



SYARAH: JOURNAL OF ISLAMIC LAW AND ECONOMICS

P-ISSN: 2302-9978 / E-ISSN: 2715-262

Volume 13, Number 1, June 2024

DOI: <https://doi.org/10.47766/syarah.v13i1.2928>

The Law of *Maninggian Janjang* against Perpetrators of Adultery from *Saddu al-dzari'ah*'s Perspective

Revoranda Sudarman¹, Zainal Azwar²

Imam Bonjol State Islamic University, Padang

E-mail: 2320040040@uinib.ac.id¹, Email: zainalazwar@uinib.ac.id²

Abstract: The practice of "*maninggian janjang*" against members of the adulterous community in the Baso District, Agam Regency, West Sumatra has its own peculiarities. This *maninggian janjang* punishment only applies there and the most interesting thing is that they punish a community if a member of the community commits adultery. The concept of punishment like this is not applied in Islamic law, even though Baso sub-district people are Minangkabau people who have a philosophy of life "*adat basandi syarak, syarak basandi kitabullah*". This research will examine how the *saddu al-dzari'at* *ijtihad* method looks at the collective imposition of punishment on adultery offenders. This *ijtihad* method is used not only because it has similar principles with the punishment of *maninggian janjang* but also for the consideration of Imam Syafi'I who did not totally reject the concept of *saddu al-dzari'ah*. This type of research is empirical research using a qualitative approach. Data is obtained by conducting face-to-face interviews which are analyzed through coding techniques. The validity and reliability of the data were tested through peer debriefing techniques followed by review by the reviewer. This study found that *maninggian janjang* is in accordance with the *saddu al-dzari'at* method in which the way of ignoring adultery in a community is closed by threatening punishment collectively if there are members of the community who commit adultery. Meanwhile, the abolition of punishment through fines should be adjusted to the economy of the punished people so that the purpose of this *maninggian janjang* punishment is achieved, namely to provide fear and deterrent effect.

Keywords: *Maninggian Janjang*; *Ijtihad* Method; *saddu al-dzari'ah*.

INTRODUCTION

If a group of citizens still faithfully follow a set of unwritten rules, in this case customary law, then this becomes a solid world view as well as a tool for integration of that ethnic group.¹ In Minangkabau, these laws and unwritten laws are customary law which has been integrated with Islamic law. This ethnic group strongly adheres to the basic statement of Minangkabau traditional philosophy, namely, "*adad basandi Syarak, Syarak basandi Kitabullah*" which has been passed down from generation to generation across generations.² One of the punishments in Minangkabau which at first glance looks similar to Islamic law is the law of fines and the law of exile. These two types of law are very commonly applied in the Minangkabau world with various models and styles.

Even though Minangkabau territory is spread over several geographical areas, Minangkabau customs do not necessarily have a centralized legal system. Minangkabau people call it "*Lain Lubuak Lain Ikannyo, Lain Padang Lain Belalangnyo, Lain Nagari Lain Adatnyo*."³ This means that various regions in Minangkabau are very likely to be different in developing their customary systems adapted to their respective social and natural conditions. Regarding fines and waste laws as previously mentioned, there is a legal system concept that only applies in the Baso sub-district area called the "*Maninggian Janjang*" law. This punishment is a punishment in the form of excommunication against a group whose members violate customary law, one of which is adultery. If a man and a woman are found guilty of committing adultery, then both of them and their relatives will be sentenced to *Maninggian Janjang*. The people referred to here are members of one tribe with one *datuak* (read: headman). It is hoped that this collective imposition of punishment will provide a deterrent effect to the perpetrators, a warning not to commit similar cases against the local community, as well as learning for members of the condemned group to exercise good control so that the same mistakes do not happen again in the future.

Law Islam also has a method of *ijtihad* which is related to preventing immoral acts including adultery which is called *Saddu Al-zdari'ah*. Before committing adultery, a person usually performs an intermediary action first, such as making a promise or carrying out a stimulating act, starting from there, adultery can occur. The intermediary's actions are called by ushul experts as *al-zdari'ah*, while prevention of the intermediary's actions

¹ AA Navis, *Nature Develops to Become a Teacher*, (Padang: Graphics Jaya West Sumatra, 2015), 85.

² Ibnu Amin, "Implementation of Islamic Law in the Basandi Syarak Traditional Philosophy, Syarak Basandi Kitabullah in Minangkabau," *Ijtihad* 38, No. 2 (2022): 22.

