



The Role of Ta'zir Sanctions in Preventing Promiscuity Among Adolescents: An Islamic Criminal Law Perspective

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Article History Received: 2024-05-02 Revised: 2024-05-14 Published: 2024-05-30 Keywords: <i>Jarimah Ta'zir; Free Association; Adolescents; Islamic Criminal Law; Immoral Acts.</i>	Free association among adolescents has become a social issue that has attracted increasing attention due to its potential to cause various negative impacts, including deviant behavior, violations of religious norms, moral degradation, and the rise of juvenile delinquency. This phenomenon not only affects individual development but also has implications for social order and community life. From the perspective of Islamic Criminal Law, various forms of behavior leading to immoral acts, whose types and punishments are not explicitly stipulated in the Qur'an and Hadith, may be categorized as jarimah ta'zir. Ta'zir refers to a form of punishment whose determination is entrusted to the authority of the ruler or competent institution by considering the severity of the offense, public welfare (<i>maslahah</i>), and the objective of offender rehabilitation. This study aims to analyze the role of jarimah ta'zir in addressing free association among adolescents from the perspective of Islamic Criminal Law. The research employs a normative legal research method with conceptual and Islamic juridical approaches through an examination of the Qur'an, Hadith, scholarly opinions, and relevant literature. The findings indicate that jarimah ta'zir plays a strategic role in preventing and overcoming free association through the implementation of educational, preventive, repressive, and rehabilitative sanctions. The application of ta'zir punishment is not merely intended to create a deterrent effect but also to improve moral conduct, enhance legal awareness, and encourage adolescents to return to the values of Islamic teachings. The flexibility of ta'zir allows for the adjustment of sanctions according to social conditions and the rehabilitative needs of offenders. Therefore, the concept of jarimah ta'zir can serve as an effective instrument of Islamic law in safeguarding the morality of the younger generation and promoting public welfare. This study is expected to contribute to the development of Islamic Criminal Law studies, particularly regarding efforts to address free association among adolescents.

I. INTRODUCTION

Free association among adolescents is one of the social phenomena that continues to attract the attention of academics, religious leaders, educators, and government institutions. The development of information technology, cultural globalization, and the ease of access to digital media have significantly transformed patterns of social interaction within society, particularly among the younger generation (Arifin et al., 2023). Adolescents, as individuals undergoing a phase of identity formation, tend to possess a high level of curiosity toward new experiences and influences. This condition often encourages them to engage in behaviors that they perceive as capable of gaining social recognition from their peer groups. However, many adolescents become involved in forms of social interaction that contradict religious teachings, legal norms, and moral values upheld within society.

The phenomenon of free association may manifest in various forms, including unrestricted relationships between males and females that disregard Islamic principles, alcohol consumption, drug abuse, immoral conduct, and other deviant behaviors that potentially cause negative consequences for both individuals and the wider social environment.

The increasing prevalence of free association among adolescents indicates a serious challenge in shaping the character of the younger generation. Its impacts are not limited to moral and spiritual aspects but also extend to social, educational, health, and public security dimensions. Free association can contribute to declining educational achievement due to reduced learning motivation, increasing juvenile delinquency, social conflicts, and various criminal acts resulting from weak self-control.

In the long term, this phenomenon may threaten the quality of human resources and hinder the development of a society founded

upon moral and ethical values. Therefore, comprehensive efforts are required to address free association through educational, social, cultural, and legal approaches. From the Islamic perspective, individuals are granted the freedom to interact and socialize; however, such freedom must remain within the framework of Sharia principles. Islam regulates interpersonal relationships with the aim of preserving human dignity, honor, and public welfare. Various Sharia provisions governing interactions between men and women have been established to prevent behaviors that may lead to immoral acts (*ma'siyah*) (Sigli, 2023). Islam not only prohibits adultery (*zina*) but also forbids all actions that may lead or facilitate its occurrence. The prohibition of adultery (*zina*) demonstrates that Islamic law adopts a preventive approach in safeguarding public morality. Therefore, various forms of free association that lead to violations of religious norms are regarded as behaviors that must be prevented and addressed in order to preserve the objectives of Islamic law (*maqāṣid al-sharī'ah*), particularly the protection of religion (*ḥifẓ al-dīn*), lineage (*ḥifẓ al-nasl*), and intellect (*ḥifẓ al-'aql*).

One of the instruments employed by Islam to maintain social order is Islamic criminal law. Within the framework of Islamic criminal jurisprudence, every act prohibited by the Sharia and subject to legal sanctions is referred to as *jarimah*. Generally, *jarimah* is classified into three main categories: *jarimah hudud*, *jarimah qishash-diyat*, and *jarimah ta'zir*. *Jarimah hudud* refers to criminal offenses whose forms and punishments have been explicitly prescribed in the Qur'an and Hadith. *Jarimah qishash-diyat* concerns offenses against human life and bodily integrity. Meanwhile, *jarimah ta'zir* refers to offenses for which neither the form nor the severity of punishment is specifically determined in the primary sources of Islamic law. Consequently, the determination of sanctions is entrusted to judges or

governmental authorities, taking into account the offender's level of culpability, societal conditions, and the public interest.

