

Aḥkām al-Jarah MANUSCRIPT: TEXT EDITING AND CENTRAL IDEAS STUDY

Raudhatul Jannah¹ and Thoriqi Firdaus²

¹History of Islamic Civilization Department, Ar-Raniry State Islamic University, Indonesia

Email: raudhatuljannah433@gmail.com

²Academy of Science and Cultural Literacy Research Community, Indonesia

Email: thoriqifirdaus.id@gmail.com

Artikel disubmit: 24-09-2023

Artikel direvisi: 06-11-2023

Artikel disetujui: 27-12-2023

ABSTRACT

The Aḥkām al-Jarah manuscript is one of the Malay-Jawi manuscripts which contains jarah law. This manuscript is from the Philological Collection of the Aceh Museum with inventory number 07,737, in a collection of texts totalling 54 pages. The text of Aḥkām al-Jarah is on pages 28 to 48. The condition of the manuscript is old; it is feared that it could experience further damage, and the contents of the manuscript will be lost. This research aims to produce text edits so that the manuscript can be read correctly because the Aḥkām al-Jarah text is only found in one manuscript (codex unicus). The method used is single manuscript research with a critical edition of the text and analysis of central ideas. The central ideas contained in the Aḥkām al-Jarah manuscript include an explanation of the fundamental law of wounds, the law of intentional and unintentional murder, the division of types of murder, sanctions for murderers and members taken by qisās. The results of the research show that first, editing the text with a critical edition, and second, knowing clearly and in detail the contents of the Aḥkām al-Jarah manuscript, which contains Islamic teachings about jarah law.

Keywords: Aḥkām al-Jarah; Manuscript; Muhammad bin Abdullah Ba'id

ABSTRAK

Naskah Aḥkām al-Jarah merupakan salah satu naskah Melayu-Jawi yang memuat hukum jarah. Naskah ini berasal dari Koleksi Filologi Museum Aceh dengan nomor inventaris 07.737, dalam kumpulan naskah berjumlah 54 halaman. Teks Aḥkām al-Jarah ada pada halaman 28 sampai 48. Kondisi naskah sudah tua; dikhawatirkan akan mengalami kerusakan lebih parah dan isi naskah pun hilang. Penelitian ini bertujuan untuk menghasilkan suntingan teks agar naskah dapat terbaca dengan benar karena teks Aḥkām al-Jarah hanya terdapat pada satu naskah (codex unicus). Metode yang digunakan adalah penelitian naskah tunggal dengan edisi kritis teks dan analisis gagasan sentral. Pokok pikiran yang terkandung dalam naskah Aḥkām al-Jarah antara lain adalah penjelasan tentang hukum pokok luka, hukum pembunuhan yang disengaja dan tidak disengaja, pembagian jenis pembunuhan, sanksi bagi pembunuh dan anggota yang diambil qisās. Hasil penelitian menunjukkan bahwa pertama, menyunting teks dengan edisi kritis, dan kedua, mengetahui secara jelas dan rinci isi naskah Aḥkām al-Jarah yang memuat ajaran Islam tentang hukum jarah.

Kata Kunci: Aḥkām al-Jarah; Naskah; Muhammad bin Abdullah Ba'id

INTRODUCTION

Relics of the past in the form of written works can provide information regarding the results of thoughts, feelings and information from various aspects of life that once existed (Harahap, 2021). Works that contain information about the past are created from social and cultural settings that no longer exist or are not the same as the current social and cultural background (Baried et al., 1994). Classical texts can express this information, which can be read on historical remains in handwriting, usually called manuscripts (Baried et al., 1985). A manuscript is a written work that contains ideas or ideas and is written on paper, paper, books or the like (Sulistyorini, 2015). All ancient works were written by hand, so they are called handicrafts in Dutch, manuscripts in English and manuscripts in Malay, while in Latin, they are

called codex (Djamaris, 2002). Manuscripts are concrete objects that can be seen and held (Baried et al., 1994).

Manuscripts, the material objects of philological research, are written on bark, bamboo, lontar and paper as handwritten texts (Lubis, 1996). Writing or copying text in manuscripts usually uses traditional black or red ink, which comes from natural plants obtained from nature. Therefore, the manuscript could only have survived hundreds of years with careful preservation and special care with very traditional materials. Also, scriptwriting uses characters and language no longer commonly used nowadays, making the text easier to read and understand. The text could be presented better. There are no punctuation marks and paragraph structure (Djamaris, 2002).

