



HADITH INTERPRETATION OF LAW AND JUSTICE AND ITS IMPLEMENTATION AS AN ALTERNATIVE SOLUTION RULE OF LAW ENFORCEMENT IN INDONESIAN

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Abstract

This article wants to explain the interpretation of hadith on law and justice and its implementation as an alternative solution to upholding the supremacy of law in Indonesia. This aims to address the social gap in law enforcement in Indonesia which is characterized by the increasing number of law violations due to a lack of firmness in law enforcement itself. This research is library research, namely library research, because all primary data is written data, especially those related to the Prophet's hadith about law and justice and their interpretation in the context of upholding the supremacy of law in Indonesia. The main sources are hadith books which are also featured in other cases relevant to the research. The results of this research indicate that the Prophet's hadith regarding law and justice can be implemented in the context of law enforcement in Indonesia because law enforcement during the time of the Prophet as described in the Prophet's hadith contained the principles of justice in society. When a crime is committed by a lawbreaker, the law can treat it as fairly as possible.

Abstrak

Artikel ini ingin menjelaskan tafsir hadis hukum dan keadilan serta implementasinya sebagai alternatif solusi tegaknya supremasi hukum di Indonesia. Hal ini bertujuan untuk menjawab kesenjangan sosial dalam penegakan hukum di Indonesia yang ditandai dengan semakin banyaknya pelanggaran hukum akibat kurangnya ketegasan dalam penegakan hukum itu sendiri. Penelitian ini merupakan penelitian kepustakaan yaitu penelitian kepustakaan, karena seluruh data primernya merupakan data tertulis, khususnya yang berkaitan dengan hadis Nabi tentang hukum dan keadilan serta penafsirannya dalam rangka penegakan supremasi hukum di Indonesia. Sumber utamanya adalah kitab-kitab hadis yang juga ditampilkan dalam kasus-kasus lain yang relevan dengan penelitian. Hasil penelitian ini menunjukkan bahwa hadis Nabi tentang hukum dan keadilan dapat diimplementasikan dalam konteks penegakan hukum di Indonesia karena penegakan hukum pada masa

Nabi yang telah dijelaskan dalam hadis Nabi mengandung prinsip-prinsip keadilan di tengah-tengah masyarakat. ketika suatu kejahatan terjadi dilakukan oleh pelanggar hukum, maka hukum itu dapat memperlakukan dengan seadil-adilnya

Keywords: Hadith Interpretation; Law and Justice; Rule of Law

INTRODUCTION

As a comprehensive rule of life, in Islamic sharia there is always found a legal attitude that underlies partial matters, current situations and conditions that occur in Muslim communities, whether the law is understood directly from the Qur'an and hadith clearly or through a process of deep contemplation of the spirit and purpose of sharia (maqashid sharia), resulting in a conclusion. The Qur'an and hadith have guaranteed a law for every condition, both existing and imminent. The general rules made by the scholars of the past can be used by subsequent scholars as a pattern of analogy of new laws that will be established in response to new conditions that have never existed before.¹

In Islam itself there are various kinds of laws, including laws that have been established by Allah Almighty and His Messenger in the Quran and hadith such as hudud law² and the law of ta'zir³. In hudud laws are also divided into several types of punishments, including hudud law for adulterers, hudud law for khamr drinkers, and hudud law for thieves. These laws have been decreed since the time of the Prophet (peace be upon him). However, in reality there are still many Muslims who do not know about these Islamic Sharia laws and how they should be applied in everyday life.

The Holy Prophet (peace be upon him) passed down the products of law derived from the Qur'an and also through the establishment of laws that he carried out as well as a number of principles of comprehensive legal establishment and gave guidance to a number of sources and propositions for determining the law. This period has left behind the principles of perfect law-establishment.⁴ When the Holy Apostle migrated to Medina until his death in 11 H/632 AD, he became the head of state when Islam became strong, the number of Muslims was already large so it was necessary to have governance that could run a harmonious life between all groups, so that the media of da'wah took place safely and peacefully.

This situation encourages the need for tasyri' and one of them is the formation of legislation regulating criminal law and others. As a receiver and conveyor of revelation from Allah Almighty, the Apostle is the only source of all laws and regulations, even all actions and words of the Apostle are also positioned as a source of legislation that must be obeyed while the element of executive power of the Apostle can also be seen from the implementation of the Messenger in upholding the laws of Allah SWT from various aspects of social life, economic as well as political.⁵

¹ Malthuf Siraj, *Konsep Kemudahan Dalam Hukum Perspektif al-Qur'an dan Hadis*, At-Turāqīn : Jurnal Studi Keislaman, Volume 6, No. 2, Juli-Desember 2019), h. 143

² *Hudud* is the jama' form of the word *limit* which originally meant something that demarcates between two objects. According to the language, the word *had* means *al-man'u* (prevent). As for according to shari'i, *hudud* are punishments for crimes that have been determined by sharia 'to prevent a person from falling into the same crime and wash away the sins of the perpetrator. See Asadullah Al-Faruk, *Hukum Pidana Dalam Sistem Hukum Islam*, (Penerbit Ghalia Indonesia, 2009), hal. 19

³ According to the language, lafaz *ta'zir* comes from the word: *azzara* which means *man'u wa radda* (prevent or resist). *Ta'zir* can mean *addaba* (educate) or *azahamu wa waqara* which means to exalt and respect. Of the various senses, the most relevant meaning of *ta'zir* is *al-man'u wa arraddu* (prevent or resist). This understanding is in accordance with what was put forward by Abdul Qadir Audah and Wahbah Zuhaili. *Ta'zir* means preventing and resisting, because it can prevent the perpetrator from repeating his actions. *Ta'zir* is defined as educating because *ta'zir* is intended to educate and correct the perpetrator so that he realizes the actions of his finger and then abandons and stops it. See Makhrus Munajat, *Hukum Pidana Dalam Islam Indonesia*, (Yogyakarta: Teras, 2009), h. 177.

