

Jinayah Classification Based on Hadith

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Info Articles	Abstract
Article History Received: 2025-07-03 Revised: 2025-07-13 Published: 2025-07-31 Keywords: <i>Criminal Law, Hudud, Qisas, Ta'zir, Hadith, Islamic Criminal Law.</i>	This study aims to analyze the classification of jinayah in Islamic criminal law based on the hadith as the second source of law after the Qur'an. Jinayah is a criminal act that harms the soul, body, or human honor. This study uses a descriptive qualitative approach by examining the hadith literature and the views of Islamic jurisprudence scholars. The results of the study indicate that jinayah is divided into three main categories, namely hudud jinayah, qishash-diyat, and ta'zir. Hudud jinayah is a criminal act with sanctions that have been clearly determined in the Qur'an and hadith and cannot be changed. Qishash-diyat jinayah relates to violations against the soul and body with sanctions in the form of retribution or diyat that can be forgiven by the victim or heirs. Meanwhile, ta'zir jinayah is a criminal act whose sanctions are not explicitly determined in the texts and are left to the discretion of the judge or ruler. The differences between the three lie in the source of legal determination, the nature of the sanctions, and the authority in imposing punishment. Thus, the classification of jinayah based on hadith shows the flexibility and firmness of Islamic law in maintaining justice and the benefit of society.

I. INTRODUCTION

Jinayah in Islamic law refers to criminal acts that result in loss against human souls, limbs, or honor. The concept of jinayah has a strong basis in the Koran and is explained in detail through the hadiths of the Prophet Muhammad. The classification of jinayah based on hadith is an important part of the Islamic criminal legal system that has developed since the early days of Islam. Hadith as the second source of Islamic law after the Al-Quran has a significant role in explaining various aspects of jinayah which are not explained explicitly in the Al-Quran. Rasulullah SAW, through his words, deeds and decrees, provides comprehensive guidance regarding the types of criminal acts, appropriate sanctions and procedures for their implementation.

The importance of classifying criminal offenses based on hadith lies in the need to understand the gradation of crimes in Islam and the proportionate sanctions for each type of violation. This classification system allows scholars and judges to apply the law appropriately according to the seriousness of the crime. Through authentic hadith, we can understand how the Prophet Muhammad (peace be upon him) handled various

criminal offenses, ranging from minor to serious. Islamic jurisprudence scholars have classified criminal offenses based on hadith into several main categories, generally based on the object attacked, the degree of harm caused, and the type of sanction imposed. The hadith provide concrete examples of how cases of murder, assault, theft, adultery, qadzaf (adultery), riddah (adultery), hirabah (adultery), and various other forms of crime are handled.

The jinayah classification methodology based on hadith involves in-depth analysis of the hadith matan and sanad to ensure the authenticity and validity of the legal sources. Hadith scholars developed strict rules for assessing the quality of hadith, because only hadith of certain quality can be used as a basis for determining jinayah law considering the serious consequences of implementing Islamic criminal sanctions. A unique characteristic of the hadith-based jinayah classification is its emphasis on restorative justice and crime prevention. Many hadiths show that the purpose of jinayah sanctions is not only as retribution, but also as a deterrent and atonement for sins. This concept is reflected in the hadith which shows a preference for peaceful settlements, diyat payments, or other forms of settlement that restore social balance.

II. RESEARCH METHODS

This research uses a qualitative approach with the type of library research, which focuses on examining the contents of papers regarding the classification of jinayah based on hadith. The data source in this research comes entirely from the material that has been compiled in the paper, especially the discussion regarding jinayah hudud, qishash-diyat, and ta'zir which comes from hadith and Islamic legal literature (Abu Dawud, tt; al-Bukhari, 1987; Muslim, 1991).

Data collection techniques were conducted through documentation studies, namely by reading, understanding, and thoroughly reviewing the contents of papers related to the concepts, legal basis, and classification of jinayah from a hadith perspective. The data obtained was then processed without adding external sources, so that the analysis remained based on the contents of the existing papers (Ministry of Religious Affairs of the Republic of Indonesia, 2012; Syarifuddin, 2004).

