



DAILY PRISON *FIQH*: A PRACTICAL SOLUTION OF ISLAMIC LAW TO THE PROBLEMS OF PRISONERS IN TEMBILAHAN, RIAU

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Abstract: The article aimed to answer the daily *fiqh* problems of prisoners in Correctional Institutions (Lapas) class II Tembilahan. The *fiqh* problems related to Islamic law relating to individuals, relationships with God and prison society. The structured interviews with prisoners and the study of relevant documents were used to answer the research questions. This research uses a qualitative approach and literature by referring to classical and contemporary *fiqh* books. This research resulted in the findings of the formulation of daily *fiqh* of prisoners in Class II Tembilahan Correctional Institution, namely: *First*, related to *fiqh* laws that concern individual issues such as masturbation, tattoos, vital organs installed with roles to becoming prayer leader (*imam*), paying debts from drug money, anxious between farting or not at the time of bowing or prostration, the law of not providing maintenance for the wife for a long time, and apologizing to parents who have died. *Secondly*, there is the issue of *fiqh* rulings between the servant and Allah. In this case, one issue is the law of the *zuhur* prayer being performed before the Friday prayer. *Third*, issues related to relationships with society. In this case, there is one issue, namely maintaining tolerance for non-Muslims in prison. This research contributes to providing Islamic legal solutions to the daily problems of Muslim prisoners to continue to carry out religious obligations in correctional institutions and as a reference for policymakers in correctional institutions to continue to present legal benefits for Muslim prisoners.

Keywords: *fiqh*; prisoners; prisons.

Abstrak: Artikel ini bertujuan menjawab problematika fikih keseharian narapidana yang berada di lembaga pemasyarakatan (Lapas) kelas II Tembilahan. Problematika fikih yang dimaksud adalah terkait hukum Islam yang berhubungan dengan individu, hubungan dengan Allah dan hubungan dengan masyarakat lapas. Untuk menjawab pertanyaan penelitian digunakan metode wawancara terstruktur dengan

narapidana dan studi dokumen yang relevan. Penelitian ini menggunakan pendekatan kualitatif dan kepustakaan dengan merujuk kitab-kitab fikih klasik dan fikih kontemporer. Penelitian ini menghasilkan temuan terkait formulasi fikih keseharian para Narapidana di Lapas Kelas II Tembilahan, meliputi: *Pertama*, terkait hukum-hukum fiqih yang menyangkut persoalan individual seperti onani, tato, alat vital dipasang *guli-guli* menjadi imam, membayar hutang dari uang narkoba, was-was antara terkentut atau tidak di waktu rukuk atau sujud, hukum tidak memberi nafkah istri dalam waktu lama, dan meminta maaf kepada orang tua yang telah meninggal. *Kedua*, terkait persoalan hukum-hukum fikih antara hamba dengan Allah. Dalam hal ini terdapat satu persoalan yakni hukum shalat zuhur dilaksanakan sebelum shalat jum'at. *Ketiga*, persoalan terkait hubungan dengan masyarakat. Dalam hal ini terdapat satu persoalan yakni menjaga toleransi kepada non muslim di dalam Lapas. Penelitian ini berkontribusi dalam memberikan solusi hukum Islam terhadap persoalan sehari-hari narapidana muslim untuk tetap menjalankan kewajiban agama di lembaga pemasyarakatan serta sebagai acuan bagi pemegang kebijakan di Lapas untuk tetap menghadirkan kemaslahatan hukum bagi narapidana muslim.

Kata Kunci: fikih; narapidana; lapas.



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INTRODUCTION

Correctional institutions (Lapas) are organizations with tasks and functions comparable to those of other institutions in the criminal justice system, such as the police, prosecutor's office, and courts.¹ The Correctional Institution's roles and functions include assisting inmates and child prisoners.²

Correctional institutions, as a sub-system of justice from a political-legal standpoint, serve as both a place for criminals to commit crimes and a place for inmates to seek guidance.³ The correctional system does not use traditional punishments such as vengeance and deterrence. Instead, it adheres to the ideology of social reintegration, which aims to restore the unity of existence, life, and

¹ Ahmad Rofiq, Hari Sutra Disemadi, and Nyoman Serikat Putra Jaya, 'Criminal Objectives Integrality in the Indonesian Criminal Justice System', *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 19, no. 2 (16 December 2019): 179-90, <https://doi.org/10.30631/alrisalah.v19i2.458>.

² Maryanto Maryanto, Diah Rahmawati, and Indrati Rini, 'Pelaksanaan Pembinaan Yang Bersifat Kemandirian Terhadap Narapidana Di Lembaga Pemasyarakatan Kelas II B Slawi', *Jurnal Pembaharuan Hukum* 1, no. 1 (2014): 66, <https://doi.org/10.26532/jph.v1i1.1472>; Muhammad Arif Sahlepi, 'Reformasi Hukum Lembaga Pemasyarakatan Sebagai Sub Sistem Peradilan Pidana', *Jurnal Hukum Kaidah* 17, no. 2 (14 March 2018): 90-96, <https://doi.org/10.30743/jhk.v17i2.355>.

