

Research Article

Regulation of Incest Crimes: A Comparative Criminal Law Perspective from Indonesia, Germany, and Yemen

Deryasa¹, Muhammad Hasan Abdurrahman², Muhammad Fatich³

¹ Department of Islamic Criminal Law, Sunan Gunung Djati Islamic University, Bandung, Indonesia

² Department of Law, Indonesia Open University, Bandung, Indonesia

³ Department of Sharia and Hadith, Al-Ahgaff University, Fuwah, Yemen

*Corresponding author's email: derymngmt@gmail.com

Citation: Deryasa., Abdurrahman, M. H., Fatich, M. (2026). Regulation of Incest Crimes from a Comparative Perspective of Criminal Law in Indonesia, Germany, and Yemen. *Jurnal Penelitian Ilmu-Ilmu Sosial*. 7(1), 102-114. <https://doi.org/10.23917/sosial.v7i1.14976>

Article History:

Received: December 22, 2025

Revised: June 4, 2026

Accepted: June 13, 2026

Available Online: June 25, 2026

Keywords: *criminal law, incest, indonesia, germany, yemen*

Abstract

Incest, commonly understood as sexual relations between blood relatives, remains a legal dilemma in many countries because it conflicts with moral, religious, and social values, from the family unit to society at large. This study aims to compare criminal law regulations concerning incest offenses in Indonesia, Germany, and Yemen. These three countries were selected based on theoretical considerations and differences in their legal systems: Indonesia, which emphasizes a hybrid legal system that combines civil law with religious and local values; Germany, which represents a Western secular legal system; and Yemen, which adopts a Sharia-based legal system. This study employs a normative legal research approach with a comparative perspective, and the data were collected through a literature review. The findings indicate that the criminalization of incest is not merely determined by the existence or absence of legal prohibitions but is shaped by different legal rationales that are reflected in each country's legislation, including Indonesia's Criminal Code (KUHP), Germany's Criminal Code (*Strafgesetzbuch/StGB*), and Yemen's qanun regulations. This study contributes by providing a cross-legal-system analytical framework for policymakers in Indonesia in formulating contextual regulations on incest, while also enriching legal scholarship through comparative analyses of criminal law policy.



© 2026 The Author(s). This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 (CC-BY-NC) International (<https://creativecommons.org/licenses/by-nc/4.0/>)

Introduction

Blood relationships are not merely biological connections but also possess normative boundaries that are recognized morally, religiously, and legally within every society. Ironically, even in contemporary society, certain crimes remain concealed behind the walls of the family home, and legal interventions frequently fail to occur in a timely manner. Incest, or sexual relations between blood relatives, is one such crime. Contemporary cases of incest demonstrate that this offense is no longer merely a private matter but rather reflects weaknesses in the legal protection system for women and children (Azizih & Wibowo, 2023). Many countries regard incest not only as a crime against individuals but also as an offense against the moral foundations of family life (Azzahra, 2024).

From a global perspective, incestuous sexual relations are prohibited in almost all cultures. However, legal systems do not adopt a uniform approach in criminalizing such conduct (Afifah & Sari, 2021). Indonesia, which has a mixed criminal law system combining elements of former colonial law and religious values, recognizes incest as a form of sexual offense regulated within the Criminal Code and in legislation related to child protection (Cahyani, 2025). Nevertheless, these regulations are still considered insufficient in providing clear justification for the imposition of criminal sanctions on perpetrators of incest.

A similar issue arises in other countries that criminalize consanguineous sexual relationships. Germany, whose legal system is rooted in a secular civil law tradition, has faced considerable criticism for criminalizing incest. The debate surrounding incest stems from differing views concerning privacy rights, individual autonomy, and the limits of state intervention in private matters (Aftab, 2024). This debate is closely related to Article 173 of the *Strafgesetzbuch* (StGB), which classifies incest as a criminal offense. Furthermore, Germany once considered removing the regulation on incest from its constitutional framework on the grounds that it violated the right to privacy (Vom, 2008).

Unlike the two previous countries, Yemen has a legal system strongly influenced by Islamic law and community customs (customary law) (Diyarti et al., 2022). Within this regulatory framework, incest may be categorized as a violation of Allah's commands (hadd), the consequences of which are explicitly prescribed in the Qur'an, the primary source of Islamic law above all other legal foundations (Paputungan et al., 2025). These differences in legal approaches demonstrate that the criminalization of incest is determined not only by moral condemnation but also by the legal traditions and social policies prevailing in each country. Indonesia, for example, possesses a pluralistic legal framework for criminal sanctions, whereas Germany emphasizes family protection and privacy considerations, and Yemen grounds its legal regulations in Islamic law derived from the Qur'an and Hadith (Eberle, 1997).

