



Analysis of the Crime of Hirabah in Islamic Criminal Law and Its Relevance to Modern Crimes

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Article Info	Abstract
Article History Received: 2024-09-05 Revised: 2024-09-11 Published: 2024-09-30 Keywords: <i>Jarimah Hirabah; Islamic Criminal Law; Modern Crime.</i>	This study examines the concept of <i>jarimah hirabah</i> in Islamic criminal law and its relevance to modern crimes. The background of this research is based on the increasing occurrence of various contemporary crimes that threaten public security, such as armed robbery, terrorism, and organized crime. This study aims to analyze the concept of <i>hirabah</i> from the perspective of Islamic criminal law and to examine its compatibility with contemporary criminal phenomena. The research employs a normative legal method with a library research approach through the examination of relevant Islamic legal sources, including the Qur'an as the primary normative foundation analyzed through scholarly literature, as well as secondary legal materials in the form of academic journals, books, and relevant previous studies. The data were analyzed using a descriptive qualitative method. The findings indicate that <i>hirabah</i> is one of the <i>hudud</i> offenses characterized by the use of violence or threats of violence committed openly, resulting in fear and disruption of public security. In its development, the concept of <i>hirabah</i> is relevant to several forms of modern crime, including violent theft, terrorism, and organized crime, as these offenses share common elements such as the use of violence, the creation of fear, and disturbances to public order. Nevertheless, not all modern crimes can be classified as <i>hirabah</i> , as they must still fulfill the specific elements prescribed under Islamic criminal law. Therefore, <i>hirabah</i> can be understood as a relevant conceptual framework for analyzing modern crimes that threaten public security.

I. INTRODUCTION

The development of modern society, characterized by technological advancement, globalization, and increased human mobility, has given rise to increasingly complex forms of crime. Criminal activities are no longer limited to conventional offenses such as theft or ordinary robbery but have evolved into organized crime, terrorism, piracy, and various forms of violence that generate widespread fear within society. This condition indicates that public security has become one of the most vulnerable aspects affected by the evolution of modern crime, thereby requiring legal approaches capable of providing effective protection.

The increasing prevalence of various forms of crime demonstrates that criminal law functions not only as an instrument for punishing offenders but also as a mechanism for protecting society and preventing criminal acts. Siahaan and Harahap (2026) explain that the sentencing system in Islamic law is founded upon the principles of justice, legal certainty, and public

welfare (*maslahah*), while also aiming to prevent crime and safeguard the objectives of Islamic law (*maqāṣid al-sharī'ah*). In line with this view, Marpaung (2019) emphasizes that the implementation of sanctions in Islamic criminal law is intended to maintain social order and public welfare. This perspective suggests that punishment in Islam is not solely retributive in nature but is also directed toward protecting society and preserving social stability.

Within this context, one of the important concepts in Islamic criminal law that is closely associated with offenses against public security is *jarimah hirabah*. In general, *hirabah* is understood as an act of violence committed openly with the intention of spreading fear, seizing property, inflicting injury, or even taking human life. Najwa et al. (2024) explain that *hirabah* refers to armed robbery or open acts of violence that disrupt public security and is classified as a *jarimah hudud*, for which sanctions have been explicitly prescribed under Islamic law.

The legal basis for *hirabah* is found in the Qur'an, particularly in Q.S. Al-Mā'idah verse 33, which stipulates punishments for those who spread corruption on earth and threaten public order. However, scholars differ in their understanding of the scope of *hirabah*. Asri and Ruslan (2020) explain that these differences arise from the absence of a detailed technical definition in the primary texts (*nash*). Consequently, some scholars interpret *hirabah* narrowly as armed robbery, whereas others extend its application to various acts that threaten public security. These differing interpretations also influence the determination of the elements and forms of punishment associated with *hirabah*, as explained by Qori'ah and Sa'i (2025).

In contemporary studies of Islamic criminal law, the concept of *hirabah* has become increasingly relevant in addressing various forms of modern crime. Criminal offenses such as terrorism, armed robbery, organized crime, and piracy share characteristics similar to the elements of *hirabah*, including the use of violence, threats, and efforts to create fear within society. Anam et al. (2026) explain that the elements of *hirabah* are closely related to modern crimes because both have the potential to disrupt social stability and public security. Similarly, Islamy, Sufiyan, and Arif (2026) argue that the concept of *hirabah* has points of convergence with violent crimes under Indonesian positive law, particularly in terms of protecting life, property, and public security.

In addition to its association with physical violence, *hirabah* in the study of *fiqh jinayah* is also understood as a form of disruption to the social order. Jumali (2015) explains that the concept of *hirabah* is not limited to individual criminal acts but may also be understood as a violation that has broad implications for society as a whole. This understanding indicates that *hirabah* is viewed not merely as a crime against individuals but also as an act that affects the broader public interest and social welfare.