The concept of *jarimah ta'zir* occupies a crucial position within the Islamic criminal justice system because it provides flexibility in addressing various forms of misconduct that emerge alongside social and cultural developments. Not all forms of social deviance are explicitly mentioned in the Qur'an and Hadith. Modern societal developments have generated new forms of social misconduct that require effective legal responses. In this context, *ta'zir* functions as a legal instrument that enables judges or authorities to impose sanctions appropriate to the nature and severity of the offense. Such flexibility demonstrates the adaptability of Islamic law to societal changes while maintaining its fundamental principles.

Free association among adolescents may be categorized as a form of deviant behavior that requires regulation through the mechanism of *ta'zir*. This is because most of these behaviors do not fall within the category of *jarimah hudud*, yet they still constitute acts of immorality and have the potential to disrupt social order (Rofiq et al., 2021). In practice, *ta'zir* punishments are not limited to physical sanctions; they may take the form of advice, warnings, moral guidance, fines, restrictions on certain rights, community service, rehabilitation programs, or other sanctions deemed effective in deterring misconduct while simultaneously reforming the offender's behavior. These characteristics make *ta'zir* not only a repressive legal instrument but also an educational and preventive one.

Numerous studies have examined *jarimah ta'zir*, particularly regarding its application to various offenses within Islamic law. Most studies focus on the concept of *ta'zir* as part of the Islamic penal system, the forms of punishment it encompasses, and its relevance within contemporary legal systems. Other studies have explored the implementation of

ta'zir in the *Qanun Jinayat* of Aceh and its application to specific violations. However, research specifically addressing the role of *jarimah ta'zir* in tackling free association among adolescents remains relatively limited. Existing studies generally emphasize the normative aspects of Islamic criminal law without specifically linking them to the contemporary social challenges faced by adolescents in the digital era.

Based on these circumstances, there remains a significant research gap concerning the extent to which the concept of *jarimah ta'zir* can function as an instrument of Islamic criminal law in addressing free association among adolescents. This issue is particularly important because free association represents an evolving social problem that requires approaches oriented not only toward punishment but also toward moral development and prevention. Through the *ta'zir* mechanism, Islamic criminal law offers a more flexible framework for adjusting sanctions according to the severity of the offense and the rehabilitation needs of the offender.

The novelty of this study lies in its focus on connecting the concept of *jarimah ta'zir* with efforts to address free association among adolescents from the perspective of Islamic criminal law. This research not only examines the theoretical foundations of *ta'zir* but also analyzes its relevance as a mechanism of social control and moral development for younger generations amid contemporary societal challenges. Accordingly, this study is expected to contribute to the academic development of Islamic criminal law scholarship while serving as a reference for formulating strategies to prevent deviant behavior among adolescents.

Based on the foregoing background, this study aims to analyze the concept and legal foundations of *jarimah ta'zir*, examine the various forms of *ta'zir* punishments and their application to different offenses, and analyze the perspectives of the major Islamic schools of jurisprudence regarding *jarimah ta'zir*.

Furthermore, the study seeks to explore the role of *jarimah ta'zir* in addressing free association among adolescents from the perspective of Islamic criminal law, thereby providing a more comprehensive understanding of the relevance of Islamic law in responding to contemporary social issues.

II. RESEARCH METHODS

This study employs a normative legal research method with a qualitative approach. Normative legal research was chosen because the study focuses on examining Islamic legal norms related to *jarimah ta'zir* and their relevance in addressing free association among adolescents (Lestari, 2024). The approaches utilized in this study include the conceptual approach and the Islamic normative juridical approach (*Islamic juridical approach*).

The conceptual approach is employed to analyze the concept of *jarimah ta'zir*, the objectives of punishment in Islam, and the role of Islamic criminal law in maintaining social order. Meanwhile, the Islamic normative juridical approach is used to examine the legal foundations derived from the Qur'an, Hadith, *ijma'* (consensus), *qiyas* (analogical reasoning), and the views of Islamic jurists from various schools of thought regarding *ta'zir* and efforts to prevent deviant behavior.

