
A Comparison of Domestic Violence Settlement from the Perspective of Islamic Law and Positive Law in Indonesia

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ABSTRACT

The numerous cases of household violence in Indonesia suggest that the state still has significant work to do in addressing it. Despite having its claim laws, it appears that their execution still has deficiencies. The purpose of this paper is to examine how Islamic Law and Positive Law in Indonesia compare to Domestic Violence. A qualitative method with a normative approach is employed in this research. The research results show that the sanctions prescribed in Islamic law are based on the application of takzir, qishash, and diat. Meanwhile, positive law provides criminal sanctions and fines. The primary objective in criminal acts of physical violence within the family is to deter or punish the perpetrator so that peace and the progression of community life are maintained. The state plays a role in enforcing amar ma'ruf nahi munkar, including in household matters. The state is obliged to provide protection, services, and recovery for victims.

Keywords: Domestic Violence; Islam; Positive Law

A. INTRODUCTION

In principle, society has the right to security and freedom from all forms of violence, especially domestic violence. Such actions are contrary to human rights, so the problem of violence often receives special attention to find a solution.¹ Violence is an act of hurting someone that can endanger that person and even threaten their life.² Victims of crimes from violence often occur against women, especially domestic violence—acts of violence against women, especially in the household, range from mild to severe.³

Data from the Ministry of Women's Empowerment and Child Protection (Kementerian Pemberdayaan Perempuan dan Anak) indicate that in 2023, the number of reported cases of violence in Indonesia reached 18,466. Of these, the most victims were women, reaching 16,351 people (88.5%), and 11,324 of them (61.3%) were domestic violence cases. The number of victims of domestic violence cases reached 12,158 people, the highest compared to other categories.⁴ In 2024, there will be a total of 28,789 cases of violence. Of the total cases, the majority of victims are women, with 24,973 cases. Meanwhile, male victims are at 3,816 cases. The number of cases of violence in Indonesia in 2024 is observed to increase quite significantly compared to 2023, with a total of 18,466 cases.⁵

The large number of domestic violence cases above shows that the country is currently experiencing a crisis in handling domestic violence cases. Although Indonesia has had special regulations on domestic violence, this still causes problems in the field. These regulations have not been fully effective in society, especially in the implementation process for law enforcement officers in handling victims of domestic violence. Of course, this is a task for the government to evaluate and implement optimal prevention measures to reduce the level of violence that occurs.

The family environment ought to be a put for family individuals to get joy and love between family individuals, a put of asylum and rest from all every day exercises, a put for children to develop and create physically and mentally, but with acts of viciousness within the family the reason and reason of marriage that shapes a cheerful

¹ Makhfudz, "Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga," *Deepublish*, 2020.

² Ayu Setyaningrum and Ridwan Arifin, "Analisi Upaya Perlindungan Dan Pemulihan Terhadap Korban Kekerasan Dalam Rumah Tangga (KDRT) Khususnya Anak-Anak Dan Perempuan," *Muqqodimah* 3, no. 1 (2019): 9.

³ Karenina Aulery Putri Wardhani, "Evektifitas Penegakan Hukum Penghapusan Kekerasan Dalam Rumah Tangga," *STAIN Tulungagung : Jurnal Mimbar Hukum*, 2021, 15.

⁴ Dwiarti Simanjuntak and Ali Susiana, "Isu Sepekan Bidang Polhukam, Komisi VIII," 2025, [https://berkas.dpr.go.id/pusaka/files/isu_sepekan/Isu Sepekan---III-PUSLIT-Agustus-2024-177.pdf](https://berkas.dpr.go.id/pusaka/files/isu_sepekan/Isu%20Sepekan---III-PUSLIT-Agustus-2024-177.pdf).

