



TA'ZIR SANTRI IN THE PERSPECTIVE OF LEGAL AND MORAL DIALECTICS

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Abstrak

Penelitian ini menganalisis penerapan ta'zir di Pondok Pesantren Salafiyah Grogol, Salatiga, sebagai langkah harmonisasi hukum dan moral. Ta'zir sering dipersepsikan negatif karena dianggap bertentangan dengan moralitas hukum. Namun, dalam konteks pesantren, ta'zir merupakan bagian dari tradisi pendidikan berbasis nilai budaya lokal. Penelitian ini menggunakan pendekatan kualitatif dengan metode wawancara dan observasi langsung untuk menggali data primer dari pengurus dan santri. Hasil penelitian menunjukkan bahwa ta'zir di Pondok Pesantren Salafiyah merupakan hasil kesepakatan kolektif yang mencerminkan moralitas religius dan budaya hukum pesantren. Bentuk hukuman yang diterapkan, seperti membaca

Al-Qur'an atau kontribusi material, bertujuan mendidik santri, mendorong tanggung jawab, dan menciptakan keselarasan sosial. Kesimpulannya, ta'zir bukan hanya mekanisme disiplin, tetapi juga alat pembentukan karakter yang selaras dengan hukum dan moral.

Kata Kunci: *ta'zir, hukum, moralitas, pesantren, karakter santri*

Abstract

This research analyzes implementation of ta'zir at Salafiyah Islamic Boarding School Grogol, Salatiga, as a step toward harmonizing law and morals. Ta'zir is often perceived negatively being contradictory to legal morality. However, within context of Islamic boarding schools, ta'zir is an integral part of educational traditions rooted in local cultural values. This research employs a qualitative approach, utilizing interviews and direct observations to gather primary data from administrators and santri. The findings reveal that ta'zir at Salafiyah Islamic boarding school is a product of collective agreement, reflecting religious morality and legal culture of Islamic boarding school. Punishments such as Qur'an recitation or material contributions are designed to educate santri, foster accountability, and create social harmony. In conclusion, ta'zir is not merely a disciplinary mechanism but also a character-building tool aligned with both law and morality.

Keywords: *ta'zir, law, morality, islamic boarding school, character of santri*

INTRODUCTION

Education often interpreted as a human to develop their personality accordance with cultural values in society.¹ Education is important role in shaping individual identity by instilling cultural values in age early. These include ethics, social norms and traditions which integral part of educational process. Implementing education of Islamic boarding school has own model for forming a person's noble and civilized character and personality.²

¹ Difa Ilwa Dilia, Rony Rony, and Anis Trianawati, "Pengaruh Ta'zir Terhadap Akhlak Santri Putri Pondok Pesantren," *At-tadzkir: Islamic Education Journal* 1, no. 1 (2022): 1–12.

² Ummah Karimah, "Pondok Pesantren Dan Pendidikan : Relevansinya Dalam Tujuan Pendidikan," *MISYKAT: Jurnal Ilmu-ilmu Al-Quran, Hadist, Syari'ah dan Tarbiyah* 3, no. 1 (2018): 137.

Islamic Boarding Scholl as the oldest Islamic educational institution in Indonesia that found needed missionize and development of Islamic teachings. The foundation of Islamic boarding school was motivated importance of producing the next generation ulama to continue missionize.³ Islamic boarding schools as traditional Islamic educational institutions be develop and adapt to the times.⁴ According to Mastuhu, the main goal of Islamic boarding schools is form Muslim individuals who not only understand Islamic teachings in depth, but also practice them in daily based on moral values. Islamic boarding schools not only teach science, but also instill comprehensive noble values.⁵

Malik Fajar sees Islamic boarding schools as a traditional education system that has been integrated into society. The function of Islamic boarding schools not only as educational institutions, but also as places to instill cultural and religious values. Learning methods at Islamic boarding schools are similar to other traditional educational institutions, with emphasis on religious values. The ultimate goal of education in Islamic boarding schools is to produce young people who have noble character and contribute to the nation and state.⁶

Despite of Islamic boarding schools kown as educational institutions that are effective in forming character, the method of *ta'zir* applied is often debated. *Ta'zir*, which literally means punishment, is considered an integral part of Islamic boarding school education system. However, the general public's view of this method tends to be negative.⁷ Based on data published by PBNU, there will be 114 cases of violence against *santri* in Islamic boarding schools in 2024. This is

³ Hasbullah, *Sejarah Pendidikan Islam Di Indonesia: Lintasan Sejarah Pertumbuhan Dan Perkembangan* (Yogya: RajaGrafindo Persada, 1995), <https://books.google.co.id/books?id=cWydAAAAMAAJ>.

⁴ Muhammad Idris Usman, "Pesantren Sebagai Lembaga Pendidikan Islam (Sejarah Lahir, Sistem Pendidikan, Dan Perkembangannya Masa Kini)," *Jurnal Al Hikmah* XIV, no. 1 (2013): 101–119.

