

## **ABSTRACT**

### **THE COMPARISON ANALYSIS OF ADULTERY DEED ACCORDING TO INDONESIA CRIMINAL LAW AND ISLAMIC LAW**

**By**

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Adultery becomes increasingly common in society today, because weak regulation in Criminal Law Code (KUHP). According to Islamic Law, the adultery deed is threaten with severe punishment of stoning to death and whipped and be exiled. The problems in this research were: how did the comparison of adultery according to Indonesia Criminal Code and Islamic Law? And how did the prospective regulation of adultery deed in Indonesia criminal code reformation which accommodated Islamic Law?

This research used normative jurisdiction to study or analyze secondary data coming from law materials and by understanding law as regulation devices or positive norms in legislation system.

The results show that adultery in the concept of Indonesia criminal code is a sexual intercourse between man and woman who are engaged in a marriage. Implicitly or explicitly, provision in Article 284 provide opportunity of sexual intercourse out of marriage between unmarried man and unmarried woman. Adultery definition in Islamic Law is sexual intercourse between man and woman, whether they are engaged in a marriage or not. In Indonesia criminal law, adultery is punished with 9 months imprisonment, while in Islamic Law, adulterer is stoned to death or whipped and exiled for a year from society. Adultery in Criminal Code (KUHP) is a criminal complaint but Islamic law does not recognize criminal complaint. The prospect of adultery regulation in reformation of Indonesia criminal code should consider the principle of adultery criminal complaint to reform criminal law.

The researcher suggests that adultery is a severe problem and should be hard sanctioned to create good nation generation and to continue Indonesia civilization by maintaining morality, traditional customs, and civilized nation based on single divinity, God Almighty, according to Indonesia philosophy of Pancasila. National criminal code (KUHP) is expected to refer Islamic Law and adapted to Indonesia society.

**Keywords** : *adultery, Indonesia criminal code, Islamic law*