

Can Penal Mediation Solve Domestic Violence? Insights From Islamic Law

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ABSTRACT

Domestic violence remains a pressing issue, with approximately 70% of cases resolved through penal mediation in recent years. In West Java Province alone, nearly 3,000 cases of domestic violence have been recorded, highlighting the urgency of effective resolution mechanisms. Penal mediation has emerged as an alternative approach, yet its alignment with Islamic legal principles remains underexplored. Islamic law strictly prohibits acts of violence, as it is a religion that upholds human dignity and peace. This study aims to examine the principles of Islamic law in the application of penal mediation to domestic violence cases and to identify the challenges faced in its implementation from both general and Islamic perspectives. Employing an empirical juridical method, this research gathers qualitative data through interviews, field observations, and literature reviews. The findings reveal a strong correlation between Islamic legal principles and penal mediation, with Surah An-Nisa verse 35 serving as a foundational reference for mediation efforts. However, the study also uncovers normative challenges, including inconsistencies in regulatory frameworks and misinterpretations of Islamic law regarding reconciliation and peace. The novelty of this research lies in its integration of Islamic legal principles with contemporary penal mediation practices, providing a unique perspective on addressing domestic violence. By bridging legal theory and religious doctrine, this study contributes to the development of more culturally and ethically grounded mediation practices, offering valuable insights for policymakers, legal practitioners, and religious scholars.

Keywords: *Mediation; Islamic Law; Violence.*

I. INTRODUCTION

Disputes and marital conflicts have become one of the main factors contributing to divorces in Indonesia today. As a result of these disputes, there is often an increase in cases of domestic violence. Violence within the household not only manifests physically but can also have psychological effects (Purwanto & Sularno, 2020). Furthermore, many women continue to be recurring victims of domestic violence, as evidenced by data from the National Commission on Violence Against Women, which reported that out of 1,022 cases of violence, 903 victims were women (Lestari, 2017). The societal stigma that still exists, where issues of violence are seen as the responsibility of husbands in disciplining their wives, is a flawed concept when considering the current situation. Ultimately, one of the contributing factors to the prevalence of victims remaining in abusive relationships is the lack of support from their surrounding environment to help or make them aware of the violence they are experiencing. This leads to an increasing number of domestic violence victims, particularly women, every year.

In contemporary households, a prevalent form of domestic violence is the coercion of wives into sexual intercourse, stemming from the husband's perceived authority within the domestic sphere. A husband's perceived sense of authority often translates into a belief in his right to subjugate his wife, even if it means resorting to violence. This manifests in various forms of abuse, including physical, emotional, social, sexual, and even economic torment. The prevalence of domestic violence perpetrated by husbands against their wives stems from deeply ingrained cultural norms that portray men as superior beings and women as their inferiors. This patriarchal mindset instills in men the expectation of strength, dominance, and an intolerance for perceived weakness. The societal imbalance between men and women further exacerbates this power dynamic, rendering women particularly vulnerable to oppression when confronted with intolerant husbands. Moreover, the societal perception of domestic violence as a private

family matter rather than a social issue often deprives victims of adequate support and attention from their surroundings. This societal apathy further emboldens perpetrators and perpetuates the cycle of abuse (Hotifah, 2011).

In the overarching framework of Islamic law, violence is categorically prohibited, especially when it inflicts physical harm and instills fear in the victim. This principle is firmly established in the Quran, as exemplified in Surah al-Baqarah, verse 190: "..... *Fight in the cause of Allah 'only' against those who wage war against you, but do not exceed the limits.1 Allah does not like transgressors.*" (Abdillah, 2017). This prohibition against excessive force is further reinforced in Surah an-Nisa, verse 34, which unequivocally declares that Islam does not condone violence against wives. While the Quran permits light tapping as a last resort for corrective purposes, it emphasizes that such action should be devoid of any intent to inflict pain or cause physical harm (Widyastuti, 2007). This stipulation underscores Islam's unwavering commitment to non-violence and its role as a *rahmatan lil 'alamin* religion prohibits all forms of violence that result in physical harm, including domestic violence.

