

THE CONCEPT OF JARIMAH HUDUD IN THE QUR'AN

Achmad¹, Miftahul Ulum², Nasiri³rosulahmad9@gmail.com¹, miftahul_ulum2001@uinkhas.ac.id², nasiri.abadi20@gmail.com³**Abstract**

The Qur'an is the word of Allah which was revealed to mankind as a guide in organizing life, so that humans can achieve happiness in life in this world and in the hereafter. In order for this to be achieved, the aim of the Islamic teachings is to protect and maintain religion, soul, lineage, intellect and property which are adh-dharuriyatal-khamsu (five urgent matters in human life). All actions that are prohibited by Allah SWT. and threatened with had and ta'zir punishments. Had is a criminal act and the criminal sanctions have been regulated in such a way in the texts of the Qur'an and Al-Hadith. According to Abdul Qadir Audah, there are seven types of hudud, namely: adultery, accusing of adultery, drinking wine, theft, khirabah, apostasy, and rebellion. There are verses explaining Hudud 9 times in the Qur'an in 5 letters, namely, 3 times in the QS. Al-Baqarah, 2 times in QS An-Nisa', 2 times in Surah At-Taubah, 1 time in Surah Al-Mujjadi, 1 time in Surah Ath-talak. all of them are classified as madaniyah. The conclusion from what I wrote is that Hudud is a limit that has been determined by Allah which cannot be violated and anyone who violates it will be subject to Hadd sanctions. These provisions have been regulated in the Nash Al-Qur'an and Hadith.

Keywords: Concept, Hudud, Al-Qur'an

¹. Sekolah Tinggi Agama Islam Syaichona Moh. Cholil (STAIS) Bangkalan

². Universitas Islam Negeri Kiai Haji Achmad Siddiq Jember

³ Sekolah Tinggi Agama Islam (STAI) Taruna Surabaya

Abstrak

Al-Qur'an adalah firman Allah yang diturunkan kepada umat manusia sebagai pedoman dalam menata kehidupan, agar manusia memperoleh kebahagiaan hidup di dunia dan di akherat. Supaya hal tersebut tercapai, Tujuan penyari'atan ajaran Islam adalah untuk menjaga dan memelihara agama, jiwa, keturunan, akal dan harta yang merupakan adh-dharuriyatal-khamsu (lima perkara mendesak pada kehidupan manusia).segala perbuatan yang dilarang oleh Allah swt. dan diancam dengan hukuman had dan ta'zir. Had adalah tindak pidana dan sanksi pidananya sudah diatur sedemikian rupa dalam nash Al-Qur'an dan Al-HadisMenurut Abdul Qadir Audah yang termasuk dalam jarimah hudud seban- yak tujuh macam, yaitu: zina, menuduh zina, peminum khamar, pencurian, khirobah, murtad, dan pemberontakan. Ayat-Ayat yang menerangkan Hudud dalam terdapat 9 kali dalam Al-Qur'an pada 5 surat yaitu, 3 kali dalam QS. Al-Baqarah, 2 kali dalam QS An-Nisa', 2 kali dalam surat At-Taubah, 1 kali dalam surat Al-Mujadalah, 1 kali dalam surat Ath-talak. kesemuanya Tergolong madaniyah. Kesimpulan dari yang sy tulis adalah bahwa Hudud itu adalah batasan yang telah ditentukan oleh Allah yang tidak boleh dilanggar dan barng siapa yang melanggar, maka akan kena Sanksi Had. Ketentuan itu telah diatur Dalam Nash Al-Qur'an dan Hadist.

Kata Kunci: *Konsep, Hudud, Al-Qur'an*

INTRODUCTION

Allah SWT is an all-just and wise God who always protects human rights and protects their lives from injustice and damage. The aim of Islamic Sharia is to protect and maintain religion, soul, lineage, intellect and property which are adh-dharuriyatal-khamsu (five pressing matters in human life). So that anyone who does not comply with this rule will receive the appropriate punishment determined according to the violation.⁴

The Al-Qur'an is a holy book containing tanzīliyah verses, the main function of which is as a guide for all mankind in relation to God, humans and the universe. In this way, what the Qur'an explains is not only matters of belief, law, or moral messages, but it also contains instructions for understanding the secrets of the universe.⁵

The Qur'an is the word of Allah which was revealed to mankind as a guide in managing life, so that humans can obtain happiness in life in this world and the afterlife. In order for this to be achieved, the Qur'an completes it with instructions, rules, concepts, both implicit and explicit regarding life issues which have two functions.

First, the internal function is related to the content of the Qur'an which shows the truth of the Qur'an as a basis and as a source of ideals, values and norms that regulate human life from all aspects, as well as proof of the truth of Al-Qur'an. the Koran itself.

