

## The Extraordinary Meaning of the Holy Word 'Qasam' Viewed from Islamic Law and Interpretation of Al Qur'an

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**Abstract:** *The habit of oath has been exist far before the value of the doctrine of Islam in Arab nation. Although Arab is known as idolatry (paganism) but they still typically uses the word of Allah in the oath. Each individual created by God is not same in accepting the truth. Qasam can be haram, makruh, sunnah or permissible. If it is a matter that must be done, then the law of oath is mandatory. Conversely, if swearing to things that are forbidden, then the law of oath is also sunnah and so on.*

**Keywords:** *Qasam; Religion; Al Qur'an, Interpretation*

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### I. Introduction

Each individual created by God is not same in accepting the truth. Clear souls will soon welcome the instructions and open the door of the heart for the light and tries to follow the instructions. The beauty and uniqueness of the language of the Koran is one sign of al-Qur'an miracles. When the Prophet delivering the verses of the Koran, partly of Quraish people wanted to match it by making beautiful expressions (poetry) which they deliberately made to undermine the existence of the Koran and the Prophet by the Quraish community at that time. However, most of the Quraish accept the truth brought by the Prophet. But for a man whose heart is always filled reprehensible nature, filled with malevolent nature, then the truth will be difficult to accept unless there is a strong warning or strong sentences which can shock it. One method used to strengthen the argument is the oath. Then the "oath" is done to bring awareness to them, the awareness of the righteousness that comes from God Almighty.

The habit of oath has been exist far before the value of the doctrine of Islam in Arab nation. Although Arab is known as idolatry (paganism) but they still typically uses the word of Allah in the oath, as pointed out by the Qur'an in the Al-Fathiir verse 42:

It means: "And they swear by Allah with all-powerful oath; Indeed when it comes to them a warner, they will be instructed by one of the peoples (the others). when it comes to them a warner, so his arrival it does not add to them, unless they are away from (the truth)". (QS. Al-Fathiir 35: 42).

### II. Methodology

#### 1. Definition of Qasam

*Aqşam* is a plural form of the word *qasam*. *Qasam* words is synonymous with the word *halaf* and *yamin* because the meaning is oath. *Yamin* is called the *oath* because the Arab when sworn is always holding right hand respectively. The *qasam* according to terms are: linking the soul not to do, or to do it, which is reinforced by something that is honored for other people. The word *oath* is derived from the Arabic *القسم* (al-qasamu), its meaning *اليمين* (al-yamiin) that amplifies something by mentioning something exalted by using the letters (as the oath) *ا, ب, و* and other alphabets. *Qasam* and *Yamin* has the same meaning, *Qasam* is defined as "a binding the soul (heart) not to do or to do something large, noble, good, intrinsically or in *I'tiqadi*, done by people who swear. Oath is also called *Yamin* (right hand), because the Arabs when being sworn is holding right hand to a person in whom he swears. Because the word *oath* is used by many people to reinforce something, then the verb *oath* is eliminated so that the only letters *ا, ب* use only. Then the letter *ب* is replaced with letter *و*, as the word of God in the Al-Lail verse 1,:

Meaning: "By the night when the cover (daylight)". (QS. Al-Lail: 1)

Sometimes oath also uses letters *ت*, as Allah says in Surat al-Anbiya 'verse 57:

Meaning: "By Allah, I will surely have a plan for your idols after you go away". (QS. Al-Anbiya ': 57)

But, the most commonly used in the oath is the letter **ج**.  
And in the "Dictionary of Indonesian", the oath is defined as:

1. Statement spoken officially to witness to God or to something that is sacred (to strengthen the truth and sincerity, and so on).
2. The statement that accompanied the resolve to do something to corroborate the truth or dare suffer anything if the statement was not true.
3. The promise or pledge unwavering (will accomplish something).

One of the scientist, Louis Ma'luf, said that in the context of the Arab nation, oath by the Arab usually uses the name of Allah or apart from Him. In essence, the oath uses something exalted as the name of God or something holy. The pre-Islamic Arabs were known as people who worship idols (paganism). They mention or say the oath in the name of god as Allah, as it is implied in the Qur'an Surat al-Ankabut verse 61: It means: "And Indeed, if you ask them:" Who created the heavens and the earth and subjected the sun and the moon? "They would surely say," Allah ", so why they (can) turned away (from the right path)". And then, also in the Al-Ankabut verse 63 explains that:

It means: "And Indeed, if you ask them:" Who sends down water from the sky and gives life therewith to the earth after its death? "Of course they will say:" Allah, "Say:" Praise be to Allah ", but most of them do not understand (it) (QS. Al-Ankabut: 63)

Dhamir (pronoun) **أ** in the Al-Ankabut paragraph 63, as quoted by Toshihiko Izutsu means "*the pagan Arabs*".

