

The Concept of Ta'zir in Fiqh Jinayat and Its Relevance to Traffic Ticket Sanctions in Indonesian Traffic Law

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Abstract

This study aims to examine traffic ticket sanctions from the perspective of *fiqh jinayat*, with a particular focus on the concept of ta'zir as a form of punishment that is flexible and delegated to the discretion of the ruling authority (*ulil amri*). In the context of traffic law in Indonesia, traffic fines are implemented to enforce order and reduce violations that may endanger public safety. This study focuses on how *fiqh jinayat* provides a normative foundation for the enforcement of traffic sanctions and its relevance within Indonesia's positive legal system. This study uses a qualitative normative-sociological approach to examine how ta'zir-based traffic sanctions shape public legal awareness and influence community compliance with traffic regulations. The analysis uses an explanatory method to explore the correlation between the principles of ta'zir and modern traffic law policy. The findings demonstrate that *fiqh jinayat* positions traffic sanctions within the framework of *maslahah*, aiming to protect life (*hifzh al-nafs*) and property (*hifzh al-mal*). Traffic ticket penalties in Indonesia, such as fines for not wearing helmets, license suspensions for reckless driving, or vehicle impoundment for driving without valid

documents, can be classified as ta'zīr punishments. These sanctions function preventively by deterring future violations and repressively by disciplining offenders to maintain social order. This study affirms that the principles of fiqh jināyāt, particularly the concept of ta'zīr, can serve as an ethical and normative foundation for enforcing traffic ticket sanctions within Indonesia's positive legal system. Such integration is essential for strengthening justice, promoting road safety, and ensuring collective welfare in Indonesian society. This study contributes to the development of contextual Islamic law, particularly through the integration of maqāṣid al-sharī'ah values with the modern legal system to strengthen public compliance with regulatory norms.

Keywords: Traffic Ticket Sanctions, *Fiqh jinayat*, Ta'zir Concept, Traffic Law

Introduction

The development of science and technology has significantly transformed various aspects of human life, including transportation and traffic systems. Transportation plays a vital role in supporting population mobility and the distribution of goods, ultimately contributing to the economic growth of a nation. Alongside the rise in the number of motor vehicles, various traffic regulations have been introduced to ensure order and safety on the roads.¹ However, empirical evidence indicates that public awareness and compliance with traffic rules remain relatively low. This is evident from recent traffic accident statistics: in 2023, the Indonesian National Police recorded 139,087 accidents (94.71%) attributed to human error. Meanwhile, Pusiknas reported 414,356 traffic violations captured by ETLE cameras in the same year.² These numbers underscore that human negligence remains the dominant factor in traffic incidents, strengthening the argument for a sociological framing of this study.³

In the context of Islamic law, traffic order can be associated with the concept of *fiqh jinayat*, which governs various forms of sanctions for violations within society.⁴ One of the types of punishment in *fiqh jinayat* is ta'zir, which refers

¹ Mulyadi Rinto Yulianto, T.N. SYamsah, "Application Traffic Management Task," *DE'RECHHTSTAAT* 1, no. 1 (2015): 2.

² Pusiknas Polri, *Jurnal Pusat Informasi Kriminal Nasional (Pusiknas)* (Jakarta: Jurnal Pusiknas, 2023).

³ C. E. Havârneanu, G. M., & Havârneanu, "When Norms Turn Perverse: Contextual Irrationality vs. Rational Traffic Violations," *Transportation Research Part F-Traffic Psychology and Behaviour* 15, no. 2 (2012): 144–151, <https://doi.org/10.1016/j.trf.2011.12.003>.

⁴ Sunarto Sunarto, "Konsep Hukum Pidana Islam Dan Sanksinya Dalam Perspektif Al-Qur'an," *Kordinat: Jurnal Komunikasi Antar Perguruan Tinggi Agama Islam* 19, no. 1 (2020): 97–112, <https://doi.org/10.15408/kordinat.v19i1.17176>.

to penalties whose form and severity are determined by the authorities (*ulil amri*) to uphold public welfare (*maslahah*).⁵ This concept is particularly relevant to the implementation of traffic ticket sanctions in Indonesia's legal system, which aims to deter traffic violations, prevent accidents, and maintain social order. From an Islamic perspective, adherence to traffic regulations is not merely a legal obligation imposed by the state but is also a religious duty that emphasizes the preservation of life (*hifz al-nafs*) and property (*hifz al-mal*).

Despite the presence of numerous regulations, traffic violations remain widespread, ranging from running red lights and failure to wear helmets to reckless speeding. This indicates the need for a more comprehensive approach to improving public compliance with traffic rules. One such approach is strengthening Islamic legal values within traffic law policies. This can be achieved by promoting Islamic teachings that emphasize obedience to regulations as part of one's obedience to Allah and His Messenger.