³ Fachra Gunawan and Rusdi Rusdi, "Development of the Tunduak Tradition as Local Wisdom in Solok City Subdistrict 1995-2019," *Journal of Chronology* 3, No. 1 (2021): 178, <https://doi.org/10.24036/jk.v3i1.126>.

is called *Saddu Al-zdari'ah*⁴. When associated with the law of *Maninggian Janjang* which is imposed on all members of the tribe, one of whom commits an act of adultery, this is similar to *Saddu Al-zdari'ah*. Where the imposition of punishment on a tribe will prevent acts of abandonment by the tribe if members of the tribe are indicated to have committed actions that lead to adulterous behavior.

Meanwhile, the problem is the absence of *adillatul ahkam* which clearly explains the concept of collective punishment for perpetrators of adultery. The type of punishment that is closest to the *Maninggian Janjang* law is one type of *ta'zir* law, namely excommunication (*al-hajru*).⁵ against the perpetrator of adultery, Ghairu Muhson. However, only individuals who were guilty were punished by being expelled from the area where they lived for one year after being caned. In addition, the impact of a group whose level is raised is not only in the legal aspect but also in the socio-psychological aspect. It is on the basis of the above that the author feels it is important to research this matter, so that it can be determined how *Maninggian Janjang* is practiced when viewed from the *Saddu Al-zdari'ah* method. The choice of the *Saddu Al-zdari'ah* method as the author mentioned above is because of the logical similarities between the *Maninggian Janjang* law and the *Saddu Al-zdari'ah* method.

RESEARCH METHODS

The method used in this research is an empirical legal research method, namely a type of legal research that examines law in practice that occurs in real life in society.⁶ This research uses a qualitative approach that focuses on exploring and understanding the meaning that several individuals and groups of people consider to originate from social or humanitarian problems. Important efforts involved in qualitative research include asking various procedures and questions, collecting specific data from participants, analyzing data starting from specific discussions to general themes (inductive), and interpreting the meaning of the data. A flexible structure or framework is the hallmark of this final research report⁷. The author carried out data collection through face-to-face interviews (face-to-face interviews) by asking informants a number of questions which were generally unstructured and open-ended regarding the practice of *Maninggian Janjang*. Then the data was analyzed from the interview stage using small notes, followed

⁴ Amir Syarifuddin, *Ushul Fiqh* 2, 6th ed. (Jakarta: Kencana, 2011), 423.

⁵ Darsi Darsi and Halil Husairi, "Ta'zir in the Perspective of Jinayat Fiqh," *Al-Qisthu: Journal of Legal Studies* 16, No. 2 (2019): 63, <https://doi.org/10.32694/010500>.

⁶ Irwansyah, *Legal Research: Choice of Article Writing Methods and Practices*, 5th ed. (Yogyakarta: Mega Cakrawala Printing, 2022), 174.

⁷ John W. Creswell, *Research Design: Qualitative, Quantitative and Mixed Approaches*, 6th ed. (Yogyakarta: Student Library, 2017), 4-5.

by more detailed analysis using coding techniques. Meanwhile, data validity and reliability testing was carried out by asking questions and answers by fellow researchers (peer debriefing) followed by a review process provided by a reviewer (external auditor).

RESULTS AND DISCUSSION

Punishment for Adultery According to *Jinayah* Law

At first glance, the act of adultery does not seem so dangerous because it involves individuals who like each other. However, more than that, Islam pays attention to the other side, namely the clarity of a person's origins (*nasab*) so that in the *maqasid shari'ah* the prohibition against adultery is included in the aim of *hifdzun nasl*. Another reason is that adultery can also be the beginning of various other shameful acts, damaging the good name of the family, prone to causing disputes, and can spread various diseases both physical and psychological.⁸ As a result, the threats given to adulterers are very harsh and seem quite cruel.

Adultery in Islamic teachings is divided into two types, namely *muhsan* adultery, which in this case is a person who has reached adulthood, is sensible, independent, and has been in a legal marriage bond. Scholars agree that the punishment for committing adultery with *Muhsan* is stoning, that is, being buried in the ground up to the shoulders and then pelted with stones until he dies. This provision is based on the words of the Prophet Muhammad SAW regarding a man who came to him while he was at the mosque. The man called out to the prophet while saying the words of confession, "O Messenger of Allah, I have committed adultery, but I regret it." He continued to repeat this even four times until finally the prophet gave his response, "Are you crazy?" "No," said the man. The Prophet responded by saying, "Are you a muhsan?" "Yes," answered the man. Then the Prophet firmly ordered, "Take this man and immediately stone him all of you" (*Muttafaqun 'alaihi*). As for adultery *ghairu muhsan*, namely virgins or virgins who have intimate relations, the punishment for them is to be whipped a hundred times and exiled for one year.⁹

