

Title : **CHARACTERISTICS INTERPRETATION OF LAW  
VERSES PERSPECTIVE JARIR AT-THABARI**

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Abstract : *The Qur'an as a holy book and a guide to human life has characteristics that are open to interpretation, this can be seen in the historical reality of the interpretation of the Qur'an as the response of Muslims in an effort to understand it and valuable references for Muslims will be felt when someone understands subtleties contained in it through a path one of which is called interpretation. Al-Tabari is the most important figure in the ranks of mufassirmutaqaddimin who lived after Tabi'in al-Tabi'in with his monumental work Tafsir Al-Tabari, he was able to elaborate in depth in his commentary studies by gathering a number of narrations originating from the Apostles, friends, the tabi'in through the traditions they narrated, as well as the narrated narrations from Jews and Christians who have faithfully converted to Islam and he concluded that according to him is considered the most correct of all the narrations, especially in the matter of the criminal law of hudud and qishash. The type of research is qualitative research, which is a study conducted with library research. Thabary's interpretation has its own characteristics compared to other interpretations, it absorbs the meaning of strong language with ancient Arabic poetry and prose. At-Tabary when understanding the verses about the law of hudud and qishash, then he tried to carry it out in the form of the command and prohibition.*

Keywords : *Interpretation, Legal Verses, At-Tabary.*

**INTRODUCTION**

The Qur'an refers to itself as *Hudan Li al-nas*, the guidance of all humanity. However, the meaning of the Qur'an cannot be grasped if it is without interpretation. In the map of Islamic sciences, the science of interpretation including science that is mature but has not yet developed so that it is always open to *ijtihad*. In the history of the development of the science of Al-Qur'an interpretation can be broadly divided into pre-modern interpretations and modern interpretations.

There are also interpretations that are accepted and rejected by friends, as the statement of Shaykh Mahmud bin Hamzah al-Karmani in his book called "*al-'Ajaib wa al-Gharaib*, which contains various kinds of words of scholars taken from various books of interpretation, but the book this cannot be used as a guide, and some of the meanings are very far from the intended meaning. And so it is not mentioned except for caution, and it does not need to be used as a handbook (Al-Makki, 2006: 362).

The Qur'an as a holy book and human life guidelines has characteristics that are open to interpretation, this can be seen in the historical reality of the interpretation of the Qur'an as a response of Muslims in an effort to understand it, the Qur'an as a valuable reference for Muslims will feels when someone understands the intricacies contained in it through a path one of which is called interpretation. The interpretation itself terminologically means a science that understands mankind of the Book of Allah revealed to the Prophet Muhammad through Gabriel as, explains its meanings, summarizes the law and wisdom in it (Sa'id Al-Khin, 2014: 5).

At the beginning of the second century interpretation was only oriented to narration, so his efforts to understand the Qur'an by using *ra'yu* (reason) tended to be hated and shunned. In other words, what is referred to as interpretation when it is only an explanation or interpretation given by the Prophet Muhammad to the verses of the Koran or by friends who get the teaching of interpretation from the apostles who later became known as *al-Tafsir bi al-Ma 'tsur*. The method used is the historical method. This is understandable because when what is called science is transmission itself. While the benchmarks of the correctness of interpretation when it is determined by sincerity and to *muttashil al-sanad* (chain of transmission transmission) (Mustaqim, 2011: 21).

Among the interpreters of scholars who also enriched the Islamic Turats is Ibn Jarir Al-Tabari ra (839-923 M / 224-310 H) is seen as the most important heir in the classical Islamic scientific traditions, such as hadith, fiqh, *lengah*, *date*, including the interpretation of Al-Quran. Two of his major works, the *Date of al-Umam wa al-Muluk* - which talks about history and *Tafsir Al-Tabari* are the main references (Al-Arabi, t.t: 5) so that it succeeded in boosting the popularity of the world stage in the midst of "reading society", it was an encyclopaedia of commentary and commentary opinions that had existed until his lifetime until several generations had welcomed and were enthusiastic about him.