In the context of law enforcement, the principle of protecting society is also an important consideration in the sentencing process. Ritonga and Azizah (2026) explain that judges, when imposing criminal sanctions, must consider aspects of justice, utility, and the effectiveness of punishment, including its role in preventing the recurrence of criminal acts. This consideration demonstrates that punishment is

directed not only toward offenders but also toward protecting society from the consequences of repeated criminal behavior.

Based on the foregoing discussion, this article aims to analyze the concept of *jarimah hirabah* in Islamic criminal law and examine its relevance to various forms of modern crime that continue to develop in contemporary society. This study is expected to provide a more comprehensive understanding of the contribution of Islamic criminal law in addressing the challenges posed by contemporary crime through a library research approach that examines various Islamic legal literatures and relevant scholarly studies.

II. RESEARCH METHODS

This study employs a normative legal research method using a conceptual approach and a library research methodology. According to Soekanto and Mamudji (2015), normative legal research is conducted by examining library materials or secondary data as the primary sources of research. The conceptual approach is utilized to examine the concept of *jarimah hirabah* in Islamic criminal law and to analyze its relevance to various forms of modern crime.

The research process was carried out through the collection, classification, and analysis of various sources related to the research topic. The data sources consisted of literature discussing Islamic legal sources, particularly the Qur'an as the normative foundation of the concept of *hirabah*, as well as secondary legal materials in the form of scholarly journals, books, and previous studies concerning Islamic criminal law and modern crime.

The collected data were subsequently analyzed using a descriptive qualitative method in order to obtain a comprehensive understanding of the concept of *jarimah hirabah* in Islamic criminal law and its relevance to the phenomenon of modern crime.

III. RESULTS AND DISCUSSION

A. The Concept of *Jarimah Hirabah* in Islamic Criminal Law

In Islamic criminal law, *hirabah* constitutes one of the categories of *jarimah hudud* that possesses distinctive characteristics because it is directly related to threats against public security. Within the classification of *jarimah*, *hudud* offenses are understood as crimes whose nature and sanctions have been

explicitly prescribed by the sacred texts (*nash*), thereby leaving limited judicial discretion in determining the form of punishment. In this context, *hirabah* is regarded as a crime that not only targets individuals but also disrupts and undermines public order as an essential aspect of societal protection. This view is consistent with Muslich (2005), who emphasizes that *hirabah* is classified as a serious offense because it involves open acts of violence that generate widespread fear within society.

Furthermore, Asri and Ruslan (2020) explain that the primary characteristic of *hirabah* lies in the existence of violence or threats of violence committed openly, whether through the use of weapons or other means, resulting in the loss of public security and a sense of safety within society. They further argue that the normative foundation of *hirabah* in the Qur'an, particularly Q.S. Al-Mā'idah verse 33, demonstrates the existence of gradational sanctions ranging from capital punishment and crucifixion to amputation and exile. The variation in these sanctions reflects the seriousness with which Islamic law addresses the social danger posed by such acts, rather than focusing solely on the individual harm inflicted upon victims.

In contemporary legal discourse, *hirabah* is no longer interpreted narrowly as highway robbery but is increasingly understood as a concept encompassing any act that threatens public security and creates collective fear. Anam et al. (2026) demonstrate that *hirabah* possesses conceptual relevance to modern organized crime because both involve systematic violence and produce consequences in the form of public insecurity. The study further argues that *hirabah* may serve as a normative framework for understanding crimes with extensive societal impacts, such as terrorism and other forms of organized criminal activity, provided that they contain elements that disrupt public security.

Similarly, Kamali (2015) asserts that the concept of *hirabah* in Islamic law offers a

broad scope of interpretation for addressing evolving forms of modern crime. Although the technical term *hirabah* is not elaborately defined in the Qur'an, the substance of its prohibition encompasses all actions that threaten public security and generate widespread fear. This demonstrates that *hirabah* possesses conceptual flexibility within the framework of *maqāṣid al-sharī'ah*, particularly in safeguarding life, property, and public security.

From the perspective of Islamic legal schools (*madhahib*), Qori'ah and Sa'i (2025) explain that differences exist regarding the boundaries of *hirabah*, particularly concerning the location of the offense, the identity of the perpetrators, and the forms of violence employed. The Hanafi school tends to restrict *hirabah* to armed robbery committed outside residential areas, whereas the Maliki school adopts a broader interpretation that includes any form of violence capable of creating public fear. The Shafi'i and Hanbali schools occupy an intermediate position by emphasizing the elements of intimidation and the open use of force. Despite these differences, all schools agree that the essence of *hirabah* lies in the widespread disruption of public security.

