

CONTRIBUTION OF ISLAMIC LAW IN REGIONAL REGULATION OF TANGERANG CITY NUMBER 8 OF 2005 CONCERNING PROHIBITION OF PROSTITUTION

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Abstract

Today the development of disobedience in people's lives is increasing and rampant. Disobedience is very varied, including theft, selling liquor, and drugs, beheading, human trafficking prostitution, and adultery. Besides this, the Tangerang city government responded by issuing Regional Regulation No. 8 of 2005 concerning the prohibition of prostitution. The data used in this study is secondary data and the type of research is descriptive. The method used in this study is a normative juridical approach. Prostitution is an insult to human dignity, especially women. Therefore, the Qur'an and the hadith of the Prophet Muhammad, which are the main sources of Islamic law, both have forbidden adultery and prostitution.

Keywords: Regional Regulation, Prostitution, Islamic Law

Abstrak

Dewasa ini perkembangan kemaksiatan dalam kehidupan masyarakat semakin meningkat dan merajalela. Kemaksiatan yang terjadi sangat beragam, mulai dari pencurian, menjual minuman keras, narkoba, pembegalan, perdagangan manusia hingga prostitusi dan perzinahan. Disamping itu, pemerintah kota Tangerang meresponnya dengan mengeluarkan Peraturan Daerah No. 8 tahun 2005 tentang larangan pelacuran. Data yang digunakan dalam penelitian ini adalah data sekunder dan jenis penelitiannya adalah deskriptif. Metode yang digunakan dalam penelitian ini adalah pendekatan yuridis normatif. Pelacuran merupakan suatu penghinaan terhadap martabat manusia, khususnya perempuan. Oleh karena itu, Al-Qur'an dan hadis Nabi Muhammad SAW yang merupakan sumber utama hukum Islam, keduanya telah mengharamkan perzinahan dan pelacuran.

Kata kunci: Hukum Islam; Pelacuran; Peraturan Daerah

INTRODUCTION

As a unitary state, Indonesia uses a decentralized system to manage its government. The decentralization system entails the central government's division of government authority and management. Some powers and management are retained by the central government, while others are transferred or assigned to the regions. Concerning territorial decentralization, the central government grants regional autonomy to the regions. In essence, the regional autonomy policy is implemented by decentralizing authority previously centralized by the central

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government. In the process of decentralization, the powers of the central government are transferred to regional governments as appropriate, resulting in a shift of power from the central government to regencies and cities throughout Indonesia.¹ This research will focus on Tangerang City, which is one of the regions in Indonesia that has been granted regional autonomy. In implementing its regional autonomy, Tangerang City enacted Regional Regulation No. 8/2005 on prostitution.

Regional regulations on prostitution are made in response to the increasing and widespread development of disobedience in public life. These disobediences range from theft, liquor sales, drugs, robbery, and human trafficking to prostitution and adultery.

Prostitution is one of the acts of adultery. Islamic law is different from conventional or positive law in addressing adultery. In Islamic law, any sexual intercourse committed without the bond of marriage (which is forbidden) is included in the category of adultery that must be given legal sanctions, regardless of whether it is for commercial purposes or not, and regardless of whether it is committed by married or unmarried people. This is the basis on which the government took the initiative to make Regional Regulation No. 8/2005 on Prohibition of Prostitution which aims to provide benefits to the community. However, it is unclear whether the regulation follows Islamic law or not. With this as a starting point, researchers will further examine the contribution of Islamic law in Tangerang City Regional Regulation No. 8/2005 on Prostitution Prohibition.

