



## The Relevance of the Concept of Hirabah to Organized Crime and Modern Terrorism

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| <p><b>Article History</b><br/>Received: 2026-01-03<br/>Revised: 2026-01-10<br/>Published: 2026-01-30</p> <p><b>Keywords:</b><br/><i>Hirabah; Organized Crime; Modern Terrorism</i></p> | <p>This study examines the relevance of the concept of hirābah in Islamic criminal law to contemporary organized crime and terrorism. Historically, hirābah addresses acts of open violence that threaten public security, instill fear, and disrupt social order, with sanctions aimed at protecting life, property, and communal stability. Using a normative legal research method with a qualitative approach, the study analyzes classical fiqh texts, contemporary scholarship, and comparative legal frameworks to explore the elements, characteristics, and objectives of hirābah. The findings reveal substantial conceptual alignment between classical hirābah and modern forms of collective violence, as both involve deliberate acts that destabilize society and generate widespread fear. However, contemporary crimes exhibit complex ideological, transnational, and technological dimensions requiring normative adaptation. The study concludes that while hirābah provides a valuable legal and sociological framework, its application to modern criminality necessitates contextual reconstruction, integrating Islamic jurisprudence with national and international legal systems for effective prevention, deterrence, and public security.</p> |

### I. INTRODUCTION

Criminal phenomena involving large-scale violence represent a fundamental issue that has consistently accompanied human civilization, both in classical times and within modern societal contexts. Within the corpus of Islamic law, the term hirābah is positioned as a juridical concept with a strategic role in regulating and addressing forms of violence and crimes that potentially threaten public stability and security. Linguistically, the term hirābah derives from the root ḥaraba, which connotes hostility or warfare. However, within the development of fiqh jināyah (Islamic criminal jurisprudence), its conceptual meaning has expanded to include any act that generates mass fear, social chaos, and public terror, whether through the use of physical force or the threat of violence (Siroj, 2017).

The primary normative foundation of the concept of hirābah is explicitly regulated in the Qur'an, particularly in Surah al-Mā'idah, verse 33, which asserts that systematic destruction and

violence on earth is considered a grave crime against public order. Consequently, perpetrators are regarded as a tangible threat to collective security and are subject to strict legal sanctions in accordance with Shariah provisions (Makinuddin, 2019).

From a classical perspective, the concept of hirābah encompasses various forms of violent crimes committed openly, such as armed robbery in public spaces, hijacking, and repressive acts against community groups that undermine public safety and disrupt social order. Jurists view the imposition of sanctions for hirābah as a manifestation of Islamic law's protection of fundamental human values, particularly the preservation of life (ḥifẓ al-naḥs), protection of property (ḥifẓ al-māl), and safeguarding individual and collective honor (ḥifẓ al-'ird). On this basis, hirābah is classified as an extraordinary crime because its consequences extend beyond personal harm, broadly impacting social stability and public order (Nisa, 2017).

Nonetheless, the dynamics of modern criminality demonstrate a significant shift toward increasingly complex and multidimensional threats to public security. Contemporary organized crime and terrorism can be understood as new forms of collective danger emerging from structured institutional frameworks and specific ideological foundations. Organized crime includes a series of unlawful activities carried out in a coordinated and planned manner, such as large-scale armed robberies, illegal arms trading networks, and criminal groups systematically using violence as an instrument to gain economic profit or control specific territories (Hasibuan, 2024).

Meanwhile, modern terrorism is generally understood as the strategic use of violence or threats of violence by individuals or groups to generate collective fear in society, driven by political, ideological, or religious interests.

Both realities organized crime and modern terrorism pose serious challenges to legal systems at both national and international levels. The transnational nature of these crimes, their operation through complex organized networks, and the use of extreme violence as a means to achieve certain objectives indicate that existing legal frameworks and theoretical constructs require reevaluation and even reformulation to remain relevant and effective in confronting contemporary threats (Junaid, 2013).

In this context, a fundamental philosophical and normative question arises: to what extent does the concept of *hirābah*, developed within classical Islamic jurisprudence, retain conceptual significance? More crucially, can it function as a comprehensive and adaptive normative framework for responding to various forms of modern collective violence, including terrorism and organized crime?

