



## MURDER OF HUSBAND BY WIFE IN INFIDELITY CASE ACCORDING TO ISLAMIC LAW (ANALYSIS OF THE MEDAN DISTRICT COURT DECISION NUMBER 907/PID.B/2020/PN MDN)

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### ABSTRACT

This study analyzes the Medan District Court Decision Number 907/Pid.B/2020/PN Mdn, in which the wife, Zuraida Hanum, was sentenced to death for the premeditated murder of her husband due to infidelity. The aim is to assess the judge's reasoning behind this decision from both Islamic and criminal law perspectives. Using a normative juridical approach, this research examines primary, secondary, and tertiary legal materials to understand the application of Islamic law and criminal law in this case. The findings suggest that the judge's decision was influenced by the heinous nature of the crime and the intent to provide a deterrent effect. From an Islamic law perspective, the death penalty aligns with the retribution for premeditated murder, while criminal law emphasizes justice and public safety. This case highlights the intersection of legal and moral principles in determining appropriate sentencing.

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## 1. INTRODUCTION

The issue of domestic violence and its legal consequences has long been a subject of intense scrutiny, particularly when it results in the death of a victim. In Indonesia, the legal frameworks surrounding domestic violence are guided by laws such as the Elimination of Domestic Violence Law (PKDRT) and the Criminal Code (KUHP), which provide penalties for perpetrators of violence. However, when cases involve more complex motives, such as infidelity, and result in premeditated murder, the application of these laws becomes more challenging and nuanced. Domestic violence, especially when it leads to murder, raises significant questions about the balance between legal justice and social morality, making the task of sentencing particularly complex.

A prominent case that highlights this complexity is Medan District Court Decision Number 907/Pid.B/2020/PN Mdn, where a woman, Zuraida Hanum, was sentenced to death for the premeditated murder of her husband, Jamaluddin, due to his infidelity. This case, which involves the intersection of Islamic law and criminal law, presents an opportunity to critically analyze how the Indonesian legal system applies these frameworks in the sentencing process for crimes of this nature.

Despite existing legal provisions, there remains a significant gap in the literature regarding how Islamic law and criminal law intersect in domestic violence cases, especially those involving premeditated murder motivated by infidelity. While there has been considerable discussion surrounding the application of the death penalty in Indonesia, there is limited research addressing how Islamic legal principles, which emphasize retribution, interact with the aims of modern criminal law, which seeks deterrence and justice for the victim's family.

This study is particularly urgent in the context of increasing concerns about the fairness and appropriateness of the death penalty in cases of domestic violence. The case of Zuraida Hanum serves as a critical examination of how legal norms, both religious and secular, influence the judicial process and sentencing outcomes. By analyzing this case, the research aims to fill the gap in legal scholarship by exploring the complexities involved in the application of the death penalty in domestic violence cases from the perspectives of both Islamic law and criminal law. The goal is to provide a comprehensive understanding of how these legal systems shape sentencing decisions and contribute to broader discussions of justice and human rights in Indonesia

## 2. RESEARCH METHODS

This study employs a normative juridical approach, which is a standard method in legal research used to analyze legal norms, statutes, regulations, and judicial decisions. The focus is on the Medan District Court Decision Number 907/Pid.B/2020/PN Mdn, where Zuraida Hanum was sentenced to death for premeditated murder due to infidelity. The research method involves a qualitative content analysis of legal texts and judicial decisions, aiming to provide a comprehensive understanding of the legal reasoning behind the verdict.

The study uses secondary data, which includes a review of primary legal materials, secondary legal materials, and tertiary legal materials:

- a. Primary legal materials: These include the Indonesian Criminal Code (KUHP), the Elimination of Domestic Violence Law (PKDRT), and the Medan District Court ruling itself. These documents provide the legal framework within which the case was decided.
- b. Secondary legal materials: This includes scholarly books, legal articles, previous research on similar cases, and commentaries on Indonesian criminal law and Islamic law. These materials help contextualize the case within broader legal theories and practices.
- c. Tertiary legal materials: Legal dictionaries, encyclopedias, and online legal resources provide clarifications on legal terminology and broader conceptual frameworks related to the case.