³ Muhammad Fatahillah Akbar, 'Politik Hukum Pidana Terhadap Perbuatan Narapidana Melarikan Diri Dari Lembaga Pemasyarakatan Di Indonesia', *Jurnal Hukum & Pembangunan* 50, no. 1 (30 April 2020): 20-34, <http://dx.doi.org/10.21143/jhp.vol50.no1.2480>.

livelihood for correctional inmates. Inmates are considered not just persons but also God's creations with human rights that must be respected.⁴ The provision of facilities and infrastructure for optimally coaching inmates is critical, including, in this case, the requirement for coaching the rights of older people,⁵ Personality coaching, work guidance, and worship while under coaching.⁶

According to Herlina's study, jail conditions have a significant impact on the growth of inmates.⁷ Meanwhile, Perkasa⁸ and Iklima Salsabil⁹ stated that the difficulty with inmates following guidance is overcapacity and overcrowding, which prevents inmates from obtaining their rights efficiently and even jeopardizes their fundamental rights. In reality, Angkasa's study found 5 (five) categories of rights deprivation suffered by inmates: deprivation of liberty, deprivation of goods and services, deprivation of heterosexual experience, deprivation of autonomy, and deprivation of a sense of security.¹⁰

I, Ketut Sukadana et al., and Sri Warjiyati et al. offer opposing viewpoints on correctional institutions. Sukadana believes that incarcerated Institutions have a complicated function, which includes providing direction to inmates and community services, mentoring incarcerated clients, rehabilitation and

⁴ Ayom Prayoga, Ali Muhammad, and Cahyoko Edi Tando, 'Peran Lembaga Pemasarakatan Dalam Sistem Peradilan Pidana Pada Proses Pembinaan Sebagai Tujuan Akhir Pemidanaan', *Jurnal Pendidikan Dan Konseling (JPDK)* 5, no. 1 (14 February 2023): 5987-93, <https://doi.org/10.31004/jpdk.v5i1.12527>.

⁵ Andi Kaisar Agung Saputra Aswar and H. M. Yasin, 'Peranan Lembaga Pemasarakatan dalam Melakukan Pembinaan terhadap Narapidana Lanjut Usia', *Al-Ishlah: Jurnal Ilmiah Hukum* 24, no. 1 (26 May 2021): 104-25, <https://doi.org/10.56087/aijih.v24i1.61>.

⁶ Sahari and Edi Gunawan, 'Efektivitas Pembinaan Ibadah Dan Keagamaan Bagi Narapidana Muslim Di Lapas Amurang', *Al-Mizan* 17, no. 2 (30 December 2021): 289-306, <https://doi.org/10.30603/am.v17i2.2333>; Rose Fitria Lutfiana, Dinar Budi Pramesti, and M Mansur, "Internalisasi Nilai Karakter Bagi Narapidana Di Lapas Kelas 1a Kota Malang," *Bhineka Tunggal Ika: Kajian Teori Dan Praktik Pendidikan PKn* 10, no. 2 (November 21, 2023): 299-309, <https://doi.org/10.36706/jbti.v10i2.22450>; Reza Nur Arifa, 'Kajian Keagamaan Terhadap Narapidana Di Lambaga Pemasarakatan Kelas I Bandar Lampung', *An-Natiq Jurnal Kajian Islam Interdisipliner* 2, no. 1 (27 January 2022): 25-32, <https://doi.org/10.33474/an-natiq.v2i1.14162>.

⁷ Ning Herlina, 'Cita Hukum Pancasila Dapat Berkembang Dalam Batang Tubuh Undang-Undang Dasar Republik Indonesia 1945', *Lex Librum: Jurnal Ilmu Hukum* 4, no. 2 (2018), <https://doi.org/10.46839/ljih.v4i2.107>.

⁸ Risang Achmad Putra Perkasa, 'Optimalisasi Pembinaan Narapidana Dalam Upaya Mengurangi Overcapacity Lembaga Pemasarakatan', *Wajah Hukum* 4, no. 1 (24 April 2020): 108, <https://doi.org/10.33087/wjh.v4i1.175>.

⁹ Iklima Salsabil Dm and Inge Widya Pangestika Pratomo, 'Human Rights Guarantee for Inmates in the Perspective of Correctional System in Indonesia', *Lex Scientia Law Review* 1, no. 1 (5 December 2017): 33-40, <https://doi.org/10.15294/lesrev.v1i01.19480>.

¹⁰ Angkasa Angkasa, 'Deprivation of Inmates in Conducting Imprisonment and Guidance in Penitentiary on Victimology Perspective', *Journal of Indonesian Legal Studies* 5, no. 1 (4 May 2020): 53-74, <https://doi.org/10.15294/jils.v5i1.38520>.

resocialization of lawbreakers, and even crime prevention.¹¹ Meanwhile, Warjiyati views imprisonment from a gender standpoint. According to him, jails have a solid track record of training female inmates, children, and the elderly. However, some aspects might still be addressed regarding collaboration among the stakeholders involved, beginning with inmates, correctional officials, and related agencies.¹²

The role and function of prisons in convicts' development remain a central theme in these diverse studies. As a result, researchers have failed to address critical concerns concerning inmates' daily legal rights and Muslim inmates' legal rights to practice their religion. Thus, this study will concentrate on issues concerning the everyday Islamic law of inmates in class II Tembilahan Indragiri Hilir, Riau, also known as the daily fiqh of inmates.

In practice, Muslim inmates in Indonesian prisons encounter a variety of challenges and problems in carrying out their religious commitments, particularly those involving the execution of worship and fiqh practices while serving their prison sentences. Inmates' inadequate facilities and religious knowledge make it difficult to understand and correctly apply Islamic law teachings. There are also particular fiqh difficulties concerning jail conditions, such as purification, prayer, fasting, and several aspects related to worship.¹³

The continual coaching of inmates at Tembilahan Penitentiary comprises personality features to strengthen spirituality, national and state consciousness, reasoning skills, and independence. Meanwhile, Tembilahan jail's efforts to maximize worship and religious guidance include jail authorities and ulama from Indragiri Hilir Regency. This consists of the participation of local governments and the community in fostering the coaching process in fields associated with inmates.¹⁴

Overall, coaching of inmates includes care, general education, religious education, and social skills or employment education. One of the points in this

¹¹ I. Ketut Sukadana, Leni Dwi Nurmala, and Nurwita Ismail, 'The Position Of Correctional Institutions In Providing Guidance To Inmates In Indonesia', *International Journal of Law and Society* 1, no. 3 (22 May 2024): 155-65, <https://doi.org/10.62951/ijls.v1i3.83>.