Previous studies have primarily focused on national normative analyses without situating criminal law within a comparative framework across different legal systems. For example, recent research conducted by Abdullah et al., (2023) has revealed that the current Criminal Code does not clearly regulate consensual sexual relations between adults. In addition, comparative research examining positive criminal law and Islamic criminal law, such as that adopted in Yemen, conducted by Tambunan and Harahap (2023), demonstrated significant differences in law enforcement processes. Furthermore, Nazar (2022) emphasized the importance of theoretical frameworks in understanding the criminalization of incest. These previous studies were limited to normative analyses of individual criminal law systems, thereby revealing limitations in explaining the legal differences that influence the regulation of incest as a criminal offense.

Most debates in international criminal law have not been integrated into studies of incest from the perspective of comparative criminal law across different countries and legal systems. Therefore, this study aims to compare the regulation of incest crimes in Indonesia, Germany, and Yemen and to propose a conceptual framework for policymakers in formulating regulations based on the social and legal characteristics of the countries under comparison. Accordingly, this study addresses the research question of how each country formulates and justifies the criminalization of incest within its criminal law framework.

Method

This study employed a normative legal research method aimed at analyzing the regulation of incest crimes within applicable criminal legislation (Soekanto & Sri Mamudji, 2018). It adopted a comparative legal approach to examine the criminal law systems of three countries: Indonesia, Germany, and Yemen. These countries were selected based on theoretical considerations and their distinct legal traditions, ranging from Indonesia's mixed legal system, Germany's secular legal system, to Yemen's legal system that combines customary law and Islamic Sharia law. The study focused on several comparative regulatory parameters, including the definitions and legal qualifications of incest as a criminal offense, the philosophical justifications underlying the criminalization of incest in the three countries, and the types of sanctions or forms of punishment imposed. With regard to Yemen, the analysis did not focus solely on positive law but also referred to Islamic criminal jurisprudence (*fiqh al-jinayah*). The data used in this study were derived from a literature review comprising primary legal materials, including legislation, and secondary legal materials intended to strengthen the understanding of legal concepts, such as journal articles, books, and relevant websites concerning incest crimes in the three countries. Data analysis was conducted qualitatively through stages of data collection, classification, and conclusion drawing (Arioen, 2023). Accordingly, this method enabled the study to generate a comprehensive understanding of the differences in the regulation of incest crimes in Indonesia, Germany, and Yemen.

Results

The Concept of Incest in Criminal Law

Incest, or sexual relations between blood relatives, is a form of immoral conduct that carries legal consequences for the perpetrators. Sexual relations between two or more individuals who are closely related by blood, such as parents and their children or siblings, may be categorized as incest (Irza, 2023). Incest is strictly prohibited and is generally considered unacceptable both in legal systems and in moral practice.

In fact, acts of indecency such as incest emerge from societal concerns regarding the preservation of the sanctity of the family as the fundamental unit of social structure (Ilyas, 2012). Although incest is often regarded as a form of adultery, it may also involve elements of coercion, thereby constituting rape. Historically, crimes against decency, including incest, represent some of the oldest forms of criminal offenses recognized in legal systems governing morality and sexual conduct (Christianto, 2017). Consequently, regulations concerning sexual offenses exist as a means of maintaining public morality and protecting the rights of individuals.

Sexual offenses are regulated within the criminal laws of many countries, including Indonesia, Germany, and Yemen. Although the constitutional and legal foundations of these countries differ, all three jurisdictions criminalize incest as a form of sexual or moral offense. This criminalization is based on the principle that acts violating fundamental moral norms are considered criminal conduct.

Criminal Law Regulations on Incestuous Relationship in Indonesia

The regulation of sexual relations between blood relatives as a form of sexual crime in Indonesia does not explicitly recognize the term "incest" as a distinct or standalone criminal offense. Nevertheless, the prohibition of sexual relations between blood relatives is implicitly contained in several laws and regulations. Under the former Indonesian Criminal Code (KUHP), Article 294 (1) provides that any person who commits sexual abuse against his or her child, stepchild, or a minor under his or her care may be punished with imprisonment for a maximum term of seven years (Moeljatno, 2021). However, this provision has limitations because it applies only to parent-child relationships and requires that the victim be a minor.