⁵ Imanudin Abdurohman, "Daftar Kasus KDRT Di Indonesia 2024, Korban Mayoritas Perempuan," 2025, <https://tirto.id/daftar-kasus-kdrt-diindonesia-2024-g62T>.

family cannot be realized.⁶ Islam views the purpose of marriage as establishing affection and promoting peace within the household. Therefore, Islam firmly rejects domestic violence.⁷

The components that contribute to household violence, particularly those committed by spouses against spouses, include the presence of an unequal power relationship between spouses, financial reliance, violence as a means to resolve conflicts, competition, frustration, and the need for opportunities for women in legal systems.⁸

The social framework that places men as the primary holders of control, the need for understanding of the law by law enforcement officers, and the need for compensation for victims are a few of the deterrents to ensuring that victims are treated.⁹

The uncontrolled criminal acts must be responded to immovably and admirably, as well as reliably, by the law. The community depends on the law, but in truth, avoidance, annihilation, or its care must be synchronous and comprehensive. This paper analyzes a Case Study of Residential Savagery: a Comparison of Islamic Law and Positive Law Settlement in Indonesia. This dialogue is constrained as if it were to physical savagery within the family.

B. RESEARCH METHODS

The research method employed in this writing is a qualitative approach with a normative orientation. Qualitative research aims to understand, deepen, and uncover the underlying cause of a symptom. Then, interpret and deduce the symptoms according to the context, so that an objective and natural conclusion is reached based on the symptoms within the context.¹⁰ In the meantime, standardizing legitimate inquiry is a legal investigation that focuses on rules or standards, in the sense that law is conceptualized as a set of rules or standards that originate from statutory directions, court decisions, or principles established by leading legal experts.¹¹

⁶ Rahman Amin, "Hukum Perlindungan Anak Dan Perempuan Di Indonesia," *Deepublish*, 2021.

⁷ Nur Rofiah, "Kekerasan Dalam Rumah Tangga Dalam Perspektif Isl," *Jurnal Ilmiah Agama Dan Sosial Budaya* 2, no. 1 (2017).

⁸ Rosma Alimi and Nunung Nurwati, "Faktor Penyebab Terjadinya Kekerasan Dalam Rumah Tangga Terhadap Perempuan," *Jurnal Pengabdian Dan Penelitian Kepada Masyarakat (JPPM)* 2, no. 1 (2021).

⁹ Trias Palupi Kurnianingrum, "Urgensi Pelindungan Terhadap Korban Kekerasan Dalam Rumah Tangga," *Info Pustaka*, 2025, 3.

¹⁰ Suyitno, *Metode Penelitian Kualitatif Konsep, Prinsip Dan Operasionalnya* (Akademia Pustaka, 2018).

¹¹ Bachtiar, *Metode Penelitian Hukum* (Unpam Press, 2018).

C. RESULTS AND DISCUSSION

1. Domestic Physical Violence from an Islamic Law Perspective

The settlement of domestic violence crimes according to Islamic law is through the regulation of sanctions or punishments, where the punishment is linked to the type of crime committed by the perpetrator. In Islam, if there is a husband who commits violence against his wife and vice versa, the wife against her husband is part of an act that violates the law and is a crime, so it is categorized as a misdemeanor.¹²

The definition of *jarimah* itself in Islam is an act of violating Islamic Sharia law. It belongs to the category of crimes (criminal), whether committed by a person or a group, intentionally or unintentionally. *Jarimah* in this case is divided into two, namely *jarimah hudud* and *jarimah ta'zir*. *Jarimah hudud* is a criminal act that has its legal form and limits in the Qur'an and the Sunnah of the Rasul. Meanwhile, *jarimah ta'zir* is a criminal act whose form and legal threat are determined by the ruler (judge) as a lesson to the perpetrator.¹³

A scholar divides crimes against humans into three categories:

- a. Criminal acts directly against the soul, for example murder.
- b. Criminal acts against humans other than the soul, for instance, torture.
- c. Violations against the soul on the one hand and not against the soul on the other hand, especially crimes against children.¹⁴

As mentioned earlier, resolving household violence by Islamic law involves the imposition of sanctions or discipline, where the discipline is applied according to the type of wrongdoing committed by the perpetrator. *Jarimah* in this case is divided into two, namely *jarimah hudud* and *jarimah ta'zir*. *Jarimah hudud* is a criminal act that has its legal form and limits in the Qur'an and the Sunnah of the Rasul. Meanwhile, *jarimah ta'zir* is a criminal act whose form and legal threat are determined by the ruler (judge) as a lesson to the perpetrator.

