



Theft in the Family Context: An Analysis of Article 367 of the Criminal Code and its Application in Indonesia

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Abstract: This study aims to explore the regulation and implementation of family criminal law regarding theft cases within a family context from the perspectives of Indonesia Criminal Codes (KUHP) and the theory of jarimah of the Islamic criminal law. By employing a descriptive qualitative method with a literature review approach, the research analyzes legal sources and relevant literature. The findings reveal that theft is generally regarded as a common crime. However, in specific contexts, such as theft occurring within a family setting, special provisions outlined in Article 367 of the KUHP. This article classifies family theft as a complaint offense (*klacht delict*), meaning it can only be prosecuted if there is a complaint from the aggrieved party. The study underscores the importance of thoroughly understanding the characteristics of family theft and its implications for the criminal justice system. It also highlights the need for further evaluation of the effectiveness and application of this law in the Indonesian family context, incorporating insights from the theory of jarimah in Islamic criminal law.

Keywords : Family Theft, Indonesian Penal Code, Islamic Criminal Law, Criminal Justice System.

Abstrak: Penelitian ini bertujuan untuk mengeksplorasi aspek-aspek pencurian dalam konteks hukum pidana keluarga di Indonesia, dengan penekanan pada regulasi dan implementasi dalam Kitab Undang-Undang Hukum Pidana (KUHP) serta teori jarimah dalam hukum Islam. Metode penelitian yang digunakan adalah deskriptif kualitatif dengan pendekatan studi literatur, yang mencakup analisis terhadap sumber hukum dan literatur terkait. Hasil penelitian menunjukkan bahwa pencurian umumnya dipandang sebagai tindak pidana biasa. Namun, dalam konteks tertentu, seperti pencurian yang terjadi dalam lingkungan keluarga, terdapat ketentuan khusus yang diatur dalam Pasal 367 KUHP. Pasal ini mengklasifikasikan pencurian dalam keluarga sebagai tindak pidana aduan (*klacht delict*), yang berarti hanya dapat diproses apabila ada aduan dari pihak yang dirugikan. Penelitian ini menyoroti pentingnya pemahaman mendalam mengenai karakteristik pencurian dalam keluarga serta implikasinya terhadap sistem peradilan pidana. Penelitian ini juga menekankan perlunya evaluasi lebih lanjut mengenai efektivitas dan penerapan hukum ini dalam konteks keluarga di Indonesia, dengan mempertimbangkan perspektif teori jarimah dalam hukum Islam.

Kata Kunci: Pencurian dalam Keluarga, Kitab Undang-Undang Hukum Pidana, Hukum Pidana Islam, Sistem Peradilan Pidana.

Introduction

Indonesia is firmly established as a constitutional state, as enshrined in Article 1(3) of the 1945 Constitution.¹ This principle mandates that all government actions and citizen behaviors must be based on legal norms and regulations.² The Indonesian legal system is founded on Pancasila principles, emphasizing harmony between the government and citizens.³ Key elements of Indonesia's rule of law include the protection of human rights, separation of powers, popular sovereignty, governance based on applicable laws, and administrative courts.⁴ The law serves as the supreme authority in state and social life, guiding individual, institutional, and state conduct. However, there are still challenges in fully implementing the rule of law, with legal awareness among both citizens and government officials identified as crucial factors for its effectiveness.⁵

Law plays an important role in social life, creating order and reflecting societal changes.⁶ In Indonesia, the legal system consists of layers that include customary law, regional law, and national regulations.⁷ Customary law, as an integral part of the Indonesian legal system, solves various social problems and protects the community's traditional rights. The function of law is not only as social control but also as a tool of social engineering and community welfare.⁸

Law has an important role in regulating individual and community behavior, reflecting social change, and influencing the development of social norms. Indonesia's legal system consists of various layers, including customary law and national regulations.⁹ One of the problems faced is the increase in theft cases, including within the family environment. Factors contributing to this increase include the worsening economic conditions, unemployment, environmental influences, and lack of legal awareness.¹⁰ Theft within the family is often considered a disgrace and resolved amicably, even

¹ A Hosnah, "Diskresi Dalam Perspektif Hukum Pidana," *Justicia Sains: Jurnal Ilmu Hukum* 4, no. 2 (2020): 134.

² Mahrus Ali, "Overcoming the Dilemma between the Clarity and Flexible Norms in Environmental Offenses," *De Jure: Jurnal Hukum Dan Syar'iah* 14, no. 2 (2022): 276–87; Irma Suryani et al., "Integration of Islamic Law in Regional Development in Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 1 (April 30, 2023): 1, <https://doi.org/10.31958/juris.v22i1.8770>.

³ Ade Fartini, "Hukum Dan Fungsi Negara Menurut Undang-Undang Dasar Negara Republik Indonesia Tahun 1945," *Al Ahkam* 14, no. 1 (2018): 1–19.

⁴ Haposan Siallagan, "Penerapan Prinsip Negara Hukum Di Indonesia," *Sosiohumaniora* 18, no. 2 (2016): 122–28.

⁵ Ida Fitria et al., "Family Resilience in a Psychological Perspective in Indonesia," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (2024): 204–19.

⁶ Yustinus Surhardi Ruman, "Keteraturan Sosial, Norma Dan Hukum: Sebuah Penjelasan Sosiologis," *Jurnal Hukum Prioris* 2, no. 2 (2009): 106–16.

⁷ Cindy Cintya Lauren, "Analisis Adaptasi Masyarakat Lokal Terhadap Perubahan Sosial Dan Tren Budaya Di Indonesia Ditinjau Dari Perspektif Hukum Adat," *Jurnal Hukum Dan HAM Wara Sains* 2, no. 09 (2023): 874–84.

⁸ Akhmad Syahbudin et al., "The Role of Parents in Family Education on Surah At-Tahrim (Study of Interpretation Maudhū'ī Li Sūrah Wāhidah)," *Munaddhomah: Jurnal Manajemen Pendidikan Islam* 3, no. 3 (2022): 272–83; Musleh Harry et al., "Examining the Provision of Legal and Religious Education to Islamic Families to Safeguard the Rights and Well-Being of Women and Children: A Case Study Conducted in Malang Regency, East Java," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (2024): 1526–46.

⁹ Hamzah Hamzah, Haidarsyah Muhammad, and Zulkarnain Zulkarnain, "Customary Law Impact in the Development of Indonesia's Criminal Code," *Journal of Critical Reviews* 7, no. 3 (2020): 233–36; Rohmadi Rohmadi et al., "Judges' Considerations in Granting Marriage Dispensation Licenses in Indonesia: Islamic Family Law Perspective," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (2024): 326–45.