RESEARCH METHOD

The data used in the research comes from secondary sources, and the research methodology used is descriptive. The approach used in the research is normative juridical, namely by examining library materials in the form of literature and applicable formal law, which is commonly referred to as legal research.²

RESULT AND DISCUSSION

In Indonesian, Islamic law is usually translated as *al-fiqh al-islamy* or *al-syari'ah al-islamy* in certain contexts. This term is referred to as Islamic Law in the discourse of Western jurists. However, the term *hukm al-islam* is not found in the Qur'an and Sunnah. Instead, the word Islamic law is used, which is later elaborated into the term *fiqh*.³ The term "Islamic Law" is often defined in the Qur'an, which

¹ Utang Rosidin, *Otonomi Daerah dan Desentralisasi* (Bandung: Pustaka Setia, 2019), hlm. 23.

² Soerjono Soekanto, Sri Mamudji, *Metode Penelitian Hukum Normatif* (Jakarta: Rajawali Press, 2012), hlm. 12-13.

³ Zainudin Ali, *Hukum Islam* (Jakarta: Sinar Grafika, 2006), hlm. 1.

governs the life of every Muslim in all its aspects. This definition shows that Islamic law is closer to the meaning of sharia than any other definition.

The primary source of Islamic law is the Qur'an. It provides teachings on a wide range of legal issues, including civil, commercial, criminal, constitutional, procedural, economic, social, international, and other areas. In the Qur'an and hadith, the term *al-hukm al-Islam* is not found but is used together with *al-syariah*, which was later refined with the term *fiqh*.⁴

As a consequence of faith in Allah, Muslims are required to adhere to Islamic law. Therefore, Islamic law must be applied in all aspects of life, whether in individual, group, or social and state life.⁵ The ultimate realization of a Muslim's life mission is to worship Allah to the best of their ability. The establishment of a state with all its structures and authorities in the view of Islam must be aimed at the successful implementation of sharia.

Regional Regulation

Regional regulations are an elaboration of higher laws and regulations by taking into account the characteristics of each region. For the substance of the material to be following the public interest and/or higher laws and regulations, it must not conflict with these laws and regulations. After being promulgated in the regional gazette, regional regulations are subject to the jurisdiction of the authorized official. The formation of regional regulations is based on the principles of the formation of laws and regulations that broadly regulate clarity of purpose, clarity of formulation, implementability, openness, appropriate institutions or forming organs, compatibility between types and content material, as well as implementability and usability and efficiency.⁶

The procedure of Regional Regulation Formation

A well-designed regional regulation product that is aligned with the needs of the community should be developed following established procedures for preparing regional regulation. This approach ensures that the resulting product is more focused and coherent.⁷ In the formation of regional regulations, careful and comprehensive preparation is necessary, including an understanding of the content material to be regulated in the regional regulation, the ability to translate the

⁴ Muhammad Daud Ali, *Hukum Islam: Pengantar Ilmu Hukum Dan Tata Hukum Di Indonesia* (Jakarta: Rajawali Press, 1990), hlm. 23.

⁵ Muhammad Ramadhan, dkk, *Pergumulan Pemikiran Syariah Islam Di Indonesia* (Bandung: Cita Pustaka Media, 2007), hlm. 37.

⁶ Siswanto Sunarno, *Hukum Pemerintahan Daerah* (Jakarta: Sinar Grafika, 2008), hlm. 37.

⁷ Sarman Dan Muhammad Taufik Makarao, *Hukum Pemerintahan Daerah di Indonesia* (Jakarta: PT Rineka Cipta, 2001), hlm. 34.

content material concisely and clearly into regional regulations using effective and understandable language, and the ability to organize the content material systematically, following the rules of using good and correct Indonesian language.

The procedure for preparing regional regulations is a series of activities for making regional legal products, starting from planning to implementation. The formation of regional regulations is the process of making regional regulations starting from planning, discussion, drafting techniques, formulation, discussion, ratification, enactment, and dissemination.

In preparing for the discussion and ratification of draft regional regulations into regional regulations, it is very important to comply with the formation of laws and regulations. Regional regulations will be more operational if their formation is not only bound by the principle of legality as referred to in articles 136-147 of Law No. 32 of 2004 but also preceded by the formation of an academic paper. This script must be based on in-depth research into the subject and object of the law to be regulated.

