

Exploring the Concept of Hudud from the Perspective of the Quran

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ABSTRACT

The aim of this research is to determine the conception of the Al-Quran as a source of law which can be described in hudud terminology which is formulated in the form of commands and prohibitions as a reference in implementing Islamic law. The hudud verses in the Al-Quran connote perpetrators of criminal acts including those who commit adultery, *Al-qazfu*, acts of theft, *Al-Hirabah*, *Al-Bughat*, Murtad, and *Syaribul Khamr*. The implementation of hudud in a country is a characteristic of an Islamic state that wants to provide protection to its citizens. However, not all Muslim-majority countries can implement hudud laws due to human rights factors. The method used in this research is qualitative research by elaborating on the hudud verses in the Al-Quran and then analyzing the object being studied to find the main problem being studied. The research results show that hudud in the Quran is closely related to legal issues.

Keywords: *conception, hudud, perspective, al-Quran*

INTRODUCTION

One of the miracles of the Koran is its coverage of legal aspects. According to Mahmud Syaltut, in essence the content of the Koran includes three aspects, namely; aqidah aspect, moral aspect and legal aspect.¹ The legal aspects established by Allah in the Koran, apart from regulating the relationship between humans and their God, also regulate relationships between fellow humans. The laws that

¹Mahmud Syaltut, *Ila al-Qur'an al-Karim* (Kairo: Dar al-Syuruq, 1975), h. 5.



regulate the relationship between humans and their God include the laws of prayer, zakat, fasting, pilgrimage, and everything related to worship. Meanwhile, the laws that regulate relations between human beings include laws relating to *al-akbwal al-syakhsiyat*, *al-mu'amalah*, *al-'uqubat* and *al-abkam ak-duwaliyat*.²

Meanwhile, one aspect of law in the Koran is Islamic *jinayat* law. The *jinayat* law prescribed by Allah in the Koran basically aims to realize and protect human benefit, both individually and collectively. In this case, benefit covers all aspects of human interests in this world and in the afterlife. Therefore, Allah establishes rules that provide guarantees and protection for humans in realizing benefits.

Allah's rules regarding *jinayat* contained in the Koran can be seen in two forms, namely in the form of commands or prohibitions. In certain cases, Allah's rules are accompanied by threats if they are violated and are usually referred to as *jinayat* law. *Jinayat* law has its own characteristics, especially in viewing a crime. According to Islamic law, crime is in principle a violation of morals or despicable morals. Therefore, Islamic law views moral violations as a crime which causes loss or suffering, both individuals and society, originating from bad morals or the perpetrators of the crime themselves.³

In connection with this, *jinayat* is defined as a violation made by someone against Allah's rights or His prohibitions, human rights and animal rights, requiring the perpetrator to be given appropriate punishment in this world and in the afterlife.⁴ According to Abd. Qadir Audah that *jinayat* are all actions that are prohibited or forbidden by Allah and are threatened with had or ta'zir punishment.⁵

In *jinayah*, it is an act that is prohibited by the Sharia, whether the act concerns life, property, or anything other than life and property. Thus, *jinayat* law can be interpreted as a law or rule regarding all prohibited acts. Prohibited actions are actions that are prohibited or prevented by sharia', if these actions are carried out, they have consequences that endanger religion, life, reason, honor and property.

The term *jinayat* is equated by the fuqaha with the term *jarimah*, namely sharia prohibitions which are threatened by Allah with the laws of had and ta'zir. Therefore, *jarimah* is divided into three, namely; *Jarimah Hudud*, *Jarimah Qisas* *Diyat*

²*ibid.*, h. 6.

³Rahmat Hakim, *Hukum Islam* (Cet. I; Bandung: Pustaka Setia, 2000), h. 5. Lihat juga Sayyid Sabiq, *Fiqih Sunnah* (Cet. I; Bandung: Al-Ma'arif, 1987), h. 11.

