

PRINCIPLE PUNISHMENT ISLAMIC LAW RELATED TO POSITIVE LAW

Summary

Each country naturally have different legal systems. One of the areas of law that is criminal law. In Indonesia it self look of some difference in the legal system. For example, in Indonesia there are currently laws formally and there is customary law in Islamic law. Indonesia is majority of the population muslim. And in some areans in Indonesia, Islam is the official religion of not only the law that applies even in the area is Islamic law. So that from here it can be seen that there is a desire from among the Muslims who area the real majority to be able to live in accordance with his religion. And one of the provision of Islamic law are the Islamic criminal law. Unfortunately during this time many circles who think that Islamic criminal is the law of cruel, inhumane and does not respect human rights. Because they only studied the islamic criminal law partially, yet thorough. Attitude learning so it is time to put all revieving the legal system as a legal system comparable to parallel and then studied and reviewed by necessari obtained norm until legal value line with righteousness and justice shall be contributing positive for national development criminal law will come. The atuthor wants to present about some issues related to how the theory punishment according to Islamic Penal and criminal legal monopoly Indonesia as well as what are the different and similarities in punishment theory of Islamic criminal law and the criminal law of Indonesia.