In addition to the normative juridical approach, a comparative analysis is conducted to examine the application of Islamic law and criminal law in the sentencing process. Specifically, the study explores how these two legal systems intersect in the context of pre-meditated murder motivated by infidelity, and how this intersection influences the legal decision.

The research does not involve empirical data collection such as interviews or surveys; instead, it focuses entirely on secondary data analysis, drawing on legal texts, case law, and scholarly literature. The comparative analysis aims to assess the judge's reasoning and the appropriateness of the death penalty in this case, as well as its alignment with the principles of Islamic law (which emphasizes retribution) and criminal law (which aims at deterrence and justice for the victim).

The limitations of the study include the focus on a single case, which may not fully represent the broader legal trends in Indonesia. Additionally, while the research examines Islamic law and criminal law within the Indonesian context, it does not extend the analysis to other jurisdictions or legal systems.

## 3. RESULT AND ANALYSIS

On the findings first about the basis of the judge's consideration in imposing the death penalty on the defendant for the crime of premeditated murder with the motive of infidelity in making the decision of the Medan district court number 907/Pid.B/2020/PN Mdn in the perspective of Islamic law and criminal law. That this is as in Adami Chazawi's opinion, that premeditated murder or Murder is a division of crimes against life as regulated in article 340 of the Criminal Code.

The murder case is premeditated murder against the formula which is a repetition of the ordinary murder offense which is added with one element, namely with prior planning, based on article 340 of the Criminal Code which states 'whoever deliberately and with prior planning takes the life of another person, is threatened with murder with plan, with the death penalty or life imprisonment or for a certain period of time, At most twenty years.

Based on the above, on the basis of the judge's consideration in imposing the death penalty on the defendant for the crime of premeditated murder with the motive of infidelity in making the decision of the Medan district court number 907/Pid.B/2020/PN Mdn because the judge saw that the delicacies of the Criminal Code generally lead to the legal subject of 'persons' such as the offense in reason 340 of the Criminal Code the subject is 'whose property', Clearly, what is meant by 'whose goods' is a person and a person is only one. But in reality, the perpetrator of a crime is not only a person, a crime is sometimes carried out by two people or even more to solve a crime. If a crime is committed by one or more people where each person carries out a certain form of action and on that behavior a criminal act is born called participation or participation in the teachings of criminal law.

Based on the above, then the judge also sees and assesses that there are various forms of participation or partial opinion, it consists of the person who commits, the person who orders the person to commit, the person who participates in the act, and the person who provides assistance in the crime. The stipulation regarding participating in and assisting in doing can be witnessed in article 55 of the criminal code, which states;

Convicted as a perpetrator of a criminal act;

- a. Those who do, who command to do, and who participate in doing the deeds;
- b. Those who by giving or promising something by abusing power or dignity, by violence, threats or misdirection, or by giving opportunities, means or information, deliberately encourage others to commit an act'
- c. Against the promoter, only the actions that are deliberately encouraged are taken into account, along with the consequences'

Then the judge at the Medan district court also saw that based on article 55 of the criminal code above, then the judge continued that and the person who provides assistance to the crime is formulated in article 56 of the criminal code which states;

Convicted as an assistant to a crime:

- a. Those who deliberately provide assistance at the time of the crime
- b. Those who teach give the opportunity, means or information to commit crimes.

In a joint criminal event in the sense of the word *turut* committed, there must be at least two people, namely the person who commits (*pleger*) and the person who participates in the act (*co-perpetrator*). Demands for accountability and statements often arise for perpetrators who have active involvement directly or indirectly as well as physically and psychologically. Murder is a heartless and inhumane crime that contradicts human rights because it takes away the right of humans to continue to earn a decent living. Everyone who commits the crime of murder should be punished and rewarded in accordance with what he did, namely based on article 340 of the criminal code, murder with a premeditated crime will be threatened with the death penalty or life imprisonment or for a certain period of time, a maximum of twenty years.