A more specific legal basis for the criminalization of incest is found in Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 on Child Protection. This law stipulates that perpetrators who force a child to engage in sexual intercourse are subject to imprisonment for a minimum of five years and a maximum of fifteen years, with an additional one-third increase in punishment when the perpetrator is a parent, guardian, caregiver, or another individual responsible for the child's protection (Undang-Undang Nomor 17 Tahun 2016 Tentang Perlindungan Anak, 2016). This regulation provides stricter sanctions, although it remains limited to cases involving minors. Another relevant regulation is Law No. 23 of 2004 on

the Elimination of Domestic Violence (the Domestic Violence Law). Article 8(a) defines sexual violence within the household as including the coercion of sexual relations against a person within the domestic sphere. Accordingly, Article 46 of the Domestic Violence Law prescribes a maximum imprisonment term of twelve years for such offenses (Undang-Undang Nomor 23 Tahun 2004 tentang penghapusan Kekerasan Dalam Rumah Tangga).

These three legal instruments share the common objective of criminalizing incest in Indonesia because such conduct constitutes a serious violation of social and religious norms. However, the implementation of these regulations has not been fully harmonized, and overlaps occasionally occur between provisions of the Criminal Code and special legislation. Furthermore, the existing regulations primarily address cases involving minors, thereby creating a legal gap regarding consensual incestuous relationships between adults. Therefore, Indonesia's criminal law framework provides a basis for prosecuting incest offenses, although greater harmonization among relevant regulations remains necessary.

Criminal Law Regulations on Incestuous Relationship in Germany

The German Strafgesetzbuch (StGB) constitutes one of the most influential criminal law codifications and serves as an important foundation for the development of contemporary criminal law. German criminal law includes provisions concerning incest under Article 173 StGB. Article 173 StGB classifies sanctions for incest into three categories: (1) imprisonment of up to three years for sexual intercourse with a biological descendant; (2) criminal liability for sexual relations between biological siblings, including half siblings, punishable by a maximum imprisonment term of two years; and (3) exemptions from criminal liability for individuals under the age of eighteen (German Criminal Code, 1998).

As a technologically advanced country, Germany criminalizes incest while simultaneously maintaining mechanisms to protect the confidentiality and safety of witnesses, victims, and evidence (Ariyanti & Ramadhan, 2023). In addition, law enforcement is supported by victim-centered provisions concerning compensation and psychological assistance in accordance with Article 48 on witness protection and Article 68 on victim protection under *the Strafprozessordnung* (StPO) (Strafprozeßordnung, 1987).

German criminal law also recognizes the concept of *erfolgsqualifizierte Delikte*, referring to offenses whose consequences may aggravate criminal liability. In cases involving incest, criminal responsibility is not imposed automatically but requires the establishment of fault or negligence under the doctrine of *modifizierte Erfolgshaftung* (Herawaty, 2012). Consequently, incestuous sexual relations are assessed not only in terms of the prohibited conduct itself but also in relation to the degree of culpability attributable to the offender.

Criminal Law Regulations on Incestuous Relations in Yemen

The findings further indicated that countries with Islamic-based legal systems also regulate incestuous relationships or sexual relations between blood relatives. Yemen, through its criminal law known as *Qanun al-Jara'im wa al-'Uqubat*, which is based on Islamic Sharia principles, does not specifically employ the term "incest" in criminalizing sexual relations between blood relatives (Yemen Penal Law No. 14 of 1994 on Crimes and Punishments). Instead, incest-related conduct is regulated through Article 263, which provides that unmarried adulterers shall be punished with one hundred lashes, whereas married adulterers shall be punished by stoning to death. Additional provisions within the same article state that imprisonment may also be imposed, provided that the term does not exceed one year (Yemen Penal Code Law No. 14 of 1994 on Crimes and Punishments).

Article 269 of the Yemeni Penal Code of 1994 further addresses adultery committed through coercion, which is categorized as rape involving a person under protection, care, guardianship, or medical supervision. The prescribed punishment ranges from a minimum of three years to a maximum of fourteen years of imprisonment. These provisions demonstrate that Yemen imposes criminal sanctions not only to protect individual honor but also to uphold the principles of Islamic law.

