

Al-Iklīl Fī Istīnbāṭ Al-Tanzīl: an Analysis of Al-Suyūṭī's Interpretation Of Criminal Verses

Turkey Al Zhafir

UIN Sunan Kalijaga
Yogyakarta

21105030122@student.uin-suka.ac.id



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Abstract

*This study explores *Al Iklīl fī Istīnbāṭ al-Tanzīl* by Jalāl al-Dīn al-Suyūṭī, focusing on his interpretive strategies regarding Qur'anic verses related to criminal law. This research employs a qualitative, library-based method with content analysis and examines how al-Suyūṭī applies a textual-normative approach to derive legal rulings (istinbāṭ) from verses addressing adultery, theft, false accusation, murder, and armed robbery. Al-Suyūṭī's tafsīr, known for its concise yet substantive character, consistently emphasizes classical Islamic legal principles such as justice, legal certainty, crime prevention, proportional punishment, and the protection of social order. However, the analysis reveals that *Al-Iklīl* offers limited elaboration on the socio-historical context of the verses or on inter-school juristic debates, resulting in a predominantly normative and direct presentation of legal prescriptions. The study argues that although *Al-Iklīl* provides a foundational normative framework and remains a significant reference in Islamic jurisprudence, its application within modern Islamic criminal law requires a more contextual reinterpretation. Such an approach is necessary to ensure that its legal insights remain compatible with contemporary legal systems, evolving social dynamics, and internationally recognized human rights standards. Consequently, this research highlights not only the enduring relevance of *Al-Iklīl* as a classical legal-ethical source but also the urgency of a critical and adaptive rereading to enrich contemporary discourse on Islamic criminal law.*

Keywords: *Al-Iklīl, legal interpretation, Criminal verses, istinbat al-Aḥkam, contemporary Islamic criminal law*

Abstrak

Penelitian ini mengeksplorasi *al-Iklīl fī Istīnbat al-Tanzīl* karya Jalāluddīn al-Suyūṭī fokus pada strategi interpretatifnya terhadap ayat-ayat pidana dalam *Al-Qur'an*. Menggunakan metode kualitatif berbasis studi kepustakaan dengan analisis isi. Penelitian ini menelaah bagaimana al-Suyuti menerapkan pendekatan tekstual-normatif dalam menggali ketentuan hukum (*istinbāt*) dari ayat-ayat yang berkaitan dengan perzinahan, pencurian, tuduhan palsu, pembunuhan, dan perampokan bersenjata. Tafsir al-Suyuti, yang dikenal ringkas namun padat, menunjukkan konsistensi dalam menegaskan prinsip-prinsip hukum Islam klasik seperti keadilan, kepastian hukum, pencegahan kejahatan, proporsionalitas hukuman, serta perlindungan terhadap stabilitas sosial. Meskipun demikian, analisis ini mengidentifikasi bahwa *Al-Iklīl* relatif minim dalam menguraikan konteks sosial-historis ayat maupun perdebatan antarmazhab, sehingga kecenderungannya lebih mengarah pada presentasi hukum secara normatif dan langsung. Studi ini berargumen bahwa meskipun *Al-Iklīl* menawarkan kerangka normatif yang mendasar dan dapat dijadikan rujukan penting dalam yurisprudensi Islam, penerapannya dalam konteks hukum pidana Islam modern membutuhkan reinterpretasi yang lebih kontekstual. Hal ini penting agar nilai-nilai yang dikandungnya tetap selaras dengan sistem hukum kontemporer, dinamika sosial masyarakat modern, dan standar hak asasi manusia yang berkembang. Dengan demikian, penelitian ini tidak hanya menegaskan relevansi *Al-Iklīl* sebagai sumber legal-etis klasik, tetapi juga menyoroti urgensi pembacaan ulang yang kritis dan adaptif dalam rangka memperkaya diskursus hukum pidana Islam pada era modern.

Kata Kunci: *Al-Iklil, Interpretasi Hukum, Ayat-Ayat Pidana, Istibat Al-Ahkam, Hukum Pidana Islam Kontemporer*

INTRODUCTION

The discourse on the interpretation of the Qur'an is inherently dynamic. It continues to evolve with various dynamics surrounding it. Historically, the activity of interpretation began during the time of the Prophet Muhammad SAW as the first interpreter. It was continued by his companions, *tābi'in*, until the present day.¹ Innovations have been continuously developed by exegetes across the ages. They strive to offer new insights in interpreting the Qur'an, moving beyond repetitive interpretations to adopt modern, constructive approaches that address the challenges of the times.

In turn, these efforts have given rise to diverse interpretive styles with various tendencies, such as language, literature, law, sufism, philosophy, and so on.² In the study of interpretation, the styles and varieties of interpretation have undergone significant development over time.³ Exegetical works that emerged with various tendencies became part of the historical journey of exegesis, particularly during the medieval or classical periods, which were inhabited by several exegetes such as Abu Ḥayyān, Ibn 'Atiyyah, Ibn Kaṣīr, and other exegetes who lived during their time. In the tradition of historical

¹ Muhammad Husain az-Zahabi, *at-Tafsir wa al-Mufasssirun* (Maktabah Wahbah, 2000).

² M. Iqbal Nasir dan Sam Suddin, "Metodologi Tafsir Ayat-Ayat Hukum," *TAFASIR: Journal of Quranic Studies* 1, no. 2 (2023): 102, 2, <https://doi.org/10.62376/tafasir.v1i2.17>.