¹² Sri Warjiyati et al., 'The Effectiveness of Correctional Institutions for Children, Female, and Elderly Inmates in Sidoarjo District', *Jurnal Hukum Dan Peradilan* 12, no. 3 (30 November 2023): 581-606, <https://doi.org/10.25216/jhp.12.2.2023.%p>.

¹³ Lusiana Rahmatiani and Andes Asmara, 'Role of Law Protection of Rights Narapidana In Class IIA Karawang', *International Journal of Psychosocial Rehabilitation* 24 (3 July 2020): 3696-3701, <https://doi.org/10.37200/IJPR/V24I7/PR2700362>; Endeh Suhartini and Defisa, 'Hak Kebebasan Beribadah Bagi Narapidana Di Lembaga Pemasyarakatan Kelas II B', *Jurnal Sosial Humaniora* 13, no. 1 (26 August 2022): 1-18.

¹⁴ Mizaj Iskandar et al., 'From the Public Space to the Prison Space: Regulation Polemic and the Implementation of Caning Law in Aceh', *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 1 (12 July 2022): 216-41, <https://doi.org/10.19105/al-lhkam.v17i1.5646>.

research is the spiritual field of Islamic law. Religious activities in prisons are one of the areas of development to cure inmates from illnesses related to a decline in faith. With the aim that inmates will always familiarize themselves with religious activities, they will always get guidance from Allah and be kept away from behavior that will lead them back to wrong deeds.¹⁵

Of the several religious study themes obtained by the inmates, the field of Islamic law frequently leads to daily jurisprudential conversations that face numerous challenges. Repentant inmates express a desire to begin praying. Still, they are impeded by their tattoos, a desire to worship in a sacred space, a problem with masturbation, a need for alternative biological needs while incarcerated, a problem with the lack of water in their cell for bathing and ablution, and several other issues that come up in the study and pertain to regular prison jurisprudence.¹⁶

Moving away from this issue, the research aims to close the gap left by previous studies by concentrating on the issue of addressing the jurisprudential conundrum in prisons about common Islamic law issues for class II Tembilahan inmates. This study employed a qualitative research type and approach.¹⁷ Structured interviews are a method of gathering data that allows convicts to ask questions in a dialogue. A literature review was carried out with historical and contemporary fiqh references to refine the interview results further.¹⁸ In the meantime, data analysis is done in phases. The first process is called data reduction, in which relevant data is chosen and classified. After the data has been reduced, conclusions are made and presented using a systematic description.

ISLAMIC LEGAL GUIDANCE METHODS AND MATERIALS IN CORRECTIONAL INSTITUTIONS (LAPAS)

The data gathered indicates a wide range of religious development among Tembilahan Class II Prison inmates. First, there is a public lecture. The lecture

¹⁵ Suhartini and Defisa, 'Hak Kebebasan Beribadah Bagi Narapidana Di Lembaga Pemasyarakatan Kelas II B'.

¹⁶ Chepi Ali Firman et al., 'Sexual Needs Of Indonesian Inmates In The Aim Of Punishment Perspective', *MIMBAR: Jurnal Sosial Dan Pembangunan*, no. 0 (25 June 2022): 171-79, <https://doi.org/10.29313/mimbar.v0i0.9327>; Iskandar et al., 'From the Public Space to the Prison Space'; Jan Maarten Elbers et al., 'The Effects of Reward Systems in Prison: A Systematic Review', *International Journal of Law, Crime and Justice* 71 (1 December 2022): 100556, <https://doi.org/10.1016/j.ijlcrj.2022.100556>.

¹⁷ Dede Rosyada, *Penelitian Kualitatif Untuk Ilmu Pendidikan* (Jakarta: Prenada Media, 2020), 203; Norman K. Denzin and Yvonnas S Lincoln, *Handbook of Qualitative Research*, Terj. Dariyanto Dkk (Yogyakarta: Pustaka Pelajar, 2009); Steven J. Taylor, Robert Bogdan, and Marjorie L. DeVault, *Introduction to Qualitative Research Methods: A Guidebook and Resource*, 4th edition (Hoboken, New Jersey: Wiley, 2016). 203.

¹⁸ Imam Gunawan, *Metode Penelitian Kualitatif Teori Dan Praktik* (Jakarta: Bumi Aksara, 2013), 163; Mestika Zed, *Metode Penelitian Kepustakaan* (Jakarta: Yayasan Obor Indonesia, 2004). 163.

technique involves the teacher delivering an oral explanation and narrative to listeners and a forum/community. In this method, the teacher becomes dominant, and the lesson's subject is the students, who are passive objects who receive what the teacher delivers.¹⁹ The coaching is carried out by providing verbal explanations in daily language readily accepted by the offenders utilizing various preaching methods (*bi al-hikmah, mauidzah hasanah, and mujadalah*).²⁰ The preaching method might be combined with guidance. Explanations using the lecture approach provide knowledge and urge people to act according to religious principles; the question-and-answer method was also used. This lecture-style can be very beneficial to inmates, both when obtaining an explanation of the information offered and while practicing it. This method enables inmates to learn as much as possible about religious knowledge.

Second, the study of Hadith. Hadith is the second authoritative source after the Koran, occupying a central position in Islamic studies.²¹ The hadith books studied are Sahih Bukhari and Muslim (*Fath al-Bari*).²² The main aim of this activity is to provide an understanding of the hadiths of the Prophet SAW. Each meeting is given material according to a predetermined hadith theme—third, morals. The book studied is the book of *al-Bahjah al-Mardhiyyah fi al-Akhlaq al-Diniyyah*.²³

Fourth, study of *fiqh* or jurisprudence. The book of *fiqh* used in teaching at the Tembilahan class II prison is the book *Kifayah al-Akhyar*. This book is based on the Syafi'i Madzhab *fiqh* and is also widely studied in Islamic boarding schools in Indonesia, especially in Salaf Islamic boarding schools. This book was written by Imam Taqiy al-Din al-Hisni, also known as Imam Taqiy al-Din Abu Bakar bin Muhammad al-Husaini ad-Dimasyi, who is one of the scholars of the modern Shafi'i Madzhab: Fifth, the book of *Tawheed* or monotheism. The book used in recitation in class II Tembilahan is *Tanwir al-Qulub* by Muhammad Amin Ibn Fath Allah

¹⁹ Jainap, 'Metode Ceramah dalam Belajar dan Pembelajaran', 18 May 2022, <https://doi.org/10.31219/osf.io/u5fyq>. 3.