By prioritizing the *bi al-ma'sur* style of interpretation developed by Imam Ibn Jarir Al-Tabari has inspired and encouraged the next generation of commentators, such as Ibn Kasir who have done elaboration (foresight and perseverance in studying a problem) and collaboration (merging of patterns of thought of others) of *Tafsir Al-Tabari*.

He is a person who is dubbed as' *al-hafidz*, *al-hujjah*, *al-muarrikh*, *ats-Tsiqah Imadudin*, by the name of chewing Abu al-Fida 'Isma'il bin Umar bin dhazai, bin Kathir bin zara' al Basri or Imam Jalil hafidz, he was originally living in Basrah and then he moved to

Damascus, he is a fiqh expert from the Shafi'i school, born in the village of Mijdal in the East Basrah region in 701 H-774 H. many of his works, namely: *Al-Bidayah Wa Al-Nihayah*, tafsir al-qur'an al-Adzim, including the famous commentary book because this commentary falls into the second category of the book bi al-ma'sur after Ibn Jarir Al-Tabari's interpretation. He interpreted a lot using the knife analysis of hadith, atsar, musnad which reached the best friend. (Ibnu Kasir, 1993: 9; Ibnu Kasir, 1997: 12 ; Mana' u al-Qattan, tt. 365).

Imam Suyuthi in *Al-Itqan* said, "He is the best and greatest interpretation, contains the opinions of the scholars, and at the same time strengthens those opinions, and contains a description of nahwu and istinbath of law, he occupies the highest quality of the interpretive books previous (Al-Dzahabi, 270; Al-Qurtubi, 2008: 37; He said the book of Tafsir Al-Tabari contained all the opinions of the commentators in his zeal and the commentaries that had good sanad.

All the Shari'a of Allah, including *qishash*, *hudud* and *jihad fi sabilillah* are the beauty and proof of the greatness of Allah as the Perfect One. And the first source of law for Islamic rules is the Qur'an (Zaidan, t.k: t.p, t.t: 275). Allah revealed through the angel Gabriel in the hearts of the Apostles with the clear verbal Arabic. Musthafa Al-Siba'i, said that there was no doubt at all in the editorial (matan) of the Koran, because the Al-Qur'an is qat'i al-Tsubut besides that he could apply *qat'i al-Dzalalah* and also *Dzani al-Dzalalah*. While the sunnah: *Mutawattir* can be *Qat'i al-Tsubut*. And there is also *Ghair al-Mutawattir* namely *Dzani al-Tsubut in tafsil* (detailed) and also *qat'i in terms of numbers* (unity of numbers) (Al-Siba'i, 1998: 343). The book is also a law for Muslims, because there is no dispute and sleaze under the auspices of the Prophet (Al-Siba'i, 1998: 343) while the sunnah as an explanatory namely atsar the prophet in the form of words, deeds, as well as the provisions and the nature of the Prophet, he also became the second source of Islamic law (Al-Siba'i, 1998: 345) and Muslims take these two sources as the power of sharia law that can bring happiness in the world and the hereafter.

Specifically, fiqh which is a study of sharia covers various fields in accordance with the subject matter. Islamic jurists usually divide this knowledge into six, namely the Fiqh of Worship, the *Muamalah fiqh*, *fiqh munakahat*, *Mawaris fiqh*, and *Jinayah fiqh*. The final field of jurisprudence, jurisprudence of *Jinayah*, is the main study in the discussion of this thesis. *Jinayah Fiqh*, namely fiqh that discusses various crime problems. The discussion is similar to the study of criminal law chrominology (Audah, 1997: 6).

The main object of study of *jinayah fiqh* includes *qishash*, and *hudud.qishash* includes deliberate killing, (Surah An-Nisa (4): 93): semi-deliberate kill (QS Al-Baqarah (2): 178), and accidental killing (Qur'an) Surat An-Nisa (4): 92). Furthermore hudud includes such as: adultery, accusations of adultery, drinking liquor, stealing, robbery, apostasy, and rebellion (Audah, 1997: 8; (Irfan dan Masyrofah, 2013: vi).