⁵ Mastuhu, *Dinamika Sistem Pendidikan Pesantren: Suatu Kajian Tentang Unsur Dan Nilai Sistem Pendidikan Pesantren* (Jakarta: INIS, 1994).

⁶ Karimah, "Pondok Pesantren Dan Pendidikan : Relevansinya Dalam Tujuan Pendidikan."

⁷ M C Huda, S Sukirno, and S MA'MUN, "Pesantren and *Ta'zir* in Indonesia: Lawrence Friedman's Legal System Perspective," *Jurnal Penelitian* 17, no. 1 (2020): 45–52, <http://e-journal.iainpekalongan.ac.id/index.php/Penelitian/article/download/2755/1731>.

an important concern for all of us to maintain Islamic values in various institutions, including Islamic boarding schools.⁸ This phenomenon shows needed in-depth evaluation of the education system and internal legal approaches in Islamic boarding schools, including the application of *ta'zir*.

There are many Islamic boarding schools, especially Salaf Islamic boarding schools, used *ta'zir* method as punishment for non-compliance with regulations. The application of this method is seen by observers as a violation of human rights.⁹ As an educational method that is often considered to be contrary to human rights, *ta'zir* method is local wisdom owned by Islamic boarding schools to change and control behavior, which in the context of *ta'zir* education is included in field of counseling.¹⁰ In terms of character formation and efforts to regulate behavior, it is also necessary see in a cultural context so that you understand the counseling context which is in line with Indonesian culture. *Ta'zir* in Islamic boarding schools is not only a method of education, but it has become integrated into legal culture.¹¹ Basically, Islamic boarding schools are one of the educational institutions that have existed in Indonesia for a long time, which contain deep meaning about Islam and Indonesian indigeneity.¹²

This study has referred to previous studies which specifically discussed the concept of *ta'zir* in the context of Islamic boarding school education. By reviewing previous research, it is hoped that it can provide more comprehensive understanding of the application of *ta'zir* in educational practices in Islamic boarding schools. Research conducted by M. Choirul Huda et al. With the title "Pesantren and *Ta'zir* in Indonesia: Lawrence Friedman Legal System Perspective". The

⁸ Rikhul Jannah, "Kaleidoskop 2024: 114 Kasus Kekerasan Terjadi Di Pesantren, PBNU Bentuk Satgas Untuk Menanganinya" (Jakarta, January 24, 2025), <https://www.nu.or.id/nasional/kaleidoskop-2024-114-kasus-kekerasan-terjadi-di-pesantren-pbnu-bentuk-satgas-untuk-menanganinya-ZkXme>.

⁹ Muhammad Anas Ma'arif, "Hukuman (Punishment) Dalam Perspektif Pendidikan Di Pesantren," *Ta'allum: Jurnal Pendidikan Islam* 5, no. 1 (2017): 1–20.

¹⁰ Samsul Arifin, "Ta' Zir Dalam Pendidikan Pesantren," *Proceedings Ancoms*, no. 110 (2017): 812–823.

¹¹ Huda, Sukirno, and MA'MUN, "Pesantren and *Ta'zir* in Indonesia: Lawrence Friedman's Legal System Perspective."

¹² Nur Cholis Majid, *Islam, Kemodernan, Dan Keindonesiaan*. (Bandung: Mizan, 2008), 145.

results of the research show that Huda made an analogy of the *ta'zir* implemented by Edi Mancoro Islamic Boarding School as a legal system that exists in the Islamic boarding school community. According to him, *ta'zir* is a legal culture that lives in the Islamic boarding school environment.¹³ Another research was conducted by Anisatul Ngazizah and Moh Syafi'i in 2021 with the title "*Implementasi Ta'zir Dalam Membentuk Karakter Santri di Pondok Pesantren Miftakhurrosyidin Kabupaten Temanggung*". The results of the research show that the implementation of *ta'zir* carried out at the Miftakhurrosyidin Islamic Boarding School makes *santri* have better personalities and can improve the quality of *santri*'s thinking. The physical *ta'zir* given to *santri* does not harm the condition of the *santri*'s physical abilities and non-physical *ta'zir* is intended to improve spirituality and intellectuality of the *santri*.¹⁴ Another research was also conducted by Fitri Syifa Nuriyah in 2023 with the title "*Penerapan Ta'zir dalam Membentuk Karakter Kedisiplinan Santri di Pondok Pesantren Babakan Jamanis*". The results of the research show that the *ta'zir* implemented at the Babakan Jamis Islamic Boarding School has succeeded in increasing discipline of *santri* in implementing the boarding school rules. Apart from that, the existence of *ta'zir* is a legal protector for other *santri* communities for violations committed by a *santri*.¹⁵

From several descriptions of previous research results, there are differences in research objectives with this research. This research attempts to describe the *ta'zir* carried out by the Grogol Salafiyah Islamic Boarding School as a form of exploration of *santri* morality which is used as a cultural legal product. Starting from the problems above, *ta'zir* is often considered an educational method that is full of human rights violations, becoming a legal product issued by Islamic boarding schools as a method for character education for *santri*, which has its own uniqueness so that it can be implemented by all administrators and

¹³ Huda, Sukirno, and MA'MUN, "Pesantren and *Ta'zir* in Indonesia: Lawrence Friedman's Legal System Perspective."