³ Alfian Dhany Misbakhuddin dan Ahmad Wafi Nur Safaat, "Potret Metode Tafsir Ahkam Al-Qur'an Karya Abu Bakar al-Jashshash," *Jurnal Semiotika-Q: Kajian Ilmu al-Quran Dan Tafsir* 2, no. 1 (2022): 2, 1, <https://doi.org/10.19109/jsq.v2i1.11222>.

interpretation – from an ideological perspective – the works of Sunni and Shiite exegetes have colored the long history of interpretation, even dominating the dynamics of intellectual debate among exegetes. The dialectic between Sunni and Shiite exegesis provides a perspective that the tradition of exegesis cannot be taken lightly, but rather is a complex dialectic. The works of al-Žahabi and Hādi Ma'rifat⁴ – as representatives of the contemporary era – nicely record the struggle that occurred between Sunni and Shiite exegesis. Regarding the historicity of Shiite interpretations, Misbah, in his writing, provides the view that the history of Shiite interpretation is a complex one. Misbah explains that Shiite interpretations have undergone a significant shift, from initially being sectarian to becoming more moderate⁵ and more aware of current conditions.

The various interpretations that have emerged, the legal genre (fiqh-oriented) is one of the styles that will be elaborated further in this paper, specifically that affiliated with one of the four schools of fiqh, the Shafi'i school. The four main schools of fiqh in Islam each have their own works in the field of tafsir-fiqh. For example, from the Hanafi school, there is *Aḥkām al-Qur'ān* by Ali al-Qummi (d. 305 AH), *Aḥkām al-Qur'aan* by Abu Ja'far at-Taḥāwī (d. 370 AH), *Aḥkām al-Qur'ān* by al-Jaṣāṣ (d. 321 AH), *Talkhīs Aḥkām al-Qur'ān* by al-Jamāl Maḥmūd al-Qunawī (d. 777 AH), and *At-Tafsīrāt al-Aḥmadiyyah fī Bayān al-Āyāt as-Syar'iyyah* by Abu Saī'd Malājiyun al-Hindi. From the Maliki school of thought, there is *Aḥkām al-Qur'ān* by Ismā'il al-Qāḍi al-Jahdami (d. 282 AH), which was later summarized by Bakar bin al-'Ala' al-Qusyairi (d. 344 AH) in his work *Mukhtasar Aḥkām al-Qur'ān li al-Qāḍi*, *Aḥkām al-Qur'ān* by Mūsa al-Qaṭṭān (d. 306 AH), *Aḥkām al-Qur'ān* by Qāsim bin Asbag (d. 340 AH), *Aḥkām al-Qur'ān* by Ibn Bakir, *Aḥkām al-Qur'ān* by Ibn al-'Arabi, *Aḥkām al-Qur'ān* by Ibn Faras al-Andalusi (d. 599 AH), *Al-Jāmi' li Aḥkām al-Qur'ān* by al-Qurṭubī (d. 671 AH).

From the Shafi'i school of thought, such as *Aḥkām al-Qur'ān li as-Syāfi'i* by Abu Bakar al-Baihaqi (d. 458 AH), *Aḥkām al-Qur'ān* by Kiya al-Harrāsi (d. 504 AH), *Al-Qaul al-Wajīz fī Aḥkām al-Kitāb al-'Azīz* by al-Sāmin al-Ḥalabi (d. 756 AH), *Aḥkām al-Kitāb al-Mubīn* by Ali as-Syanfaki (d. 907 AH), *Al-Iklīl fī Istīnbāt at-Tanzīl* by al-Suyūṭī (d. 911 AH). And from the Hanbali school of thought, such as *Aḥkām al-Qur'ān* by Abu Ya'la Ibn al-Farra (d. 458 AH), *Iḥkām ar-Ra'yi fī Aḥkām al-Āy* by Muḥammad bin Abdurrahmān as-Sā'ig (d. 776 AH).⁶

Among these works, the one to be examined further is *al-Iklīl fī Istīnbāt at-Tanzīl*, which is one of al-Suyūṭī's masterpieces in the field of tafsir.⁷ *Al-Iklīl* is al-Suyūṭī's work that specifically discusses *istinbāt* (derivation of laws) from the verses of the Qur'an. *Tafsīr Aḥkām* is one of the various styles of Qur'anic interpretation. This

⁴ Muhammad Hadi Makrifah, *al-Tafsir wa al-Mufasssirun fī Tsaubihi al-Qasyib*, vol. 1 (al-Jami'ah ar-Ridowiyyah li al-'Ulum al-Islamiyyah, 1418).

⁵ Misbah Hafis, "Dinamika Tafsir Dari Sektarian Ke Moderat: Studi Historis Tafsir-Tafsir Syi'ah," *Jurnal Moderasi* 3, no. 1 (2023): 70, <https://doi.org/10.14421/jm.2023.31.05>.

⁶ Isnān Ansory, "DISKURSUS SEPUTAR LITERATUR TAFSIR AHKAM," *Al Kareem Jurnal Ilmu Al Qur'an Dan Tafsir* 1, no. 1 (2023): 15–16, 1.

⁷ Jalaluddin as-Suyuthi, *al-Iklīl fī Istīnbāt al-Tanzīl* (Dar al-Kutub al-Ilmiyyah, 1981).

style focuses more on the interpretation of Qur'anic verses that have the potential to become the foundation of fiqh law, as ahkam verses are interpreted as Qur'anic verses that contain a series of commands and prohibitions, or other fiqh issues.⁸

The research is narrowed down to verses related to *hudūd* punishments. The interpretations of mufasssir whose works are *fiqh-oriented* – particularly al-Suyūṭī – regarding criminal verses are crucial because they have a significant correlation with the application of legal norms in specific social contexts. Among the many genres of law in the Qur'an, verses on criminal law (*al-uqūbāt*) occupy a crucial position because they intersect with the protection of individual rights, social order, and social justice. These verses form the foundation for the formulation of Islamic criminal law, both in substantive and procedural aspects.

This study employs library research. Data processing is conducted using qualitative methods, with inductive or qualitative data analysis. Qualitative research results emphasize meaning rather than generalization.⁹ This research was conducted by collecting information and data with the help of various reference sources, such as reference books, previous similar research results, articles, notes, and various relevant journals related to the research variables. Data from various literature sources, such as books, journals, encyclopedias, and others.