According to data presented by the Women Crisis Centre Pasundan Durebang, it was found that the majority of violence occurs within the household, accounting for 58.2% of reported cases, while 24.9% occur in public places (WCC-Pasundan Durebang, 2023). This indicates that incidents of domestic violence are the primary cause of violence experienced by individuals. Recorded data from the Bandung City Police Headquarters (Polrestabes Bandung) shows that cases of domestic violence are among the most frequently reported. In West Java Province, there are nearly 3,000 cases of domestic violence reported each year. The complexity of domestic violence issues underscores the need for continued observation and efforts to reduce the number of domestic violence cases annually.

Regarding the resolution of domestic violence incidents, according to the head of the Women and Children's Unit at Bandung City Police Headquarters (Polrestabes Bandung), nearly 70% of domestic violence cases are resolved through penal mediation, or peaceful settlement process for both parties that can be formalized with a written agreement (PPA Polrestabes Bandung Data, 2023). Philosophically, penal mediation is known for its win-win solution concept rather than ending in win-lose or lose-lose outcomes. Therefore, the concept of penal mediation focuses more on the quality of the process by raising awareness of one party's mistakes and actions, providing peace of mind for the victim, and assisting both parties in resolving the issues. Thus, both parties are seen as responsible for their actions (Mulyadi, 2013). Similarly, in Islamic law, mediation is often known as *tahkim*, meaning peace through consultation mediated by an *hakam*, who acts as a mediator in the dispute (El-Amin, 2013). Therefore, it can be confirmed that efforts to mediate domestic violation cases through penal mediation are in accordance with positive law in Indonesia.

Referring to the previous research conducted by Emy Rosnawati, Siti Dewi Khotimah, Rifqi Ridhlo Pahlevy, and Mochamad Tanzil Multazam (2018) entitled "*Penal Mediation as an Alternative for Resolving Domestic Violence Cases*" published in *De Jure : Jurnal Hukum dan Syari'ah*, Vol. 10, No. 2, 2018, which explored the application of penal mediation in cases of domestic violence within the jurisdiction of the Sidoarjo Police Department and elucidated the stages of resolving domestic violence cases through penal mediation. However, the research did not integrate Islamic law into its analysis. Therefore, in this current study, the authors aim to examine the resolution of domestic violence cases through penal mediation within the framework of Islamic law, presenting a novel approach to the topic.

Based on the aforementioned background, the research questions for this study are as follows: Firstly, how do the principles of Islamic law support the implementation of penal mediation in cases of domestic violence. Secondly, what

are the challenges faced in applying penal mediation to domestic violence cases, particularly from the perspective of Islamic law. With this background in mind, the objectives of the study are outlined as follows: Firstly, to understand the principles of Islamic law that are relevant to the method of penal mediation. Secondly, to identify the challenges in implementing penal mediation in domestic violence cases, specifically within the context of Islamic law.

II. RESEARCH METHODS

This research employs an empirical juridical method, which involves studying the implementation of normative legal provisions directly in each legal event occurring in society. Regarding data collection, the authors utilized qualitative methods, conducting observations and interviews in the jurisdictional areas of the Bandung City Police Headquarters (Polrestabes Bandung) and the Women Crisis Center Pasundan Durebang. Additionally, the authors conducted a literature review of similar studies.

III. RESULT OF RESEARCH AND ANALYSIS

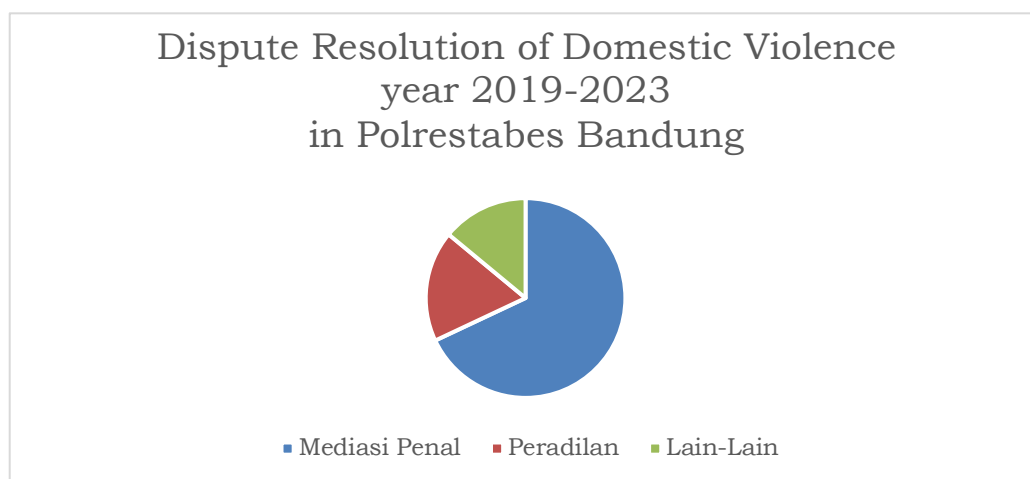
A. Principles of Islamic Law Supporting the Resolution of Penal Mediation in Cases of Domestic Violence