Hudud violations are infringements of Islamic criminal law, whose sanctions are immutable and cannot be challenged, as expressed within the Qur'an and the Sunnah of the Prophet Muhammad (SAW). The discipline for hudud violations is called "had" and is the proper of Allah, not the proper of people. Cases of hadith are 100 lashes for infidelity for those who are not married (ghairu muhsan), or stoning for those who are married (muhsan). Takzir violations are law violations whose sanctions are flexible and determined by the judge; there is no

¹² Yani Andriyani and Didi Sukardi, "Kekerasan Dalam Rumah Tangga Perspektif Hukum Pidana Islam," *Jurnal Ilmiah Galuh Justisi* 11, no. 2 (2023).

¹³ Zaenudin Ali, *Hukum Pidana Islam* (Sinar Grafika, 2018).

¹⁴ Sukardi Didi, "Kajian Kekerasan Rumah Tangga Dalam Perspektif Hukum Islam Dan Hukum Positif," *Mahkamah* 9, no. 1 (2015): 41–49.

constraint on the discipline within the Qur'an and Sunnah. In this case, the type of discipline for ta'zir violations is laid out in a manner that is entirely comprehensible to human understanding.¹⁵

Meanwhile, Malikiyah scholars think that the punishment of *qishas* must still be applied to the perpetrators of the crime of persecution, especially *persecution (al-jarh)* that is carried out deliberately as long as possible to be done exactly as done by the convicted and it is not feared that it will result in the death of the perpetrator. Furthermore, Imam Malik argued that the perpetrator of a crime of intentional persecution has the right to be punished by tazir, regardless of *whether they are entitled to qishas or not, due to the barrier to qishas, pardon, or a peace contract*. When *the punishment of qishas cannot be applied, there is an obligation to pay diat*.¹⁶

According to Ibrahim Hosen, the purpose of imposing a criminal punishment is the same as that of hudud, qishas, diyat, and ta'zir. The types of punishments that involve non-criminality in Islamic criminal law are divided into two parts, namely:

- a. Definite punishment provisions regarding the severity of the punishment including *qishash* and *diat* which are listed in the Qur'an and Hadith, This is called *hudud*.
- b. The punishment provisions made by the judge through his decision called the law of *ta'zir*.

Residential savagery may be a genuine issue that not only harms the individuals involved but also affects society as a whole. In Islam, the family is expected to be a place of love, shared respect, and peace. Residential savagery, whether physical, verbal, or mental, is opposite to Islamic lessons that emphasize great treatment of accomplices, both spouses and spouses.

Islam instructs that family issues should be resolved wisely and with consideration. If there's a debate, at that point, the spouses are expected to have a meaningful discussion, and if necessary, ask for help from a third party, such as family or community leaders, to resolve the issue.

Islam gives assurance to those who are victims of savagery. In extraordinary conditions, where violence is repeated and there is no way out, separation can be the ultimate solution. In any case, this must still be an agreement with reasonable standards and not hurt either party.

Islam places great emphasis on the importance of maintaining harmony within the family through loving, respectful connections and avoiding violence in any form. Islamic teachings don't support household violence, and there are

¹⁵ Ali, *Hukum Pidana Islam*.

¹⁶ Didi, "Kajian Kekerasan Rumah Tangga Dalam Perspektif Hukum Islam Dan Hukum Positif."

numerous ways to resolve family issues without utilizing violence. As Muslims, we must endeavor to keep our family units in a climate of peace and common understanding.