¹⁴ Ngazizah Anisatul and Moh. Syafi', "Implementasi *Ta'zir* Dalam Membentuk Karakter Santri Di Pondok Pesantren Miftakhurrosyidin Kabupaten Temanggung," *Citra Ilmu* 17, no. 33 (2021): 35–50.

¹⁵ Fitri Syifa Nuriyah, "Penerapan *Ta'zir* Dalam Membentuk Karakter Kedisiplinan Santri Di Pondok Pesantren Babakan Jamanis," *Al-fiqh* 1, no. 1 (2023): 45–52.

santri at Islamic boarding schools. Therefore, this research attempts to analyze the *ta'zir* method in character education for *santri* at the Salafiyah Islamic Boarding School Grogol, Blotongan, Salatiga from a legal and moral perspective.

RESEARCH METHODS

Types of Research

This research is qualitative research. That is a method for conducting an approach or search to explore a central symptom.¹⁶ In general qualitative research methods are used to study phenomenon within a micro scope. Mainly related to human behavior (behavior) and what is behind that behavior which is often difficult to describe in the form of numbers, because something that is not mapped may not necessarily represent actual thoughts and desires.¹⁷

This research is descriptive analytical. Its means this research will describe events or phenomena that actually occur in field by looking at the conditions of subject and research object and then new facts will be discovered that appear and actually occur in field.¹⁸ This research will objectively describe *Ta'zir* at the Grogol Salafiyah Islamic Boarding School and objectively analyze *Ta'zir* within the framework of legal and moral dialectical theory and view it from the perspective of legal system theory. So it is hoped that this research can see *ta'zir* as an internal legal product rooted in religious morality at the Grogol Salafiyah Islamic Boarding School.

Data Sources and Types

This research divides data sources into two, that primary data sources and secondary data sources.

1. Primary data sources are basic data or primary data in this research.¹⁹ Primary data sources in this research include the

¹⁶ Creswill dalam J.R. Raco, *Metode Penelltnan Kualttatlf: Jenis, Karakteristik, Dan Keunggulannya* (Jakarta: Grasindo, 2010).

¹⁷ Suyitno, *Metode Penelitian Kualitatif Konsep, Prinsip Dan Operasionalnya* (Tulungagung: Akademia Pustaka, 2018).

¹⁸ H Usman and P S Akbar, *Metodologi Penelitian Sosial (Edisi Ketiga)* (Bumi Aksara Group, 2022), <https://books.google.co.id/books?id=nt1YEAAAQBAJ>.

¹⁹ Nursapiah, *Penelitian Kualitatif, Wal Asri Publishing, 2020.*

results of interviews and observations with the administrators of the Grogol Salafiyah Islamic Boarding School, which form of notes, recordings, writing and so on.

2. Meanwhile secondary data sources are supporting data sources. In this research, secondary data sources are news, previous research and books that are relevant to the research topic.

3. Data collection techniques

The data collection technique used by researchers so that validity of data can be tested is by using careful observation and research or going directly into the field. The methods used are:

- a. Interview

Interviews are data collection technique that involves direct interaction between interviewer and the source person to obtain in-depth information about a particular topic.²⁰ Primary data was obtained through semi-structured interviews with *santri* and boarding school administrators, which aimed to understand the implementation and perception of *ta'zir*.

- b. Observation

Observation is a method used by researchers through observation and going directly into the field by focusing on object to be studied using all senses.²¹ In this research, observations were carried out in several stages, that's: the first stage, observing the implementation of routine activities carried out by *santri* of the Grogol Salafiyah Islamic Boarding School. Meanwhile, the second stage is carrying out *ta'zir* practices for *santri* who make mistakes at the Grogol Salafiyah Islamic Boarding School.

²⁰ Rifka Agustianti et al., *Metode Penelitian Kuantitatif Dan Kualitatif* (Tohar Media, 2022).

²¹ Zuchri Abdussamad and Patta Rapanna, *Metode Penelitian Kualitatif* (Jakarta: CV. Syakir Media Press, 2021), <https://books.google.co.id/books?id=JtKREAAQBAJ>.