Content Material of Regional Regulations

The content material of regional regulations may not regulate matters that deviate from the principle of the unitary state of the Republic of Indonesia. Article 18 paragraph (5) of the 1945 Constitution and Article 10 paragraph (3) of Law No. 32/2004 on regional government stipulate that regional regulations may not contain matters that constitute government affairs that fall under the authority of the central government. For example, the following matters are not included in the scope of regional regulations:

- 1) Foreign Policy;
- 2) Defense;
- 3) Security;
- 4) Judiciary;
- 5) National Monetary and Fiscal;
- 6) Religion.

The content material of regional regulations can contain the following principles:

- 1) Protection;
- 2) Humanity;
- 3) Nationality;
- 4) Kinship;
- 5) Civility;
- 6) Bhineka Tunggal Ika;
- 7) Justice;
- 8) Equality in law and government;

- 9) Order and legal certainty;
- 10) Balance, compatibility, and harmony.

Tangerang City Regional Regulation Number 8 Year 2005 Concerning Prohibition of Prostitution

Following Regional Regulation No. 8/2005 on Prohibition of Prostitution, prostitution is considered an act that contradicts religious and moral norms and damages the social order of society. To preserve the noble values of an orderly and dynamic community life and to prevent violations of prostitution practices in Tangerang City, it is necessary to form a Regional Regulation on Prohibition of Prostitution.

Regional Regulation No. 8/2005 contains prohibitions on prostitution, namely:

Article 2

- 1) Every person in the region, either individually or collectively, is prohibited from establishing and/or operating or providing a place and/or person to engage in prostitution.
- 2) Anyone in the region is prohibited either individually or collectively to commit acts of prostitution.
- 3) The prohibitions referred to in paragraphs (1) and (2) of this article shall also apply to places of entertainment, hotels, inns, or other places in the region.

Article 3

- 1) Any person whose attitude and behavior are suspicious, giving rise to an assumption that he/she/they are prostitutes is prohibited from being on public streets, fields, in lodging houses, inns, hotels, dormitories, residential/contract houses, coffee shops, entertainment venues, spectacle halls, at street corners or in street alleys or other places in the area.
- 2) Anyone is prohibited from making out, hugging, and/or kissing that leads to sexual intercourse, either in public places or places that are visible to the public.

Regional Regulation No. 8/2005 on prostitution prohibition also contains criminal provisions, namely: "Anyone who violates Article 2 paragraph (1) and paragraph (2) of this local regulation shall be punished with imprisonment for a maximum of 3 (three) months or a maximum fine of Rp.15,000,000, - (fifteen million rupiahs)."

Investigation of the above violations is carried out by public investigators or civil servant investigators (PPNS), who are given the following powers and obligations, as follows:

- a) Receive a report or complaint from someone about a criminal offense;
- b) Take the first action at the scene and conduct an examination;
- c) Ordering a suspect to stop and checking the suspect's identification;
- d) To confiscate objects or letters;
- e) Take fingerprints and photograph a person;
- f) Calling someone to be heard and examined as a suspect or witness;
- g) Bring in an expert who is needed concerning the examination of the case;
- h) Stop the investigation after obtaining instructions from the general investigator that there is insufficient evidence or the event is not a criminal offense and then through the general investigator notify the public prosecutor, the suspect, and his family.