Penal mediation was first introduced through the Indonesian National Police Chief's (Kapolri) Letter No. Pol: B/3022/XII/2009/SDEOPS dated December 14, 2009, regarding the Handling of Cases through Alternative Dispute Resolution (ADR). In this letter, penal mediation was initially recognized as a method of resolving legal cases, although its implementation was partial and limited (Lesmana, 2020). The principle of penal mediation is based on the aspect of peace by resolving disputes through mutual consultation between the parties involved, in accordance with the cultural or customary law in Indonesia. In this form of mediation, each party is brought together and assisted by a mediator, with the hope of achieving a win-win solution. This means that both parties will feel content with the decision reached through the process of penal mediation.

Consequently, penal mediation is often regarded as a cost-effective, speedy, and efficient method of resolution (Meidianto, 2021).

The implementation of penal mediation in cases of domestic violence is commonplace today. Below are the data provided by the Bandung City Police Headquarters (Polrestabes Bandung) regarding the number of domestic violence cases resolved.

Figure 1 Resolution of Domestic Violence Cases 2019 - 2023



Source: Bandung City Police Headquarters (Polrestabes Bandung)– PPA Unit

Based on the data from Bandung City Police Headquarters (Polrestabes Bandung), it is found that the majority of domestic violence cases are resolved through penal mediation. Efforts for reconciliation from both parties are prioritized in resolving domestic violence cases. Then, how does Islam view penal mediation in resolving domestic violence cases?

In the Islamic perspective, the resolution of a case is encouraged to begin with efforts for peace. As emphasized in Surah Al-Baqarah verse 178, which means "*But if the offender is pardoned by the victim's guardian, then blood-money should be decided fairly and payment should be made courteously.*" This is further reinforced in Surah An-Nisa verse 92, which means "*... And whoever kills a believer unintentionally must free a believing slave and pay blood-money to the victim's family—unless they waive it charitably.*"

In its discourse, Islam always prioritizes peace and emphasizes criminal accountability. Thus, every perpetrator is obligated to be accountable for their actions to Allah SWT, the victim, and society. This principle is also known in penal mediation, where both parties realize their mistakes and take responsibility for their actions for a better future in a more peaceful manner (Maulidar, 2022). It is not uncommon in the process of penal mediation for a perpetrator to be asked for material accountability for the victim's medical needs, which is also known in Islam as *diyat* (paying compensation).

Islamic law has regulated several ways to resolve various disputes. Firstly, there is *Al Sulh* (reconciliation), which is a type of agreement aimed at ending disputes between parties through peaceful means, either outside the court or through the court. However, reconciliation is usually attempted outside the court first with the presence of family members as mediators, such as parents, siblings, uncles, or others. If the reconciliation process does not yield results, it can proceed to the second stage, *Tahkim* (arbitration), which involves a mediator to reconcile the disputes among the parties, known as *hakam*. If no resolution is reached, it proceeds to *wilayat al Qodha* (court jurisdiction). The judicial institution that settles disputes related to Islamic law in Indonesia is the Religious Court as provided for under the Law on Judicial Power and the Religious Courts Act. Therefore, in this regard, Islam has provided options for dispute resolution, whether through litigation in court, involving the presentation of legal facts, or outside the court through non-litigation, achieved via reconciliation conducted through mutual consultation with family members (Djanuardi, et.al., 2021).