Second, the external function is as guidance in the form of taklif and providing rights as a driving force that drives motivation, stimulation for every effort and

⁴ Kholid Syamhudi, *tahukah anda apa itu hudud* ? dikutip dari website:<http://ekonomisyariat.com/belajar-islam/tahukah-anda-apa-itu-hudud.html> diakses pada Hari Rabu tanggal 28 Septemer 2023

⁵ Iajnah Pentashihan Mushaf Al-Qur'an *Cahaya Dalam Perspektif Al-Qur'an dan Sains* (Rabiul Awal 1438 H/November 2016 M)

creation, as a director who maintains the balance of the system and protects it from every threat and prohibition.⁶

As we already know, the Al-Qur'an, apart from being the holy book of the Islamic ummah, is also the first and main source of Islamic Law (Islamic Sharia). Muhammad Syalabi typifies sharia as something that refers to a number of Islamic laws that were revealed to the Prophet Muhammad, which is in the Al-Qur'an and the Sunnah of the Prophet.⁷

Yusuf Al-Qardhawi stated in his book *Madkhal Li Dirasah Asy-Syariah Al-Islamiyah* that there are five factors that make Islamic syari'ah flexible, namely the broad opportunities for Ijtihad, the global Nash-Nash of law, the possibility of understanding different texts, considering emergency situations, and the flexibility of fatwas. Looking at the example above and the factors stated by Yusuf al-Qardhawi, it can be seen that Islam is a religion that really understands the conditions of its adherents so that it can be stated that Islam is a religion that is elastic, flexible in dealing with developments in society.⁸

Imam Al-Qurthubi explained that Shari'at means the religion established by Allah SWT for his servants which consists of various laws and regulations. The laws and provisions of Allah are called sharia because they have similarities with the source of drinking water which is the source of life for living creatures. That's why according to Ibn-ul Manzhur, Sharia means the same as religion.⁹

Every Muslim is obliged to obey whatever is ordered by the Shari'a and conversely, those who violate the Shari'a will be given sanctions, in fiqh this act is termed jinayah or jarimah. Jinayah is the verbal noun (masdar) form of the word jana.

⁶ Abd. Muin Salim, *Beberapa Aspek Metodologi Tafsir al-Qur'an*, (Ujung Pandang:LKSI,1990), h.16

⁷ Marsaid. *AL-FIQH AL-JINAYAH* (Palembang – Indonesia 30126)., Hlm, 2

⁸ Fathuddin Abdi. *keluwesan hukum pidana islam dalam jarimah hudud (pendekatan pada jarimah hudud pencurian)*Al-Risalah. Jurnal Ilmu Syariah dan Hukum. Volume 14, No. 2, Desember 2014 ISSN: 1412-436, h. 6.

⁹ *Ibid*, Hlm. 6

Etymologically, jana means committing a sin or doing something wrong, while jinayah means committing a sin or doing something wrong.¹⁰

In general, the Ulama' divide the jarimah based on the aspect of the severity and lightness of the punishment and whether it is confirmed or not by the Koran and Hadith. On this basis, they divided it into three types, namely Jarimah Hudud, Jarimah Qishos and Jarimah Ta'zir.¹¹ According to Abdul Qadir Audah, there are seven types of hudud, namely: adultery, accusing of adultery, alcohol drinking, theft, khirobah, apostasy and rebellion..¹²

Regarding the concept of Hudud, there are many verses in the Qur'an that explain it, including Qs. Annisa' Verse 13

تِلْكَ حُدُودُ اللَّهِ ۚ وَمَنْ يُطِعِ اللَّهَ وَالرَّسُولَ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا ۗ وَذَٰلِكَ الْفَوْزُ الْعَظِيمُ

*Those are the limits (law) of Allah. Whoever obeys Allah and His Messenger, He will enter them into gardens beneath which rivers flow, they will abide therein eternally. And that is a great victory.*¹³

UNDERSTANDING HUDUD

As for what is meant by دودخرا, namely the plural of the sentence دخرا from دخرا, its original meaning is to demarcate between things and prevent the two from mixing. This punishment is called a limitation, because it prevents actions that go beyond the limits. And the severity of this punishment is determined by Shari' (Allah), and the

¹⁰ *Ibid.*, Hlm. 53

¹¹ Djazuli. *fiqih jinayah (upaya menangguli kejahatan dalam islam)*, Jakarta: PT Raja grafindo Persada, 1947, h. 13

¹² Fathuddin Abdi. *keluwesan hukum pidana islam dalam jarimah hudud (pendekatan pada jarimah hudud pencurian)* Al-Risalah. Jurnal Ilmu Syariah dan Hukum. Volume 14, No. 2, Desember 2014 ISSN: 1412-436, h. 53.

¹³ Salim Bahreisy dan Abdullah Bahreisy *Terjemah Al-Qur'an Al hakim* (CV.Sahabat Ilmu Surabaya:2001)

punishment is absolutely directed at the person who commits the sin. As Allah says, QS. al-Baqarah verse 187:¹⁴

تِلْكَ حُدُودُ اللَّهِ فَلَا تَقْرُبُوهَا ۚ كَذَلِكَ يُبَيِّنُ اللَّهُ لِنَاسٍ لِّئَلَّاهُمْ يَتَّقُونَ

That is Allah's decree, so do not approach it. Thus Allah explains His verses to people, so that they may attain piety.

In the Big Indonesian Dictionary (KBBI), the word had means limit; until. To limit means; 1) limit ; determine the limits so as not to exceed the number, size, and so on. 2) specialize¹⁵

According to Sharia' terms, as stated by 'Abd al-Qadir Awdah, a hudud radius is a radius that is threatened with had punishment. And had is the threat of punishment that has been determined in kind and amount and is the right of Allah.¹⁶

bdul 'Aziz 'Amir, stated that Had is a certain punishment which is the right of Allah SWT.¹⁷

Likewise, Muhammad Abu Syuhbah stated that had is an absolute right of Allah, it cannot be postponed without clear reasons, added or subtracted. In this case, the authorities only have the right to carry out the provisions contained in the provisions of the sharia.¹⁸

From several explanations from the experts above, it can be concluded that Had is a limit that has been set by Allah, and anyone who crosses the limit will be threatened with Had punishment by Allah.