Several previous studies have examined the relationship between Islamic law and traffic regulations. For instance, some works discuss the Muhammadiyah perspective on traffic rules, while others highlight Islamic ethical guidance for promoting road safety and compliance.⁶ There are also studies that analyze traffic violations from the perspective of *maqāṣid al-sharī'ah*, emphasizing the protection of life (*hifz al-nafs*) as a fundamental objective. However, these studies generally focus on ethical, social, or *maqāṣid*-based arguments without explicitly engaging with the concept of *ta'zir* as developed in *fiqh jināyāt*. This gap leaves open the question of whether *ta'zir*, as a flexible punitive measure in Islamic criminal law, can provide a normative foundation for state-imposed sanctions such as traffic tickets in Indonesia. The novelty of this research lies in its attempt to bridge Islamic criminal law, particularly the *ta'zir* concept, with positive traffic law in Indonesia, offering a new framework that not only justifies traffic ticket sanctions normatively but also enhances their legitimacy within the perspective of Islamic jurisprudence.

The research employs a qualitative method using a normative–empirical approach.⁷ The normative approach examines Islamic legal sources and traffic regulations, while the empirical approach is applied to analyze the implementation of traffic ticket sanctions and their effectiveness in promoting public compliance.

Data collection was carried out through library research, encompassing the review of legal documents, scholarly fatwas, and previous studies related to traffic law and *fiqh jinayat*. Secondary data were obtained from relevant agencies such as

⁵ Kasjim Salenda, "Hukum Islam Indonesia Sebagai Role Model Islam Nusantara," *Al-Ulum* 16, no. 1 (2016): 229–45.

⁶ Salenda.

⁷ Endah Marendah Ratnaningtyas et al., *Metodologi Penelitian Kualitatif* (Sigli Pidie: Yayasan Penerbit Muhammad Zaini, 2023).

the police and transportation departments to understand patterns of traffic violations against existing regulations.

The data were analyzed using a descriptive-analytical method, highlighting how *fiqh jinayat* offers a normative foundation for imposing sanctions on traffic violators. The analysis applied a comparative approach to identify the alignments and differences between Islamic law and positive law in relation to traffic ticket sanctions. The findings of this study are expected to contribute to the development of a more just legal policy by integrating Islamic legal principles into the national legal system, particularly in the area of traffic law enforcement.

Discussion

The Philosophical Foundation of Traffic and Its Relation to Islamic Criminal Jurisprudence

In general terms, “traffic” refers to the movement of vehicles and pedestrians on roads. This includes land-based transportation such as cars, motorcycles, buses, trucks, as well as bicycles, pedestrians, and other road users. Traffic is governed by a set of rules and regulations designed to ensure safety and efficiency in road use.⁸ Effective traffic management is crucial in preventing congestion, accidents, and other issues that may arise from the interaction between different road users.⁹ According to Law No. 22 of 2009 on Road Traffic and Transportation in Indonesia, traffic is defined as the movement of vehicles and people within road traffic spaces.

Traffic represents the interaction of several components and behaviors that shape traffic conditions. These components typically include four elements: road users (humans), vehicles, roads as the physical medium of movement, and the surrounding environment. The human component relates to character and behavior in response to road situations, driving awareness, and moral responsibility in traffic conduct.

According to the U.S. Department of Transportation (DoT), traffic congestion may have three primary sources. The first involves incidents that impact traffic, such as accidents, construction zones, and adverse weather conditions. The second relates to traffic demand, meaning routine fluctuations in traffic volume or special events. The third source pertains to transportation infrastructure, including traffic control devices and physical bottlenecks. These

⁸ Desi Albert Mamahit et al., “Management for Lombok Strait with Traffic Separation Scheme (TSS) and Particularly Sensitive Sea Area (PSSA) to Implement the IMO Regulations,” *Technium Social Sciences Journal* 9 (2020): 405–12, <https://doi.org/10.47577/tssj.v9i1.1073>.

⁹ L. A. De Souza, A. M., Brennand, C. A., Yokoyama, R. S., Donato, E. A., Madeira, E. R., & Villas, “Traffic Management Systems: A Classification, Review, Challenges, and Future Perspectives,” *International Journal of Distributed Sensor Networks* 13, no. 4 (2017), <https://doi.org/10.1177/1550147716683612>.

infrastructure-related issues account for approximately 40% of overall traffic congestion, followed by traffic incidents such as vehicular accidents (25%), poor weather conditions (15%), construction zones (10%), and inadequate signal timing or special events (each contributing 5%)¹⁰

The vehicle component refers to the means of transportation used by road users, while the road component involves the design and construction of roadways as shared spaces for users. The environmental component includes natural conditions such as inclement weather or natural disasters. These four components collectively determine the level of safety and efficiency in traffic flow.

From the perspective of Islamic legal thought, traffic behavior and ethics on the road are addressed within the framework of Islamic criminal jurisprudence (*fiqh jinayat*). With the advancement of technology and the growing number of vehicles, the understanding and application of Islamic legal principles in the context of modern traffic become increasingly relevant.¹¹ Classical Islamic texts did not specifically address traffic regulations, as modern vehicles and traffic systems did not exist during the early Islamic period. However, principles relevant to traffic conduct can be derived from various chapters within Islamic jurisprudence, depending on the issue at hand.¹²

The legal foundation for traffic regulations in Islam is rooted in the Qur'an, Hadith, and the concept of *maslahah mursalah* (public interest).¹³ Obedience to traffic laws is viewed as part of one's duty to obey Allah and His Messenger. In this regard, Islamic traffic jurisprudence (*fiqh al-murur*) refers to the body of Islamic legal knowledge that promotes persuasive compliance with traffic rules. Its ultimate goal is to safeguard and enhance the quality of life for Muslims while navigating public roads.¹⁴

Traffic Regulations and Their Implications from the Perspective of Islamic Law

According to traffic regulations, every motor vehicle driver is required to possess a valid driving license (*Surat Izin Mengemudi*) in accordance with the type of motor vehicle being operated, as stipulated in Article 77 paragraph (1) of Law No. 22 of 2009. This regulation mandates that all individuals who operate a motor

¹⁰ De Souza, A. M., Brennand, C. A., Yokoyama, R. S., Donato, E. A., Madeira, E. R., & Villas.