DISCUSSION

Dialectics between Law and Morals

Both in divine religions and traditional societies, law and morals have a very close relationship. God's laws, for example, not only regulate human actions, but also shape individual character and morality. This shows that law and morals were originally an inseparable unity.²² Law and morals influence each other, morality functions as a basis for values the formation of law, while law maintains and strengthens moral norms in society.²³

The role of morality as a determinant of direction in formation law. Moral values, such as justice and benevolence, guide lawmakers in drafting regulations aimed at regulating social interactions.²⁴ Actively of law adopts moral values to ensure that always relevant existing rules to changing times and social conditions. Thus, morality acts as a compass that guides the law so that always relevant and fair.²⁵

Law is not only influenced by existing morality, but also have an active role in shaping society's morality. The process of legislation and law enforcement can change moral norms that previously only applied at individual level into social norms that are generally accepted and legally regulated. For example, actions that were initially considered morally unethical can be categorized as violations of law, thereby creating new moral standards that are recognized and accepted by society at large.²⁶ In other words, role play of law as a driving force in forming and strengthening moral values in accordance with times and changing needs of society.²⁷

²² Salman Luthan, "Dialektika Hukum Dan Moral Dalam Perspektif Filsafat Hukum," *Jurnal Hukum Ius Quia Iustum* 19, no. 4 (2012): 506–523.

²³ Mario Fahmi Syahrizal and Handaru Indrian Sasmito Adi, "Dialektika Hukum Dan Moral Dalam Perspektif Sosiologis: Pengaruh Timbal Balik Dalam Pembentukan Dan Penegakan Hukum," *Maharsi: Jurnal Pendidikan Sejarah dan Sosiologi* 06, no. 03 (2024): 1–8.

²⁴ Zhiping Liang, *A Study of Legal Tradition of China from a Culture Perspective: Searching for Harmony in the Natural Order* (Springer Nature, 2023).

²⁵ Anne E Barrett and Harry Barbee, "The Subjective Life Course Framework: Integrating Life Course Sociology with Gerontological Perspectives on Subjective Aging," *Advances in Life Course Research* 51 (2022): 100448.

²⁶ Jürgen Habermas, "Once Again: On the Relationship between Morality and Ethical Life," *European journal of philosophy* 29, no. 3 (2021): 543–551.

²⁷ Alan Norrie and Jamie Morgan, "Realism, Dialectic, Justice and Law: An Interview with Alan Norrie," *Journal of Critical Realism* 20, no. 1 (2021): 98–122.

First, within the framework of moral teachings, law is an element that inseparable part of it. Moral teachings can be understood as process of internalizing various ethical and moral principles and norms, which originate from various religious teachings, ideologies, philosophies and traditions that develop in society. The relationship between law and morals can be seen clearly in the context of religious morality, where religious law becomes an integral component that supports and strengthens the moral teachings contained in that religion.²⁸ Religion teaches various things, from beliefs about God to the rules that govern in day life. Religious law, which is part of religious teachings, cannot be separated from a broader system of moral values. In other words, religious law is a manifestation of moral values taught by religion.²⁹

Second, law is basically a manifestation of general principles of morality that exist in every aspect of human life. This shows that law is concrete form of moral values that apply across cultures. According to natural law view, moral principles that are good and right for humans have actually been embedded in the universe from beginning. These moral values are permanent and unaffected by changing times.³⁰ Universally applicable moral principles, often referred to as natural laws, have higher authority than positive laws made by humans. Good positive law is law that is harmony with natural law, including laws originating from religion.³¹

Third, , there are areas of similarity between legal and moral principles. Its means that there are aspects of human behavior that are regulated both law and morals. M. Rasjidi illustrates the relationship between morals and law as two circles, between them there is an area where they overlap.³² In this overlap area, law and morals go hand in hand, while in other parts, there is no similarity. Something that may be done according to the law is not necessarily morally right, and vice

²⁸ Imam Ghozali, "Dialektika Hukum Dan Moral Ditinjau Dari Perspektif Filsafat Hukum," *Murabbi: Jurnal Ilmiah dalam Bidang Pendidikan* 02, no. 01 (2019): 18–30, <https://ejournal.stitalhikmah-tt.ac.id/index.php/murabbi/article/download/24/29>.

²⁹ Ibid.21

³⁰ Ibid, 22.

³¹ Ibid.23

³²M. Rasdjidi dalam Luthan, "Dialektika Hukum Dan Moral Dalam Perspektif Filsafat Hukum."

versa. Bruggink explains that relationship between law and morals as three interconnected boxes, with the box in middle containing matters related to law and morals.³³

Fourth, there is unconnection between law and morals because they are not only different but are also two separate domains. The relationship between law and morals is often visualized as two separate circles. This view, known as legal positivism, asserts that the existence of law does not depend on its moral value. John Austin, a figure in legal positivism emphasized that the law is what it is, regardless of whether it is good or bad.³⁴