¹⁰ Asrul Hamid et al., "Legal Ramifications of Unregistered Divorce in the Religious Court within the Mandailing Natal Community," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (2024): 427–43; Triana Sofiani, Iqbal Kamalludin, and Raihanah Abdullah, "Violence Against Women in Pre-Marital Relationships: The Ngemblok Tradition among the Muslim Community

though it falls under the complaint crime regulated in the Criminal Code.¹¹ The reform of criminal law and criminal policy continues to be a topic of debate among jurists and society, especially to prevent the development of crime.

It can be concluded that the perpetrators of theft in the family can be subject to criminal charges if there are complaints from the victims of the theft. Therefore, if there is no complaint from the injured party, then there will be no legal sanctions for the perpetrators of theft in this family.¹² This is as regulated and explained in the Criminal Code Article 367 paragraph 2 which reads if the person is her husband (wife) who has been released from the obligation to live at home with his wife (husband), or a blood relative, or a married family, both in descent straight, or deviant descent in the second degree, then the person against the person himself can only be prosecuted if there is a complaint from the person who was harmed against the crime committed.¹³ It was also explained that as long as the marriage bond between husband and wife has not been broken, then the two who stole property cannot be prosecuted. Meanwhile, if those who commit or assist in the theft are relatives, as stated in paragraph 2, the perpetrator of the theft or who assists in the theft from the victim's family will only be prosecuted if there is a complaint from the victim of the theft.¹⁴

An ironic phenomenon is when the theft is committed by a second-degree family (father, mother, and child) against their own family, reflecting their low personal morals. It is ironic if someone had the heart to unlawfully take the properties of the people who are still related to him by blood or marriage.

Regulation and Classification of Theft in the Indonesian Criminal Code Articles 362 to 367

The Indonesian Criminal Code provides a thorough framework for addressing theft and its various forms, reflecting the complexity of legal responses required to tackle this prevalent crime.¹⁵ The legal provisions related to theft are detailed in Articles 362 to 367, which categorize theft based on its nature, severity, and specific circumstances.¹⁶ This structured approach ensures that the legal system can respond proportionately to the different manifestations of theft, ranging from general theft to theft involving violence or occurring under aggravating conditions. Understanding

in Rembang," *Journal of Islamic Law* 5, no. 2 SE-Articles (August 1, 2024), <https://doi.org/10.24260/jil.v5i2.2680>.as exemplified by the ngemblok tradition practiced by the Muslim community in Rembang, Central Java. This tradition involves a marriage proposal process where the woman's family presents goods (seserahan

¹¹ Anthon Freddy Susanto, "Pendekatan Restoratif Dalam Kekerasan Rumah Tangga Menurut Perspektif Hukum Pidana," *Pagaruyuang Law Journal* 4, no. 2 (2021): 245–62; Danial Danial, "Criminalization in Islamic Penal Code: A Study of Principles, Criminalization Methods, and Declining Variations," *Jurnal Ilmiah Peuradeun* 11, no. 3 (September 30, 2023): 1005, <https://doi.org/10.26811/peuradeun.v11i3.1058>.

¹² Taufik Efendi, "Effectiveness Of Implementing Sanctions In The Form Of Return To Parents And Supervision Of Children Perpetrator Of The Crime Of Theft," *JILPR Journal Indonesia Law and Policy Review* 5, no. 3 (2024): 472–92; M Rokhman et al., "Consideration of Parents in Choosing Islamic Schools in the Digital Era. Nazhruna: Jurnal Pendidikan Islam, 6 (3), 403–419," 2023.

¹³ Wardi Wardi, "Tinjauan Fiqih Jinayah Terhadap Proses Penyelesaian Tindak Pidana Pencurian Dalam Keluarga" (UIN Raden Fatah Palembang, 2016).

¹⁴ Butje Tampi, "Tindak Pidana Pencurian Dalam Keluarga Berdasarkan Pasal 367 Kitab Undang-Undang Hukum Pidana," *Lex Crimen* 2, no. 3 (2013).

¹⁵ Rifqi S Assegaf, "Sentencing Guidance in the Indonesia's Criminal Code Reform Bill: For Whose Benefit?," *Australian Journal of Asian Law* 19, no. 1 (2018): 87–104.

¹⁶ Yoga Rizka Kusuma and Bambang Sukoco, "Application of Criminal Sanctions against Theft Perpetrators in Forced Conditions (Comparison of Positive Law and Islamic Law)," in *Proceeding International Conference Restructuring and Transforming Law*, vol. 2, 2024, 349–55.

these classifications and penalties is crucial for comprehending how theft is managed within the Indonesian legal context. Additionally, the interplay between marital status, customary law, and legal prosecution adds another layer of complexity to how theft is addressed, particularly within family settings.

Article 362 defines theft broadly as the unlawful taking of someone else's property with the intent to permanently deprive the owner of it. This general provision serves as the foundation for the legal treatment of theft, with penalties including imprisonment of up to five years. The general nature of this article underscores the fundamental principle that theft, as an offense, disrupts property rights and requires legal rectification.¹⁷

Article 363 introduces elements that escalate the severity of theft, including cases where violence, threats, or the use of weapons accompany the theft.¹⁸ These aggravating factors significantly impact the seriousness of the crime, and thus, the legal consequences become more severe, with a maximum imprisonment of up to nine years. This article reflects the increased societal harm when theft involves additional violence or intimidation, emphasizing the need for stricter penalties to address the compounded nature of the offense. The legal framework aims to deter individuals from engaging in theft that escalates beyond mere property loss to include personal harm and endangerment.

Further escalation is addressed in Article 364, which specifically deals with theft that results in severe consequences such as death or serious injury. The gravity of such offenses is met with the most stringent penalties, including life imprisonment or even the death penalty.¹⁹ This article highlights the most extreme consequences of theft, where the crime's impact on victims is profound and irreparable. By imposing such severe penalties, the law seeks to reflect the utmost seriousness of offenses that lead to significant harm or loss of life, underscoring the principle of proportionality in criminal justice.²⁰

Article 365 covers theft involving violence or threats with the intent to commit theft, specifying that such actions are punishable by up to nine years in prison.²¹ This article addresses scenarios where theft is carried out with direct violence or intimidation, ensuring that the law appropriately penalizes the added element of coercion.²² The penalties for these crimes reflect the enhanced threat to personal safety and the increased level of criminal conduct, thus providing a clear deterrent against using violence to facilitate theft.