The sources of data in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include the Qur'an, the Hadith of Prophet Muhammad (peace be upon him), classical works of *fiqh jinayah* (Islamic criminal jurisprudence), and other authoritative classical Islamic legal literature that discuss the concept, legal basis, objectives, and implementation of *jarimah ta'zir*. Secondary legal materials comprise scholarly books, academic journal articles, research reports, theses, dissertations, and other scientific publications relevant to Islamic criminal law, juvenile delinquency, and free association among adolescents. Tertiary legal materials include legal dictionaries,

encyclopedias, and other reference sources that support the interpretation and analysis of legal concepts discussed in this study.

Data collection was conducted through a literature review by identifying, examining, and analyzing various legal materials relevant to the research topic. The collected data were then analyzed qualitatively using descriptive-analytical methods. This analysis was carried out by systematically interpreting legal norms, comparing the views of Islamic jurists, and evaluating the relevance of *jarimah ta'zir* as an instrument of Islamic criminal law in addressing free association among adolescents. Through this approach, the study seeks to provide a comprehensive understanding of the role of *jarimah ta'zir* in fostering moral development, preventing deviant behavior, and maintaining social order in accordance with the principles and objectives of Islamic law (*maqāṣid al-sharī'ah*). Primary legal materials include the Qur'an, the Hadith of Prophet Muhammad (peace be upon him), classical works of *fiqh jinayah* (Islamic criminal jurisprudence), and other classical Islamic legal literature discussing *jarimah ta'zir*. Secondary legal materials consist of books, scientific journals, academic articles, previous research findings, and statutory regulations relevant to Islamic criminal law and the protection of adolescents. Meanwhile, tertiary legal materials are obtained from legal dictionaries, encyclopedias of Islamic law, and other reference sources that support the research.

Data collection was conducted through a library research method by reviewing, identifying, and collecting various literature sources related to the object of the study (Arifin et al., 2023). The collected data were subsequently analyzed using a descriptive-qualitative analysis technique. The analysis was carried out by interpreting various sources of Islamic law, comparing the opinions of Islamic jurists, and relating them to the phenomenon of free association among adolescents.

The results of the analysis were used to

explain the role of *jarimah ta'zir* as an instrument of Islamic criminal law in preventing and addressing free association among adolescents. Through this approach, the study aims to provide a comprehensive understanding of the relevance of the concept of *ta'zir* in responding to contemporary social problems and its contribution to promoting moral development, social order, and the objectives of Islamic law (*maqāṣid al-sharī'ah*).

III. RESULTS AND DISCUSSION

A. The Concept of Free Association from the Perspective of Islamic Criminal Law

Free association refers to a form of social interaction that exceeds the boundaries of religious norms, moral standards, and ethical values upheld within society. Among adolescents, free association is often characterized by behaviors that disregard Islamic legal provisions governing interactions with the opposite sex, such as *khalwat* (seclusion between a man and a woman who are not *mahram*), uncontrolled *ikhtilat* (free mixing between males and females), immoral conduct, alcohol consumption, drug abuse, and various other actions that may lead to sinful behavior (*ma'siyah*) (Lestari, 2024).

This phenomenon has become increasingly prevalent alongside the rapid development of information technology and social media, which provide virtually unlimited opportunities for social interaction. Adolescence, a stage of life characterized by identity exploration, high levels of curiosity, and a strong desire for social acceptance, often serves as a contributing factor to the emergence of such behaviors. As a result, many adolescents become involved in actions that contradict Islamic teachings and may cause harm both to themselves and to society at large.

From the perspective of Islamic Criminal Law, free association is viewed as a form of behavior that has the potential to cause moral degradation and threaten public welfare (*maslahah*). Islam not only prohibits *zina*

(adultery or fornication) as a serious moral offense but also forbids all actions that may lead to its occurrence (Sigli, 2023). This prohibition is explicitly stated in the Qur'an:

وَلَا تَقْرُبُوا الزَّوَاجَ إِنَّمَا كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا

It means: "And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way." (Qur'an, Al-Isra' [17]: 32).

This verse demonstrates that Islam adopts a preventive approach in safeguarding public morality. The prohibition is not limited to the act of *zina* itself but extends to any behavior that may lead to it. This includes all forms of activities that have the potential to facilitate unlawful sexual conduct, including free association that is inconsistent with Islamic principles. Therefore, any behavior that creates opportunities for moral violations should be prevented before it develops into more serious offenses.

Islam also commands believers to lower their gaze and protect their chastity as a means of preventing deviant behavior. Allah SWT states:

قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ

It means: "Tell the believing men to lower their gaze and guard their private parts. That is purer for them. Indeed, Allah is All-Aware of what they do." (Qur'an, An-Nur [24]: 30).

Furthermore, Allah SWT says:

وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ

It means: "And tell the believing women to lower their gaze and guard their private parts." (Qur'an, An-Nur [24]: 31).