¹¹ Muhammad Yasir et al., "The Legal Protection for Wives in Murder Cases : An Islamic Law and Positive Law Perspective," *Pena Justisia* 24, no. 1 (2025): 122–39.

¹² A. Sondani, D., Gaussyah, M., Khairuddin, M., Gani, I., Hum, M., Munir, B., Saiful, T., Sarong, H., Idami, Z., Gani, T., & Safwandy, *Fiqh Berlalu Lintas* (Banda Aceh: Bandar Publishing, 2021).

¹³ R. Fariadi, "Menggagas Fikih Lalu Lintas Perspektif Manhaj Tarjih Muhammadiyah," *Tarjih: Jurnal Tarjih Dan Pengembangan Pemikiran Islam* 16, no. 1 (2019): 61-80.

¹⁴ A. M. Ghozali, M. L., Umam, M. H., Iwanebel, F. Y., Sulanam, S., & Nazal, *Fiqh Lalu Lintas: Tuntunan Islam Dalam Berkendara Secara Aman*. (Surabaya: UIN Sunan Ampel Press, 2019).

vehicle on public roads must hold a driving license appropriate to the vehicle category. A driving license serves several purposes: it functions as an identification document, allows for the legal seizure of the license in the event of traffic violations or accidents, and acts as proof that the driver possesses the skills necessary to operate a motor vehicle responsibly, thus minimizing the risk of accidents or violations, especially when the driver uses safety gear such as helmets and practices safe riding habits.¹⁵

Law No. 22 of 2009 provides a comprehensive framework for ensuring traffic discipline, outlining clear obligations for road users that encompass attentiveness, compliance with traffic signs, use of standardized safety equipment, and adherence to movement regulations. These provisions require motorists to operate vehicles with full concentration, prioritize yellow box markings during congestion, wear nationally standardized helmets, keep motorcycle headlights on during the day, follow all forms of traffic control, from signs and signals to speed limits and parking rules, and use the left lane in accordance with established norms. Such regulations reflect not only technical rules of road safety but also an effort to shape responsible civic conduct in increasingly complex urban environments. Likewise, traffic governance extends to the process of obtaining a driving license, which must follow state procedures and competency-based examinations. From an Islamic legal-ethical perspective, adherence to these regulations forms part of the obligation to obey lawful authority (*ulī al-amr*) in matters that promote public welfare (*maṣlahah*). Contemporary governance challenges, such as corruption, administrative shortcuts, and the persistence of bribery, underscore the importance of integrity within the licensing process. Practices like obtaining a license without completing required tests, accelerating processing through illicit payments, or displacing the rights of qualified applicants constitute forms of *riswah* that undermine both legal legitimacy and collective safety. In the broader context of modern transportation systems, such violations not only erode trust in regulatory institutions but also contribute to higher accident risks by allowing unqualified drivers onto the road. Therefore, both statutory compliance and ethical integrity are essential components of an effective, accountable, and Islamically sound traffic governance system.¹⁶

Therefore, bribery in traffic enforcement is strictly impermissible. When a person is caught violating traffic rules, there are two lawful courses of action: paying a formal fine or undergoing a legal process through the court system, following the issuance of an official traffic violation ticket by the police.¹⁷ From

¹⁵ Muh.Indra Bangsawan Alim, Candra Nur, “Juridical Review Of Traffic Violations Committed By School Children (Case Study of High Schools in Surakarta City),” *International Conference Restructuring and Transforming Law 2*, no. 1 (2023): 79–85.

¹⁶ Ghozali, M. L., Umam, M. H., Iwanabel, F. Y., Sulanam, S., & Nazal, *Fiqih Lalu Lintas: Tuntunan Islam Dalam Berkendara Secara Aman*.

¹⁷ Ghozali, M. L., Umam, M. H., Iwanabel, F. Y., Sulanam, S., & Nazal.

the perspective of *fiqh jinayat* (Islamic criminal jurisprudence), maintaining safety while driving, commonly known as “safety riding”, is part of the principle of *hifz al-nafs* (preservation of life), which is one of the core objectives (maqasid) of Sharia.¹⁸ Islam mandates that human life be safeguarded to the fullest extent, and any act that endangers one's own life or the lives of others is considered a transgression against Islamic law. Ignoring traffic safety regulations can result in accidents causing injury or death, which in Islamic criminal law may lead to legal consequences such as qisas (retributive justice) or diyyah (blood money), depending on the degree of negligence and resulting harm. Accordingly, every driver bears both a moral and legal responsibility to observe traffic rules, including the use of protective equipment and the avoidance of hazardous behavior that may endanger oneself or other road users.