¹⁷ Royan Utsany, Tw Afrizal, and Khamim, "Women's Rights and Gender Equality: An Analysis of Jasser Auda's Thoughts and His Contribution to Renewal of Islamic Family Law in Indonesia," *Journal of Islamic Law* 3, no. 1 (2022): 54–73, <https://doi.org/10.24260/jil.v3i1.530>.

¹⁸ Sely Cahya Imani, "Kebijakan Hukum Pidana Dalam Upaya Menanggulangi Tindak Pidana Pencurian Dengan Pemberatan (CURAT) Dalam KUHP Baru" (Universitas Islam Sultan Agung Semarang, 2023).

¹⁹ Ruly Eko Prasetyo, "Disparitas Pidana Dalam Putusan Perkara Tindak Pidana Pencurian Dengan Kekerasan Di Pengadilan Negeri Pati" (Universitas Islam Sultan Agung Semarang, 2023); Yapandi Yapandi and Fitri Jayanti, "Development of Early Childhood Education Theory Modules Literacy-Based: Strategies to Improve Student Cognitive," *Nazhruna: Jurnal Pendidikan Islam* 6, no. 1 (January 20, 2023), <https://doi.org/10.31538/nzh.v6i1.2949>.

²⁰ Maria Kaida-Gbandi, "The Importance of Core Principles of Substantive Criminal Law for a European Criminal Policy Respecting Fundamental Rights and the Rule of Law," *Eur. Crim. L. Rev.* 1 (2011): 7; Atun Wardatun, "Knitting Reciprocity and Communitarity: Countering the Privatization of Family in Bimanese Muslim Local Marriage of Eastern Indonesia," *Journal of Islamic Law* 5, no. 2 (2024): 196–220.

²¹ Paul H Robinson, "Punishing Dangerousness: Cloaking Preventive Detention as Criminal Justice," in *Deterrence* (Routledge, 2019), 234–62.

²² Mabsuti Mabsuti and Santy Fitnawati WN, "The Enforcement of Criminal Law Against Violent Theft Crimes," *Jurnal Ruang Hukum* 2, no. 1 (2023): 29–34.

Article 366 addresses theft perpetrated by public or private employees who, due to their roles, manage or oversee property.²³ This provision targets theft committed by individuals in positions of trust and responsibility, with penalties extending up to twelve years in prison. The heightened penalty reflects the breach of trust and the misuse of authority that accompanies such offenses. This article aims to maintain integrity within institutional roles and ensure that individuals in positions of power are held to stringent standards of conduct.²⁴

Article 367 introduces specific provisions related to theft within family contexts, where unique legal considerations arise due to marital and familial relationships.²⁵ This article outlines that theft committed by a spouse or certain relatives can only be prosecuted if the victim files a formal complaint. The regulation of family-related theft as a complaint offense reflects the complex interplay of legal and moral considerations within family dynamics, where maintaining harmony and addressing disputes privately is often prioritized.²⁶

Condition	Description	Prosecution Condition
Not in Separate Table and Bed	Husband and wife are not legally separated	Theft can only be prosecuted if a complaint is filed by the aggrieved party
Separate Table and Bed	Husband and wife are living separately	Theft can only be prosecuted if a complaint is filed by the aggrieved party
Separate Assets	Assets are legally separated	Theft can only be prosecuted if a complaint is filed by the aggrieved party
Blood Relatives	Theft by blood relatives or by marriage	Prosecution requires a complaint from the victim

Table 1 presents the conditions under which theft within family settings, as regulated by Article 367, can be prosecuted. This article specifies that theft committed by a spouse or certain relatives is treated differently than other forms of theft. If the husband and wife are not in a separate table and bed status meaning they are still legally married and living together or if their assets are not legally separated, prosecution for theft committed by one spouse against the other cannot proceed without a formal complaint from the aggrieved party. This reflects the article’s focus on internal family

²³ Karina Permata et al., “Analisis Kasus Pencurian Motor Di Kota Bogor Dari Tahun 2020-2023 Menggunakan Perspektif Ilmu Kriminologi,” *COMSERVA: Jurnal Penelitian Dan Pengabdian Masyarakat* 3, no. 09 (2024): 3464–75; Hanna Wijaya et al., “Review of Legal Protection of Indonesia in Australia Tapping Case,” *International Journal of Social Science and Religion (IJSSR)* 3, no. 1 SE- (February 23, 2022): 43–54, <https://doi.org/10.53639/ijssr.v3i1.15>; Sholahuddin Al-Fatih et al., “Academic Freedom of Expression in Indonesia: A Maqashid Sharia Notes,” *El-Mashlahah* 13, no. 2 (December 31, 2023): 203–24, <https://doi.org/10.23971/el-mashlahah.v13i2.7573>.

²⁴ Ridwan Arifin et al., “A Discourse of Justice and Legal Certainty in Stolen Assets Recovery in Indonesia: Analysis of Radbruch’s Formula and Friedman’s Theory,” *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 6, no. 2 (2023).

²⁵ Tampi, “Tindak Pidana Pencurian Dalam Keluarga Berdasarkan Pasal 367 Kitab Undang-Undang Hukum Pidana.”

²⁶ Mohammed Houmine and Khadija Loudghiri, “Exploring Child Rights and the Concept of Childhood in Islam: A Contemporary Descriptive Analysis,” *Khazanah Hukum* 5, no. 2 (2023): 130–47; Al-Fatih et al., “Academic Freedom of Expression in Indonesia: A Maqashid Sharia Notes”; Ahmad Kamaludin and Iskandar Iskandar, “Islamic Fanatism and Terrorism Cases in Indonesia the Perspective of Islamic Criminal Law,” *El-Mashlahah* 12, no. 2 (December 31, 2022): 153–63, <https://doi.org/10.23971/el-mashlahah.v12i2.4397>.

dynamics and the expectation that the family members resolve the disputes privately. Conversely, if the couple is in a separate table and bed status, their assets are separated, or if the theft involves blood relatives or in-laws, prosecution can only occur with a complaint from the victim.²⁷ This provision highlights the nuanced legal approach to familial theft, considering the impact of marital and property status on the prosecution process.²⁸

Analysis of Article 367 of the Criminal Code on Theft in the Family and Islamic Law Perspective

The offense of theft, including familial theft which will be explored in this chapter, is detailed in Book II, Chapter XXII, Articles 362 through 367 of the Indonesian Criminal Code. It is collectively titled “Theft”.²⁹ The current Indonesian Criminal Code (KUHP) is derived from the *Wetboek van Strafrecht voor Nederlandsch-Indië*, a colonial legal code from the Dutch East Indies era.³⁰ As such, there are slight differences in the translation and formulation of the provisions when compared to their original Dutch counterparts.³¹

The Indonesian Criminal Code meticulously categorizes various forms of theft, ensuring a comprehensive legal approach to address different scenarios of property crime. Articles 362 through 367 outline the spectrum of theft offenses, ranging from general theft to more aggravated forms, including those occurring under specific circumstances or involving violence. This framework reflects the evolution and adaptation of the legal system from its colonial roots to the present-day context, aiming to address theft with a nuanced understanding of its impact on society.