Izutsu believes there are five concepts of God according to the pre-Islamic Arabs as it is called by the Qur'an, namely:

1. Allah is the creator of the world;
2. Allah is the creator of rain, more generally, he was the one who created life on the earth's surface;
3. Allah is the only one who has the right mentioned in the oath;
4. Allah is the object of monotheism "temporary";
5. Allah is the God of the Kaaba (Lord of the Ka'bah).

### III. Discussion

There are 3 kinds of letters serve as an oath:

a. Wawu (و)

As the word of Allah in the Surah Adh-Dzariyaat paragraph 23:

Meaning: "Then, by the Lord of heaven and earth, the promised Indeed it is really (will happen) as the words you say." (QS. Adh-Dzariyaat: 23).

b. Ba (ب)

As in the word of Allah in the letter A-Qiyama paragraph 1:

It means: "I swear by the Day of Judgment". (QS. Al-Qiyama: 1)

c. Ta (ت)

As in the word of Allah in Surat an-Nahl verse 56:

It means: "And they provide to the idols of them know (power), one portion of the sustenance which We have already given them. for the sake of Allah, surely you will be questioned about what you Have to invent ". (Qur'an, An-Nahl: 56).

Basically, most of the al-muqasam bih (something that is used as the basis or foundation oath) was mentioned, as in the previous examples. And sometimes removed with the 'amil (actor) it. Shape like a lot of, for example, the word of Allah in the Qur'an At-Takaatur letter verse 8 which reads:

Meaning: "Then you will surely be questioned on that day about pleasure (which you boast magnificent in the world-it)". (QS. At-Takaatur: 8)

Most of the al-muqasam 'alaih (something sworn) mentioned. As in the word of Allah Qs. At-taghbun: 7

It means: "Those who disbelieve say that they never will be raised. Say: "Indeed, for the sake of my Lord, truly you will be resurrected, then will be reported to you what has been you do." Such it is easy for Allah ". (QS. At-Taghaabun: 7)

And sometimes must be removed, as in the word of Allah Ta'ala:

Meaning: "Qaf, for the sake of the Koran very noble". (QS. Qaf: 1).

Aside from the elements and editorial oath aforesaid, the most fundamental is the pillar of oath. Nashruddin Baidan reveals that there are four pillars of oath, namely:

1. *Muqsim* (actors oath).
2. *Muqsam Bih* (something that used oath).
3. *Indigenous Qasam* (a tool to swear).
4. *Muqsam "Allah* (news which is used as the content of the oath or collectively responsible oath).

#### A. Benefits of Oath in the Qur'an

Manna al-Quththan argues benefits of oath refers to *balaghah al-ma'ani*. In science, there are three levels of psychological *mukhatab* or interlocutors that *ibtidai* namely;

1. The interlocutor has no assuming anything against *mutakallim* (the speaker in the 'oral tradition or the authors' in 'the tradition of writing').
2. Conditions of *mukhatab* was hesitant to *mutakallim* speech, then called *thalaby*
3. *Mukhatab* does not believe in the words of interlocutor called *inkary*.

In the psychological conditions of *inkary* and *thalaby* need an affirmation. The psychological state of man like this, Al-Qur'an creates the concept of *Qasam* adapted from the habits (language) Arabic. While Shaykh Muhammad bin Salih Al-'Utsaimin said that benefits in the oath are:

1. Explaining the glorious of *al-muqsam bihi* (which is used as a foundation or base of oath).
2. Explaining the importance of *al-muqsam 'alaih* (something sworn) and as a form of reinforcing it.

Therefore, it is not appropriate oath except in the following circumstances:

1. Something sworn (*al-muqsam 'alaih*), is something important.
2. The existence of doubt on *mukhaththab* (people who talk to).
3. The denial of *mukhaththab* (the addressee)

There is an interesting question posed by az-Zarkasyi and as-Sayuthi. What is the point of oath in the Qur'an for the believers, who must have believed the word of God. or vice versa, it's useless sentences oath in al-Qur'an addressed to unbelievers. However they do not believe the truth of the Koran. As-Sayuthi argued that al-Qur'an unloaded in Arabic, while the habits of the Arabs (when it is) using the *al-qasam* when corroborate or convince a problem. Meanwhile, Abu al-Qasim al-Qushayri believes *al-qasam* in al-Quran to perfected and strengthen the argument (proof). He reasoned it could strengthen the argument for the testimony (*shahadah*) and oath (*al-qasam*). So that no one can argue the argument, as it is mentioned in QS.3: 18 and QS.10: 53.