⁴M. Bakri, *Hukum Jinayat Islam* (Cet. III; Jakarta: Ramdani, 1986), h. 9

⁵Abdul Kadir Audah, *Al-Tasyri' al-Jinayat al-Islamiy* (Juz I. Beirut: Muassasat al-Risalat, 1952),h. 66

and *Jarimah Ta'zir*. However, the discussion in this paper will focus on the meaning of hudud in the Al-Quran.⁶

Much research has been written about hudud from various circles. However, the potential for implementing hudud in Indonesia opens up opportunities based on people's habits in carrying out immorality. The implementation of hudud is very likely to be implemented in the Bugis Makassar community because of their love of drinking *ballo*. In the context of Islamic law, drinking *Ballo* falls into the category of drinking wine as an activity that is hated by Islam. The opportunity to implement hudud in society is a step forward so that evil can be minimized so as to create a peaceful community living system.

The *Ballo* drinking phenomenon is very worrying because it has the potential for new crimes to emerge so that people feel uneasy about carrying out their activities. Ballo drinking is not only done at night but has become a tradition during the day. The implementation of hudud in the Bugis community of Makassar for perpetrators of *Ballo* drinking is a solution in dealing with crime.

RESEARCH METHOD

The method used in this research is descriptive qualitative by constructing hudud verses in the Al-Quran to find the truth of the research. Technically, this research refers to library data taken from written sources. The data obtained was elaborated on the information found related to hudud. This data is of course taken from books related to hudud and then analyzed to find answers to the problems raised.

RESULT AND DISCUSSION

Hudud Epistemology

In Arabic the term hudud is the plural form of the word had which means boundary or determining limits and determining limits.⁷ In sharia terms, had means limits or conditions of punishment or sanctions given to people who commit crimes or commit criminal offenses.⁸ Therefore, hudud can be interpreted

⁶Ahmad Hanafi, *Asas-asas Hukum Pidana Islam*, (Cet. I; Jakarta: Bulan Bintang, 1986), h. 1 dan 6

⁷Atabik Ali dan Ahmad Zuhdi Muhdhor, *Kamus Kotemporer Arab Indonesia*, (Cet. VIII; Yogyakarta: Multi Karya Grafika, t.th.), h. 746

⁸Ibrahim Anis, *al-Mu'jam al-nasith*, Juz I (Istambul-Turki: al-Maktabah al-Islamiyah, t. th.), h. 160

as a limitation of punishment for people who do not carry out orders and violate prohibitions.

Abd. Qadir Audah defines *had* as follows:

لحد هو العقوبة المقدر ة حقا لله تعالى⁹

Meaning: *had* is a punishment that has been determined by the *syara'* and is the right of Allah.

The word *hudud* as the plural form of the word *had* means prevention, suppression or prohibition. Therefore, *hudud* is a regulation that limits Allah's Laws regarding *halal* and *haram* matters. *Hudud* in this sense is divided into two terms, namely;

1. Laws that explain to people what food, drink, marriage, divorce and other things are permitted and prohibited.
2. Punishments that are determined or decided to be imposed on people who do things that are prohibited. Apart from that, *hudud* which comes from the root word ٰح also means to limit between two things.¹⁰ It can also be interpreted as something that prevents humans from entering. Therefore, etymologically it can be formulated that *hudud* is a separation or barrier that cannot be crossed because crossing that barrier is considered a violation, and as a consequence of the violation is punishment. Meanwhile, in terms of terminology, Abu Bakr Jabir al-Jazariy stated that *hudud* is Allah's prohibition which is commanded to humans to observe it and not approach it.¹¹

Muhammad al-Jurjaniy stated that;

الحدود هي عقوبة مقدر ة و جبت حق الله تعالى¹²

Meaning: *Al-hudud* is a certain level of punishment which must be determined because it is the right of Allah *subhanahu wata'ala*.

In Islamic law, the word *hudud* is limited in meaning to punishment for committing criminal acts mentioned in the Koran and Sunnah. This means that *hudud* is a punishment or legal sanction for a crime or violation that is prohibited by sharia',¹³ whether related to life, body parts, honor and property, a person's

⁹Abd. Qadir Audah, *al-Tasyri' al-Jinaiy al-Islamiy*, (Beirut: Dar al-Kitab al-Arabi, t. th.), h. 7

¹⁰Abd. Rahman Doi, *Hudud dan Kenarisan*, (Cet. I; Jakarta: Raja Grafindo Persada, 1996), h. 6-

¹¹Ibrahim Anis, *op. cit.*, h. 167.