The adaptation of the *Wetboek van Strafrecht* into Indonesian law demonstrates the continuity of legal principles while also incorporating necessary modifications to fit the local legal and cultural context.³² Despite the historical origins, the Indonesian Criminal Code seeks to ensure that the provisions remain relevant and effective in addressing contemporary theft issues. Understanding the development and translation of these laws is crucial for comprehending how theft is regulated and prosecuted within the Indonesian legal system.

Professor Moeljatno, provides a translation of Article 362 of the Indonesian Criminal Code that captures its essence: “Anyone who takes, either wholly or partially, someone else’s property to unlawfully possess it is deemed to have committed theft and can be punished with imprisonment for up to five years or a fine not exceeding 900 rupiahs.”³³ Similarly, R. Soesilo offers a translation that aligns closely with Moeljatno’s interpretation, stating, “Anyone who takes an item that is wholly or partially the property of another, with the intent to possess it unlawfully, shall be convicted of theft

²⁷ Suci Amalia Hidayati Sulaiman, “Penyelesaian Perkara Pencurian Dalam Keluarga Menurut Qanun Aceh Nomor 9 Tahun 2008 Dan Hukum Pidana Islam (Studi Gampong Paya Bujok Blang Pase Kecamatan Langsa Kota)” (UIN Ar-Raniry, 2021).

²⁸ Muhammad Khusaini et al., “Creating a Harmonious Family Through Social Media Facebook in West Lampung,” *El-Mashlahah* 12, no. 2 (December 31, 2022): 139–52, <https://doi.org/10.23971/el-mashlahah.v12i2.3937>; Sergey Ostrovsky et al., “Legal Regulation of Access to Justice During Wartime in Cases Related to The Protection of The Rights, Freedoms And Interests of Military Personnel And Conscripts,” *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 2 (2023): 107–19.

²⁹ Nur Arifah, “Analisis Jarimah Hudud Pencurian Motor” (IAIN Parepare, 2023).

³⁰ Gerhard Mangara and Tazqia Aulia Al-Djufri, “Urgensi Pembaharuan Kitab Undang-Undang Hukum Perdata Di Indonesia,” *Jurnal Hukum Lex Generalis* 3, no. 4 (2022): 269–90; Ridwan Ridwan and Muhammad Fuad Zain, “COVID-19: New Normal and New Procedures of Worship in Indonesia,” *Fieldwork in Religion* 16, no. 2 (2021): 258–76.

³¹ Elimartati Elimartati et al., “Family Instability: A Study of Livelihoods during the Covid-19 Pandemic in Tanah Datar Regency, Indonesia,” *JURIS (Jurnal Ilmiah Syariah)* 22, no. 1 (June 13, 2023): 93, <https://doi.org/10.31958/juris.v22i1.6054>.

³² Wahidah Heryadi and Farihatni Mulyati, “Analisis Terhadap Produk Hukum Pengadilan Agama Sampang Dan Tanjung Tentang ‘Radd’ Terhadap Suami/Istri Pewaris,” *Syariah: Jurnal Hukum Dan Pemikiran* 24, no. 1 (2024): 206–23.

³³ Rian Prayudi Saputra, “Perkembangan Tindak Pidana Pencurian Di Indonesia,” *Jurnal Pahlawan* 2, no. 2 (2019): 1–8.

and may face imprisonment for up to five years or a fine not exceeding 900 rupiahs.”³⁴

Both translations reflect the fundamental provisions of Article 362, emphasizing the unlawful taking of property with the intent to permanently deprive the owner. The legal text underscores the seriousness of theft, outlining penalties that include imprisonment or fines, depending on the severity of the offense. This translation and interpretation reveal a consistent approach to defining theft under Indonesian law, highlighting the emphasis on both the act of taking property and the intent behind it. The penalty structure of up to five years in prison or a fine provides a clear deterrent against theft, aiming to protect property rights and maintain social order.

The notion of “theft within the family,” as defined by Article 367 of the Indonesian Criminal Code, pertains to theft committed by a spouse, an accomplice, or a blood relative, either in a direct or collateral line of descent. Article 367 stipulates that if the perpetrator or accomplice of a crime covered under this chapter is the spouse of the victim and they are not separated or have not divided their assets, prosecution is not permitted. Conversely, if the perpetrator is a spouse who lives separately, has separated assets, or if the perpetrator is a blood relative or in-law within a direct or collateral line of descent, the prosecution can only proceed if the victim files a complaint.³⁵ Furthermore, according to matriarchal customs, if someone other than the biological father holds paternal authority, the same provisions apply to that person. This article serves as the final provision in Chapter XXII on Theft. To fully comprehend Article 367, it is essential to understand the preceding provisions from Article 362 to Article 366, which detail various forms of theft. Article 362 outlines general theft, while Article 363 addresses aggravated theft, including theft of animals, theft occurring during disasters, theft at night, theft involving multiple perpetrators, and theft involving breaking and trespassing.

In Islamic law, theft is considered a serious crime (*jarimah*) with severe punishments rooted in the Quran and Hadith.³⁶ The Quran prescribes hand amputation as a fixed punishment for theft, as stated in Surah Al-Ma’idah verse 38.³⁷ However, the implementation of this punishment requires strict conditions and considerations. Factors such as the value of stolen goods, the thief’s economic status, and the storage location of the stolen items are taken into account. If these conditions are not met, the punishment may be reduced to *ta’zir*, determined by the judge’s discretion. Islamic law also considers extenuating circumstances, such as theft committed out of extreme hunger, which may exempt the perpetrator from punishment.³⁸

Analysis from the Perspective of Multicultural Islamic Education

The study of theft, including familial theft, holds significant relevance in the context of multicultural Islamic education. Multicultural Islamic education emphasizes not only the importance of tolerance and appreciation for cultural, religious, and ethnic diversity but also underscores understanding justice, ethics, and laws rooted in Islamic values. This analysis can enrich

³⁴ Usep Tatang Suryadi and Yana Supriatna, “Sistem Clustering Tindak Kejahatan Pencurian Di Wilayah Jawa Barat Menggunakan Algoritma K-Means,” *Jurnal Teknologi Informasi Dan Komunikasi* 14, no. 1 (2019): 15–27.