¹⁴Fathuddin Abdi. *keluwesan hukum pidana islam dalam jarimah hudud (pendekatan pada jarimah hudud pencurian)*Al-Risalah. Jurnal Ilmu Syariah dan Hukum. Volume 14, No. 2, Desember 2014 ISSN: 1412-436, h. 53.

¹⁵ Dep. Pendidikan dan Kebudayaan, *Kamus Besar Bahasa Indonesia*, (Cet. I: Jakarta: Balai Pustaka, 1988),h.290.

¹⁶ Reni Surya. *Klasifikasi Tindak Pidana Hudud dan Sanksinya dalam Perspektif Hukum Islam*. Samarah: *Jurnal Hukum Keluarga dan Hukum Islam* Volume 2 No. 2. Juli-Desember 2018 ISSN: 2549 – 3132; E-ISSN: 2549 – 3167

¹⁷ *Ibid.*

¹⁸ *Ibid.*

Verses about Hudud

There are verses explaining Hudud 9 times in the Al-Qur'an in 5 letters, namely, 3 times in the QS. Al-Baqarah, 2 times in QS An-Nisa', 2 times in Surah At-Taubah, 1 time in Surah Al-Mujjadi, 1 time in Surah Ath-talak. all of them are classified as madaniyah ¹⁹.

Ayat pertama yang menjelaskan tentang Hudud adalah QS. Al-Baqarah ayat 187

أَجَلٌ لَّكُمْ لَيْلَةٌ الصِّيَامِ الرَّفَثُ إِلَىٰ نِسَائِكُمْ ۚ هُنَّ لِبَاسٌ لَّكُمْ وَأَنْتُمْ لِبَاسٌ لَّهُنَّ ۗ عَلِمَ اللَّهُ أَنَّكُمْ كُنْتُمْ تَخْتَادُونَ
 أَنْفُسَكُمْ فَتَابَ عَلَيْكُمْ وَعَفَا عَنْكُمْ ۗ فَالآنَ بَاشِرُوهُنَّ وَابْتَغُوا مَا كَتَبَ اللَّهُ لَكُمْ ۗ وَكُلُوا وَاشْرَبُوا حَتَّىٰ يَتَبَيَّنَ لَكُمُ
 الْخَيْطُ الْأَبْيَضُ مِنَ الْخَيْطِ الْأَسْوَدِ مِنَ الْفَجْرِ ۗ ثُمَّ أَتَمُوا الصِّيَامَ إِلَى اللَّيْلِ ۗ وَلَا تُبَاشِرُوهُنَّ وَأَنْتُمْ عَاكِفُونَ فِي
 الْمَسَاجِدِ ۗ تِلْكَ حُدُودُ اللَّهِ فَلَا تَقْرُبُوهَا ۗ كَذَٰلِكَ يُبَيِّنُ اللَّهُ لِّلنَّاسِ لَعَلَّهُمْ يَتَّقُونَ²⁰

It is permissible for you to mix with your wives on the night of the fasting month; they are clothes for you, and you are clothes for them. Allah knows that you cannot restrain your desires, therefore Allah forgives you and forgives you. So now intervene with them and follow what Allah has ordained for you, and eat and drink until the white thread becomes clear to you from the black thread, namely dawn. Then complete the fast until (comes) evening, (but) do not interfere with them, while you are making I'tikaf in the mosque. That is Allah's prohibition, so do not approach it. Thus Allah explains His verses to people, so that they become pious.²¹

The second verse that explains Hudud is QS. Al-Baqarah verse 229

¹⁹ Madaniyah adalah ayat yang diturunkan di Madinah

²⁰ Al-Qur'an Al karim 30 juz (Cv, Toha Putra, Semarang :1991)

²¹ Salim Bahreisy dan Abdullah Bahreisy *Terjemah Al-Qur'an Al hakim* (CV.Sahabat Ilmu Surabaya:2001)

الطَّلَاقُ مَرَّتَانٍ ۖ فَإِمْسَاكٌ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ ۗ وَلَا يَجِلُّ لَكُمْ أَنْ تَأْخُذُوا بِمَا آتَيْتُمُوهُنَّ شَيْئًا إِلَّا أَنْ يَخَافَا أَلَّا يُقِيمَا حُدُودَ اللَّهِ ۗ فَإِنْ خِفْتُمْ أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ بِهِ ۗ تِلْكَ حُدُودُ اللَّهِ فَلَا تَعْتَدُوهَا ۗ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ²²

*Talak (which can be referred to) twice. After that, you can reconcile again in a peaceful way or divorce in a good way. It is not lawful for you to take back something that you have given them, unless both of them are afraid that they will not be able to carry out Allah's laws. If you are worried that both (husband and wife) cannot carry out God's laws, then there is no sin on 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 are the wrongdoers.*²³

The third verse that explains Hudud is QS. Al-Baqarah verse 230

فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدُ حَتَّىٰ تَنْكِحَ زَوْجًا غَيْرَهُ ۗ فَإِنْ طَلَّقَهَا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يَتَرَاجَعَا إِنْ ظَنَّا أَنْ يُقِيمَا حُدُودَ اللَّهِ ۗ وَتِلْكَ حُدُودُ اللَّهِ يُبَيِّنُهَا لِقَوْمٍ يَعْلَمُونَ²⁴