As mentioned above, the punishment for committing adultery in Islam is very severe, namely being whipped a hundred times for a virgin perpetrator (*ghairu muhsan*) and stoning for a perpetrator who has previously been married (*muhsan*). This provision is integrated with strict evidentiary requirements, namely by presenting four male witnesses who directly witnessed the act of adultery. The four witnesses must also be synchronized between each other's actions, place and time. If the statements

⁸ Ririn Isna Magfiroh and Ashif Az Zafi, "The Existence of Jurisprudence in the Application of Adultery Laws in Indonesia," DIKTUM: Journal of Sharia and Law 18, No. 1 (2020): 107, <https://doi.org/10.35905/diktum.v18i1.1314>.

⁹ Magfiroh and Az Zafi, 87.

of the four witnesses differ regarding how the act of adultery was committed, the place and time the adultery was committed, then the sentence against the defendant cannot be imposed¹⁰. Sayyid Sabiq in his book *fiqh al-sunnah* categorizes adultery as a criminal offense in Islam where the perpetrator must be punished. The perpetrator should be given punishment after being declared proven to have committed adultery, by presenting four witnesses, all of whom are men. Confidence in what they see is no more doubtful than when seeing a bucket rope into a well. The punishment for the perpetrator of adultery is not actually to punish as cruelly as possible, but is aimed at Islamic criminal law in general, namely preventing damage and attracting benefits.¹¹.

The Concept of *Maninggian Janjang* as Punishment for Adultery in Baso District

Baso is a sub-district in Agam Regency, West Sumatra province, Indonesia with an area of 70.3 km² and a population of around 37,838 people. This sub-district is a link between two cities with a distance of around 10 km to Bukittinggi City and 15 km to Payakumbuh City. This sub-district consists of 8 nagari, namely: nagari Koto Baru, nagari Koto Gadang, nagari Koto Tinggi, nagari Padang Tarok, Nagari Salo, nagari Simarasok, nagari Sungai Cubadak, and nagari Tabek Panjang. Baso District is at the foot of Mount Marapi with a wavy and hilly surface with sharp slopes. This district is at an altitude of between 725 and 1525 m above sea level. The Minangkabau ethnic group is the majority in this area with Islam as the only religion¹². One of the customary products in Baso sub-district which is certainly inseparable from the spirit of the Islamic religion because of its philosophy "*adat basandi syarak, syarak basandi kitabullah*" is the practice of raising *janjang* towards parties involved in committing adultery. This practice can be said to be unique because it is only found in a few places in Baso sub-district.

Research that discusses height height after the author has explored various credible sources has only amounted to one scientific work written by Meri, a psychology postgraduate student at UIN SUSKA Riau, entitled, "*Maninggian Janjang* Customary Law of the Minang Kabau Community in Baso District, Agam Regency, West Sumatra, Psychological Aspects". According to him, the term *janjang* in the Minang language dictionary is a

¹⁰ Islamu Haq, "The Influence of Differences in the Statements of Jarimah Zina Witnesses (Perspective of Positive Law and Islamic Criminal Law)," *Al-Ahkam Journal of Sharia and Legal Sciences* 5, No. 1 (2020): 12, <https://doi.org/10.22515/alakhkam.v5i1.2129>.

¹¹ Nur Shofa Ulfiyati and Akh. Syamsul Muniri, "Differences in Sanctions for Adultery Perpetrators in Islamic Criminal Law and Positive Criminal Law," *USRAH: Journal of Islamic Family Law* 3, No. 2 (2022): 89, <https://doi.org/10.46773/usrah.v3i1.482>.

¹² BPS Agam Regency, 2021 Baso District in Figures, 1st ed. (Agam: BPS Agam Regency, 2021), 4-10.

tool that is used as a support to climb a house¹³. The old house models in Minangkabau actually had building construction that was raised from the ground using support pillars so that it was more hydro dynamic which made it more resistant to impacts caused by earthquakes and tsunamis.¹⁴. Thus, the literal meaning of *Maninggian Janjang* is someone whose house level is raised so that people cannot enter and leave. However, the real meaning is a figurative expression to explain the condition of a person who is not given a home, either in a happy or unfortunate situation because he has violated the customary law that applies in that area.¹⁵.