³⁵ Lorelie Ann Banzon-Librojo, Melissa R Garabiles, and Liane Peña Alampay, “Relations between Harsh Discipline from Teachers, Perceived Teacher Support, and Bullying Victimization among High School Students,” *Journal of Adolescence* 57 (2017): 18–22.

³⁶ Fauza Andriyadi, “Pencurian Menurut Hukum Islam,” *Jurnal Al-Nadhair* 1, no. 2 (2022): 1–9.

³⁷ Muhammad Fuad Zain, *Fiqh Jinayah and Positive Law: An Analytical Perspective on Criminal Justice* (Yogyakarta: IASSR Press, 2024).

³⁸ Yulida Ariyanti, “Punishment Conception in Islamic Criminal Law System and Indonesian Criminal Law System” (Aligarh Muslim University Aligarh, n.d.).

the understanding of how Islamic legal and moral concepts are applied in diverse social contexts, including families and communities with different cultural backgrounds.³⁹

From the perspective of multicultural Islamic education, Article 367 of the Indonesian Criminal Code (KUHP), which regulates theft within the family as a complaint offense, can be seen as an effort to accommodate local values relevant to Indonesia's multicultural social and cultural context.⁴⁰ This regulation reflects a restorative justice principle, where conflict resolution is sought through a more harmonious approach based on the agreement of the parties involved, rather than solely through retributive punishment.⁴¹

Furthermore, in multicultural Islamic education, the approach to theft also considers ethical and moral aspects taught in the Quran and Hadith. In Islamic law, theft is considered a serious crime that requires strict punishment; however, the implementation of such punishments, like hand amputation (*hudud*), is only enforced if all stringent conditions are met.⁴² Considerations such as the value of stolen goods, the thief's economic status, and other mitigating circumstances demonstrate that Islamic law also accommodates social justice and local wisdom.

Multicultural Islamic education teaches that applying law in society must consider the prevailing moral and justice values while being sensitive to the local social and cultural conditions.⁴³ Regarding the theft case, understanding Indonesian criminal law and Islamic law can provide broader insights into how different legal systems handle this crime while respecting diversity and ensuring justice for all parties involved.

Thus, a multicultural Islamic education approach can be used to analyze the effectiveness and relevance of legal articles governing theft, including theft within the family, in a multicultural society like Indonesia.⁴⁴ This education encourages dialogue and understanding across cultures and religions, strengthens a shared understanding of the importance of justice and respect for human rights, and ensures that the application of law is not only by formal provisions but also morally and contextually just.⁴⁵

³⁹ Syamsul Arifin et al., "Improving The Professional Teacher Competence Through Clinical Supervision Based on Multicultural Values in Pesantren," *Nazhruna: Jurnal Pendidikan Islam* 6, no. 3 (2023): 386–402; Iwan Fajri, Dasim Budimansyah, and Kokom Komalasari, "Digital Citizenship In Civic Education Learning: A Systematic Literature Review," *Jurnal Ilmiah Peuradeun* 10, no. 3 (September 30, 2022): 833, <https://doi.org/10.26811/peuradeun.v10i3.755>.

⁴⁰ Aji Setyo, "The Application of Theft Penalties in the Legal Perspective of Indonesia and Brunei Darussalam," *Ratio Legis Journal* 1, no. 4 (n.d.): 576–88.

⁴¹ George Mousourakis, "Restorative Justice: Some Reflections on Contemporary Theory and Practice," *Journal for Juridical Science* 29, no. 1 (2004): 1–27.

⁴² Siti Suriyati, "Judges' Legal Culture in Dealing with High Number of Applications for Child Marriage Dispensation during Covid-19 Pandemic at the Kudus Religious Court," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 1 (2022): 273–98; Karimuddin Abdullah Lawang et al., "Implementation of Uqubat: An Effort to Minimize Khalwat Crimes in Aceh," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 SE-Articles (June 29, 2024): 28–41, <https://doi.org/10.30631/alrisalah.v24i1.1427>.

⁴³ Abdullah Sahin, "Critical Issues in Islamic Education Studies: Rethinking Islamic and Western Liberal Secular Values of Education," *Religions* 9, no. 11 (2018): 335; Azizah Hanum Ok, Mohammad Al-Farabi, and Feri Firmansyah, "Internalization of Multicultural Islamic Education Values In High School Students," *Munaddhomah: Jurnal Manajemen Pendidikan Islam* 3, no. 3 (2022): 221–28.

⁴⁴ Muhaemin Latif and Erwin Hafid, "Multicultural Attitudes in an Islamic Boarding School of South Sulawesi, Indonesia," *Cogent Education* 8, no. 1 (2021): 1968736.

⁴⁵ Andi Yaqub, Iswandi Iswandi, and Jabal Nur, "Reconstruction of Sakinah Family Criteria During the Covid-19 Period," *Al-Ahkam* 31, no. 1 (2021): 1–24.

The Impact of Marital and Customary Law on Prosecution of Theft in Family Settings

In the context of family-related theft, Article 367 of the Indonesian Criminal Code introduces a nuanced legal framework influenced by both marital and customary law principles. This article specifically addresses thefts committed by a spouse or a blood relative within a family setting, highlighting the unique considerations that arise from these close relationships. According to Article 367, theft committed by a spouse, or by a blood relative in direct or collateral lines, is treated as a “complaint offense” (*klacht delict*). This classification means that prosecution for such thefts can only proceed if the aggrieved party, such as the victim of the theft, formally files a complaint. This approach reflects the intersection of legal and moral considerations, acknowledging that familial relationships often complicate the straightforward application of criminal law.⁴⁶

The rationale behind this provision lies in the understanding that legal actions within families can be deeply intertwined with personal and moral issues. In many cases, family members may prefer to resolve disputes privately rather than through formal legal proceedings, thereby maintaining familial harmony and avoiding the potential emotional and social fallout that legal actions might entail. Thus, the requirement for a formal complaint ensures that prosecution only occurs when the victim chooses to seek legal recourse, which aligns with the principle of preserving family relationships and respecting personal privacy.⁴⁷

Furthermore, the influence of customary law, particularly in communities with matriarchal lineage systems, adds another layer of complexity to the prosecution of family-related theft. In such communities, lineage and familial authority are determined through maternal lines, which can affect legal standing in theft cases. For instance, if a relative other than the biological parent, such as an uncle or other significant figures in the matriarchal system, assumes parental authority, he/she is recognized similarly to the biological parent in legal matters. This means that in customary law contexts where the matriarchal figure exercises authority, such a person can also file a complaint for theft, just as a biological parent.⁴⁸

This integration of customary law principles ensures that the legal system is responsive to the diverse cultural practices within Indonesian society, accommodating variations in family structures and authority.⁴⁹ By recognizing the role of customary practices in determining legal authority and responsibilities, the Indonesian legal framework supports a more inclusive and culturally sensitive approach to addressing theft within family contexts. Therefore, comprehensively addressing theft in these settings requires an understanding of both the legal provisions under Article 367 and the impact of customary law, ensuring that justice is administered in a manner that respects both legal standards and cultural norms.