*Then, if the husband divorces (after the second divorce), then the woman is no longer halal for him until she marries another husband. Then, if the other husband divorces her, then there is no sin for both of them (former first husband and wife) to remarry if they both think they will be able to carry out God's laws. These are the laws of Allah, He has explained them to a people who (will) know.*²⁵

The fourth verse that explains Hudud is QS. An-Nisa' Verse 13

تِلْكَ حُدُودُ اللَّهِ ۗ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا ۗ وَذَٰلِكَ الْفَوْزُ الْعَظِيمُ²⁶

²² Al-Qur'an Al karim30 juz (Cv,Toha Putra ,Semarang :1991)

²³ Salim Bahreisy dan Abdullah Bahreisy *Terjemah Al-Qur'an Al hakim* (CV.Sahabat Ilmu Surabaya:2001)

²⁴ Al-Qur'an Al karim30 juz (Cv,Toha Putra ,Semarang :1991)

²⁵ Salim Bahreisy dan Abdullah Bahreisy *Terjemah Al-Qur'an Al hakim* (CV.Sahabat Ilmu Surabaya:2001)

²⁶ Al-Qur'an Al karim30 juz (Cv,Toha Putra ,Semarang :1991)

*These laws) are provisions from Allah. Whoever obeys Allah and His Messenger, Allah will surely admit them to Paradise where rivers flow, while they will abide therein eternally; and that's a big win.*²⁷

The fifth verse that explains Hudud is QS. An-Nisa' Verse 14

وَمَنْ يَعُصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا فِيهَا وَلَهُ عَذَابٌ مُهِينٌ²⁸

*And whoever disobeys Allah and His Messenger and violates His provisions, Allah will surely put him in the fire of hell while he will remain there forever; and for him a humiliating torment.*²⁹

The sixth verse that explains Hudud is QS. At Taubah Verse 97

الْأَعْرَابُ أَشَدُّ كُفْرًا وَنِفَاقًا وَأَجْدَرُ أَلَّا يَعْلَمُوا حُدُودَ مَا أَنْزَلَ اللَّهُ عَلَىٰ رَسُولِهِ ۗ وَاللَّهُ عَلِيمٌ حَكِيمٌ³⁰

*The Badwi Arabs are more deeply infidel and hypocritical, and more naturally do not know the laws that Allah revealed to His Messenger. And Allah is All-Knowing, All-Wise.*³¹

The seventh verse that explains Hudud is QS. At Taubah Verse 112

التَّائِبُونَ الْعَابِدُونَ الْحَامِدُونَ السَّائِحُونَ الرَّاكِعُونَ السَّاجِدُونَ الْأَمْرُونَ بِالْمَعْرُوفِ وَالنَّاهُونَ عَنِ الْمُنْكَرِ وَالْحَافِظُونَ لِحُدُودِ اللَّهِ ۗ وَبَشِّرِ الْمُؤْمِنِينَ³²

*They are people who repent, who worship, who praise, who visit, who bow down, who prostrate themselves, who command good deeds and forbid evil deeds and who observe the laws of Allah. And make the believers happy.*³³

²⁷ Salim Bahreisy dan Abdullah Bahreisy *Terjemah Al-Qur'an Al hakim* (CV.Sahabat Ilmu Surabaya:2001)

²⁸ Al-Qur'an Al karim 30 juz (Cv,Toha Putra ,Semarang :1991)

²⁹ Salim Bahreisy dan Abdullah Bahreisy *Terjemah Al-Qur'an Al hakim* (CV.Sahabat Ilmu Surabaya:2001)

³⁰ Al-Qur'an Al karim 30 juz (Cv,Toha Putra ,Semarang :1991)

³¹ Salim Bahreisy dan Abdullah Bahreisy *Terjemah Al-Qur'an Al hakim* (CV.Sahabat Ilmu Surabaya:2001)

³² Al-Qur'an Al karim 30 juz (Cv,Toha Putra ,Semarang :1991)

³³ Salim Bahreisy dan Abdullah Bahreisy *Terjemah Al-Qur'an Al hakim* (CV.Sahabat Ilmu Surabaya:2001)

The eighth verse that explains Hudud is QS. At Thalaq Verse 1

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ ۖ وَاتَّقُوا اللَّهَ رَبَّكُمْ ۖ لَا تَخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيِّنَةٍ ۖ وَتِلْكَ حُدُودُ اللَّهِ ۖ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ ۖ لَا تَدْرِي لَعَلَّ اللَّهَ يُخْدِتُ بَعْدَ ذَلِكَ أَمْرًا³⁴

O Prophet, if you divorce your wives then you should divorce them at a time when they can (face) their (reasonable) iddah and count the time of that iddah and fear Allah your Lord. Do not put them out of their homes and do not (permit) them to go out unless they commit clearly abominable deeds. These are the laws of Allah and whoever violates the laws of Allah, then indeed he has done wrong to himself. You don't know, maybe Allah will do something new after that.³⁵

The ninth verse that explains Hudud is QS. Al Mujjadi Verse 4

فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ مِنْ قَبْلِ أَنْ يَتَمَاسَا ۖ فَمَنْ لَمْ يَسْتَطِعْ فإِطْعَامُ سِتِّينَ مِسْكِينًا ۖ ذَلِكَ لِيُؤْمِنُوا بِاللَّهِ وَرَسُولِهِ ۖ وَتِلْكَ حُدُودُ اللَّهِ ۖ وَلِلْكَافِرِينَ عَذَابٌ أَلِيمٌ³⁶

Whoever does not get (a slave), then (it is obligatory for him) to fast for two consecutive months before the two are mixed. So whoever does not have the power (it is obligatory for him) to feed sixty poor people. This is how you may believe in Allah and His Messenger. And these are the laws of Allah, and for the disbelievers there is a very painful torment.³⁷

The statement of the word Hudud in the verses above has several meanings, namely: first, hudud means a prohibition on carrying out certain actions, as explained in surah Al-Baqarah and At-Thalaq. Actions that are prohibited are actions that have been determined. If this is violated, penalties or sanctions will be given as determined.