Positive law in Yemen does not operate as a purely secular legal system but rather represents a codification of Islamic Sharia principles derived from the Qur'an, the Hadith, and the opinions of scholars from various Islamic schools of jurisprudence. Consequently, unlike some Muslim-majority countries that maintain a clearer distinction between positive law and Islamic law, Yemen's legislation is primarily rooted in Islamic Sharia and subsequently incorporated into its positive legal framework.

From the perspective of *fiqh al-jinayah* (Islamic criminal law), incest is generally classified as a form of adultery (*zina*). However, in practice, such offenses are often categorized as *ta'zir* offenses because the evidentiary requirements necessary for the imposition of hadd punishments are difficult to satisfy. According to Islamic legal sources, the punishment for adultery may consist of flogging for unmarried offenders or stoning for married offenders (Amelia et al., 2024). Therefore, Yemen's positive law primarily applies the operational aspects of Islamic criminal law while continuing to reference fiqh concepts as the legal rationale. Therefore, Yemen's positive law primarily applies the operational aspects of Islamic criminal law while continuing to rely on fiqh principles as the underlying legal rationale.

The fundamental differences in the regulations applied in these three countries lie not only in the regulatory aspects themselves, but also in the concept of criminalization and the types of penalties prescribed by law for perpetrators of incest in these three countries. Therefore, the differences in regulations regarding the criminalization of incest are presented in Table 1.

Table 1. Differences in the regulation of incest crimes in Indonesia, Germany, and Yemen

Aspect	Indonesia	Germany	Yemen
Regulations	Old and new Criminal Code 2023 (KUHP) UU 23/2004 PKDRT	Strafgesetzbuch (StGB)	Yaman Penal Code 1994
Legal Basis	Article 294 of the old Criminal Code & Article 413 of the new Criminal Code (KUHP)	Article 173 StGB	Article 263 & 269
Criminal Concept	Indecent Behavior	Special Indecent Acts	Violation of mahram indecency
Types of Sanctions	Imprisonment and Fines	Imprisonment and Fines	<i>Hadd</i> or <i>Ta'zir</i>

All three countries criminalize incest through laws or regulations that prescribe criminal penalties for perpetrators and establish rights for victims, albeit in a limited capacity. Indonesia itself has enacted numerous laws regulating incest, whereas in Germany, relevant provisions are found in the Strafgesetzbuch (StGB). In contrast, Yemen prioritizes punishments based on Islamic sharia law (*fiqh jinayah*), with penalties taking the form of *ta'zir*.

Discussion

Based on the results presented above, Indonesia has maintained a criminal law system since the colonial era. Through a legal framework rooted in colonial law, the criminal code known as *the Wetboek van Strafrecht* (WvS) was enacted in 1918 and was largely derived from the Continental European legal tradition (Fadli et al., 2025). Following Indonesia's independence, this criminal law framework remained in force pursuant to Article II of the Transitional Provisions of the 1945 Constitution. Consequently, the Indonesian Criminal Code has long been regarded as a legacy of the secular and individualistic Dutch legal system, which aligns with R. Soepomo's view that colonial law prioritized the individualistic, liberal, and abstract values of Western society (Soepomo, 1997). Against this background, Indonesia initiated the drafting of the 2023 Criminal Code. As a result, legal regulations concerning morality have gradually evolved and received increasing attention within the Indonesian legal system.

In Indonesian criminal law, incest is regulated through criminal provisions and is generally categorized as a form of sexual offense involving indecent acts. Acts committed against oneself or others involving sexual intercourse or other sexual conduct may be classified as indecent acts (Manalu, 2023). Accordingly, incest generally involves sexual abuse committed by a parent or sibling, either through coercion or without coercion.

The provisions discussed in the previous section are further supported by other articles of the Criminal Code, such as Article 285 concerning rape and Article 287 concerning sexual intercourse with a

minor. Empirical evidence indicates that, particularly in cases involving young child victims of incest, elements of violence and coercion are frequently present (Suyanto et al., 2019). These provisions suggest that the Indonesian government has demonstrated a strong commitment to regulating consanguineous sexual relations, not only through comprehensive legislation but also through the protection of moral values upheld by Indonesian society. Nevertheless, law enforcement has not always been fully aligned with the regulatory framework due to various factors that contribute to the occurrence of sexual violence against blood relatives (Husin, 2023).

