian Constitutional Court took a moderate position by continuing to recognize the death penalty, but emphasizing the importance of caution and protecting the rights of convicts.

With ratification of the Law Number 1 Year 2023 about Criminal Code, Indonesia is entering a new chapter in its criminal law history. The new Criminal Code is considered to better reflect the values of Pancasila and human rights principles than the old one. However, various legal journals emphasize that the main challenge lies in implementation and consistency. enforcement the law. Updates law criminal No will effective without supported by professional law enforcement officers and public legal awareness.

Method Study

The research method used is normative juridical research, namely legal research. Which done with method research material library or data secondary.¹⁰ Study this is done use For get ingredients in the form of: theories, concepts, legal principles as well as regulation law Which relate with main discussion.¹¹ Soerjono Soekanto stated that there are five scopes of legal research, namely research into legal principles, legal systematics, the level of legal synchronization, legal history, and comparison.¹²

Discussion

Draft And Legal Values Islam Related Punishment Dead

Law criminal Indonesia is at in position strategic as instrument country to protect public interests, uphold justice, and maintain social order. However, law criminal Indonesia No born in room empty, but is the result of a long historical construction, especially influenced by Dutch colonial law through *the Wetboek van Strafrecht*. This condition causes national criminal law to often be seen as not yet fully reflect values philosophical And sociological public Indonesia religious and pluralistic. Therefore, the discourse on reforming Indonesian criminal law cannot be separated from efforts to internalize the values that exist in society, including Islamic legal values as a value system embraced by the majority of the Indonesian population.¹³

¹⁰ Asmadi, E., Mansar, A., & Eddy, T. (2023). Actualization of criminal liability for personal data protection in the use of financial technology : a comparative study of Law Number 11 of 2008 concerning Information and Electronic Transactions and Law Number 27 of 2022 concerning Protection of Personal Data. *De Relieved Lata: Journal of Legal Studies*, 8(2), 292-300.

¹¹ Koto, I., & Rahimah. (2025). Intellectual Property Rights Violations in Data Generated by Artificial Intelligence : A Comparative Analysis between Indonesian Law and International Practices . *Kosmik Hukum*, 25(3), 631–651.

¹² Simatupang, RSA (2024). Implementation of the Juvenile Criminal Justice System in Indonesia: A Justice Values Perspective. *Jurnal Juridical*, 11 (1), 54-63.

¹³ An- Na'im, AA (1990). Islam and human rights : Beyond the universality debate . *Human Rights Quarterly*, 12 (1).

In this context, Islamic law has a strong normative and ethical character, especially in placing justice as the primary goal of law. Hallaq (2009) emphasized that Islamic law does not merely function as a penal system, but also as a means of moral balance for social. Mark justice in Islamic law it is not understood narrowly as revenge, but rather as an effort to maintain welfare and prevent damage. Principle This become relevant when associated with the formation of Indonesian criminal law which so far tends to emphasize the retributive aspect rather than the rehabilitative and restorative aspects.

Discussions on the death penalty are central to the analysis of the relationship between Indonesian criminal law and Islamic law. In the Indonesian criminal law system, the death penalty is positioned as the primary punishment imposed for certain crimes, such as murder planning, terrorism, and crime narcotics. Existence punishment This death penalty has sparked long debate, especially in relation to human rights and the right to life. However, from an Islamic legal perspective, the death penalty is not necessarily understood as violation right basic, but as mechanism protection soul and public order with very strict conditions .¹⁴

Islamic criminal law classifies criminal sanctions into three main categories: hudud, qisas, and ta'zir. In the qisas category, the death penalty is applied in cases of murder, giving the victim's family full rights to determine whether the perpetrator will be sentenced to death, pardoned, or required to pay diyat. This mechanism shows that Islamic law provides significant space for restorative justice and social reconciliation, a concept that has only recently developed in modern criminal law. This shows that the values of Islamic law are actually in line with the paradigm of Islamic law. criminalization modern Which put victim as subject main in criminal justice process. In relation to the death penalty, Indonesian criminal law policy shows existence ambivalence between demands protection public and Respect for human rights. This is evident in the state's stance of maintaining the death penalty, but with various procedural restrictions and oversight mechanisms. This ambivalence is also recognized in Islamic law, where the death penalty is is sanctions most heavy Which its implementation restricted by standard proof very strict.