These verses provide clear guidance regarding the importance of guarding one's gaze and preserving personal dignity as primary safeguards against behavior that may lead to sinful acts. In the context of modern adolescence, these commands have become increasingly relevant due to the widespread use of social media, which enables unrestricted interaction between males and females. When the principles of modesty, self-restraint, and

personal honor are neglected, the likelihood of engaging in free association increases significantly.

In addition, Islam instructs its followers to avoid all forms of indecent and immoral conduct, whether committed openly or secretly. Allah SWT states:

قُلْ إِنَّمَا حَرَّمَ رَبِّي الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَّنَ

It means: "Say, 'My Lord has only forbidden immoralities—what is apparent of them and what is concealed.'" (Qur'an, Al-A'raf [7]: 33).

This verse indicates that Islam is concerned not only with visible wrongful acts but also with behaviors that may become the causes of such immoral conduct. Free association falls within the category of behavior that may lead to various forms of sin and social harm if left unchecked. Therefore, preventing free association constitutes part of the broader effort to preserve public welfare and protect young people from negative influences that may jeopardize their future. According to the perspective of Islamic Criminal Law, free association is not merely a violation of social norms but also a form of conduct that contradicts the objectives of Islamic law (*maqāṣid al-sharī'ah*). Such behavior may threaten the protection of religion, intellect, lineage, and human dignity. Consequently, Islam places significant emphasis on preventing and addressing free association through moral education, religious guidance, social supervision, and the implementation of legal measures aimed at preserving social order and public welfare. Within this framework, the concept of *jarimah ta'zir* becomes highly relevant as a legal instrument that can be utilized to create a deterrent effect, reform the behavior of offenders, and prevent similar violations from occurring in the future (Darsi, 2019).

B. The Position of *Jarimah Ta'zir* in Islamic Criminal Law

Jarimah ta'zir constitutes an essential component of the Islamic Criminal Law system, functioning as a legal instrument for addressing various forms of misconduct whose specific types and punishments are not explicitly prescribed in the Qur'an and Hadith. Etymologically, the term *ta'zir* is derived from the Arabic word *عَزَّرَ - يُعَزِّرُ - تَعْزِيرًا* which means to prevent, restrain, educate, support, strengthen, or honor. These meanings indicate that the primary objective of *ta'zir* is not merely to inflict suffering upon offenders but rather to provide education and moral rehabilitation so that they become aware of their wrongdoing and refrain from repeating it in the future (Kharlie et al., n.d.).

In the terminology of *fiqh jinayah* (Islamic criminal jurisprudence), Muslim jurists define *ta'zir* as a punishment imposed for sinful acts for which no specific sanction has been prescribed by Islamic law. Consequently, the authority to determine the form and severity of punishment is delegated to judges or governmental authorities, who must consider the nature of the offense, the circumstances of the offender, and the welfare of society.

The position of *jarimah ta'zir* within Islamic Criminal Law is highly significant because not all forms of misconduct occurring in society are explained in detail within the primary sources of Islamic law. Islam, as a comprehensive religion, establishes general principles concerning the enforcement of justice and the protection of society while simultaneously providing room for *ijtihad* (independent legal reasoning) by authorities to formulate appropriate sanctions for emerging forms of misconduct. Therefore, the existence of *ta'zir* demonstrates the flexibility and adaptability of Islamic law in responding to social developments without compromising its fundamental principles.

Through the mechanism of *ta'zir*, various moral, social, economic, and administrative violations that do not fall under the categories of *hudud* or *qishash* may still be

subject to legal sanctions in order to maintain public order and social stability (Rofiq et al., 2021). This flexibility allows Islamic criminal law to address contemporary issues and evolving social challenges that may not have been explicitly regulated in classical legal texts.

The legal foundation for the position of *ta'zir* can be found in both the Qur'an and the Hadith of Prophet Muhammad (peace be upon him). One of the Qur'anic verses that serves as an important basis for the implementation of *ta'zir* is the statement of Allah SWT:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِيَ الْأَمْرِ مِنْكُمْ

It means: "O you who have believed, obey Allah and obey the Messenger and those in authority among you." (Qur'an, An-Nisa' [4]: 59).

This verse indicates that Islam grants authority to *ulil amri* (those in authority or government officials) to regulate societal affairs in order to achieve public welfare and social order. Such authority includes the power to establish sanctions for violations that are not specifically regulated in the primary sources of Islamic law (*nass*) (Hd et al., 2024). Therefore, the implementation of *ta'zir* represents an exercise of governmental authority aimed at maintaining public order and security in accordance with the principles of Islamic law.

Furthermore, the concept of *ta'zir* is also grounded in the principle of *amar ma'ruf nahi munkar* (enjoining what is right and forbidding what is wrong), which constitutes one of the fundamental objectives of Islamic law. Allah SWT states:

وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَئِكَ هُمُ الْمُفْلِحُونَ ﴿١٠٤﴾

It means: "Let there arise from among you a group of people who invite others to goodness, enjoin what is right, and forbid what is wrong. They are the successful ones." (Qur'an, Ali 'Imran [3]: 104).

