



## Addressing Contemporary Crime: Implementing the Basic Principles of Islamic Criminal Law

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<b>Article History</b> Received: 2025-09-03 Revised: 2025-09-20 Published: 2025-09-30  <b>Keywords:</b> <i>Islamic Criminal Law; Contemporary Crimes; Principles of Islamic Criminal Law; Justice; Human Rights</i>	This article examines the application of Islamic criminal law standards in the context of contemporary crime prevention. Islamic criminal law, grounded in ethical and moral values, offers a relevant approach to addressing various forms of contemporary crime, such as cybercrime, fear-based bullying, and insults. This study distinguishes several Islamic criminal law standards, assesses the standards of justice, legal certainty, and practicality, and examines how these standards can be integrated into a positive legal framework to enhance the effectiveness of legal enactment. Furthermore, this article emphasizes the importance of justice and beneficial remedies in dealing with offenders, in order to rebuild disrupted social relationships. Thus, the application of Islamic criminal law standards is expected to provide a comprehensive and relevant regulation in addressing the challenges of modern crime, while still adhering to human rights standards and humanitarian values.

### I. INTRODUCTION

Islamic criminal law is a discipline explicitly mentioned in the Quran and Hadith. In Islamic criminal law, punishment for criminal acts is divided into three categories:

1. Qisas is a punishment imposed on a perpetrator of a crime in the same manner as the crime they committed. In Islamic criminal law, qisas is the death penalty imposed on murderers.
2. Hudud may be a discipline prescribed by Allah and cannot be changed or modified. Hudud punishments are imposed for certain wrongdoings, such as: Infidelity, Accusing an individual of committing infidelity (qadzaf), Robbery, Apostasy, Drinking alcohol, Resistance (bughah), Robbery (qutha' al thariq)
3. Ta'zir can be a form of discipline imposed by the government or a judge on a criminal whose punishment is not explicitly stated in the Qur'an and Hadith. Ta'zir aims to teach the convict a lesson and prevent them from repeating similar offenses. Deciding on the type of ta'zir offense is entirely up to experts, depending on the benefit of the individual.

The application of Islamic criminal law in a modern context is increasingly relevant amidst the rise in various forms of modern crime, such as psychological warfare,

defamation, and cybercrime. These violations, while not necessarily having significant social and financial impacts, pose significant challenges to existing legal frameworks. Within global society and beyond, Islamic criminal law offers an approach that can address these issues within the framework of justice, deterrence, and reparation.

Fear-based oppression, for example, is often built on a sophisticated philosophy and utilizes sophisticated innovation to spread its influence. Islamic criminal law, with its emphasis on deterrence and justice, can provide a more comprehensive framework for addressing radicalization. Furthermore, insults that harm educational judgment and affect societal well-being can be addressed with firm legal authority and deterrent sanctions. In this context, Islamic criminal law standards that emphasize justice and social responsibility are crucial (Ahmad, 2006).

Cybercrime, which is increasingly complex and widespread, requires a flexible and responsive approach. Applying Islamic criminal law standards to cyberspace can be an innovative way to address activities that negatively impact society. By utilizing the moral and ethical values of Islamic law, it is

believed that collective awareness can be created in addressing the dangers of the internet. Furthermore, this question addresses points for analyzing the application of Islamic criminal law standards to address modern crimes and examines their feasibility in creating a safer and more just society.

## II. RESEARCH METHODS

This research uses a qualitative approach with a literature review method to understand the role of Islamic law in addressing contemporary social issues. The research data is sourced from secondary literature such as Islamic law books, journal articles, scientific studies, and relevant official documents. The analysis focuses on classical and contemporary texts related to sources of Islamic law such as the Qur'an, Hadith, Ijma', and Qiyas, as well as their application to social issues such as poverty, gender inequality, and discrimination.

## III. RESULTS AND DISCUSSION

### A. Islamic Criminal Law Theory

Islamic criminal law is a discipline explicitly mentioned in the Quran and Hadith. In Islamic criminal law, punishment for criminal acts is divided into three categories:

1. Qishash is a discipline imposed on the perpetrator of a mistake in the same way as the act he committed.
2. Hudud may be a discipline prescribed by Allah and cannot be changed or modified. Hudud punishments are imposed for certain wrongdoings, such as: Infidelity, Accusing an individual of committing infidelity (qadzaf), Robbery, Apostasy, Drinking alcohol, Resistance (bughah), Robbery (qutha' al thariq)
3. Ta'zir can be a form of discipline imposed by the government or a judge on a criminal whose punishment is not explicitly stated in the Qur'an and Hadith. Ta'zir aims to teach the convict a lesson and prevent them from repeating similar offenses. Deciding on the type of ta'zir offense is entirely up to experts, depending on the benefit of the individual.