Several contemporary Muslim scholars assert that the concept of *hirābah* continues to possess strong conceptual relevance in interpreting modern criminal realities. This perspective is based on the understanding that the essence of *hirābah* is not merely a particular type of crime, but the character of acts that spread fear, social disruption, and collective chaos through the use of

violence or intimidatory threats.<sup>7</sup> Accordingly, there is substantive congruence between the destructive impacts inherent in classical *hirābah* and the social consequences produced by contemporary terrorism and organized crime. Both phenomena weaken public security, increase social uncertainty, and hinder economic and social activities broadly.

On the other hand, critics highlight the limitations of applying the classical concept of *hirābah* directly to contemporary conditions. Scholars emphasize that modern organized crime and terrorism exhibit novel characteristics not fully captured within the traditional construction of *hirābah*. Strong ideological motivations, complex transnational organizational structures, and the use of sophisticated technology in planning and executing violent acts demonstrate that these contemporary phenomena cannot be reduced merely to local, armed criminal acts restricted to specific public spaces (Surya, 2018).

Based on these considerations, normative studies of *hirābah* must undergo conceptual expansion and enrichment to adequately capture the complexity of modern threats while maintaining a foundation in the fundamental principles of Islamic law.

## **II. RESEARCH METHODS**

This study employs a normative (doctrinal) legal research method with a qualitative paradigm (Mahmud Marzuki, 2005). The normative approach was chosen due to its focus on conceptual structures, norms, and Islamic legal principles related to the concept of *hirābah*, as documented in both classical jurisprudence and contemporary scholarship, while also examining its relevance in addressing organized crime and modern terrorism.

The approach includes a conceptual analysis aimed at exploring the definition, elements, and characteristics of *hirābah* within the framework of *fiqh jināyah*. Additionally, a statute approach and comparative approach were applied to examine and contrast the normative construction of *hirābah* with regulations on organized crime and terrorism in positive criminal law and international legal regimes.

Legal materials used in this research are classified into three categories: primary, secondary, and tertiary sources. Primary sources include authoritative Islamic legal texts, such as the Qur'an, collections of Prophetic Hadith, and fiqh jināyah works both classical and contemporary that specifically discuss hirābah. Secondary sources consist of scholarly works including books, journal articles, and research outputs relevant to organized crime, terrorism, and the development of Islamic criminal law in the modern era. Tertiary sources include supporting references such as legal dictionaries, Islamic encyclopedias, and academic databases that facilitate conceptual investigation and understanding.

### III. RESULTS AND DISCUSSION

#### A. The Concept of Hirābah in Islamic Criminal Law: Elements, Characteristics, and Penal Objectives

Jurists (fuqahā') identify several essential elements that must be satisfied for an act to be classified as hirābah. The most fundamental element is the performance of an act openly and manifestly (al-khurūj bi al-quwwah). In this context, a hirābah perpetrator does not act covertly or secretly, but demonstrates violence or threats publicly, instilling widespread fear among the community (Munthe et al., 2023). This element of openness emphasizes that hirābah is not merely a personal crime but carries broad psychological and social consequences, disrupting collective security.

The second element is the use of violence or threats thereof. Violence in this context need not result in death; serious and tangible intimidation that erodes public security suffices (Munthe et al., 2023). Therefore, even without killings or theft, actions that disseminate terror through weapons or physical force can still be categorized as hirābah.

The next element involves public security disruption (ikhāfah al-sabīl), characterized by disturbances to communal peace and a loss of collective security in daily social, economic, and mobility activities (Abdi, 2014).

The fourth element is the intentionality to cause destruction (qaṣd al-ifsād) aimed at disrupting social order. Hirābah perpetrators act deliberately, not impulsively or negligently, to create corruption on earth (fasād fi al-arḍ). This element of intent is crucial, as it differentiates hirābah from other offenses that may arise from personal impulses or situational reactions (Makinuddin, 2019)

Based on these elements, hirābah exhibits specific characteristics within Islamic criminal law. First, it is a crime that targets public interests rather than individual victims. It destabilizes collective security, granting authorities the legitimacy to act directly without awaiting victim complaints. Second, it is considered an extraordinary crime due to its systemic, widespread, and destructive effects on social and political order.