Islam regards marriage as a sacred union, a process of uniting two individuals with different backgrounds. Therefore, it is important for husbands and wives to understand each other's strengths and weaknesses. If a problem arises in marriage, Islam encourages communication and consultation. Thus, with good communication, it is believed that a better relationship will be established (Chadijah, 2018). As stated in Surah Ali-Imran verse 159, " *It is out of Allah's*

mercy that you (O Prophet) have been lenient with them. Had you been cruel or hard-hearted, they would have certainly abandoned you. So pardon them, ask Allah's forgiveness for them, and consult with them in (conducting) matters. Once you make a decision, put your trust in Allah. Surely Allah loves those who trust in Him". This verse instructs us to always rely on Allah SWT and to have a forgiving spirit and the ability to consult in every issue, especially those within the household.

In Islam, resolving problems can be done through two processes: adjudication and reconciliation (*islah*). Penal mediation, which is one of the efforts for reconciliation between the parties, is indeed known in Islamic law. The Qur'an strongly advocates for peace-making, as it preserves family ties and resolves conflicts. As emphasized in Surah An-Nisa verse 35, "*And if you fear a breach between them, then appoint an arbiter from his folk and an arbiter from her folk. If they desire amendment, Allah will make them of one mind. Surely Allah is ever Knower, Aware.*" (Kamaruddin, 2018). Clearly, in Surah An-Nisa verse 35, it is stated that efforts for peace-making in marital conflicts should be prioritized, as through such efforts, Allah will bestow His Mercy upon the couple.

The principles of Islamic law, which uphold the values of peace and compassion, support the implementation of penal mediation in cases of domestic violence. It is stipulated that the perpetrator must first be accountable for their actions by acknowledging their mistakes to Allah SWT and providing assurance to the victim and their family to not repeat their actions in the future.

Due to the Quran regulating both adjudication and non-adjudication processes in resolving family disputes, whether it involves disputes between *Syiqaaq* or *Musyuz*, Islamic law offers clear guidance. *Syiqaaq* refers to a marital dispute that cannot be resolved internally within the household, necessitating the involvement of a third party, such as family members or a mediator, to seek a peaceful solution (Van Huis, 2019). *Musyuz*, conversely, pertains to the

disobedience or defiance of one spouse, whether the husband or wife, in fulfilling their marital obligations, which can also serve as grounds for resolution through legal means or mediation (Hakim & Alkosibati, 2022). According to Islam, provisions regarding the settlement of disputes are incorporated into the judicial system in Malaysia. These provisions are outlined in the Islamic Family Law Legislation. In each region of Malaysia, the mediation process conducted by *Hakam*, known as the *Tahkim* Council, is established to resolve family disputes, which has been legitimized within the Islamic Family Law Legislation (Muslem & Aminah, 2003). Therefore, the process of resolving disputes in Malaysia based on Islamic principles, deeply rooted in the Quran and Hadith, provides a structured mechanism where penal mediation aligns with Islamic law in addressing marital disputes.

In contrast, the situation in Indonesia is still evolving. Penal mediation in Indonesia faces challenges, particularly in terms of a comprehensive regulatory framework. The absence of detailed legal provisions makes the process less structured than Malaysia's. Additionally, cultural factors in Indonesia tend to reinforce unequal power dynamics between spouses, often skewing the mediation outcome in favor of the more dominant party (Anisa, 2023). Meanwhile, Malaysia's legal system, with the establishment of the Tahkim Council as a formalized mediation process within Islamic Family Law, offers a more consistent and well-structured approach. This demonstrates that Malaysia's legal framework provides a more straightforward path for resolving family disputes compared to Indonesia, which is still in the process of developing its regulatory system for penal mediation. The comparison highlights how Islamic principles, when integrated into a legal system, as seen in Malaysia, offer a more robust resolution method for family conflicts.

B. Challenges in Implementing Penal Mediation in Domestic Violence Cases Especially from the Perspective of Islamic Law

In Islamic criminal law (fiqh jinayat), there are three main categories that govern forms of offenses and their corresponding punishments, namely *hudud*, *qisas-diyat*, and *ta'zir*. *Hudud* refers to punishments clearly prescribed in the Qur'an and Hadith for specific offenses such as theft, adultery, and alcohol consumption, where the penalties are fixed and immutable (al-Ansari, 2023). *Qisas-diyat* pertains to retributive justice applied in cases of murder or physical harm. *Qisas* grants the victim or their family the right to demand an equivalent punishment for the perpetrator, while *diyat* represents financial compensation that can be offered in place of retribution if both parties agree. In this context, restorative justice is often implemented through reconciliation and compensation (Tajuddin & Hussin, 2021). Meanwhile, *ta'zir* refers to punishments not specifically regulated in the Qur'an or Hadith, allowing the authorities the discretion to determine appropriate penalties based on the nature of the offense. In the *ta'zir* category, there is greater flexibility for applying restorative justice principles, such as the rehabilitation of offenders and reconciliation between the parties involved (Tarigan, 2017).