Qasam is one of his famous sayings amplifier, for strengthening and reinforces the truth of something in the soul. The Quran is revealed to the entire human, and humans have varying attitudes to it. Among, there are doubts, there is denying, and some are up hostile. Therefore they have to use *qalamullah* or *qasam* in order to dispel any doubt, eliminate misunderstanding, and establishing laws in the most perfect way.

#### B. Muqsam bih in Al-Quran

Allah swears by His essence, or with verses solidified His existence and His attributes. And His oath to most creatures indicate that creatures including one of his verses are great. God has sworn by His own substance in the Qur'an in six verses, namely:

##### 1. Surah An-Nisa: 65

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّى يُحَكِّمُوكَ فِي مَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنْفُسِهِمْ حَرَجًا مِمَّا قَضَيْتَ وَيُسَلِّمُوا

تَسْلِيمًا ﴿٦٥﴾

"So for the sake of my god, they are (in fact) do not believe until they make you judge in the case that they differ".

## 2. Surah Maryam: 68

فَوَرَبِّكَ لَنَحْشُرَنَّهُمْ وَالشَّيَاطِينَ ثُمَّ لَنُحْضِرَنَّهُمْ حَوْلَ جَهَنَّمَ جِثِيًّا ﴿٦٨﴾

"By my god, surely we will raise them together devil"

## 3. Surah Yunus: 53

وَيَسْتَنْبِئُونَكَ أَحَقُّ هُوَ قُلُوبًا أَمْ لِي وَإِنَّمَا لِحَقِّ وَإِنَّمَا لِحَقِّ وَمَا أَنْتُمْ بِمُعْجِزِينَ ﴿٥٣﴾

"And they ask you, is it true (doom promised) it? Say yes, for the sake of my god, it's actually true doom "

## 4. Surah At-Tagabun: 7

زَعَمَ الَّذِينَ كَفَرُوا أَنْ لَنْ يُبْعَثُوا قُلْ بَلَىٰ وَرَبِّي لَتُبْعَثُنَّ ثُمَّ لَتُنَبَّؤُنَّ بِمَا عَمِلْتُمْ وَذَٰلِكَ عَلَى اللَّهِ يَسِيرٌ ﴿٧﴾

"The unbelievers think that they are never going to be raised, say not so, for the sake of my god, you will be raised"

## 5. Surah Saba: 3

وَقَالَ الَّذِينَ كَفَرُوا لَا تَأْتِينَا السَّاعَةُ قُلْ بَلَىٰ وَرَبِّي لَتَأْتِيَنَّكُمْ عَالِمِ الْغَيْبِ لَا يَعْزُبُ عَنْهُ مِثْقَالُ ذَرَّةٍ فِي السَّمَوَاتِ وَلَا فِي الْأَرْضِ وَلَا أَصْغُرُ مِنْ ذَٰلِكَ وَلَا أَكْبَرُ إِلَّا فِي كِتَابٍ مُبِينٍ ﴿٣﴾

"And those who disbelieve say the Hour will not come to us, say: surely come, for the sake of my god, it's really Judgment will surely come"

## 6. Al-Hijr: 92

فَوَرَبِّكَ لَنَسْأَلَنَّهُمْ أَجْمَعِينَ ﴿٩٢﴾

"So for the sake of my god, we would have asked them all"

Here some examples of qasam verses in the Quran that Allah swears by His creatures are:

وَالشَّمْسِ وَضُحَاهَا ﴿٩١﴾ وَالْقَمَرِ إِذَا تَلَّهَا ﴿٩٢﴾

"By the sun and its light in the morning, and the moon when accompanied ...." (Ash-Shams [91]: 1-7)

وَاللَّيْلِ إِذَا يَغْشَىٰ ﴿٩٣﴾ وَالنَّهَارِ إِذَا تَجَلَّىٰ ﴿٩٤﴾ وَمَا خَلَقَ الذَّكَرَ وَالْأُنثَىٰ ﴿٩٥﴾

"By the night when it covers (daylight) and the day when continuously lit, and the creation of male and female." (Al-Lail [92]: 1-3)

There are many other verses that Allah swears in the name of His creatures.

God is willing to what He swears, either by themselves or with the substance creatures, but people should not swear by other than Allah. Because men swear by other than Allah is prohibited and even lead to a form of idolatry.

Prophet said:

"Whoever swears by other than Allah, then he has been associate infidel or (God)"

### Types of Oaths:

1) **Zahir**, in which the oath is called *fiil qasam* and *muqsam bih* and some of which are omitted the verb *qasam*, partly in general, because at both are pronounced with the letter of *jar* becomes "*ba*" *wauw* "and" *ta*". And there is also preceded by "*la nafy*", such as,

(2) *ال لوامة ب ال ذ نفس أق سم ولا (1) ال ق يامة ب يوم أق سم لا*

Which means: 1. I swear by the Day of Judgment and I swear by the soul who always regretted the (self)

Some scholars say "*la*" in these two places is "*la nafy*", to deny something that is not mentioned in accordance with the context of the oath.