Third, hirābah has a collective and organized nature, even if executed by a single individual. Its essence lies in its capacity to induce mass fear rather than the number of perpetrators (Siroj, 2017). Fourth, hirābah is often associated with control over certain territories, transport routes, or public spaces, thereby hindering societal activities and challenging the state's authority in ensuring security.

The penal objectives of hirābah are inseparable from the framework of maqāṣid al-syarī'ah. Sanctions are designed to protect life (ḥifẓ al-nafs), property (ḥifẓ al-māl), and public security, forming the foundation for a just and peaceful social life. This orientation is clearly reflected in QS. al-Mā'idah, verse 33, which prescribes sanctions ranging from capital punishment to exile, depending on the severity of the offense.

Beyond protection, penalties for hirābah serve preventive and repressive functions. Preventively, strict sanctions are intended to produce deterrence (zajr) and prevent recurrence of similar crimes (Makinuddin, 2019). Repressively, the sanctions aim to provide a firm legal response to the perpetrator, restoring justice and maintaining social order. In fiqh jināyah, this balance between preventive and enforcement functions distinguishes the Islamic penal system from other approaches.

## **B. Characteristics of Organized Crime and Modern Terrorism**

Contemporary organized crime and terrorism are transnational, systematically structured, and have wide-ranging impacts. Unlike individual crimes, they not only cause direct harm to specific victims but also threaten social resilience, political stability, and public security (Dermawan & Harisudin, 2020). Organized crime is generally conducted through hierarchical networks with clear role allocation and coordinated planning, enabling illegal activities to be carried out effectively while complicating law enforcement detection.<sup>2</sup> This organizational structure allows criminal groups to conduct simultaneous and sustained offenses such as armed robbery, drug trafficking, human smuggling, extortion, and money laundering.

Modern terrorism exhibits distinct characteristics, although it overlaps in some aspects with organized crime. It is typically motivated by ideological, political, or religious factors, using violence as an instrument to instill widespread fear and influence state policies or public perception. Unlike economically motivated crimes, terrorism emphasizes the psychological and political consequences of its actions, affecting not only direct victims but also economic stability, social cohesion, and public trust in institutions and security forces (Junaid, 2013).

A core feature of organized crime is high internal coordination and clear network structures. Such groups typically have leadership, specific role divisions, and long-term strategic planning (Baidhowi, 2017). This allows criminal operations to be extensive and continuous, contrasting sharply with impulsive or individual crimes. For instance, cross-regional armed robbery or international drug trafficking requires careful logistics management, secure communication systems, and structured profit distribution to avoid detection. Organized crime is also adaptive and flexible, capable of adjusting operational patterns when confronted by law enforcement or inter-group competition.

Modern terrorism is driven by complex motives, distinguishing it from conventional crime. Ideological or political motivations often lead to

economically irrational actions with symbolic and strategic objectives. For example, attacks targeting public spaces are designed to instill widespread fear, weaken public trust in authorities, and pressure governments to accommodate certain political agendas (Windiani, 2018). Long-term consequences include increased security measures, restricted access to public spaces, and shifts in social behavior, ultimately affecting political stability and economic conditions.

Both organized crime and modern terrorism employ sophisticated operational methods and leverage modern technology. Organized criminal networks often use encrypted digital communications, international financial systems, and global logistics networks to facilitate illegal activities. Likewise, modern terrorism uses similar technologies for digital propaganda, online recruitment, and dissemination of threatening messages via social media, enabling global reach without physical presence (Junaid, 2013). This technological utilization complicates law enforcement efforts while amplifying the psychological impact on society.

Conceptually, organized crime and modern terrorism share fundamental similarities in threatening public safety and social order. Both create uncertainty, disrupt economic stability, and hinder societal activities. These impacts align with the Islamic legal perspective on *hirābah*, where acts causing chaos and fear in public spaces are seen as serious threats to collective security (Baidhowi, 2017). Therefore, examining the characteristics of contemporary organized crime and terrorism is essential to understand how classical legal norms, such as the concept of *hirābah*, can be contextualized and applied in responding to modern criminal dynamics.