Data analysis was conducted using a descriptive-analytical method, namely by systematically describing the contents of the paper, then analyzing it to find classification patterns, characteristics, and differences between hudud jinayah, qishash-diyat, and ta'zir (Muslich, 2005; al-Zuhaili, 1989). In addition, the analysis also pays attention to the normative basis of the hadith and the Qur'an as used in the paper, so as to produce a structured understanding and in accordance with the principles of Islamic criminal law (al-Mawardi, 1996; al-Bukhari, n.d.; Muslim, n.d.).

III. RESULTS AND DISCUSSION

A. Jinayah Qishash: A Criminal Act for which the Sanction is Appropriate Retribution

Linguistically, the word qishash comes from the Arabic "قصاص" which means "to follow in the footsteps" or "to repay in kind". In sharia terms, qishash is a punishment imposed on a criminal in the form of retribution that is commensurate with the crime he committed, especially related to crimes that attack the soul (qatl) or body parts (jirahah). In other words, qishash is the application of the principle of reciprocal justice: "a

life is repaid with a life, an injury is repaid with an injury" (al-Zuhaili, 1989).

The legal basis for qishash is found in the Al-Qur'an surah Al-Baqarah verse 178: "O you who believe, qishash is obligatory upon you regarding those who are killed." The Hadith of the Prophet SAW also emphasizes the importance of qishash in maintaining justice and preventing crime. Rasulullah SAW said "Qishash was established to protect human life." (HR. Abu Dawud; Syarifuddin, 2004).

Qisas has two main forms; 1. Qisas in cases of murder (qatl). If someone intentionally kills another person, the victim's family has the right to demand the death penalty against the perpetrator. However, Islam also opens the door to forgiveness. If the victim's family forgives, the perpetrator can be given diyat (ransom) according to the agreement. This shows the balance between law enforcement and the value of compassion in Islam. 2. Qisas in cases of assault (jirahah). If someone injures another person, the perpetrator can be given an appropriate punishment, for example, cutting off the perpetrator's hand if he cuts off the victim's hand. However, the implementation of the punishment must be carried out fairly and carefully, so as not to cause greater harm. In practice, judges often offer a peaceful solution in the form of diyat or material compensation (Muslich, 2005).

The Purpose of Qishash:

- a) Upholding justice gives rights to the victim or the victim's heirs
- b) Preventing crime has a deterrent effect on society.
- c) Protecting life with the threat of qisas, people will be afraid to commit murder or assault.
- d) Providing the opportunity to forgive shows the value of mercy in Islamic law (al-Zuhaili, 1989).

The wisdom of Qisas (retribution) holds immense value. Allah SWT established qisas not to increase suffering, but to protect life. With qisas, there will be no more wild revenge that can lead to unrest. Everything will be resolved through clear and just law (Syarifuddin, 2004).

B. Jinayah Hudud: Criminal Acts whose Punishments Have Been Determined in the Al-Qur'an and Hadith

Linguistically, hudud means limitation or regulation. In Islamic law, hudud is a form of criminal offense whose punishment has been determined definitively by Allah SWT through the Quran and Hadith. Because of its definite nature, hudud cannot be changed, added to, or reduced by anyone, whether judges, rulers, or society. Hudud is intended as a limitation that prevents humans from violating the rights of Allah SWT and the rights of others. It is not merely a worldly punishment, but also has spiritual value because it upholds Allah's commands and prevents major sins (Syarifuddin, 2004).

The legal basis of hudud is emphasized in the Qur'an and hadith. Among them: Regarding adultery: "The woman who commits adultery and the man who commits adultery, lash each of them with a hundred lashes" (QS. An-Nur: 2). Regarding theft: "The man who steals and the woman who steals, cut off their hands as a recompense for what they have earned and as an ordeal from Allah..." (QS. Al-Maidah: 38). Regarding accusing adultery without proof (qadzaf): "And those who accuse chaste women of adultery and do not produce four witnesses, lash them with eighty lashes" (QS. An-Nur: 4). The hadith of the Prophet Muhammad SAW also explains the law of hudud, such as his statement regarding alcohol: "Whoever drinks alcohol, lash him." (Narrated by Bukhari and Muslim; Muslich, 2005).

