

Perspective Imam Madzhab on Bughat Elements

Unsur-Unsur Bugahat dalam Pandangan Imam Madzahab

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ABSTRACT

The research objective in this article is to discuss the elements of the bughat radius according to Imam Ahmad bin Hanbal. The results showed that the elements of Jarimah Bughat were three actions which could show the act as an act of Jarimah Bughat. The three elements are acts of rebellion and not obeying the provisions of the Caliph, acts of rebellion carried out by prioritizing power, and having the goal of taking legitimate power.

Keywords: bughat, jarimah; hanbali priest

ABSTRACT

Tujuan penelitian dalam artikel ini adalah untuk membahas tentang unsur-unsur jarimah bughat menurut perspektif imam madzahab dalam Islam. Hasil penelitian menunjukkan bahwa unsur-unsur jarimah bughat ada tiga tindakan yang dapat menunjukkan perbuatan sebagai sebuah perbuatan jarimah bughat. Ketiga unsur tersebut adalah adanya tindakan pemberontakan dan tidak mematuhi ketentuan Khalifah, tindakan pemberontakan dilakukan dengan cara mengedepankan kekuatan (power), dan memiliki tujuan untuk pengambilan kekuasaan yang sah.

Kata Kunci: Bughat, Jarimah, Imam Hanbali

INTRODUCTION

The development of the international world today is inseparable from various kinds of problems, both in the international sphere, in the transnational sphere, and in the Indonesian national scope. One of the growing problems is the increasing number of rebellions that occur in the territory of the state under transnational or national authority. In the history of the development of Indonesia, of course we know that there are several histories of rebellion which the Indonesian people have and will continue to remember. The most memorable records of these rebellions are the G30S/PKI Rebellion, the Permesta Rebellion, the PRRI Rebellion, the PKI Rebellion in Madiun, the DI/TII Rebellion, the GAM Rebellion, the OPM Rebellion, and the South Maluku Republic Rebellion (Sahroji, 2019).

The history of the PKI rebellion took place on September 30, 1965, which took place in the early hours of the morning. Until now, the issue of G30S / PKI is still a hot issue and continues to grow, in line with the massive size of the current Neo-PKI movements (CNN, 2019). A statement from one of our figures who is currently in the spotlight has attracted the attention of the public to find out more about the development and existence of Neo-Communism - PKI at this time.

This shows that the form of rebellion that occurred in the past, as in the history of the G30S / PKI, experienced changes in terms of forms and efforts and ways of carrying out rebellions. The efforts and forms of the Neo-Communism-PKI rebellion are currently carried out in a subtle manner and are targeting and entering the governance structure both in the legislative and judicial circles. One of the obvious images that Neo-Communism has infiltrated the government

environment is the presence of a figure from a Legislative Member who openly claims that he is proud to be a child of the PKI (Yaqin, 2019).

These rebellious movements in Indonesia are of course in various ways and forms, either subtly or openly committing acts of violence by attacking civilians or law enforcement officials. Most of the issues that have developed and occurred are almost prevented by reasons of religion, ethnicity and race which have a large share of a group having extreme views on the government of the Indonesian state.

Another form of rebellion that was carried out subtly was by openly carrying out attacks on several government instruments and civilians in the rebel territory. One of the most prominent issues is the Armed Separatist Group (KSB) or the Armed Criminal Group (KKB) (Permata et al., 2019). It is not impossible if these actions are left unchecked it will cause the seeds of rebellion in various other parts of Indonesia. So that in this case the government needs to be firm in making efforts either preventive or repressive in overcoming any indication of a rebellion.

According to Shafi'i (2017) said that al-Bughot was a traitor to the nation by betraying the country using force accompanied by military force and against security and against the government. The results of these studies indicate that in carrying out *ijtihad* it is certain that there will be disagreements between policy makers. In determining the status of al-Bughot, the scholars, including the four prominent madzhab imams in the field of *mujtahid*, there are different paradigms for determining the category of *bughat*.

Elwa Imeldatur Rohmah, in his article entitled *Bughat Concept according to Al-Mawardi and Fiqh Tradition* (Rohmah, 2019). The results of the research of the article show that Al-Mawardi gave an explanation of the term *bughat*, which are Muslims who leave the community and are loyal to the Imam who has justice, either for political purposes or because of mistakes in manifesting belief in understanding religion. Al-Mawardi argued against the indisputable obedience to an Imam, but in this case also he did not specify a clear legal procedure in handling *bughat* fingers.