### B. Principles of Islamic Criminal Law

#### 1. Principle of Legality

The word "guideline" comes from the Arabic word "asas," meaning premise or guideline. While the word "legality" comes from the Latin word "lex," meaning "law," or from the root word "legalis," meaning "legal" or "understanding" in legal regulations. Thus, legality is "the validity of something according to law."

The term legality in Islamic law is not clearly defined in the positive legal code. However, this does not mean that Islamic law does not recognize the rule of legality. Those who argue that Islamic criminal law does not recognize the rule of legality are those who have not studied in detail the various verses that sufficiently describe the existence of legal guidelines (Hanafi, 1967). The rule of legality was popularized through the Latin expression: Nullum Deliktum Nulla Poena Sine Pravial Lege Poenali (do not offend without discipline until there is first an arrangement). This principle can be an important guarantee of individual opportunity by providing precise and clear boundaries regarding which activities are prohibited.

These guidelines protect against abuse of control or discretion by judges, ensuring individual security by establishing permissible and prohibited data. Everyone should be warned in development about prohibited actions and their punishments. The guidelines for legitimacy in Islam are not based on human reason, but on God's ordinance. Meanwhile, the rules of legitimacy are clearly followed in Islamic law. Several verses have been proven to serve as guidelines for legitimacy. God will not impose discipline on humans and will not hold them accountable. Recently, there has been clarification and notification from His Savior. Moreover, the commitments that humans must fulfill are commitments that align with their capabilities, particularly the taklif (obligations) they are capable of carrying out. Legitimate premises for the guidelines for legitimacy in Islam include:

#### Al-Quran, Surah Al-Isra': 15

Meaning: Whoever acts according to (Allah's) guidance, then indeed he does it for his own (safety); and whoever goes astray, he has indeed gone astray to his own (loss). and a sinner cannot bear the sins of others, and We will not punish him until We send a Messenger.

#### Al-Qur'an surah Al-Qashash: 59

Meaning: And your Lord never destroys the cities until He sends to them a Messenger reciting Our verses to them; nor do We ever destroy the cities unless their inhabitants are in a state of injustice (Wahab, 2002).

These legal guidelines are primarily related to hudud (religiously punishable) offenses. Violations are meted out with legitimate positive sanctions. These guidelines also apply to the wrongs of qisas (retribution) and diyat (retribution), which require extraordinary measures and appropriate sanctions. Therefore, there is no doubt that these rules apply fully to the two categories mentioned above. Concurring with Nagaty Sanad, the Islamic legal guidelines applicable to ta'zir acts are the easiest to adapt compared to the previous two categories. To implement these legal principles, Islamic criminal law has made adjustments. Islamic law actualizes the legal guidelines while also safeguarding societal interfaces. It equalizes the rights of individuals, families, and communities through the categorization of wrongdoing and its sanctions.

Based on the principle of validity and consistency, "there are no disciplinary sanctions for the actions of the mukallaf prior to the regulation of content, so that the mukallaf's actions cannot be charged or risk criminal liability. Thus, the writings in Islamic law are, however, not an obstacle until they are announced and widely known. This regulation implies that Islamic criminal law seems to come into effect after the enactment of Islamic criminal law, without recognizing a retroactive framework that, in its refinement, provides an ascending rule.

The application of Islamic criminal law, which does not apply retroactively, is based on the Word of Allah in Surah Al-Baqarah verse 275: This means "People who eat (take) usury cannot stand but stand like those who have been possessed by the devil due to (the pressure of) insanity. Their condition is like that, is because they say (opinion), Indeed, buying and selling is the same as usury, even though Allah has permitted buying and selling and forbidden usury. those who have reached it prohibition from his Lord, then continue to stop (from taking usury), then for him what he has taken before (before the prohibition comes and his affairs are (up to) those who return (taking usury), then those people are the inhabitants of hell;

In principle, Islamic criminal law does not apply retroactively, but there are some crimes that have a retroactive connection, meaning the act is considered a crime even though there is no legal basis for denying it. The reason for applying retroactive application in these special cases is that for serious and exceptionally dangerous crimes, if not connected, it would cause chaos and unrest among Muslims.