Then the judge at the Medan district court saw that in the criminal code, criminal sanctions are divided into two, namely the main crime and the additional penalty, as stated in article 10 of the criminal code; criminal charges consist of;

- a. The main crimes include the death penalty, imprisonment, imprisonment, fines, and cover penalties.
- b. Additional crimes, including the revocation of certain rights, the confiscation of certain goods, the announcement of the judge's decision

The death penalty is the main crime and one of the various types of crimes contained in the criminal code. Judging from the history of criminalization itself, the birth of human beings on this earth coincides with the birth of the death penalty, such as the culture of legal retaliation, which is like a wolf eating a wolf. As an instrument to protect the public interest of a social nature, the death penalty is a means for perpetrators of crimes whose crimes cannot be repaired. It is in line with developments in criminal law for victims of a crime to protect the interests of the victim himself and the community.

Furthermore, the basis of the judge's consideration in imposing the death penalty on the defendant for the crime of premeditated murder with the motive of infidelity in making the decision of the Medan district court number 907/Pid.B/2020/PN Mdn, that the judge saw and assessed that the death penalty is one of the most severe principal crimes imposed by the court on the perpetrators of the crime of murder, the imposition of the death penalty does not provide an opportunity for the perpetrator to correct his mistake so that causing misery because it is haunted by the fear of the death penalty. In the premeditated murder case committed by Zuraida Hanum, she was sentenced to death for committing the crime of premeditated murder against a victim named Jamaluddin, who was none other than her own husband who was a judge in the district court. Zuraidah Hanum committed premeditated murder with her cheating partner, M. Reza Pahlevi because Zuraidah Hanum had harbored feelings of anger, disappointment with the victim for the victim's actions against the defendant where the victim often played women, often committed violence against the defendant, and many other factors.

For the victim's actions against the defendant, M. Reza Pahlevi felt compassion for the defendant so that there was encouragement and support for Zuraida Hanum to commit murder. The death penalty in the Medan district court was also tightened and strengthened by the Medan High Court in decision number 1251/Pid/2020/PT Mdn.

In accordance with the above case in imposing the death penalty on Zuraida Hanum, is there a relationship with the victim, who is also a judge in the district court? Because in the imposition of the death penalty by the Neeri Medan court against the perpetrator of the murder named Zuraida Hanum, there was a very noticeable difference in sentencing and it was seen that the judge did not consider the cause and effect of the criminal act. Although it is emphasized, murder or violence in the family to solve problems cannot be justified. In imposing the death penalty, the Medan district court should consider article 28D paragraph (2) of the 19th Constitution of

the Republic of Indonesia which states that "everyone has the right to fair legal recognition, guarantee, protection, and certainty and equal treatment before the law". As well as against the right to life.

Based on article 28D paragraph (2) of the 19th Constitution of the Republic of Indonesia, of course, if reviewed again to the recognition of child custody, of course Zuraida Hanum has the right to take care of her young child. This legal consideration if examined again in the writings of Dhiauddin Tanjung, that it is based on considerations that contain interests (masalah) and legal norms that take place in society (of course, the law as a tool of social engineering). Reality shows that there are two cases of child custody that fall to (the father) in the event of a divorce, even though the child has not yet Mumayyiz After divorce caused by death and divorce (thalaq). Child custody falls to the father in decision number 433/pdt. G/2019/PA.Mdn. Furthermore, child custody also falls into the hands of the father in decision number xxxx/Pdt/G/2019/PA.Mdn. In this case, of course, by looking at the related articles in the compilation of Islamic law, although this is also contrary to article 105(a) of the compilation of Islamic law, in essence the custody of the child even though it has not been mumayyiz is handed over to the custody of the father.