Furthermore, criminal acts committed on the road, such as the exploitation of traffic rules for personal gain, acts of intimidation, and organized crime, constitute violations of *hifz al-mal* (protection of property). Islamic criminal law emphasizes that all forms of theft, robbery, or actions that infringe upon another person's property rights are subject to ta'zir (discretionary punishments) or even hudud (fixed punishments), provided the legal conditions are met. Road crimes not only result in material losses to individuals but also contribute to a general sense of insecurity within society.¹⁹ Therefore, Islamic law obliges every individual not only to preserve personal safety but also to uphold justice and public order, including in the realm of traffic behavior.

Traffic Ticket Sanctions as *Ta'zir* in the Perspective of Islamic Criminal Jurisprudence

1. *Ta'zir* as the Basis for the Application of Traffic Ticket Sanctions

The concept of *ta'zir* refers to a form of punishment imposed by the ruling authority based on considerations of public interest and general welfare (*maṣlahah*). Unlike ḥudūd, which are fixed punishments outlined in the Qur'an and Hadith, or *qisās-diyāt*, which relate to violations against individual rights, *ta'zir* is more flexible and may be adapted to social context and preventive aims.²⁰ In Islamic law, the main objective of implementing sanctions is to ensure public

¹⁸ Akhmad Sukris Sarmadi et al., “Criminal Liability of Children from the Perspective of Islamic Law and Positive Law in Indonesia,” *AT-TURAS: Jurnal Studi Keislaman* 10, no. 1 (2023): 116–27, <https://doi.org/10.33650/at-turas.v10i1.5497>.

¹⁹ Ahmad Syarbaini, Andi Hakim Lubis, and Muhammad Faosan Dohae Bin Abdulsomad, “The Concept Of Corruption According To The Perspective Of Islamic Criminal Law,” *Journal of Mujaddid Nusantara* 1, no. 1 (2024): 19–28, <https://doi.org/10.62568/jomn.v1i1.98>.

²⁰ Nasrullah, *Konsep Ancaman Pidana Ta'zir Dalam Fiqih Syafi'iyah (Analisis Terhadap Qanun NAD Nomor 14 Tahun 2003)* (Banda Aceh: Pustaka Buku, 2006).

welfare and prevent actions that may harm individuals or society at large.²¹ Therefore, within the context of traffic law, ticket sanctions (*tilang*) can be categorized as *ta'zir*, as they are intended to prevent the dangers that may arise from violations of traffic regulations.

Ta'zir in Islamic jurisprudence encompasses a wide range of disciplinary actions, including warnings, fines, imprisonment, and other corrective measures with an educational nature.²² In the context of traffic law, ticket sanctions typically take the form of fines or administrative penalties imposed on violators. These penalties are not merely repressive but also carry an educational function to raise public awareness regarding the importance of traffic discipline.²³ The implementation of ticket sanctions aligns with a fundamental principle in Islamic jurisprudence: preventing mafsadah (harm) and promoting *maṣlahah* (benefit). Thus, traffic ticketing policies enacted by the state possess a strong legal foundation both in positive law and Islamic criminal jurisprudence.

The Qur'an outlines various verses that emphasize the importance of prevention and legal enforcement to maintain social order. One key concept relevant to *ta'zir* in traffic regulation is *sadd al-dharī'ah* (blocking the means), which aims to prevent actions that could potentially cause harm.²⁴ For instance, failing to wear a helmet or exceeding speed limits may result in fatal accidents. In such cases, the enforcement of ticket sanctions aims to prevent accidents and protect the safety of road users, thereby justifying their classification as legitimate forms of *ta'zir* under Islamic law. Moreover, the Prophet Muhammad (peace be upon him) stated the principle: *lā ḍarar wa lā ḍirār* (do not inflict harm upon yourself or others), emphasizing the prohibition of actions that could endanger others, including within the context of traffic behavior.²⁵

The application of *ta'zir* in traffic law is also connected to the concept of *maṣlahah mursalah*, which refers to public interest not explicitly mentioned in scriptural sources yet still deemed relevant for societal well-being. Traffic regulations such as the requirement to possess a driver's license (SIM), the use of seatbelts, and the prohibition against running red lights are examples of *maṣlahah*

²¹ Karimuddin Abdullah, "Perilaku Lesbian, Gay, Bisexual Dan Transgender (LGBT) Dalam Pandangan Al-Qur'an Dan Hadis," *Al-Mizān* 3, no. 2 (2016): 101–14, <https://doi.org/https://doi.org/10.54621/jiam.v3i2.436>.

²² Karimuddin Abdullah, "Tindak Pidana Pelaku Trafiking," *Jurnal Al-Fikrah* 4, no. 2 (2015): 203–21673, <https://ejournal.iaialaziziyah.ac.id/index.php/jiaf/article/view/384>.

²³ Singgamata Singgamata, "Penegakan Hukum Lalu Lintas Melalui E-Tilang Dalam Meningkatkan Kesadaran Hukum Berlalu Lintas," *Jurnal Hukum Progresif* 11, no. 1 (2023): 23–35, <https://doi.org/10.14710/jhp.11.1.23-35>.

²⁴ Arif Sugitanata, "Pendekatan Saddu Adz-Dzari'ah Sebagai Salah Satu Sumber Hukum Islam," *Law and Justice* 6, no. 1 (2021): 62–79.