¹²Abu al-Husayn Ahmad ibn Faris ibn Zakariya, *Maqayis al-Lughah* (Cet. II; t.t: Al-Maktabah al-Manazi', 1980 M./ 1390 H.), h. 239

¹³Abu Bakr al-Jazariy, *Minhaj al-Muslim; Kitab Akhlak wa Ibadat wa Mu'amalah* (Cet. VIII; t.tp : Madinat al-Munawwarah, 1976), h. 453

wealth or public peace which causes the perpetrator to receive punishment as a reward for his actions, as which is determined by the syara' it self.¹⁴

Hudud terminology in the Al-Quran

The term hudud in plural is mentioned eight times in the Al-Quran in 5 surahs, namely:

2.1. QS. al-Baqarah verse 187 as follows:

ثم اتموا الصيام الي الليل و لا تباشروهن وانتم عاكفون في المس جد تلك حدودا الله فلا
تقر بوها كذلك يبين الله آياته للناس لعلهم يتقون

Translation: *Then complete your fast until evening, but do not interfere with them while you are performing I'tikaf in the mosque, that is Allah's prohibition, so do not approach them. Thus Allah explains His verses to people so that they become pious.*

2.2. QS. al-Baqarah verse 229 as follows:

ولا يحل لكم ان تاخذوا مما آتيتموهن شيئا الا ان يخافا الا يقيما حدود الله فان خفتم
الا يقيما حدو الله فلا جناح عليهما فيما اقتدت به تلك حدود الله قل تعدوها ومن يتعد حدود
الله فاولئك هم الظالمون

Translation: *it is not balal for you to take back something you have given them, unless both of them are worried that they will not be able to carry out God's laws. If you are worried that both of them (husband and wife) cannot carry out God's laws, then there is no sin for either of them regarding the payment given by the wife to redeem herself. These are God's laws, so do not violate them. Whoever violates the laws of Allah, those are the wrongdoers.*

2.3. QS. al-Nisa verse 13, as follows:

تلك حدودالله ومن يطع الله ورسوله يدخله جنات تجري من تحتها الانهارخالدين فيها وذلك
الفوز العظيم

Translation: *these provisions are the laws of Allah, whoever obeys Allah and his messenger, Allah will certainly enter them into paradise where rivers flow and they will remain eternal therein and that is a great victory.*

2.4. QS. al-Nisa verse 13, as follows:

ومن يعص الله ورسوله ويتعد حدوده يدخله ناراخا لدين فيها وله عذاب مهين

Translation: *Whoever disobeys Allah and His Messenger and violates His provisions, Allah will surely put him in hellfire while he will remain there forever and he will have a painful punishment.*

¹⁴Muhammad al-Jurjaniy, *Kitab al-Ta'rifat* (Jeddah: al-Haramain, t.th.), h. 83

2.5. QS. at-Taubah verse 97, as follows:

الاعراب اشد كفرا ونفاقا واجدر الا يعلموا حدود ما انزل الله علي رسوله والله عليم حكيم

Translation: *the Badwi Arabs are more infidel and hypocritical and more naturally do not know the laws that Allah revealed to His Messenger and Allah is all-knowing, all-wise*

2.6. QS. at-Taubah verse 112, as follows:

التائبون العابدون الحامدون السائحون الراكعون الساجدون الاميرون بالمعروف والناهون
عن المنكر والحافظون لحدود الله وبشر المؤمنين

Translation: *they are those who repent, who worship, who praise Allah, who visit, who bow down, who prostrate themselves, who command good deeds and prevent evil deeds and who observe the laws of Allah. And make the believers happy.*

2.7. QS. at-Thalaq verse 1, as follows:

وتلك حدود الله ومن يتعد حدود الله فقد ظلم نفسه لا تدري لعل الله يحدث بعد ذلك امرا

Translation: *and those are the laws of Allah and whoever violates the laws of Allah has indeed done wrong to himself. You do not know, perhaps Allah will do something new after that.*

2.8. QS. Al-Mujadalah verse 4, as follows:

فمن لم يجد فصيام شهرين متتابعين من قبل ال يماسا فمن لم يستطع فاطعام ستين مسكينا
ذلك لتؤمنوا بالله ورسوله وتلك حدود الله وللكافرين عذاب اليم

Translation: *whoever does not get (a slave), let him fast for two consecutive months before the two are mixed. And whoever cannot afford it, it is obligatory upon him to feed sixty poor people. This is how you believe in Allah and His Messenger. And these are the laws of Allah and for the disbelievers there is a painful torment.*

The mention of the term hudud in this verse has the following meanings, namely:

First, hudud means a prohibition on carrying out certain actions, as mentioned in the QS. al-Baqarah 187. Prohibited actions are those that have been determined, namely interfering with your wife while she is doing I'tikaf in the mosque. If this prohibition is violated, penalties or sanctions will be given as determined.