Lawrence Friedman also discussed the dialectic of law and morals. Friedman emphasized the interrelationship between law and morality in his works on sociology of law and legal history. According to Friedman, law and morality are interconnected, where law often reflects the moral values of society. This relationship is seen in how laws are designed and enforced, taking into account social norms and ethical principles. Friedman discusses how legal systems are shaped by cultural values and social norms, which inherently include moral considerations. He notes that laws are not simply rules imposed from above, but are deeply embedded in social structure, influenced by moral and ethical beliefs prevalent within that community.³⁵

For example, in "Impact: How Law Affects Behavior," Friedman explores the concept of legal impact, suggesting that laws must align with society's moral beliefs to be effective. He argues that compliance with law is influenced by various factors, including moral values, social norms, and peer group influence. This view emphasizes the importance of understanding cultural and moral context when analyzing legal systems, as laws that are in line with a society's moral values are more likely to be followed and respected. This holistic view of law and morality

³³ JJH Burging dalam Suadamarana Ananda, "Hukum Dan Moralitas," *Jurna Hukum Pro Justicia* 24, no. 3 (2006): 301–308.

³⁴ Ghozali, "Dialektika Hukum Dan Moral Ditinjau Dari Perspektif Filsafat Hukum.," 26.

³⁵ Lawrence M Friedman, "The Law and Society Movement," *Stanford Law Review* 38, no. 3 (June 30, 1986): 763–780, <http://www.jstor.org/stable/1228563>.

highlights the dynamic interaction between legal norms and ethical principles in shaping social behavior and maintaining order.³⁶

Morality in *Ta'zir*

Islamic boarding school values are formed from harmonious combination universal Islamic teachings with the typical values of local communities, resulting in a unique and distinctive value system. To understand the local traditions and culture of the community in applying a counseling approach based on customs, rituals and intellectual property contained in their textual traditions or sacred religious texts.³⁷

In Islamic criminal law, the functions of *ta'zir* as an instrument to uphold moral and ethical values. Applied to violations that are not included in category of had, *ta'zir* aims to provide a deterrent effect and guidance to perpetrator, so created a social order that is accordance with sharia principles.³⁸ In the Qur'an, the practice of *ta'zir* is mentioned in a letter (Al Fusilat: 46). This verse explains the reciprocal relationship between behavior carried out by humans and getting a reward. The application of *ta'zir* punishment in Islamic boarding schools often generates controversy, even from within the Islamic boarding school itself. However, behind controversy, the management has noble intentions to discipline *santri* and instill the values of obedience.³⁹

Buya Husein Muhammad means of Islamic boarding school for is an indigenous religious educational institution that is unique to Indonesia and has been around for hundreds of years. Despite experiencing various changes and dynamics, Islamic boarding schools continue to exist and develop while maintaining their identity and prophetic vision. This institution spreads light of knowledge, upholds justice, ends the chains of oppression, and frees humans from tyrannical social structures. Besides that, Islamic boarding schools also

³⁶ Lawrence M Friedman and Grant M Hayden, "Legal Culture: Legitimacy and Morality," ed. Lawrence M Friedman and Grant M Hayden, *American Law: An Introduction* (Oxford University Press, January 2, 2017), <https://doi.org/10.1093/acprof:oso/9780190460587.003.0012>.

³⁷ Arifin, "Ta ' Zir Dalam Pendidikan Pesantren.", 813.

³⁸ Misran, "Kriteria Jaeimah *Ta'zir*," *Justisia* 2, no. 1 (2017): 1–13.

³⁹ Nuriah, "Penerapan *Ta'zir* Dalam Membentuk Karakter Kedisiplinan Santri Di Pondok Pesantren Babakan Jamanis."

instill the values of sincerity, simplicity, brotherhood and independence in their *santri*.⁴⁰

As a religious educational institution, Islamic boarding schools do not only train *santri* in fields of religious, social, cultural and religious knowledge. Islamic boarding schools also provide soft skills for their *santri*. Islamic boarding schools are educational institutions that shape *santri* into strong individuals, ready to face all life's challenges.⁴¹ One way to complete all of this is with *ta'zir* method.

In fiqh, *ta'zir* is interpreted as rejecting or can be interpreted as intermediate which is *masdar* of the word 'azzara.⁴² Terminologically, *ta'zir* refers to educational sanctions applied to violations that have not been specifically regulated in religious law. In essence, *ta'zir* aims to correct deviant behavior and prevent the repetition of prohibited actions.⁴³ As a punishment, *ta'zir* has principles in application that refer to educational nature. The sanctions system in Islamic boarding schools is based on educational principles, where the sanctions given are not just punishment, but also effort to improve behavior. Moreover, in giving sanctions, Islamic boarding schools also consider the situation and conditions of each individual, and apply a gradual approach to make effectively. This educational principle is the main basis for every sanction.⁴⁴ The aim principles of *ta'dib* education of *ta'zir* are :

1. Preventive efforts. In *ta'zir*, preventive efforts are to prevent someone who has not violated rules and commit a mistake or crime (*jarimah*). The purpose of giving this sanction is to provide a deterrent effect to violators, so that they do not repeat their action and become an example for society to behave better.
2. Repressive efforts, means that the aim of *ta'zir* is to deter *santri* who commit violations so they do not repeat the actions that caused them

⁴⁰ Husein Muhammad dalam Jamal Ma'mur Asmani, *Jihad Keilmuan Dan Kebangsaan Pesantren* (Yogyakarta: IRCiSoD, 2022), 6. https://books.google.co.id/books?id=B_ViEAAAQBAJ.