Imam Mawardi (Shafi'i, 2017) revealed that the act of treason can be categorized as an act of *buggy* if the act has met four conditions, among others: (a) They have a large number so that they cannot be defeated but must be through war; (b) They exile or get out of a just government. Like Jamal's war group; (c) They oppose the legal government by means of *ta'wil* or invite the causes to get out of the legal government. Like the case of the Jamal war where they demanded Saidina Ali to investigate who was the real killer of Usman bin Affan; (d) They have a priest or leader who must be obeyed and obey their commands.

Meanwhile, according to Riswadi (2014), said that there is no clarity that can legally provide the types of criminal threats that can be given to a *bughat* offender. The reason put forward is that there are still many conditions that need to be identified accurately, on the other hand this is the cause of the obstacle in efforts to mention the legal status of the criminal offense.

From several research results that have been submitted by previous researchers, this article will emphasize more on the elements contained in the *bughat* radius according to Imam Ahmad bin Hanbal (Abu Hanifah), referring to Abu Hanifah's argument about *bughat* as a person who has come out of obedience. against the just priest.

RESEARCH METHODS

This research uses a qualitative approach. The qualitative approach to the literature study carried out in this research is by reviewing various international and national journals, as well as sources from books and documents, such as laws related to research topics. The journal search is focused on research topics, including the views of the scholars on the category of criminal offenses (Sahroji, 2019).

PERSPECTIVE OF IMAM MADZHAB ON BUGHAT ELEMENTS

The term *bughat* based on (Lafadz) comes from the Arabic word (*bago*) with the meaning of the word (*dzalama*) which means wrongdoing, oppressing (Muthohar, 2005). Another view of the term *bughat* comes from the word (*bago-yabgi-bagooan*) which means that you want something (Yunus, 1989). Based on the history of the development of the term *bughat*, that is when in the period of friends who experienced acts of rebellion, such as during the time of Caliph

Ali bin Abi Talib in the battles of the Shiffin war and the Jamal War. This is reinforced as stated by Imam Shafi'i "I took (the law) about the bughat war from Imam Ali Rodhiyallahu 'anhu".

The Shafi'iyah cleric gave an explanation of the bughat as a group of Muslims who violated the Imam by disobeying the government and escaping from obligations by using force and argumentation and having a leader (Santoso, 2003).

Hanafiyah Ulama there are conditions that become criteria for acts that are classified as bughah crimes. First, there is an act against the government. Second, have reasons to oppose the government. Third, have the power of arms, and fourth, the act is carried out in an anarchist way (Hasyiyah, 1966).

Ulama among the Malikiyyah, "rebels are a form of rejection of their obedience to someone who is considered legitimate to become a leader not because of immorality by resisting, but with strong arguments (takwil) among the Hanfiyah clerics, the explanation of al-Bughat, which means a group of Muslims who oppose the head of state or his deputy, this opposition is done because he rejects the obligatory truth of a group of Muslims or because it aims to change his leadership (Irfan et al., 2013).

Malikiyah also held similar views to the Hanafiyah circles. It's just that what becomes a consideration and appears to be differences among the Malikiyah is that when limiting the conditions for bughah's actions it is limited to an attitude against the government, even though the type of punishment specified is had or qishas (Al-Qurtubi, 1992).

The view of the Hanbilah Ulama illustrates that the rebels are a group that is out of position against the ruler. On the other hand Syafi'iyah, Imam Ramli argued that the rebels were a group of Muslims who disobeyed the government (rulers) by going out and rejecting the truth that was shown to them, on the condition that there were strengths and figures to be followed among them. The Fuqaha are of the opinion that al-Bughat as someone opposes the authorities, that person comes out and refuses all forms of obligation that should be done (Irfan, et al., 2013). Two categories that can be developed from the opinion of shafi'iyah are first, the existence of a refusal to carry out their obligations as citizens, and second, the intention to overthrow the government by using force.

The opinion of the Hanafiyah scholars means that bughat is out of obedience to a legitimate imam (head of state/government), in an incorrect way. Hanabilah's opinion is a group of people who oppose the ruler/government, including the wrongdoers, because of differences in understanding. They have power although not under the command of a leader. From some of the arguments about the bughat put forward by the mujtahid, it is that rebellion is defined as rebellion against the head of state (imam) by using force based on argument or reason (takwill) (Muslich, 2005).

Bughat has the same meaning as a boarding house (hirabah), with the similarity that carrying out an act of chaos in a government environment (state). But judging from the underlying purpose, the two are very different. Hirabah only aims to create chaos and disturb the security of the earth without using reasons (ta'wil), while bughats in their actions are based on political reasons. More explicitly, bughat is an act carried out by creating chaos and disturbing security, which aims to take over power and to overthrow the legitimate government (Muslich, 2005:106).