The current era makes ancient manuscripts important for future generations to carry out more in-depth studies of past works to save the knowledge contained in these works (Husaini, 2020). The text content stored in national heritage manuscripts contains information on various fields, such as history, law, language, literature, philosophy, morals, medicine and so on (Baried et al., 1994). Because of the diversity and breadth of the text's content, it will be relevant to philological research, which has a large number of studies. The results of philological research can be used as research material, especially language, history, religion, laws, customs, cultural values, architecture and general medicine (Djamaris, 2002).

Currently, the Indonesian people have a large number of manuscript remains. At least 5,000 manuscripts, with 800 texts, are stored in museums and libraries in several regions (Baried et al., 1994). Aceh has several institutions that collect Jawi (Acehnese and Malay) and Arabic manuscripts, namely the Aceh Museum, the Aceh Documentation and Information Center (PDIA), the Center for the Preservation of Cultural Values (BPNB), the Ali Hasjmy Education Foundation and Museum, Zawiyah Tanoh Abee, Pedir Museum and others.

One of the manuscripts that is important to study is the *Aḥkām al-Jarah*, a single manuscript that was the basis for Acehnese law during Sultan Alauddinjauhar Alam Syah (1795-1823). This can be proven by the *Aḥkām al-Jarah* Text, which states the year of writing as 1236H/1821 AD in the colophon. This manuscript is one of the fiqh manuscripts in the Aceh Museum collection, contained in a text collection. The *Aḥkām al-Jarah* text discusses the law of wounds and the law of murder (*jarah*) (Syah, 2018). Based on the results of observations regarding the manuscript, there are several explanations from various aspects. Namely, the author also referenced Ibn Abbas's interpretation of *jarah* law. The text of *Aḥkām al-Jarah* has one chapter and several *fasal*, *tanbih* and *syahdan*.

Observations carried out in various catalogues consisting of several places, including the Aceh Museum, Pedir Museum, Ali Hasjmy Education Foundation and Museum, Tanoh Abee Catalog, and Tarmizi Abdul Hamid, did not find any other manuscripts containing the text of *Aḥkām al-Jarah*. Therefore, the text of *Aḥkām al-Jarah* is currently the only manuscript or *codex unicus*, so it is impossible to compare it in this research (Djamaris, 2002).

The *Aḥkām al-Jarah* manuscript has begun to be damaged over time. There are even several pages that are difficult to read because the writing has been exposed to water, partly due to the acidity of the text ink. Apart from this, several manuscript pages have holes but do not disrupt the text's continuity. Therefore, editing the text and examining the central ideas in the *Aḥkām al-Jarah* manuscript is essential to carry out and discuss in research due to the condition of the manuscript starting to deteriorate, the *codex unicus*, and the content regarding Islamic law that was in effect in Aceh.

The *Aḥkām al-Jarah* manuscript will be analyzed for content and a study of the central ideas of the manuscript with the help of translations of yellow books, such as the translation of the Book of *Matan Taqrib*, the translation of the Book of *Bajuri*, the translation of the Book of *I'annatut Thalibin*, the translation of the Book of *Mahalli* and other books related to it. *jarah* law because it is a single text, so it cannot be compared. Apart from that, it is also essential to carry out literacy in order to introduce texts contained in works of the past so that people know that in the past, there was a civilization that reached the peak of glory and had excellent cultural results.

This can be proven by the existence of ancient manuscripts originating from various regions in the archipelago. Apart from that, Malay-Nusantara manuscripts have very high religious value in fiqh, monotheism, tafsir and Sufism.

The aim of transliterating the *Ahkām al-Jarah* manuscript is to make it easier to read, considering that the script contained in this manuscript is Arabic-Malay script, which is no longer commonly used today, making the text difficult to read and understand its contents. Editing the text of the *Ahkām al-Jarah* manuscript also aims to make it easier to read and understand the contents of the text well. However, while editing the *Ahkām al-Jarah* manuscript, the researcher maintained the presentation structure, style and language style of the manuscript so that readers get a complete description of the writing of the manuscript. Apart from that, the transfer of the *Ahkām al-Jarah* manuscript can be an alternative medium for disseminating fiqh scientific ideas related to *jarah* law so that it can provide information and be studied by the general public.