Similar to Indonesia, Germany has enacted criminal regulations concerning incest through a legal system that consists of both codified and uncodified laws (Tampubolon et al., 2022). Constitutionally, Germany follows the *Stufenbau* theory, which positions the constitution as the highest, final, and binding legal norm (Rishan, 2024). Germany also recognizes customary law, jurisprudence, legal scholarship, and legal interpretation as sources that provide clarification for otherwise abstract legal norms (Soeroso, 2010).

Historically, Germany developed its Criminal Code (*Strafgesetzbuch*), which underwent substantial revision in 1975 and was further amended in 1986 (Hamzah, 2022). German criminal law is based on the principle of proportionality between retributive and rehabilitative objectives, as reflected in sanctions such as *Freiheitsstrafe* (imprisonment) and *Tagessätze* (day-fine penalties) (Zaharani, 2025). Furthermore, German criminal law recognizes a tripartite concept of crime consisting of: (1) *Tatbestandsmäßigkeit*, referring to conduct that fulfills the statutory elements of an offense; (2) *Rechtswidrigkeit*, referring to unlawfulness; and (3) *Schuld*, referring to culpability or fault (Hamzah, 2022). Within this framework, incest is classified as unlawful conduct that satisfies the legal elements of a criminal offense.

Germany has criminalized incest under Section 173 of *the Strafgesetzbuch* (StGB), which prohibits sexual relations between close blood relatives. However, significant academic debate continues regarding this policy. The debate does not concern whether incest should be prohibited, but rather whether the criminalization of incest is justified and effective. One perspective argues that Section 173 StGB is necessary to protect family integrity and social order while preventing potential genetic harm to offspring. Conversely, critics question the legitimacy of this provision on the grounds that consensual sexual relations between adults fall within the sphere of personal autonomy and privacy rights (Bimbinov, 2022). These competing perspectives demonstrate that the regulation of incest in Germany extends beyond criminal prohibition and raises broader constitutional and human rights considerations.

The German approach to regulating incest reflects a legal framework that is systematic and strongly influenced by human rights principles. The criminal provisions contained in Section 173 StGB are connected to constitutional values, proportional sentencing policies, and law enforcement mechanisms that emphasize

victim protection and recovery. Although the regulation remains controversial, Germany has sought to balance legal certainty with respect for individual freedoms. Consequently, the criminal law framework is adaptive and not merely punitive in nature.

Unlike Indonesia and Germany, Yemen's legal system is primarily based on Islamic Sharia, customary law, and legal influences derived from Egyptian and broader Arab legal traditions (Rohim et al., 2024). Historically, following the unification of North Yemen and South Yemen, the Yemeni Constitution established Islamic Sharia as the principal source of legislation under Part I, Article 3 of the Constitution.

In Yemen, incest is generally categorized as a sexual offense under the broader legal concept of adultery (*zina*). The forms of *zina* recognized in Yemen are largely consistent with classical *fiqh* literature, particularly regarding sanctions such as hadd punishments for *zina* as derived from Surah An-Nur verse 2 (Aisy & Imawan, 2025). Although Yemeni legislation does not explicitly use the term incest, the elements contained in Article 269 of the Yemeni Penal Code suggest that sexual relations involving children or dependent family members are generally understood within the framework of coercion and may therefore be classified as rape.

In practice, where adultery cannot be established through the evidentiary standards required for hadd punishments, Yemeni courts may impose *ta'zir* sanctions, including imprisonment or flogging, at the discretion of the judge. This flexibility illustrates the adaptability of the legal system in addressing contemporary legal issues. Such an approach is consistent with Peters' argument that Islamic law in Yemen is formally applied while remaining compatible with the national legal system (Peters, 2005).

Challenges in law enforcement in Yemen are influenced by cultural factors and ongoing political instability. As a result, cases of sexual violence and incest are often underreported due to social stigma. Research conducted by Manea (2011) revealed that Yemeni society frequently resolves sexual offenses, particularly those involving family members, through familial or customary mechanisms in order to preserve family honor. Nevertheless, Yemen's criminal law framework emphasizes a conception of justice that encompasses both worldly accountability and religious obligations, while remaining relevant to contemporary legal developments.

The comparative findings demonstrate that the criminal regulations of Indonesia, Germany, and Yemen are closely connected to the values that have historically shaped their respective societies. Although each country adopts a distinct legal foundation, all three criminalize incest and seek to protect human dignity and preserve the social functions of the family. These findings suggest that criminal law serves not only as a mechanism for punishment but also as an instrument for reinforcing societal moral values. As argued by Aulia (2020), law and morality are mutually reinforcing because legal norms ultimately emerge

from the culture and collective consciousness of society.