Based on the definition of bughat, the criteria for acts that fall into the bughat category can be taken: (a) having strength with a large number of followers who are accompanied by weapons; (b) having clear reasons for committing acts of rebellion, with the desire to get out of leadership and opposing government policies by rejecting the obligations that are ordered to him, and (c) the existence of a leader who is always obeyed to carry out a rebellion.

Some opinions regarding the terminology of bughat as raised by the mujathi, then Abdul Qadir Al-Audah give an inference about the elements of the bughat's finger that is leaving the leadership of the state, by putting up a resistance. Jarimah bughat has three important pillars to determine its criteria, namely (a) rebelling against a legitimate and sovereign leader of the state; (b) being carried out demonstratively; (c) including a criminal act (Audah, 2005).

The elements of Jarimah bughat according to Imam Ahmad Hanbali (Abu Hanifah) are first, the existence of insubordination by members of the community led by a leader, second using

power, and third, there is a goal to be achieved, namely taking power (Slenda, 2009). The first element put forward by Imam Ahmad bin Hanbal is the existence of insubordination by members of the community led by a leader. The existence of acts of rebellion committed against the leadership of a caliph (imam) known as al-khuruuj 'ala al-imam. This is based on their disobedience to the government or rejecting the leadership of a government, such as refusing to fulfill their obligation to pay zakat.

This first requirement is not clearly stated (sharih) in surah al-Hujurat verse 9, the verse only does not give a literal definition of "rebellious against the Imam" but has been covered based on the generality of the verse, or because the verse demands it, because if war was demanded because of the tyranny of one group over another, then the tyranny of one group against the priest was more certainly demanded (Zakaria, p153).

The second condition, as stated by Imam Ahmad bin Hanbal, is to use power, to have the power that allows a group of bughats to be able to exercise domination. This power can be in any form so as to invite the bughat group to disobey the government. The effort that the caliph needs to do is to do all kinds of things to be able to provide awareness in order to return to obeying the Caliph, for example spending large funds, preparing troops and preparing for war.

The third element is that there is a goal to be achieved, namely the taking of power. The rebellious act carried out by the bughat is to be able to take power by force by means of an illegitimate and unjustified way. Any reasons and goals carried out by rebel groups are carried out solely for the purposes of certain groups, not for the benefit of the ummah of one government.

Of the three elements, it can also be determined the characteristics of the group of people who rebelled against the Caliph: (a) people who opposed the Imam indirectly, namely people/groups either possessing power or power or not; (b) people or groups who directly oppose the Faith, whereas they have no strength or weakness; (c) those who oppose the Imam directly while they have power.

The third characteristic is also divided into two types: *first*, people who come out of their madzhab to shed the blood of fellow Muslims then take their property, take women captive and deny some of the Companions of the Prophet. *Second*, people who leave the Imam directly they have the power and power, but this second group does not include people or groups who leave the school, they do not commit murder, do not take property and do not commit women- Muslim woman (Qudamah, 1992).

The concept of punishment includes three important aspects which include prevention which means making every effort with the existence of these sanctions, everyone who has the intention to commit a crime will feel afraid of the existing sanctions. An important aspect of punishment is an educational aspect with the aim of providing an understanding to every Muslim that when committing a crime, the consequences of a crime are dangerous and the consequences are very heavy.

According to Imam Syafi'i and Imam Abu Hanifah and his followers, the punishment for the perpetrators of the bughat crime is to be fought, as in Surah al-Hujurat verse 9. This punishment can be carried out after the preparation of the perpetrators of the rebellion appears, even though they have not yet carried out an act of scattering. Imam Abu Hanifah in imposing sanctions tends to be less severe in treating the perpetrators of bughat crimes.

CONCLUSION

The elements of the bughat radius put forward by Imam Ahmad bin Hanbal have a clear and clear concept to characterize and classify all forms of rebellion efforts, both elements of disobedience committed by members of the community led by a leader, using power, and there are objectives to be achieved by taking power from a legitimate and just government.

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- Al-Qurtubi. (1992). *al-Kafi fi Fiqh ahl al-Madinah al-Maliki*, (Beirut: Dar al-Kitab al-'Ilmiyah, 1992), p. 222. Even so, the main reasons that must be owned and become a condition of the bughah's actions, according to the Malikiyah circles, are because the bughah perpetrators have territory, weapons, command, and act anarchically.
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