The types of data sources used are primary and secondary data sources. Primary data refers directly to *al-Iklīl fī Istīnbāṭ at-Tanzīl*, while secondary data refers to several works of al-Suyūṭī's tafsir, such as *Tafsīr al-Jalālain* and *ad-Durr al-Manṣūr*. In collecting data, the author used the documentation method. In this case, the author attempts to collect data from various sources related to the research topic, especially data from literature (books), both primary and secondary, that are directly related to several variables in the research topic. In addition, the author also prioritizes literature from Arabic books. After collecting data from various literature sources, the next step is to process the data obtained. The data will be analyzed further using the Descriptive-Analytical method.

Al-Iklīl differs from al-Suyūṭī's other works of exegesis, such as *Tafsīr al-Jalālain*¹⁰ and *ad-Durr al-Manṣūr*.¹¹ *Al-Iklīl* is more *fiqh-oriented*, presenting the normative aspects of the verses of the Qur'an in a concise yet dense and systematic manner, although in some cases it shares similarities, one of which is in the use of narrations (*bi al-ma'sūr*). al-Suyūṭī's interpretation of criminal verses, in turn, can make an important contribution to the development of a more contextual and relevant contemporary legal interpretation in line with modern legal developments, given that, historically, the socio-historical conditions of al-Suyūṭī's life were in the modern era (911 AH) – while also indicating the continuity and dynamism of classical Islamic legal thought.

⁸ Ansory, "Diskursus Seputar Literatur Tafsir Ahkam," 2.

⁹ Feny Fiantika dkk., *Metodologi Penelitian Kualitatif* (2022).

¹⁰ Jalaluddin al-Mahalli, as-Suyuti Jalaluddin, *Tafsīr al-Jalālain* (Maktabah al-Busyra, 2010).

¹¹ Jalaluddin as-Suyuthi, *ad-Durr al-Mansur fī al-Tafsīr al-Ma'sur* (Dar al-Fikr, 2011).

Although many exegetes before al-Suyūṭī had already made efforts to interpret through their works on the same theme (fiqh-oriented), al-Iklīl also deserves more attention because it has contributed to the thinking surrounding Islamic law in the Shafi'i school of thought, even though, in his interpretation, despite his affiliation with the Shafi'i school, al-Suyūṭī does not explicitly show his reliance on interpreting legal verses in line with the Shafi'i school, as was done by al-Kiyā al-Harrāsi in his *Aḥkām al-Qur'ān*.¹²

Overview: al-Suyūṭī

Al-Suyūṭī was born in Egypt on Rajab 849 H.¹³ His parents named him Abdurrahman one week after al-Suyūṭī was born. Interestingly, there are several philosophical reasons behind the choice of the name Abdurrahman.¹⁴ Al-Suyūṭī grew up as an orphan. His parents passed away when he was 5 years and 7 months old.¹⁵ Al-Suyūṭī memorized the Qur'an when he was about eight years old, then continued to memorize the books *al-Umdah*, *Minhāj al-Fiqh wa al-Uṣūl*, and *Alfiyyah ibn Mālik*. Al-Suyūṭī's academic journey began in the middle of 864 AH, precisely when Al-Suyūṭī was 15 years old. Al-Suyūṭī studied fiqh and nahwu (Arabic grammar) from several of his teachers. He also studied faraid (inheritance) under al-Syaikh Syihābuddin al-Syarmasahi while intensively studying fiqh al-Bulqini until his death. In addition, Al-Suyūṭī also studied *al-Minhaj* under Syaikhul Islam Syarafuddin al-Manawi, hadith and Arabic language under al-Allamah Taqiyyuddin al-Hanafi for approximately four years, and studied tafsir, usul, Arabic language, and the science of al-Ma'āni under Muḥyiddin al-Kāfijī for about 14 years, during which he also granted Al-Suyūṭī an ijazah, and studied *al-Kasyf* and *al-Taḍḍīh* under al-Syaikh Saifuddin al-Ḥanafi.¹⁶

His academic journey (writing and composing) began in 886 AH, specifically when he was 36 years old. Al-Suyūṭī began to establish his authority in issuing fatwas in the mid-871 AH. His expertise in many fields of knowledge is beyond doubt. He clearly demonstrated his expertise in several fields of knowledge, such as tafsīr (Qur'anic exegesis), ḥadis, fiqh (Islamic jurisprudence), nahwu (Arabic grammar), ma'āni (rhetoric), bayān (eloquence), and badī' (literary devices), based on the methods of Arab scholars skilled in balāḡah (rhetoric), not through non-Arab methods or those of philosophers. In fact, in some of these fields, Al-Suyūṭī surpassed his teachers.

¹² Nurul Hidayati dkk., "Fanatisme Mazhab dalam Ahkam al-Quran karya al-Kiya al-Harrasi: Analisis Interpretasi al-Baqarah [2]: 173 tentang Bangkai Ikan dan Belalang," *AT-TAHBIR: Jurnal Studi Al-Qur'an dan Tafsir* 2, no. 1 (2025): 65, 1, <https://ejournal.mahadalyirboyo.ac.id/index.php/attahbir/article/view/92>.

¹³ Abu Abdillah Syamsuddin Muhmmad ibn Ali al-Daudi al-Maliki, *Tarjamah al-'Allamah al-Suyuti* (Dar al-Lubab, 2021), 16.

¹⁴ al-Daudi al-Maliki, *Tarjamah al-'Allamah al-Suyuti*, 21–24.

¹⁵ Syihabuddin Abi al-Falah al-Akri al-Hanbali, *Syazarat al-Zahab fi Akhbari Man Zahab* (Dar Ibn Katsir, 1993), 75.

¹⁶ as-Suyuthi, *ad-Durr al-Mansur fi al-Tafsir al-Ma'sur*, 4.