THEORETICAL FRAMEWORK

Philology is a science whose research object is old manuscripts (Ridlo, 2020). Philology is a scientific discipline that is needed to study old relics in the form of manuscripts to explore the values of the past (Rokhmansyah, 2018). The content stored in past written works is essentially a culture (Sulistorini, 2015). The objects of philological research are manuscripts and texts. Manuscripts are generally in the form of books or handwritten materials (manuscripts) using leaves, lontar, dluwang, bark, rattan, bamboo and paper. Meanwhile, text is the content or content of a manuscript in the form of an abstract that can only be imagined (Baried et al., 1994). These texts are written on a material called a manuscript. Therefore, the object of philological research is past texts written on manuscripts.

The *Ahkām al-Jarah* manuscript is a fiqh book by Muhammad Bin Syaikh Abdullah Ba'id in 1236 H. This manuscript is one of the collections of the Aceh Museum, which is contained in a collection of texts. In this collection of texts, there are also two other titles, namely the Book of *Mandhumah*, which contains poetry in Arabic and the Book of *Qasidah*, which contains praises to Prophet Sulaiman AS. The *Ahkām al-Jarah* text contains the law of wounds and the law of murder (*jarah*) with explanations of various aspects.

The *Ahkām al-Jarah* manuscript is a *codex unicus*, a single manuscript. If a manuscript does not have a copy in the single sense, then comparison is impossible. The *Ahkām al-Jarah* manuscript is identified in the Aceh Museum Collection Manuscript catalogue volume 4, Manuscript with no. Inventory 07,737 is contained in a text collection with a total of 54 pages, and each page has 24 lines. In this collection of manuscripts, there are three titles, namely the Book of *Mandhumah*, which contains poetry in Arabic; the Book of Law (*Ahkām al-Jarah*), written by Sheikh Abdullah Ba'id in 1236 AH; and finally, the Book of *Qasidah* which contains praise for the prophet Sulaiman US.

The title *Ahkām al-Jarah* is found in the body of the manuscript on page 28 on line 3. This manuscript does not have a front and back protective skin; it is just that the back skin is more complicated than the other sheets, but there is still text, and on the first sheet of this collection of text, it is damaged (torn), this damage is caused by the acidity contained in the text ink and in some There are holes on the page. However, they do not disrupt the continuity of the text.

This manuscript is written in Arabic-Malay with Jawi script in the form of prose and poetry texts, and the type of khat used is *Naskhi* khat. The ink used in this manuscript is black with red markings. Black ink is for writing Javanese script, while red ink is for writing Arabic script. The paper used in writing this manuscript is European and has a watermark (Said, 2007). The shape of the watermark is a three-tiered crescent moon produced in Venice in 1710.

According to Munawarah (2018), the manuscript has three traditional courses. The first course contains seven manuscript sheets, the second course contains 12 manuscript sheets, and the third course contains eight manuscript sheets. The *Ahkām al-Jarah* manuscript is found in the second section. Manuscript binding only uses white thread tied to each collar. The

manuscript size is 22 x 16.5 cm, and the text size for each page is 16.5 x 10.5/16.5 x 10 cm. At the bottom left of each sheet is a catchword, namely the initial word from the first line of the next page, which functions as a page sequence marker. This manuscript has a colophon and lacks illuminations, illustrations and scholia. The condition of the manuscript, in general, can be said to be excellent and intact.

In general, it has yet to be discovered when and who the author of the books in this collection of texts is. Only the *Aḥkām al-Jarah* Manuscript has the author and year identified. Muhammad bin Sheikh Abdullah Ba'id wrote the *Aḥkām al-Jarah* Manuscript in 1236 H. In the text of the *Aḥkām al-Jarah* Manuscript, the author does not mention or provide information about himself, either in the muqaddimah or in the content. The author only mentions the name, reason for writing and the year in the muqaddimah section.

RESEARCH METHODS

The method used in this research is the single script method. The single manuscript method is used if the researcher only finds one manuscript, so the researcher only has two options: a diplomatic edition and a standard edition. A diplomatic edition is a way of producing text as it is without any corrections or changes from the editor. Meanwhile, the standard edition is an effort to repair and straighten the text to avoid errors and deviations that arise during the writing process (Lubis, 1996).

The research design consists of text editing and central idea analysis. Analyzing the content and highlighting the central idea, the author will take several references from Arabic-Malay books, the yellow book and translations of books related to *jarah* law, and references from books. Meanwhile, the research consists of data collection, text criticism methods, text editing, transliteration, transcription, and central idea analysis.