Penal mediation does not necessarily bring an end to cases of domestic violence, as regardless of the efforts made, if there is no awareness among individuals in their behavior, the incidents may recur. According to data provided by the Bandung City Police Headquarters (Polrestabes Bandung), the recurrence rate of reported cases of domestic violence involving the same subjects can reach up to 45%. This indicates the ineffectiveness of penal mediation in instilling awareness among perpetrators. Hence, it is imperative to examine the challenges in implementing penal mediation in resolving cases of domestic violence, particularly from an Islamic perspective.

According to data from the Women Crisis Center Pasundan Durebang, it is stated that the number of domestic violence victims continues to increase every year.

Table 1.

Data of Domestic Violence Victims and Recurrence rates 2019 - 2022

Number	Year	Number of Domestic Violence Victims	Number of Recurrence Rates
1	2019	97	23
2	2020	135	34
3	2021	142	36
4	2022	149	12

Source: Women Crisis Centre

In the table above, it can be observed that the number of domestic violence victims continues to increase each year, especially in 2020 due to the Covid-19 situation, which required everyone to stay at home, exacerbating the incidence of domestic violence in the Bandung area.

From a national legal perspective, penal mediation faces challenges related to the regulation of case resolution through penal mediation, which has not been comprehensively addressed in legislation (Taqiuddin and Risdiana, 2022). Additionally, cultural issues that perpetuate unequal power dynamics between spouses pose a significant challenge, leading to mediation outcomes that favor the stronger party. These issues are prevalent and require prompt resolution. Based on interviews conducted by the author with the Head of the Women and Children Protection Unit, it was noted that the law should assertively ensure the systematic implementation of penal mediation to prevent mediators from intervening based on power dynamics or positions of influence. Similarly, discussions with staff from the Women Crisis Centre Pasundan Durebang revealed that many domestic violence victims are unable to resist due to the power dynamics within their relationships. Hence, there is a need for strong commitment to ensure that the legal implementation of penal mediation proceeds as intended.

Meanwhile, in the perspective of Islamic law, which upholds the values of humanity and peace, there are often misconceptions by some parties. Many argue that every domestic violence issue, whether severe or minor, should be resolved through mediation. While Islam indeed values humanitarianism and peace, it strongly prohibits violent behavior. According to Topo Santoso (2003), the objectives of Islamic Sharia broadly aim to:

Firstly, ensure security in meeting life's necessities, which is the primary and foremost objective of Islamic Sharia. If the implementation of penal mediation is perceived to threaten or endanger the five primary needs (*dharuriyat*) or in Islamic legal literature known as (*Al-Maqasid Al-Khamsah*), which include religion, life, intellect, lineage, and property, then it is evident that resorting to the judicial process is more appropriate than pursuing penal mediation. (Sudrajat, et al., 2022). In this regard, Sharia has guaranteed protection and development of basic human needs, including avoiding domestic violence, as it falls under *jarimah*.

Secondly, it ensures life's necessities, known in Islam as (*hajiyat*). This aspect encompasses the protection of various facilities to fulfill one's responsibilities, thereby facilitating proper performance of tasks. If, through penal mediation, one party receives an imbalanced decision that threatens their secondary needs, the aggrieved party can object to it. In this regard, many parties, especially victims, perceive mediation as a requirement to submit obediently without resisting to ensure their future livelihood. Thirdly, in Islamic law, all objectives are focused on improving previous conditions, enabling individuals to live more decently and manage their affairs better, known as *tahsinat* (Djamaal, 2019).

From these Sharia objectives, parties seeking to resolve domestic violence cases through penal mediation, both parties and mediators, should understand them thoroughly. Misunderstandings of Sharia itself can cause excessive concern,

especially for domestic violence victims who may feel that the resulting decision is disadvantageous. Many still do not understand the true purpose of Sharia, leading to repeated incidents and re-reporting of the same domestic violence cases.