Similarly, in the case of other fields of knowledge that he had not yet had the opportunity to study directly from his teachers, Al-Suyūṭī had authority over them.¹⁷

One of the reasons for Al-Suyūṭī's intelligence and expertise – besides his diligence and high enthusiasm in seeking knowledge – was the prayer he offered while performing the Hajj. While performing the Hajj, Al-Suyūṭī drank Zamzam water while intending to be granted the intelligence of Sirājuddīn al-Bulqīnī in the field of fiqh and al-Hāfīz ibn Ḥajar in the field of ḥadīṣ. Thereafter, Allah SWT bestowed upon him wisdom and expertise in the fields of tafsīr, ḥadīṣ, fiqh, naḥwu, ma'ānī, and badī'.¹⁸ Al-Suyūṭī passed away on the night of Friday during the pre-dawn meal (sahur) on the 19th of Jumadal Ula at his residence, *Rauḍah al-Miqyās*. Al-Suyūṭī was then buried in Husy Qasun.¹⁹

Al-Iklīl Fi Istīnbāṭ al-Tanzīl

As a prolific scholar, Al-Suyūṭī naturally produced many works in various fields of knowledge, such as tafsīr, fiqh, ḥadīth, and the like. Ad-Dāudī explains that the number of works produced by al-Suyūṭī is approximately 500, renowned throughout the world, both east and west.²⁰ One of al-Suyūṭī's works in the field of tafsīr is *al-Iklīl fi Istīnbāṭ al-Tanzīl*. *Al-Iklīl* is Al-Suyūṭī's work with a legal (*fiqh-oriented*) focus. One of the habits of scholars is that they write the reasons behind the writing of their works, and the reasons vary depending on the work and the author. However, there are also scholars who go straight into the discussion without first mentioning the reasons for writing the work. Al-Suyūṭī belongs to the first model.²¹

In the introduction, Al-Suyūṭī clearly explains the reasons behind his writing of *al-Iklīl*. Al-Suyūṭī explains that the reason for writing *al-Iklīl* is the abundance of scholars who have written works in the field of Quranic studies, just as he himself has written many works in the fields of *asbāb al-nuzūl*, *mu'arrab*, and *mubhamāt*. On the other hand, some scholars have written specialized works explaining the verses of ahkam, such as Qāḍī Abu Bakar bin 'Ala, Abu Bakar al-Rāzī, Kiyā al-Harrāsī, Abu Bakar Ibn al-Arabī, and Abdul Mun'im bin Fars. However, these works are difficult, verbose, and overly focused on debates involving various opinions and evidence, thereby neglecting the main point of deriving legal rulings from the verses. Therefore, Al-Suyūṭī sought to write a work in this field, but with a concise method, encompassing the derivation of legal rulings in *fiqh*, *uṣūl*, and *i'tiqād*, as well as other related topics. This work remains grounded in the opinions of predecessors (*turās*) from among the Companions, Successors, and credible scholars.²²

¹⁷ as-Suyuthi, *ad-Durr al-Mansur fi al-Tafsir al-Ma'sur*, 4.

¹⁸ Jalaluddin as-Suyuthi, *al-Itqan Fi Ulum al-Qur'an* (Muassasah ar-Risalah, 2008), 13.

¹⁹ al-Akri al-Hanbali, *Syazarat al-Zahab fi Akhbari Man Zahab*, 78.

²⁰ al-Akri al-Hanbali, *Syazarat al-Zahab fi Akhbari Man Zahab*, 76.

²¹ Riyadh ibn Muhammad al-Gamidi, "Manhaj al-Imam al-Suyuti fi al-Istinbat Min Khilali Kitabih: *al-Iklil fi Istīnbāṭ al-Tanzīl*" (Ummul Qura University, 2013), 48, https://wikiquan.nyc3.digitaloceanspaces.com/attachments/documents/BOOK_17729_1.pdf.

²² as-Suyuthi, *al-Iklil fi Istīnbāṭ al-Tanzīl*, 20.

In interpreting verses related to law, Al-Suyūṭī uses several sources of interpretation, such as interpreting verses with verses (*al-Qur'ān bi al-Qur'ān*), interpreting the Quran with the Prophet's Hadith, interpreting the Quran with the opinions of the Companions, interpreting the Quran with the opinions of the Tabi' in, Interpretation of the Quran with the Opinions of the Mufasssir, al-Suyūṭī's Own Ijtihad, Presenting Interpretation with Sigat Tamrid, and/or Without Referencing It.²³ In presenting his interpretation – like most works of interpretation – Al-Suyūṭī begins with an introduction and then moves directly to Surah al-Fātiḥah. He presents his interpretation according to the order of the surahs in the Mushaf (*tartīb-muṣḥafī*). In general, the structure of al-Iklīl is not significantly different from Al-Suyūṭī's other exegetical works, such as *Tafsīr al-Jalālain* and *ad-Durr al-Manṣūr*. What distinguishes al-Iklīl from the other two is its tendency to interpret verses related to law, as explained by Al-Suyūṭī in the introduction.²⁴

Al-Suyūṭī's analysis, which focuses on verses about law, is a distinctive feature of al-Iklīl as a tafsir work with a legal (*fiqh-oriented*) tendency. Al-Suyūṭī's interpretation is fairly concise and compact. Although he was a Syafi'i, his tendency to display his Syafi'i nature is not very apparent in al-Iklīl, unlike al-Harrāsi in *Aḥkām al-Qur'ān*, who, from the outset, glorified the Syafi'i school of thought,²⁵ Which is further evidenced by several of al-Harrāsi's interpretations that show him to be a true Syafi'i. At the end of al-Iklīl, Al-Suyūṭī concludes by presenting several sections. The first section is related to al-Asmā' al-Ḥusna found in the Qur'an. The second chapter presents several hadiths and athar related to al-Asmā' al-A'zam for Allah SWT. The third chapter discusses the 70 other names of the Prophet SAW that are clearly mentioned in the Quran.²⁶

Al-Suyūṭī's Interpretation of Criminal Verses

The Qur'an, as the holy book of Muslims, serves not only as a spiritual guide but also as the primary source for the formation of Islamic law (*sharia*). It contains universal values that encompass theological, moral, social, and legal aspects. Among the many legal themes in the Qur'an are criminal verses (*al-uqūbat*). To narrow the discussion, the selected criminal verses are limited to a few central verses – without disregarding other criminal verses – namely Surah Al-Baqarah [2]: 178, Surah Al-Ma'idah [5]: 33, Surah Al-Ma'idah [5]: 38, Surah An-Nur [24]: 2, and QS. An-Nur [24]: 4.