These differing perspectives indicate that *hirabah* should not be viewed merely as an individual criminal act but also as a crime that produces structural consequences for society. The essential elements of *hirabah* may therefore be formulated as the existence of violence or threats of violence committed openly, resulting in the emergence of widespread fear among members of society. In this regard, Wan Muhammad and Mokhlis (2024) emphasize that the key element of *hirabah* is fear creation, which serves as an important indicator in determining whether a particular act qualifies as *hirabah*, including in cases of piracy and maritime robbery.

When compared with the offense of theft (*sariqah*), *hirabah* exhibits fundamental differences both in terms of its method of commission and its social consequences. Theft

is generally committed covertly and without direct violence, whereas *hirabah* is perpetrated openly through violence or threats of violence that generate social trauma and disrupt public security. Consequently, *hirabah* is regarded as a more serious offense because it not only harms individual victims but also undermines the social stability that forms the foundation of communal life.

From the perspective of *maqāṣid al-sharī'ah*, the regulation of *hirabah* seeks to protect fundamental objectives such as *hifz al-nafs* (protection of life), *hifz al-mal* (protection of property), and *hifz al-amn* (protection of security). Islamy, Sufiyan, and Arif (2026) explain that *hirabah* may be understood as a normative instrument for maintaining social stability and preventing broader forms of social harm. Accordingly, the imposition of severe sanctions for *hirabah* serves not only a repressive function but also a preventive one aimed at preserving public order.

In line with this view, Marpaung (2019) explains that the implementation of sanctions in Islamic criminal law is intended to preserve public order and social welfare. This perspective indicates that punishment is not directed solely toward offenders but also serves a broader protective function in safeguarding societal interests. In the context of *hirabah*, this principle is reflected in the imposition of sanctions designed to maintain public security and social order against various threats that generate public anxiety.

In conclusion, *hirabah* represents a concept in Islamic criminal law with a broad scope of application. It is not limited to armed robbery but also encompasses acts that generate public fear and threaten societal security. The complexity of its elements, together with the diversity of scholarly opinions, demonstrates that *hirabah* possesses sufficient conceptual flexibility to be contextualized in the analysis of various forms of modern crime while maintaining its normative foundation within Islamic law.

B. The Relevance of *Jarimah Hirabah* to Modern Crime

Social changes in modern society have influenced patterns of crime occurring in public spaces. Criminal activities are no longer merely individual and concealed in nature; in many cases, they have evolved into acts involving violence, threats, and far-reaching consequences for public security. In this context, modern crime may be understood as criminal conduct characterized by disturbances to public security, whether through direct violence or systematic intimidation.

In Islamic criminal law, *jarimah hirabah* is fundamentally associated with open acts of violence that result in the loss of public security and a sense of safety within society. Muslich (2005) explains that *hirabah* encompasses acts committed through violence or threats of violence for the purpose of seizing property, causing injury, or creating fear, thereby affecting not only individual victims but also public order as a whole. Consequently, from a legal analytical perspective, *hirabah* is more appropriately understood through its constituent elements rather than merely through the form of the act itself.

One form of modern crime that shares significant similarities with *hirabah* is violent theft, commonly known in social practice as armed robbery. Legally, violent theft refers to the unlawful taking of property accompanied by violence or threats of violence against the victim. In practice, such offenses are often committed in public spaces through the use of weapons or other dangerous instruments, generating fear not only among victims but also among surrounding members of society. From an analytical perspective, these acts correspond to the elements of *hirabah*, particularly regarding the open use of violence and the disruption of public security. Asri and Ruslan (2020) emphasize that the primary element of *hirabah* lies in its capacity to generate widespread fear within society

rather than merely in the unlawful appropriation of property.

In addition, terrorism demonstrates characteristics that correspond to the concept of *hirabah*, particularly in terms of creating collective fear. Fattahillah and Azizah (2024) explain that terrorism is intended to spread fear among the public and constitutes a crime that threatens public security and social peace. Consequently, terrorism shares common features with *hirabah* because both involve intimidation and disruptions to social stability. Modern terrorism is directed not only at immediate victims but is also designed to produce broader psychological effects through the dissemination of fear within society. Kamali (2015) argues that acts that systematically undermine public security and generate widespread fear may be analyzed within the framework of *hirabah*, since the essence of both concepts relates to the destruction of social security. Nevertheless, modern terrorism possesses characteristics that are more complex than *hirabah* in its classical understanding. In addition to employing violence, terrorism is generally motivated by ideological, political, or religious objectives aimed at influencing state policies or shaping public opinion. Therefore, the relationship between *hirabah* and terrorism is more appropriately understood as a similarity of elements and objectives concerning the protection of public security rather than as entirely identical criminal offenses.