²⁵ Akmal, Muhammad Jafar, and Karimuddin Abdullah Lawang, *Kekerasan Seksual Anak Dan Kebiri Kimiawi Perspektif Maqashid Syariah, Perkumpulan Rumah Cemerlang Indonesia*, vol. 11 (Tasikmalaya: Perkumpulan Rumah Cemerlang Indonesia, 2023).

mursalah established by the state to maintain public order and safety. When these rules are violated, the state has the authority to impose sanctions as a form of *ta'zir* to instill discipline and reduce road accidents. In other words, traffic law regulations are a manifestation of Islamic legal principles that aim to safeguard the five essential objectives of *maqāṣid al-sharī'ah*, especially *hifẓ al-nafs* (protection of life) and *hifẓ al-māl* (protection of property).

In practice, the enforcement of traffic ticket sanctions as a form of *ta'zir* must adhere to the principles of justice and proportionality. In Islam, *ta'zir* punishments must not be arbitrary;²⁶ they must take into account factors such as the severity of the violation, its impact, and the social context.²⁷ Accordingly, the implementation of traffic ticket sanctions requires transparency and clear standards to ensure justice in law enforcement. For example, the use of electronic traffic law enforcement (ETLE) systems in Indonesia represents an effort to enhance the effectiveness of legal enforcement while minimizing the potential for abuse of authority in handling traffic violations.

Beyond the legal dimension, the application of *ta'zir* in traffic regulation also has deep moral and spiritual significance. Islam teaches that compliance with regulations is not only a form of obedience to the government but also a manifestation of devotion to Allah SWT. The Prophet Muhammad SAW emphasized that leaders have the authority to enact rules for the benefit of their communities, and every individual is obliged to comply with such regulations as long as they do not contradict Islamic teachings.²⁸ Therefore, adherence to traffic laws can be viewed as a form of social worship that reflects Islamic values in everyday life.

From a social perspective, the application of *ta'zir* in traffic law contributes significantly to the development of a culture of order and discipline within society. Awareness of the importance of following traffic rules not only helps prevent accidents and reduce fatalities but also creates a safer and more comfortable environment for all road users.²⁹ Often, noncompliance with traffic regulations is rooted in a lack of awareness regarding the importance of safety and public order. Thus, in addition to firm legal enforcement, continuous public education is necessary to instill the understanding that obeying traffic regulations is not merely

²⁶ Hendra Gunawan MA, "Penerapan Hukuman Ta'zir Di Indonesia (Suatu Analisis Terhadap Penerapan Hukuman Di Lapas Kota Padangsidempuan)," *FTTRAH: Jurnal Kajian Ilmu-Ilmu Keislaman* 4, no. 2 (2018): 359–74, <https://doi.org/10.24952/fitrah.v4i2.956>.

²⁷ D Hummel, "Traffic Tickets Public Safety Concerns or Budget Building Tools," *Administration & Society* 47, no. 3 (2015): 298–319, <https://doi.org/10.1177/0095399714528178>.

²⁸ Syaugi Mubarak Seff, "Ketaatan Terhadap Ulu Al-Amr Dalam Tinjauan Hukum Islam," *De Jure: Jurnal Hukum Dan Syar'iah* 1, no. 2 (2009): 71–79, <https://doi.org/10.18860/j-fsh.v1i2.328>.

²⁹ N Harun, "Keadilan Dalam Perspektif Hukum Islam," *I'tisam: Journal of Islamic Law and Economics* 1, no. 2 (2022): 156–66.

a legal obligation but also a social responsibility and an embodiment of Islamic ethics.

In conclusion, the implementation of traffic ticket sanctions in traffic law can be categorized as a form of *ta'zir* in Islamic criminal jurisprudence, as it seeks to uphold public order and prevent road hazards.³⁰ These sanctions align with the principles of *maṣlahah mursalah*, *sadd al-dharī'ah*, and *maqāṣid al-sharī'ah*, which emphasize the protection of life and property. Accordingly, traffic ticketing policies enforced by the state have a sound foundation not only in national law but also in Islamic law. With just and educationally oriented enforcement, the application of *ta'zir* in traffic law can serve as an effective instrument for building collective awareness regarding the importance of safety and order on the roads.

2. *Maslahah* and the Implementation of Traffic Law

The concept of *maṣlahah* (public interest or benefit) constitutes one of the primary principles in formulating policies related to social life. *Maslahah* is a foundational principle used to ensure that the laws and regulations established bring benefit to society and prevent greater harm or damage. Broadly, *maṣlahah* is classified into three main categories: *maṣlahah mu'tabarab*, which refers to public interests explicitly recognized by the Islamic legal texts (*nash*); *maṣlahah mulghah*, which contradicts the core principles of Sharia; and *maṣlahah mursalah*, which is not explicitly mentioned in the texts but is necessary to preserve social order.³¹

In the context of traffic law, various regulations enacted by the state can be categorized as forms of *maṣlahah mursalah*, as they aim to establish safety, security, and order on the roads. Rules such as the requirement to possess a driver's license, the use of helmets for motorcyclists, speed limits, the mandatory use of seat belts, and the prohibition of driving under the influence are examples of the application of *maṣlahah mursalah* in modern life. While these regulations are not explicitly stated in the Qur'an or Hadith, their existence is vital in preventing harm and ensuring the overall welfare of society.