⁴ Muhammad Husain Haekal, *Sejarah Hidup Muhammad*, alihbahasa oleh Ali Audah, (Jakarta: Litera Antar Nusa, 2013), h. 415

⁵ Muhammad Salam Madkur, *Peradilan Dalam Sejarah Islam*, alihbahasa Imron AM, (Surabaya: Bina Ilmu, 1993), h. 20

The judicial power of the Holy Prophet is necessary to uphold the principles of law and justice and the maintenance of the rights of people who sometimes experience disputes or disputes. The process carried out is also important as a way of strengthening the system of a society which will later be exemplified by Muslims as a whole. Even the Holy Prophet required that when there is a dispute between two parties claiming each other's truth, a decision should not be taken after the qadhi (judge) has heard the testimony of both sides. In this context, the Holy Prophet also required evidence brought by the complainant and an oath to the reporter. The proofs in the time of the Holy Prophet were *bayyinah* (fact of truth), oath, witnesses, written evidence, hunch and *qur'ah* (lottery).⁶

The trial process at the time of the Holy Prophet (peace be upon him) was very simple but still upheld the value of justice. The Holy Apostle advised Ali not to rush to decide the law before hearing the conversation (statement) of both parties. This is the principle of law and justice established by the Holy Apostle. Thus, the Holy Apostle has been able to realize benefit and happiness for mankind through the enforcement of the principles of law and justice. This is the desired goal in Islam. Our jurists affirm that the basic principle of punishment in the Islamic Sharia is human benefit and happiness. So every thing or way that can realize human benefit is a religious ideal.⁷

The Prophet (peace be upon him) was very firm in upholding law and justice. At the time of the Holy Prophet (peace be upon him) there were attempts that seemed to suggest a tendency to enforce the law only for the lower classes, while for the nobility or officials it was not strictly enforced. It is like the case of a woman from the Makhzum tribe who committed the crime of theft, then there was an attempt to exonerate this woman from punishment. This can be seen in the hadith narrated by Bukhari as follows:

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا أَنَّ قُرَيْشًا أَهْمُهُمْ شَأْنُ الْمَخْزُومِيَّةِ الَّتِي سَرَقَتْ فَقَالُوا وَمَنْ يَكَلِّمُ فِيهَا رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالُوا وَمَنْ يُجْتَرَى عَلَيْهِ إِلَّا أُسَامَةُ بْنُ زَيْدٍ جِبْتُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَكَلَّمَهُ أُسَامَةُ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْتُمْ فِي حِدٍ مِنْ خُدُودِ اللَّهِ ثُمَّ قَامَ فَاحْتَضَبَ ثُمَّ قَالَ إِنَّمَا أَهْلَكَ الَّذِينَ قَبْلَكُمْ أَنَّهُمْ كَانُوا إِذَا سَرَقَ فِيهِمُ الشَّرِيفُ تَرَكَوهُ وَإِذَا سَرَقَ فِيهِمُ الضَّعِيفُ أَقَامُوا عَلَيْهِ الْحَدَّ وَإِنَّمَا اللَّهُ لَوْ أَنَّ فَاطِمَةَ بِنْتُ مُحَمَّدٍ سَرَقَتْ لَقَطَعْتُ يَدَهَا

Means: From 'Aisha (may Allah be pleased with him), that the Quraysh were facing a disturbing problem, namely about a woman of the tribe of al-Makhzumi who stole and they said; "Who wants to negotiate this matter with the Holy Prophet?" Some of them said; "No one dared to go before him except Osama bin Zaid, the favorite man of the Holy Prophet." Usama addressed the matter and the Holy Prophet(saw) said: "Are you asking for leniency for violating the rules of Allah?" Then he stood up to deliver the sermon and said: "Those who before you perished because when anyone from the respectable class (officials, rulers, elites of society) they stole, they let them go and when there were people from the lower class (lower

⁶ Muhammad Salam Madkur, *Peradilan Dalam Sejarah Islam*, h. 22

⁷ Wahbah Zuhaili, *Al Fikih al Islami wa Adillatuhu*, (Dar al Fikr, Beirut, 2004), Vol. VII, h. 550-551.

society, ordinary people) they stole they imposed punitive sanctions on them. By Allah, when Fatimah bintMuhamamd stole, I must have cut off her hand". (HR. Bukhari).⁸

This is one form of the Prophet's firmness in law enforcement. He was not afraid to apply the law to anyone, rich or poor. For the sign of the destruction of a nation is that laws are not enforced. As a state of law, the law in Indonesia should be enforced by the authorities, in this case law enforcement authorities and others fairly. The law must not be blunt upward and sharp downward. Don't let civil society play law and oppress arbitrarily. Based on the above, the problems that can be formulated include what is the terminology of law and justice in Islam? What are the hadiths about law and justice and how are they interpreted? How is the implementation of hadith law and justice in the context of upholding the rule of law in Indonesia?

Meaning of Law and Justice

Etymologically, law is a Indonesian word derived from the Arabic "*al-hukmu*" meaning "*regulation*". The term "*al-hukmu*" whose verb is '*hakama*' means to decide, separate authorities, authoritatively and justly. The word 'law' in the Indonesian was also used to replace the Dutch term "*recht*" which comes from the Latin "*rectum*" which means straight, leader or leader. In Latin, the word "*ius*" is part of the word "*justitia*" which in addition to meaning law means justice. Thus, the law deals with justice. Based on the information above, it can be said that etymologically law is a regulation that contains authority used to decide, separate or straighten a certain situation or event with the aim of obtaining justice.⁹

Differences in the understanding of law always change, along with the times and in accordance with the development of human science from century to century. The difference regarding the view of law is real in the sense of traditional law and law in modern times.¹⁰ In classical times man interpreted the law as a reflection of the universe. In traditional times people refer to law as directly related to the just or ethical, whereas in modern times people equate law when they immediately refer to the state or law.¹¹

A. S. Hornby defines law in the Oxford Advanced Learners Dictionary thus: "Law is the rule established by authority or custom, regulating the behavior of members of a community or country".¹²The law is coercive, so the law can be understood as a set of rules or orders and prohibitions that take care of the order of a society. Therefore, the law must be obeyed by the society, in which it is enforced. In addition, the law is also a personal tool that reminds of the weaknesses that exist in every human being. Laws were also created to regulate the existing common order.¹³Since law is understood as a social aid, it is integral as a 'positive norm' in the national legal system.¹⁴

⁸ A. A. Bukhari, "Sahih Al-Bukhari," *STUDI KITAB HADIS*, 1986, 47, https://books.google.com/books?hl=id&lr=&id=VeoOEAAAQBAJ&oi=fnd&pg=PA47&dq=bukhari+muslim&ots=wbnU5FHOLD&sig=aE6ge_ASMHzWaYbF3aaN2tbFDLw.