This verse emphasizes that every form of wrongdoing and immorality must be prevented and addressed. In social life, however, not all acts of misconduct are

accompanied by specific punishments explicitly prescribed in the Qur'an or the Hadith. Therefore, *ta'zir* serves as a legal instrument that enables judges or governmental authorities to impose sanctions on various acts that are harmful to society and contrary to Islamic values.

The position of *jarimah ta'zir* differs from that of *jarimah hudud* and *jarimah qishash*. In *jarimah hudud*, both the offenses and their punishments have been definitively prescribed by Allah SWT, such as *zina* (adultery or fornication), theft, *qadhaf* (false accusation of adultery), *hirabah* (armed robbery or banditry), and the consumption of intoxicating substances. Likewise, *jarimah qishash* concerns crimes against human life and bodily integrity. In contrast, Islamic law does not specify in detail either the form or the degree of punishment for *jarimah ta'zir*. Judges are therefore granted discretionary authority to determine appropriate sanctions based on the seriousness of the offense, the circumstances of the offender, and the conditions of society. This flexibility makes *ta'zir* a highly relevant legal mechanism for addressing the diverse forms of misconduct that continue to evolve in modern life.

In the context of free association among adolescents, the position of *jarimah ta'zir* becomes increasingly important because most of these behaviors do not fall within the category of *hudud* offenses, yet they remain acts of immorality that have the potential to damage individual morality and disrupt social order. Behaviors such as *khalwat* (seclusion between unrelated men and women), *ikhtilat* (unrestricted interaction between men and women beyond the limits prescribed by Islamic law), the dissemination of pornographic content, and various acts that may lead to *zina* may be subject to *ta'zir* sanctions according to the severity of the violation committed.

Through the implementation of *ta'zir*, judges or governmental authorities may impose sanctions that are not merely punitive but also educational and rehabilitative. Such sanctions

aim to provide moral guidance and behavioral reform so that offenders can recognize their mistakes and avoid repeating them in the future. Consequently, *ta'zir* functions not only as a deterrent but also as a mechanism for moral development and social rehabilitation.

Therefore, the position of *jarimah ta'zir* within Islamic Criminal Law is highly strategic because it serves as a complementary instrument within the Islamic penal system. Its existence enables Islamic law to remain relevant in responding to various forms of misconduct arising from social and technological developments. *Ta'zir* is not solely oriented toward punishment; rather, it seeks to preserve public welfare (*maslahah*), protect moral values, and realize the objectives of Islamic law (*maqāṣid al-sharī'ah*) in establishing a society that is orderly, secure, and just. Accordingly, *jarimah ta'zir* plays a crucial role in addressing various forms of social deviance, including free association among adolescents in the modern era.

C. Forms of Adolescent Free Association That May Be Classified as *Jarimah Ta'zir*

Free association is one of the forms of social deviance that has increasingly developed among adolescents alongside changes in the patterns of modern social life. Advances in information technology, the uncontrolled use of social media, and a limited understanding of religious values have significantly influenced adolescent behavior (Sigli, 2023). From the perspective of Islamic Criminal Law, not all forms of free association can be directly classified as *jarimah hudud*, which are offenses for which specific punishments have been explicitly prescribed in the primary sources of Islamic law (*nass*). Nevertheless, various behaviors that involve elements of immorality, create opportunities leading to *zina* (adultery or fornication), and have the potential to undermine morality and social order may be categorized as *jarimah ta'zir*. This is because the primary objective of *ta'zir* is to prevent social

harm and preserve public welfare (*maslahah*) in accordance with the principles of Islamic law.

One form of free association that may be classified as *jarimah ta'zir* is *khalwat*, namely a situation in which a man and a woman who are not *mahram* are alone together in a secluded place without supervision or the presence of others who could prevent the occurrence of sinful conduct. Although *khalwat* does not constitute *zina* unless sexual intercourse has occurred, Islam regards such behavior as an act that may lead to *zina* and therefore considers it necessary to prevent and regulate it (Hd et al., 2024).

The Prophet Muhammad (peace be upon him) said:

لَا يَخْلُونَ رَجُلٌ بِامْرَأَةٍ، فَإِنَّ الشَّيْطَانَ ثَالِثُهُمَا

It means: "A man should not be alone with a woman, for indeed Satan is the third among them." (Narrated by Ahmad and At-Tirmidhi).

This hadith indicates that Islam prohibits all forms of interaction that may create opportunities for sinful behavior. Therefore, when *khalwat* is committed in a manner that causes social concern or violates regulations established by legitimate authorities, the offender may be subject to *ta'zir* sanctions according to the severity of the violation committed.