The urgency of ahkam's interpretation is based on a consideration that not all the problems contained in the Qur'an are detailed; according to estimates by experts there are only about 500 verses or 8% of the total verses of the Qur'an that contain provisions regarding faith, worship and social life. Specifically regarding muamalah and social issues, only 228 verses, with the following details: 70 verses about family life, marriage, divorce, inheritance and so on; 70 paragraphs on trade, economy, sale and purchase of leases, loans, loans, contract companies and so on; 10 verses about the system of government, relations

between the people and government and so on, 25 verses about bilateral and or multilateral relations between Islamic countries and other countries in the world, and also the relationship between Muslims and non-Muslims and so on; and 10 verses about the relationship of the rich with the poor, including the management of assets, both personal wealth, and the community or congregation. There is a target of Ahkam is Tafsir study to reach a reference that is able to integrate Islam and local wisdom in social, political, cultural and religious contexts.

In this integration it is hoped that it can provide a vision of transidental morality. With regard to that matter, the number of Al-Qur'an texts that talk about law is very limited, out of 6000 more verses of the Qur'an, which talks about law only 500 verses of specific law talk about the jinayat law (verses in criminal matters) there are 30 verses (Efendi, 2012: 95; Nasution, 2002: 2; Ali, 2009: 18). Meanwhile, the limited number of verses generally contains legal provisions in general. While the Hadith, as a further clarification of the intentions of the verses of the Qur'an, is also limited, and does not directly explain all the legal provisions regarding events that occur (Al-Siba'i, : 345; Dahlan, 2011: 243).

That basically, there is no single legal event that does not have a legal provision, because legal issues have been determined by Allahswt, both through the Qur'an and through the sunnah. It's just that the provisions of the law contained in the Qur'an or Sunnah, and those that are not direct (Al-Siba'i, : 242). The legal provisions that are explained directly are punishments of adultery, allegations of adultery, drinking liquor, stealing, robbery, apostasy, and rebellion. This formula has been classified by many fiqh books, including: the book *Al-Muhadzab, Al-Majmu' 'Ala Syarh Al-Muhadzab, Al-Bujairami ala Al-Khatib, Al-Iqna', Al-Tasyri' Al-Jina'i Al-Islami* (Al-Syafi'i, 1996: 7, 22, 32, 42, 68, 90, and 104).

From the various forms of hudud above, for example. the punishment for the perpetrators of qadzaf (accusing) a person of good adultery Khudhori is good, said: that qiyas cannot enter the territory of *hudud* because the *hudud* contains rules about the size or limits of one's own sentence and that cannot be logic through meaning, and if it can be logic, then in fact it is qiyas syubhah. Some of usul's knowledge including hudud cannot develop its meaning but it must exist in the texts that have been specified in the Qur'an, making it possible for hudud, and sometimes contrary to the qiyas. (Khudhori, : 340): as stated in the letter An-Nur: 4 (Al-Tabari, 1999: 3, 265; Al-Baihaqi, 1994: 135); Ashabuni, In this verse he explained that the verse does not have a limit on the number of properties if one witness is not accepted his testimony (Al-Shabuni, 2007: 79).

Today there are many events related to the issue of *hudud* and *qishash* punishment, this is not in accordance with what was explained by Ibn Jarir Al-Tabari in Al-Tabari's interpretation, for that the writer tries to discuss the problems of the verses of hudud and qishash . In the methodological and applicable aspects which later became the basis of jinayah law (*hudud and qishash*), both of which have been explained by Al-Tabari, in their interpretation The word qishash is something that is required punishment for his servant because it is shari'ah (the rules of Allah). Because this is a sign of what has been recorded in lauh al-mahfudz, and this khittab is for the killers (Al-Bukhari, 1992: 352).

As an example of Islamic law that has been applied in several countries, although it has not been maximized such as: Egypt, Saudi Arabia, Sudan, Pakistan, Libya and Morocco,

Malaysia, in upholding Islamic law in these countries in general are in accordance with the Koran and Hadith .

But in the life of the Indonesian state the application of Islamic law such as, in Naggroe Aceh Darussalam (NAD) and that was only a small part that was implemented, and this was very positive and could be replicated.