Surah Al-Baqarah [2]: 178 clearly indicates the existence of the law of qisas. Al-Ṣābūnī provides a fairly comprehensive explanation in this verse. He explains by describing several differences among scholars from the four schools of fiqh in the

²³ Imamul Mutaqin, "Metodologi Penafsiran Imam Jalal Al-Din al-Suyuthi Dalam Kitab Tafsir al-Iklil Fi Istimbath al-Tanzil" (skripsi, IAIN KUDUS, 2020), 52–61, <http://repository.iainkudus.ac.id/3562/>.

²⁴ as-Suyuthi, *al-Iklil fi Istinbat al-Tanzil*, 20.

²⁵ Imaduddin al-Kiya Al-Harasi, *Ahkam al-Qur'an* (Dar al-Kutub al-Ilmiyyah, 1984), 2.

²⁶ as-Suyuthi, *al-Iklil fi Istinbat al-Tanzil*, 303–6.

application of the qisas law.²⁷ In this verse, Al-Suyūṭī explains qisas. In his analysis, Al-Suyūṭī mentions that this verse is also used by al-Lais, among others, as evidence for the application of the law of qisas, specifically regarding the conditions for its implementation. Specifically, a man is not subject to qisas for killing a woman, analogous to the fact that a free person is not subject to qisas if they kill a slave.²⁸ This is consistent with the context of legal inference in the Syafi'i school of thought regarding the conditions for the application of qisas, that qisas does not apply if the victim and the perpetrator are not on the same hierarchical level (*mukāfa'ah*).²⁹

Additionally, al-Suyūṭī emphasizes that there is an alternative to qisas that is considered a more humane solution, namely *al-'Afw*.³⁰ *Al-'Afw* is a humane alternative punishment that can also deter the perpetrator in order to achieve justice for the victim. The consequence of *al-'Afw* is that the perpetrator is required to pay *diyat* as a form of responsibility or compensation for qisas to the victim without delay.³¹ *Al-'Afw* is the right of the victim, represented by their family.³² When interpreting "*fā man ufiya lahu min akhīhi*," al-Suyūṭī does not elaborate on the law regarding *diyat*, but merely states that the Sharia provides an alternative – paying *diyat* – as compensation for *qisas* if the perpetrator is forgiven. Al-Suyūṭī also conducted a linguistic analysis when interpreting the term *syai'un*. Al-Suyūṭī stated that the indefiniteness (generality) of the term indicates that the law of qisas is nullified in part due to the existence of *al-'Afw*. When interpreting *faman l'tada ba'da zalika*, Al-Suyūṭī concludes that based on the entirety of verse 178, a perpetrator who has been forgiven previously, if he repeats his action (murder), must be subjected to qisas and is not entitled to receive *al-'Afw*.³³

Al-Suyūṭī's elaboration on verse 178 is quite brief and concise. There is no in-depth analysis of the fiqh law that emerges from the verse (*qisās*). Additionally, the legal inference made by Al-Suyūṭī in this verse falls under the category of interpretation through the statements of the Companions and Al-Suyūṭī's own *ijtihād*, as in interpreting this verse, Al-Suyūṭī mentions the opinion of al-Lais} as belonging to the group of companions – although he does not explicitly use the phrase *qala* and its equivalents in the form of a narration – and then presents his own deduction without presenting the opinions of the Prophet, *tabi'in*, and the like.

In turn, Al-Suyūṭī sought to emphasize that in Islamic criminal law, restorative justice occupies an important position. The choice between qisas and *diyat* provides room for reconciliation and social restoration. This attitude is a humanistic aspect of the Islamic criminal system that is often overlooked in contemporary public discourse.

²⁷ Muhammad Ali as-Sabuni, *Rawai'i al-Bayan fi Tafsir Ayat al-Ahkam* (Maktabah al-Gazali, 1980), 174.

²⁸ as-Suyuthi, *al-Iklil fi Istinbat al-Tanzil*, 37.

²⁹ Ahmad ibn Zainuddin al-Malibari, *Fath al-Mu'in bi Syarh Qurrat al-'Ain bi Muhimmat ad-Din* (Dar Ibn Hazm, 2004), 563.

³⁰ as-Suyuthi, *al-Iklil fi Istinbat al-Tanzil*, 37.

³¹ al-Malibari, *Fath al-Mu'in bi Syarh Qurrat al-'Ain bi Muhimmat ad-Din*, 565.

³² al-Malibari, *Fath al-Mu'in bi Syarh Qurrat al-'Ain bi Muhimmat ad-Din*, 568.

³³ as-Suyuthi, *al-Iklil fi Istinbat al-Tanzil*, 37.

Surah Al-Ma'idah [5]: 33, in general, this verse explains the punishment imposed on those who fight against Allah and His Messenger, including perpetrators of robbery, highway robbery, and the like. In interpreting this verse, Al-Suyūṭī refers to the opinion of the Companion, Ibn 'Abbās, who explains the four types of punishment imposed on highway robbers (*qāṭi' al-ṭarīq*) through the narration of al-Faryabi. Al-Suyūṭī also conducts a linguistic analysis in this regard. Al-Suyūṭī explains the opinions of al-Faryabi and al-Syafi'i that, in this case, the imam or leader has the right to choose among the four types of punishment based on the phrase "*Au*" in the verse, which means *at-takhyīr* (choice). Al-Suyūṭī also explains that there is a difference of opinion regarding the meaning of the word "*an-nafyu*." Some say that the meaning of *an-nafyu* is exile or banishment to a distance that allows for *qasr ṣalāt*, while others interpret *an-nafyu* as imprisonment.³⁴