It is a significant challenge for society as a whole to fully understand Sharia, thereby creating security and comfort for both parties. Failure to fully comprehend it may result in disparities in decisions, worsening the situation, especially for victims. In Islam, priority is given to providing peace of mind for victims, so penal mediation cannot be conducted without protecting their rights, such as allowing victims to remain with the perpetrator in an irreparable family environment. Therefore, other elements must be considered when engaging in penal mediation to ensure a wise and satisfactory decision for both parties.

IV. CONCLUSIONS AND SUGGESTIONS

A. Conclusions

The resolution of domestic violence cases can be approached through peaceful means, particularly through the method of penal mediation. The implementation of penal mediation aligns with Islamic principles for dispute resolution, as outlined in the Quran, Surah An-Nisa, verse 35. However, the implementation of penal mediation faces challenges, primarily due to the lack of comprehensive legal provisions governing its application. This often leads to interventions that compromise the protection of victims in the final outcome.

B. Suggestions

Islamic principles for dispute resolution can serve as a regulatory source concerning penal mediation within Indonesian legislation. In Islamic law, penal mediation can be applied to various forms of crimes, including *hudud*, *qisas-diyat*, and *jarimah ta'zir*. This facilitates the resolution of criminal cases in general. Therefore, further research is needed on the use of penal mediation in other forms of criminal offenses.

REFERENCES

- Abdillah, Junaidi. "RADIKALISME AGAMA: Dekonstruksi Tafsir Ayat-Ayat 'Kekerasan' Dalam Al-Qur'an." *Kalam* 8, No. 2 (2017): 293. <https://doi.org/10.24042/klm.v8i2.224>.
- al-Ansari, S. (2023). Contextualising Islamic Criminal Law: An Analysis of Al-Azhar Scholars' Contributions. *Journal of International Law and Islamic Law*, 19, 20.
- Amin, Ahmed Shoim El. "Konsep Mediasi Dalam Hukum Islam." *Al-Munqidz: Jurnal Kajian Dan Kelslaman* 2, No. 2 (2013): 2.
- Anisa, L. N. (2023). The Psychological Well-Being in Building Resilience of Indonesian Muslim Families: A Study of Hussein Muhammad's Thought. *De Jure: Jurnal Hukum Dan Syar'iah*, 15(1), 163–177. <https://doi.org/10.18860/j-fsh.v15i1.22102>
- Chadijah, Siti. "Karakteristik Keluarga Sakinah Dalam Islam." *Rausyan Fikr: Jurnal Pemikiran Dan Pencerahan* 14, no. 1 (2018): 122. <https://doi.org/10.31000/rf.v14i1.676>.
- Djanuardi, Hazar Kusmayanti, and Linda Rachmainy. "Hukum Islam Di Kecamatan Darmaraja Kabupaten." *Jurnal Pengabdian Kepada Masyarakat* 4, No. 3 (2021): 408–15.
- Falaakh, Mohammad Fajrul, "Monarki Yogya Inkonstitusional?", Kompas, 1 Desember 2010.
- Hakim, A., & Alkosibati, A. (2022). THE DISTINCTION BETWEEN NUSYŪZ AND DOMESTIC VIOLENCE: The Relevance of Muhammad Sa'id Ramadhan Al-Buthi Thought in Contemporary Context. *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 15(1), 41–60. <https://doi.org/10.14421/ahwal.2022.15103>
- Hotifah, Yuliati. "Dinamika Psikologis Perempuan Korban Kekerasan Dalam Rumah Tangga." *Personifikasi* 2, No. 1 (2011): 63–64.
- Kamaruddin, K. "Mediasi Dalam Pandangan Hukum Progresif Suatu Alternatif Penyelesaian Konflik Keluarga." *Jurnal Al-'Adl* 11, No. 2 (2018): 8.
- Lesmana, C S A Teddy. "Implementasi Mediasi Penal Dalam Penanganan Perkara Pidana." *JURNAL RECHTEN: RISET HUKUM DAN HAK ASASI MANUSIA*, 2020, 30.
- Lestari, Sri. "KDRT Tertinggi Dalam Kekerasan Atas Perempuan di Indonesia." BBC News Indonesia, 2017. <https://www.bbc.com/indonesia/indonesia-39180341>.