Types of Jinayah Hudud include several serious crimes that threaten public order, including:

- Zina is sexual intercourse outside of a legal marriage. The punishment is 100 lashes for unmarried adulterers, and stoning to death for married adulterers.
- Qadzaf (accusing someone of adultery without evidence) Accusing someone of adultery without presenting four just witnesses. The punishment: 80 lashes and the testimony is no longer accepted.
- Saraqah (theft) Secretly taking someone else's property with a value that reaches the nisab. The punishment: amputating the hand (wrist).

- Hirabah (robbery/terror on the street) Committing a crime on the street by spreading terror, robbing, or killing. The punishment varies according to the level of the crime: being killed, crucified, having the arms and legs cut off crosswise, or being exiled (QS. Al-Maidah: 33).
- Syurb al-Khamr (drinking alcoholic beverages) Consuming something intoxicating. The punishment: 40 or 80 lashes, according to the hadith.
- Bughat (rebellion) Rebelling against or rebelling against a legitimate ruler with violence. The punishment is fighting until they return to obedience (Muslim, 1991).
- Characteristics of Hudud Law
- Hudud punishment is permanent and definite.
- Cannot be changed by judges or rulers.
- Concerning the rights of Allah SWT, not just human rights.
- It cannot be enforced if the evidence is not strong enough. In case of doubt (syubhat), the hudud punishment is overturned. Rasulullah SAW said: "Reject hudud with syubhat." (al-Zuhaili, 1989).
- The Purpose and Wisdom of Hudud
- Protecting religion, for example, by prohibiting and punishing apostasy or apostasy.
- Protecting life and security punishes robbery and murder.
- Keep your wits about you by forbidding alcohol.
- Protecting property by punishing theft.
- Maintaining honor by punishing adultery and qadzaf (Ministry of Religion of the Republic of Indonesia, 2012).

C. Jinayah Ta'zir: Criminal Acts for which Sanctions are Left to the Discretion of the Judge or Ruler

Ta'zir criminal offenses are crimes under Islamic law whose sanctions are left to the discretion of the judge or ruler. This means that neither the Quran nor the Hadith specify the form or degree of punishment in detail, so the severity of the punishment depends on the judge's ijtihad, the perpetrator's condition, and the level of danger of the act (Muslich, 2005).

Although the legal basis is not clearly defined, ta'zir has a general basis in Islamic law, namely the principle of amar ma'ruf nahi munkar (commanding good and preventing evil). Allah SWT says: "And let there be among you a group of people who call to virtue, enjoin what is good and forbid what is evil, they are the lucky ones." (QS. Ali Imran: 104; Ministry of Religion of the Republic of Indonesia, 2012). Apart from that, the Prophet SAW also gave punishment to friends in certain cases where there was no hudud text, such as restraining, reprimanding, or lightly beating as a form of ta'zir (al-Zuhaili, 1989).

The main objectives of ta'zir are:

- a) Educate the perpetrator so that he does not repeat his mistakes.
- b) Protecting the public interest from destructive crimes.
- c) Prevent criminal acts that are not regulated in hudud and qisas
- d) .Providing flexibility for Islamic law, so that it remains relevant in facing new forms of crime (Syarifuddin, 2004).

Forms of Ta'zir Punishment

Due to its flexible nature, the forms of ta'zir punishment can be very diverse, including:

- a) Reprimand or advice
- b) Public warning.
- c) Fines or compensation.
- d) Exile.
- e) The death penalty (in exceptional cases that endanger the people, for example espionage or treason) (al-Bukhari, n.d.).

Furthermore, ta'zir criminal law demonstrates the dynamics of Islamic criminal law, which is not rigid but adapts to changing times and societal conditions. By granting authority to judges or rulers, ta'zir becomes an important instrument in maintaining social order and responding to various new forms of crime not specifically regulated in the Qur'an and Hadith. This emphasizes that Islamic law is not only oriented towards enforcing sanctions, but also towards preventing and correcting the behavior of

perpetrators of crime, thus creating a balance between justice and the public interest (al-Zuhaili, 1989).