2. Domestic Physical Violence: A Positive Legal Perspective

Victims of physical violence usually have experienced psychological violence before and after.¹⁷ In physical violence, there are at least two elements: the act itself and the consequences that result from it. 1. The existence of an act, namely an act or action in committing physical violence or persecution in the form of hitting, kicking, pinching, pushing, either with his hands/feet or with tools or weapons. 2. The existence of the consequences of the act, namely, pain and wounds on the body.¹⁸

Domestic violence is categorized as a form of abuse regulated in Chapter XX of the Criminal Code. The forms of persecution regulated here consist of minor persecution, ordinary persecution, persecution that results in serious injury, resulting in death, damage to health, including persecution with a plan in advance. The form is as follows:

- a. Ordinary Persecution (Article 351)
- b. Minor Persecution (Article 352)
- c. Persecution with a plan (Article 353, Article 355)
- d. Severe Persecution (Article 354)
- e. Persecution of family members, officials, persecution using hazardous materials (Article 356)
- f. Participating in an attack or fight (Article 358)

Course of action: This involves avoiding residential savagery early, ensuring the safety of household members, taking action against perpetrators of savagery decently and effectively, maintaining the peace and harmony of family units without resorting to violence, and providing comprehensive services for victims.

To carry out the goal of eliminating domestic violence requires the There needs to be involvement of national elements so that domestic violence can be overcome so that it can overcome domestic violence. Therefore, the government and the community must participate in prevention efforts. The obligations for the government are:

- a. Take an early approach to the end of household savagery.
- b. Build communication, data, and instruction on household savings.
- c. Organizing socialization and promotion approximately household savagery.

¹⁷ Muhammad Ishar Helmi, "Gagasan Pengadilan Khusus KDRT," *Deepublish*, 2017.

¹⁸ Didi, "Kajian Kekerasan Rumah Tangga Dalam Perspektif Hukum Islam Dan Hukum Positif."

- d. Organizing gender-sensitive instruction and preparing for residential violence issues to build guidelines and accreditation of gender-sensitive services.

Based on the provisions of the article above, the government must formulate policies to eliminate domestic violence, the government must develop a policy on the elimination of domestic violence, where the policy is prepared based on the facts of domestic violence that occurs in people's lives so that effective, for example, the existence of a policy to be able to form a task force or Integrated post with the involvement of related agencies starting from the lowest unit, namely RT, RW, villages/outputs that are in direct contact with the community so that they can detect as early as possible the factors that cause domestic violence and to make preventive efforts aimed at people who are vulnerable to domestic violence.

In addition, institutionally, through elements of the village/sub-district level government, they can provide guidance to the community by conducting legal counseling on domestic violence, socialization about the impact caused so that the community can know and understand, including being able to foster a movement to prevent violent crimes in the surrounding environment.¹⁹

Article 14 also regulates the implementation of handling victims of domestic violence that occurs in people's lives, carried out by involving all components of the nation, both central and local governments, other related elements by their respective duties and functions, and involving the community so that they can optimally handle victims of domestic violence.

For preventive efforts in regulating domestic violence, the minister has assigned the task of implementing these efforts. The mandate is as stipulated in Chapter V on Government and Community Obligations in Article 11 and Article 12, which essentially emphasizes that the government is responsible for efforts to prevent domestic violence, which is carried out by:

- a. Defining approaches on household savagery.
- b. Organizing communication, data, and instruction approximately household savagery.
- c. Organizing promotion and socialization almost household savagery.
- d. Organizing gender-sensitive instruction and preparing and household viciousness issues and setting up benchmarks and accreditation of gender-sensitive administrative institutions.²⁰

These policies have been and continue to be implemented by the State in collaboration with related institutions, including the dissemination of Law Number

¹⁹ Amin, "Hukum Perlindungan Anak Dan Perempuan Di Indonesia."

²⁰ Estu Rakhmi Fanani, "Undang-Undang PKDRT, Antara Terobosan Hukum Dan Fakta Pelaksanaannya," Media Publikasi Peraturan Perundang-Undangan Dan Informasi Publik, 2023, <https://ditjenpp.kemenkumham.go.id>.

23 of 2004 concerning the Elimination of Domestic Violence to various circles and advocacy for its implementation. Has issued the Regulation of the State Minister of Women's Empowerment Number: 01 of 2006 concerning the Coordination Forum for Cooperation in the Prevention and Recovery of Victims of Domestic Violence. This forum is designed to coordinate efforts across fields, sectors, and communities concerned about eliminating domestic violence, both at the central and regional levels. The goal is to increase the effectiveness of prevention efforts and the implementation of cooperation in the context of recovering victims of domestic violence. For this reason, these efforts cannot be carried out solely by the State Ministry of Women's Empowerment, but can also be undertaken by other institutions, such as social institutions within their communities. It is strongly urged to disseminate information and understanding/understanding about domestic violence to be aware of the emergence of domestic violence in their environment.