The principle of *maṣlahah* in Islamic law is closely related to *maqāṣid al-sharī'ah*, the overarching objectives of Sharia, which aim to protect five essential aspects of human life: *ḥifẓ al-dīn* (protection of religion), *ḥifẓ al-naḥs* (protection of life), *ḥifẓ al-'aql* (protection of intellect), *ḥifẓ al-nasl* (protection of progeny), and *ḥifẓ al-māl* (protection of property).³² Within the implementation of traffic

³⁰ Muhammad Jafar and Karimuddin Abdullah Lawang, "Chemical Castration Punishment in the Perspective of Government Regulation Number 1 of 2016 on Child Protection and Islamic Criminal Law," *Pranata Hukum* 19, no. 1 (2024): 55–67, <https://doi.org/10.36448/pranatahukum.v19i1.335>.

³¹ Mustafa Kamal, *Wakaf Uang Dalam Tinjauan Fiqh Muqarran*, ed. Karimuddin Abdullah Lawang, Cet. I (Tasikmalaya: Rumah Cemerlang, 2022).

³² Fatahillah M. Syahrul; Karimuddin Abdullah Lawang, *Perawatan Ortodonti Dalam Tinjauan Maqashid Syar'iyah* (Sigli Aceh: Yayasan Penerbit Muhammad Zaini, 2022).

law, two of these aspects are particularly dominant: *hifz al-nafs* and *hifz al-māl*, that is, the protection of life and property.

a. *Hifz al-nafs* in Traffic Law

One of the primary aims of traffic regulations is to protect human life. In Islam, safeguarding life is of utmost importance, as emphasized in the Qur'an:

وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا

"And whoever saves one life, it is as if he had saved all of humanity."
(Qur'an, Al-Ma'idah: 32)

Regulations such as the prohibition of driving under the influence, speed limits, and the mandatory use of helmets and seat belts are all measures aimed at protecting the lives of road users. Violating these rules increases the risk of fatal accidents. Therefore, enforcing penalties on traffic violators is firmly grounded in Islamic principles, as it serves to uphold *hifz al-nafs*.

Furthermore, an important legal maxim in Islamic jurisprudence states: "Preventing harm takes precedence over acquiring benefit."³³ This principle emphasizes that avoiding danger is more important than achieving certain advantages. For example, a person may feel more comfortable riding a motorcycle without a helmet, but this comfort cannot outweigh the risk of a life-threatening accident. Therefore, rules regarding the use of helmets and other protective measures must be enforced to ensure the safety of road users.

b. *Hifz al-māl* in Traffic Law

In addition to protecting life, traffic regulations are also intended to safeguard public and private property. Traffic accidents not only result in the loss of life but often cause significant material losses. Vehicles involved in accidents frequently sustain serious damage, requiring costly repairs or complete replacement. Traffic laws that set safety standards for vehicles, impose speed limits, and prohibit the use of unroadworthy vehicles aim to reduce the risk of accidents that could lead to such financial losses, both for vehicle owners and for others affected. Through these regulations, the state seeks to protect citizens' assets from damage resulting from negligence or legal violations.

In Islamic law, the enforcement of traffic regulations falls within the scope of *siyāsah shar'iyyah*, a governance approach grounded in Sharia and oriented toward the public good. Numerous Islamic legal texts emphasize the importance of obeying the rules set by legitimate authorities, as long as these rules do not

³³ Busriyanti, "Maqasid Al-Syari'ah Dalam Penegakkan Hukum Lalu Lintas Di Indonesia."

contradict Islamic teachings.³⁴ One manifestation of the implementation of traffic law is the imposition of sanctions on violators, which in Islamic jurisprudence may be classified as ta'zīr (discretionary punishment). Penalties such as fines, vehicle impoundment, or revocation of driver's licenses are legitimate forms of ta'zīr, as they are intended to discipline society and reduce the risk of road hazards.³⁵

In addition to law enforcement, public education and awareness campaigns about the importance of obeying traffic regulations are essential.³⁶ Public consciousness regarding road safety must be instilled from an early age, both through formal education and road safety campaigns. The application of traffic laws from an Islamic perspective is grounded in the principle of *maslahah*, aimed at safeguarding the security and welfare of society. Various traffic regulations, such as the requirement to hold a driver's license, wear a helmet, adhere to speed limits, and refrain from driving under the influence, are manifestations of *maslahah mursalah* aligned with the objectives of Sharia, particularly in preserving *ḥifẓ al-nafs* and *ḥifẓ al-māl*.

Moreover, the imposition of penalties for traffic violations is part of *siyāsah shar'īyah*, which seeks to uphold public order and prevent greater harm (mafsadah).³⁷ Consequently, compliance with traffic regulations is not merely a legal obligation but also a form of adherence to Islamic teachings, which emphasize the importance of protecting oneself and others. With this understanding, it is hoped that public awareness of traffic discipline will increase, leading to a safer and more orderly road environment.