³⁴ Al-Qur'an Al karim 30 juz (Cv, Toha Putra, Semarang :1991)

³⁵ Salim Bahreisy dan Abdullah Bahreisy *Terjemah Al-Qur'an Al hakim* (CV.Sahabat Ilmu Surabaya:2001)

³⁶ Al-Qur'an Al karim 30 juz (Cv, Toha Putra, Semarang :1991)

³⁷ Salim Bahreisy dan Abdullah Bahreisy *Terjemah Al-Qur'an Al hakim* (CV.Sahabat Ilmu Surabaya:2001)

Second, the word hudud means legal order; namely the rules that have been established by God to regulate human actions. God's rules must be followed and guided for the benefit of humans themselves. This can be seen in QS. At-Taubah Verse: 97 and 112 and QS. At-Thalaq. The word hudud in this verse has a general legal meaning which covers all aspects of Islamic teachings.

Third, hudud means provisions, namely the boundaries of permissible actions and impermissible actions. 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. An-Nisa' verses 13 and 14 and QS. Al-Mujjadi verse 4. In this verse, the word hudud is interpreted as provisions that must be obeyed by Muslims and if these provisions are violated, Allah will impose sanctions or punishment.

The word Hudud in the Qur'an is the plural form of the word had, it can be understood that hudud is a provision that discusses God's rules which are not determined in terms of levels.

Looking at this definition, there seems to be a difference in the understanding adopted in giving the meaning of the word hudud. The understanding of the word hudud still seems to be dominated by what is put forward by fiqh scholars who understand the word had as a certain law and is limited in level.

Objects of Hudud in the Qur'an

Based on the explanation above, the terms as previously determined are all legal terminology. ²⁶ However, the forms of punishment vary, some are in the form of prohibitions, legal regulations, and provisions (decrees). Therefore, hudud is a punishment or sanction for actions that are prohibited by Allah and according to the law of had.

According to A. Djazuli, acts threatened with had law have the following elements:

1. The existence of Nash which prohibits certain actions and is accompanied by threats of punishment for the actions, these elements are known as formal elements.
2. There are manufacturing elements that form jinayat, whether in the form of carrying out prohibited actions or abandoning required actions, this element is known as the material element.
3. There are perpetrators of crimes, namely people who can receive khitab, meaning that the perpetrators of the jinayat have advanced so that they can be prosecuted for the crimes they have committed. This element is known as the moral element.³⁸

These criteria are used as a guideline so that acts that are categorized as jarimah hudud (criminal acts) which are threatened by the Koran can be detected. In subsequent developments, the fuqaha' classified to realize the forms of violations that were subject to hudud sanctions in the Al-Qur'an, namely; adultery, qadzaf (accusation of adultery), theft, hirabah (disruption), and bughat (treason), apostasy, and alcohol drinking.³⁹

Types of Hudud

The types of hudud as classified by the fuqaha' are: adultery, qadzaf (accusation of adultery), theft, hirabah (disruption), and bughat (treason), apostasy, and wine drinking.

Had zina (adultery law) is enforced to protect offspring and lineage. Had al-Qadzaf (punishment for people accused of adultery without evidence) to protect honor and self-respect, Had As-Sariqah (punishment for stealing) to protect property. Had Al-

³⁸ A.Djajuli, *Fiqh Jinayat: Upaya Menanggulangi dalam Kejahatan Islam*, (Cet. II:

³⁹ Dewan Redaksi Ensiklopedia Islam, *loc.cit*

Hirabah (punishment for robbers) to protect life, property and honor. Had al-Baghi (punishment for dissidents) to protect religion and soul. Had Ar-Riddah (punishment for apostates) to protect religion. Limit alcohol drinkers to maintain their wits.⁴⁰

1. Adultery

Adultery is prohibited sexual intercourse between the genitals and anus by a couple who is not husband and wife. 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 doubt in sexual intercourse..

Religion says that adultery is an act that violates laws and norms, and of course it should be given the maximum punishment, considering that the consequences are very bad, and contain crimes and sins. This is in accordance with the QS explanation. Al-Isra': 32

وَلَا تَقْرَبُوا الزَّيْنٰى ۗ إِنَّهُ ۗ كَانَ فَاحِشَةً ۗ وَسَاءَ سَبِيْلًا

*And do not approach adultery; Indeed, adultery is a heinous act. And a bad way.*⁴¹

⁴⁰ Kholid Syamhudi, *op. cit.*

⁴¹ Salim Bahreisy dan Abdullah Bahreisy *Terjemah Al-Qur'an Al hakim* (CV.Sahabat Ilmu Surabaya:2001)

The legal basis for committing adultery in the Qur'an is stated in QS. An-Nur: 2 as follows:

الرَّانِيَةُ وَالرَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِنْهُمَا مِائَةَ جَلْدَةٍ ۖ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ
وَالْيَوْمِ الْآخِرِ ۖ وَلْيَشْهَدْ عَذَابَهُمَا طَائِفَةٌ مِنَ الْمُؤْمِنِينَ

*The woman who commits adultery and the man who commits adultery, then lash each of them a hundred lashes, and let no mercy on either of them prevent you from (practicing) the religion of Allah, if you believe in Allah, and the Hereafter, and let (the execution) of their punishment was witnessed by a group of believers.*⁴²

According to this verse, if a person is muhsan and has fulfilled the requirements, then the sanction is stoning by throwing stones until he dies, and this is carried out in an open field in a public place so that people can learn a lesson. Whereas the person who commits adultery is not a muhsan, the punishment is one hundred lashes (lashes)..⁴³

Ulama' have agreed that adultery is a major sin that religion emphasizes so that it is shunned and the punishment is very severe. The texts that come in connection with it are stronger than the others, so that Al-Maraghi equates it with the act of shirk.⁴⁴

2. Accusing of adultery (Qadzaf)

The word qadzaf means insulting, throwing something material or non-material, speaking without thinking, slandering verbally or in writing or accusing in writing or accusing of adultery without evidence. Meanwhile, in terms of terminology, qadzaf is accusing another person of adultery without evidence, the punishment for which is ta'zir and is a major sin..⁴⁵

This criminal act of qadzaf is only focused on defamation of an individual. However, if you pay attention that the act of accusing you of adultery is a criminal act that threatens the moral safety of society, including the hudud radius as in QS. An-Nur (24) :

And those who accuse good women (of adultery) and they do not bring four witnesses, then lash them (those who accuse them) eighty times, and do not accept their testimony forever. And they are the wicked ones.

⁴² *Ibid*

⁴³ Mushtafa al-Maraghi, *Tafsir al-Maraghi*, terj. Hery Noer Aly, et.al. Juz 18,(Semarang: Tohaputra, 1987), h.120.

⁴⁴ *Ibid.*, h.121.

⁴⁵ Ibrahim Anis, *al-mu'jam al-wasth*, juz II, (Istanbul-Turki: al-Maktabah al-Islamiyah, t.th.), h.749.

From this verse it is illustrated that the sanctions for those accused of adultery include three components (1) being flogged eighty times, (2) in terms of social status they cannot be used as witnesses in any form (3) being classified as wicked.

3. Theft

Stealing is taking property stored in a protected place. In a secret way. Based on this, Sayid Sabiq concluded that theft includes 3 factors: (1) taking other people's property, (2) the process of taking it in a hidden condition (3) the property taken is stored properly.⁴⁶

The legal basis for theft as well as the sanctions are contained in QS. Al-Ma'idah: 38

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

The man who steals and the woman who steals, have their hands cut off (as) retribution for what they have done and as a punishment from Allah. And Allah is All-Mighty, All-Wise.

The provisions in this paragraph are that if a person commits theft, he is threatened with hudud law in the form of cutting off his hand. The generality of this verse shows that for every theft the sanction is to have one's hands cut off, but the majority of scholars still state the requirements regarding both the stolen property and the perpetrator, so that if the conditions are met, then this verse can be applied

4. Robbery

Robbery in jinayah jurisprudence is termed Hirabah. Etymologically it means war, seizing property, causing damage, destruction, accidents, spreading hostility. From the terminology aspect, hirabah is an armed action by a group of people to cause chaos, spill, damage property and defy the law.

The Qur'an strongly threatens perpetrators of robbery as explained in the QS. Al-Ma'idah verse 33:

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خِلافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ۗ ذَٰلِكَ لِمَنْ خِزِي فِي الدُّنْيَا ۗ وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ⁴⁷

Indeed, the only retribution for those who fight against Allah and His Messenger and cause mischief on the face of the earth is that they be killed or crucified, or have their hands and feet cut off in reciprocity, or be thrown out of the land (where they live). This is

⁴⁶ Sayyid sabiq, *Fiqh Al-Sunnah*, Juz II, (Beirut: Dar al-Kitab al-Arabiyy, t.th), h.437.

⁴⁷ Al-Qur'an Al karim30 juz (Cv,Toha Putra ,Semarang :1991)

(as) a humiliation for them in this world, and in the afterlife they will suffer a great torment.⁴⁸

From the verse above we can understand that there are 4 types of punishment for robbers, namely: (a) the law of killing, qisas, (b) the law of the cross, (c) the punishment of cutting off hands and feet in a cross and (d) the punishment of banishment or expulsion. The four types of punishment are given based on the circumstances of the crime committed.

Some ulama' are of the opinion that if the robbery is accompanied by murder, then the punishment is also the death penalty. If it is accompanied by cruel murder, the punishment is death by crucifixion. If the robbery is committed with force or lightly, then the punishment is cutting off the hands and feet or punishment by being thrown away.⁴⁹

5. Rebellion

The rebellion is termed Al-bagyu or treason legitimate government. Al-bagyu: etymologically it means actions that deviate from the truth. According to the Hanafi school of thought, Al-bagyu is a resistance against the leader of the State who is legally appointed in ways that are justified by Islamic law.⁵⁰

Thus, ahlu Al-bagyi 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. These rebels openly oppose the legitimate government by force of arms and enforce their own regulations.