Meanwhile, for the community's obligation to prevent and handle victims of domestic violence Article 15, that each individual who listens, sees, or knows the event of household savagery is obliged to form endeavors in agreement with the limits of his capacity to avoid the event of criminal acts, give assurance to casualties, provide emergency help, and help within the prepare of submitting applications for security assurance.

Several policies at the national level, including the passage of Law Number 13 of 2006 concerning the Protection of Witnesses and Victims; the enactment of Government Regulation No. 4 of 2006 concerning the Implementation and Cooperation of Recovery of Victims of Domestic Violence, which has been followed up with the issuance of the Regulation of the Minister of State for Women's Empowerment Number: 01 of 2006 concerning the Coordination Forum for the Implementation of Cooperation in the Prevention and Recovery of Victims of Domestic Violence. Control of the Republic of Indonesia National Police Number 10 of 2007 concerning the Organization and Work Methods of the Ladies and Children's Benefit Unit (UPPA) inside the Republic of Indonesia National Police; and the Appeal of the Minister of Health Number 659 of 2007 to Establish Integrated Service Centers in Hospitals and Victim Services in Health Centers.

Article 26 affirms that each individual, not just fair officers or victims' families, has an ethical and legitimate duty not to permit household savagery to occur. It implies that it can't be detached if you know there is residential violence. Must act by capacity, for example: detailing to the police, identifying the casualty's safe location, providing temporary assistance (such as initial medical assistance), accompanying the casualty to a legitimate help office or social services.

Article 27 affirms that each individual, including a common open, family, neighbor, companion, or professional (such as an educator, specialist, or counselor), is entitled and permitted to report doubts or occurrences of domestic violence. Reports can be created online verbally (for a case by visiting the police station) or in writing (for a case accompanied by a complaint letter or official announcement form). There is no need to wait for total confirmation; affirmed viciousness alone is

sufficient to serve as the basis for detailing. This is imperative so that violence can be anticipated or halted early.

Article 16, after receiving a report of private violence, the police are obliged to promptly provide brief confirmation to the victim within 1 x 24 (once twenty-four) hours from the time of receiving or being informed of the report. Brief security arrangements are given within no more than 7 (seven) days from the time the casualty is received or treated. Within 1 x 24 (once twenty-four) hours from the time of the security action, the police are obliged to obtain a letter of authorization from the court.

Article 17, in providing temporary security, allows the police to collaborate with welfare workers, social workers, accompanying volunteers, and/or spiritual advisors to accompany the victim. Article 18 states that the Police are obliged to provide the casualty with information about the victim's rights to receive services and assistance. Article 19 states that the Police are obliged to examine a report of domestic violence promptly.

This article asserts that the primary role of the National Police is to enforce the law and uphold a majority rule government. The following is a clarification of each point, maintaining security and open arrangements. The National Police is entrusted with creating secure, deliberate, and tranquil conditions for the community. Counting activity control, securing community exercises, and anticipating security unsettling influences (eg, shows, clashes, wrongdoing). Uphold the law; the National Police carries out examinations and investigations into criminal acts – capture, confine, and transport suspects according to the law. Facilitate with prosecutors and the legal team. Must be proficient, reasonable, and responsible. Providing security, benefits, and support to the community. The National Police isn't only a law enforcement agency, but also an open service. Securing citizens from wrongdoing and fiascos. Provides a sense of security and comfort. Providing services such as issuing SKCK, driving licenses, escorts, and assistance during emergencies.²¹

There are at least a few ways and endeavors that can be made to avoid residential savagery or at least diminish its impact, including:²²

a. **Strengthening Social Networks**

Fortifying the social framework within the family entails enhancing the quality of connections and communication among family members, as well as expanding the family's social network, both within and outside the family. Among them are promoting communication between family members, building trust and enthusiasm, fostering connections with extended family or neighbors, encouraging interest and mutual support, and connecting families with communities or social organizations. The most important thing is to create a

²¹ Amin, "Hukum Perlindungan Anak Dan Perempuan Di Indonesia."