The author interviewed an informant who is one of the traditional leaders in the Baso sub-district who gave an explanation of the concept of *Maninggian Janjang* based on his understanding. According to him, *Maninggian Janjang* is a form of punishment for someone who violates customary rules and norms of decency so that they are not take *sehilir semudik*. Regarding the problem of adultery, as this research is focused on, adultery perpetrators who are proven guilty are given the obligation to pay a fine to pay *sasuku ameh* (3 gold), if they do not want to pay the fine then their house will not be visited by local residents either at weddings or other activities. other celebrations as well as in situations of misfortune such as illness and death. Not only that, if they come to someone's house at an event that involves customs, the host will warn them by saying "*bareh go ndak basalin lah do*". This means that the rice cannot be copied yet (rice is a familiar souvenir at traditional events) because the Jampung people are still elevated in rank. Moreover, it is not only those who are found guilty who are punished, but also all members of the tribe (one *datuak*) of the two individuals who committed the act of adultery.¹⁶.

Saddu Al-zdari'at as a method of Ijtihad in Islamic Law

By *lughawi* (language) *al-dzaria'ah* means a path that leads to something good or bad in *hissi* and *ma'nawi*. The placement of the word *saddu*, which means "to close" before the word *dzari'ah*, forms a phrase which means "to close the way for damage to occur."¹⁷. Meanwhile, according to the term *al-dzaria'ah*, it can be explained in a general or specific scope. In general, *al-dzaria'ah* is defined as every thing that is used as an

¹³ As perta Meri, "Maninggian Janjang Customary Law of the Minang Kabau Community in Baso District, Agam Regency, West Sumatra, Psychological Aspects," *Tambusai Education Journal* 6, no. 2 (2022): 14217.

¹⁴ Wirdanengsih, *Ethnography of the Minangkabau Tribe* (Bandung: Manggu Makmur Tanjung Lestari, 2019), 5.

¹⁵ Meri, "Maninggian Janjang Customary Law of the Minang Kabau Community in Baso District, Agam Regency, West Sumatra, Psychological Aspects," 14217.

¹⁶ Interview with Darman Angku Barbangso, Traditional Leader, in Aur Kuning, Baso District, 24 May 2024.

¹⁷ Syarifuddin, *Ushul Fiqh* 2, 424.

intermediary for another thing without looking at whether the intermediary and the thing being targeted are a prohibition or not a prohibition. Meanwhile, in a special sense, *al-dzaria'ah* is something that is initially permissible, but in certain situations and conditions that something often leads to *mafsadat*. Therefore, that is the reason that access to *al-dzaria'ah* was cut off in order to avoid *mafsadat*¹⁸. Wahbah Zuhaili has a definition which according to him is neutral, following the opinion of Ibn Qayyim who defines *saddu al-dzari'ah* as prohibiting and rejecting everything that can become a means of *haraam*, to prevent damage and danger.¹⁹

Legal basis *saddu al-dzari'ah* It is in the Quran and Hadith. The basis of the Al-Quran is the word of Allah in surah Al-an'am verse 108 which reads:

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ كَذَلِكَ زَيْنًا لِكُلِّ أُمَّةٍ عَمَلُهُمْ ثُمَّ
إِلَىٰ رَبِّهِمْ مَرْجِعُهُمْ فَيُنَبِّئُهُمْ بِمَا كَانُوا يَعْمَلُونَ

It means: Don't curse (the deities) they worship other than Allah because they will then curse Allah by going beyond the limits without (basic) knowledge. Thus, We make every people think well of their work. Then to their Lord will they return, and He will inform them of what they have done.

Verse infor explaining that insulting God or other religious deities is *al-dzari'ah* which will give rise to a prohibited *mafsadah*, namely insulting back against the God who insulted the first. In accordance with the psychological theory of defense mechanisms, where the person whose god is insulted will curse back at the person who insulted their god before. Therefore, before retaliatory insults occur, the prohibition on insulting other people's gods is a preventive measure (*saddu al-dzari'ah*)²⁰.

Draft *al-dzari'ah* also found in the hadith, namely the hadith narrated by *Shaikhani* about the prohibition of insulting other people's parents, because the person who is insulted will return to insult the person who insulted him first. In fact, the hadith emphasizes that insulting someone else's parents is the same as insulting someone you know yourself. That is,

¹⁸ Wahyu Abdul Jafar, "BPJS Health Syari'ah (Understanding the Principles of BPJS Health from a Saddu Dzari'ah Perspective)," *Al-Istinbath: Journal of Islamic Law* 2 (2017): 156-57, <https://doi.org/10.29240/jhi.v2i2.242>.