## **C. The Relevance of the Concept of Hirābah to Organized Crime and Modern Terrorism: Normative and Sociological Perspectives**

The concept of *hirābah* in Islamic criminal law (*fiqh jināyah*) possesses a strong normative foundation, as it is explicitly regulated in the Qur'an and Hadith, and extensively discussed in both classical and contemporary *fiqh* literature.

Principally, *hirābah* is understood as an open act of violence that threatens public security, seizes property, and instills fear in public spaces. Within this framework, Islamic law emphasizes that the protection of public safety (*salām al-mujtamaʿ*), life, property, and honor constitutes the primary objectives of law (*maqāṣid al-syarīʿah*) (Calvin & Azizah, 2024). Considering that modern organized crime and terrorism produce similar effects namely generating fear, chaos, and threatening social stability such acts can normatively be placed within a conceptual framework analogous to *hirābah*.

Beyond the similarity in destructive impacts, there is alignment in the constituent elements of the acts between the concept of *hirābah* and various forms of modern criminality. Both *hirābah* and organized crime are characterized by planning, the use of violence or threats thereof, and direct consequences that disrupt public security. For instance, organized armed robberies or terrorist attacks on public facilities provoke widespread fear in society, in line with the classical character of *hirābah*, which centers on spreading terror and undermining social order. From a normative perspective, the *ḥadd* penalties prescribed for *hirābah*, which include capital punishment, amputation, or exile, can serve as a conceptual reference to create a deterrent effect for modern criminals, though their implementation requires contextual adjustments to align with contemporary legal systems (Munthe et al., 2023).

From a sociological perspective, the connection between the concept of *hirābah* and modern organized crime and terrorism can be analyzed through the social impacts produced. Contemporary criminality is generally collective and organized, generating widespread uncertainty and fear, thereby disrupting social, economic, and political functioning. This condition aligns with the nature of *hirābah* in *fiqh jināyah*, which is understood as acts causing *fasād fi al-ard*, or disruption in the social sphere. A sociological approach emphasizes that criminal law is not merely a normative instrument but also functions to maintain social order, restore public security, and reinforce the legitimacy of state authority.

Within this framework, the principles of *hirābah* can provide a conceptual reference for assessing threat levels and formulating proportional sanctions against various forms of modern criminality (Makinuddin, 2019).

Nevertheless, there are fundamental differences between the classical conception of *hirābah* and modern criminal phenomena that require sociological consideration. Contemporary organized crime and terrorism often operate transnationally, are driven by ideological or political motives, and exploit advanced technology in executing their operations. Consequently, such practices do not always manifest as direct physical violence impacting local communities (Anggraeni & Wangga, 2023). Therefore, although the normative principles of *hirābah* remain relevant, their application necessitates adaptation to current social realities and technological developments, including the exploitation of social media, global communication networks, and psychological strategies to spread fear in public spaces.

Furthermore, the normative relevance of *hirābah* is reflected in its penal objectives, which emphasize prevention and restoration of public security. Islamic law asserts that any act threatening communal safety must be addressed decisively, with sanctions proportional to the level of threat and resultant impact. This approach aligns with modern criminal law principles in addressing organized crime and terrorism, whereby punishment is calibrated according to the social and psychological harm caused by the act. From a sociological viewpoint, this underscores the importance of legal legitimacy as an instrument to prevent the proliferation of criminality while maintaining public trust in institutions and law enforcement agencies (Siroj, 2017).

Based on the foregoing, it can be concluded that the concept of *hirābah* carries substantial normative and sociological weight in responding to contemporary organized crime and terrorism. Normatively, the alignment of act elements and penal objectives allows *hirābah* principles to serve as a reference in formulating criminal law policies against various forms of modern criminality.

Sociologically, *hirābah* offers an analytical framework for understanding the social and psychological impacts of modern crimes, enabling law to function simultaneously as a tool for protection, prevention, and enforcement in safeguarding public security. Nevertheless, its application requires adaptation to contemporary realities, including the complexity of perpetrators' motives, the scale of criminal networks, and the utilization of technology in modern criminal operations.