²⁰ The wisdom method can be understood as a deep way based on good things. While the *Mauizah Hasanah* method is with gentle advice. While the meaning of *Mujadalah* is debate or in-depth discussion. See Nihayatul Husna, 'Metode Dakwah Islam Dalam Perspektif Al-Qur'an', *Jurnal Selasar KPI: Referensi Media Komunikasi Dan Dakwah* 1, no. 1 (1 December 2021): 100, <https://doi.org/10.33507/selasar.v1i1.319>.

²¹ Nasruddin Yusuf, "Hadis Sebagai Sumber Hukum Islam," no. 1 (2015). 35.

²² Ahmad ibn 'Ali Ibn Hajar al-'Asqalānī and Abu Ihsan Al-Atsari, *Fathul Bari: syarah Shahih al-Bukhari* (Jakarta: Pustaka Imam Asy-Syafii, 2010).

²³ Muhammad Sarni, *Al-Bahjah al-Mardhiyyah Fi al-Akhlaq al-Diniyah* (Banjarmasin: Toko Buku Murni, 2007).

Zahdah. The book *Tanwir al-Qulub* examines Aqidah, Fiqh, and Aqhlak/Tasawwuf.²⁴

As mentioned, religious activities at the Tembilahan Class II Correctional Facilities have been planned, directed, and integrated. These activities, such as congregational prayers and recitations, are held on a scheduled basis, both in terms of time and material.

PRACTICAL ISLAMIC LAW SOLUTIONS FOR THE DAILY PROBLEMS OF CLASS II TEMBILAHAN INMATES

Based on the research results on various inmate problems related to their daily jurisprudence while in Correctional Institutions (Lapas), three fundamental issues of daily fiqh for inmates in Class II Tembilahan can be identified. First, it is related to the issue of fiqh laws, which concern individual problems. Related to this, there are 7 aspects of *fiqh* law, namely:

a) Masturbation

Among the problems that inmates often experience is the issue of sexual tension while in Correctional Institutions (Lapas). This has become a problem because they live in a crowded cell with other male prison residents. One option taken to relieve sexual tension is the practice of masturbation. So, what is the view of the ulama regarding this matter? There are various opinions explaining the law of masturbation. Some allow it, and some prohibit it. Opinions are forbidden at one time but permissible in other circumstances if there is a reason for that, and opinions are also allowed.

Among the opinions that are prohibited are the following. *First*, Sayyid Sabiq in the book of *Fiqh as-Sunnah*, Malikiyah scholars (including Imam Malik), Syafi'iyah (including Imam ash-Shafi'i) and Zaidiyah forbid masturbation.²⁵ *Second*, Imam an-Nawawi in *al-Majmu' Syarh al-Muhadzab* said that masturbation is haram, namely releasing gushing sperm with his hands. Most scientific experts also express this haram opinion. Ibn Abbas said, "Marrying a female slave is better than masturbation, and masturbation is better than adultery." It was narrated that Amr bin Dinar gave relief to masturbation in times of emergency and fear of danger. This is also Imam Ahmad's opinion."²⁶ *Third*, the opinion is that it is illegal at one time

²⁴ Muhammad Amin Ibn Fath Allah Zahdah, *Kitab Tanwir Al-Qulub Fi Mu'amalat 'allam al-Ghuyub* (tt: Matba'at al-Sa'adah, 1953).

²⁵ Sayyid Sabiq, *Fiqh Sunnah* (Birut: Dar al-Fikr, t.t). 434.

²⁶ An-Nawawi, *Al-Majmu' Syarh al-Muhazzab* (Bairut: Dar al-Fikr, t.t). 421.

but permitted at another if there is a valid explanation. The Hanafi and some Hanbali sects of Ulama hold this opinion. The reasons given are that he does not have a wife or enslaved person, and his lust is so intense that *istimna'* becomes obligatory if he is frightened of falling into adultery. Some scholars continue to allow masturbation when traveling (while the wife is at home) to prevent the temptation of adultery. Imam Al-Mawardi stated: "*Some of the Islamic jurists of the Bashrah allow masturbation while traveling and do not allow it when they are at home (not traveling).*"²⁷ Sayyid Sabiq explains Hanabilah's opinion as follows: "The Hanabilah group say, "Masturbation is originally haram unless he masturbates because he is worried about committing adultery, or is concerned about his health, while he does not have a wife or slave, and he is not yet able to marry, then in In such a condition he is not guilty."²⁸

According to one opinion, probable opinions include Ibn Abbas, al-Hasan, al-Ala'i bin Ziyad, adh-Dhahhak bin Mazahim, and other Tabi'in scholars and Ahmad bin Hanbal.²⁹ Imam al-Qurthubi said in his tafsir, "Imam Ahmad bin Hanbal, who is known to be *wara*," permitted masturbation, with the argument that the act of masturbation is like expelling excess from the body, so it is allowed when necessary, such as surgery and cupping."³⁰

b) The Tattoo Problem

Tattooing is prohibited under Islamic law, regardless of whether it obstructs the wudu water. Because the illat of haraam tattoos is a hadith that prohibits them. According to Abdullah r.a., "Allah cursed ladies who get tattoos and people who ask for tattoos, people who ask to have their brows plucked, people who decorate their teeth to make themselves look better, and those who modify Allah's creation."³¹

This hadith forbids three things. The first is the tattoo artist (worker), and the second is the individual who requests the tattoo. The second is the person who shaves their brows. The three persons who stretch their teeth to make them appear attractive.³² Tattooing is haram, according to Rasulullah SAW's hadith.³³

²⁷ Al-Mawardi, *Al-Hawi Fi Fiqh Asy-Syafi'i*, vol 1 (Dar al-Kutub al-Ilmiyyah, 1994). 481.