2) **Mudhmar**, namely that it is not described nor *fi'il qasam maqsam bih*, but he was in the show by "*lam tauqid*" that goes into responsible *qasam*.

"Whoever swears by other than Allah, then it means he has infidels or idolaters." (HR. Tirmidhi).

In another hadith mentioned,: "Surely God could swear by creatures anything. But one should not swear in addition to the name of God." (HR. Ibn Abi Hatim)

There are also saying that the oath by other than Allah permitted by Bukhari hadith following examples:

"When at the time of the Prophet Sayyidina Abu Bakr ra lifted the cloth covering the face of the Prophet and embraced him with tears pater SAW while kissing his body and said: For the sake of my father, and my mother and thou, O Messenger of Allah ... .., No God made two death upon you, the death that God has written for you now you've passed." (Shahihul Bukhari no.1184, 4187).

### C. Legal Oath

The scholars have different opinion about the legal oath. Opinions among others:

1. Imam Shafi'i believes legal origin of the oath is *makrooh*. But it could have sworn law be *sunnah*, mandatory, forbidden, or permissible. Depending on the situation.
2. According to Imam Hanafi, sworn law is 'allowed but not required', but better not too much of a vow. If someone vowed to perform immoral, shall he violated his oath. If someone has vowed to leave immoral then he shall do according to his oath.
3. Imam Malik argues that the legal origin of the oath is 'allowed but not required' (allowed). The statute can be *sunnah*, if only to emphasize a religious issues or to encourage people to do something that is ordered of religion, or prohibiting people to do something that is ordered of religion, or prohibiting people to do something forbidden religion If oath legal permissible, then break it was permissible, but must pay expiation (penalty), except if the offense is better oath.
4. Imam Hambali found that sworn law depends on the circumstances. Could compulsory, haram, *makruh*, *sunnah* or permissible. If it was a matter that must be done, then the law of oath is mandatory. Conversely, if swearing to things that are forbidden, then the law of oth is also *sunnah* and so on.

Therefore, Allah commands us to keep the promise/oath which He swore, especially if the oath is pronounced in the name of Allah. Allah said

ف علونت ما يعلم الله إنك فيلا علم يكم الله جعلتم وقد توك يدهاب عد الأيمان ت ذقضوا ولا عاهتم إذا الله ب عهد وأوف وا

It means: "And stick to the Agreement with God if you do not cancel the promises and oaths was, after confirming the diagnosis, while you have made Allah as your witnesses (to oaths that). Allah knows what you do." (Qur'an, Al-Nahl: 91).

### D.Perjury Viewed from Criminal Law in Indonesia

In KUHP, there is a discussion of perjury, on Article 242 of the Criminal Code, in which consists of the following four paragraphs.

#### **Perjury and counterfeit statement Article 242 [5]**

- 1) Any person who in a state where the law determines that give testimony on oath or hold legal consequences to the information thus, intentionally members false information on oath, either orally or in writing, in person or by proxy specifically appointed for it shall be punishable by a maximum imprisonment of seven years.
- 2) If the description is false on oath given in criminal cases and harming the defendant or suspect, the guilty shall be punished by a maximum imprisonment of nine years.
- 3) Likened by oath is a promise or affirmation required under the general rules or a substitute oath.
- 4) Criminal disenfranchisement under Article 35 numbers 1-4 can be dropped.

#### **IV. Conclusion**

From the description that has been discussed, we can conclude Aqsamul Qur'an is one of the studies in Ulumul Koran that talks about understanding, elements, forms, objectives, and benefits (benefits) oaths God, in asserting a certain statements, contained in the Qur'an, where the vows in the Qur'an that mention the name of Allah or His creation as Muqsam bih. Aqsamul Qur'an has the objective to provide confirmation of the information given in the Qur'an or for strengthen information to others who may be denying a truth, so that information can be received with full confidence. Basically Al-qasam (oath) is the habit of the Arabs. convince the interlocutor (mukhatab). Since from pre-Islamic Arab society is familiar to wear qasam to assert that he says is true. After Islam came, the oath may be made only by the name of God. If violated could be sanctioned theological with the 'verdict' Shirk, associating partners with God. In contrast to the Koran, God is the absolute use of the oath. He usually swore in two ways: by the Him-self Almighty or by calling his creation. The rest swear by the name of His creatures. It means mentioning His creation is to mention a virtue.

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