In a broader context, organized crime may also be analyzed within the framework of *hirabah* when examined from the perspective of its elements and societal impacts. Organized crime is generally committed by groups possessing structured organization, division of roles, and systematic operational patterns, often accompanied by violence or threats intended to control particular territories or resources. Qori'ah and Sa'i (2025) explain that one of the essential elements of *hirabah* is the disruption of public security resulting from openly committed acts

of violence. Conceptually, therefore, *hirabah* shares common characteristics with forms of crime that generate collective fear within society.

When examined through its constituent elements, several fundamental similarities can be identified between *hirabah* and various forms of modern crime. First, both involve the use of violence or threats of violence as a means of achieving particular objectives. Second, both *hirabah* and certain modern crimes cause not only individual harm but also widespread fear within society. Third, their consequences extend beyond material losses and include disruptions to social stability and public order. Anam et al. (2026) explain that these shared characteristics demonstrate the relevance of *hirabah* to modern crime, particularly because both have the potential to threaten public security and social stability. Accordingly, *hirabah* may be understood as a conceptual framework for analyzing various forms of modern crime that generate fear and threaten public order.

The relevance of *hirabah* to modern crime is reflected not only in the similarity of their elements but also in the legal objectives they seek to achieve. In Islamic criminal law, *hirabah* aims to protect public security, safeguard life and property, and prevent the emergence of fear that disrupts social order. These objectives are consistent with the functions of modern criminal law, which regard the protection of society as one of the primary goals of law enforcement.

Nevertheless, not all forms of modern crime can be classified as *hirabah*. Certain contemporary offenses, such as online fraud, personal data theft, and cybercrime, generally do not satisfy the essential elements of *hirabah* because they do not involve the direct use of violence or threats of violence that create widespread public fear. Therefore, the relevance of *hirabah* to modern crime must be understood proportionately while remaining attentive to the specific elements formulated within Islamic criminal law.

It is important to emphasize that the use of the concept of *hirabah* in analyzing modern crime does not imply that all forms of contemporary criminality are directly equivalent to *hirabah* in Islamic criminal law. *Hirabah* possesses specific elements, namely the open use of violence or threats of violence that generate widespread fear within society. Consequently, the approach adopted in this study is conceptual rather than normative, focusing on the correspondence between the elements of *hirabah* and certain forms of modern crime rather than asserting a direct equivalence between Islamic law and positive law.

In conclusion, the relevance of *jarimah hirabah* to modern crime lies in their shared fundamental elements of violence, threats, and disturbances to public security. The concept of *hirabah* provides an analytical framework within Islamic criminal law for understanding various forms of crime that threaten social order in modern society. Nevertheless, the application of this concept must be undertaken carefully while taking into account the specific limitations and elements inherent in *hirabah*, so that its relevance to modern crime may be understood accurately and proportionately.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the findings of this study, it can be concluded that *jarimah hirabah* constitutes one of the categories of *jarimah shudud* in Islamic criminal law that is primarily aimed at protecting society from acts of violence and threats that generate public fear. *Hirabah* is not limited to armed robbery in its classical sense but also encompasses various acts that disrupt public security and social order. Although differences exist among the Islamic legal schools regarding the definition and scope of *hirabah*, they generally agree that its essential element is the open use of violence or threats of violence that create fear within society.

This study further demonstrates that the concept of *hirabah* remains relevant to various forms of modern crime, particularly offenses involving violence, intimidation, and threats to public security, such as armed robbery, terrorism, and organized crime. These shared characteristics indicate that *hirabah* may serve as a conceptual framework for analyzing contemporary criminal phenomena from the perspective of Islamic criminal law. Nevertheless, such relevance does not imply that all modern crimes can be equated with *hirabah*, since its application must remain consistent with the specific elements prescribed under Islamic law. Therefore, the concept of *hirabah* continues to possess contemporary significance and relevance in providing an Islamic legal perspective on the protection of public security in the modern era.

B. Suggestions

Studies on *jarimah hirabah* should continue to be developed within the context of contemporary criminal law in order to contribute more broadly to the understanding of modern criminal dynamics. Future research is recommended to examine *hirabah* from a more empirical perspective by comparing its application within Islamic legal systems and positive criminal law, particularly in cases involving organized crime and terrorism. Furthermore, more in-depth studies are needed to clarify the boundaries and elements of *hirabah* in order to avoid both overly restrictive and excessively broad interpretations. Such efforts are important to ensure that the concept remains consistent with the principles of Islamic law while maintaining its relevance to the developments of modern society.

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