²⁸ *Fiqh Sunnah*. 435.

²⁹ *Al-Muhall*, Ibnu Hazm (Libanon: Dar al-Fikr, t.t). 393.

³⁰ Muḥammad Ibn-Aḥmad Qurṭubī, *al-Ġāmi' li-ahkām al-Qur'ān*, ed. Muḥammad Ibrāhīm al-Ḥifnāwī (Al-Qāhira: Dār al-Ḥadīṭ, 1964).105.

³¹ Hadith Report al-Bukhari and Muslim.

³² Nawawi and Agus Ma'mun, *Syarah shahih muslim*, Cet. 2 (Jakarta: Darus Sunnah Press, 2010). 106.

³³ Iskandar Iskandar, Hijrayanti Sari, and Nurul Atika, "Eyelash Extension dalam Perspektif Hukum Islam," *Bustanul Fuqaha: Jurnal Bidang Hukum Islam* 1, no. 4 (December 25, 2020): 532-52, <https://doi.org/10.36701/bustanul.v1i4.269>. 549.

Wahbah Az-Zuhayli mentioned the word *al-wasymu* as making images by piercing the skin with a fine needle and then inserting dye into the puncture site until the color becomes greenish or bluish. For this practice, we find the equivalent in Indonesian is tattooing or *rajaḥ*.

*"Haram... tattooing, namely piercing the skin with a needle so that blood comes out and then filling it with dye or blue dye from the indigo tree so that it becomes green or blue because it is mixed with the blood that comes out due to the needle prick... based on the words of the Prophet Muhammad, 'Allah curses the person who makes a tattoo, people who ask for tattoos, people who remove their hair or other people's hair, people who ask other people to remove hair from themselves, and people who split their teeth for beauty,' namely those who change God's creation, both service providers and service users. "Allah's curse or condemnation of a person for an act shows that the act is forbidden because a person who commits a permissible act cannot possibly be cursed."*³⁴

According to Imam al-Bujairimy, if he has a tattoo before puberty, he is not required to remove it. If you have a tattoo after you enter puberty for a reason, such as a work sign, it is not obligatory to remove it. If he does not have any aim when he makes it, it should be eliminated if it doesn't threaten your health. If it is unsafe, he does not need to remove the tattoo.

Thus, what about the prayers of tattooed individuals? Tattoos, as previously stated, are blood deposits under the skin mixed with ink or other substances and molded to resemble specific images or inscriptions. Blood that has mixed with ink and settled beneath the skin is dirty. Meanwhile, one of the requirements for legitimate prayer is to keep the body, clothing, and surroundings pure of all impurities. Tattooed people carry pollutants with them permanently, like tiny infants carrying dirty diapers. Even though he is in ablution, his prayer is void.

Therefore, what is the solution for people who already have tattoos? In his work, Fathul Bari, Ibnu Hajar al-'Asqalani says that the tattooed area becomes unclean since the blood remains on the skin. As a result, even if the tattoo injures the skin, it must be removed unless it is likely to cause harm, handicap, or loss of function of the tattooed body part. In such circumstances, the tattoo may not be removed, and repentance suffices to remove the sin.³⁵

³⁴ Wahbah Az-Zuhaili, *Fiqih Islam Wa Adillatuhu* (Jakarta: Gema Insani, 2010). 312-313.

³⁵ Ibn Hajar al-'Asqalānī and Al-Atsari, *Fathul Bari*. 67.

c) The issue of vital organs being installed in a *guli-guli* (roles) and then becoming an imam

Allah created humans in line with His justice and wisdom, which means that all aspects of the human body, including the essential organs, were determined relatively. Humans must accept God's gifts and not change them. *Guli-guli* means marbles or beads, which are tiny and circular, like prayer beads. It can be constructed of lokan material or toothbrush sticks to modify the male genitals. *Guli-guli* are implants placed under the skin of a man's genitals, ranging from one to twenty, depending on size and the ideal genital form.

Firstly, when looking at it from a medical perspective, inserting a foreign object into the penis has health risks (harm); it can cause infection, damage to the genital area, bleeding, and contracting infectious diseases, and medically it is not safe. Second, from a religious perspective, we must look at the benefits and harm first, then enter fiqh because this is a contemporary problem: *lā ḍarara wa lā ḍirara* (men must not do anything that harms themselves or others). This *fiqh* ruling is based on a hadith narrated by Imam Ahmad and Ibn Majah. This leads to the conclusion that *Dharar* (doing anything damaging) is banned under this shari'a. Furthermore, suppose a man inserts *guli-guli* into his vital organ. In that case, it is merely to increase his enjoyment of the vital organ, as this is one of Satan's methods of persuading people to do unlawful acts.

d) Paying debts using drug money

If an item is known to be haram and was taken unlawfully, it is haram to bring it. Ibnu Abdul Barr and others stated that the ama agreed on this matter. Ibn Sirin narrated it about people who paid debts with usury assets, and then Ibn Sirin said, "There is no problem with that." Regarding people who pay debts with gambling assets, Ibn Sirin said, "There is no problem." Narrated by Al-Khallal with authentic sanad. Al-Hasan narrated the opposite opinion: "Indeed, income like that (usury and gambling) is corrupt. Therefore, take from it as in an emergency."³⁶

The general public frequently misunderstands that paying debts with the revenues of unlawful assets, including drug proceeds, in an emergency is possible. Several things must be understood. First, debt is not an emergency condition that authorizes people to break religious rules or hurt others. Second, the way out of an

³⁶ Ibnu Rajab, *Jami'ul Ulum Wal Hikam* (Jakarta: Pustaka Azzam, 2002). 151.

emergency must not involve harming other people or the larger community. Third, in Islam, persons who owe money for basic needs have their rights protected.

e) Feeling anxious about whether or not to fart when bowing or prostrating

Before discussing the prayer status of people who are worried about farting, it is a good idea to understand beforehand the difference between feeling worried and *syak* (doubt). The differences between these two terms in jurisprudence are pretty significant, but people often misunderstand and equate these two terms.