Rebellion is a hudud crime for which sanctions are punishable by severe punishment as stated by Allah SWT in the QA. Al-Hujurat Verse 9

⁴⁸ Salim Bahreisy dan Abdullah Bahreisy *Terjemah Al-Qur'an Al hakim* (CV.Sahabat Ilmu Surabaya:2001)

⁴⁹ Iman Taqiyuddin, *Kifayatul Akhyar fi Haliy Gayatil-Ikhtisan*, Juz II, (Bandung: Syirkatu al-Ma'arif,t.th.), h. 193

⁵⁰ Abd. Aziz Dahlan, et.al., *Ensiklopedia Hukum Islam*, Jilid II, (Cet. I; Jakarta: Ikhtiar Baru Van Hoeve, 1996), h. 172.

وَأِنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلِحُوا بَيْنَهُمَا ۚ فَإِنْ بَغَتْ إِحْدَاهُمَا عَلَى الْأُخْرَىٰ فَقَاتِلُوا الَّتِي تَبْغِي حَتَّىٰ تَفِيءَ إِلَىٰ أَمْرِ اللَّهِ ۚ فَإِنْ فَاءَتْ فَأَصْلِحُوا بَيْنَهُمَا بِالْعَدْلِ وَأَقْسِطُوا ۚ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ⁵¹

*And if there are two groups of those who believe at war, let you make peace between them! But if one person violates an agreement with another, you must fight against the one who violates the agreement until they return to Allah's command. When he has receded, make peace between the two according to justice, and act justly; Indeed, Allah loves those who act justly.*⁵²

6. Apostate (Riddah)

The provisions of the Koran which provide normative signs regarding acts of riddah, including QS. Al-Baqarah (2): 217

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَخْطِئُهُ الشَّيْطَانُ مِنَ الْمَسِّ ۚ ذَٰلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا ۚ وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا ۚ فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَىٰ ۚ فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ ۚ وَمَنْ عَادَ فَأُولَٰئِكَ أَصْحَابُ النَّارِ ۗ هُمْ فِيهَا خَالِدُونَ

In Mahmud Shaltut's opinion, this verse shows the futility of good deeds for apostates whose punishment in the Hereafter is eternity in Hell, while in this world the death penalty is applied. However, other commentators suggest that in this verse there are two consequences of apostasy as mentioned by Mahmud Saltut, but the difference is that apostasy is temporary. An apostate whose deeds are temporary cannot be erased and whose repentance can be accepted by Allah, this is the opinion of the scholars of the Safi'i school of thought. Meanwhile, the Hanafi and Maliki schools of thought argue that whoever apostates and then repents, his deeds are invalid. That is the bad impact that awaits those who disobey Allah.⁵³

⁵¹ Al-Qur'an Al karim 30 juz (Cv, Toha Putra, Semarang :1991)

⁵² Salim Bahreisy dan Abdullah Bahreisy *Terjemah Al-Qur'an Al hakim* (CV.Sahabat Ilmu Surabaya:2001)

⁵³ M. Quraish Shihab, Vol. I, *op. cit.*, h.465

6. Wine drinkers

Arak is a strong drink. In Arabic, it is called khamar, which comes from the word "khamara", meaning to cover up. In Islam, drinking wine is haram, because it can erase the mind. Someone who drinks wine or wine usually gets drunk and loses consciousness. He forgot himself and forgot God. The discussion doesn't necessarily end at the beginning anymore. He criticizes and curses, reveals secrets about himself and others. For this reason, drinking wine (khamar) is prohibited by religion, because it is an act of Satan. This is in accordance with the word of Allah SWT. QS. Al-Maidah verse 90:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رَجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ
لَعَلَّكُمْ تَفْلِحُونَ

O you who believe, verily (drink) wine, gamble, (sacrificing to) idols, casting lots of fortunes with arrows, are included devil's deeds. So stay away from those actions so that you may gain luck

ONCLUSION

From the various descriptions above we can conclude that:

1. Etomologically, it can be formulated that hudud is a separation or barrier that must not be crossed or violated, because a violation carries a penalty. In terminology, hudud is Allah's prohibition which is commanded by humans to observe it and not approach it.

2. The spread of the word hudud in the verses of the Qur'an has several meanings, namely: first, hudud means a prohibition on carrying out certain actions. Prohibited acts are acts that have been determined. If violated, penalties or sanctions will be given.

Second, the word hudud means legal order; namely the rules that have been established by God to regulate human actions. God's rules must be followed and guided for the benefit of humans themselves. This can be seen in QS. At-Taubah Verse: 97 and 112 and QS. At-Thalaq. The word hudud in this verse has a general legal meaning which covers all aspects of Islamic teachings.

Third, hudud means provisions, namely the boundaries of permissible actions and impermissible actions. 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. An-Nisa' verses 13 and 14 and QS. Al-Mujjadi verse 4. In this verse, the word hudud is interpreted as provisions that must be obeyed by Muslims and if these provisions are violated, Allah will impose sanctions or punishment.

3. Actions that are threatened with had law have the following elements:

a) The existence of Nash which prohibits certain actions and is accompanied by threats of punishment for actions, these elements are known as formal elements.

b) There are manufacturing elements that form jinayat, whether in the form of carrying out prohibited actions or abandoning required actions, this element is known as the material element.

c). There are perpetrators of crimes, namely people who can receive khitab, meaning that the perpetrators of the jinayat have advanced so that they can be prosecuted for the crimes they have committed. This element is known as the moral element

BIBLIOGRAPHY

Djazuli, 1997, *Fiqh Jinayat. Upaya Menanggulangi dalam Kejahatan dalam Islam*, Cet. II, Jakarta: Raja Grafindo Persada.