Second, the term hudud means laws, namely the rules that have been established by Allah to regulate human actions. God's rules must be followed and guided for the benefit of humans themselves. This can be seen in QS. al-Taubah

verse 97. The word hudud in this verse means general law which covers all aspects of Islamic teachings.

Third, the term hudud means provisions, namely the boundaries of permissible acts and impermissible acts. Actions that are not permitted have been determined by Allah and punishment for people who violate the provisions or limits that have been determined. This can be seen in QS. al-Nisa verses 13 and 14. In this verse, *hudud* is defined as provisions that must be obeyed by Muslims and if these provisions are violated, Allah will give sanctions or punishment in the form of being put in hell.¹⁵

Hudud Terminology in Islamic Law

Hudud is a legal terminology that is within the scope of *jinayat* law. Therefore, *hudud* is a punishment or sanction for actions that are prohibited by sharia' and are punishable by had or *ta'zir*. This means that the prohibition on actions that fall into the category of *jinayat* originates from the provisions of sharia', meaning that human actions can be categorized as *jinayat* if the action is punishable. Thus, *hudud* means the threat of punishment for acts that are against the law. These acts are also detrimental to society, in the sense that they conflict with or hinder the implementation of social social rules that are considered good and fair. It can also be said that this *jinayat* This action is unsocial behavior.

An act that is categorized as a criminal act that is punishable by a *hadd* sentence is if the act has the three elements mentioned above. Islamic Sharia generally prevents the doing of something that is prohibited by warning of the punishment in the afterlife in a form that can arouse enough fear in the soul of a believer to carry out a forbidden act, while at the same time preventing society from the bad consequences that might occur.¹⁶

Violations subject to hudud vary in form. For example, committing adultery, being accused of adultery, stealing, getting drunk, causing trouble, apostasy and rebellion. Below, the explanation is presented.

a. Rebellion

Rebellion is termed *al-bagyu* or treason or against the legitimate government. The word *al-bagyu* has its roots in *بغى*, which etymologically means actions that

¹⁵Ruslan Shaleh, *Perbuatan Jinayat dan Pertanggungjawaban Pidana* (Cet. II, Jakarta; Aksara Baru, 1981), h. 13.

¹⁶Haliman, *Hukum Pidana Syariah Islam Menurut Ajaran Ahlusunnah Wal-Jama'ah* (Cet. I; Jakarta: Bulan Bintang, 1971, h. 66

deviate from the truth.¹⁷ *Al-Baghy* is a resistance to state leaders who are legally appointed in ways that are not permitted by Islamic law.¹⁸ Thus, ahl *al-baghy* is a group of Muslims who have power who oppose the official authorities on several issues because there is no agreement with the government's decisions on the issues they demand. This rebellion openly attempted to oppose the legitimate government by force of arms and imposed their own regulations.¹⁹

Rebellion is a hudud crime which is threatened with severe punishment as in the QS. al-Hujurat (49) verses 9-10 as follows:

وَإِنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلِحُوا بَيْنَهُمَا فَإِنْ بَغَتْ إِحْدَاهُمَا عَلَى الْأُخْرَى فَقَاتِلُوا الَّتِي تَبْغِي حَتَّى تَفِيءَ إِلَى أَمْرِ اللَّهِ فَإِنَّ فَاءَتْ فَأَصْلِحُوا بَيْنَهُمَا بِالْعَدْلِ وَأَقْسِطُوا إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ (9)
 إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ

Translation: *And if there are two groups of believers fighting then make peace. If one of the two groups persecutes the other group, then fight the group that is doing the wronging, so that the group returns to Allah's commands. If this group returns to the path of Allah, then make peace between the two of them fairly and act fairly. Indeed, Allah loves those who do justice. Indeed, believers are brothers, therefore make peace between your two brothers and fear Allah, so that you may receive mercy.*

Based on the verse above, it can also be understood that *al-Baghy* is not just a rebellion, but all forms of deviation and deviation from Allah's rules that harm both the perpetrator and society.²⁰

b. Apostate

The word apostate is termed *riddah* which etymologically means opposing or rejecting, closing or returning and الرجوع الى الكفر بعدالسلام . Meanwhile, according to the term, apostasy is the return of a wise and mature Muslim to disbelief of his own free will without any coercion from other people, whether male or female.