For example, the difference between the two is explained in the book *Bughyah al-Mustarsyidin*:

“The difference between doubt and worry is that doubt is feeling doubt about whether or not something will happen. *Syak* also means believing in a balance between these two things (happening and not happening) without any superiority in one of them. If one is superior because of the superiority of the thing punished over its opposite, it is called an (a strong assumption), while the opposite is called *warm* (weak assumption). Meanwhile, anxiety is a whisper of the heart and the devil that is not based on tendencies. This is different from doubt, which is based on tendencies.”³⁷

Regarding the reference above, it can be understood that the degree of anxiety is below skepticism because the emergence of doubt is based on a tendency. At the same time, worry is just a whisper of the heart that is not based on any tendency. So, in many prayer matters, people worried about something (canceling prayer) are not considered. In contrast, it is considered when someone is concerned about a problem. For example, in the case of *taraddud* (doubt) regarding the intention to leave prayer, there is a distinction between doubt and worry.

f) The law does not provide support for the wife for a long time

Islam sets several responsibilities for the husband and wife towards the family, including providing income as part of efforts to maintain the integrity and existence of the family. The husband must provide maintenance from the time the marriage contract is executed.³⁸

“Let people who can provide a living according to their ability. And the person whose sustenance is limited should make a living from the wealth that Allah has given him. Allah does not burden a person; only what Allah gives him. Allah will later provide spaciousness after

³⁷ Sayyid ‘Abdur Rahman bin Muhammad bin Husain bin ‘Umar Ba ‘Alawi al-Hadhrami, *Bughyatul Mustarsyidin* (Bairut: Dar Al Fikr, 1995).

³⁸ Arif Sahrozi Mujiono, ‘Tinjauan Hukum Islam Terhadap Pemenuhan Nafkah Lahir dan Batin pada Perkawinan Lanjut Usia’, *Jurnal Dinamika* 3, no. 2 (30 November 2022): 127–45, <https://doi.org/10.18326/dinamika.v3i2.127-145>.

narrowness."³⁹

Regarding the wife's point of view, we can understand that fulfilling physical and spiritual support is the wife's right, and if it is not fulfilled, then she is allowed to claim this right. Sheikh Wahbah, in the book *Al-Fiqhul Islami*, states: "There are several material rights for wives in the form of dowry and living and non-material rights such as improving sexual relations and having a good relationship and acting fairly."⁴⁰

Dealing with the considerations above, if a husband cannot provide physical and spiritual support, this can have consequences; the wife may demand a divorce from her husband if he is not patient. This is as explained by Imam As-Shafi'i:

"Imam As-Shafi'i said: "Both the Qur'an and Sunnah have explained that the husband's obligation to his wife is to fulfill her needs. The consequence is that a husband must not just have sexual relations with his wife but refuse to give her her rights and not leave her so that she can be taken by someone who can meet her needs. If this is the case (does not fulfill the wife's rights), then the wife can choose between staying together or separating from him."⁴¹

How long is the longest a husband can go without providing spiritual support for his wife? Regarding this matter, Imam Ibn Hazm thinks that a husband must provide spiritual support for his wife at least once a month. This opinion is based on the verse: "When they are pure, then mix with them where Allah has commanded you. Indeed, Allah loves those who repent and those who purify themselves."⁴²

Based on the verse above, it can be understood that usually, a woman's menstrual cycle is once a month, and the command to have sex with one's wife in the verse is understood by Ibn Hazm as a command indicating an obligation. This differs from other scholars who think that the command above shows permissible law considering the rule: "The command after the prohibition shows permissible law." Imam as-Shafi'i seems to agree more that the time limit is 4 months. This opinion was based on the decision by Amirul Mukminin Umar ibn Khattab. In those days, many men went to war, leaving their wives behind. Many wives feel sad about this. After discussing with Hafshah, Umar then decided that the soldier who had served for 4 months on the battlefield would return home to provide support for his wife or divorce her:

"Umar bin Khaththab ra once wrote a letter to the warlords regarding

³⁹ Qs. at-Thalaq: 7

⁴⁰ Az-Zuhaili, *Fiqh Islam Wa Adillatuhu*. 6832.

⁴¹ Imam Abu Abdillah Muhammad bin Idris asy-Syafi'i, *Al-Umm : Kitab Induk Fiqih Islam* (Jakarta: Pustaka Azzam, 2017). 121.