RESULTS AND DISCUSSION

Teachings Contained in the *Aḥkām al-Jarah* Manuscript

Aḥkām al-Jarah is a text that discusses the law of wounds, which can sometimes take life or remove body parts. The author explains the *jarah* law clearly, starting with its legal basis, types of injuries and punishment. In the general ideas in the manuscript, the author summarizes the text in the *Aḥkām al-Jarah* Manuscript into central ideas. The central ideas in the text *Aḥkām al-Jarah* include injury and murder, the law of plunder, *qishas*, *diyat*, and *Hukumah*.

a. Wounds and Homicide

Injury and murder are central ideas in the text *Aḥkām al-Jarah*, where Islam prohibits Muslims from murdering because murder is an enormous sin. "*And whoever kills a believer intentionally, the reward will be Hell, wherein he will remain eternal. Allah was angry with him, cursed him, and prepared a great punishment for him*" (QS: An-Nisa: 93)¹.

According to Ibnu Abbas in his interpretation, based on QS: An-Nisa: 93, a person who kills a Muslim through violence will remain eternally in Hell. As for the sunnah, it is said that a friend once asked Rasulullah SAW about an enormous sin, so the Prophet said, "This is a very big sin that you make a partner with Allah SWT, and in that case, Allah SWT is the one who made you happen." Apart from that, in another hadith, "That you killed your son because you were afraid he would eat your wealth."

The sin of killing one's child is an enormous sin, like the sin of infidelity, because killing one's child does not require wishes from the father, but he will incur the wrath of Allah. As for killing another person, if the murderer repents and gives *kafarat* by freeing an enslaved person, paying *diyat* to the victim's guardian, or accepting *qisas*, he will escape Allah's punishment in the afterlife. This is based on the *ahlul sunnah wal jamaah* school of thought (Syah, 2018). The crime of murder is included in the *jihad* of *qisas* and *diyat*. In Islamic law, the radius of *qisas* and *diyat* consists of deliberate murder

¹ Manuscript *Aḥkām al-Jarah*, page. 3

(*Qatl al-'amd*), semi-intentional murder (*Syibh al-'amd*), and murder due to guilt (*Khata'*).

After injury and murder, the central ideas in the text *Ahkām al-Jarah* also contain the law of plunder as a central idea. *Jarāḥa* (wounds) is the plural of *jarāḥah*. The wounds referred to here are types of wounds that can take life and remove body parts. Apart from that, it also includes murder using heavy, poisonous and other objects (Syah, 2018).

The division of types of murder or types of injuries referred to is '*amd* (intentional), *Syibh 'amd* (similar to deliberate), *Khata'* and *Mudhihah*. The type of murder or the type of injury that can be looted is '*amd* intentionally or truly intentionally, namely deliberately hitting someone with an object that can usually kill and intending to kill (Syuja', 2001). Whether this is done by injuring, such as inserting a needle into a prohibited part (brain, eyes, stomach, male urethra, bladder, area between the testicles and anus) or by means that do not injure, such as starving or bewitching (As'ad, 1980). When something like that happens, it is obligatory for the *jani* (who hurts) *qishas* to retaliate as the *jani* did. If you are hit, you will be hit in response; if you are thirsty, you will be thirsty. If you are stabbed, you will be stabbed unless the *maqtul* (the person who is killed) is pleased with your guardian if the *maqtul* has been killed or the *majni 'alaih* (the person who is injured) is pleased.² If you are given forgiveness, the *Jani* must pay *diyat mughallazah* (heavy fine) with his wealth..³ Information about *diyat* will be provided in the following points.

Shibh 'amd Murder that is similar to deliberate is intentionally committing and harming a particular person, but not using a tool that can cause death in the habit. Such as with a stick or small stone⁴. If someone sticks a needle in a place that is not sensitive to death, for example, in the buttocks or thigh, and the person who is stabbed hurts to the point of death, it is called intentional murder. However, if the impact of the stabbing is not clear and the person who was stabbed dies instantly, then the murder is similar to purpose (As'ad, 1980). Because like that, it does not kill the habit. Some ulama believe there is no sanction for him, either *qishas* or *diyat*, because such things are not deadly.