²² Mohammad 'Azzam Manan, "Kekerasan Dalam Rumah Tangga Perspektif Sosiologis," Media Publikasi Peraturan Perundang-Undangan Dan Informasi Publik, 2023, <https://ditjenpp.kemerkumham.go.id>.

sound, strong, and adaptable family environment that withstands outside burdens or changes.

b. Understanding Local Cultural Wisdom

Understanding neighborhood social intelligence for families involves being mindful of, increasing in value, and upholding the values, standards, traditions, and conventions that shape the community within the family's standard of living.

c. Strengthening Family Economic Foundations and Building

The meaning of fortifying the establishment and building the family economy is to ensure that the family's financial condition is on a solid foundation and well-managed, allowing it to thrive and grow in the long term. This phrase is more often used within the context of financial planning, financial stability, and family welfare.

d. Practicing Religious Teachings

Reinforcing devout lessons implies expanding a person's understanding, appreciation, and refinement of the values and standards taught in their religion. Such as considering devout information, practicing devout values in one's standard of living, avoiding devout prohibitions, and developing spiritual mindfulness. The most objective goal is for people not only to know about the religion in theory, but also to live by its values in practice.

Repressive efforts are efforts to enforce the law against perpetrators of domestic violence, especially against physical violence so that the perpetrators have a deterrent effect, the law regulates criminal provisions for perpetrators of physical violence in the domestic in article 44 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, which is as follows:

- a. Each individual who commits an act of physical violence within the scope of the family, as referred to in Article 5, letter a, should be sentenced to a maximum of 5 (five) years in prison or a maximum fine of Rp 15,000,000.00 (fifteen million rupiah).
- b. If the act aimed at in paragraph (1) comes about within the casualty getting wiped out or genuinely harmed, it might be rebuffed with detention for a maximum of 10 (ten) years or a maximum fine of Rp 30,000,000.00 (thirty million rupiah).
- c. If the act of planning in passage (2) comes about within the passing of the casualty, it should be sentenced to a maximum of 15 (fifteen) years in jail or a maximum fine of Rp 45,000,000.00 (forty-five million rupiah).
- d. Within the occasion that the spouse commits the act as planning in section (1) against his spouse or bad habit versa that does not cause ailment or obstacle to carrying out his work or vocation or day by day exercises, he might be sentenced

to detainment for a greatest of 4 (four) months or a greatest fine of Rp 5,000,000.00 (five million rupiah).

3. Comparison of Laws and Their Correlation in Positive Law and Islamic Law

As discussed in the description above, it is related to the provisions of domestic violence, especially physical violence, both from the perspective of Islamic Law and Positive Law. So by looking at the Comparative Law Hypothesis as clarified by Sunggono, to be specific the comparative law strategy is connected by utilizing components of the lawful framework as a beginning point for comparison, where the lawful framework itself incorporates three fundamental elements, to be specific: (a) legitimate structure which incorporates lawful teach; (b) legitimate substance which incorporates a set of rules or standard behavior; and (c) lawful culture which incorporates a set of values that are embraced. These three components can be compared separately with each other or in total.²³

- a. Substantively, acts of physical savagery within the family are part of fiendish acts that Sharia disallows since they will result in misfortunes. Therefore, they are categorized as criminal acts. In positive law in Indonesia, such acts are considered criminal offenses against the perpetrators, who can be subject to sanctions.
- b. Structurally, the punishment for perpetrators of domestic violence can be subject to ta'zir law (prison), where this punishment is included in the category of punishment that can be determined based on human agreement or by a judge. Likewise, in positive law, the perpetrator can be subject to imprisonment and a fine.
- c. Culturally, it is clear that both from the perspective of Islamic law and positive law, they do not want domestic violence. Even in Islam, the term *nusyuz* is known, where a husband can hit a wife if the wife is *nusyuz*. However, this has been explained by the fuqaha that the recommendation to hit because of *the wife of nusyuz* is not in the sense of violence but to educate. As described earlier, Ibn Hajar al-Asqalānī stated that hitting a wife is permissible globally to educate her if the husband observes an attitude in his wife that he dislikes, provided the wife is obligated to obey him. However, if it is felt that the threat alone is sufficient, then that is preferable. If the goal can be achieved with a signal, then there is no need to take action. This is often since the act of beating can cause clashes that harm the relationship between spouses, except in matters related to immorality to Allah. Al-Qurṭubī also argues that the spanking in the *nusyuz verse* is only an educational means, not to hurt, let alone to mistreat the wife,