⁴¹ Muhammad Rahmatullah, "Pendidikan Kepesantrenan Dalam Perspektif Progresivisme John Dewey," *Didaktika Religia* 3, no. 2 (2015): 71–94.

⁴² Muhammad Abdul Mujib, *Kamus Istilah Fiqih* (Jakarta: Pustaka Firdaus, 1994), 384.

⁴³ Ahmad Wardi Muslich, *Hukum Pidana Islam* (Jakarta: Sinar Grafika, 2005), 248.

⁴⁴ *Ibid*, 814.

to be punished with *ta'zir*. *Ta'zir* punishment is expected have a positive effect on the perpetrator.

3. Curative efforts (*Islah*) (*Islah*) are aimed at improving attitudes and behavior of rule violators in the future.
4. Educational efforts, efforts to provide motivation change habits from giving *ta'zir* punishment are to educate perpetrators to have motivation change their lifestyle, so they have awareness to stay away from sinful/violating acts not because of fear of sanctions, but of awareness their actions violate religious provisions. Thus, religious education is important role in shape the character of individuals who are faithful, pious, and have noble morals.⁴⁵

As something that originates from habits, culture, ideology and values, *ta'zir* is the result of actions on these things. The measure of morality that is based on habits is based on cultural values that grow in society. In this case, *ta'zir* is based on habits of education system in Islamic boarding schools. Tradition shows us through the reciprocity of life that is carried out in Islamic boarding schools, and which actions are immoral, or deviant (deviant behavior).⁴⁶ In this case, the Islamic boarding school is the authority that determines good and bad actions carried out by *santri* according to provisions of regulations that have been mutually agreed upon and on the basis of mutual will.

***Ta'zir* at the Salafiyah Islamic Boarding School Grogol, Salatiga.**

1. A Glimpse of the Salafiyah Islamic Boarding School Grogol

The history of the Salafiyah Islamic Boarding School was founded by KR Affandi who came from Pulutan Village, Sidorejo District, Salatiga City, that starting from his homecoming from boarding school and marrying Nyai Khannah from Tuntang Village, Semarang Regency, who was given a piece of land by her in-laws which is now the site of Salafiyah Islamic Boarding School. Formerly, it was a haunted area and many people around the boarding school were still abangan, some were even PKI.

⁴⁵ Anisatul and Syafi', "Implementasi *Ta'zir* Dalam Membentuk Karakter Santri Di Pondok Pesantren Miftakhurrosyidin Kabupaten Temanggung."

⁴⁶ Ghozali, "Dialektika Hukum Dan Moral Ditinjau Dari Perspektif Filsafat Hukum."

Not a long after, because of his expertise, the community flocked to religious studies he taught. And over time, many *santri* from outside the area came to live here. The Salafiyah Islamic boarding school in the past was famous for flash of Ihyaulumuddin by Imam Ghozali.

After he passed away, it was continued by his son-in-law, Drs. K. Ahmad Habibillah from Lebak Bringin Village, Semarang Regency. In 2008, he passed away due to illness. For several years, the Salafiyah Islamic Boarding School had experienced a vacuum. Starting from zero, Gus Imam Muzni, son of Mr. K. Ahmad Habibillah, pioneered from 2 *santri* who are now and there are approximately 50 *santri* who are resident at the Salafiyah boarding school, all of whom are female *santri*.⁴⁷

2. Management Structure of the Salafiyah Islamic Boarding School Grogol

Salafiyah Islamic Boarding School Grogol is an Islamic boarding school that has a role in building character of the *santri*' personalities in Salatiga. In the implementation of the organization, Salafiyah Islamic Boarding School Grogol, which is especially Islamic boarding school for girls, has the following management structure:

⁴⁷ Mar'atun Hani'ah, "Profil Pondok Pesantren Salafiyah Grogol" (Salatiga: Ponpes Salafiyah Grogol, 2022).