Analysis of Islamic Law Contribution in Regional Regulation of Tangerang City Number 8 of 2005 concerning Prohibition of Prostitution

The term "*prostitusi*" comes from the English word for prostitution. In Arabic, the term "prostitution" means "zina" which is defined as the sale of honor.⁸ The term "zina" in Arabic is "*bai'ul irdhi*". Therefore, prostitution can also be referred to as the sale of honor, and individuals who engage in prostitution can be referred to as sellers of honor.⁹

Prostitution is an affront to human dignity, especially women. Therefore, the Qur'an and the Prophet Muhammad's hadith, which are the most important sources of Islamic law, prohibit adultery and prostitution. Prostitution is the exploitation of one's own body as a means of sexual gratification for others to make a profit. This is in contrast to adultery, which denotes consensual sexual intercourse.¹⁰

In Islamic law, zina is defined as *fahisyah*, which is an abominable act. Zina, in its most basic sense, refers to a relationship between a man and a woman that is not bound by marriage. There is another opinion on zina, although it is almost the same as the definition mentioned above, which is the root word of *zana-yazni*. Sexual intercourse between a man and a woman who is not or has not been married is considered adultery. It can be defined as a pseudo-marital bond, such as a marriage without a guardian, a mut'ah marriage, or a relationship between several men and a female slave owned jointly. Alternatively, it can also be defined as a bond of

⁸ W.J.S. Poerdarmita, *Kamus Umum Bahasa Indonesia* (Jakarta: PN Balai Pustaka, 1984), hlm. 192.

⁹ Mia Amalia, "Prostitusi Dan Perzinahan Dalam Perspektif Hukum Islam," *TAHKIM: Jurnal Peradaban Dan Hukum Islam* Volume 1, No. 1 (2018): 68-87.

¹⁰ Marzuki Wahid, *Fiqh Indonesia: Kompilasi Hukum Islam dan Counter Legal Draft Kompilasi Hukum Islam dalam Bingkai Politik Hukum Indonesia* (Bandung: Marja, 2014), hlm. 38.

ownership, where the master has ownership over his slave.¹¹ Scholars define Zina in different ways, but the substance of their definitions is almost the same, namely:¹²

1. According to the Malikiyah scholars, Zina is the act of a *mukalaf* who has intercourse with the vagina of a male child who does not belong to him in agreement (without any doubt) and intentionally.
2. According to the Hanafiyah scholars, adultery is the act of a man having intercourse with a woman inside the vagina without belonging or resembling belonging.
3. According to the Shafi'iyah scholars, Zina is the insertion of the penis into a forbidden vagina without any doubt and instinctively invites lust.
4. According to the Hanbilah scholars, adultery is an abominable act in the genitals and anus.
5. According to the Zahiriyah scholars, adultery is having intercourse with someone who is not lawful to look at, even though he knows the ruling that it is forbidden, or intercourse that is forbidden.
6. According to the Zaidiyah scholars, adultery is the insertion of the pubic into the pubic of a living person who is *haraam*, either into the genitals or anus without any doubt.

In essence, the aforementioned opinions can be summarized that Adultery is defined as sexual relations between a man and a woman who are not bound in a legal marriage. This definition covers two scenarios: (1) sexual relations between a man who is legally married to a woman but sexually involved with another woman who is not his wife, and (2) sexual relations between a woman who is legally married to a man but sexually involved with another man who is not her husband.

It can be pointed out that there is no terminology in Islamic law that explicitly or implicitly mentions prostitution. Prostitution is defined as the provision of sexual services by men or women for money and gratification. The element of "sexual services" in the definition of prostitution implies a sexual relationship between a man and a woman who are not bound in a marriage relationship, which can be equated to the element of Zina in Islamic law.¹³

Adultery can lead to the transmission of AIDS, for which there is currently no cure. The only known ways of transmitting AIDS are through blood transfusions and sexual intercourse. Therefore, the most effective method to prevent the spread of

¹¹ Isbandi Rukmindu Adi, *Psikologi Pekerjaan Sosial Dan Kesejahteraan Sosial* (Jakarta: Rajawali Press, 1994), hlm. 32.