## 2. The principle of good and forbidding evil

Linguistically, amar makruf nahi munkar means to enjoin good and to prevent evil. Amr: to enjoin, ma'rûf: good, nahyi: to prevent, munkar: evil. Abul A'la al-Maududi explained that the main objective of sharia is to build human life on the basis of ma'rifat (goodness) and to cleanse it from sinful and evil things.

According to Maududi, the meaning of ma'ruf and munkar is that the term ma'rûfât (plural of ma'rûf) indicates all goodness and good qualities that have always been accepted by human conscience as good. The term munkarât (plural of munkar) indicates that all sins and crimes throughout time have been condemned by human nature as evil.

In Islamic legal reasoning, the term "amar makruf" refers to the work of social planning, while "nahi munkar" refers to social control in the life of lawmaking. Based on these guidelines, Islamic law recognizes the terms "commands" and "prohibitions." Islam grants freedom to all its followers, including personal and collective freedom, flexibility of thought, the opportunity to affiliate, the opportunity to express oneself, the opportunity to practice religion, political flexibility, and so on. This freedom allows individuals to choose a framework for determining their own actions. However, Islam still imposes limits on self-esteem. This implies that the freedom granted by Islam is not value-free or liberal, let alone universal. Everyone has the right to determine their state of mind, but this freedom is still limited by the opportunities and freedoms of others.

## 3. Territorial Principle

In essence, Islamic law is not a territorial or territorial law, but rather an all-inclusive and global law. Regarding the environment in which Islamic criminal control operates, legal advisors hypothetically divide the world into two parts: Islamic countries and non-Islamic countries. Islamic countries are those that uphold Islamic

law because their rulers are Muslim. Furthermore, this group includes countries whose devout citizens can implement Islamic law. The populations of Islamic countries are divided into two parts, more specifically as follows:

- 1) Islamic society, namely the population who adhere to and follow the Islamic religion.
- 2) Non-Muslim residents, especially those who live in Islamic countries but still adhere to their original religion. They consist of two parts: a. kafir zimmi, namely people who do not understand Islam and live in an Islamic country, but are subject to Islamic law and direction based on their understanding; b. mu'ahad or musta'man kafir, more specifically those who are not residents of an Islamic country, but happen to live in an Islamic country for some reason and still adhere to their respective religions. They are subject to Islamic law and control based on a brief understanding of security.

In accordance with the concept of Islamic law, the regional legal guidelines are Islamic criminal law as it applies in the territory where Islamic law is implemented. Abu Hanifah believes that Islamic law is related to jarimah (criminal acts) committed in the dar as-salam, particularly places under the authority of Islamic governments, regardless of the type of jarimah or the perpetrator, whether Muslim or non-Muslim. Islamic criminal law is ostensibly applicable in full within Muslim countries.

In agreement with Imam Abu Yusuf, Islamic criminal law is related to wrongful acts that occur in Islamic countries, whether committed by Islamic residents, zimmi or musta'man. The reason he put forward was that Islamic criminal law was associated with Islamic society because of its Islamic nature, and with the unbelieving zimmi society because of the obligation to yield and obey Islamic instructions. Meanwhile, the reason for applying Islamic law to musta'man is to guarantee a sense of security which gives him the right to remain in an Islamic country, based on his ability to suffer Islamic law while he lives in that country. an Islamic nation. Based on this capacity, the position of the musta'man is the same as that of the zimmi infidels. In fact, even if it is as if the musta'man was left alone, he will still be charged and punished if he commits a criminal act, either one that violates human rights or the rights of the community. For

musta'min people, especially those who happen to live in Islamic countries, sometimes the jarimah they carry out violates Allah's rights, especially the rights of society, such as infidelity, taking and so on or interferes with the person's rights. such as qishas crimes, qadzaf, embezzlement, reallocation of merchandise and so on.