⁹ E. Sumariyono, *Filsafat Hukum :SebuahPengantarSingkat*, (Yogyakarta: PenerbitUniversitasAtma Jaya, 1989), hlm. 17

¹⁰ Abd Rouf and Zaenul Mahmudi, "AAH KOMPILASI HUKUM ISLAM PASAL 173HURUF A TERHADAP PELAKU EUTHANASIA PASIF PERSPEKTIF MAQASHID SYAR'AH," *Muslim Heritage* 7, no. 1 (2022): 183–216, <https://jurnal.iainponorogo.ac.id/index.php/muslimheritage/article/view/3676>.

¹¹ Theo Huijbers, *FilsafatHukumdalamLintasSejarah*,(Yogyakarta: Kanisius, 2001), hlm. 29

¹² A.S Hornby, *The Oxford Advanced Learners Dictionary*, (New York: Oxford University Press, 1974), hlm. 704. Laws are rules established by authority or custom, governing the behavior of any member of a particular community or country.

¹³ RezaA. Wattimena, *Melampaui Negara HukumKlasik: Locke, Rousseau, Habermas*,(Yogyakarta: Kanisius, 2007), hlm. xiii.

¹⁴ H.R. Otje Salman dan Anthon F. Susanto, *TeoriHukum :Mengingat, Mengumpul, danMembukaKembali*,(Bandung: RefikaAditama, 2007), hlm. 78

Another sense of the word hukm comes from the word حكم - يحكم which basically means to prevent. As in the word حكمة الدابة which means to prevent it by binding. The word الحكم بالشيء means to judge and assign something.¹⁵

In the Qur'an itself, the word حكم with its various derivations has many meanings, among which it can mean something memorable in the heart as in QS. al-Hajj verse 52 as follows:

وَمَا أَرْسَلْنَا مِنْ قَبْلِكَ مِنْ رَسُولٍ وَلَا نَبِيٍّ إِلَّا إِذَا تَمَنَّى أَلْقَى الشَّيْطَانُ فِي أُمْنِيَّتِهِ فَيَنْسَخُ اللَّهُ مَا يُلْقِي الشَّيْطَانُ ثُمَّ يُحْكِمُ اللَّهُ آيَاتِهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ

Means: And We did not send before you an Apostle and not a Prophet, unless he had a desire, satan entered temptations against that desire, Allah removed what the devil put in, and Allah strengthened His verses. And Allah is All-Knowing, All-Wise.

Or it means the nature of Allah Almighty as in QS. al-Baqarah verse 32 as follows:

قَالُوا سُبْحٰنَكَ لَا عِلْمَ لَنَا إِلَّا مَا عَلَّمْتَنَا إِنَّكَ أَنْتَ الْعَلِيمُ الْحَكِيمُ

Means: They answered: "Most holy Thou, we know nothing but what thou hast taught us; verily You are the All-Knowing, the All-Wise.

In jurisprudence, the term law is also referred to as hudud. This can be seen in the hadith text of law and justice. The word *hudud* (حُدُود) itself comes from Arabic from the origin of the word *hadd* (حَدَّ) which etymologically means the forbidden, and the edges of something, or the edges that make it different from others.¹⁶ In Indonesian the word is interpreted to give limits, distinguish, separate, prevent, avoid and impose punishment.¹⁷

This verse makes it clear that a believer should love Allah and His Messenger more than his love for family, because chronologically this verse comes down in connection with the incident of Abu Ubaidah bin Jarrah a companion of the Messenger who killed the father of the unbelievers of Quraysh who opposed the rule of Allah and His Messenger.¹⁸

Ar-Raghib al-Asfahani mentions that *hudud* is the plural form of the word حَدَّ. This word means a barrier that limits two things that prevent or hinder or separate the mixing of that thing with the other. Therefore, the hadd of Allah Almighty has four dimensions; First, something that has a fixed limit, should not be increased or subtracted, for example the number of rakaat prayers five times a day. Second, the limit that allows to be added, but should not be reduced, for example the provision of zakat related to the terms of the rate and haul. If the muzakki wants to expel it even though it is not enough haul, then it is not considered to violate the provisions of zakat, because it is a limit, at least. Third, a provision that allows it to be increased or subtracted. Al-Ashfahni exemplifies the ability to polygamy four wives, but having only one wife is considered not against the rules. Fourth, the provisions that are both permissible are to increase or subtract, for example the prayer of circumcision dhuha 8 rakaat, if anyone adds or subtracts from 8 rakaat to 2 rakaat or to 10 rakaat, then it is considered permissible.¹⁹ Abu Bakr Jabir al-Jurjani himself called hudud a prohibition of Allah that is commanded to man to preserve himself and not to approach him.²⁰ On the understanding expressed by Abu Bakr Jabir al-Jurjani shows that hudud is a prohibition of Allah that must be shunned.

According to Hanafi scholars, terminologically limits are criminal sanctions (uqubat) that have been determined in shape and size by sharia as an effort to protect the rights of Allah (universal

¹⁵ Abi al-Qâsim al-Husain Ibn Muhammad ibn Mufadhhal, *al-Ma'rûf bi al-Rhâghib al-Ashfahâni, Mufradât Alfâz al-Qur'ân*, (Damaskus: Dar al-Qalam, 2002), h. 248

¹⁶ Abu al-Husain Ahmad Ibn Fâris Ibn Jakaria, *Mu'jam Maqayis Fi al-Lughah*, (Cet. I, Beirut: Dar al-Fikr, 1994), h. 239

¹⁷ Ahmad Warson Munawir, *Kamus al-Munawir Arab – Indonesia Terlengkap* (Surabaya: Pustaka Progressif, 1997), h. 242

¹⁸ Qamaruddin Shaleh, dkk., *Asbabu al-Nuzul*, (Bandung: CV. Diponegoro, 1990), h. 505-506

¹⁹ Al-Raghib al-Asfahani, *Mufradatu al-Fadz al-Qur'an* (Cet. I; Beirut: Dar al-Syamsiah, 1992), 221-222