¹² Asy Syahid Abdul Qodir Audah, *Ensiklopedia Hukum Pidana Islam* (Bogor: PT Kharisma Ilmu, 2008), hlm. 153-154

¹³ Munajat Makhrus, *Dekonstruksi Hukum Pidana Islam* (Yogyakarta: Logung Pustaka, 2004), hlm. 93.

the disease is to eliminate extra-marital affairs. The disease not only affects those who commit adultery but can also affect children and adults who have never committed adultery. Since it can be transmitted through blood relations, such as a father or mother with AIDS, the unborn child can also be infected.¹⁴

Zuhdi refers to the book *Hikmah al-tasyri wa falsafatuhu* by Imam Ali Ahmad al-Jurjawi, which identifies four negative consequences of Zina. These four things are:

1. Zina can dishonor the honor and purity of the lineage. Islam forbids adultery because Islam is very protective of the sanctity and purity of lineage.
2. Zina can transmit various diseases that can threaten the health of the perpetrator and the safety of the child who will be born.
3. Zina can break the joints of family life and can lead to divorce. This happens because a husband or wife who commits zina can cause great conflict in a family.
4. Zina can deprive innocent children of their rights as a result of irresponsible people. Because in society adulterous children are seen or given the title of illegitimate children, even though they are innocent.

Having delineated the ramifications of adultery, the researcher posits that the stipulations delineated in Article 2, paragraph (2), which prohibit any individual within the designated area from engaging in prostitution alone or conjunction with another person, are designed to mitigate the deleterious effects of adultery.

Concerning the regulation of brothels, Fathurrohman Djamil quotes al-Syatibi, according to which the purpose of Allah's law is to maintain benefit while avoiding *mafsadat*, both in this world and in the hereafter. This goal is to be achieved through *taklif*, whose implementation depends on understanding the main sources of law, namely the Qur'an and Hadith.¹⁵ Islamic law has five main objectives, namely: (1) to preserve religion, (2) to preserve the soul, (3) to preserve the mind, (4) to preserve offspring and/or honor, and (5) to preserve property. The goal of preserving religion is carried out with the laws of worship, such as believing, saying the two creeds, paying zakat, fasting in the month of Ramadan, and other acts of worship. The regulation of the soul, mind, offspring, and property is carried out by the law of *mu'amalat*. Meanwhile, the regulation of all primary legal objectives is

¹⁴ Ririn Isna Maghfiroh, "Eksistensi Fikih dalam Penerapan Hukum Zina di Indonesia," *Diktum: Jurnal Syariah dan Hukum* Volume 18 Nomor 1 (2020): 102-117.

¹⁵ Fathurrahman Djamil, *Filsafat Hukum Islam* (Ciputat: Logos Wacana Ilmu, 1997), hlm. 143.

carried out in criminal law (*jinayah*), which includes orders to spread good and prevent evil.¹⁶

The five main objectives can be categorized into three levels of importance. These levels are *dharuriyyat*, *hajiyyat* and *tahsiniyyat*. *Dharuriyyat* is the level of need that must exist. If this level is not met, then human safety will be threatened, both in this world and in the hereafter. The second level of needs, *hajiyyat*, is considered secondary. If these needs are not met, it will not threaten human safety, but it will cause hardship. The principle of Islamic law is to eliminate all hardship. The third level of needs, *tahsiniyyat*, are needs that will not threaten the existence of basic needs or secondary needs (the elimination of hardship). However, it only has the nature of feasibility/compliance under customs.¹⁷

Given the objectives of Islamic law regarding the elements and basic needs in protecting offspring or honor, where one of the legal protections is the prohibition of adultery and other matters related to it, it can be said that all forms of acts or criminal acts that are directly or indirectly related to adultery are prohibited because they are contrary to the objectives of Islamic law itself. Therefore, people who facilitate acts of prostitution should be subjected to punishments comparable to those imposed for adultery. This is a decision to be made by the authorities. In this context, the sanction for those who provide prostitution is *ta'zir*. At its core, the purpose of Islamic law is to safeguard the welfare of human life.¹⁸