If you look at the above, of course, the custody of the child left by Zuraida Hanum due to having lost the father's custody, therefore, custody can also be transferred to the father's extended family (Jamiluddin). By remembering and reconsidering that the judge in the Medan district court should also see that even though Zuraida Hanum is a suspect, at least she is also a human being who must protect and take care of her child.

Then than that, if it is retracted with the record of Dhiauddin Tanjung's writings that children born out of a legal marriage, (even if Zuraida Hanum's grudge against her husband because of the murder was due to her husband cheating) Zuraida Hanum considers that the children born from the fruits of her marriage with Jamiluddin are often neglected and do not get her proper rights as a child. Even though the law mandates that the right of children (including Zuraida Hanum's children) to be able to live. Growing and developing, without violence and discrimination, must be fulfilled and protected by society. Islam also views the same, the rights of children, even if born from an illegal relationship, must still be fulfilled to the maximum. This includes having a nasab like other children. Fiqh views that it is possible for a child out of wedlock to be linked by his fate to his biological father if his father asks for it.

However, the above is also essentially (in this case the researcher) based on the judge's consideration in imposing the death penalty on the defendant for the crime of premeditated murder with the motive of infidelity in making the decision of the Medan district court number 907/Pid.B/2020/PN Mdn, and then that this is in line with the opinion of Barrons' Law Dictionary stated in the principle which the case establishes or declare ratio decidendi' the point in a case which determines the judgement' by Black's Law Dictionary. The judge's consideration is 16 arguments or excuses used by the judge as a form of legal consideration which is the basis before deciding a case, first, the judge withdraws the facts that arise during the trial which is the overall conclusion of the combination of witness statements, defendant statements, and the existence of evidence, after that, the judge at the Medan district court imposes juridical considerations. The aspect of juridical considerations is intended as a framework in the judge's decision because a number of elements contained in the criminal act are proven from whether the defendant has been guilty of committing the act as charged by the Public Prosecutor or not at all based on the juridical considerations.

Then in the second finding, based on primary sources, secondary sources and tertiary sources in theoretical studies to answer the second formulation about the imposition of the death penalty by the judge in the Medan district court decision number 907/Pid.B/2020/PN Mdn, it has been appropriate to see from the purpose of sentencing from the perspective of Islamic law and criminal law that the imposition of the death penalty by a judge in the Medan District Court is in accordance with the delicacy of the case, especially leading to the premeditated murder article. Premeditated murder or Murder is a division of crimes against life as regulated in article 340 of the criminal code.

If we look at the Islamic law regarding the imposition of the death penalty on Zuraida Hanum, as in Ahmad Wardi Muslich's explanation that Islamic criminal law or called Jinayah Fiji is the science of sharia law (this is if the death penalty is associated by Zuraida Hanum in the criminal lens of Islamic law) then the problem of the prohibited act (jarimah/criminal act) and the punishment are (Uqubah) which is taken from detailed evidence and is the source of the law is the Qur'an and the Sunnah, ijma' and qiyas.

If drawn in glasses using the theory tip Of course, this is related to the review of criminal law in Islam. The use of the mashlahat theory in this study aims to ensure that the decision of the Medan District Court in deciding the case of jinayat (unlawful acts including premeditated murder) is based on the benefits of. In establishing a set of laws, one of the dominant factors that need to be considered is maqāsid al-syarī`ah. In this regard, Abu Zahrah mentioned that all laws that are formed must pay attention to the maqāsid al-syarī`ah. Even Abd. Wahhab Khallaf said that in setting the law, we must really pay attention to maqāšid al-syari`ah, good in the determination of the law inviting, and the determination of the law Wow.

In terminology, *maqāsid* according to Wahbah Zuhaili is interpreted as "goals and objectives that are of concern and want to be achieved and realized in all His laws". Meanwhile, *shari'ah* in terminology as stated by Mannā' Khalīl al-Qattān is everything that Allah has decreed for His servants, both regarding faith, worship, morals and muamalat. Thus, it can be formulated that *maqāsid al-shari'ah* is a goal that has been set by Allah in His laws with the intention of good or benefit for His servants.