²⁰ Abubakar Jabir al-Jurjani, *Minhaj al-Muslim Kitab wa Akhlak wa Ibadah wa Muamalah* (Cet. VIII; Al-Madinatul al-Munawarah: tp. 1976), h. 453

rights or collective human rights).²¹The difference in the definition above causes differences of opinion regarding the number of hudud. According to Hanafiyah, there are five hudud that are entitled to Allah, namely had as-sariqah (theft), had az-zina (adultery), had ash-shurbi (liquor), had as-sukri (drunkenness), and had al-qadzaf (defamation). Jumhurulama mentions eight kinds of hudud, namely had, sariqah (theft), had, az-zina (adultery), had, ash-shurbi (liquor), had, al-qadzaf (defamation), had, al-qishas, had, ar-riddah, had, al-baghyu (rebellion), and had, quttha'u at-thariq (beheading). IbnJizzi argues, jinayah or jarimah that are subject to criminal sanctions (uqubat) are 13 kinds, namely murder, adultery, defamation, drinking khamr, theft, rebellion, apostasy, hypocrisy, berating Allah, berating the Prophets and Angels, practicing witchcraft, and abandoning prayer and fasting.²²

While 'justice' derived from the word 'adl is the masdar form of the verb عَدَلَ - وَعَدَاةً - وَعَدُولًا - وَعَدْلًا - يَعْدِلُ - يَعْدِلُ. This verb is rooted in letters 'ain (عَيْن), dāl (دَال), dan lām (لَام), the main meaning is الاستواء (straight state) and الأَعْوَجَاج (deviant state).²³So the series of letters contain opposite meanings, namely 'straight' or 'same' and 'crooked' or 'different'. From the first meaning, the word 'adl means to establish the law correctly. So, a person who is 'adl is walking straight and his attitude always uses the same size, not the double size. 'Equality' is the original meaning of the word 'adl, which makes the culprit "impartial" to one of the disputants, and basically also a 'adl "side with right" because both right and wrong must obtain their rights. Thus, he did something appropriate and not arbitrary. Al-Asfahâniy states that the word 'adl means 'to give equal sharing'.²⁴Meanwhile, in al-Mu'jam al-Washit the word 'adl is defined by giving what is rightfully due to a person and collecting what is his duty.²⁵Whereas according to al-Maraghîy that who has given the meaning of the word 'adl by 'conveying rights to their owners effectively' / in the closest way.²⁶

The words عدل in its various forms are repeated 28 times in the Qur'an. This word in the Qur'an has various aspects and objects, as well as the perpetrator. This diversity results in a diversity of meanings related to the term 'adl (justice). According to the research of M. QuraishShihab that there are at least four meanings of justice, and one of them means equality. So this is the meaning related to the discussion of law enforcement.

Hadiths of Upholding the Rule of Law and Justice

At the time of the Prophet, the practice of upholding the rule of law carried out by him can be seen from several hadiths after being classified through searching several source books, then found 14 narrations, 3 narrations on Sahih al-Bukhari, the first narration of the above hadith from Aisha, the second narration of Urwah bin al-Zubeir, the narration of Aisha. In Muslim narration there are 2 hadiths both sourced from Aisha. In the narration of al-Tirmidhi there is 1 hadith which is also sourced

²¹ Jarimah as the right of God means when it touches the rights of society collectively, touching the sense of security and social system of society. Adami's rights (individual human rights) are when he touches the individual rights of society. Criminal punishments (uqubat) become the (collective) right of Allah when it is decreed to protect the benefit of the Jama'ah namely the protection of honor (ala'radh), offspring (al-ansab), property (al-amwal), reason (al-uqul) and soul (al-anfus). It's just that some uqubat are purely the (collective) rights of Allah and some are purely individual rights and some are the rights of (collective) Allah and (individual) humans together. Uqubah which is the right of Allah cannot be aborted by man as an individual. On the contrary, it can only be aborted by Allah's forgiveness through social repentance (taubah wa islah). While the uqubah that is the right of individual human beings can be aborted through individual human forgiveness of some victims. A deeper discussion has been examined in the subchapter "the rights of God and the rights of man". See WahbahZuhaili, *al-Fikih al-Islami*, h.12, dan Abdul Qadir Audah, *at-Tasyri' al-Jina'i al-Islami*(Beirut: Muassasah ar-Risalah, 1992), h. 126

²² Audah, *at-Tasyri' al-Jina'i*, h. 540.

²³ Imam IbnManzur, *Lisân al-Arab*, (Beirut: Dar al-Shadir, [t.th]), Jilid. Ke- 11, h. 430

²⁴ Abial-Qâsim al-Husain ibn Muhammad ibnMufaddhal, *al-Ma'rûfî al-Rhâghib al-Ashfahâniy, MufradâtAlfâz al-Qur'ân*, (Damaskus: Dar al-Qalam, 2002), h. 551

²⁵ Majma' al-Lughah al-'Arabiyyah (*Tahqiq*), *al-Mu'jam al-Washîth*, (t.tp: Dar al-Da'wah, t.th), Juz. ke-2, h. 588

²⁶ Ahmad Mustafa al-Marâghiy, *Tafsîr al-Marâghiy*, (Mesir: MarkazMaktabahMatba'ahMushthafa al-Bâbiy al-Halabiy, 1946), Juz. ke-5, h. 69

from Aisha. And in the narration of Abu Dawud there is 1 hadith which is also sourced from Aisha. In IbnMajah there are 2 hadiths that also come from Aisha and come from Aisha’s father. There are also narrations of Sunan al-Nasai, 4 hadiths, three of which are also sourced from Aisha and one from Urwah bin al-Zubeir. Also in the narration of Sunan al-Darimi there is a hadith from Aisha. And in Ahmad’s narration there is 1 hadith sourced from Aisha.

One of the redactions of the hadith narrated by al-Bukhari of Aisha is as follows:

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا أَنَّ قُرَيْشًا أَهَمَّهُمْ شَأْنُ الْمَرْأَةِ الْمُخْرُومِيَّةِ الَّتِي سَرَقَتْ فَقَالُوا وَمَنْ يَكَلِّمُ فِيهَا رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالُوا وَمَنْ يُجَادِرُهُ عَلَيْهِ إِلَّا أُسَامَةُ بْنُ زَيْدٍ حُبُّ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَكَلَّمَهُ أُسَامَةُ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْشَقِعُ فِي حَذْرٍ مِنْ حُدُودِ اللَّهِ ثُمَّ قَامَ فَاخْتَضَبَ ثُمَّ قَالَ إِنَّمَا أَهْلَكَ الَّذِينَ قَبْلَكُمْ أَنَّهُمْ كَانُوا إِذَا سَرَقَ فِيهِمُ الشَّرِيفُ عَزَّوْهُ وَإِذَا سَرَقَ فِيهِمُ الضَّعِيفُ أَقَامُوا عَلَيْهِ الْحَدَّ وَإِنَّمَا اللَّهُ لَوْ أَنَّ فَاطِمَةَ بِنْتُ مُحَمَّدٍ سَرَقَتْ لَنَطَعْتُ يَدَهَا