The ransom for the murder of *Shibh 'Amd* is *diyat mughallazah* (heavy *diyat*), and *qishas* are not obligatory in this case. Paying *diyat mugallazah* to the victim's heirs by the perpetrator or guardian is mandatory within three years. This is due to someone's negligence kill.⁵ *Khata'* is culpable homicide, namely an act caused by wrongdoing or negligence, such as hunting animals which turns out to involve people and the actions of children who have not reached puberty. However, if the children are *mumayyiz* and deliberately kill someone or injure others, then the *diyat* paid is like payment in *diyat 'amd*.⁶ The ransom for killing or wounding the *khata'* is *diyat mukhaffah* (light *diyat*).

b. Jarah Law

Apart from the division of types of murder, in the *Jarah* law, there is also a division of types of injuries to the head and face. *Mudhihah* is a wound that reaches the bone but does not cause bone injury. So this type of wound is taken as *qishas*, whether the wound is on the head or another part of the body. If *qishas* is not taken, *diyat* is taken. If there is a wound on the head or face, the *diyat* is five camels, and if the wound is on the body, the *diyat* is *hukumah*..

Some injuries do not apply *qisas*, namely *Hasyimah*, which are injuries that damage the bones or face. *Munaqqilah* is an injury that can shift the head bones, even slightly. *Ma'mumah* is a wound that reaches the lining of the head, causing a hole in the bone.

² Manuscript *Ahkām al-Jarah*, page. 5

³ Manuscript *Ahkām al-Jarah*, page. 5

⁴ Manuscript *Ahkām al-Jarah*, page. 4

⁵ Manuscript *Ahkām al-Jarah*, page. 5

⁶ Manuscript *Ahkām al-Jarah*, page. 4

Damighah is a wound on the head that opens, and the head wound opens until it falls off. *Haridhah* is a wound that can split the skin even slightly but does not bleed, like a cat's nail. *Damiyah* is a wound that is more than *haridhah*, so the blood flows. *Badhiah* is a wound that reaches the flesh, where the flesh is cut open a little. *Mutalahimah* is a wound to the flesh but not to the bone joints. *Simhaq* is a wound that does not reach the bone joint.⁷

c. *Qishas*

The next central idea is *qishas*, taken from the word *qisas*. Etymologically, it means tracing traces, while terminologically, *qisas* means giving retribution to the perpetrator according to his actions. *Qishas* is a term in Islamic law which means retribution (giving appropriate punishment). As the saying goes, "debt life pays for life." In murder cases, the *qishas* law gives the victim's family the right to request the death penalty for murder. The legal basis for *Qisas* has been explained in the Koran, Surah Al Baqarah, verse 178, which means: "*O you who believe! It is obligatory on you (to carry out) qisas in respect of the person who was killed. A free person with a free person, a slave with a slave, a woman with a woman. But whoever obtains forgiveness from his brother, let him follow him well, and pay him diyat (ransom). good (too). That is lightness and mercy from your Lord. Whoever has exceeded the limit after that, he will suffer a very painful punishment.*"

Understanding the nature of *qisas* is also explained in QS al-Maidah: 45, which means as follows: "*We have established for them in it (the Torah) that life (recompense) for life, eye for eye, nose for nose, ear for ear, tooth with tooth, and wounds (even) have qisas (the same reply). Whoever gives up (the right of qisas), then it (becomes) atonement for his sins. Whoever does not decide matters according to what Allah has revealed, then they are the wrongdoers.*" From the meaning of the verse above, it can be concluded that retribution is appropriate for the perpetrator's actions, namely life for life, eyes for eyes, nose for nose, ears for ears, teeth for teeth, and wounds for wounds.

The conditions for allowing the implementation of *qisas* are that the perpetrator must convert to Islam, that is, a Muslim who is mature and of sound mind. The victim is not part of the perpetrator, meaning that the perpetrator and the victim have no close relationship. The victim must be equal to the perpetrator, with the basis of equality being the level of faith and independence (Amar, 1983). The victim is the person who is protected (Syah, 2018). *Qishas* are imposed on people who entertain people who are not *mumayyiz* with poisoned food, which can usually cause death (As'ad, 1980). In the case of committing magic against a victim, if the perpetrator admits his actions or there are witnesses, the judge has the right to take *qishas* against the perpetrator. In the case of adultery, if a false witness says that the person committed adultery, then it is proven that the witness is lying, then it is mandatory to take the punishment of the false witness by hitting him with a small stick eighty times. This is done if a judge has not killed a person accused of adultery because it is clear that there are not enough witnesses, namely four people. However, if a judge has killed someone accused of adultery, it is common for these false witnesses to be killed too.⁸ *Qisas* does not apply to a stupid person; he is a good person, so he should be taught and not be killed, except for people who do not want to listen to advice.⁹