⁴⁶ Naomi R Cahn, “The Moral Complexities of Family Law” (JSTOR, 1997).

⁴⁷ M Anwar Nawawi et al., “Harmonization of Islam and Human Rights: Judges’ Legal Arguments in Rejecting Child Marriage Dispensation in Sukadana, Indonesia,” *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 1 (2022): 117–34.

⁴⁸ Sonny Judiasih and Efa Laela Fakhriah, “Inheritance Law System: Considering the Pluralism of Customary Law in Indonesia,” *PADJADJARAN Jurnal Ilmu Hukum* 5, no. 2 (2018): 315–30.

⁴⁹ Henky Fernando, Yuniar Galuh Larasati, and Irwan Abdullah, “Bibliometrics of Family Law Research Trends in Southeast Asia: An Analysis Two Decades 2003–2023,” *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (2024): 82–109, <https://doi.org/http://dx.doi.org/10.22373/ujhk.v7i1.22439>.

Conclusion

Article 367 of Indonesia's Criminal Code highlights the complex relationship between law enforcement and family dynamics by treating theft within the family as a complaint offense that requires the initiative of the aggrieved party for legal proceedings. This approach reflects recognition of the moral and relational complexities peculiar to family disputes, where formal legal action can affect personal relationships and privacy. In the perspective of Islamic law, theft within a family setting is governed by a different approach. Islamic law establishes strict penalties for theft through the principles of hudud, such as the penalty of cutting off the hand for clearly proven theft. However, Islamic law emphasizes the importance of peaceful dispute resolution and deliberation in the family context. The principles of justice and reconciliation dominate the handling of theft cases within the family, prioritizing internal resolution before involving formal legal mechanisms.

References

- Abdullah Lawang, Karimuddin, Nur Kholis, Tri Tarwiyani, Mustafa Kamal, Muhammad Yasir, and Asnawi Abdullah. "Implementation of Uqubat: An Effort to Minimize Khalwat Crimes in Aceh." *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 SE-Articles (June 29, 2024): 28–41. <https://doi.org/10.30631/alrisalah.v24i1.1427>.
- Al-Fatih, Sholahuddin, Zaka Firma Aditya, Abdul Basid Fuadi, and Muhammad Nur. "Academic Freedom of Expression in Indonesia: A Maqashid Sharia Notes." *El-Mashlahah* 13, no. 2 (December 31, 2023): 203–24. <https://doi.org/10.23971/el-mashlahah.v13i2.7573>.
- Ali, Mahrus. "Overcoming the Dilemma between the Clarity and Flexible Norms in Environmental Offenses." *De Jure: Jurnal Hukum Dan Syar'iah* 14, no. 2 (2022): 276–87.
- Andriyadi, Fauza. "Pencurian Menurut Hukum Islam." *Jurnal Al-Nadhair* 1, no. 2 (2022): 1–9.
- Arifah, Nur. "Analisis Jarimah Hudud Pencurian Motor." IAIN Parepare, 2023.
- Arifin, Ridwan, Cahya Wulandari, Indah Sri Utari, and Tri Imam Munandar. "A Discourse of Justice and Legal Certainty in Stolen Assets Recovery in Indonesia: Analysis of Radbruch's Formula and Friedman's Theory." *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 6, no. 2 (2023).
- Arifin, Syamsul, Utama Utama, Sekar Ayu Aryani, Harun Joko Prayitno, and Waston Waston. "Improving The Professional Teacher Competence Through Clinical Supervision Based on Multicultural Values in Pesantren." *Nazhruna: Jurnal Pendidikan Islam* 6, no. 3 (2023): 386–402.
- Ariyanti, Yulida. "Punishment Conception in Islamic Criminal Law System and Indonesian Criminal Law System." Aligarh Muslim University Aligarh, n.d.
- Assegaf, Rifqi S. "Sentencing Guidance in the Indonesia's Criminal Code Reform Bill: For Whose Benefit?" *Australian Journal of Asian Law* 19, no. 1 (2018): 87–104.
- Banzon-Librojo, Lorelie Ann, Melissa R Garabiles, and Liane Peña Alampay. "Relations between Harsh Discipline from Teachers, Perceived Teacher Support, and Bullying Victimization among High School Students." *Journal of Adolescence* 57 (2017): 18–22.
- Cahn, Naomi R. "The Moral Complexities of Family Law." JSTOR, 1997.
- Danial, Danial. "Criminalization in Islamic Penal Code: A Study of Principles, Criminalization Methods, and Declining Variations." *Jurnal Ilmiah Peuradeun* 11, no. 3 (September 30, 2023): 1005. <https://>

doi.org/10.26811/peuradeun.v11i3.1058.