Each country criminalizes incest on the basis of different legal rationales. These differences reflect the orientation of their respective legal systems. Germany, for example, approaches incest primarily as a threat to family integrity and social order within a secular framework grounded in individual rights. In contrast, Yemen conceptualizes incest as a violation of Islamic religious principles. Indonesia occupies an intermediate position, combining elements of the secular legal tradition inherited from the colonial period with religious and local values embedded in its contemporary legal system. Therefore, an effective criminal policy should not merely replicate foreign legal models but should instead develop regulations that are coherent, non-overlapping, and capable of restoring victims' rights. Such an approach may contribute to a more humane and responsive criminal justice system in accordance with the principles embodied in Indonesia's new Criminal Code (KUHP) and Criminal Procedure Code (KUHAP).

Conclusion

This study compares the criminal law regulation of incest in Indonesia, Germany, and Yemen and demonstrates that each country criminalizes incest based on different legal rationales and normative foundations. Germany criminalizes incest under *the Strafgesetzbuch* (StGB) to protect family integrity and prevent potential genetic harm, although the legitimacy of Section 173 StGB remains a subject of debate. Yemen, whose legal system is grounded in Islamic Sharia, generally categorizes incest within the broader concept of adultery (*zina*), while Indonesia regulates incest through multiple legal instruments, including the Criminal Code (KUHP), the Child Protection Law, and the Domestic Violence Law. The comparison reveals that Germany's relatively clear legal provisions enhance legal certainty and facilitate law enforcement, whereas Indonesia's multiple regulatory frameworks may create legal uncertainty due to overlapping provisions. Based on these findings, Indonesia should further harmonize its regulations, reconsider the complaint requirement in incest cases, and strengthen victim protection through long-term rehabilitation and psychological support. Overall, the study demonstrates that there is no universal model for the criminalization of incest, as legal approaches are shaped by each country's historical, cultural, religious, and constitutional context; therefore, future legal reforms should prioritize not only legal certainty and effective enforcement but also the protection and recovery of victims.

Author's contributions

Conceptualization: Deryasa; **Methodology:** Deryasa; **Data collection:** Muhammad Hasan Abdurrahman, Muhammad Fatich; **Formal analysis:** Deryasa; **Writing—original draft preparation:** Deryasa, Muhammad Hasan Abdurrahman; **Writing—review and editing:** Deryasa; **Supervision:** Deryasa. All authors have read and approved the final manuscript.

Conflict of interest

All authors declare that they have no conflicts of interest.

Data availability

Data is available upon Request..