D. Distinctions and Limitations: Main Differences between the Three Types of Jinayah Based on Valid Hadiths

1. Criminal Laws

- a) Definition: A crime whose punishment has been expressly determined in the Qur'an and Hadith, and cannot be changed by a judge.
- b) Example based on hadith: Hadith about stoning for adulterers Muhsan: "Take it from me, take it from me. Allah has determined a way for them (adulterers), single people are lashed one hundred times and exiled for one year, while married people are lashed one hundred times and then stoned." (HR. Muslim; Muslim, 1991)
- c) Limitations: Allah's right, definite sanctions, judges cannot add or subtract.

2. Qishash and Diyat

- a) Definition: Criminal acts involving life and limbs, the punishment is qishash (equal retribution) or diyat (compensation).
- b) An example based on the hadith: "A soul is repaid with a soul, an eye with an eye, a nose with a nose, an ear with an ear, a tooth with a tooth, and even wounds are recompensed." (HR. Bukhari-Muslim; al-Bukhari, 1987; Muslim, 1991).
- c) Limitations: Human rights (the victim's heirs), they can demand qisas, receive diyat, or forgive (Muslich, 2005).

3. Ta'zir Criminal Procedure

- a) Definition: A crime for which the punishment is not explicitly specified in the Qur'an and Hadith, but is left to the discretion of the judge/ruler.
- b) Example based on hadith: Rasulullah said: "There should be no punishment of more than ten lashes except in the hudud of Allah's hudud." (Narrated by Bukhari-Muslim; al-Bukhari, 1987; Muslim, 1991),

showing that besides hudud, there are other forms of punishment (ta'zir) that are flexible.

- c) Limitations: The rights of the ruler/judge are preventive and educational in nature, the punishment can vary according to the conditions (Syarifuddin, 2004).

4. Main Points of Differentiation Based on Hadith

- a) Hudud sanctions are certain, the right of Allah, the judge has no room for ijtihad.
- b) Qishash-Diyat → sanctions related to human rights, there is a choice between qishash, diyat, or forgiveness.
- c) Ta'zir sanctions are not determined by the text, they are flexible according to the benefit, the rights rest with the authorities (al-Zuhaili, 1989).

The distinction and boundaries between these three types of jinayah demonstrate that Islamic criminal law has a structured and layered system according to the level of crime and its impact. Through authentic hadiths, it can be understood that each type of jinayah has its own characteristics, both in terms of the source of legal determination, the nature of sanctions, and the parties who have the authority to implement them. Hudud emphasizes legal firmness as a form of protection of the rights of Allah, qisas-diyat emphasizes the balance between justice and humanitarian values by granting rights to victims or heirs, while ta'zir provides legal flexibility to remain relevant in dealing with various forms of crime that continue to evolve. Thus, this classification not only reflects justice, but also demonstrates a balance between legal certainty and the public good (al-Zuhaili, 1989).

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the discussion, it can be concluded that jinayah in Islamic law is divided into three main forms, namely hudud, qishash-diyat, and ta'zir. Jinayah hudud is a criminal offense whose punishment has been definitely determined in the Qur'an and hadith as a right of Allah that cannot be changed. Jinayah qishash-diyat relates to violations against the soul and limbs,

where the heirs of the victim have the right to choose qishash, diyat, or forgiveness. Meanwhile, jinayah ta'zir is a criminal offense that does not have a definite punishment in the text, so it is entirely within the authority of the judge or ruler by considering the benefit aspect. Thus, the main differences between the three jinayah lie in the source of the punishment decision, who owns the rights, and the extent of the judge's flexibility in determining sanctions.

B. Suggestion

Based on the findings of this study, it is recommended that research on the classification of *jinayah* in Islamic criminal law be further developed through more contextual and comparative approaches, both in terms of hadith analysis and its application in contemporary legal systems. Academics are encouraged to expand this research by examining the relevance of *hudud*, *qishash-diyat*, and *ta'zir* within the dynamics of modern society, while legal practitioners and policymakers should consider balancing firmness and flexibility in law enforcement to achieve proportional justice. In addition, enhancing public understanding of the concept of *jinayah* is essential to prevent misinterpretations, thereby ensuring that the values of justice and public welfare in Islamic criminal law can be optimally realized.

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