In agreement with Imam Ash-Syafi'i, Imam Maliki, and Imam Ahmad (the majority) believe that Islamic law can be applied to any violation committed anywhere, as long as it falls within the scope of Dar as-Salam, regardless of whether the perpetrator is a Muslim, a dhimmi, or a musta'min. This means that criminal law is not tied to a domain but to a legitimate subject. Therefore, every Muslim must not engage in prohibited activities or neglect required or obligatory matters wherever he or she is. Every act of jihad committed by Muslims or dhimmis in non-Islamic countries is subject to Islamic Sharia. Since adherence to Islamic Sharia is not obligatory except when joining the country, a musta'min waging jihad in a non-Islamic country will not be punished by the Islamic state. The rationale behind the punishment of Muslims and dhimmis is that, as long as the act is prohibited by Islam, there is no difference between acts committed inside and outside an Islamic state. If the nature of the prohibition of a law is not influenced by differences in nationality, then the law is also not affected. In addition, for actions committed by Muslims that are not prohibited by non-Islamic countries or dhimmi countries, they will still be subject to punishment as long as Islamic law prohibits them. that action. There are no penalties for acts prohibited by non-Islamic countries but not by Islamic law.

Whether the perpetrator is from an Islamic country who traveled to a non-Islamic country and then returned to an Islamic country, or the perpetrator is a resident of a non-Islamic country who then moved to an Islamic country, crimes committed outside of Islamic countries, whether they adhere to Islam or the dhimmi community, cannot be punished under Islamic law. For Imam Abu Hanifah, the basis for implementing Islamic law is not their obedience wherever they are, but rather the duty of the imam (state ruler) to enforce it. He does not have the authority to enforce Islamic law within the radius of his territory, so if there is no authority, there is no obligation to punish. In other words, Islamic countries do not have authority over a specific

location, but to adjudicate a case, authority over the location at the time of the case must first exist. Furthermore, Islamic law cannot be applied to crimes if the location of the event is under the jurisdiction of an Islamic state because, at the time of the crime, such jurisdiction does not yet exist.

If a Muslim or dhimmi commits a crime in an Islamic country and then flees to a non-Islamic country, this migration can occur. Because the dhimmi has full jurisdiction over the punishment in this case, the transfer does not eliminate it. A similar situation applies to a Muslim who has engaged in jihad. When a person lives in an Islamic country and then returns to his own country, the expectations and directives used by the Islamic rulers to govern him still apply. Because there is no jurisdiction over the location of the crime, it can be concluded that a resident of an Islamic country (Muslim or dhimmi) who commits a crime in a non-Islamic country that harms a non-Muslim (resident of a non-Islamic country) cannot be punished. Furthermore, the Religious Courts do not have the authority to consider civil cases involving crimes. Similarly, whether the victim's situation is the same as that of a detained Muslim or a Muslim who has migrated to an Islamic country is questionable. If a dhimmi engages in jihad in a non-Islamic country, even though he has completely left the Islamic country with the intention of never returning, he will not face the consequences of his actions if he returns to the Islamic country, because by doing so, he ceases to exist. is no longer subject to Islamic law because he is no longer a dhimmi but becomes a harbi. He will be considered dhimmi and harbi mus ta'min if he returns to an Islamic country. Even if a Muslim declares that he has reconverted to Islam, he will not be punished for his jihad if he leaves an Islamic country, fights jihad in a non-Islamic country, and then returns to an Islamic country. Because, when he apostatized, he had become a harbi, meaning he was not subject to Islamic law.

#### 4. Material Principle

The material concept of Islamic criminal law defines a crime as anything prohibited by law, whether the prohibition is a prohibited act or the failure to carry out an ordered act that is punishable by law (had or ta'zir). Islamic criminal law sanctions distinguish two categories, hudud and ta'zir, based on this fundamental idea.

Hudud is a legal punishment whose severity has been determined by sources, including the hadith and the Quran. In contrast, ta'zir is a legal sanction whose provisions are unclear or not specified in either the Quran or the hadith. Therefore, to implement this material principle, the following criminal law rule was established: "If there is a hudud, then do not do it. uncertainty or ambiguity.

The principle of repentance and forgiveness is also recognized by the material principle "A person who commits a criminal act, whether resulting in loss of life, limb or property, can be forgiven by the person who experienced the loss if he repents, in accordance with the concept of forgiveness and repentance. Repentance can be expressed directly to Allah SWT or through various means, such as paying a fine known as diyat or kafarat. Thus, the rule was created which reads, "A person who repents from his sins is like a person who has not sinned."