Funding info

This research received no external funding

References

- Abdullah, S., Sulistyanto, R., & Jum'ati. (2023). Hubungan Sedarah (Incest) yang Dilakukan Suka Sama Suka Pada Usia Dewasa Perspektif Tindak Pidana Kesusilaan. *Jurnal Media Iuris*, 6(1), 127–150. <https://doi.org/10.20473/mi.v6i1.38244>
- Afifah, W., & Sari, N. L. (2021). Pemberatan Pidana bagi Pelaku Pemerkosaan Hubungan Sedarah (Incest). *Seminar Nasional Dan Call For Paper 2025 Dengan Tema&Quot; Inovasi Inklusif Dalam Sociopreneursh*, 8(1), 328–340. <https://doi.org/10.38156/gesi.v8i1.97>
- Aftab, S. (2024). Privacy Protection in ECHR Member States: Germany and the United Kingdom. *Ius Gentium: Comparative Perspectives on Law and Justice*, 109, 171–255. https://doi.org/10.1007/978-3-031-45575-9_6
- Aisy, M. R., & Imawan, D. H. (2025). Hukuman Hadd Pelaku Zina: Analisis Tafsir Klasik dan Kontemporer Surat An-Nur Ayat 1-3. *Tahkim: Jurnal Hukum Dan Syariah*, 21(1), 20–56. <https://jurnal.iainambon.ac.id/index.php/THK/article/view/9184>
- Amelia, N. I., Sholehah, R., & Khairunnisa. (2024). Tindak Pidana Zina dan Penuduhan Zina : Kajian Hukum Pidana Islam. *Hukum Inovatif: Jurnal Ilmu Hukum Sosial Dan Humaniora*, 1(2), 140–140. <https://doi.org/10.62383/humif.v1i2.172>
- Arioen, R. (2023). *Buku Ajar Metodologi Penelitian*. CV. Eureka Media Aksara.
- Ariyanti, D. O., & Ramadhan, M. (2023). Perlindungan Hukum Terhadap Justice Collaborator Tindak Pidana Korupsi di Indonesia dan Jerman. *Jurnal Rechten: Riset Hukum Dan Asasi Manusia*, 5(3), 14–21. <https://doi.org/10.52005/rechten.v5i3.130>
- Aulia, M. Z. (2020). Friedrich Carl von Savigny tentang Hukum: Hukum sebagai Manifestasi Jiwa Bangsa. *Undang: Jurnal Hukum*, 3(1), 201–236. <https://doi.org/10.22437/ujh.3.1.201-236>
- Azizih, S. N. W., & Wibowo, H. D. (2023). Analisis viktimologi dalam kejahatan inses. *Eksekusi: Jurnal Ilmu Hukum dan Administrasi Negara*, 1(3), 106–127. <https://doi.org/10.55606/eksekusi.v1i3.456>
- Azzahra, E. I. (2024). Tindak Pidana Kekerasan Seksual Inses pada Anak dalam Hukum Positif Indonesia. *Journal of Contemporary Law Studies*, 2(1), 64–74. <https://doi.org/10.47134/lawstudies.v2i1.2128>
- Bimbinov, A.A. (2022). Incest and inbreeding: issues of criminal liability. *Journal SHS Web Conferences*, 134(0091), 1-6. <https://doi.org/10.1051/shsconf/202213400091>
- Cahyani, N. R. (2025). Penerapan Penegakan Hukum Terhadap Pelaku Tindak Pidana Inses Terhadap Anak Kandung [Universitas Kuningan]. <https://rama.uniku.ac.id/id/eprint/3051>
- Christianto, H. (2017). *Kejahatan kesusilaan: Penafsiran eksistensif dan studi kasus*. Suluh Media.
- Diyarti, S., Asasriwarni, & Zulfan. (2022). Analisis Sistem Peradilan Agama di Negara Yaman dan Pelaksanaannya. *Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhshiyah*, 5(2), 148–162. <https://journal.staisar.ac.id/index.php/mediasas/article/view/18>
- Eberle, E. J. (1997). *Human Dignity, Privacy, and Personality in German and American Constitutional Law*. Law Faculty Scholarship.
- Fadli, W. F., Ima, I., Nggeboe, F., & Verawarty, L. (2025). *Pengantar Hukum Indonesia*. Yayasan Tri Edukasi Ilmiah.