- Efendi, Taufik. "Effectiveness Of Implementing Sanctions In The Form Of Return To Parents And Supervision Of Children Perpetrator Of The Crime Of Theft." *JILPR Journal Indonesia Law and Policy Review* 5, no. 3 (2024): 472–92.
- Elimartati, Elimartati, Nailur Rahmi, Widi Nopiardo, Firdaus Firdaus, and Vasco Fronzoni. "Family Instability: A Study of Livelihoods during the Covid-19 Pandemic in Tanah Datar Regency, Indonesia." *JURIS (Jurnal Ilmiah Syariah)* 22, no. 1 (June 13, 2023): 93. <https://doi.org/10.31958/juris.v22i1.6054>.
- Fajri, Iwan, Dasim Budimansyah, and Kokom Komalasari. "Digital Citizenship In Civic Education Learning: A Systematic Literature Review." *Jurnal Ilmiah Peuradeun* 10, no. 3 (September 30, 2022): 833. <https://doi.org/10.26811/peuradeun.v10i3.755>.
- Fartini, Ade. "Hukum Dan Fungsi Negara Menurut Undang-Undang Dasar Negara Republik Indonesia Tahun 1945." *Al Ahkam* 14, no. 1 (2018): 1–19.
- Fernando, Henky, Yuniar Galuh Larasati, and Irwan Abdullah. "Bibliometrics of Family Law Research Trends in Southeast Asia: An Analysis Two Decades 2003–2023." *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (2024): 82–109. <https://doi.org/http://dx.doi.org/10.22373/ujhk.v7i1.22439>.
- Fitria, Ida, Muslim Zainuddin, Julianto Julianto, Cut Rizka Aliana, and Nur Intan Barlian. "Family Resilience in a Psychological Perspective in Indonesia." *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (2024): 204–19.
- Hamid, Asrul, Raja Ritonga, Resi Atna Sari Siregar, Akhyar Akhyar, and Suryadi Nasution. "Legal Ramifications of Unregistered Divorce in the Religious Court within the Mandailing Natal Community." *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (2024): 427–43.
- Hamzah, Hamzah, Haidarsyah Muhammad, and Zulkarnain Zulkarnain. "Customary Law Impact in the Development of Indonesia's Criminal Code." *Journal of Critical Reviews* 7, no. 3 (2020): 233–36.
- Harry, Musleh, Saifullah Saifullah, Jundiani Jundiani, and Meisy Fajarani. "Examining the Provision of Legal and Religious Education to Islamic Families to Safeguard the Rights and Well-Being of Women and Children: A Case Study Conducted in Malang Regency, East Java." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (2024): 1526–46.
- Heryadi, Wahidah, and Farihatni Mulyati. "Analisis Terhadap Produk Hukum Pengadilan Agama Sampang Dan Tanjung Tentang 'Radd' Terhadap Suami/Istri Pewaris." *Syariah: Jurnal Hukum Dan Pemikiran* 24, no. 1 (2024): 206–23.
- Hosnah, A. "Diskresi Dalam Perspektif Hukum Pidana." *Justicia Sains: Jurnal Ilmu Hukum* 4, no. 2 (2020): 134.
- Houmine, Mohammed, and Khadija Loudghiri. "Exploring Child Rights and the Concept of Childhood in Islam: A Contemporary Descriptive Analysis." *Khazanah Hukum* 5, no. 2 (2023): 130–47.
- Imani, Sely Cahya. "Kebijakan Hukum Pidana Dalam Upaya Menanggulangi Tindak Pidana Pencurian Dengan Pemberatan (CURAT) Dalam KUHP Baru." Universitas Islam Sultan Agung Semarang, 2023.

- Judiasih, Sonny, and Efa Laela Fakhriah. "Inheritance Law System: Considering the Pluralism of Customary Law in Indonesia." *PADJADJARAN Jurnal Ilmu Hukum* 5, no. 2 (2018): 315–30.
- Kaida-Gbandi, Maria. "The Importance of Core Principles of Substantive Criminal Law for a European Criminal Policy Respecting Fundamental Rights and the Rule of Law." *Eur. Crim. L. Rev.* 1 (2011): 7.
- Kamaludin, Ahmad, and Iskandar Iskandar. "Islamic Fanatism and Terrorism Cases in Indonesia the Perspective of Islamic Criminal Law." *El-Mashlahah* 12, no. 2 (December 31, 2022): 153–63. <https://doi.org/10.23971/el-mashlahah.v12i2.4397>.
- Khusaini, Muhammad, Hariri Hariri, M. Ridho Pratama, and Madah Rahmatan. "Creating a Harmonious Family Through Social Media Facebook in West Lampung." *El-Mashlahah* 12, no. 2 (December 31, 2022): 139–52. <https://doi.org/10.23971/el-mashlahah.v12i2.3937>.
- Kusuma, Yoga Rizka, and Bambang Sukoco. "Application of Criminal Sanctions against Theft Perpetrators in Forced Conditions (Comparison of Positive Law and Islamic Law)." In *Proceeding International Conference Restructuring and Transforming Law*, 2:349–55, 2024.
- Latif, Muhaemin, and Erwin Hafid. "Multicultural Attitudes in an Islamic Boarding School of South Sulawesi, Indonesia." *Cogent Education* 8, no. 1 (2021): 1968736.
- Lauren, Cindy Cintya. "Analisis Adaptasi Masyarakat Lokal Terhadap Perubahan Sosial Dan Tren Budaya Di Indonesia Ditinjau Dari Perspektif Hukum Adat." *Jurnal Hukum Dan HAM Wara Sains* 2, no. 09 (2023): 874–84.
- Mabsuti, Mabsuti, and Santy Fitnawati WN. "The Enforcement of Criminal Law Against Violent Theft Crimes." *Jurnal Ruang Hukum* 2, no. 1 (2023): 29–34.
- Mangara, Gerhard, and Tazqia Aulia Al-Djufri. "Urgensi Pembaharuan Kitab Undang-Undang Hukum Perdata Di Indonesia." *Jurnal Hukum Lex Generalis* 3, no. 4 (2022): 269–90.
- Mousourakis, George. "Restorative Justice: Some Reflections on Contemporary Theory and Practice." *Journal for Juridical Science* 29, no. 1 (2004): 1–27.
- Nawawi, M Anwar, Sulastri Sulastri, Relit Nur Edi, and Agus Setiawan. "Harmonization of Islam and Human Rights: Judges' Legal Arguments in Rejecting Child Marriage Dispensation in Sukadana, Indonesia." *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 1 (2022): 117–34.
- Ok, Azizah Hanum, Mohammad Al-Farabi, and Feri Firmansyah. "Internalization of Multicultural Islamic Education Values In High School Students." *Munaddhomah: Jurnal Manajemen Pendidikan Islam* 3, no. 3 (2022): 221–28.
- Ostrovsky, Sergey, Nataliia Turlakova, Nataliia Obushenko, Alina Skorobogatova, and Nataliia Borysocheva. "Legal Regulation of Access to Justice During Wartime in Cases Related to The Protection of The Rights, Freedoms And Interests of Military Personnel And Conscripts." *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 2 (2023): 107–19.
- Permata, Karina, Megha Ayu Lestari, Serla Yolanda Azahra, and Asmak Ul Hosnah. "Analisis Kasus Pencurian Motor Di Kota Bogor Dari Tahun 2020-2023 Menggunakan Perspektif Ilmu Kriminologi." *COMSERVA: Jurnal Penelitian Dan Pengabdian Masyarakat* 3, no. 09 (2024): 3464–75.
- Prasetyo, Ruly Eko. "Disparitas Pidana Dalam Putusan Perkara Tindak Pidana Pencurian Dengan Kekerasan Di Pengadilan Negeri Pati." Universitas Islam Sultan Agung Semarang, 2023.