#### 5. Principles of Morality

Islamic criminal law is based on a number of moral principles:

- a. According to the principle of Adamul Uzri, it is not permissible for someone to claim ignorance of the law.
- b. The principle of Rufful Qalam, which states that the punishment for a criminal act can be revoked if the perpetrator is a child, a sleeping person, or a crazy person.
- c. The concept of "al-Khath wa Nis-yan," which literally means "mistake and forgetfulness," states that a person cannot be held accountable for committing a crime if they commit it unintentionally or out of forgetfulness. This rationale is found in Surah al-Baqarah, verse 286.
- d. The concept of Suquth al-'Uqubah, which literally means "the death of retribution," is a concept that can be annulled for two reasons: first, the perpetrator fulfills his obligations in carrying out his activities; and second, because of necessity. Doctors who perform surgery and operations, as well as Qishash executioners (al gojo), perform the aforementioned tasks that can annul legal punishment, such as killing someone in self-defense, and so on.

#### C. Contemporary Crime

1. Terrorism,

Terrorism poses a grave threat to the sovereignty of every nation and constitutes a crime against civilization. Many innocent people fall victim to the anarchic methods employed by terrorist acts. Interstate networks are involved in the methodical and organized execution of these crimes. However, terrorism cannot be held accountable when linked to human rights violations. Although terrorism is not specifically mentioned in the Qur'an or Sunnah, it must be classified as a criminal offense (*jar'imah*) under Islamic criminal law. This requires in-depth and scientific study to ensure the classification of terrorist acts can be academically explained. Regarding Islamic criminal law, whether a particular activity is considered a crime depends on a number of factors and conditions, both formal and material. Similarly, terrorism is classified as a *ta'zir*, *qisos diyat*, or *hudud* crime. By examining the impact of terrorism, one can determine whether the act violates the principles of *maqayid sharia*, which include the protection of property, intellect, life and descendants, and religion.

The values and concepts contained in the *maqayid sharia* are closely related to Islamic criminal law. The author is interested in examining whether anarchic acts of terrorism involving many victims can be classified as *hudud* crimes according to modern Islamic criminal law. Furthermore, how are legal rules applied to the criminal culpability of perpetrators of terrorist acts? To address this issue, the author uses a descriptive-analytical approach, namely a critical examination of ideas regarding the crime of terrorism from the perspective of modern Islamic criminal law. This is done by using a normative and sociohistorical approach to gain a deeper understanding of the various concepts, limitations, and issues that exist in the crime of terrorism in relation to modern Islamic criminal law, which can then be criticized intelligently and with concentration. In implementing this strategy, the author utilizes applicable Islamic law and relevant positive legislation, the truth of which has been proven. The author came to the conclusion that terrorism is a criminal act (*Hudud*) after conducting scientific research on the crime from the perspective of modern Islamic criminal law (Makhrus, 2007).

This can be equated with the problem of *hirabah*, or robbery. The following are crimes of terrorism according to Law Number 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism: Any person who by violence or threats of violence causes widespread fear or terror to many people, causes many victims by depriving others of their freedom or causing the death or loss of property of others, or damaging or destroying important strategic objects, the environment, public facilities, or international facilities. The level of involvement in the crime of terrorism determines the criminal responsibility of the perpetrator.

## 2. Cyber Crime

By flooding a webserver with traffic, cybercriminals using DDoS attacks can paralyze a website, causing the webserver to overflow and causing damage to the website's system. Despite the very real risk of cyberattacks using this technique, Indonesian law enforcement has not been able to effectively combat cybercrime, partly because the country's positive legal sanctions regulations are still unclear. Therefore, this study aims to examine the positive legal approach to criminal sanctions for cybercrime. DDoS Attacks on Websites Then, to close the legal loophole in Islamic Jurisprudence, this study also aims to examine the criminal sanctions for DDoS attacks on web pages. Currently, cybercrime is quite rampant, especially in terms of disseminating information through online media. Along with technological advances, cyberattack techniques have also developed. DDoS attacks are one of the most common attack techniques targeting websites.