⁴² Qs. al-Baqarah: 222.

husbands who were distant from their wives. In the letter, he instructed them to give their husbands a request with two options: between providing support to his wives or divorcing them. Then, if the husbands choose to divorce their wives, they must send them the support they have not given them when they left them."⁴³

In conclusion, if we look at the opinion of the ulama, the maximum limit for a husband not providing spiritual support is 1 month if referring to the opinion of Imam Ibn Hazm and 4 months if referring to the decision made by Umar bin Khatab. However, in Indonesia, we know that there is a *ta'liq talak*,⁴⁴ which is read by the groom and written in the marriage book, which includes:

"If I: ... (2) do not provide obligatory maintenance to him for 3 (three) months ... and because of this action my wife is not satisfied and files a lawsuit with the Religious Court, then if the court accepts the lawsuit, my wife will pay Rp. 10,000,- (ten thousand rupiah) as iwadh (substitute) to me, I will give him one divorce." From the second point of sight, *ta'liq talk*, in Indonesia, the maximum limit for not providing mental support is three months. However, divorce does not happen immediately because it depends on the wife's willingness. If the wife is willing, the marriage can continue; if not, she can file for divorce in court.⁴⁵

g) Apologizing to parents who have died

Imam Abu Laits as-Samarqandi (333-373 AH), Hanafi fiqh expert, hadith expert, and Sufi scholar from Samarkand, Uzbekistan today, if two parents died in a state of anger towards their child, would the child be able to ask for his blessing? Imam Abu Laits answered that a child can still make his parents happy with three things. First, the child becomes a pious person. Second, to maintain friendship with relatives and close friends of both parents. Third, ask for forgiveness, pray, and give alms on their behalf. Imam Abul Laits emphasized that although everything is good and can make both deceased parents happy with their child, the most important thing is the first thing, namely that the child makes serious efforts to become a pious person. Nothing makes parents who have died happier than the purity of their

⁴³ Kafa Nabil Birry and Shofiyun Nahidloh, 'Analisis Hukum Islam dan Hukum Positif Tentang Pemenuhan Nafkah Non Materi Pada Keluarga Tenaga Kerja Indonesia', *Jurnal Hukum Islam* 10, no. 1 (2024). 80.

⁴⁴ *Taklik talak* is an agreement pronounced by the husband after the marriage contract that is included in the marriage certificate in the form of a divorce that is dependent on a certain condition that may occur in the future.

⁴⁵ Asman, *Perkawinan & Perjanjian Perkawinan Dalam Islam: Sebuah Kajian Fenomenologi*, Cetakan ke-1 (Depok: Rajawali Pers, 2020). 142.

child. So, the more righteous a child is, the happier and more pleased his parents will be with him, even though his parents have died. Imam Abul Laits emphasized: "Because there is nothing that pleases deceased parents more than the piety of their child."⁴⁶

Second, it relates to the fiqh laws between servants and Allah. In this case, one problem is the law of noon prayers being carried out before Friday prayers. Regarding this, let's read the hadith narrated by Abdullah bin Umar; in fact, the Messenger of Allah used to pray two rak'ahs before the noon prayer, two rak'ahs after it, two rak'ahs after maghrib at home, and two rak'ahs after Isha. He didn't pray the sunnah prayers after Friday prayers until they were finished, then he prayed. "This hadith also mentions the sunnah prayer of two rak'ahs before noon but does not mention the sunnah prayer of two rak'ahs before fumat. But Al-Bukhari explains this by mentioning the prayer after and before Friday. So it is as if He determined it because it was equated with noon. Because Friday prayers are used instead of midday prayers. Ibnul Munir said, as if Al-Bukhari said, "Basically, it is the special time for Zuhr and Friday until there is evidence that shows the opposite."⁴⁷

Third, issues related to relations with society. In this case, there is one problem, namely maintaining tolerance for non-Muslims in prison. Islam is present as *lil'alamin's* mercy for the universe. It is a blessing in that the presence of Islam brings peace and avoids various kinds of vertical and horizontal conflicts. In Islam, correct understanding leads to goodness and is always moderate.⁴⁸ Thus. Tolerance is when a person or fellow member of society is free to hold beliefs or regulate their own life as long as it does not conflict with the requirements to maintain order and peace.⁴⁹ Doctrinally, Islam respects and upholds the rights of non-Muslims; even the Prophet Muhammad forbade anarchist oppression of the *ahl zimmah* for only a few rights, such as protection, security, safety, protection of life, property, and honor. Therefore, the scholars agree that killing *ahl zimmah* is a significant sin.⁵⁰ Dealing with this case, the facts have proven that Islam is a religion that teaches tolerance towards all religions. Under any circumstances and at any time, Islam respects differences,

⁴⁶ Abul Laits as-Samarqandi, *Tanbihul Ghafilin* (Surabaya: Bina Ilmu, 2007). 94.

⁴⁷ Alaudin al-Za'tari, *Fiqh Al-Ibadat 'Ilmiyyan 'Ala Mazahibi al-Imam Syafi'i Ma'a Mutammimat Tanasub al-'Asr* (Jakarta: Pustaka al-Kausar, 2019). 173.

⁴⁸ Abu Bakar, "Konsep Toleransi Dan Kebebasan Beragama," 2015. 125.

⁴⁹ Annisa Azizah Zakiiyyah, "Hadis-Hadis Tentang Toleransi Beragama Dalam Pemahaman Dan Pengamalan Siswa Smk Texar Karawang," *Jurnal Penelitian Ilmu Ushuluddin* 2, no. 3 (April 26, 2022): 615-29, <https://doi.org/10.15575/jpiu.15496>. 622.

⁵⁰ Ibnu Ishaq and H. Samson Rahman, *Sirah Nabawiyah: sejarah lengkap kehidupan Rasulullah S.A.W* (Jakarta: Akbarmedia, 2013). 254.

including differences in ethnicity, nation, and belief. Islam always provides freedom of speech and tolerance for all followers of religions and beliefs, as well as respect for humanity, without discriminating against one another.

In dealing with the explanation above, it can be concluded that three fundamental problems occur in prisoners. First, six jurisprudential legal issues are of concern to individuals about the problem of masturbation (masturbation) behavior. The term masturbation or masturbation in prison is a common problem that often occurs. This is caused by several factors, such as stress and depression experienced by prisoners as a result of serving life sentences, lack of privacy and freedom of activity in prison, as well as lack of adequate education and guidance regarding sexual health in prison. Meanwhile, masturbation in correctional institutions can have negative impacts, such as physical and mental health problems, such as urinary tract infections, feelings of guilt and depression, and social problems, such as stigma and negative views from fellow inmates and prison officers.