- Ridwan, Ridwan, and Muhammad Fuad Zain. "COVID-19: New Normal and New Procedures of Worship in Indonesia." *Fieldwork in Religion* 16, no. 2 (2021): 258–76.
- Robinson, Paul H. "Punishing Dangerousness: Cloaking Preventive Detention as Criminal Justice." In *Deterrence*, 234–62. Routledge, 2019.
- Rohmadi, Rohmadi, Zezen Zainul Ali, Fajar Apriani, Helena Octavianne, and Cindera Permata. "Judges' Considerations in Granting Marriage Dispensation Licenses in Indonesia: Islamic Family Law Perspective." *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (2024): 326–45.
- Rokhman, M, F Usman, F Usman, A B H Kassim, and M Muslihun. "Consideration of Parents in Choosing Islamic Schools in the Digital Era. Nazhruna: Jurnal Pendidikan Islam, 6 (3), 403–419," 2023.
- Ruman, Yustinus Surhardi. "Keteraturan Sosial, Norma Dan Hukum: Sebuah Penjelasan Sosiologis." *Jurnal Hukum Prioris* 2, no. 2 (2009): 106–16.
- Sahin, Abdullah. "Critical Issues in Islamic Education Studies: Rethinking Islamic and Western Liberal Secular Values of Education." *Religions* 9, no. 11 (2018): 335.
- Saputra, Rian Prayudi. "Perkembangan Tindak Pidana Pencurian Di Indonesia." *Jurnal Pahlawan* 2, no. 2 (2019): 1–8.
- Setyo, Aji. "The Application of Theft Penalties in the Legal Perspective of Indonesia and Brunei Darussalam." *Ratio Legis Journal* 1, no. 4 (n.d.): 576–88.
- Siallagan, Haposan. "Penerapan Prinsip Negara Hukum Di Indonesia." *Sosiohumaniora* 18, no. 2 (2016): 122–28.
- Sofiani, Triannah, Iqbal Kamalludin, and Raihanah Abdullah. "Violence Against Women in Pre-Marital Relationships: The Ngemblok Tradition among the Muslim Community in Rembang." *Journal of Islamic Law* 5, no. 2 SE-Articles (August 1, 2024). <https://doi.org/10.24260/jil.v5i2.2680>.
- Sulaiman, Suci Amalia Hidayati. "Penyelesaian Perkara Pencurian Dalam Keluarga Menurut Qanun Aceh Nomor 9 Tahun 2008 Dan Hukum Pidana Islam (Studi Gampong Paya Bujok Blang Pase Kecamatan Langsa Kota)." UIN Ar-Raniry, 2021.
- Suriyati, Siti. "Judges' Legal Culture in Dealing with High Number of Applications for Child Marriage Dispensation during Covid-19 Pandemic at the Kudus Religious Court." *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 1 (2022): 273–98.
- Suryadi, Usep Tatang, and Yana Supriatna. "Sistem Clustering Tindak Kejahatan Pencurian Di Wilayah Jawa Barat Menggunakan Algoritma K-Means." *Jurnal Teknologi Informasi Dan Komunikasi* 14, no. 1 (2019): 15–27.
- Suryani, Irma, Mohamad Hidayat Muhtar, Yogi Muhammad Rahman, Belardo Prasetya Mega Jaya, and Awad Al Khalaf. "Integration of Islamic Law in Regional Development in Indonesia." *JURIS (Jurnal Ilmiah Syariah)* 22, no. 1 (April 30, 2023): 1. <https://doi.org/10.31958/juris.v22i1.8770>.
- Susanto, Anthon Freddy. "Pendekatan Restoratif Dalam Kekerasan Rumah Tangga Menurut Perspektif Hukum Pidana." *Pagaruyuang Law Journal* 4, no. 2 (2021): 245–62.
- Syahbudin, Akhmad, Abd Basir, Abdullah Karim, and Mahyuddin Barni. "The Role of Parents in Family Education on Surah At-Tahrim (Study of Interpretation Maudhū'ī Li Sūrah Wāhidah)." *Munaddhomah: Jurnal Manajemen Pendidikan Islam* 3, no. 3 (2022): 272–83.

- Tampi, Butje. “Tindak Pidana Pencurian Dalam Keluarga Berdasarkan Pasal 367 Kitab Undang-Undang Hukum Pidana.” *Lex Crimen* 2, no. 3 (2013).
- Utsany, Royan, Tw Afrizal, and Khamim. “Women’s Rights and Gender Equality: An Analysis of Jasser Auda’s Thoughts and His Contribution to Renewal of Islamic Family Law in Indonesia.” *Journal of Islamic Law* 3, no. 1 (2022): 54–73. <https://doi.org/10.24260/jil.v3i1.530>.
- Wardatun, Atun. “Knitting Reciprocity and Communality: Countering the Privatization of Family in Bimanese Muslim Local Marriage of Eastern Indonesia.” *Journal of Islamic Law* 5, no. 2 (2024): 196–220.
- Wardi, Wardi. “Tinjauan Fiqih Jinayah Terhadap Proses Penyelesaian Tindak Pidana Pencurian Dalam Keluarga.” UIN Raden Fatah Palembang, 2016.
- Wijaya, Hanna, Yohanes Firmansyah, Yana Sylvana, and Michelle Angelika S. “Review of Legal Protection of Indonesia in Australia Tapping Case.” *International Journal of Social Science and Religion (IJSSR)* 3, no. 1 SE- (February 23, 2022): 43–54. <https://doi.org/10.53639/ijssr.v3i1.15>.
- Yapandi, Yapandi, and Fitri Jayanti. “Development of Early Childhood Education Theory Modules Literacy-Based: Strategies to Improve Student Cognitive.” *Nazhruna: Jurnal Pendidikan Islam* 6, no. 1 SE-Articles (January 20, 2023). <https://doi.org/10.31538/nzh.v6i1.2949>.
- Yaqub, Andi, Iswandi Iswandi, and Jabal Nur. “Reconstruction of Sakīnah Family Criteria During the Covid-19 Period.” *Al-Ahkam* 31, no. 1 (2021): 1–24.
- Zain, Muhammad Fuad. *Fiqh Jinayah and Positive Law: An Analytical Perspective on Criminal Justice*. Yogyakarta: IASSR Press, 2024.