Means: From ‘Aisha (may Allah be pleased with him), that the Quraysh were facing a disturbing problem, namely about a woman of the tribe of al-Makhzumi who stole and they said; “Who wants to negotiate this matter with the Holy Prophet?” Some of them said; “No one dared to go to him except Osama bin Zaid, the favorite person of the Prophet (saw). Usama also addressed the matter and the Prophet said: “Do you ask for leniency for violating the rules of Allah?” Then he stood up to deliver the sermon and said: “Those before you perish because when anyone from the respectable class (officials, rulers, elites of society) they steal, they let them go and when there are people from the lower class (lower society, ordinary people) they steal they impose punitive sanctions on them. By Allah, when Fatimah bint Muhammad stole, I must have cut off her hand. (HR. Bukhari)

If viewed in the redaction of the hadith above, the data of hadith narrators related to law and justice narrated by Bukhari No. Hadith 3216 are as follows:

Aisyahbinti Abu Bakr al-Shiddiq	Born and died in 58 H in Medina	Ummu ‘Abdullah	She was a narrator among the Companions, as well as the wife of the Prophet.
Urwah bin al-Zubeir	Died in 93H	Abu ‘Abdullah	The medieval tabi’in judged scholars such as al-Ajili to judge tsiqah, IbnHajar judged tsiqah. IbnHibban included it in at-Tsiqaat.
IbnuSyihab	Born in Medina and died in 124H	Abu Bakaral-Qurasyi az-Zuhriy-	Among the middle tabi’it tabi’in with the assessment of scholars including Ibn Hajar considered as faqih hafiz mutqin, Al-Dzahabi considered a figure.
Laits bin Saad	Born in Maru and died in 175H	Abu al-Haritsal-Fahmiy	Senior tabi’in circles with the judgment of scholars such as Yahya bin Main rated tsiqah, Ahmad bin Hambal rated tsiqah, Abu Zur’ah rated tsiqah, Ibn Saad rated tsiqah and Ali al-Madini judged tsiqah tsabat
Qutaibahbin Sa’id	Died in 240H	Abu Raja’	Among the tabi’in atba’ with the judgment of scholars such as Abu Hatim judged tsiqah, Al-Nasai judged tsiqah, Yahya ibn Ma’in judged tsiqah, Ibn Hajar judged tsiqah tsabbath.
Al-Bukhari	Born in194 H	Abu ‘Abdullah	Imam in the field of hadith

Syarah and the Construction of Hadith Understanding

The hadith mentioned above, textually shows the firmness of the Prophet (peace be upon him) against a case of theft committed by a noble woman from among the BanuMakhzum. When the law of cutting off hands was enacted, it turned out that there was an attempt to thwart the law by lobbying the Holy Prophet (peace be upon him) through those closest to him. However, the Holy Prophet (peace be

upon him) categorically rejected the compromise of any money attempted to thwart the law. The Holy Prophet (peace be upon him) emphatically conveyed through his words that there were several editorials as follows:

وَالَّذِي نَفْسِي بِيَدِهِ لَوْ كَانَتْ فَاطِمَةُ بِنْتُ مُحَمَّدٍ لَقَطَعْتُ يَدَهَا/وَأَيُّ النَّاسِ يَدَهُ لَوْ أَنَّ فَاطِمَةَ بِنْتُ مُحَمَّدٍ سَرَقَتْ لَقَطَعْتُ يَدَهَا

The Prophet's firm statement illustrates his uncompromising attitude towards the law of Allah Almighty, even he will also cut hands on Fatimah if he does the same act. This means that in law enforcement he did not care whether the person belonged to the nobility or the common people, whether the person had any connection with the Prophet or not. He did not accept any compromise related to the laws laid down by Allah Almighty. This means that the position of the Holy Prophet (peace be upon him) can be understood as a judge who decides criminal cases that occurred at that time. That is why when there is an attempt to play with the law of Allah, the Holy Prophet (peace be upon him) will strictly enforce the law. He also said:

قَامَ فَاطِمَةُ فَقَالَ إِنَّمَا هَلَاكُ الَّذِينَ قَبْلَكُمْ أَنَّهُمْ كَانُوا إِذَا سَرَقَ فِيهِمُ الشَّرِيفُ تَرَكَوهُ وَإِذَا سَرَقَ فِيهِمُ الضَّعِيفُ أَقَامُوا عَلَيْهِ الْعَذَابَ

Means: The Apostle then said: "Those before you perish because when anyone from the respectable class (officials, rulers, elites of society) they steal, they let them go and when anyone from the lower class (lower society, ordinary people) they steal they impose punitive sanctions on them.

The case of violation of the law committed by the BaniMakhzum woman is a case of theft. In another hadith the case of embezzlement of goods. When goods borrowed to others are then sold and the proceeds of the sale are taken. Cases of theft in other hadith editorials occurred in the house of the Prophet (peace be upon him) such as the hadith narrated by IbnMajah. The theft case occurred in the event of the war of conquest of the city of Makkah. In these narrations, the spokesperson facing the Holy Apostle was Osama bin Zayd, the beloved of the Apostle.

There is also a Quranic verse related to the law of cutting off hands for thieves is QS. al-Maidah verse 38 as follows:

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جِزَاءً بِمَا كَسَبَتَا تَكَالًا مِنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ

Means: Men who steal and women who steal, cut off their hands (as) retribution for what they do and as torment from God.and Allah is mighty, wise.

The above verse textually commands the chopping off of hands to thieves both male and female. Although the verse does not describe the type of item stolen, the value of the item also includes the part of the hand that was cut off. This verse is the legal basis why the Prophet (peace be upon him) then did not compromise against lawbreakers. Although the above verse does not use the term hudud, it indicates cutting off hands for thieves. The Prophet's hadith about hudud for thieves is an explanation of the verse related to the law of cutting off hands for thieves.