¹⁹ Hifdhotul Munawwaroh, "Sadd Al-Dzari'At and its Application to Contemporary Fiqh Problems," *Ijtihad* 12, No. 1 (2018): 66, <https://doi.org/10.21111/ijtihad.v12i1.2584>.

²⁰ Husni Fuaddi, "Saddu Dzari'ah in the Perspective of Islamic Law," *Ahkam: Journal of Sharia and Law* 4, No. 1 (2023).

even though he did not directly insult his parents' names, his actions invited insults from other people²¹.

Based on the damage caused, Abu Ishak al-Syaitibi divided *dzari'ah* in four types:

First, dzari'ah which leads to definite damage. This means that if the *dzari'ah* is not closed then damage will definitely occur. For example, digging a hole in the ground near the door of someone's house in the dark, so that everyone who leaves the house will definitely fall into the hole. Digging a hole like that is basically permissible, but in that condition it has the potential to lead to damage.

Second, dzari'ah which leads to harm according to the usual, meaning that if *dzari'ah* is carried out then it is very likely that damage will occur and prohibited behavior will be carried out. Examples are selling wine to liquor processing factories, selling knives to criminals who are looking for their enemies. Even though selling wine is basically an easy matter, in this case it is not allowed because the liquor processing factory will most likely make it into liquor. Something similar also happens in the context of selling knives to criminals.

Third, dzari'ah which leads to forbidden actions according to most. In this case, if *dzari'ah* is not abandoned, it often results in the commission of prohibited acts. For example, buying and selling credit. Although credit buying and selling does not always lead to usury, in practice it is often used as a means for usury.

Fourth, dzari'ah which very rarely leads to damage or prohibited actions. If this action is carried out, it does not necessarily mean that damage will occur. Like digging a hole in your own garden that few people go through. It is very unlikely that someone will fall into that hole, even if there is, it means he is a stray²².

Then, regarding the proof of *saddu al-dzari'ah* among the scholars, the proposal has not reached the point of consensus as a sharia proposition. The groups who accept *saddu al-dzari'ah* are Malikiyah and Hanabilah scholars. The Maliki school of thought scholars have even attempted to develop this method in various jurisprudence studies and jurisprudence proposals so that it can be implemented more widely. Imam Al-Qarafi, for example, elaborated on this method in his work *Anwar al-Buruq fi Anwa' al-Furuq*. Likewise, Imam ash-Syaitibi described this method in his book *Al-muwafaqat*. The groups that do not totally accept *saddu al-dzari'ah* as a method for determining law are the Hanafi and Shafi'i schools of thought. In other words, they accept *saddu al-dzari'ah* in one condition but reject it in

²¹ Muhammad Razif, "Prohibition of Cohabitation in Law No. 1 Year 2023: An Application of Sadd Dzariah," *Al-'Adalah: Journal of Sharia and Islamic Law* 8, No. 2 (2023): 216, <https://doi.org/10.31538/adlh.v8i2.4258>.

²² Syarifuddin, *Ushul Fiqh* 2, 428–29.

other conditions. An example is the case of Imam Shafi'i who used *saddu al-dzari'ah* to forbid someone from blocking water channels to rice fields and plantations. Likewise, Imam Hanafi forbade women to decorate themselves, wear perfume, eye shadow, henna and flashy clothes when undergoing the *iddah* period after their husband dies. The last group, namely the Zahiri school of thought, completely rejects *saddu al-dzari'ah* because they have the principle of only establishing laws based on the meaning in the text (*zhair al-lafadz*)²³. To clarify, it can be observed in the following table:

Table 1: Position of *saddu al-dzari'ah* according to five schools of thought

Source of law	School of thought				
	Hanafi	Maliki	Shafi'i	Hanbali	Zahiri
<i>Saddu al-dzari'ah</i>	Not totally accepted	Accept	Not totally accepted	Accept	Reject