When compared with Indonesian criminal law, the applicable criminal punishment system is still... put country as actor main in fall punishment, temporary Victims are often marginalized. In the context of the death penalty, the decision rests entirely with the state through law enforcement and the courts, with no room for participation. to victim or his family. Whereas, approach law Islam through The concepts of qisas and forgiveness can be an inspiration in formulating criminal policies that are more just and oriented towards social recovery.¹⁵

¹⁴ Bassiouni, M. C. (2014). The Shari'a and criminal justice in Islam. *International Law Studies*, 21.

¹⁵ Nawawi Arief, B. (2018). Updates law criminal Indonesia in perspective policy law criminal. *Problems Law*, 47 (1), 1–14.

Draft forgiveness (*afw*) in law criminal Islam give perspective new in the discourse of punishment in Indonesia. In cases of qisas , the victim's family has the full right to forgive the perpetrator, which has implications for the abolition of the death penalty. This concept demonstrates that Islamic law provides significant room for social reconciliation and the restoration of interpersonal relationships . In Indonesia, a similar concept is becoming known through the Islamic approach. justice restorative , However its implementation Still limited on action criminal Light sentences. Integrating the value of forgiveness into serious criminal law, including the death penalty, can be a progressive discourse oriented toward humanity and the public interest.

Furthermore, the maqāṣid approach al-sharī'ah provides an important philosophical framework in evaluate existence punishment dead. Maqasid sharia put life protection (*hifz al-nafs*) as Wrong One objective main law Islam. In perspective This, The death penalty is not intended to take life arbitrarily, but rather to protect life Which more wide through prevention crime heavy. Auda (2008) emphasizes that maqasid must be understood systemically and contextually, so that the application of the death penalty must always take into account the social benefits and impacts, not merely the textuality of the law.

Maqasid approach is relevant to Indonesian criminal law policy, particularly following the enactment of Law Number 1 of 2023 concerning the Criminal Code. The new Criminal Code introduces the concept of the conditional death penalty, which allows for a stay of execution and evaluation to behavior convict. Policy This reflect effort compromise between the interests of protecting society and respecting human rights. From an Islamic legal perspective, this policy aligns with the principle of prudence (*iḥtiyāt*) and provides opportunities for repentance and self-improvement.

However thus, integration values law Islam in formation law Indonesian criminal law No let go from challenge. Indonesia is country Which pluralistic , Therefore, the formation of national law must take into account religious and cultural diversity. Therefore, Islamic legal values cannot be adopted formally but must be transformed into universal values such as justice, humanity, and the welfare of the people. Therefore, the enhancement of Islamic legal values in the formation of Indonesian criminal law, particularly regarding the death penalty, must be understood as a normative and philosophical process, not a formalization of religious law. Values such as restorative justice , victim protection, caution in sentencing, and an orientation towards the welfare of the people can be significant contributions of Islamic law in the reform of national criminal law. This approach not only enriches the Indonesian criminal law system but also strengthens the social legitimacy of law in a religious and diverse society.

Implementation and Opportunities for Improving Islamic Legal Values in the Formation of Indonesian Criminal Law

Formation of Indonesian criminal law cannot be separated from the dynamics of social, cultural, and religious values that exist in society. As a nation based on Pancasila, Indonesia recognizes the value of Belief in the One Almighty God as the philosophical foundation of life. nation And state. In context This, law Islam own position strategic as a source of values that contribute to the formation of national law, including criminal law. Islamic legal values are not understood as positive norms that are enforced in a way formal, but as source ethics And moral Which can enriching the substance of national criminal law to make it more just and humanity-

oriented.

The implementation of Islamic legal values in Indonesian criminal law has been implicitly implemented through the recognition of justice, public welfare, and the protection of human dignity. In various criminal laws and regulations, these principles are reflected in the objectives of punishment, which emphasize not only retribution but also crime prevention and the development of perpetrators. This aligns with the character of Islamic criminal law, which places substantive justice as the primary goal of the law.