3. The Concept of Ta'zir and Its Purpose in Traffic Law

In Islamic criminal jurisprudence (*fiqh jinayat*), ta'zir refers to a type of punishment distinct from hudud and qishash, as it is discretionary and not fixed by scriptural texts. Unlike hudud and qishash, ta'zir is flexible and can be adapted according to societal needs and temporal developments.^{38,39} Therefore, within the context of traffic law, traffic fines (*tilang*) may be categorized as a form of ta'zir,

³⁴ Sulaiman Kurdi, Jumratul Mubibah, and Ummul Faizah, "Konsep Taat Kepada Pemimpin (Ulil Amri) Di Dalam Surah An-Nisa : 59, Al-Anfal :46 Dan Al-Maidah : 48-49 (Analisis Tafsir Tafsir Al-Qurthubi, Al-Mishbah, Dan Ibnu Katsir)," *Journal of Islamic Law and Studies* 1, no. 1 (2017): 33–45.

³⁵ Ali Imron et al., "The Perspective of Shafi' i Fiqh on the Legal Ruling of Giving a Ring in the Engagement Process," *Journal of Mujaddid Nusantara* 1, no. 3 (2024): 100–110.

³⁶ Lalu M. Alwin Ahadi, "Efektivitas Hukum Dalam Perspektif Filsafat Hukum: Relasi Urgensi Sosialisasi Terhadap Eksistensi Produk Hukum," *Jurnal Usm Law Review* 5, no. 1 (2022): 110, <https://doi.org/10.26623/julr.v5i1.4965>.

³⁷ Seff, "Ketaatan Terhadap Ulu Al-Amr Dalam Tinjauan Hukum Islam."

³⁸ Karimuddin Abdullah, "Uqubah Dalam Fiqh Jinayat: Sebuah Upaya Menasionalkan Hukum Pidana Islam," *Journal Al-FIKRAH* 22, no. 1 (2020): 165–87.

³⁹ Salenda, "Hukum Islam Indonesia Sebagai Role Model Islam Nusantara."

intended to enforce discipline in driving behavior and to protect the safety of road users. Traffic violations represent a serious issue that can lead to accidents, fatalities, and material loss. Consequently, the state, as the legitimate authority, has the right to impose various ta'zir-based punishments on traffic offenders to establish order and safety on the roads.

Ta'zir sanctions in traffic law encompass a range of punitive mechanisms tailored to the severity of the offense, including verbal warnings, monetary fines, revocation of driving licenses, and social sanctions. In Islam, ta'zir punishments must conform to the principles of justice and proportionality.⁴⁰ This means that sanctions must correspond to the degree of the offense and must not be oppressive or excessive. For instance, an individual who fails to pay a vehicle tax on time should not be treated in the same manner as someone who drives under the influence and causes a fatal accident. Thus, fairness in the traffic law enforcement system must be preserved to avoid abuses of authority or the imposition of disproportionate penalties.

The primary goal of imposing traffic sanctions is to deter violations and to educate the public, thereby fostering greater compliance with existing regulations.⁴¹ According to Islamic teachings, punishments must be rooted in justice and proportionality to prevent injustice in legal enforcement. A sound understanding of the ta'zir concept is therefore essential to enhance the effectiveness of traffic law enforcement in promoting public awareness and adherence to driving regulations.

In Islam, maqashid syariah (the higher objectives of Islamic law) aim to protect five essential elements of human life: religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-aql*), progeny (*hifz al-nasl*), and property (*hifz al-mal*). In the context of traffic law, two of these elements are particularly relevant: *hifz al-nafs* (protection of life) and *hifz al-mal* (protection of property). The traffic regulations implemented by the state are designed to maintain order in driving conduct, thus safeguarding lives and assets from the risks of accidents and losses caused by negligence on the road.⁴²

The concept of *hifz al-nafs* in Islam emphasizes the utmost importance of preserving human life. Human life is a divine gift from Allah that must be protected, and any actions that endanger one's own life or that of others are strictly prohibited. As the Qur'an states: "And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful" (Qur'an, An-Nisa: 29). This

⁴⁰ Moh Khasan, "Prinsip-Prinsip Keadilan Hukum Dalam Asas Legalitas Hukum Pidana Islam," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 6, no. 1 (2017): 21, <https://doi.org/10.33331/rechtsvinding.v6i1.133>.

⁴¹ Sunarto, "Konsep Hukum Pidana Islam Dan Sanksinya Dalam Perspektif Al-Qur'an."

⁴² Arditya Prayogi et al., *Fiqih Dan Hukum Islam* (Sumatera Barat: Yayasan Tri Edukasi Ilmiah, 2025).

command underscores Islam's prohibition of all actions that pose harm to oneself or others, including unsafe driving behavior. Every year, countless lives are lost due to traffic accidents resulting from negligence and rule violations. Therefore, traffic regulations, such as the use of helmets, seat belts, speed limits, and prohibitions against driving under the influence, are manifestations of *hifz al-nafs* in contemporary society.⁴³

Disregarding traffic laws equates to undermining the sanctity of life, whether one's own or that of others. For example, running a red light or ignoring traffic signs can cause collisions that endanger many lives. In Islam, such behavior falls under the category of *tahqir al-nafs* (devaluing human life), which contradicts Islamic teachings. Moreover, under Islamic law, a person who causes another's death due to negligent driving may be subject to *diyat* (financial compensation) or other penalties as a form of accountability for the victim.⁴⁴

In addition to preserving life, Islam also upholds the importance of protecting property (*hifz al-mal*). Property is a trust that must be used wisely and not squandered. Islamic law considers actions that result in unjustifiable financial loss as a form of extravagance (*tabdzir*), which is forbidden.⁴⁵ As Allah declares: "Indeed, the wasteful are brothers of the devils, and ever has Satan been to his Lord ungrateful" (Qur'an, Al-Isra: 27).