He existence of this study, the author can present the verses of the law about hudud and qishash reviewed through narration, friends, tabi'in, tabi 'tabi'in, both from *asbab nuzul* and *wurud*, which are then drawn into the context of Islamic criminal law. That is why the following article will present the figure of Ibn Jarir Al-Tabari with all its advantages and disadvantages through the monumental work of Al-Tabari's interpretation of methodological and application aspects in the constellation of interpretation of the Qur'an. So that efforts to introduce more closely to the interpretation of the classical Qur'an can provide a description of the works of interpretation from the beginning of its emergence to the present will be seen the development of its historical hierarchy.

In the form of a dissertation the writer also found the same theme with the title: "Sayyid Sabiq's Interpretation of the Verses of the Law in the Book of the Fiqh of the Sunnah, in this dissertation it is not alluded to how the methodology and characteristics of Ibn Jarir Al-Tabari's interpretation of the law regarding *hudud* and *qishash*

The author also found in the form of a book entitled jinayah fiqh, the work of M. Nurul Irfan and Masyrofah, in the book hudud and qishash issues that have been studied in detail but in the study the writer did not find the figure in question and the characteristics of Ibn Jarir Al-Tabari's interpretation of verses of hudud and qishash in the Tafsir Al-Tabari. The book is still talking about explaining the themes of hudud and qishash in a descriptive-analytic manner.

In the next search the author found a book with the title Islamic criminal law, but the author did not find the character in question and the methodology of interpreting the jinayah verses and their application in Tafsir Al-Tabari (Zainuddin Ali, 2009).

### **General Principles of Crimes Hudud and Qishash**

In Islamic law, there is a principle or rule which states that "there is no law for the actions of reasonable people (mukallaf) before the arrival of the text" This principle shows criminal act as long as there is no text that determines that the act is a crime. On that basis, the form and type of criminal acts in hudud are very limited, in accordance with what determines them. Herein lies the legality principle of a crime in Islam which states that "there is no crime and punishment without the passage (Al-Juda'I, 1997: 328-329).

Stipulation of various criminal acts of hudud punishment for apostasy has the purpose of preserving religion, punishment for adultery aims to protect offspring, accusation aims to maintain self-esteem, punishment for thieves to protect property, and punishment for drinkers khamr aims to maintain reason (Dimiyati, : 230).

So that a person's soul has short-term goals such as to make the perpetrators of crimes aware so as not to repeat these actions, as well as providing explanations, warnings, and learning that the people who witnessed the implementation of the sentence so as not to commit the same crime. While the long-range goal to be achieved is to uphold justice and maintain the benefit of the community, so that the stability of the community is maintained.



As a perfect religion, Islamic teachings clearly regulate various aspects of human life. Enforcement of law and justice is a part of life that is also regulated and gets attention in Islamic teachings. This includes criminal law issues regulated through *Al-Ahkam al-Jinayah* (Islamic criminal law). Islamic criminal law grows faster than conventional criminal law. According to Abdul Qadir Audahin *At-Tasyri al-Jinai al-Islamy Muqaran bil bil Qanun Al-Wad'iy*, conventional criminal law is like a newborn baby, growing from small and weak then growing and growing bigger and getting stronger little by little. "While criminal law Islam is not born like a child who then grows and develops, but is born directly like a young man, who descended directly from Allah to the Messenger of Allah in a perfect and comprehensive way. "

According to Abdul Qadir Audah, Islamic law, including Islamic criminal law, was passed down to the Prophet Muhammad in a short time, ie starting from the apostolic period of the Prophet Muhammad and ending with his breath or ending when Allah SWT revealed His word,

*On this day I have perfected your religion for you, and I have fulfilled my blessings for you, and I have accepted Islam as your religion.* "(QS Al-Maidah [5]: 3)

According to Abdul Qadir Audah, "Islamic law was revealed not for a group or part of a group or a part of a country, but for all people, both Arabs and people of other ethnicities, both in the West and in the East". Islamic law is intended for all people with different tendencies, different habits, traditions and history. In short, Islamic law is the law for the whole family, tribe, community, and country. While conventional law is created by a society in accordance with the needs in regulating life between them

Thus, conventional law can develop quickly when the order of society also develops and advances quickly. The legal experts agree that the beginning of the development of conventional law begins with a family and tribe. Like family law led by a family head, tribal law is led by a tribal or tribal leader. This law continues to develop until finally forming a state that is a union between family and tribal laws, where inter-tribal law or inter-family law differs one another.