Qishas must be done for a reason, just like *mubasyarah*. *Mubasyarah* directly injures the victim by hitting, cutting, or strangling. Every member cut from the segments, such as the elbow and wrist, must have *qishas*, while for members that do not have segments, *qishas* are not applicable. *Qishas* for body parts are carried out as much as possible without exceeding limits. For example, *qishas* cutting hands, fingers, fingertips,

⁷ Manuscript *Ahkām al-Jarah*, page. 15

⁸ Manuscript *Ahkām al-Jarah*, page. 4

⁹ Manuscript *Ahkām al-Jarah*, page. 19

testicles, two testicles, earlobes, teeth, tongue, lips, eyeballs, eyelids, and the tip of the nose are parts limp nose (Amar, 1983).

The right member cannot be cut as the left member's *qishas*, not the lower lip because of the upper lip, not one fingertip because of another finger, and not one more member because there is more member in another part. In *qishas*, it does not matter if the members are the same but are different in size, length, shortness, strength or weakness because the similarities in these members are just coincidental (Syah, 2018). Apart from that, if there is an injury to the body, such as a broken bone, but it is not separate from the member, then *qishas* are not taken, but *diyat Hukumah* is taken.¹⁰

d. *Diyat*

The next central idea is examined: *Diyat*, in terminology, is the property that is obligatory because of a crime against the soul or something that is punished the same as the soul. According to Abdul Qadir, Audah *diyat* is a certain amount of property in a certain size. Even though it is a punishment, *diyat* is property given to the victim, not to the State treasury (treasury). *Diyat* is an asset that must be released because it injures a person's soul or body parts. It can be said to be a substitute for *qishas* when it is forgiven by the victim or because the perpetrator of the jinayat dies before being *qishas*. So, if the owner of the right to *qishas* gives absolute forgiveness (free of *diyat*), it is up to the perpetrator. Nothing is required (As'ad, 1980).

Diyat is divided into two types, namely mughallazah (heavy *diyat*) and *diyat mukhaffah* (light *diyat*). The *diyat* for killing a free Muslim man and ma'shum is the amount of one hundred camels. In deliberate and similar intentional killings, 100 camels were divided into three groups, namely 30 hiqqah, 30 jadza'ah and 40 khalifah. Meanwhile, in the accidental killing of 100 camels, 100 camels were divided into five types: *bintu makhad*, *bintu Labun*, *ibnu Labun*, *hiqqah* and *jadza'ah*, each with 20 animals.

This camel *diyat* payment is for countries with camels, while countries that do not have camels are replaced with the price of camels in countries with camels nearby. Like Aceh, Aceh does not have camels, and payment of *diyat* is at the price of camels in countries close to Aceh, namely the countries of Maskat, Oman, Basrah and Sindi.

The *diyat* for killing a woman is half that of a man, namely fifty camels. If a man kills a woman, he may be repaid with *qishas* on the man, and if his inheritance is acceptable, *diyat* can be taken, but above all, the Hall will be repaid with *qishas* on the man. Because it is not appropriate for a man to kill a woman.¹¹ Meanwhile, the *diyat* for enslaved people who are not yet free is also the same as the *diyat* for women, namely 50 camels, whether the enslaved person's price is more than one hundred camels or less.

Diyat for pregnant mothers. If a pregnant mother is beaten until she dies, if she is a friend who survives the 'disgrace, then the price is five camels, whether the fetus has been exhaled or not, provided that the fetus has a form, and the *diyat* is written on the guardian the fetus.