Mustafa Syalabi categorizes several opinions of scholars regarding *saddu al-dzari'ah* into three categories, namely: *First*, *dzari'ah* with the damage caused by it can be ascertained with strong conjecture, such as the form of the first and second *dzari'ah* as stated by Syaitibi above. In this case, there are no scholars who disagree about prohibiting this. *Second*, *dzari'ah* where the possibility of damage or implementation of the prohibition is very minimal, such as the 4th division as classified by Syaitibi above. In this case, the scholars also agreed not to prohibit it. *Third*, *dzari'ah* is in the middle condition as in the 3rd group in the Syaitibi grouping above. In this case, according to Salabi, the malikiah and hanabilah circles require prohibiting this *dzari'ah*, while the shafi'iyah and hanafiah groups state that there is no need to prohibit it.²⁴

Maninggian Janjang Legal Analysis from *Saddu Al-zdari'at* Perspective

Minangkabau people live communally with a matrilineal system²⁵. When a man marries he will live in the *Rumah Gadang* where his wife is (his in-laws' house) to become *urang sumando* by being given the right to work on his wife's inherited land. Nowadays there are not many *gadang* houses and there are no husbands who work to make a living on their wives' land. In fact, many already have their own homes, either in their villages or abroad. Even so, the culture of living as members of a tribe in the Baso sub-district is still held tightly by its followers. Living with this communal pattern makes it possible for interactions between individuals to run quite

²³ Husni Fuaddi, "*Saddu Dzari'ah in the Perspective of Islamic Law*," *Ahkam: Journal of Sharia and Law* 4, No. 1 (2023): 21-22.

²⁴ Syarifuddin, *Ushul Fiqh* 2, 429-30.

²⁵ Navis, *Nature Evolves to Become a Teacher*, 217.

intensively. So if there is an inappropriate incident it will certainly be in the spotlight and will immediately be known by many people.

Likewise, behavior that leads to adultery and even adultery itself will certainly be easily detected. This is in accordance with the general method of Minangkabau people in suspecting a crime which is called *cemo*. In this *cemo*, several signs of the possibility that a crime has occurred are explained:

1. *Basuriah bak sipasin, bajajak bak bakiak* (bersuriah bagai sipasin, berjejak bagai berkik). This means that a mark was found on the ground as a sign of a connection between the mark and the suspect.
2. *Enggang lalu, ata jatuah* (enggang lewat, atal jatuh). This means that at the scene of the incident the suspect was seen there.
3. *Kacondongan mato urang banyak* (the tendency of many people's eyes). This means that someone is the focus of attention of many pairs of eyes because their standard of living has changed rapidly without any clear law of causality.
4. *Bajua murah-murah* (selling cheaply). This means that an item is sold at a cheap price by someone who is not used to trading as if the item were not their property.
5. *Jalan bagageh-gageh* (walking hurriedly). That is, a hasty attitude displayed by someone at a time and place that is not in accordance with movements such as fear.
6. *Dibao pikek, dibao langau* (brought by lures, carried by flies). This means that someone is seen going back and forth without any rational explanation, thereby arousing suspicion from various parties²⁶.

The first group to know when a man or woman brings the opposite sex home to be alone is of course family and neighbors. If in an area the customs and religion are still strong, it is very likely that local residents will raid couples who are suspected of approaching the act of adultery. The most basic consequence they get is bringing shame to the family name. Meanwhile, in Baso District there is a more definite consequence than just embarrassment, namely raising the level of the house so that the perpetrators and their people are not taken along with every activity carried out in the village. There were no village people who wanted to come to their activities. The punishment imposed on adultery perpetrators is not limited to the individual guilty person but also communally.

²⁶ Navis, 112.

Maninggian janjang when viewed from the point of view of *saddu al-dzariat*, it lies in terminating acts of neglect by a people towards members of their people who do something that leads to adultery. With the prohibition of neglecting adulterous behavior and its introduction, it is hoped that members of certain tribes will monitor the behavior of their nieces and nephews so that they do not fall into adulterous behavior. This is in sharp contrast to big cities where people do not really care about other people's lives and therefore allow the practice of cohabitation, namely young people living in the same house without being legally married.

However, what needs to be studied more deeply is the communal imposition of law. When viewed from a social-psychological perspective, the imposition of a prison sentence is very torturous and detrimental to the people being punished. As stated by an informant, the local community did not even come to hold the body of a person whose height *janjangnya* even though it was a *fardhu kifayah* matter. In fact, one time, the informant's child was not allowed to study in a group by his friend's parents because they thought they were not being taken along with them. Not infrequently, this exclusion also spreads to economic problems so that people whose agricultural products are raised will not be purchased.²⁷ Even though it is still sporadic and casuistic, of course this is very detrimental to the convicted group. In addition, this punishment will be revoked if the people are able to atone for their punishment by paying a fine, namely *sasuku ameh*. Of course, people who have a lot of assets will really benefit because they can pay fines to escape the legal trap of *maninggian janjang*.