The provisions of the Koran that provide normative signs regarding the act of riddah include QS. al-Baqarah (2) : 217 ;

وَمَنْ يَرْتَدِدْ مِنْكُمْ عَنْ دِينِهِ فَيَمُتْ وَهُوَ كَافِرٌ فَأُولَئِكَ حَبِطَتْ أَعْمَالُهُمْ فِي الدُّنْيَا وَالْآخِرَةِ وَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ

¹⁷Haliman, *Hukum Pidana Syariah Islam Menurut Ajaran Ahlul-sunnah Wal-Jama'ah* (Cet. I; Jakarta: Bulan Bintang, 1971, h. 66

¹⁸Muhammad Salim al-Awa', *Fiy Usul al-Nidzam al-Jinai' al-Islam* (Kairo: Dar al-Ma'arif, 1983), h. 123

¹⁹Ismail Ibn Katsir, *Tafsir Ibn Katsir*, Juz IV (Beirut; Dar al-Fikr, t.th.), h. 118

²⁰Abd Azis Dahlan *et al*, *Ensiklopedia Hukum Islam*, Juz.II (Cet.I ; Jakarta : Ichtiar Baru Van Hoeve, 1996), h. 172

Translation: *Whoever among you apostates from his religion, then dies in disbelief, then their deeds are in vain in this world and in the hereafter. And they will however inhabit hell forever.*

According to Mahmud Syaltut, the verse above shows the futility of the good deeds of apostates whose sanctions in the afterlife are eternal and in this world the death penalty applies. Thus, the fuqaha' are of the opinion that the act of *riddah* is an act that violates the faith and is considered infidel.

According to Islam, an apostate person has a negative effect on himself in several ways, including: a) his marital relationship is broken, because if one of the two partners (husband and wife) apostates, then the marriage is annulled, b) he loses his authority to be a guardian of a Muslim person or the property of Muslims, c) cannot inherit from each other with their Muslim relatives.²¹

c. Robbery

Robbery is termed *hirabah*, which has its roots in the word *حرب, يحارب*, which etymologically means war, seizing property, causing damage, destroying accidents and spreading hostility.²² It can be said that *hirabah* is war because people who fight cannot be separated from one of the acts of killing, confiscating property, destroying, injuring people, or inciting hostility.²³

In Islamic law, *hirabah* can etymologically mean, taking property by force, or cutting off roads. It is so named because it prevents people from passing through for fear of robbers. From the terminology aspect, *hirabah* is an armed action by a group of people to cause chaos, bloodshed, damage property and defy laws and regulations.²⁴

Forms of robbery include: a) a robber goes with the intention of taking property demonstratively accompanied by intimidation, but does not succeed in taking it and does not kill the owner, b) a robber goes with the intention of taking or looting openly, then succeeds but he did not kill, c) a robber set out with the intention of robbing, then he killed because he was met with resistance, but did not take the victim's property, d) a robber set out to rob, then he succeeded in taking the property and killing the owner.²⁵

The Al-Quran strongly threatens perpetrators of robbery, as mentioned in QS. al-Maidah (5): 33 as follows:

²¹Departemen Agama., *op. cit.*, h. 846

²²Imam Taqiyuddin, *Kifayah al-Akhyar*, juz II (Bandung: Syarikat al-Ma'arif, t.th.), h. 193.

²³Sayyid Sabiq, *op. cit.*, h. 139.