- Maulidar, Mira. "Korelasi Filosofis Antara Restorative Justice Dan Diyat Dalam Sistem Hukum Pidana Islam." *At-Tasyri': Jurnal Ilmiah Prodi Muamalah* 13 (2022): 142. <https://doi.org/10.47498/tasyri.v13i2.856>.
- Meidianto, Achmad Doni. *Alternatif Penyelesaian Perkara Kekerasan Dalam Rumah Tangga: Dalam Perspektif Mediasi Penal*. Edited by Nur Amin Saleh. Semarang: Nas Media Pustaka, 2021.
- Mulyadi, Lilik. "Mediasi Penal Dalam Sistem Peradilan Pidana Indonesia: Pengkajian Asas, Norma, Teori Dan Praktik." *Yustisia Jurnal Hukum* 2, No. 1 (2013): 4–6. <https://doi.org/10.20961/yustisia.v2i1.11054>.
- Muslem, and Siti Aminah Binti Abd Samat. "Mekanisme Majelis Tahkim Dalam Penyelesaian Sengketa Rumah Tangga (Analisis Enakmen Undang - Undang Keluarga Islam Nomor 2 Tahun 2003 Seksyen 48 Tentang Penambahan Kaedah - Kaedah Hakam Di Mahkamah Rendah Syariah Shah Alam , Selangor , Malaysia) Muslem" 20, No. 1 (2003).
- Polrestabes Bandung - Unit PPA, wawancara oleh Vienka Rahmanillah, Polrestabes Bandung. Tanggal 30 November 2023.
- Purwanto, Muhammad Roy, and Sularno. *Perceraian Di Indonesia Dan Dampaknya Bagi Kehidupan Sosial Dan Masyarakat*. Yogyakarta: Quantum Madani, 2020.
- Santoso, Topo. *Membumikan Hukum Pidana Islam: Penegakan Syariat Dalam Wacana Dan Agenda Kajian Hukum Islam*. Jakarta: Gema Insani, 2003.
- Siti Farhani Djamal. "Penanggulangan Kejahatan Dalam Perspektif Hukum Pidana Islam ." *Binamulia Hukum* 8, No. 2 (2019): 217–30. <http://fh-ungris.com/journal/index.php/binamulia/article/view/86>.
- Sudrajat, Hendra, Iman Jalaludin Rifa'i, Fatihatul Anhar Azzulfa, M Andika Hariz Hamdallah, Hani Sholihah Anik Iftitah, Asman, Nila Imtiyaz El-Hada, Siti Mastoah, and Aditia Nugraha. *Hukum Islam*. Edited by Muhamad Rizal Kurnia and Dede Nurul Hidayat. Jakarta: Sada Kurnia Pustaka, 2022.
- Tajuddin, H. H. A., & Hussin, N. (2021). Islamic Criminal Law. In A. Trakic & H. H. A. Tajuddin (Eds.), *Islamic Law in Malaysia* (pp. 29–42). Singapore: Springer Singapore. https://doi.org/10.1007/978-981-33-6187-4_4
- Taqiuddin, Habibul Umam, and Risdiana Risdiana. "Penerapan Keadilan Restoratif (Restorative Justice) Dalam Praktik Ketatanegaraan." *JISIP (Jurnal Ilmu Sosial Dan Pendidikan)* 6, No. 1 (2022): 3596–3610. <https://doi.org/10.58258/jisip.v6i1.2972>.
- Tarigan, A. A. (2017). Ta'zir dan Kewenangan Pemerintah dalam Penerapannya. *AHKAM: Jurnal Ilmu Syariah*, 17(1).

<https://doi.org/10.15408/ajis.v17i1.6223>

Van Huis, S. C. (2019). Khul' over the longue durée: The decline of traditional fiqh-based divorce mechanisms in Indonesian legal practice. *Islamic Law and Society*, 26(1-2), 58-82. <https://doi.org/10.1163/15685195-00254A05>

Widyastuti, A Reni. "Hukum Dan Kekerasan Dalam Rumah Tangga." *Jurnal Hukum Pro Justitia* 25, No. 3 (2007): 76.

Women Crisis Centre - Pasundan Durebang, wawancara Vienka Rahmanillah, Bandung. Tanggal 10 Desember 2023.