Iajnah Pentashihan Mushaf Al-Qur'an *Cahaya Dalam Perspektif Al-Qur'an dan Sains* (Rabiul Awal 1438 H/November 2016 M)

Abd Al-Baqi Muhammad Fuad, t.th, *Al-Mu'jam al-Mufahras li al-faz Al-Qur'an al-Karim*, Indonesia: Maktabah Dahlan.

Ahmad ibn Faris ibn Zakariyah Abu al-Husyain, 1980, *Maqayis al-Lughah*, Cet. II, t.tp: Al-Maktabah al-Manazi.

Al-Jurjaniy Muhammad, t.th, *Al- Ta'rifat*, Jeddah: Al-Haramain.

Anis Ibrahim, t.th, *Al- Mu'jam al- Washth*, juz.I, Istanbul-Turki: Al-Maktabah al-Islamiyah.

Audah, Abd. Qadir, 1952, *Al-Tasyri al-Jinayat al-Islamiyah*, Juz I, Beirut: Muassasat al- Risalat.

Djazuli *fiqh jinayah (upaya menangguli kejahatan dalam islam)*, Jakarta: PT Raja grafindo Persada, 1947, h. 13

Bakri M. K., 1986, *Hukum Pidana dalam Islam*, Cet. III; Solo: CV. Ramadani.

Dahlan, Abd Aziz, et. Al., 1996, *Ensiklopoedia Hukum Islam*, Jilid II, Cet. I, Jakarta: Ikhtiar Baru Van Hoeve.

Dep. Agama RI., 1978, *Al-Qur'an dan Terjemahannya*, Jakarta: PT.Bumi Restu.

Dep. Pendidikan dan Kebudayaan, 1988, *Kamus Besar Bahasa Indonesia*, Cet. I, Jakarta: Balai Pustaka.

Dewan Redaksi Ensiklopedia Islam, 1993, *Ensiklopedia Islam*, Jilid, II, Cet. I, Jakarta: Ichtiar Baru Van Hoeve.

Doi Abd. Rahman, 1996, *Hudud Dan Kewarisan*, Cet. I, Jakarta: Raja Grafindo Persada.

Kholid Syamhudi, *Tahukah anda apa itu Hudud?* Dikutip dari website: <http://ekonomisyariat.com/belajar-islam/tahukah-anda-apa-itu-hudud.html>

Hakim Rahmat, 2000, *Hukum Islam*, Cet.,I, Bandung: Pustaka Setia.

Fathuddin Abdi. *keluwesan hukum pidana islam dalam jarimah hudud (pendekatan pada jarimah hudud pencurian)* Al-Risalah. Jurnal Ilmu Syariah dan Hukum. Volume 14, No. 2, Desember 2014 ISSN: 1412- 436, h. 6.

Haliman, 1971, *Hukum Pidana Syari'at Islam*, Cet. I; Jakarta : bulan Bintang.

Hanafi, Hasan, 1989, *Al-Yamin wa al-Yasar fi al-Fikr al-Diniy*, Mesir : Madbuliy.

Ibn Katsir, Ismail, t.th, *Tafsir Ibn Katsir*, Juz IV, Beirut: Dar Al-Fikr. Maktabah Kubra.

Mas'ud, Ibnu, dan Zainal Abidin, 2000, *Fiqh Mazhab Syafi'I Edisi Lengkap, Muamalat, Munakahat, dan Jinayat*, Bandung: Pustaka Setia

Muhammad bin Mukram bin Manzur, 1409 H, *Lisan al-Arab*, Juz II, Bairut : Dar Sadir.

Sabiq, Sayyid, 1987, *Fiqh Sunnah*, Juz II, Cet.I; Bandung Al-Ma'arif.

Reni Surya. *Klasifikasi Tindak Pidana Hudud dan Sanksinya dalam Perspektif Hukum Islam*. Samarah: *Jurnal Hukum Keluarga dan Hukum Islam* Volume 2 No. 2. Juli-Desember 2018 ISSN: 2549 – 3132; E-ISSN: 2549 – 3167

Al qur'an Al karim 30 juz (Cv, Toha Putra , Semarang : 1991)

Ust Salim Bahreisy, Drs. Abdullah Bahreisy *Terjemah Al qur'an Al hakim* (CV. Sahabat Ilmu Surabaya: 2001)

Sahabuddin, 2007, *Ensiklopedia Al-Qur'an*, Cet. I, Jakarta: Lentera Hati.

Salim Abd. Muin, 1990, *Beberapa Aspek Metodologi Tafsir Al-Qur'an*, Ujung Pandang : LSKI.

Salimal-Awai, Muhammad, 1983, *Fi Ushul al-Nidzan al-Jinai' al-Islam*, Kairo: Dar Al-Ma'arif.

Shihab, M. Quraish, 1995, *Membumikan al-Qur'an*, Cet. XI, Bandung: Mizan.

Shaleh, Ruslan, 1981, *Perbuatan Jinayat dan Pertanggung Jawab Pidana*, Cet. II, Jakarta: Aksara Baru.

Syaltut, Mahmud, 1975, *Ila Al-Qur'an al-Karim*, Kairo: Dar al-Syuruq.

Yahya, Mukhtar dan Fathurahman, 1986, *Dasar-dasar Pembunaan Hukum Islam*, Bandung: al-Ma'arif.