There are two scholarly interpreters related to meaning فَاقْطَعُوا Some understand the true meaning of cut, there are also those who understand with an approach the meaning of majazi, which is to stop, as the word al-aidi can also mean hand and also means power or urgent situations that force theft. In a hadith of the Prophet (peace be upon him) it is mentioned that Abbas bin Mirdas praised the Prophet (saw), then the Prophet (saw) said to Bilal: faqtha' lisanahu which essentially means cut off his tongue, but the intention is to give him something so that he stops praising.²⁷

The Qur'anic verse on the law of cutting off hands for thieves came down in the latter half of the apostolate when Muslim societies had succeeded in establishing an economic system that ensured the poor could meet their basic needs easily, either through zakat, or infak and alms for which the ruler was responsible. This system causes the absence of thieves because they are hungry but because their

²⁷ Abu as-Sa'ud al-Imadi, Al-Mausu'ah al-Kutiah al-Fikihiyah, j. 11, h. 160.

disposition really wants to steal.²⁸ Rulers should not impose the punishment of chopping off hands for thieves if they have not built a system that makes it easier for people to meet their basic necessities easily.

Then if it is understood the case of theft committed by Bani Makhzum women who are a noble group from among tribes who are quite respected, as if describing inappropriate behavior carried out by rich people, officials, and bourgeois people who rob other people's property by committing acts of theft and also embezzling goods that do not belong to them. It can also be understood the context of theft with acts of corruption committed by unscrupulous officials and businessmen or the current society that is increasingly worrying, where law enforcement is also weak and seems selective. Thus, the Prophet (peace be upon him) as a judge affirmed that there is no compromise in law enforcement. Indirectly, this attitude of the Prophet (saw) is also an order of the Holy Prophet (saw) to judges who have full authority to decide the law. Hakim is also called al-Qadhi. Every legal decision taken by the judge, is accountable directly to Allah Almighty.

عن عبد الله بن بريدة عن أبيه : عن النبي صلى الله عليه وسلم قال : القضاء ثلاثة : قاضيان في النار وقاض في الجنة قاض عرف الحق فقضى به فهو في الجنة وقاض عرف الحق فجار متمعدا فهو في النار وقاض قضيبغير علم فهو في النار

Means: There are three types of judges, two of them in hell, one of whom is in heaven. What is heavenly is a judge who knows the truth, and then he decides things based on that truth. As for the judge who knows the truth and then he cheated in deciding the case he is in hell, and the judge who decides cases against humans (the accused) based on his ignorance, is also in hell. (Mustadrak al-Hakim)²⁹

The hadith textually gives an understanding that the office of judge consists of three types. First, the judge who knows the truth always sides with the truth, so that he is right in deciding the case. Second, judges who clearly know the truth, but in deciding legal cases side with untruths. Third, the judge is ignorant and he does not know the truth at all in deciding cases. The first type of judge was later incorporated into heaven. It is these second and third types that will one day be put to hell.

Reflections and Implications of the Application of Hadith

All scholars agree that all the legal provisions contained in the Qur'an and hadith are intended to create human benefit both in the present world and in the Hereafter (sa'adatu al-daraini). The commandments and prohibitions contained in these two authoritative sources are none other than to lead man to the supposed goal of life, namely the happiness of the hereafter. Benefit, happiness, goodness are the culmination of all legal provisions that have been shari'ah. Therefore, no legal provision has been promulgated for anything other than that purpose. That peak goal is what is meant by maqasidu al-sharia, the purpose of sharia. The term al-maqashid or al-maqashid in its plural form etymologically means purpose, principle, purpose and ultimate goal. From some of the definitions above, it can be concluded that maqashid al-sharia is the secret, meaning, and wisdom behind every legal provision that has been decreed by Allah Almighty. Some jurisprudence scholars hold the view that maqashid al-sharia or maqashid al-shari'a or al-maqashid al-sharia is synonymous with al-mashalih. Abdul Malik al-Juwaini (d.478H/ 1185AD) as quoted by Jasir 'Auda was one of the scholars who used the terms al-maqashid (the purpose of the Shari'a) and al-mashalih al-ammah (general benefit) in the same sense.³⁰ Al-mashalih is the plural form of the word al-maslahah which means al-khair (goodness) or al-manfa'ah (expediency). Al-maslahah also linguistically means the opposite of al-mafsadah (corruption).

²⁸ That is why the Qur'an actually gives the punishment of cutting off the hand or cutting off his power to thieves and not to those who steal. The Qur'an uses isimfa'il (name of perpetrator) and not fi'il (verb) indicating that what is punished by qhat'u al-yad is someone who makes theft his profession to fulfill his desire to control wealth.

²⁹ Biografi Al-Hakim, "Mustadrak Al-Hakim," *STUDI KITAB HADIS*, 1990, 96, <http://repository.iainkudus.ac.id/10315/1/Buku-Studi%20Kitab%20Hadis-Muhammad%20Misbah.pdf#page=101>.

³⁰ Jasir 'Auda, *Fikih al-Maqashid: Inathatu al-Ahkamasy-Syar'iyati bi Maqashidiha*, h. 57

The word *maslahat* in Indonesian comes from the word *al-maslahah* in Arabic which starts from the root word (*shalaha-yashluhu*). The Big Dictionary Indonesian defines the word *maslahat* as something that brings good (benefit, etc.), benefit, or use. So, benefit is usefulness, as well as goodness, benefit, and importance.³¹

Thus, the word *al-maslahah* refers to the meaning of benefits to be realized in order to achieve virtue or something better in the life of mankind. Every thing that contains benefits is a problem, either in the form of efforts to realize it (*jalbu al-mashalih*) or efforts to avoid things that cause damage (*dar'ualmafasiid*). Therefore, behind every provision of the law decreed by Allah Almighty and His Messenger which is none other than the realization of the benefit of all mankind, both in today's world and in eternal life in the hereafter. The benefit of mankind will be realized if all its needs, both primary-elementary (*al-dharuriyat*), secondary-complementary (*al-hajiyat*) and tertiary-supplementary (*al-tahsiniyat*) needs are met and well protected. These needs are formulated in the concept of *al-dharuriyat al-khamsah* (five primary needs) and some call it *al-dharuriyat al-sittah* (six primary needs) which consists of; Protecting religion (*hifzh al-din*), protecting life (*hifzh al-nafs*), protecting offspring (*hifzh al-nasl*), protecting reason (*hifzh al-'aql*), protecting honor (*hifzh al-'ird*) and protecting property (*hifzh al-mal*).³²

If these six basic needs (*dharuriy*) are met, more so if the six needs at the secondary (*hajy*) and tertiary (*tahsiniy*) levels are also well met, then benefit will be realized and that is the universal goal of *Shari'a*. This conclusion is the result of jurisprudence's search for the Sharia laws found in many sharia texts (*nash*) about the law and the reasons for its enactment³³. In addition, this purpose can also be known through *nash-nash* which explains the basic principles of Islamic law.