#### **D. Limitations and Challenges in Applying the Concept of *Hirābah* to Modern Organized Crime and Terrorism**

The application of the concept of *hirābah* in addressing modern organized crime and terrorism faces various fundamental limitations and challenges, both normatively and practically. Conceptually, *hirābah* was initially formulated to regulate open acts of violence that disrupted public security in traditional societies, where perpetrators typically operated within defined physical spaces such as transport routes, markets, or local community areas. In contrast, contemporary criminal forms, particularly terrorism and organized crime, are transnational, systematically structured, and dispersed, meaning that perpetrators are not always located within a single jurisdiction. Moreover, these acts frequently exploit digital technology and social media platforms to disseminate threats and amplify their impact, creating a unique level of complexity in interpreting and directly applying *hirābah* principles to modern criminal realities (Dermawan & Harisudin, 2020).

Challenges also arise in determining relevant elements of the acts. In classical *hirābah*, direct physical violence and open intimidation of the public were primary indicators (Surya, 2018). In modern criminality, however, destructive impacts can occur without direct physical contact, such as through cyberattacks, dissemination of terrorist propaganda, or digital intimidation. Therefore, normative interpretations of *hirābah* must be expanded to encompass forms of violence that are not always visible but still pose significant threats to public order and security.

From a sociological standpoint, the application of *hirābah* encounters issues of legitimacy and public acceptance. Modern societies demand legal systems that balance deterrence, justice, and respect for human rights (Makinuddin, 2019). In this context, applying classical *hirābah* sanctions, such as capital punishment or amputation, literally may provoke social resistance and political controversy, necessitating adaptation to contemporary societal values of justice. Additionally, limitations in law enforcement capacity to address transnational criminal networks present another challenge, as modern organized crime and terrorism exploit cross-border networks and advanced technology to evade legal action.

Therefore, applying the concept of *hirābah* to modern criminality requires normative reconstruction and contextual adaptation. This approach involves redefining elements of violence, harmonizing Islamic criminal law with national and international legal systems, and utilizing legal technology to effectively monitor and prosecute perpetrators (Siroj, 2017). In this way, the principles of *hirābah* remain relevant as an Islamic normative framework for responding to collective violence, while their implementation is adjusted to the social, political, and technological dynamics of the 21st century.

## **IV. CONCLUSION AND SUGGESTIONS**

### **A. Conclusion**

In conclusion, the concept of *hirābah* in Islamic criminal law maintains significant normative and conceptual relevance in addressing modern forms of collective violence, including organized crime and terrorism. Classical *hirābah* encompasses acts of open violence that threaten public security, instill fear, and disrupt social order, with penalties designed to protect life, property, and communal stability. These foundational principles align with the destructive and destabilizing effects produced by contemporary criminal phenomena, which similarly generate widespread fear, undermine social cohesion, and challenge the authority of the state. Consequently, *hirābah* provides a valuable normative reference for structuring legal

responses, guiding proportional sanctions, and reinforcing deterrence against acts that compromise public safety.

However, the application of *hirābah* to modern criminal realities necessitates careful adaptation to contemporary social, technological, and transnational contexts. Unlike classical instances, modern organized crime and terrorism often operate across borders, employ sophisticated technologies, and are driven by ideological or political motives, complicating direct physical interactions with victims. Therefore, the principles of *hirābah* require normative reconstruction and contextualization, including redefining elements of violence, harmonizing Shariah provisions with national and international law, and leveraging legal and technological tools for effective enforcement. In this way, *hirābah* continues to function as both a protective and preventive framework, enabling the law to maintain public security while addressing the complexities of 21st-century criminal threats.

## B. Suggestion

Future research should focus on integrating classical Islamic criminal law concepts, such as *hirābah*, with contemporary legal frameworks to address organized crime and modern terrorism effectively. Comparative studies between fiqh principles and national or international law can enhance normative clarity, while empirical research on social, technological, and psychological dimensions of modern criminal behavior will improve the applicability of Islamic legal concepts in contemporary contexts. This interdisciplinary approach will strengthen both theoretical understanding and practical strategies for crime prevention and social security.

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