Maslahat as part of *maqāsid al-syarī'ah*, the scholars propose to divide it into three types. First, *maslahah al-mu'tabarah*, which is a *maslahat* that contains instructions from the *sharia'* mentions it as a *maslahat*. Second, *maslahah al-mulghah*, it is also mentioned as *maslahah* that is rejected, that is, *maslahah* that is considered good by reason but not paid attention to by *sharia'* and there are instructions for *sharia'* that reject it. Third, *maslahah mursalah* or also called *istishlah*, which is what is considered good by reason, is in line with the purpose of *sharia* law in establishing law, but there is no *sharia* instruction that takes it into account and there is no *sharia'* instruction that rejects it.

Then in the third finding on the application of Islamic law and criminal law against the crime of premeditated murder on the motive of the wife's infidelity to or to the husband based on the decision 907/Pid.B/2020/PN Mdn based on the exposure of primary, secondary and tertiary sources that Zuraida Hanum's treatment was really destructive; a) family, and b) religion, therefore in the criminal act of Islamic law it is seen that the premeditated murder committed by Zuraida Hanum is also behaving in damaging the family, because he had committed adultery with M. Reza Pahlevi. Therefore, adultery is a reprehensible act even though it is carried out with an element of 'consensual', so in this case Islam views that the punishment of 80 lashes should be carried out for adulterers who are still virgins and virgins, while the perpetrators of adultery who are married are *razam* (stoned to death). Seeing that the treatment of adultery alone has entered the realm of *razam*, let alone the treatment of adultery with the postulate of being able to provide services to kill someone's life by causing trauma even to the point of murder that damages the good name of the family, religion and the State, then the researcher's analysis has two elements that meet there (one perpetrator of adultery is convicted for a maximum of 20 years plus the element of murder by eliminating a person's life, then imprisoned for life plus death penalty).

The above is as in the framework of M. Solly Lubis' theory. A theoretical framework according to M. Solly Lubis is a thought or points of opinion, theory, thesis about a case or problem that can be used as material for comparison and theoretical holds. Which can be external input for the author. Meanwhile, Rony Hanitijo Soemitro stated that the theoretical framework is the conclusion of a literature review which contains the theoretical concepts used or related to the research to be carried out. This is due to the interpedition relationship between theory and data collection activities, data construction, data processing and data analysis that will be carried out.

The theoretical framework is identical to the systematic flow of thinking which is based on a scientific thought process (verifiable logico-hypothetico) which is considered as a mind set conception or argumentative, theoretical, diversity hypothesis related to problems, and becomes a principle of comparison, theoretical control where it can be a component of agreement that can be initiated as a building that is valid to be accepted. Outline theory as a determinant of the direction of a research to pluck conceptuality is useful in the creation of a thought (included in the initial hypothesis), so that the theoretical is no longer considered a valid source of understanding, but it is also the main guide and director to achieve the source of knowledge.

Apart from its function, there are 2 (two) benefits of theory, namely its usefulness from a theoretical angle and its usefulness from a practical point of view. The interpretation is connected to at least three principles contained, namely:

- a. Classification and clarification of connectivity in several elements, especially in theory (diverse but theoretical points of view).
- b. The theoretical point of view has a systematization of deductiveness, that is, the argumentative elements of the universal and abstract lead to an authentic priori classification.
- c. The theoretical point of view actively contributes to the explanation of all aspects of the rhetoric it described.

Apart from that, according to Soerjono Soekanto, that a theory also has a usefulness and usefulness of theory for science there are 5 (five), namely:

- a. The theoretical point of view where the meaning is a theoretical endeavor in which the thing as well as the components that are understood, is tested for its factuality by relating the objectivity that is understood (ontologically and axiologically it explores and understands the most extreme concepts in the conception of sociology).
- b. The theoretical point of view contributes to directing the direction to cover up the minusivity within the individualistic to examine and re-examine in the knowledge of sociology.
- c. The theoretical point of view emphasizes on the knife of its analysis in specializing the factualities that are studied and understood by sociology.