One type of cybercrime is a denial-of-service attack, which aims to prevent a computer or computer network from operating normally. DDoS attacks typically target a computer's network connection or bandwidth (connectivity). These attacks overload the targeted website's server, preventing the public from accessing the website because it crashes, hangs, or crashes. Many things have changed as a result of technological advances in contemporary society, including the media as a source of knowledge. People used to gain knowledge from printed materials such as newspapers

and pamphlets displayed on the street. In contrast, modern society can now easily access information through websites connected to the internet thanks to the development of the internet and technology. A website, sometimes known as the "Web," is a collection of pages containing various types of digital information. Videos, animations, images, and text can all be used to convey this information (Hasan, 2020).

The global communication system that connects computers and computer networks worldwide is called the Internet (Interconnected Network). Most political, educational, and medical institutions use websites to disseminate information, making them one of the most significant information media in the modern era. Websites facilitate the dissemination of information by organizations and ease of access for users through search engines such as Google, Yahoo, Bing, and Yandex. Tim Berners-Lee developed the website in October 1990. He created a management information system that allows users to quickly navigate between documents by including links and references to other documents within the text (Ghoffar).

In addition, Tim Berners-Lee developed a program known as Hypertext that allowed documents to be published on a server, and an application called WorldWideWeb read them. In 1991, this program was first available. Today, anyone can use website building platforms such as Wordpress.com, Wix.com, Weebly.com, blogspot.com, and others to build a website. A new realm known as Cyberspace emerged as a result of the development of this Website technology. The virtual world, sometimes known as cyberspace, is an electronic area within a computer network that is often used for one-way or two-way online (directly connected) communication purposes. Cyberspace is a combination of various computer networks and communication technology devices, such as sensors, transducers, connections, transmissions, processors, signals, and controllers that can connect communication devices such as computers, laptops, cell phones, and other electronic devices connected to the internet. 6. Cyberspace offers a platform for the development of cybercrime, a recent development in criminal activity. The

book *Investigating Computer-Related Crime* discusses cybercrime (Zainuddin, 2012).

### 3. Corruption

According to Andi Hamzah, corruption is an act that is bad, rotten, despicable, immoral, deviates from sanctity, seeks bribery, and constitutes insult or slander. This definition clearly illustrates the distance between corrupt officials and religious ideals. Considering that the majority of Indonesians adhere to a religion that prioritizes principles that serve the public good, it is truly comical to see the culture of corruption that has permeated every aspect of daily life in this country. Azyumardi argues that a strict legal system and strict enforcement of laws against corrupt officials have a greater influence on the level of corruption than religion. This must be acknowledged. Although religion often provides legal sanctions for those who commit crimes or unlawful acts such as corruption, these laws usually only apply in the afterlife, indicating that religion is more of a moral call. Since the state has made various efforts to eradicate corruption, starting with the establishment of Law Number 31 of 1999 and continued with Law Number 20 of 2001, but there has been no significant progress, what is the status of Islamic criminal law regarding corruption if it is in fact unrelated to religion? According to Transparency International's 2016 Perception Index data, Indonesia is ranked 37th, having only risen one rank from its previous ranking of 36th.

### 4. Treacherous

The Arabic term "treason" and the Indonesian word "khianat" have the same meaning. Both refer to the unilateral termination or breaking of a mutually agreed-upon agreement. Neither the Qur'an nor the Prophet's hadith explicitly define the legal punishment for betrayal. The hadith of Hatib ibn Abi Balta'ah, who was nearly beheaded by Umar ibn al-Khattab but survived due to the Prophet's foresight at the time, is the only source that mentions the death penalty for betrayal (Abu Fida, 2006).

### 5. Shirqah (Theft)

In fact, the issue of sariqah or theft is nothing new. It is undeniable that the law of hand amputation inevitably arises in

discussions of theft under Islamic criminal law. It should be clarified that there are conditions that must be met for the law of hand amputation to be applied. In this case, at least four important elements must be present first: Taking it secretly is the first. Second, the item taken belongs to another person. Third, the stolen item belongs to another person. Fourth, there is uncertainty as to whether the item is haram (forbidden). Three other conditions must also be met related to the first factor: the thief took the stolen item from an unknown location. The stolen item was taken from the victim's hands and transferred from the victim to the perpetrator, where it is often stored. The procedure for amputation cannot be carried out if these conditions are not met. The same applies to the other conditions. Although this crime is classified as a hudud crime because it is expressly prohibited by the Qur'an and Sunnah, scholars still differ on whether or not to punish thieves with amputation.

#### 6. Robbery

Plunder, also known as hirabah, is an act of violence committed by a person or group of people against another party, either inside or outside the home, with the intention of controlling or seizing another person's property, killing the victim, or simply intimidating and intimidating the victim.