This is where the role of the state to establish a law that must be obeyed by all individuals, families, and tribes who enter the territory of a law state even though the laws of each country are usually different. Differences between state law continued until the end of the 18th century AD (French Revolution ) when the emergence of philosophical, scientific and social theories. Since then

- until now conventional law has experienced major developments, including standing on a basis that was not possessed by previous conventional laws.

In Perspektif Islam law, *arimah* is defined as anything that is prohibited by the Shari'a and its punishment is determined through *hudud* or *ta'ziroleh* Allah Almighty. Positive law, although in broad harmony with the shari'ah, and the principle of its assessment of crime is the danger of this action to the benefit of individuals and society, but different from Islamic sharia about the scope of this principle, the extent of its scope, and ideas underlying this principle. Sharia, for example, pay attention to and protect religion, morals, honor and reason from things that damage it. With this principle in Islamic sharia there are sanctions for the crime of apostasy from religion, fornication, and drinking *khmar*. While sanctions such as this are not contained in positive law (Zaidan, 506). Basically, what

is meant by jarimah is covering sinners who are threatened with punishment in the world or the hereafter (Zaidan, tt: 504).

According to Al-Dzahabi that the law of *Jarimah hudud or qishash* still needs to be *jtihadi* again, because it is a new case and continues to evolve throughout the ages so with that we need a solution, for that he tried to summarize the many hudud which he considered important from the texts nash Al-Qur'an, such as punishment for thieves in the Qur'an surah al-Maidah verses 38 and 39, and the adultery contained in the letter An-Nur verse 25.

He explained that the penalty of theft contained in the verse is that Allah (swt) rules in the form of (sighat) command and does not refer to other meanings for having his hands cut off, and punishment for adultery to be flogged a hundred times, these two verses are in command, however, according to his law Al-Dzahabi means *al-Ibahah* (permissible) and does not indicate an obligation. Because he connects with the word of Allah, reads:

*O son of Adam, wear your beautiful clothes in each (entering) the mosque to eat and drink, and do not be excessive. Verily, Allah does not like people who are excessive.* (QS. Al-A'raf: 31).

By understanding the above verse, he interprets that the punishment of cutting off hands for a thief who was something that must be required is not necessary according to him. Because in Surat al-A'raf verse 31, Allah Almighty, tells us to eat and drink, of course this requires hands, but if the hand has been cut off then how would you like to enjoy food. For that reason by considering the verse, he said there was no law to cut off hands (Husain bin Umar, t.t: 246).

Al-Dzahabi said "it cannot give justice to all the problems of theft". Because the issue of cutting off hands for a thief is a much more serious punishment problem. However, punishment other than the severing of the hand is permitted to be given as fair as possible other punishments, such as: Adultery, accusers of adultery, drinking wine, Thief, rioters, apostates, and rebels (Al-Dzahabi, 2002: 463).

Then this is allowed to be tried as what has been prescribed. Because Islamic law sharia functions to bring benefit to humans, prevent disobedience, stop the opportunity for someone to do something that is prohibited, in the study of *usul fiqh* is called by the term *sadd al-Zari'ah* (closing the road so as not to reach the destination), of course things this will bring security to each individual, both to himself, his honor, his wealth, and so on (Sayyid Sabiq, : 639).

### Islamic law in the Modern Century

The early Muslim scholars and jurists did not distinguish between aspects of legislation, ethics, and religion in sharia, especially in certain fields of law separately. Modern writers have identified three main categories of violations, namely *hudud*, *jinayat*, and *ta'zir* (An'Naim, 2004: 171). In the perspective of Islamic law, Jarimah appears interpreted as everything that is prohibited by the Shari'a and the punishment is determined through 'udud or ta'zir by Allah swt. The prohibitions are to carry out what is forbidden by Him or leave what is ordered, which is also characterized by Shari'a. Aiming to preserve the welfare of people's lives and maintain the continuity of a society, Islam establishes a number of actions which are included as Jarimah and are sanctioned for those actions. Basically, what is meant by jarimah is covering sinners who are threatened with punishment in the world or the hereafter (Al-Qurtubi, 2004: 16).