In the realm of traffic, accidents often lead not only to loss of life but also to significant financial damage. Vehicle repairs, medical expenses, loss of income due to injury, and the cost of restoring damaged infrastructure are all tangible examples of how driving negligence can result in the waste of property. Thus, traffic laws also serve to protect the assets of the public from unnecessary loss.

For instance, a driver who exceeds the speed limit or drives while drowsy faces a high risk of crashing and damaging not only their own vehicle but also others'. If every individual drives responsibly and follows the rules, many financial losses from traffic accidents can be avoided. In Islam, protecting both personal and public property is encompassed in the concept of *al-amanah* (trustworthiness), which must be upheld.

Moreover, the existence of vehicle insurance and the principle of liability in traffic accidents are closely tied to *hifz al-mal*. Islamic teachings emphasize that any loss resulting from an individual's negligence must be compensated. In Islamic jurisprudence, the concept of *dhaman* (liability for damages) obligates a person to reimburse losses they cause to others. Accordingly, the legal

⁴³ Busriyanti, "Maqasid Al-Syari'ah Dalam Penegakkan Hukum Lalu Lintas Di Indonesia."

⁴⁴ Prayogi et al., *Fiqh Dan Hukum Islam*.

⁴⁵ Siti Masyithoh Syaira Azzahra, "Peran Muslim Dalam Pelestarian Lingkungan: Ajaran Dan Praktik," *At-Thullab: Jurnal Mahasiswa Studi Islam* 6, no. 1 (2024): 1568–79, <https://doi.org/10.20885/tullab.vol6.iss1.art8>.

mechanisms for insurance claims and compensation payments in civil law can be interpreted as implementations of this concept.⁴⁶

The concepts of *hifz al-nafs* and *hifz al-mal* in traffic law are interrelated and inseparable. If human life is safeguarded through compliance with traffic regulations, then property is likewise protected from damage due to accidents. Conversely, when a person drives cautiously to preserve their belongings, they also contribute to the protection of life. For example, a driver who ensures that their brakes function properly before a journey is not only protecting their vehicle from damage (*hifz al-mal*) but also preventing potential accidents that could endanger lives (*hifz al-nafs*). Similarly, laws prohibiting driving under the influence are designed to prevent fatal accidents and protect one's vehicle from destruction.⁴⁷

From the perspective of maqashid shariah, traffic laws strongly align with the principles of *hifz al-nafs* and *hifz al-mal*. The regulations aim to protect drivers' and road users' lives, as well as their property, from the harms of negligence and accidents. Neglecting traffic laws thus amounts to neglecting the core Islamic values that emphasize the preservation of life and wealth. Therefore, obedience to traffic laws is not merely a legal obligation under state law but also a moral and religious responsibility. With a deeper understanding of the Islamic imperative to protect life and property, it is hoped that society will become more conscious of the importance of driving discipline. Strict regulations and appropriate sanctions for traffic violators are components of the Islamic legal framework that seek to ensure order and promote the common welfare of all members of society.

Conclusion

This study demonstrates that the concept of ta'zir in fiqh jināyāt provides a coherent ethical and normative framework for understanding traffic ticket sanctions within Indonesian traffic law. Rather than merely classifying fines or license suspensions as discretionary punishments, this research emphasizes how ta'zir, with its emphasis on deterrence, social protection, and corrective measures, offers a principled foundation for strengthening public compliance and enhancing the legitimacy of state-imposed sanctions. The integration of maqāṣid al-sharī'ah, particularly *ḥifz al-nafs* (protection of life) and *ḥifz al-māl* (protection of property), further reinforces the argument that traffic sanctions serve essential public interests that align with Islamic legal objectives. A key finding of this study is that the effectiveness of traffic sanctions depends not only on their legal enforcement but also on the moral and socioreligious perspectives through which

⁴⁶ Syaira Azzahra.

⁴⁷ Mizunami Fossil Museum, "Rancangan Undang-Undang KUHP" 45, no. 45 (2019): 95–98.

communities interpret state authority. When traffic sanctions are framed as instruments of ta'zīr, they possess the potential to enhance legal awareness by connecting state law with values that are culturally and religiously resonant among Indonesian Muslims. This demonstrates the practical relevance of Islamic criminal law concepts in contemporary public governance. Nevertheless, this study acknowledges certain limitations. The empirical dimension relies primarily on secondary sociological data, and no direct field observations or interviews were conducted to measure community perceptions or behavioral responses to sanctions. Future research should incorporate in-depth qualitative and quantitative fieldwork to examine how the integration of Islamic legal principles actually influences compliance, legal consciousness, and road safety outcomes. The study contributes theoretically by contextualizing ta'zīr within modern regulatory systems and practically by offering an alternative framework for enhancing the effectiveness of traffic law enforcement. It suggests that harmonizing Islamic legal ethics with positive law can promote a more holistic, culturally grounded approach to improving public discipline, reducing accidents, and advancing social welfare in Indonesia.

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