#### 7. Al-Ikhtilas (Snatching by deception)

Al-ikhtilas is Arabic for taking by negligence and deceit. Pickpocketing is an alternative term. Islam strictly forbids this behavior because taking another person's property through unlawful or unauthorized means is a violation of the law.

In the letter of al-Baqarah verse 188 "And do not eat up some of your property among yourselves by wrongdoing, nor bring it to the judge, lest you eat up some of your property among yourselves by (doing) sin, while you know."

Lack of Corruption Not all of the crime categories mentioned above fit the definition of corruption. There are at least six types of crimes that can be linked to corrupt practices in Indonesia, namely treason, theft (sariqah), robbery (hirabah), embezzlement (ghulul), gratification (risywah), and ghasab (taking someone else's property by force). Articles 2-

13 of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 concerning the Elements of Criminal Acts of Corruption do not fully cover these six categories of crimes (Nurul Irfan, 2011).

### D. The Relevance of Islamic Criminal Law in Addressing Contemporary Crimes

There are various ways to view the application of Islamic criminal law in dealing with modern crimes, namely:

1. Moral and Ethical Approach: Islamic criminal law places a strong emphasis on moral and ethical principles, which serve as a foundation for addressing illegal activity. Islamic criminal law is believed to reduce the likelihood of crime by fostering moral awareness within society.
2. Prevention (Tazir): Islamic criminal law offers deterrent punishments in addition to severe sanctions for specific offenses. This allows law enforcement to be more adaptive and adaptable to the modern criminal environment.
3. Restorative Justice: In Islamic criminal law, the concept of justice often centers on repairing and restoring the relationship between the perpetrator and the victim. Crimes with complex social relationships may respond better to this strategy. Alignment with Good Law: To build a more comprehensive legal system within the framework of a contemporary state, Islamic criminal law can be integrated with good law. Islamic values, for example, can offer moral guidance for upholding the rule of law and protecting human rights.
4. Reform and Adaptation: Modern criminal problems, such as cybercrime, terrorism, and corruption, can be addressed by reforming Islamic criminal law. This requires critical thinking and flexibility in responding to changing social conditions.
5. Human Rights Protection: It is important to consider human rights protection when interpreting Islamic criminal law. Resolving crimes without disregarding humanitarian values can be achieved through an approach that upholds the dignity of every person.

Islamic criminal law can be revised and adapted to better address contemporary criminal challenges. For example, considering



the foundations of Islamic law could help broaden the definition of crime to include terrorism, corruption, and cybercrime.

#### **IV. CONCLUSION AND SUGGESTIONS**

##### **A. Conclusion**

There is much hope for reasonable and just solutions when Islamic criminal law principles are applied to modern crimes such as cybercrime, terrorism, and corruption. Islamic criminal law can be a useful instrument for combating various types of crimes that negatively impact society due to its emphasis on justice, prevention, and rehabilitation. In the context of terrorism, radicalization can be reduced by imposing harsh penalties and strengthening moral and religious principles. Similarly, in the case of corruption, values such as accountability and transparency in resource management can strengthen integrity and deter authorities. A safer online environment for cybercrime will be achieved through flexible and technologically sensitive law enforcement, underpinned by Islamic ideals. While implementing Islamic law in practice can be challenging given its dynamics, incorporating Islamic legal ideas into national legal systems can provide a comprehensive and holistic approach to positive law and societal pluralism. Therefore, the application of Islamic criminal law serves as a tool for long-term social change and learning, in addition to law enforcement.

##### **B. Suggestions**

In facing increasingly complex contemporary crimes, the implementation of the fundamental principles of Islamic criminal law needs to be studied and applied more comprehensively. The government and law enforcement should integrate the values of Islamic criminal law with the national legal system to create an effective and just approach in handling today's crimes.

Furthermore, there is a need to enhance public understanding of the principles of Islamic criminal law so that its implementation can be widely accepted and support the creation of social security. The development of academic studies and specialized training for law enforcement officers is also crucial to ensure that the

implementation of Islamic criminal law aligns with the prevailing social and legal context.

Collaboration between religious scholars, academics, and legal practitioners can strengthen the normative and operational framework of Islamic criminal law, making it a relevant solution to address the challenges of modern crime.

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