²⁴*Ibid.*

²⁵A. Djazuli, *op. cit.*, h. 86-87

إِنَّمَا جَزَاؤُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ جِزْيٌ فِي الدُّنْيَا وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ

Translation: *Verily, the retribution for those who fight against Allah and His Messenger and cause havoc on the face of the earth, the punishment for them is to be killed, or crucified or have their hands and feet cut off crosswise or exiled from their country (expelled). This is a humiliation for them in this world and in the afterlife they will face greater torment.*

From this verse it is explained that there are four kinds of punishment for robbers, namely: a) the law of killing, *qisas*; b) the punishment of the cross; c) punishment of cross-cutting of hands and feet; and d) punishment of banishment or expulsion. The four types of punishment are given based on the circumstances of the crime committed.²⁶

d. Wine

The word *khamar* comes from the letters kha, min and ra which mean to cover and submerge.²⁷ So, wine is something that covers and drowns the mind of the person who drinks it. The definition of wine from the terminology aspect is a liquid produced from fermenting grains or fruit and changing its properties and containing alcohol using enzymes which have the ability to separate certain elements that change through the fermentation process.²⁸

Thus, it can be understood that every drink, any type and brand, if intoxicating is *khamr*. Because it is forbidden because it contains bad things, both specific and general, and also makes people neglect to remember Allah *subhanahu wata'ala*, as well as giving rise to hostility and hatred between fellow humans.

From the description above, it can be said that it is the mother of all crimes because the damage caused is very large, namely damaging the health, reason of the drinker himself, family, society, morals as well as property, but even so, the Koran in determining the prohibition or law strictly one of the reasons is because drinking wine has been an Arab habit and culture since the Jahiliyah era.²⁹

The first law is to warn that alcohol has its benefits but its harm is greater. Although it must be admitted that the habit of drunkenness among Arabs at that time was still practiced, until one day someone who was drunk prayed, then the

²⁶Sayyid Sabiq, *op. cit.*, h. 139

²⁷H.M. K. Bakri, *Hukum Pidana dalam Islam* (Cet. III. Solo : CV. Ramahadhani, 1986), h. 60. Lihat juga Syekh Ahmad Muhammad Assaf, *Halal dan Haram dalam Islam* (Cet. I : Semarang : CV. Asy Syifa', 1993), h. 338

²⁸Bahar al-Din Abd Rahman, *Al-Syarb al-Umdah*, jilid. II (Cet. I; Beirut : Dar al Kutub al-Ilmiyah, 1995), h. 179.

²⁹Abu Bakar al-Jazary, *Minhaj al-Muslimin* (Cet. VIII; t.t.: Madinat al-Munawwarah, 1976), h. 450.

prohibition on praying while drunk was imposed, which was the second law. In such conditions, gradually the Arabs remained lulled in the fights, quarrels and chaos caused by alcoholic beverages, so that the verse about the prohibition of alcohol was revealed.

e. Steal

Stealing is termed السرقة which means taking other people's property secretly and clandestinely. Abu al-Jazariy stated that stealing is taking property that is guarded or guarded secretly and secretly, such as someone who enters a house, then secretly takes the owner's goods or money.

In connection with the criminal act of stealing which has a negative impact, Islam protects human property, as the legal property of individuals, so that Islam strictly prohibits taking other people's property rights for any reason and in any way, such as through theft, fraud, pickpocketing, corruption, reducing weights. or measurements and so on.³⁰

The basis for the act of theft, as well as the sanctions, are contained in QS. Maidah (5): 38 as follows:

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جَزَاءً بِمَا كَسَبَا نَكَالًا مِنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ

Translation: *Men and women who steal must have both their hands cut off as retribution for what they have done and punishment from Allah and Allah is the Mighty, the Wise.*

The provisions in this paragraph state that a person who commits theft is threatened with hudud punishment, in the form of having both hands cut off, whether male or female.

f. Qazaf

The word *qasaf* comes from the words قذف, يقذف, قذفا which means to insult, throw something material or immaterial, speak without thinking, slander verbally or in writing or accuse of adultery without evidence. Meanwhile, in terms of terminology, *qasaf* is accusing another person of adultery, which is punished with ta'zir and is a major sin.³¹

Islamic law has stated that the punishment for a person who accuses another person of adultery is that they are unable to produce four witnesses with the threat of being whipped eighty times, and the accuser's testimony will no longer be accepted. Because he had made false accusations, because he had told

³⁰ Syahrur, Muhammad. *Nabw Ushul Jadidah li al-Fiqh al-Islami*, Damaskus: al-Ahâli li ath-Thibâ'ah wa an-Nasyr wa at-Tawzi'. 2000), h. 75.