It's just that, because a number of discussions of this criminal law are associated with governmental power, jinayat is often more emphasized on crime and punishment in the world, namely immorality where the punishment is applied by judicial institutions. Al-Mawardi said that Jarimah was intended as a prohibition that was rewarded with ḥadd or ta'zir.

From this, it can be seen that in Islamic law, there are a number of criminal acts which are clearly stipulated by the Qur'an or Sunnah, but there are criminal acts that are not clearly stated in the punishment, so it requires the participation of leaders or judges to determine them. The penalties included in this udud are: adultery, qadhaf (criminal act of adultery or accusing others of adultery), *khamr* (drinking khamar), *sariqah* (stealing), *harabah* (rioters, robbers), *riddah*, (apostasy) and al-adultery), *khamr* (drinking khamar), *sariqah* (stealing), *harabah* (rioters, robbers), *riddah*, (apostasy) and al-adultery) Baghy (rebellion) (An'Naim, 2004: 176).

The scholars differentiate this Jarimah into two, namely qishashsurah wa ma'n and qishash ma'nasaja. For the first is intended as a punishment assigned to the perpetrators of crimes as affirmed in the Qur'an and Sunnah, as Imam Abu Bakr al-Dimyati mentions that the obligatory members in qishash numbered fifteen, while there are six members of the qishash section that must be removed. While qishash al-ma'nam is a punishment in the form of diyat or a fine in exchange for the punishment of qishash.

### ***Characteristics of Al-Tabari's Interpretation of the Law Verses of Hudud and Qishash.***

In order to see how far the characteristics of interpretation, including Tafsir Al-Tabari, can be seen, at least, on aspects related to language style, style of interpretation, accuracy and sources of interpretation, methodological consistency, systematics, critical power, tendencies school (school of thought) which is followed and objectivity in its interpreters, there are at least three aspects of scientific disciplines that cannot be separated from Ibn Jarir Al-Tabari, namely: speaking on aspects of interpretation, dates, and fiqh (Al-Dzahabi, 2002:182-189).

These three aspects of knowledge basically color their interpretations. In terms of linguistics (lughah), Ibn Jarir Al-Tabari is very concerned about the use of Arabic as a guide by relying on ancient Arabic poems in explaining the meaning of vocabulary, to the schools of grammatical science of language (nahwu), and the use of Arabic which has been widely known among the people (Al-Dzahabi, 2002:182-190). Meanwhile, he is very thick with the narrations as a source of interpretation, which is based on the opinions and views of the friends, Tabi'in and ta-bi 'al Tha-bi'in through the hadith they narrated (bi al-Ma'sur) (Al-Qattan, 1973: 347; See, Rahison Anwar, 2009: 182; See, Nashruddin Baidan, 2011: 370; Ash Shiddieqy, 1997: 202; Nashruddin Baidan, 2005: 33; Rahison Anwar, 2002: 24).

Another important aspect in the book is the varied mapping of qira'ah, and analyzed by connecting with different meanings, then making choices on one particular qira'ah which he considers most powerful and appropriate. On the other hand, Ibn Jarir Al-Tabari as a scientist, was not trapped in the shackles of taqlid, especially in discussing fiqh issues. According to the author. That his efforts to try to issue law in his interpretation in the field of jinayah (criminal) without focusing on the understanding of a school, but he tried to take the arguments both from the Qur'an and the Sunnah, both derived from tabi'in, tabi 'al-



tabi'in. All he received, even some of his interpretations are narrators who have a Jewish background, but have embraced Islam, even he who became the characteristics of Ath-Tabari ability to take the sources of ancient teachings, and tendency not to use *ijma* 'and *qiyas* (See Al-Dzahabi, 2002: 191).