Solutions that can be implemented include increasing activities and health development programs for prisoners, such as sports, crafts, and education, providing sufficient space and time for prisoners' privacy, providing adequate education and guidance regarding sexual health and the impact of internal masturbation. . prisons, improving counseling services and psychological support for prisoners, as well as obtaining permission to visit family which cannot be done at any time, especially if this desire is deemed urgent, and cannot even be done when the husband visits the prison. By implementing this solution, it is hoped that masturbatory behavior in prisons can be reduced and have a positive impact on the physical and mental health and social life of prisoners.

On the subject of tattoos. In Islam, tattoos are a prohibited act based on the hadith of the Prophet Muhammad SAW, which prohibits tattoos that have an impact on skin diseases and other harmful consequences.

Meanwhile, for prisoners, tattoos are often a form of self-expression or affiliation with a specific group, and tattoos can also be a symbol of particular identities, gangs, or ideologies in prison. The solution that can be implemented is to carry out intensive religious education and guidance to prisoners regarding the prohibition of tattoos in Islam and provide a comprehensive explanation regarding the negative impact of tattoos on physical and mental health, as well as the social impact in prison. Then, a Counseling and Development service was created by providing psychological counseling services to prisoners to understand the

motivation and needs behind the desire to get a tattoo. Once these things have been implemented, strict rules and policies will be enforced regarding the prohibition of tattoos in prisons, as well as providing appropriate sanctions for prisoners who violate tattoo rules and conducting routine checks and adequate supervision to prevent the practice of tattoos in prisons.

On legal issues related to installing foreign objects on vital organs to become a priest. This is not only not religiously permitted but also has the potential to endanger the health and safety of the individual who does it. As a Muslim, you must maintain and care for your body according to religious teachings. Inserting foreign objects into the vital organs can cause serious health problems, such as infection, injury, or permanent damage. In principle, actions like this are contrary to the teachings of the Islamic religion and can endanger the health of the individual concerned. On the issue of income obtained from something haram to pay off debts. In Islam, everything related to drugs, whether production, distribution, or consumption, is haram. Drugs can not only damage the health and mental health of users but can also have terrible social impacts on society. Paying debts with money from drug sales is also an act that is not permitted in Islam. Money obtained from illicit activities may not be used for any purpose, including paying off debts. This is because money is considered the result of actions prohibited by religion on the issue of worrying about whether or not to fart when bowing or prostrating.

In Islam, prayer is something very sacred and requires solemnity and calm. Feeling anxious or worried about farting during prayer can disrupt a person's concentration and dedication to worship. The most important thing is to maintain personal purity and solemnity in worship. If something unintentional happens during prayer, then a person can carry out acts of self-purification (*istinja'*) by the provisions of the shari'a on the issue of not supporting his wife for a long time. In Islam, providing support to the wife is the husband's obligation.⁵¹ The husband is obliged to provide support to his wife in the form of food, clothing, shelter, and all other necessities of life. Not providing support to the wife for a long time can be considered a neglect of the husband's obligations and can hurt domestic life. Dealing with a psychological aspect, a husband's failure to fulfill his basic needs can cause his wife to feel depressed and disappointed and lose her sense of security in her marriage. The solution that can be done is that the husband can ask for help from his closest family or social institutions that can help, on the issue of apologizing to

⁵¹ Qs. al-Nisā': 34

parents who have died. In Islam, apologizing to parents, both living and deceased, has a significant meaning. This shows respect, repentance, and a desire to repair relationships. Even though parents have died, an apology can be a form of purifying the heart, admitting mistakes, and hoping for Allah to forgive parents. This can also be a means to improve oneself, increase piety, and gain forgiveness and approval from Allah. Thus, apologizing to parents who have died is an action recommended in Islamic teachings. Apart from being a form of devotion, this can also provide spiritual benefits for yourself and your parents who have passed away. *Second*, the problem between the servant and Allah (*habl ma'a Allah*). In this case, the only legal issue is that the midday prayer is performed before the Friday prayer. In Islam, Friday prayers are an obligation for men who have fulfilled the requirements. According to most ulama, Zuhr prayers should not be performed before Friday prayers for those obliged to perform Friday prayers.

In conclusion, the law of performing Zuhr prayers before Friday prayers for those who are obliged to pray Friday prayers is haram. *Third*, relations with society (*habl ma'a al-bi'ah*). In this case, it is only a matter of maintaining tolerance for non-Muslims in prison. In maintaining tolerance towards non-Muslims in correctional institutions, several things must be understood. *First*, freedom of worship. All prisoners must be given the freedom to carry out worship according to their respective beliefs by providing adequate worship facilities, such as places of worship, holy books, and other equipment. Then, the prison authorities must ensure that non-Muslim prisoners have the same rights as Muslim prisoners, such as in terms of health, education, and other activities, and there must be no discrimination or different treatment based solely on religious differences. If all stakeholders and all elements understand all problems in correctional institutions, the goal of fair and equitable development will be achieved.

CONCLUSION

Based on the research results, it can be concluded that there are three fundamental problems related to the daily jurisprudence of prisoners in Class II Tembilahan prison were found, namely *first*, it is related to jurisprudential legal issues involving individual issues such as the issue of masturbation, the issue of tattoos, the issue of vital organs being rolled up. Becoming a priest, paying debts for drug money, worrying about whether or not he will fart when bowing or prostrating, the law of not supporting his wife for a long time, and apologizing to parents who have died. *Second*, it relates to the legal issue of fiqh between servants and Allah. In this case,

there is one problem: the law of noon prayers being performed before Friday prayers. *Third*, issues related to relations with society. In this case, the only problem is maintaining tolerance towards non-Muslims in prison. Besides, this study recommends that the stakeholders present the policy framework of penitentiary management as the humanization effort of prisoners by giving them fundamental rights fulfillment and access to adequate facilities to run their Islamic law better.

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