According to Ibn 'Abbās, there are four types of punishment imposed on highway robbers (*qāṭi' al-ṭarīq*). First, if the perpetrator commits the act by taking property without killing, then his hand is cut off. Second, if the perpetrator carries out the act by killing without taking property, then they are killed. Third, if the perpetrator carries out the act by taking property and killing, then they are killed and crucified. Fourth, if the perpetrator carries out the act without taking property and without killing, then they are exiled or banished. When interpreting "*zalika lahum khizyun...*", Al-Suyūṭī also quotes the opinion of Ibn al-Fars, who states that the apparent meaning of the verse affirms that the punishment for those who wage war against Allah and His Messenger (*muḥārib*) is not a form of *kaffarat* (expiation) as is the case with other criminal offenses.³⁵

In this case, Al-Suyūṭī merely mentions the opinions of Ibn 'Abbās and Ibn Al-Fars without any effort at *ijtihād* in deducing the law from Al-Suyūṭī. Al-Suyūṭī does not elaborate on the four types of punishment imposed on highway robbers (*qāṭi' al-ṭarīq*), but merely presents the opinion of Ibn 'Abbās. Al-Suyūṭī does not explain the limits on the amount of property that can be taken, which hand or foot should be cut off, or other related matters. Although he does not elaborate on the law from the verse, Ibn 'Abbās opinion, which al-Suyūṭī uses as evidence, is in line with the law applicable in the Shafi'i school of thought.³⁶ Which is also the fiqh school of thought followed by Al-Suyūṭī.³⁷ The legal inference made by Al-Suyūṭī in this verse falls under the category of interpretation through the statements of the Companions, as Al-Suyūṭī explicitly quotes the words of Ibn 'Abbas in the context of *qāṭi' al-ṭarīq*.

On the other hand, Al-Suyūṭī – through this verse – wanted to emphasize that laws in Islam can be adjusted according to the level of social danger. The variation in punishment in this verse provides legal flexibility, while also showing the deterrent aspect against crimes that threaten public order.

³⁴ as-Suyuthi, *al-Iklil fī Istīnbāt al-Tanzil*, 110.

³⁵ as-Suyuthi, *al-Iklil fī Istīnbāt al-Tanzil*, 110.

³⁶ Qasim ibn Muhammad al-Gazzi, *Fath al-Qarib al-Mujib fī Syarh Alfaz al-Taqrīb* (Dar Ibn Hazm, 2005), 287.

³⁷ al-Malibari, *Fath al-Mu'in bi Syarh Qur'rat al-'Ain bi Muḥimmat ad-Din*, 585–86.

QS. Al-Ma'idah [5]: 38, This verse clearly states that the punishment for thieves, both male and female, is amputation of the hand. This punishment is ritualistic in nature, as it comes directly from Allah's command. In interpreting this verse, Al-Suyūṭī explains that it forms the basis for the punishment of amputation for thieves, both male and female.

Al-Suyūṭī continues by detailing two opinions that use this verse as the basis for the law. First, the group of people who use the generality of the verse's wording to derive the law that the cutting off of hands applies to all types of theft, even if the amount of goods stolen is small and the perpetrator steals from a place commonly used for storing things or otherwise. Second, the opinion of the majority of scholars who also use this verse as the basis for the law. However, their legal reasoning differs slightly from the first. They restrict the application of this verse based on certain hadiths and use the general wording of the verse as evidence for the amputation of hands for non-Muslims, those who have pledged allegiance, slaves, thieves of the Qur'an, food, items permitted by Islamic law, mosque lamps, thieves of their relatives' or wives' property, and most cases of theft fall under the generality of this verse.³⁸

In interpreting "*faqtau aidiyahuma*," Al-Suyūṭī presents one of Ibn Mas'ūd's *qirā'ah* (readings) which states "*aimanahuma*." Ibn Mas'ūd's reading interprets the term *aidiyahuma* as a more specific explanation regarding which hand should be cut off first. Al-Suyūṭī states that Ibn Mas'ūd's *qirā'ah* (reading) – a well-known *qirā'ah* – is also used as a legal basis for those who argue that it is permissible to cut off the left hand first. In this verse, Al-Suyūṭī does not conduct a linguistic analysis as he did in the two previous verses. Al-Suyūṭī merely presents the opinions of individuals and the majority of scholars regarding the legal basis for amputation and its implementation concisely and succinctly. Additionally, the source of interpretation used by Al-Suyūṭī in this verse is through the opinions of the Companions, presenting Ibn Mas'ūd's recitation as an interpretation of the meaning of the phrase "*aidiyakuma*." Al-Suyūṭī shows a literal and normative approach in interpreting this verse, but does not discuss the conditions for its application, such as *niṣāb* (minimum value of stolen goods), the condition of the goods (must be stored/kept safe), and the conditions for witnesses.³⁹ This more technical legal reading is commonly found in various fiqh literature, whether from the Syāfi'i,⁴⁰ Ḥanbali, Ḥanafī, or Mālikī schools of thought, though it is not the primary focus of Al-Iklīl.

QS. An-Nur [24]: 2 explains that there is an obligation to flog adulterers, both men and women, with one hundred lashes, specifically for those who have never been married (virgins), as explained in the Sunnah. Someone who uses this verse as a legal basis argues based on the generality of the verse, which mandates one hundred lashes for slaves, non-Muslims, and those who are married, followed by stoning. Al-Suyūṭī then mentions a narration from Ali stating that he brought a married woman

³⁸ as-Suyuthi, *al-Iklil fī Istinbat al-Tanzil*, 111.

³⁹ al-Malibari, *Fath al-Mu'in bi Syarh Qurrat al-'Ain bi Muhimmat ad-Din*, 581–85.

⁴⁰ al-Gazzi, *Fath al-Qarib al-Mujib fī Syarh Alfaz al-Taqrīb*, 285.