In addition to *khalwat*, another form of free association that falls within the scope of *jarimah ta'zir* is *ikhtilat* that exceeds the limits prescribed by Islamic law, namely unrestricted interaction and mixing between men and women without due regard for standards of modesty and religious regulations. Fundamentally, Islam does not prohibit social interaction between men and women as long as it remains within the boundaries permitted by the Sharia. However, when such interactions contain elements of immorality, stimulate unlawful desires, or lead to behavior prohibited by religion, they become violations that must be prevented and addressed.

Allah SWT states:

وَلَا تَقْرُبُوا الزَّوْجَىٰ إِنَّهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا ﴿٣٢﴾

It means: "And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and an evil way." (Qur'an, Al-Isra' [17]: 32).

This verse serves as a fundamental basis for the principle that any behavior leading a person toward *zina* should be avoided. Therefore, uncontrolled interaction between men and women may be regarded as a form of conduct that falls within the scope of *ta'zir* offenses. Since such behavior has the potential to facilitate immoral acts and undermine moral values, Islamic law recognizes the necessity of preventive measures to protect both individuals and society from harmful consequences.

Another form of free association that has become increasingly prevalent in the digital era is the dissemination of pornographic content and digital pornography through social media platforms. Technological advancements have enabled adolescents to access, produce, and distribute various forms of pornographic material with relative ease. Such conduct not only damages the moral character of those involved but may also generate negative consequences for the wider community. The widespread circulation of pornographic content contributes to moral degradation, encourages deviant behavior, and increases the likelihood of actions that contradict the ethical and religious principles upheld by Islam.

In Islamic teachings, preserving personal honor, dignity, and chastity is a fundamental obligation for every Muslim. Therefore, any act that threatens these values is regarded as contrary to the objectives of Islamic law (*maqāṣid al-sharī'ah*). As a result, the dissemination of pornographic content may be categorized as a form of misconduct subject to *ta'zir* sanctions, particularly when it causes social harm and undermines public morality.

Allah SWT states:

قُلْ لِّلْمُؤْمِنِينَ يَغُضُّوْا مِنْ اَبْصَارِهِمْ وَيَحْفَظُوْا فُرُوْجَهُمْ ذٰلِكَ اَزْكٰى لَهُمْ

It means: "Tell the believing men to lower their gaze and guard their private parts. That is purer for them." (Qur'an, An-Nur [24]: 30).

The command to lower one's gaze in this verse demonstrates Islam's effort to block all avenues that may lead individuals toward behavior that undermines moral values. The dissemination of pornographic content is among the actions that contradict this objective and may therefore be subject to *ta'zir* sanctions based on the discretion of judges or governmental authorities.

Furthermore, behaviors such as dating relationships that exceed the limits prescribed by Islamic law, engaging in physical contact with non-*mahram* individuals, and various activities that may lead to *zina* can also be classified as *jarimah ta'zir*. Although these actions do not reach the level of *zina* and are therefore not subject to *hudud* punishments, they nevertheless constitute acts of immorality that have the potential to cause moral and social harm. Within Islamic Criminal Law, conduct that serves as a means leading to more serious offenses must also be prevented in order to safeguard public welfare (*maslahah*). This principle is known as *sadd al-dharā'i'* (blocking the means), which refers to preventing pathways that may lead to acts prohibited by Islamic law.

In addition, the use of social media to establish relationships that encourage immoral behavior, the exchange of inappropriate photographs or videos, and communications containing sexual content are among the contemporary forms of free association that may be categorized as *jarimah ta'zir*. Such phenomena have become increasingly prevalent among adolescents due to inadequate supervision and a limited awareness of religious values. Although these forms of misconduct were not specifically known during the time of the Prophet Muhammad (peace be upon him), the general principles of Islamic Criminal Law permit them to be subject to *ta'zir* sanctions

because they involve elements of immorality and possess the potential to cause social harm.

Based on the foregoing discussion, it can be understood that various forms of free association among adolescents—such as *khalwat*, *ikhtilat* that exceeds the limits prescribed by Islamic law, the dissemination of pornographic content, dating behaviors that may lead to *zina*, and various forms of moral deviance facilitated through digital media—may be classified as *jarimah ta'zir*. This classification is based on the presence of immoral elements, the potential for social harm, and the threat such behaviors pose to the objectives of Islamic law (*maqāṣid al-sharī'ah*), particularly the protection of religion, honor, and lineage.

Therefore, the implementation of *ta'zir* serves as an important instrument within Islamic Criminal Law for preventing the spread of free association and fostering the development of adolescents with noble character in accordance with the values and principles of Islamic teachings.