Article 3 letter (h) stipulates that an investigation must be stopped after receiving instructions from the public investigator indicating that there is insufficient evidence or that the event does not constitute a criminal offense. In such cases, the public investigator is obliged to notify the public prosecutor, the suspect, and his family. In Islamic law, Article 3 letter (h) is known as *qadzaf*, which is defined as an accusation of adultery against a pious person. This act is prohibited by Allah to protect human honor, especially if the accusation of adultery is directed at a pious person who has a respected position in society.¹⁹

The imposition of the punishment of lashes in *qadzaf* depends on the fulfillment of three conditions. These conditions are as follows:

- a. The conditions that must be present in the *qadzif* (accuser of adultery) (a) Reasonable; (b) Adult; (c) In a state of endeavor, that is, not coerced by another

¹⁶ Didi Hilman, "Delik Perzinaan Ditinjau Dari Perspektif Hukum Islam," *Yustisi* Volume 1 Nomor 1 (2014): 2-9.

¹⁷ Satria Effendi, *Ushul Fiqih* (Jakarta: Kencana, Cetakan I, 2005), hlm. 235.

¹⁸ Dudi Badruzzaman, "Tinjauan Hukum Islam Terhadap Fasilitator Perbuatan Zina," *Tahkim: Jurnal Peradaban Dan Hukum Islam* Volume 3 Nomor 2 (2020): 79-94.

¹⁹ Hamzah, "Kategori Tindak Pidana Hudud dalam Pidana Islam," *Al-Daulah* Volume 4 Nomor 1 (2015): 54-77.

party. These three conditions are the main requirements for punishment. The law cannot be imposed on someone who does not fulfill these three conditions. So, if a madman, a child, or a person is forced to accuse someone else of adultery, then they cannot be sentenced to lashes. Based on the words of the Prophet Muhammad SAW.; "*the law cannot be imposed on three people namely; 1) a sleeping person until he wakes up, 2) a child until he reaches adulthood, and 3) a madman when he regains consciousness*". Then the Prophet's words also; "*the law cannot be imposed on my people who make mistakes unintentionally, forget, and who are forced*".

If the accusation of zina is made by a "*murahik puber*" (a person who is almost an adult), and if the accusation is hurtful, then the accused person is not lashed but instead is given an appropriate punishment.

- b. Conditions that must be present in the *maqdzuf* (the one accused of adultery)
(a) Reasonable; (b) Adult; (c) Free Muslim; (d) Has not committed and abstained from adultery; (e) Has genitals.
- c. Conditions that must be present in the *maqdzuf bih* (the thing made to accuse of adultery)

All statements, whether oral or written, that can be categorized as accusations of zina are: (a) Words with clear words; (b) Words with words of innuendo.²⁰

After fulfilling the requirements of *qadzaf*, then it is necessary to pay attention to the elements of the crime of *qadzaf*, as for the elements that require the imposition of punishment are as follows:

1. Allegation of adultery or removing lineage. This element can be fulfilled when the perpetrator accuses the victim of committing adultery, or an accusation that removes their lineage as long as the accuser is unable to prove what is being accused. For example, the words "you adulterer" is a specific form of speech that the accuser makes to the person accused of adultery. Meanwhile, the words "you child of an adulterer" in addition to removing someone's lineage, can also change the status of his mother as an adulterer. It should be emphasized that the form of accusations mentioned above must be spoken, that is, it does not contain any other meaning other than an accusation of adultery.
2. The object of the accusation is the *muhsan*. A person is considered a *muhsan* if he is an adult, intelligent, free, Muslim, and free from adultery. Adulthood and intelligence are two general requirements that must be met by the

²⁰ Supriani, "Jarimah Qadzaf (Menuduh Zina) Studi Komparasi Hukum Pidana Islam dan Hukum Positif Indonesia," *Darussalam: Jurnal Pemikiran Hukum Tata Negara Dan Perbandingan Hukum* Volume 2 Nomor 1 (2021): 1-17.

perpetrator in every criminal case but are not required for the victim. However, in the crime of *qadzaf*, the *fuqaha* requires the victim to be of legal age and reasoning. If the victim is a *muhsan*, the perpetrator must be sentenced to hudud. The reason for requiring the victim of *qadzaf* to be of age and sound mind is that the victim is accused of adultery, and the crime of adultery does not occur except in people of age and sound mind.