³¹ Muḥammad bin 'Alawī, al-Malikī *Al-Qawā'id Al-Asāsiyyah Fi Ulūm al-Qur'an* (Jedah: Maktabah Al-Malik Fahd Al-Wathaniyah, 2002), h. 249

lies that lost other people's trust in him. Unless the accuser repents to Allah and improves himself, he will not commit false accusations again.

This criminal act of *qasaf* is only aimed at defamation of an individual. However, if we pay attention that the act of adultery is a criminal act that threatens the moral safety of society, which is included in the hudud *jinayat*, then the act of accusing us of adultery is also included in the hudud *jinayat* determined by Nas.

In QS. al-Nur (24): 4, Allah *subhanahu wata'ala*. Says:

وَالَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً وَلَا تَقْبَلُوا لَهُمْ شَهَادَةً أَبَدًا وَأُولَئِكَ هُمُ الْفَاسِقُونَ

Translation: *And those who accuse good women of committing adultery and are unable to produce four witnesses, then lash the accuser eighty times, and do not accept their testimony forever. And they are the wicked ones.*

g. Adultery

The word "adultery" has become a vocabulary word in Indonesian and in Arabic it is rooted in the words زنى, يزنى, زناء which means committing adultery or illegal and restrictive sexual relations. Meanwhile, in terms of terminology, zina is sexual relations between a man and a woman without a marriage contract which is determined according to the sharia'. Thus, it can be said that the act of adultery is when there are elements of sexual intercourse between two people of different genders and there is no mistake or ambiguity or hesitation in sexual intercourse.³²

The legal basis for the prohibition of adultery in the Koran is found in QS. al-Isra'(17): 32 as follows:

وَلَا تَقْرَبُوا الزَّوْجَ إِطِّئْتُمْ إِنَّهُ كَانَ فُجْشَةً وَسَاءَ سَبِيلًا

Translation: *And do not approach adultery, in fact adultery is a despicable act and a bad path.*

Opportunities for Implementing Hudud in Indonesia

Indonesia is known as a country with a majority Muslim population. In its development, Indonesia is in the second category of country with the largest Muslim population after Pakistan. The opportunity for implementing hudud is very large because of the public's interest in implementing their religious law. One of the regions that has practiced hudud implementation is the province of Aceh Darussalam. On various occasions, the Aceh government has implemented

³²Muhammad Syu'bah, *Al-Hudud fyi al-Islam* (al-Qahirah: al-Muthaba'at al-Islamiyat, 1974), h. 141

Islamic law for criminals. The law of caning for adultery perpetrators in the region has been implemented in order to implement Islamic teachings. The argument that supports this government policy can be found in the Al-Quran, namely *ولا تقربوا الزني*. This verse is certainly very inspiring for regional policy makers. The opportunity to implement the hudud law is certainly in line with the regional autonomy law as an autonomous body implemented by the regional government.

The opportunity to implement hudud can also be implemented in the Bugis community of Makassar, South Sulawesi Province. The tradition of drinking Ballo has become a favorite among people in carrying out activities. The impact of drinking Ballo can damage the mind because the drink is intoxicating for the drinker and has the potential for new crimes to occur. Implementing hudud is certainly a solution so that people can live in peace and provide a deterrent effect for the perpetrators. The implementation of this hudud is certainly inspired by the words of Allah *انما الخمر واليسر والانصاب رجس من عمل الشيطا* (indeed *khamsr*, gambling, and idols are part of the actions of the devil, so avoid them). This verse is certainly an inspiration so that the implementation of hudud can be carried out in order to minimize crime in South Sulawesi. The implementation of this hudud certainly has the potential to create KANTIBMAS in order to assist the police in taking action against criminals.

CONCLUSION

Hudud is a punishment that has a certain level and must be determined because it is Allah's right. In the Koran the term hudud has several meanings, namely, provisions, prohibitions and laws. Hudud punishments include the crimes of rebellion, apostasy, robbery, theft, qasaf and adultery. The etymology of hudud certainly provides limitations to an action so that the meaning in question can be recognized. The definition put forward by experts regarding the meaning of hudud, meaning threat, contains the meaning of *jarimah*. The presence of the concept of hudud certainly becomes a practice in itself if it is implemented in life with the aim of carrying out the teachings of Allah.

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