D. The Role of *Jarimah Ta'zir* in Preventing and Combating Free Association Among Adolescents

Free association among adolescents is one of the forms of social deviance that has broad implications for both individuals and society. This phenomenon is not only associated with violations of religious norms but is also linked to various social problems, including declining moral values, increasing juvenile delinquency, drug abuse, sexual misconduct, and other forms of deviant behavior. From the perspective of Islamic Criminal Law, various actions that lead to immoral conduct and for which no specific punishment has been prescribed in the Qur'an or the Hadith may be subject to *ta'zir* sanctions (Sigli, 2023).

The existence of *jarimah ta'zir* is highly significant because it provides judges and governmental authorities with the discretion to determine appropriate sanctions based on the

severity of the offense and the needs of society. Due to its flexible nature, *jarimah ta'zir* plays a strategic role in addressing the growing phenomenon of free association among adolescents in the modern era.

One of the primary roles of *jarimah ta'zir* is its preventive function in deterring various forms of behavior that may lead to immoral acts. Islam fundamentally emphasizes prevention before the occurrence of more serious violations. This principle is reflected in the statement of Allah SWT:

وَلَا تَقْرُبُوا الزُّلْمَ إِنَّهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا ﴿٣٢﴾

It means: "And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and an evil way." (Qur'an, Al-Isra' [17]: 32).

The verse demonstrates that Islam not only prohibits *zina* (adultery or fornication) itself but also forbids all actions that may serve as pathways leading to it. In the context of free association among adolescents, behaviors such as *khalwat* (seclusion between unrelated men and women), *ikhtilat* that does not conform to Islamic guidelines, the dissemination of pornographic content, and relationships that exceed the limits prescribed by Islamic law are forms of conduct that may lead to more serious violations. Therefore, the application of *ta'zir* sanctions to such behaviors serves as a preventive measure aimed at protecting both offenders and society from falling into more severe acts of misconduct.

In addition to its preventive function, *jarimah ta'zir* also serves a repressive function by imposing sanctions on offenders as a means of law enforcement. In social life, the existence of legal sanctions is essential for maintaining public order and providing protection against various forms of harmful behavior. *Ta'zir* punishments may take the form of reprimands, warnings, moral guidance, fines, community service, restrictions on certain rights, or imprisonment, depending on the severity of the offense committed. The imposition of such sanctions is intended to create a deterrent

effect, enabling offenders to recognize their mistakes and discouraging them from repeating similar conduct in the future. The existence of legal consequences encourages adolescents to exercise greater caution in their behavior and to consider the implications of their actions.

Another important role of *jarimah ta'zir* is its educational function, particularly in the realm of moral development. Unlike penal systems that focus primarily on retribution, Islamic Criminal Law places education and moral reform at the center of the implementation of *ta'zir*. The sanctions imposed are not intended merely to punish offenders but rather to improve their character, cultivate moral awareness, and strengthen their understanding of legal and ethical responsibilities. In Islamic teachings, moral development is an essential component of building a virtuous and harmonious society.

Allah SWT states:

أَدْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحُكْمَةِ وَالْمَوْعِظَةِ الْحَسَنَةِ

It means: "Invite 'all' to the Way of your Lord with wisdom and good instruction." (Qur'an, An-Nahl [16]: 125).

This verse demonstrates that education and guidance are highly encouraged methods in Islam. Therefore, the implementation of *ta'zir* sanctions against adolescents involved in free association may be carried out through educational approaches, such as religious counseling, moral development programs, character-building training, and community service activities aimed at instilling moral values, responsibility, and self-discipline.

Furthermore, *jarimah ta'zir* also serves a rehabilitative function by correcting offenders' behavior and enabling them to reintegrate into society as responsible individuals. In many cases, adolescents involved in free association are influenced by environmental factors, inadequate religious education, peer pressure, or dysfunctional family conditions. Consequently, resolving such problems requires more than merely imposing punishment; it also necessitates rehabilitation

efforts capable of transforming the offender's mindset and behavior. The rehabilitative concept of *ta'zir* is consistent with the objectives of Islamic law, which prioritize public welfare (*maslahah*) and human betterment. Through appropriate guidance and support, offenders are expected to abandon deviant behavior and return to a lifestyle that conforms to religious teachings and social norms.

The role of *jarimah ta'zir* in addressing free association among adolescents is also closely related to the preservation of the objectives of Islamic law (*maqāṣid al-shari'ah*). Free association has the potential to undermine several essential values protected by Islamic law, including the protection of religion (*hifzh al-din*), intellect (*hifzh al-'aql*), lineage (*hifzh al-nasl*), and honor (*hifzh al-'irdh*). These objectives represent fundamental interests that Islamic law seeks to safeguard in order to maintain individual well-being and social stability.