In the interpretation of Ibn Jarir Al-Tabari in the interpretation of the verses of *hudud* and *qishash*, he used many narrators of traditions among friends and *tabi'in* such as 'Ali bin Abi Talib, Ibn' Abbas, Ubay bin Ka'ab, and Abdullah Ibnu Mas 'ud, Zaid bin Thabit, Abu Bakr, and Umar bin Khattab, they were all in the early generation (close to the Prophet) (Ash Shiddieqi, 1997: 202).

In addition, the interpretive figures from among the friends mentioned above have students from the *tabi'in* group, meanwhile, in order to understand the history of being worried, Ibn Jarir is very thick with the narrations as the source of his interpretation in the verses *hudud* and *qishash*, many narrations are propped up against the *tabi'in*, among the *tabi'in* that many cited by Ibn Jarir are: Said bin Jubair, Mujahid bin Jabar, Ikrimah, Tawus bin Kisan Al-Yamani. They were all commentators in Mecca who at that time studied with Ibn 'Abbas; the exegetes in Medina such as: Abu Aliyah, Zaid bin Aslam, in Medina, who at that time studied with Ubay bin Ka'ab; and alqamah bin Qais, Masruq, al-aswad bin zaid, Marrah Hamdani, Al-Amir Al-Sya'bi, Hasan Al-Bashriy, Qatadah, in Iraq, who at that time studied with 'Abdullah bin Mas'ud.

### ***Typical Characteristics of Hudud and Qishash Interpretation***

Characteristics of the interpretation of the verses of *hudud* and *qishash* each time starting the interpretation he always uses the word (*al-qaul fi ta'wil qauluh*), then he explains the verse, by starting the word (Qala Abu Ja'far), then he explains from various narrations are then followed by his opinion which is considered to be the most correct, both about the opinion of *asbab al-nuzul* and with various *qiraat* which differ from all opinions, with the word (qala Abu Ja'far: *wa hall al-qiraataini bi al-sharwab fi dzalik*), or (*wa hall hadzani al-qaulainni*).

With the characteristics of Al-Tabari's Tafsir he revealed in his interpretation by using and operating language methods, examining language, Arabic style, and the history of writing the sciences of the word *ta'wil* memeng slightly different from the interpretation, sharper the meaning of *ta'wil* because in essence *ta'wil* opens the meanings revealed from the *lafad*.

In the narration he usually does not check the chain of transmission, although he often criticizes the *Sanad* by doing *ta'dil* and *tarjih* about the traditions themselves without giving any coercion to the reader. Even so, to determine the most appropriate meaning of a *lafaz*, he also uses *ra'yu*. In this connection, coherently the first thing he did, was to expose the meanings of words in Arabic terminology along with their linguistic structure, and (*I'rab*) if necessary.

When he does not find a historical reference from the *hadith*, he will make sense of the sentence, and he is strengthened by the string of ancient poetry and prose that serves as *shahwahid* and investigative tools for the accuracy of his understanding. With these steps, the process of interpretation (*takwil*) ensues. Faced with verses that are interconnected (*munasabah*) he inevitably must use logic (*mantiq*). This method is included in the category of *Tahlili / Tafshili* interpretation with the interpretation orientation of *bi al-ma'sur* and *bi ar-*

*ra'yi* which is a new breakthrough in the field of interpretation of the interpretation tradition that runs before (Al-Dzahabi, 2002: 191).

Controversial narratives (*muta'aridah*), even in the book of *Tahdhib al-Atsar* by Ibn Jarir Al-Tabari he was very skilled in playing the role of the history of his predecessors told for his controversial book. this is to collect forty-eight hadiths (Thahir Jawabi, t.k: t.p, t.t: 388), he explained by giving emphases-agree or disagree (rebuttal) by proposing an alternative view of his own accompanied by supporting arguments. When dealing with legal verses, it remains consistent with the model of exposure to the fuqaha views of friends, *tabi'in* and *ta-bi 'al-tabi'in*, then taking the path of *istinbat* (Al-Dzahabi, 2002: 158).