- d. The theoretical point of view provides usefulness for the achievement of exploration through the systematization of factuality, directing the structurality of conceptuality, and being able to explore a priori specificity in research.
- e. The theoretical point of view contributes to opportunities and opinions in achieving a social community, namely by trying to understand the manifestations of these achievements can be explored based on the facts understood in the past until now.

Then the theory according to Paul Edward is Something assumed as a starting point for scientific investigation (basic assumptions to prove scientific research). So the theoretical framework apart from being an analytical knife also provides Estimation in the future to be used as a basis, so that research This will later be created to (the barometer) to examine "the crime of murder against the husband by the wife in the case of infidelity according to Islamic law (analysis of the Medan District Court decision Number 907/Pid.B/2020/PN Mdn) is by using the theory of Mashlahat, Maqashid Al-Syari'ah and analysis of the fall of criminal law determined by the judge".

The above, as per the statement Raghil al-Isfahani, that justice is the glue of the order of civilized society. The law was created so that every individual, member of society, and State administrators take an action necessary to maintain social ties and achieve the goal of living together or vice versa so as not to commit an act that can damage the order of justice. If the ordered action is not carried out or a prohibition is violated, the social order will be disturbed because of the injury of justice.

In line with the above, it is also that in order to restore order in society, justice must be upheld. Each violation will be sanctioned according to the level of the violation itself. Justice comes from the word "Adil" which comes from the Arabic called al-Adlu (Adl) which means "not to be biased, not to be partisan or to equate something with another, either in terms of value, or in terms of size, so that something becomes unbiased, and does not become indifferent from one another". Adil also means "to take sides or hold to the truth". In English it is called "Justice", says "Adl" That in itself means establishing the law correctly. So, a 'fair' person walks straight and his attitude always uses the same measure, not double measure. That equation is the original meaning of the word "adl", which makes the perpetrator "impartial" to one of the disputants, and basically a just person is on the side of the right, because both the right and the wrong must both have their rights. Thus, he did something appropriate and not arbitrary.

Therefore, the application of Islamic law and criminal law against the crime of premeditated murder on the motive of infidelity of the wife against her husband based on the decision 907/Pid.B/2020/PN Mdn is also in accordance with Socrates' opinion that the essence of law is justice. The law serves the needs of justice in society. Law refers to a rule of life that is in accordance with the ideal of living together, namely justice. The use of justice theory in analyzing the title of this research is based on the word criminal liability for the parties involved, while responsibility itself in this case is not as an end, but as evidence of the work of a law, especially in both historical (historical) and utilitarian understandings that the protection of law will lead to individual justice as a goal.

The application of Islamic law and criminal law against the crime of premeditated murder on the motive of the wife's infidelity against the husband based on the decision 907/Pid.B/2020/PN Mdn is based on justice, therefore justice and law are like a five-star hotel, open equally to anyone without exception, both for poor guests and for rich guests, as long as they are able to pay for it. So it can be said that when we talk about justice, we mean everything related to law, because indeed law is made for purposes other than the existence of a certainty according to legalistic theory, the existence of usefulness according to the utilitarian theory, and of course the existence or existence of a justice according to ethical theory

#### 4. CONCLUSION

This study analyzed Medan District Court Decision Number 907/Pid.B/2020/PN Mdn, where Zuraida Hanum was sentenced to death for murdering her husband over infidelity. The research examined the judge's reasoning and the appropriateness of the death penalty from Islamic and criminal law perspectives. The findings show the judge's decision was based on the crime's severity, premeditated intent, and deterrence. Islamic law justifies the death penalty as retribution (qisas), while criminal law emphasizes deterrence, aligning with the judge's decision. This study confirms the death penalty is consistent with both legal frameworks. Although limited to one case, it provides insights into how Indonesian law applies both systems in domestic violence cases. Further research is needed to explore broader legal trends and implications of the death penalty in similar cases

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