At the beginning of his birth, *al-hifzhu* was better understood as protection by preventing everything that could eliminate the existence of *adharuriyat al-khamsahatu as-sittahitu*. For example, to protect the potential of the intellect from corruption, the Sharia forbids drinking that can make the intellect dysfunctional or even damaged. To protect good and quality offspring, Sharia forbids adultery, sexual violence, and *liwath* (sodomy), theft. The concept of *al-hifdu* (guarding) five or six things in this case is better understood as preventive and defensive efforts.

Hadith Law and Justice Law Enforcement Solutions in Indonesia

Hadith related to law and justice is one of the important guidelines in law enforcement in Indonesia. If law enforcement can run fairly and apply the principles of justice, then there will be no inequality in the process of law enforcement, because in the eyes of the law all have the same status, no one is distinguished as the Prophet who would strictly enforce the law if any of his family and even his son violated the law.

Justice in law enforcement is the most ideal value that is always fought for by mankind. As an ideal value, the ideal of achieving justice is never fully sought, and never completed. Justice will be a long discourse in the history of human civilization. And of course, in a legal country like Indonesia, efforts to achieve justice cannot be ignored³⁴. The rule of law must not be apathetic to the struggle and any attempt to establish justice as affirmed by the Prophet. The conception of justice is very important so that a state of law becomes the foothold of all parties, both citizens and state leaders as certainty in solving various legal problems faced. A state of law requires a concept of justice that can touch and

³¹ Abdul Wahhab, *IlmuUshulFikih*, h. 197

³² Asy-Syathibi, *al-Muwafaqat*, h.7-8

³³ Bibi Suprianto, "Tradisi Hukum Adat Pati Nyawa Lintas Etnis Melayu Islam Dan Dayak Kabupaten Kapuas Hulu," *Muslim Heritage* 6, no. 2 (2021): 257–75, <https://jurnal.iaiponorogo.ac.id/index.php/muslimheritage/article/view/3195>.

³⁴ Omega Chabiba and Diana Lailatus Sa'diyah, "Analisis Maqasid Syariah Dan Kesadaran Hukum Masyarakat Terhadap Ijtihad Muhammadiyah Dalam Fatwa Tentang Haram Rokok," *Muslim Heritage* 6, no. 1 (2021), <https://jurnal.iaiponorogo.ac.id/index.php/muslimheritage/article/view/2849>.

restore various legal issues to satisfy the sense of justice of all parties. Therefore, to affirm its certainty as a means to achieve justice, a state of law must be able to formulate its legal concept in an affirmation that is constitutional.

As an implementation of the hadith of the Prophet Saw, the consequence is “The State of Indonesia is a state of law”, this is the affirmation of a state of law contained in the Constitution of the Republic of Indonesia Year 1945 Article 1 paragraph (3). The affirmation requires that in a legal state issues relating to law must be resolved through legal channels. The procedure for resolving all legal issues through legal channels is an affirmation of legal superiority. Superior law is never subject to any interest other than the interest of the law itself which is to achieve justice, legal certainty and expediency which is the primary goal of law. But the law never works automatically. Law in a country of law is always related and closely related to law enforcement officials. Superior and upholding legal justice requires law enforcement officers as parties who play a very important role in upholding justice so that the law has the power to regulate social order, order, and justice in society.

Deciding cases with truth and justice is not easy. Because it requires knowledge, determination, courage and strength. This is why then many scholars do not want to become judges, some even leave their hometowns just to avoid the position of judge. The weight of holding the office of judge has been described by the Prophet (peace be upon him) in the following hadith:

عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ -صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ- “مَنْ جُعِلَ قَاضِيًا بَيْنَ النَّاسِ فَقَدْ دُبِحَ بِغَيْرِ سِكِّينٍ”

Means: From Abu Hurayrah, he said: Rasûl al-Saw(saw) once said, Whoever is made a judge among men, he is slaughtered without the use of a knife. (HR. Ahmad).

Responding to the hadith, Imam al-Sindi explained about the meaning of ‘he was slaughtered without using a knife’, that what he meant was that he was slaughtered with heavy slaughter, because slaughter with a knife is easier for slaughtered animals, different if without a knife.

Thus, a strict and just law makes the law superior; have advantages, advantages that are reliable and credible for all parties. Laws that lead to justice not only require law enforcement officers but rather law enforcement officers with high morals and integrity. These moral law enforcement officers are expected to enforce the law as well as possible in an effort to achieve legal goals, including to achieve justice. Without moral law enforcement officials, no matter how well the law is made, it can be useless (meaningless) because it is unable to fulfill the sense of justice and legal certainty for all parties. Therefore, the work of good law enforcement officers is needed so that the law remains superior, not easily traded and not under the suppression of political and economic interests. Indeed, the superiority of law in a state of law lies in the consistency of law enforcement officials to stick to aspects of morality in order to uphold justice and legal certainty.

The consistency of officers in law enforcement can create legal superiority to be more responsive and able to resolve various legal issues. Such superior laws do not discriminate because they are fair to all citizens regardless of position, position or social status³⁵. The superior law must not be misused for interests that mislead the law because the law is a means of fighting for justice for all parties. The superior law must still be protected by a strong fortress called the morality of law enforcement officials. All law enforcement officials must have an unwavering commitment so that the law is maintained nobility as a means to achieve social justice. A solid, authentic and credible morality apparatus is needed as an effort to rebuild laws that are trusted and valued by all parties. Therefore, if the morality of law enforcement officials is getting better, then the law will be more superior and credible in an effort to fulfill the objectives of the law including efforts to achieve justice. The morality of law enforcement officials largely determines where the certainty of law and justice will lead.

³⁵ Muhamad Mahrus SW, Eko Sopyonyono, and Laila Mulasari, “Kontribusi Hukum Pidana Islam Dalam Upaya Penanggulangan Tindak Pidana Cybersex Dalam Rangka Pembaharuan Hukum Pidana Indonesia,” *Diponegoro Law Journal* 5, no. 2 (2016): 1–19, <https://ejournal3.undip.ac.id/index.php/dlr/article/view/10752>.