The *diyat* of dhimmi infidels, Jews and Christians is 1/3 of the *diyat* of Muslims, namely thirty-three camels daily. Meanwhile, another pagan *diyat* given faith by a just king, namely the sulus khamisa *diyat* of Muslims, is six camels, two sulus camels, seven camels less than a sulus. Meanwhile, *diyat* is not applied to harbi infidels, and whoever kills him will receive a reward.¹²

e. *Hukumah*

Apart from that, the next central idea in the text is that *Hukumah* is the part of the *diyat* which is compared to life, according to some scholars, to the body parts that experience jinayat, such as the comparison of the shortcomings caused. All injuries that are not

¹⁰ Manuscript *Ahkām al-Jarah*, page. 8

¹¹ Manuscript *Ahkām al-Jarah*, page. 7

¹² Manuscript *Ahkām al-Jarah*, page. 18

specified in the verses must be punished. Five of the ten types of wounds have specific *diyats*, namely *mudhihah*, *hasyimah*, *munaqqilah*, *ma'mumah* and *damighah*. Meanwhile, there are five other *diyats*: *haridhah*, *damiyyah*, *badhi'ah*, *mutalahimah* and *simhaq*. If it breaks at the bone joint, it is made into a *mudhihah*.

The five types of wounds which do not have certain *diyats* are taken as a jurisprudence, as well as injuries to the body that become *mudhihah* of the body, which do not have certain *diyats*, but do law, except *jaifah* wounds which have certain *diyats*. The injured person was destined to be a young enslaved person who was beautiful and clean in colour, estimated at fifty riyals. Someone said he was injured, so the price was less than one riyal, so it was forty-nine riyals. So, you know, at that time, the wounds of two camels were *diyats*, namely twenty riyals, three kupangs, and six keueh. So, it was determined by the judge that he would recover or almost recover, so it would not be less valuable. Alternatively, destined not to be cured, the price is no less. Because the wound is too small, such as *hamah* for men, it is destined that the *ijtihad* will be a small amount.

If there is a small injury such as *harishah* and *damiyah* on a man, then the value is no less. If he is a servant, the reason for the injury is only a small amount of a dirham or less than a gold dirham. Meanwhile, if the wound is on a beautiful woman, it will be less valuable if it is destined to be an enslaved woman, perhaps 89 more than a thousand or two. This is how a judge should decide so he is a fair judge. All bodily injuries have no specific *diyats*. Therefore, bodily injuries are legal, except for wounds which can be separated from certain members or areas of the *diyats*. The perpetrator will be punished if the victim does not apologize with a *diyats*. Furthermore, in cases of broken bones, *qishas* and *diyats* do not apply, except if the bones of the head or face are broken. As for other things, the law applies.¹³

f. Qasamah

Qasamah is an oath due to blood issues, and when it coincides with the accusation of blood, there are signs (evidence). Qasamah is an indictment for cases related to blood, for example, murder, cutting off body parts, etc. The indictment was accompanied by strong evidence. The truth of the accuser's accusation was accepted after swearing fifty times. Then, he is entitled to receive *diyats* payments (Amar, 1983). It is required for murder accusers to specify what they are accused of, whether intentionally, culpably or similarly intentionally, alone or gangly because different circumstances differ in the applicable law. Furthermore, the charges received are from accusers who have reached puberty, people bound by Islamic law such as *dhimmi*.

Qasamah is assigned to murders involving seas (Syah, 2018). In other words, if someone sees his brother in a village being killed, and he sees several people gathering in that place until they are separated, then this is called *Lauts*, meaning *tuhmah*. So the *qarinah* whom his heirs can accuse will be the village's people or those in the congregation.¹⁴ One person's testimony is fair in that he testified that Zaid killed so and so the Marines, as well as enslaved people or women. According to some scholars, it is required that they be separated because of the possibility of conspiring when they gather.

Aceh's Legal Response to the Writing of the *Ahkām al-Jarah* Manuscript

The background to the writing of this manuscript was the conflict that occurred in the Kingdom of Aceh in the 18th century (1720-1824). This conflict was a civil war, where Pocut Muhammad wanted to fight Sultan Djamaluddin Alam. At this time, the Darussalam kingdom had two kings, Sultan Alauddinjauhar Alam Syah and Sultan Djamalul Alam. Pocut Muhammad's goal in fighting was because he could no longer see the pile of power held by two

¹³ Manuscript *Ahkām al-Jarah*, page. 16

¹⁴ Manuscript *Ahkām al-Jarah*, page. 20

kings. For him, one boat could not have two captains.

In this power struggle, each ruler has a specific goal. Some want to control and continue the benefit of society. Power is one way to realize everything that is desired. The war that Pocut Muhammad wanted to wage was aimed at reconciling the situation of the Aceh Darussalam kingdom as before, that the government would be more orderly if ruled by a king, not the opposite, which only made the people anxious about which leader they should obey.