²³ Bachtiar, *Metode Penelitian Hukum*.

because the purpose of the spanking is only to improve the wife's behavior, not for any other purpose (such as hurting or physical violence).

A clearer clarification of the contrasts between household viciousness from an Islamic point of view and Positive Law can be seen within the table below:

Table 1. Differences in domestic violence

Aspect	Islamic law	Positive Law
Legal basis	Sourced from the Koran, Hadith, and the views of ulama (ijtihad).	Law Number 23 of 2004 concerning domestic violence
Approach and goals	Moral, spiritual, and educational approach. The primary goal is to maintain family harmony and uphold justice by religious teachings.	Legal-formal approach. Focuses on efforts to protect injured people and the prosecution of perpetrators.
Type of violence	It does not systematically classify violence, but condemns acts of oppression against family members, including physical, verbal, and psychological violence.	Physical, psychological, sexual violence, and domestic neglect.
Sanctions and enforcement	The punishment is of a hereafter and social nature. In some cases, the perpetrator may receive sanctions from a Sharia judge if they exceed the limits.	Criminal sanctions (prison, fines) depend on the type of violence. Law enforcement officers carry out enforcement through police, prosecutors, and courts.
The role of the state	The state plays a role in enforcing amar ma'ruf nahi munkar, including in household matters.	The state is obligated to provide protection, services, and support for victims.

Furthermore, the correlation between Islamic criminal provisions and positive penalties in Indonesia for perpetrators of physical violence can be described as follows:

- a. The goals of Islamic law and positive law related to endeavors to eliminate physical violence within the family both aim to anticipate, protect from harm,

- take action against perpetrators, and maintain the well-being and interests of a harmonious and prosperous family.
- b. The primary objective in criminal acts of physical violence within the family is to deter or punish the perpetrator so that peace and the progression of community life are maintained.
 - c. The sanctions prescribed in Islamic law include the application of *takzir*, *qishash*, and *diyat*. Meanwhile, positive law provides criminal sanctions and fines.

D. CONCLUSION

Islam immovably rejects all shapes of residential viciousness. Islamic lessons emphasize the importance of building a harmonious, loving, and aware family. Savagery, whether physical, verbal, or mental, is the opposite of Islamic values of maintaining equity, benevolence, and securing the powerless. The sanctions that can be imposed on the perpetrators can be outlined in the law of *ta'zir* (Prison). Where the law of *ta'zir* can be imposed by judges who are sourced from the provisions of the applicable laws, in addition to the law of *ta'zir*, *qishash* can also be imposed. If *qishash* cannot be carried out, it is obligatory to pay *diya*.

Physical, mental, sexual, and household violence are recognized as forms of domestic violence that can be subject to legal sanctions. Consider residential violence as a criminal act that damages the law and can be prosecuted. The culprit can be sentenced to detention and/or a fine depending on the severity of the crime committed. The state is responsible for providing lawful, mental, restorative, and social services for victims of domestic violence.

Substantively, from the perspective of Islamic law, acts of physical violence in the household are categorized as *jarimah* acts. Meanwhile, in positive law, such acts are criminal acts against the perpetrators and can be subject to sanctions. Structurally, the punishment for the perpetrators can be subject to *ta'zir* law (prison), which can be determined based on human agreement or by a judge. Furthermore, in Indonesia, they can be subject to imprisonment and fines, with the judge having the discretion to impose sanctions. Culturally, it is clear that both from the perspective of Islamic law and positive law, they do not want domestic violence. Although in Islam, there is a term *nusyuz* where a husband can hit a wife if the wife is *nusyuz*.

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