In practice, the implementation of Islamic legal values can also be seen in the development of the restorative justice paradigm in the Indonesian criminal justice system. This emphasize recovery loss victim, not quite enough answer perpetrator, And social harmony, Which own suitability with draft forgiveness (*afw*) And peace (*ṣulh*) in law criminal Islam. Although implementation justice restorative in Indonesia Still limited in action criminal certain, its development show existence room dialog between mark law Islam and modern criminal law. ¹⁶ At the law enforcement stage, the opportunity to enhance Islamic legal values is evident in the paradigm shift in the role of judges in the criminal justice system. Judges are no longer positioned merely as "mouthpieces of the law," but as guardians of substantive justice. This principle aligns with the concept of *al-qāḍī. al -' ādil* in Islamic law, which requires judges to consider the social and moral context and the impact of decisions on society. Recent empirical studies in Indonesian law journals indicate that judges are increasingly using substantive justice and proportionality approaches. criminal, especially in case criminal heavy, Which reflect mark prudence and contextual justice as known in the Islamic legal tradition . ¹⁷

In the context of legal globalization, enhancing Islamic legal values in Indonesian criminal law also offers opportunities through transnational legal dialogue. Countries with mixed legal systems *demonstrate that religious* legal values can coexist with modern law through a constitutional and human rights approach. Recent comparative studies have shown that Indonesia has an advantage in developing a criminal law model that is rooted in religious values yet remains democratic and pluralistic, by utilizing Islamic law as a source of legal ethics, rather than as a rigid penal system . ¹⁸

The usefulness of Islamic legal values in national criminal law reform can be seen in the process of *internalizing legal values Islam* into the Design Criminal Code Indonesia, especially in the context of norms relevant to societal net morals norms and protection of dignity man. study to Draft Criminal Code state that mark law Islam has and continues to be a normative reference in considering the formulation of social crimes such as adultery, although Still happen cross opinion about as far as where norm the in accordance with the principles of secular and pluralistic national law . ¹⁹ The application of Islamic legal values does not only limited on formation Constitution but Also touch implementation at the level of legal practice.

¹⁶ Ali, Z. (2017). Contribution law Islam in formation law national Indonesia. *Al-Ahkam: Journal Sharia Science*, 17 (1).

¹⁷ Rahman, F., & Sharif, M. (2024). Value-based legislation in formation law criminal Indonesia. *Rechtsvinding Journal* , 13 (2).

¹⁸ Mahmoud , A., & Karim, N. (2023). Religious values in mixed legal systems : Lessons for criminal law reform . *Asian Journal of Comparative Law*, 18 (2)

¹⁹ Lisma. (2019). Internalization of Islamic Legal Values in the Draft Criminal Code in Indonesia (Study of the Crime of Adultery in the Criminal Code and the Draft Criminal Code). *Ekspose: Journal of Legal and Educational Research* . Vol. 18 No. 1

The concept of Islamic criminal law as a “ living law ” that lives in practice social public Archipelago can functioning as source inspiration ethical when Formal positive law shows limitations in dealing with complex criminal phenomena. Study historical And sociological in context Indonesia emphasize that Since classical times, Islamic criminal law has been part of a living legal tradition and adapted to the social dynamics of society before the colonial Criminal Code, so that the legitimacy of these values is still relevant to strengthen the substance of contemporary national criminal law.

Implementation and opportunities for increasing Islamic legal values in legal formation criminal Indonesia show that values the own relevance Which strong to strengthen the principles of justice, social welfare, and legal protection Substantive. Transforming these values into national criminal law policy does not require the formal adoption of the Islamic legal system, but rather the integration of normative moral values that are universally acceptable to Indonesia's pluralistic society.

Conclusion

Based on the results of the analysis and discussion regarding the increase in Islamic legal values in the formation of Indonesian criminal law, especially in the context of regulating the death penalty, it can be concluded that Islamic law has a significant normative and philosophical contribution. in update law criminal national. Values main Which contained in Islamic criminal law, such as justice, public welfare (*maslahah*), protection of the right to life, caution in sentencing, and the principles of forgiveness and restoration, are in line with the objectives of modern criminal law which emphasizes the aspects of humanity and substantive justice. dead in perspective law Islam No positioned as instrument not merely as a form of retaliation, but rather as an extraordinary sanction (*ultima ratio*) whose application is limited by strict conditions and the aim of protecting lives. This approach is relevant to the direction of Indonesian criminal law policy, which is beginning to accommodate the principles of caution and protection right basic man in system criminalization. By Because That, integration legal values Islam in formation law criminal Indonesia No interpreted as formalization of religious norms, but rather as a strengthening of moral, ethical, and social dimensions that can increase the legitimacy of national criminal law. Thus, enhancing Islamic legal values in Indonesian criminal law has the potential to provide a more normative framework. fair, civilized, And in accordance with character public Indonesia Which pluralistic , while supporting the achievement of the objectives of criminal law which are oriented towards justice, benefit and protection of human dignity.