The situation of society when led by two kings was very influential because the situation became increasingly chaotic. They no longer cared about religious law. Apart from that, natural products at sea and on land often involve rights struggles. The situation that occurred in the Kingdom of Aceh at that time made other countries stunned when they heard it. The news reached Europe. Therefore, Pocut Muhammad took the initiative to fight the Djamelul Alam sultan in Kampung Java.

The condition in this civil war is that they defend each other's rights, and this conflict cannot be avoided. There are many impacts caused by war, both physical and psychological. Physically, it can be seen from the destruction of buildings and the surrounding nature, but it can also cause death and lifelong disability. Therefore, the author concludes that the background for writing this manuscript was the conflict in 1720-1824 to explain the laws and sanctions for murder and injury (Munawarah, 2018).

CONCLUSION

Ahkām al-Jarah is one of the manuscripts in the Aceh Museum collection, which is contained in a collection of texts with inventory number 07.737. The AJ text contains the law of injuries and the law of murder (*jarah*) with explanations from various aspects. *Ahkām al-Jarah* is a single text (Codex Unicus), so it cannot be compared. In this case, the author uses the Single Manuscript Edition method. Islamic teachings in the form of the law of *jarah* explained in the *Ahkām al-Jarah* text consist of several points, namely an explanation of the basic law of injury and murder based on the Ahlul Sunnah Waljamaah School, the law of murder in Tafsir Ibn Abbas, intentional and unintentional murder, the division of types murder, fines and sanctions for murderers, members who can take *qishas*, and fines based on the type of injury and murder.

REFERENCE

- Amar, I, A. (1983). *Terjemahan Fat-Hul Qarib Jilid-2*,Kudus: Menara Kudus.
- As'ad, A. (1980). *Terjemahan Fathul Mu'in jilid-3*.Kudus: Menara Kudus.
- Baried, S. B., Sutrisno, S., Soeratno, S. C., Sawu, K. Z. I., & Istanti, K. Z. (1994). Pengantar teori filologi. *Yogyakarta: BPPF Fakultas Sastra Universitas Gadjah Mada*.
- Baried, S. B., Soeratno, S. C., Sawoe, S., Sutrisno, S., Syakil, M., & Syakil, M. (1985). *Pengantar teori filologi*. Pusat Pembinaan dan Pengembangan Bahasa Departemen Pendidikan dan Kebudayaan
- Djamaris, E. (2002). *Metode penelitian filologi*. Jakarta: CV.
- Harahap, N. (2021). *Filologi Nusantara: pengantar ke arah penelitian filologi*. Prenada Media.
- Husaini, A. (2020). *Filsafat Ilmu: Perspektif Barat & Islam*. Gema Insani.
- Lubis, N. (1996). *Naskah, teks, dan metode penelitian filologi*. Forum Kajian Bahasa & Sastra Arab, Fakultas Adab IAIN Syarif Hidayatullah.
- Munawarah, K. (2018). *Hikayat Pocut Muhammad: Konflik kepemimpinan di Kerajaan Aceh Darussalam (1720-1824)*. Banda Aceh: UIN Ar-Raniry Banda Aceh.
- Ridlo, A. (2020). Filologi sebagai Pendekatan Kajian Keislaman. *Al-Munqidz: Jurnal Kajian Keislaman*, 8(2), 202-211.
- Rokhmansyah, A. (2018). *Teori Filologi (Edisi Revisi)*. Fakultas Ilmu Budaya Universitas Mulawarman.
- Said, M. (2007). *Sepanjang Abad Jilid-2*. Medan: Harian Waspada
- Sulistiyorini, D. (2015). *Filologi: Teori dan Penerapannya*. Malang: Madani.
- Surjana, A. (2012). *Arabeks: Seri Informasi Kepurbakalaan No 1 Edisi XII Januari-Juni*.

Kemdikbud.

Syah, E., (2018). *Terjemahan Al-Mahalli, jilid-4*. Aceh: Yayasan Bustanuul Darussalam Al-Waliyyah

Syuja', A. A. (2001). *Al Ghayata wa At-Taqrif*. Medan: Sumber Ilmu Jaya
Wahana Akademika, Vol. 6, Nomor 2, September 2004 Waqaf Sultan Qalaun- Syaikh Abdullah Ba'id al-Asyi, 1878. *Salinan manuskrip koleksi Pedir Museum 2019*.