(*muḥṣanah*), then flogged her on Thursday and stoned her on Friday. He justified his actions through the Qur'an and the Sunnah of the Prophet. Al-Suyūṭī also mentions the legal reasoning of the Khawārij and Abū Ḥanīfah. The Khawārij use this verse as evidence that the punishment for married individuals is flogging, not stoning, as stoning is not mentioned in the Qur'an. Abū Ḥanīfah cites it as evidence that there is no punishment of exile (*tagrīb*), using the same argument as the *Khawārij*. In this verse, there is a refutation of the opinion that if a slave commits adultery with a free woman, he is stoned, or if with a female slave, he is flogged. And for those who say that there is no punishment for a sane person who commits adultery with a mad person, or for an adult woman who commits adultery with a boy, or vice versa, then no hadd is imposed. And for those who say that there is no punishment for someone who commits adultery with a free woman or a Muslim woman in a war zone, or in the camp of rebels, or with a Christian woman at all, or with his slave woman wife, or a mahram, or who inserts his penis while sleeping

Someone who insists on the hadd punishment also argues based on the generality of the verse for those who are forced, who commit adultery with their son's female slave, and who are already dead. Al-Suyūṭī also quotes the opinion of Ibn Faris in interpreting the terms "*fajlidu*" and "*miata jaldatin*." Regarding the phrase "*fajlidu*," Ibn Faris states that it is used as an argument that the person must be stripped naked because the flogging must be carried out directly. Regarding the phrase "*miata jaldatin*," Ibn Faris opines that it is not sufficient to strike the person once, whether they are healthy or sick. Regarding the phrase *wa la ta'khuzkum*..., Al-Suyūṭī explains the urgency to carry out the punishment and the prohibition against delaying its implementation, as well as the inapplicability of *al-'Afw* from the imam or others. On the other hand, the verse also refutes those who permit the sayyid to grant *al-'Afw*. Someone who says that the punishment for adultery is heavier than the punishment for *qazf* and *khamr*. In the verse *walyasyhad azabahuma*, Al-Suyūṭī emphasizes that the verse encourages a group of people to witness their flogging, at least four people, which is the number of witnesses for adultery. Some say ten, some say three, and some say two.⁴¹

Al-Suyūṭī does not elaborate on the concepts of *muḥṣan* and *gairu muḥṣan* in this work, but his emphasis on legal equality and openness in implementation demonstrates his understanding of the social and educational functions of *hudūd* punishment. This is in line with the maqashid al-shari'ah, which places sanctions as a means of prevention (*zajr wa rada*).

QS. An-Nur [24]: 4 concludes – through his *ijtihād* – that *qazf* (accusation of adultery) is haram and falls under the category of *fāsiq*. The consequence of *qazf* is that the testimony of the *qāẓif* (accuser) is not accepted (in court). Additionally, the accuser is subject to a punishment of eighty lashes if they falsely accuse an *al-muḥṣanah* (a virtuous woman), specifically an *al-'afifah* (a chaste woman). This indicates that if the accuser (*qāẓif*) falsely accuses someone known to have committed adultery, they will

⁴¹ as-Suyuthi, *al-Iklil fī Istīnbat al-Tanzil*, 188.

not be subject to the hadd punishment because the accusation they made is unfounded.⁴² Al-Suyūṭī concluded the law regarding *qazf* through his own ijtihad. He did not base his opinion on the opinions of the companions, tabi'in, and the like. Therefore, in this case, Al-Suyūṭī purely exercised ijtihad with his own opinion and can be categorized as *al-tafsīr bi al-ra'yi*.

Al-Suyūṭī then states that cases of adultery can only be validated – and subsequently prosecuted – through the testimony of four men, no fewer than that, and not through the testimony of women, whether the testimony is given collectively or individually. Through the generality of the verse, Al-Suyūṭī also included several opinions, such as that a slave is also subject to 80 lashes, and that a *qāẓif* (accuser) from among the disbelievers, slaves, those who have not reached puberty, the insane, the disabled, and their children are also subject to *ḥad* punishment. This opinion is analogous to another opinion stating that one who accuses himself of adultery and then retracts his accusation is not subject to hadd punishment because he has not slandered anyone.

This phrase – according to Al-Suyūṭī – refers to a form of immorality – by consensus of the majority – not in the form of flogging or corporal punishment. Imam Syāfi'i refers to this issue as the rejection of the testimony of the accuser, but his testimony may be accepted again after repentance. Ibn Abi Ḥātim narrated from Aṭā, and Ḥanīfah prohibited it, so he did not accept it even after repentance. Ibn Abi Ḥātim also narrated from al-Nakhā'i in another hadis. Ibn al-Fars mentions that this verse is used as evidence by Imam Mālik that the testimony of the accuser does not become invalid merely by making a false accusation of adultery until the hadd punishment is imposed, because Allah forbids accepting his testimony if he does not bring witnesses, and the accuser may bring witnesses as long as he has not been subjected to the *ḥad* punishment. Therefore, this clearly indicates that his testimony is not invalidated before the hadd punishment is imposed, as there is still a possibility for him to present witnesses. This verse is then used as the legal basis for the opinion that the punishment for *qazf* is among the rights of Allah. Thus, the form of *al-'afw* does not apply in this case.

In this case, Al-Suyūṭī presents the opinion of Imam al-Syāfi'i and several narrations. In this case, Al-Suyūṭī's analysis focuses on whether or not the testimony of the accuser is accepted even though he has repented. The narrations presented also mention the opinions of other schools of thought besides the Syafi'i school. Al-Suyūṭī's deductions can be explored in more detail in works related to Islamic law or fiqh, particularly within the Syafi'i school.⁴³ This is because Al-Suyūṭī's *isinbāt* in *al-iklīl* is relatively concise – even though *al-iklīl* is *fiqh-oriented* – as is his interpretation in *Jalālain* and *ad-Durr al-Mansūr*. Al-Suyūṭī emphasizes the protection of individual dignity in Islamic society. This shows that Islamic criminal law is not only repressive but also strictly safeguards personal rights. However, this interpretation also indicates

⁴² as-Suyuthi, *al-Iklil fī Istinbat al-Tanzil*, 189.