Pictures 1.⁴⁸

➤ Pengurus Yayasan Pondok Pesantren Salafiyah Blotongan	
1. Pembina Ketua	: Nuriyah
2. Pembina Anggota	: Drs. H.A. Maskun Amirudin
3. Ketua Pengawas	: Drs. H. Muh Abdul Kholiq, M.Ag
4. Anggota Pengawas	: Drs. Aminudin
5. Ketua Dan Pengasuh	: Imam Muzni
6. Sekretaris	: Fuad Hasan
7. Bendahara	: Tri Wahyuni
➤ Pengurus Pondok Pesantren Salafiyah Blotongan	
1. Ketua	: Mar'atun Haniah
2. Sekretaris	: Mutik Khoiru Fatih
3. Bendahara	: Siti Munhamiroh
4. Sek. Pendidikan	: - Siti Khilawatun Niswa - Siti fatkiyatul Rahma
5. Sek. Kebersihan	: - Rika Fauziatul Maghfiroh
6. PJ Masak	: - Setiyawati - Ayu Failasufah
7. Keamanan	: - Kersi Listiana - Siti Mafaul Umama
8. Kesehatan	: - Khoirun Nisak - Lailia Vivi Nur Aini
9. Dekdok	: - Rif'atul Ulfa Mahmud Nafi'ah

The owned management by Ponpes Salafiyah Grogol is an effort to achieve educational goals of Islamic boarding school. In this case, the function of management is to create focused and integrated Islamic boarding school education system in accordance with the vision and mission of the Salafiyah Islamic boarding school. The existence of a management structure in legal and moral studies is authority that able to create rules and legal systems that are implemented in the Salafiyah Islamic boarding school.

⁴⁸ Struktur kepengurusan Pondok Pesantren Salafiyah Grogol Blotongan Salatiga.

3. *Ta'zir* at the Salafiyah Islamic Boarding School Grogol

As a non-formal education system that has historical roots in traditional values, the Salafiyah Islamic Boarding School uses *ta'zir* method in the legal system of education. As a sub-system in education, the Salafiyah Islamic Boarding School is a small community group that carries out daily activities and among them has its own needs. Referring to attainments of Mujahirin Tohir, every human being has a need for civility in order to regularity and discipline in social construction.⁴⁹

Based on the results of interview with the Head of the Salafiyah Islamic Boarding School, Grogol, it was stated that the implementation of *ta'zir* carried out by management of the Salafiyah Islamic Boarding School was based on agreement and with the knowledge of the Head of the Islamic Boarding School. This shows that *ta'zir* at the Salafiyah Islamic Boarding School is a form of morality that comes from values, habits and mutual agreements. This morality comes from an understanding of the value of obedience to teachers. This means that the morality that built at the Salafiyah Islamic Boarding School, Grogol is a morality that comes from the ideology or religiosity of the *santri*.

“Clearly. All the rules and punishments have been clearly regulated and set out in written and non-written form, all of which have become a mutual agreement between santri and caretakers of the boarding school.”⁵⁰

Based on Fredman's view, the regulations have been made through process carried out by the management of the Salafiyah Islamic Boarding School Grogol and have been considered together with the caretakers of the Islamic Boarding School are included in the legal structure category.⁵¹ Although in process of determination

⁴⁹ Muhadjirin Thohir dalam Huda, Sukirno, and MA'MUN, “Pesantren and *Ta'zir* in Indonesia: Lawrence Friedman's Legal System Perspective.”, 47.

⁵⁰ Wawancara bersama Maratun Hani'ah lurah Pondok Pesantren Salafiyah Grogol, Blotongan Salatiga.

⁵¹ Iman Pasu Purba, “Penguatan Budaya Hukum Masyarakat Untuk Menghasilkan Kewarganegaraan Transformatif,” *Jurnal Civics: Media Kajian Kewarganegaraan* 14, no. 2 (2017): 146–153.

of punishment, types of violations and level of *ta'zir* are made simply, not implemented in accordance with the concept of legal system that exists in a country. Why is that? Friedman argues that the legal structure is a structure in legal system that is permanent framework. "The structure of a system is its skeletal framework; it is the permanent shape ..." ⁵² In this case, it is in form of written rules as a basis or legitimacy to determine appropriateness of actions, so that is appropriate to receive or not receive *ta'zir*.

The type of *ta'zir* given rule of violators has own weight and level. Hani'ah added that the rules of *ta'zir* are based on strength and supporting reasons that can alleviate or aggravate the violation. This reviewed in context of the violations committed by the *santri*.

"The criteria for santri who receive ta'zir are those who have clearly violated existing regulations, but on the other hand there are also ta'zir who are given a little leniency for several other reasons. So the point is all depends on the situation and condition of santri or his family at that time." ⁵³

In the context of implementation of this punishment, the management of the Salafiyah Islamic Boarding School Grogol emphasizes aspect of justice in its implementation. In the term put forward by John Rawls is fairness which means that the application of law is based on equality between humans. ⁵⁴

Form of *ta'zir* given to rule violators at the Salafiyah Islamic Boarding School Grogol has various forms, such as throwing out trash, reading the Qur'an at graves, cleaning bathrooms and buying cleaning equipment or buying goods for the boarding school facilities.