Allah SWT states:

وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ

It means: "Let there be among you a group of people who invite others to goodness, enjoin what is right, and forbid what is wrong." (Qur'an, Ali 'Imran [3]: 104).

This verse serves as a foundation for the principle that every form of wrongdoing and immorality must be prevented in order to preserve social order and public welfare. In this context, *ta'zir* functions as a legal instrument that facilitates the implementation of the principle of *amar ma'ruf nahi munkar* (enjoining what is right and forbidding what is wrong) through the enforcement of justice and the promotion of moral reform.

Based on the foregoing discussion, it can be understood that *jarimah ta'zir* plays a highly significant role in addressing free association among adolescents. This role encompasses a preventive function in deterring immoral behavior, a repressive function in creating a deterrent effect, an educational function in

fostering moral awareness, and a rehabilitative function in correcting offenders' behavior. The flexibility inherent in *ta'zir* enables the implementation of sanctions that are responsive to contemporary developments and societal needs while remaining consistent with the fundamental principles of Islamic law.

Therefore, *jarimah ta'zir* can serve as an effective legal instrument for preserving the morality of the younger generation and promoting a social environment that is orderly, secure, and aligned with Islamic values. By integrating prevention, education, rehabilitation, and law enforcement, *ta'zir* contributes not only to the reduction of adolescent deviant behavior but also to the broader objective of safeguarding public welfare (*maslahah*) and realizing the objectives of Islamic law (*maqāṣid al-sharī'ah*) within contemporary society.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the findings and discussion, it can be concluded that free association among adolescents constitutes a form of social deviance that has the potential to generate various negative consequences for both individuals and society. From the perspective of Islamic Criminal Law, free association is regarded as behavior that contradicts the values and principles of Islamic law because it may lead to various forms of immorality and undermine the fundamental objectives of the Sharia (*maqāṣid al-sharī'ah*), particularly the protection of religion (*hifzh al-din*), honor (*hifzh al-'irdh*), intellect (*hifzh al-'aql*), and lineage (*hifzh al-nasl*). Islam not only prohibits *zina* (adultery or fornication) but also forbids all acts that may lead to it, as emphasized in the Qur'an. Therefore, behaviors such as *khalwat*, *ikhtilat* that exceeds the limits prescribed by Islamic law, the dissemination of indecent content, and relationships that may lead to *zina* are

considered acts that must be prevented and addressed.

Jarimah ta'zir occupies a highly significant position within Islamic Criminal Law because it functions as a legal instrument for addressing various forms of misconduct whose specific classifications and punishments are not explicitly prescribed in the primary sources of Islamic law (*nass*). The flexibility inherent in *ta'zir* enables judges and governmental authorities to determine sanctions that are appropriate to the severity of the offense, the circumstances of the offender, and the needs of society. In the context of free association among adolescents, *jarimah ta'zir* serves preventive, repressive, educational, and rehabilitative functions. The implementation of *ta'zir* is not merely intended to deter offenders but also to cultivate moral awareness, improve character, and prevent the recurrence of deviant behavior.

Accordingly, the concept of *jarimah ta'zir* demonstrates that Islamic Criminal Law possesses the capacity to adapt to social and technological developments while remaining faithful to the fundamental principles of the Sharia. The existence of *ta'zir* represents a relevant and effective solution for addressing free association among adolescents while simultaneously preserving public welfare (*maslahah*) and maintaining social order within society.

B. Suggestion

Based on the findings of this study regarding the role of *jarimah ta'zir* in addressing free association among adolescents, it is recommended that efforts to prevent and combat free association should not rely solely on the imposition of legal sanctions but should also be integrated with moral development, religious education, and the strengthening of family roles. Parents, educational institutions, religious leaders, and the wider community should enhance supervision and guidance for

adolescents through the inculcation of Islamic values, character building, and the responsible use of digital technology. Such measures are essential to prevent the emergence of deviant behaviors that may lead to violations of religious and social norms.

Furthermore, governments and relevant institutions are encouraged to optimize the implementation of *ta'zir* principles through policies that emphasize preventive, educational, and rehabilitative approaches. Guidance programs such as counseling, religious education, character-development training, social activities, and rehabilitation initiatives for adolescents involved in free association should be further developed. These efforts are important to ensure that the objectives of punishment in Islam extend beyond deterrence and contribute to moral reform, character improvement, and the development of legal awareness among offenders. In addition, future research is recommended to examine the practical implementation of the concept of *jarimah ta'zir* in contemporary society, particularly concerning the effectiveness of *ta'zir* sanctions in addressing various forms of adolescent free association in the digital era. More comprehensive studies on the roles of families, educational institutions, social media, and government policies in preventing deviant behavior are also needed to enrich the development of Islamic Criminal Law scholarship and enhance its relevance to contemporary social challenges.

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