- German Federal Ministry of Justice. (1987). *Strafprozessordnung (StPO)*. https://www.gesetze-im-internet.de/englisch_stpo/englisch_stpo.html
- German Federal Ministry of Justice. (1998). *Strafgesetzbuch (StGB), Section 173: Sexual abuse between relatives*. https://www.gesetze-im-internet.de/stgb/_173.html
- Hamzah, A. (2022). *Perbandingan hukum pidana di 18 negara*. PT RajaGrafindo Persada.
- Herawaty, N. (2012). Perbandingan Pertanggung Jawab dalam Tindak Pidana Indonesia dan Jerman. *Jurnal Al-Syir'ah*, 10(2), 2–6. <https://doi.org/10.30984/as.v10i2.262>
- Husin, Z. (2023). Upaya Penanggulangan Terjadinya Kekerasan Seksual dalam Hubungan Sedarah (Incest), Dampak dan Faktor Penyebabnya: Studi Literature. *Jurnal Thengkyang*, 8(1), 20–29. <https://jurnal.unisti.ac.id/thengkyang/article/view/169>
- Ilyas, A. (2012). *Asas-asas hukum pidana: Memahami tindak pidana dan pertanggungjawaban pidana sebagai syarat pemidanaan*. Mahakarya Rangkang Offset.
- Irza, M. Y. (2023). Penerapan Pertanggungjawaban Pidana terhadap Pelaku Inses Anak Kandung. *Jurnal Wijayakusuma Law Review*, 5(2), 75–82. <https://doi.org/10.51921/wlr.7wz4fr23>
- Manalu, E. (2023). Tinjauan Yuridis Tindak Pidana Memaksa dan Membujuk Anak untuk Membiarkan dilakukan Perbuatan Cabul [Universitas HKBP Nonmensen]. <https://doi.org/123456789/9743>
- Manea, E. (2011). The Arab State and Women's Rights: the trap of Authoritarian Governance. *Zora: Zurich Open Repository and Archive*, 1, 1–10. <https://doi.org/10.4324/9780203807583>.
- Moeljatno. (2021). *KUHP Kitab Undang-Undang Hukum Pidana*. Bumi Aksara.
- Nazar, K. (2022). Incest: Penal-law and criminological aspects. *Ius Novum*, 16(2), 20–36. <https://doi.org/10.26399/iusnovum.v16.2.2022.11-k.nazar>
- Paputungan, N., Usman, M. H., & Ridwan. (2025). Penerapan Had Zina pada Muhsan dan Gairu Muhsan Menurut Mazhab Syafii dan Hambali. Al-Mabsuth. *Jurnal Studi Islam Dan Bahasa Arab*, 1(2), 565–584. <https://doi.org/10.36701/mabsuth.v1i2.2553>
- Peters, R. (2005). *Crime and Punishment in Islamic Law Theory and Practice from the Sixteenth to the Twenty-first Century*. Cambridge University Press.
- Republic of Yemen. (1994). *Yemen Penal Code (Law No. 12 of 1994 on Crimes and Punishments)*. <https://www.refworld.org/legal/decrees/natlegbod/1994/en/34402>
- Republik Indonesia. (2004). *Undang-Undang Nomor 23 Tahun 2004 tentang penghapusan Kekerasan Dalam Rumah Tangga*. <https://peraturan.bpk.go.id/Details/40597/uu-no-23-tahun-2004>
- Republik Indonesia. (2016). *Undang-Undang Nomor 17 Tahun 2016 Tentang Perlindungan Anak*. <https://peraturan.bpk.go.id/Details/37575/uu-no-17-tahun-2016>
- Rishan, I. (2024). *Teori & Hukum Konstitusi*. Sinar Grafika.
- Rohim, M. Y. N., Supardin, & Zulhas'ari. (2024). Perkembangan dan Dinamika Peradilan Islam di Berbagai Negara Islam: Saudi, Mesir, Yaman, dan Sudan. *Jurnal Hukum De'Rechtsstaat*, 10(2), 263–270. <https://doi.org/10.30997/jhd.v10i2.11536>
- Soekanto, S., Sri Mamudji. (2018). *Penelitian Hukum Normatif*. PT. RajaGrafindo Persada.
- Soepomo, R. (1997). *Sistem hukum di Indonesia sebelum Perang Dunia II*. PT Pradnya Paramita.
- Soeroso, R. (2010). *Perbandingan Hukum Perdata*. Sinar Grafika.
- Suyanto, B., Hidayat, M. A., Sugihartati, R., Ariadi, S., & Wadipalapa, R. P. (2019). Incestuous abuse of Indonesian girls: An exploratory study of media coverage. *Children and Youth Services Review*, 96(C), 364–371. <https://doi.org/10.1016/j.childyouth.2018.11.034>
- Tambunan, U. M., & Harahap, M. I. M. (2023). Penegakan Hukum Bagi Pelaku Tindak Pidana Incest Terhadap Anak di Bawah Umur dalam Perspektif Hukum Pidana Positif dan Hukum Pidana Islam. *UNES Law Review*, 6(2), 7683–7692. <https://doi.org/10.31933/unesrev.v6i2.1666>

- Tampubolon, Manotar, & Simbolon, P. G. M. (2022). Perbandingan Sistem Hukum Inggris dengan Jerman (Refleksi Terhadap Sumber Hukum Dan Penerapan Hukum Indonesia). *Jurnal Fakultas Hukum Universitas Islam Malang*, 5(2), 141–162. <https://doi.org/10.33474/yur.v5i2.11114>
- Vom, B. (2008). Criminal Liability of Sibling Incest is Constitutional. Bundesverfassungsgericht. <https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2008/bvg08-029.html>
- Zaharani, H. M. (2025). Tinjauan Yuridis Pengaturan Pidana Pokok dan Tujuan Pemidanaan dalam KUHP 2023 Indonesia dan Strafgesetzbuch Jerman. *Depositi: Jurnal Publikasi Ilmu Hukum*, 3(2), 47–58. <https://doi.org/10.59581/deposisi.v3i2.5064>