Referring to the text, namely surah At-taubah verse 118, where the Prophet SAW only experienced excommunication once, namely against three believers who were absent in the Tabuk war, namely Ka'ab bin Malik, Hilal bin Umayyah and Murarah bin Rabi'²⁸. In this case, even though the three of them were punished, in essence the social isolation only affected the guilty individual, the Prophet SAW did not involve the family or even members of the tribe of that group to also be locked up. Meanwhile, in another verse there is mention of the disaster that Allah brings down not only on the wrongdoers, but on all of them, Allah says:

وَاتَّقُوا فِتْنَةً لَا تُصِيبَنَّ الَّذِينَ ظَلَمْتُمْ مِنْكُمْ خَاصَّةً وَاعْلَمُوا أَنَّ اللَّهَ شَدِيدُ الْعِقَابِ

It means: "Preserve yourselves from torment which does not only befall the unjust among you. Know that Allah is Severe in punishment."

²⁷Interview with Ermiati, Member of the Convicted, in Aur Kuning, Baso District, 25 May 2024.

²⁸ Ministry of Religion of the Republic of Indonesia, Al-Qur'an and its Tafsir (Jakarta: Lentera Abadi Publishers, 2010), 226.

The meaning of Allah's word above is a warning to be alert to disasters and trials where disasters do not only happen to people who do bad things, people who are guilty or doers of immorality, everyone will be affected as long as the disaster is not prevented and has not been lifted by God. In other words, it can be said that if a disaster occurs, he will not hesitate to give slander to either sinners or pious people.²⁹ This verse is a threat whose punishment is directly from Allah SWT, not based on human decisions. This collective punishment was imposed by Allah SWT as a punishment for wrongdoers and a test for pious people because they were not maximal in eradicating evil. Meanwhile, in the context of *Maninggian Janjang*, punishment is imposed collectively because of an individual's mistake through a court decision according to custom.

This is where the contradiction occurs, on the one hand the practice of raising the *janjang* is good for preventing the normalization of adultery by a group in the Baso sub-district. However, on the other hand, this punishment is not in line with the principle conveyed by Allah in the Koran, namely that a person does not bear the sins of others (*wala taziru wazirtun uzra ukhra*). Seeing this, the author is of the opinion that when viewed from the perspective of *saddu al-Dzariat*, the author categorizes it as a matter that definitely causes damage or is strongly suspected to result in damage. In another editorial, the author said that if members of a group are careless and indifferent when members of their group commit adultery, then it is certain that damage will occur. Thus, as stated by Syalabi, the ulama agreed to prohibit it. Apart from that, the punishment of raising the *janjang* is also a means of implementing the mandate of Allah SWT to invite those who are right and prevent those who are wrong, where according to the majority of ulama, this command is *fardhu kifayah*.³⁰

The practice of cohabitation, like what occurs in big cities, must be stemmed by strengthening religion and upholding good customs (*al-urfu salih*). With the threat of being raised collectively, it is hoped that all components of society will have the awareness not to allow any action that has the potential to lead to adulterous behavior. It is there that the spirit of *amar ma'ruf nahi mungkar* can continue to be nurtured and grow. As for the socio-psychological impact of the *maninggian janjang* on the convicted person, it should be responded to as one of the goals of punishment, namely the deterrent effect. Meanwhile, the abolition of punishment by paying a fine should be weighed in accordance with the economic conditions of the punished, so that the punishment of *maninggian janjang* is not taken lightly by anyone, including people who have a lot of wealth.

²⁹ Wahbah Az-zuhaili, *Tafsir Al-Munir*, 5th ed. (Jakarta: Gema Insani, 2013), 272.

³⁰ Badarussyamsi, M. Ridwan, and Nur Aiman, "Amar Ma'ruf Nahi Munkar: An Ontological Study," *Tajdid* 19, no. 2 (2020): 279.

CONCLUSION

The practice of *Maninggian Janjang* is a good customary product when viewed from the perspective of *saddu al-dzariat*. This form of punishment will close the way for a member to ignore members of his tribe who commit adultery. Collective punishment is likely to increase the awareness of members of a tribe to monitor the behavior of other tribe members so that they do not fall into adulterous behavior. The socio-psychological impact felt by all members of the community who are punished should be seen as the purpose of the punishment itself, namely providing a deterrent effect. Meanwhile, the fines paid to be free from the penalty of *Maninggian Janjang* should be adjusted to the economic conditions of the convicts, so that the penalty of *Maninggian Janjang* is more respected and becomes a taboo to be violated.