3. Intent against the law. The element against the law in the *jarimah qadzaf* can be fulfilled if someone accuses another person of adultery or deprives him of his lineage, even though he knows that the accusation is not true.

The unlawfulness of the offense of *qadzaf* depends on the internal disposition of the accused, which is a component of the subjective element. It is important to underline that even if the formulation of the offense does not include an unlawful element, it does not rule out the possibility that the act is not unlawful. As long as there is a text that prohibits and violates the norms that exist in society, then the act is still classified as an element against the law.²¹

The punishment for the perpetrator of *qadzaf* is mentioned in Surah an-Nur: 4 and 13 which means:

And those who accuse chaste women and then do not produce four witnesses - lash them with eighty lashes and do not accept from them testimony ever after. And those are the defiantly disobedient. (Q.S. an-Nur: 4).

Why did they [who slandered] not produce for it four witnesses? And when they do not produce the witnesses, then it is they, in the sight of Allah, who are the liars. (Q.S. an-Nur: 13).

The accusation referred to in these two verses is "accusing adultery". This can be understood by considering the topic mentioned in the previous verses or by considering the content of the verse that mentions the need for four witnesses. The requirement of four witnesses is limited to the issue of accusing adultery. Whereas in other cases such as marriage and *zhihar*, in other verses only two witnesses are required.²² This verse includes phrases and words such as "O adulterer or son of adultery, or you are not your father's son." These phrases and words lead to the imposition of the sanction of flogging on the accuser. This is an obligation imposed on the accuser based on the request or complaint of the accused. The sanction of

²¹ Erha Saufan, "Jarimah Qadzaf Dalam Sistem Pidanaan Islam," *Lentera: Indonesian Journal Of Multidisciplinary Islamic Studies* Volume 2, No. 2 (2020): 165-174.

²² Al Razi, Muhammad Ibn Umar, *Mafatih Al-Ghaib* (Beirut: Dar Ihya at-Turats al- Araby: 1420 H) Jld: 23. hlm. 320.

eighty lashes can be waived if the accused forgives the accuser by not prolonging the matter.²³

The two verses explain the level of sanctions for accusers (adultery accusers) in three categories, with the first category being "flogged eighty times", the second "not accepted testimony", and the third "categorized as *fasiq*". *Fasiq* status becomes an exception when the person concerned has repented, as expressed in verse 5. *Fasiq* is a label given to a person who commits sins continuously until he repents. The protection afforded by this verse to the accused victim is a clear indication that any accusatory statement should be avoided, as it may result in the unjust accusation of an innocent person or the acquittal of the real perpetrator.²⁴

CONCLUSIONS

Considering the objectives of Islamic law regarding the basic elements and needs in protecting offspring or honor, where one of the legal protections is the prohibition of adultery and other matters related to it, it can be said that all forms of actions or criminal acts that are directly or indirectly related to adultery are prohibited because they are contrary to the objectives of Islamic law itself. Islam's objective to protect human honor has high relevance to the prohibition of prostitution as regulated in Tangerang City Regional Regulation No. 8/2005 on Prohibition of Prostitution.

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²³ Al-Mawardi, Ali Ibn Muhammad, *An-Nakt Wa Al-Uyun* (Beirut: Dar al-Kutub al Ilmiyyah: Tt) Jld: 4, hlm. 74.

²⁴ Sayyid Quthub, Ibrahim Husain Al-Syariby, *Fi Zhilal al-Quran* (Beirut: Dar Al-Syuruq: 1412 H) Jld: 4, hlm. 2490.

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