⁴³ al-Malibari, *Fath al-Mu'in bi Syarh Qurrat al-'Ain bi Muhimmat ad-Din*, 578.

limitations in addressing the context of defamation or slander in the digital age, where evidence is not always in the form of direct witnesses.

Based on the data, founded that al-Suyūṭī's interpretation in *Al-Iklīl* of criminal verses has made a significant contribution to the foundations of classical Islamic criminal law. However, in the modern context, this interpretation needs to be re-examined to assess its relevance to contemporary Islamic criminal law principles that have developed within the state system, human rights, and social plurality. Remarkably, one of the main relevancies of Al-Suyūṭī's interpretation is its consistency with the fundamental principles of criminal law in Islam, namely *al-zajr wa al-rad'* (prevention and deterrence). In modern legal systems, the objectives of criminal law also emphasize deterrence, reformation, and social protection.⁴⁴ Which aligns with the orientation of Islamic law. Al-Suyūṭī's interpretation, for example, in the verses on adultery and highway robbery, remains consistent with efforts to protect society and public morality. Strict punishment is described as a form of safeguarding social welfare (*maslahah 'ammah*).

In several verses, Al-Suyūṭī emphasizes legal equality between men and women (such as in the verses on theft and adultery). It is important to affirm that the principle of justice in Islamic criminal law is non-discriminatory⁴⁵ and in line with contemporary legal values regarding equality of rights. However, a literal approach that does not consider socio-economic conditions or the status of women in a patriarchal system has the potential to be misunderstood if not reinterpreted contextually. Although Al-Suyūṭī's interpretation is rich in legal foundations from the Qur'an, the strength of its textual approach can become rigid in the contemporary era, especially in the face of social change and new forms of crime such as cybercrime.⁴⁶ Digital sexual exploitation, or transnational terrorism, human rights demands, particularly regarding hudud punishments deemed harsh if not enforced strictly according to sharia provisions, and the principles of legality and due process in modern legal systems, are reliant on forensic evidence, defendant confessions, and other judicial rights. Therefore, interpretations such as *Al-Iklīl* should be seen as an initial normative foundation, requiring further *ijtihad* to be applied fairly in the context of modern society.

The greatest relevance of *Al-Iklīl* is that it opens up space for exploring the legal principles (*maqāṣid*) of criminal verses. This provides a basis for the constitutional adaptation of Islamic criminal law in modern countries with complex legal systems, a reinterpretation that combines positive law with Sharia values to form a humane and

⁴⁴ Nuraisyah Nuraisyah, "Philosophical Dimensions of Punishment in Islamic Criminal Law," *Al-Hurriyah: Jurnal Hukum Islam* 6, no. 1 (2021): 91–101, <https://doi.org/10.30983/alhurriyah.v6i1.3459>.

⁴⁵ Ahda Fithriani dan Faridah Faridah, "Gender Paradigm in Fiqh: A Critical Analysis of Traditional Islamic Legal Understanding," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 3 (2024): 3, <https://doi.org/10.62976/ijjel.v2i3.696>.

⁴⁶ Munifah Munifah dan Mufrod Teguh Mulyo, "Personal Data Hacking: A Critical Analysis of Islamic Criminal Law and Islamic Jurisprudence," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 8, no. 2 (2025): 2, <https://doi.org/10.30659/jua.v8i2.44585>.

functional criminal system.⁴⁷ The construction of Islamic criminal law resonates with global values but does not lose its Islamic identity.

Implication in the National Legal System

In many Muslim-majority countries, such as Indonesia, Egypt, or Morocco, Islamic criminal law is not applied purely but is integrated into the national legal system. Legal interpretations such as *Al-Iklīl* can serve as moral and theological references in the drafting of bills or criminal legislation based on Islamic values, a normative basis for the formation of qanun or regional regulations (such as the Qanun Jinayat in Aceh),⁴⁸ and an instrument for Islamic legal education in academic settings, religious courts, and Islamic boarding schools. However, its limitations must be balanced with contemporary ushul fiqh tools, such as the concepts of *maslahah mursalah*, *sadd al-zarī'ah*, and *istihsan*.

Al-Iklīl fī Istimbāt al-Tanzīl remains normatively and academically relevant in the development of contemporary Islamic criminal law, particularly as the foundation of substantive justice values derived from the Qur'an. However, its practical implementation requires new methodological *ijtihād*, a contextual hermeneutical approach, and integration with modern legal principles and human rights. Thus, classical exegetical works like *Al-Iklīl* do not become stagnant but rather serve as a dynamic resource in constructing a fair and contextual Islamic criminal law system.

CONCLUSION

Al-Iklīl fī Istimbāt al-Tanzīl is one of the key references in the field of legal exegesis, focusing on deriving legal rulings from the Quran (*fiqh-oriented*), including criminal verses. Al-Suyūṭī employs a combination of textual analysis, hadith, the opinions of the Companions, and the principles of *uṣūl al-fiqh* to explore the legal meanings of verses related to *hudūd*, *qisās*, *diyat*, and prohibitions against criminality.

Al-Iklīl is not merely normative but also contributes practically to the formulation of contemporary Islamic criminal law. However, its limitations – specifically its concise exposition, which is characteristic of Al-Suyūṭī's interpretive style – require further exploration through other literary sources. Overall, *Al-Iklīl* remains relevant as a theological source of legitimacy and a normative reference, while considering the socio-historical conditions of the region where the law is to be applied, in the development of fair and contextual Islamic criminal law.

⁴⁷ Moh Thamsir dkk., "Maqashid Al-Shariah Sebagai Landasan Humanis Dalam Reformasi Sistem Hukum Pidana," *Journal of Innovation Research and Knowledge* 4, no. 8 (2025): 8.

⁴⁸ Maura Pemelie Walidain dan Laras Astuti, "Implementasi Qanun Jinayat Dalam Penegakan Hukum Pidana Di Aceh," *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 2, no. 3 (2021): 3, <https://doi.org/10.18196/ijclc.v2i3.13790>.

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