LITERATURE

- Agam, District BPS. 2021 Baso District in Figures. 1st ed. Agam: BPS Agam Regency, 2021.
- Az-zuhaili, Wahbah. Tafsir Al-Munir. 5th ed. Jakarta: Gema Insani, 2013.
- Badarussyamsi, M. Ridwan, and Nur Aiman. "Amar Ma'ruf Nahi Munkar: An Ontological Study." *Tajdid* 19, no. 2 (2020).
- Creswell, John W. *Research Design: Qualitative, Quantitative and Mixed Approaches*. 6th ed. Yogyakarta: Student Library, 2017.
- Darsi, Darsi, and Halil Husairi. "Ta'zir in the Perspective of Jinayat Fiqh." *Al-Qisthu: Journal of Legal Studies* 16, no. 2 (2019). <https://doi.org/10.32694/010500>.
- Fuaddi, Husni. "Saddu Dzari'ah in the Perspective of Islamic Law." *Ahkam: Journal of Sharia and Law* 4, no. 1 (2023).
- Gunawan, Fachra-, and Rusdi Rusdi. "Development of the Tunduak Tradition as Local Wisdom in Solok City Subdistrict 1995-2019." *Journal of Chronology* 3, no. 1 (2021). <https://doi.org/10.24036/jk.v3i1.126>.
- Haq, your Islam. "The Influence of Differences in the Statements of Jarimah Zina Witnesses (Positive Law Perspective and Islamic Criminal Law)." *Al-Ahkam Journal of Sharia and Legal Sciences* 5, no. 1 (2020). <https://doi.org/10.22515/alahkam.v5i1.2129>.
- Ibn Amin. "Implementation of Islamic Law in the Basandi Syarak Traditional Philosophy, Syarak Basandi Kitabullah in Minangkabau." *Ijtihad* 38, no. 2 (2022).
- Irwansyah. *Legal Research: Choice of Article Writing Methods and Practices*. 5th ed. Yogyakarta: Mega Cakrawala Printing, 2022.
- Jafar, Wahyu Abdul. "BPJS Health Syari'ah (Understanding the Principles of BPJS Health from a Saddu Dzari'ah Perspective)." *Al-Istinbath: Journal of Islamic Law* 2 (2017). <https://doi.org/10.29240/jhi.v2i2.242>.

- Magfiroh, Ririn Isna, and Ashif Az Zafi. "The Existence of Jurisprudence in the Application of Adultery Laws in Indonesia." *DICTUM: Journal of Sharia and Law* 18, no. 1 (2020). <https://doi.org/10.35905/diktum.v18i1.1314>.
- Meri, Seperta. "Maninggian Janjang Customary Law of the Minang Kabau Community in Baso District, Agam Regency, West Sumatra, Psychological Aspects." *Tambusai Education Journal* 6, no. 2 (2022).
- Munawwaroh, Hifdhotul. "Sadd Al-Dzari'At and its Application to Contemporary Fiqh Problems." *Ijtihad* 12, no. 1 (2018): 63. <https://doi.org/10.21111/ijtihad.v12i1.2584>.
- Navis, AA Alam Develops to Become a Teacher. Padang: Graphics Jaya West Sumatra, 2015.
- Razif, Muhammad. "Prohibition of Cohabitation in Law No. 1 Year 2023: An Application of Sadd Dzariah." *Al-'Adalah: Journal of Sharia and Islamic Law* 8, no. 2 (2023). <https://doi.org/10.31538/adlh.v8i2.4258>.
- RI, Ministry of Religion. *Al-Qur'an and its Tafsir*. Jakarta: Lantera Abadi Publishers, 2010.
- Syarifuddin, Amir. *Ushul Fiqh 2*. 6th ed. Jakarta: Kencana, 2011.
- Ulfiyati, Nur Shofa, and Akh. Syamsul Muniri. "Differences in Sanctions for Adultery Perpetrators in Islamic Criminal Law and Positive Criminal Law." *USRAH: Journal of Islamic Family Law* 3, No. 2 (2022). <https://doi.org/10.46773/usrah.v3i1.482>.
- Wirdanengsih. *Ethnography of the Minangkabau Tribe*. Bandung: Manggu Makmur Tanjung Lestari, 2019.