In addition, the indecision of law enforcement officials to follow legal procedures has also contributed to the law being unfair to lawbreakers who have high social status, for example, or those who have access to the law. On the other hand, the law is carried out by inconsistent enforcement officials and even oppresses ordinary people who do not have access to the law. For those who do not have access to the law, the existence of the law even becomes so strict and tends to be discriminatory.

The justice-seeking community certainly feels dissatisfied and oppressed by the discriminatory law. The feeling of dissatisfaction of the community is reasonable because in a state of law every citizen is equal and equal before the law. This dissatisfaction gives birth to a pessimistic attitude of the public towards the law and law enforcement officials. Public doubt and mistrust make the law increasingly powerless and unable to meet the public's sense of justice and unable to respond to increasingly complex legal issues in society. The superiority of the law is increasingly questioned and the morality of law enforcement officials is increasingly doubted by the public³⁶.

On the other hand, the 1945 Constitution of the Republic of Indonesia expressly regulates justice before the law for all Indonesian citizens. Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia mandates that "All citizens have equal standing in their law and government...", (as quoted in DilaCandraKirana, 2012: 30). In addition, Article 28D of the 1945 Constitution of the Republic of Indonesia also affirms that "everyone has the right to recognition, guarantee, protection, and fair legal certainty and equal treatment before the law". This ideal legal affirmation seems utopian because it has not been able to be implemented fully and consistently in law enforcement in Indonesia.

The law seems to be a stage play for law enforcement officials so that efforts to achieve justice are still far from the hopes and ideals of a state of law related to the ideals of justice in a state of law, Law Number 39 of 1999 concerning Human Rights Article 17 specifically regulates the right to obtain justice. Article 17 of Law Number 39 of 1999 specifies that:

"Everyone without discrimination, has the right to obtain justice by filing petitions, complaints, and suits, whether in criminal, civil or administrative cases and to be tried through a free and impartial judicial process, in accordance with the procedural law that guarantees objective examination by an honest and fair judge to obtain a fair and correct verdict."

There is no justification for court proceedings that are discriminatory, dishonest and prioritize certain groups, especially those who have the most respected or respected social positions such as high-ranking state officials. All citizens must be treated fairly and equally before the law, in order for the law to be superior and to function earnestly as a means to achieve justice. This goal can only be achieved if law enforcement officials remain consistent with the ideals to enforce the law as best as possible and seek justice for all parties. If law enforcement officials are unfair in enforcing every legal case, then the community will certainly question and doubt the existence of the law and law enforcement officials. Such doubts can boil down to vigilantism. Such actions are an accumulation of public distrust of law enforcement officials suspected of using the law for the economic and political interests of certain groups. This causes the law to be inferior and unable to respond fairly to legal problems. Therefore, law enforcement officials are required to be more serious and consistent in enforcing the law for law violators so that firmness breeds trust and confidence in all parties in justice and legal certainty that can be guaranteed by law.

Article 24 Paragraph (1) of the 1945 Constitution affirms the power of law enforcement officials, especially judges as officers who have independent power to administer justice in order to uphold "law" and "justice". Article 28 D Paragraph (1) of the 1945 Constitution also affirms that everyone has the right to recognition, guarantee, protection, and "just legal certainty". The emphasis is not only legal certainty, but legal certainty that satisfies the sense of justice for all parties. In addition, to achieve legal justice desired by everyone, if a legal event is not regulated at all in law, then judges, for example,

³⁶ Besse Muqita Rijal Mentari, "Saksi Pidana Pembunuhan Dalam Kitab Undang-Undang Hukum Pidana Dengan Hukum Islam," *Al-Ishlah: Jurnal Ilmiah Hukum* 23, no. 1 (2020): 1–38, <https://jurnal.fh.umi.ac.id/index.php/ishlah/article/view/33>.

based on Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power, are obliged to explore, follow, and understand legal values and a sense of justice that lives in society.

Law enforcers such as judges, for example, in providing a sense of justice to justice seekers, must have good faith, namely understanding that refers to the unwritten norms of reason and propriety (fairness and justice) that live in society³⁷. Judges should use conscience (moral consciousness) based on conviction with sufficient evidence to decide a case in order to provide a sense of justice and happiness to the parties by observing the code of ethics and correct procedures in practice in court. The application of positive law by judges must pay attention to the values and sense of justice that live in society as well as possible so that the decisions produced by judges can be accepted sincerely by parties. Such sincerity can be a barometer of justice in law enforcement by law enforcement officials. The morality of law enforcement officers is needed in law enforcement as an effort to achieve justice. Without good and virtuous law enforcement officers, the law in Indonesia will become a protective fortress for rulers and state officials. Law enforcement officials with bad morals can be arbitrary towards achieving and will even play with justice which is the goal of the law itself.

CONCLUSION

The hadith mentioned above, textually shows the firmness of the Prophet (peace be upon him) against a case of theft committed by a noble woman from among the BanuMakhzum. When the law of cutting off hands was enacted, it turned out that there was an attempt to thwart the law by lobbying the Holy Prophet (peace be upon him) through those closest to him. However, the Holy Prophet (peace be upon him) categorically rejected the compromise of anyone who attempted to thwart the enforcement of the law. Thus, the context of the hadith is law enforcement. So that the law is not only applied to the lower class people. The Prophet (peace be upon him) as a judge has the right to determine punishment in order to realize a sense of legal justice. If it is related to the current context, there must be efforts for law enforcement and justice, and it takes hard, consistent work and high commitment from law enforcement officials. Starting from efforts to reconstruct laws that have tended to be positivistic with a formal juridical approach, with enrichment on ethic-substantive-pragmatic by taking raw materials from any legal system, which are in accordance with the plural Indonesian society, including Islamic law whose characteristics are inseparable from the value of taransedetal values as an elaboration of the concept of “*rahmatanlilalamin*” so that law enforcement efforts and justice can run are needed adaya Political will and good will and adequate moral integrity of political and governmental leaders, considering the roles, duties, and functions of these leaders are enormous and effective. Indeed, it must be realized, such efforts require human resources who have a moral commitment to put the rule of law and justice for society as the Prophet (peace be upon him) did.

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³⁷ I. Nengah Adi Drastawan, “KEDUDUKAN NORMA AGAMA, KESUSILAAN, DAN KESOPANAN DENGAN NORMA HUKUM PADA TATA MASYARAKAT PANCASILA,” *Jurnal Komunitas Yustisia* 4, no. 3 (2021): 928–39, <https://ejournal.undiksha.ac.id/index.php/jatayu/article/view/43189>.

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