To find a representative interpretation related to the verses of hudud and *qishash*, he approached using a historical approach, then the verses of hudud law and *qishash* punterbesan and direct contact with historical aspects he explained at length, with the support of pre-stories Islam (*Israiliyyat*). Ibn Jarir Al-Tabari took narrations from Christians who in the end he was Muslim, like, Ibn Juraij, with a strong perception that these narrations have been known by the Arab community and do not cause harm and harm to religion (Al-Dzahabi, 2002: 158)..<sup>39</sup>

With the historical approach he uses, it seems that his tendency is independent. In interpreting the verses of hudud and *qishash*. There are two basic statements about the concept of interpretation based on history made by Ibn Jarir Al-Tabari. The value of satisfaction and approaching the originality of interpretive products that emphasize historical aspects.

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This is as the word of God Almighty, in Sura al-Nisa verse 25.

*And if they have guarded themselves by marriage, then they commit a heinous act (adultery), then for them half the punishment of the punishment of free women who are married. (Ability to marry slaves), is for those who are afraid of societies to guard themselves (from adultery) among you, and patience is better for you. And Allah is Forgiving, Most Merciful. (Surat al-Nisa: 25 )*

In this verse Ibn Jarir Al-Tabari said that he chose from the many sources of transmission both from the *tabi'in* and friends, "that women who really can take care of themselves, they are truly Islam, so he concluded from all narration that if women can maintain their self-esteem, that is Islam, so the Islamic nature of women in this verse can be determined based on their self-preservation (Al-Thabari, 1999: 24).

So if they commit a heinous act (adultery) after Islam, they must be punished by hadd. And believers are forbidden from marrying these women, and it is those who commit such despicable marriages. If that is not possible in the previous words, then it is not permissible for someone to change the meaning of marriage, then not Islam.

Then in interpreting the verses of hudud and *qishash*, Ibn Jarir Al-Tabari took several steps including the following: each beginning his interpretation he always said this verse, saying: "Opinion about the territory of the word of God" like this. Then interpret the

verse and strengthen his opinion with what is narrated through his own sanad who came from friends or tabi'in. Summarizing the general opinion of the Qur'anic texts with the help of the narrators who narrated it. Mentioning *atsar-atsar* originating from the Prophet. 'in by mentioning his sanads, which start from the strongest and most authentic sanads (Al-Thabari, 1999).

With the historical approach he uses, it seems that his tendency is independent. In interpreting the verses of *Hukumudud* and *Qishash*. There are two basic statements about the concept of interpretation based on history made by Ibn Jarir Al-Tabari. The value of satisfaction and approaching the originality of interpretive products that emphasize historical aspects.

## CONCLUSION

In his *hudud* and *qishash* verses when interpreting each of the *hudud* and *qishash* verses, he correlates a lot with other verses or even with the traditions sourced from the Messenger of Allah, and displays the causes of the Qur'an drop, he examined the words in the verse. Likewise in the *diyat* issue on the sentence of killing people by mistake, after gathering information from various hadiths, he concluded that *diyat* (compensation) in kill because this error is not a problem, the problem of cutting off hands on *qishash* pieces he wants to keep the hand cut.

In connection with the verses of *hudud* and *qishash*, it can be understood that the verses of *hudud* law are *haq li al-Allah* (the right of Allah) while *qishash* is *haq li al-bad'ibad* (right of his servant). For that punishment *hudud* means protecting human life that will come later, while *qishash* preserving human life that already exists. Where both must be equally guarded, although from both if seen more principles or more general verses of *hudud* law than *qishash*. With as much as possible so as not to happen things that are prohibited by *shara* 'and social and religious norms (acts of *rahmah hudud* and *qishash*) which then in the term *ushul fiqh* is called *sadd al-Zari'ah* (closing the path to a destination). With the efforts of Ibn Jarir Al-Tabari to capture the meaning of the Qur'anic text through methods or methods in interpreting the verses of the *hudud* and *qishash* laws, he included many poems to explain and confirm the meaning of the text, and express *I'rab* and the opinion of the experts in *nahwu* to explain the meaning as a form of variety of differences *I'rab*.

Without denying the explanation of opinions about the verses of law in the field of *jinayah*, then Ibn Jarir Al-Tabari discussed and strengthened the opinions which he said were right without being influenced by the founders and followers of the school.

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