Suggestion

Former Constitution need in a way more open And systematic accommodate universal values contained in Islamic law, such as justice, benefit and protection right life, in process update law criminal national. Integration These values should be implemented through a philosophical and constitutional approach, so that they do not conflict with the principles of the rule of law and respect for human rights. arrangement punishment dead, required policy criminalization Which more be careful and oriented towards humanity, including by expanding alternative criminal laws, strengthening forgiveness mechanisms, and guaranteeing due process. process of This is in line with the principles of Islamic criminal law, which places the death penalty as a last resort and opens up space for restoration and reconciliation.

References

- Ali, Z. (2017). The contribution of Islamic law in the formation of Indonesian national law. *Al-Ahkam: Journal of Sharia Science*, 17 (1), 25–44.
- An- Na'im , AA (1990). Islam and human rights : Beyond the universality debate . *Human Rights Quarterly* , 12 (1), 1–23.
- Asmadi , E., Mansar , A., & Eddy, T. (2023). Actualization of criminal liability for personal data protection in the use of financial technology : a comparative study of Law Number 11 of 2008 concerning Information and Electronic Transactions and Law Number 27 of 2022 concerning Protection of Personal Data. *De Relieved Lata: Journal Knowledge Law*, 8(2), 292- 300.
- Bassiouni , M. C. (2014). The Sharī'a and criminal justice in Islam. *International Law Studies* , 21 , 5–32.
- Boxberger , L. (1998). Avoiding ribā : Credit and custodianship in nineteenth - and early twentieth century Ḥaḍramawt . *Islamic Law and Society* , 5 (2), 196–213.
- Elmirghani , E. (2018). Hudud, qisas and ta'zir in Islamic criminal law : A comparative survey . *Journal of Islamic Law* , 2(1), 1–20.
- Jazuni . (2005). *Legal legislation Islam in Indonesia* . Image of Aditya Bakti.
- Koto, I., & Rahimah. (2025). Intellectual Property Rights Violations in Data Generated by Artificial Intelligence : A Comparative Analysis between Indonesian Law and International Practices . *Cosmic Law*, 25(3), 631–651.
- Leich , M. N. (1996). Contemporary practice of the United States relating to international law .*The American Journal of International Law*, 90 (2), 263–279.
- Lisma. (2019). Internalization of Islamic legal values in the draft Criminal Code in Indonesia (Study of action criminal adultery in Criminal Code And Draft Criminal Code). *Exposure: Journal Legal Research and Education*, 18 (1), 45–60.
- Mahmoud , A., & Karim, N. (2023). Religious values in mixed legal systems : Lessons for criminal law reform . *Asian Journal of Comparative Law*, 18 (2), 201–219.
- Muladi . (2002). Human rights and the criminal justice system. *IUS QUIA IUSTUM Law Journal*, 9 (21), 1–15.
- Nawawi Arief, B. (2018). Updates law criminal Indonesia in perspective criminal law policy. *Legal Issues*, 47 (1), 1–14.
- Pebrianto, R. (2025). Integration values law Islam in update law National criminal law related to the crimes of adultery and cohabitation. *Journal of Justice Cultivation*, 2 (3), 1–15.
- Rahman, F. (1982). *Islam & modernity : Transformation of an intellectual tradition* . University of Chicago Press .
- Rahman, F., & Syarif, M. (2024). Value-based legislation in the formation of Indonesian criminal law. *Jurnal Rechtsvinding* , 13 (2), 89–108.
- Simatupang, R. S. A. (2024). Implementation System Justice Criminal Child In Indonesia Justice Value Perspective. *Juridical Journal* , 11 (1), 54-63.
- Sudarto. (1986). Law criminal And development public. *Journal Law and Development*, 16 (6), 1–12.

Yildirim , H. (2010). Distribution of surplus in sequential bargaining with endogenous Public recognition *Choice* , 142 (1–2), 41–57.