"There are several forms of ta'zir in this Salafiyah Islamic boarding school. The first is throwing away trash according to the day they violate. The second is reading the Quran at

⁵² Lawrence M. Friedman, *The Legal System: A Social Science Perspective.*, Russel Sage Foundation (New York: Russle Sage Foundation, 1975), 14.

⁵³ Ibid.

⁵⁴ Yustinus Suhardi Ruman, "Keadilan Hukum Dan Penerapannya Dalam Pengadilan," *Humaniora* 3, no. 2 (2012): 345.

the graves and in the mosque. The third is cleaning several bathrooms or other places. The fourth is paying/buying cement for the construction of boarding school. There is also ta'zir in form of nominal money in the cooking and roan sections."⁵⁵

The content of regulations that contain whether an action is permissible or not and the level of violation of an action is legal substance ⁵⁶ in the view of Friedman. Why is that ?, according to Friedman this regulatory decision was only agreed upon and implemented by the community group of the Salafiyah Islamic Boarding School Grogol as a community in society.

The existence of *ta'zir* in education system at the Salafiyah Islamic Boarding School is accordance with the principle of *ta'dib* which makes *santri* aware and responsible for the behavior violate.

*"The purpose of all ta'ziran that has been agreed upon is none other than to shape the santri into human beings who are responsible for their behavior, foster a sense of regret for the mistakes they have made, then from ta'ziran also increases a sense of caring for others because there are some ta'ziran which are carried out by one santri but the violation can cause all his roommates to feel ta'ziran. Another goal is to make santri who always seek the approval of their teachers and dhurriyah."*⁵⁷

The existence of this *ta'zir* also makes every *santri* more obedient the rules and Caretaker and also teachers at the Salafiyah Islamic Boarding School. This is in order to expect blessings for the knowledge gained during the learning process.

"In my personal opinion, the ta'zir implemented in the Salafiyah Islamic boarding school is very appropriate, because the punishment is not always something that makes

⁵⁵ Wawancara bersama RF salah satu santri yang pernah mendapatkan *ta'zir* di Pondok Pesantren Salafiyah Grogol, Blotongan Salatiga.

⁵⁶ Lawrence Frieman dalam Purba, "Penguatan Budaya Hukum Masyarakat Untuk Menghasilkan Kewarganegaraan Transformatif.", 146.

⁵⁷ Wawancara bersama Maratun Hani'ah lurah Pondok Pesantren Salafiyah Grogol, Blotongan Salatiga.

them sick or burdened. But ta'zir here is a good thing that they do which will return to themselves. So while carrying out ta'zir they do not forget to intend always worship and seek the teacher's pleasure."

In the author's opinion, implementation of *ta'zir* at the Salafiyah Islamic Boarding School Grogol is an exploration of the values, culture and morality that exist within the Salafiyah Islamic Boarding School Grogol. So that the value content in the Salafiyah Islamic Boarding School Grogol is a legal culture. Fredman stated that legal culture refers to parts of community customs, behavior, opinions, and ways of thinking that demand community actions towards obedience to the law or violate.

*"Legal culture refers, then, to those parts of general culture-customs, opinions, ways of doing and thinking-that bendsocial forces toward or away from the law and in particular ways."*⁵⁸

According to the author, the desire to obtain blessings from the *santri* for knowledge that the Kyai or teacher has given them is formed by the *santri*' mindset which comes from ideological values, so that influences the habits, opinions and perspectives of the *santri* which lead to obedience to the law. Accordingly, *ta'zir* can be understood as an effort to harmonize the law with contextual morality in Islamic Boarding school life.

CONCLUSION

Ta'zir as an educational method at the Salafiyah Islamic Boarding School Grogol is manifestation of cultural, legal, and moral values that aim to create harmony in lives of *santri*. The existence of *ta'zir* as a legal system at the Salafiyah Islamic Boarding School Grogol is the result of exploring values, culture, and habits of the *santri* at the Salafiyah Islamic Boarding School Grogol. So that *ta'zir* as the morality of the Salafiyah Islamic Boarding School Grogol does not contradictory with the law.

Ta'zir in the Salafiyah Islamic Boarding School Grogol is form of morality that comes from mutual understanding and agreement

⁵⁸ Friedman, *The Legal System: A Social Science Perspective.*, 223.

between *santri* and administrators. The provisions on the severity of violations and punishments are based on joint decisions. This kind of morality is a form of obedience of *santri* to teachers. So that this morality is a religious or ideological morality that built in the Salafiyah Islamic Boarding School Grogol. The legal system in this *ta'zir* seeks to create a legal culture in regulating the behavior of *santri* in the Salafiyah Islamic Boarding School Grogol which is carried out by the administrators of the boarding school as a legal structure based on rules that have been agreed upon together, and the legal substance is manifested in determining whether or not an action taken by *santri* is appropriate. Thus, *ta'zir* can be understood as an effort to harmonize law with contextual morality in life of the Islamic boarding school.

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