

# *Tabayyun* as a Mechanism for Verifying Criminal Cases in Islamic Criminal Law: An Analysis of QS al-Hujurat Verse 6

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## ABSTRACT

This research aims to identify the implementation of the principle of *tabayyun* QS al-Hujurat verse 6 in Islamic criminal case examination procedures, determine operational constraints, and design an applicable verification mechanism model. The research method is qualitative normative juridical with systematic literature study on the text of the Qur'an, *tafsir*, *fiqh* literature, KUHAP, as well as academic literature from journal articles and related books. The findings show that *tabayyun* is internalized through verification of news sources, crosschecking witnesses, and the oath of rejection of *al-yamin* which can guarantee the indictment is only based on valid evidence. This mechanism strengthens the presumption of innocence and substantive justice, and reduces the potential for slander and social stigma. The integration of *tabayyun* at the investigation, prosecution and trial stages ensures a layered and documented legal process. Practice in the field still faces obstacles, namely the lack of standardized guidelines, variations in application between jurisdictions, and limited forensic documentation. A comparison with KUHAP reveals Islam's normative strengths in verification ethics, as well as positive law's technical strengths in documentation and forensics. From the combination of the two systems comes a reconstruction model that includes an initiation stage, double verification, comprehensive documentation, pre-decision meetings, and periodic audits in accordance with *maqasid al-sharia*, this model offers a comprehensive verification framework that increases the accountability and legitimacy of Islamic criminal justice.

## 1. Introduction

The development of information technology and social media facilitates the rapid dissemination of news and information (Rosmani et al., 2020), but it can also increase the risk of hoaxes and slander (Aulia et al., 2025; Effendi, 2023). The dissemination of unverified information in Islamic criminal law can cause conflict, damage to reputation, and even material losses among the community (Yusrizal et al., 2023). The principle of *tabayyun*, or verifying information before disseminating it, is one of the preventive measures stipulated in the Qur'an, specifically in the Qur'an Surah (QS) al-Hujurat verse 6. The implementation of the *tabayyun* mechanism is relevant in the religious sphere and has practical implications in the Islamic criminal justice system, where the truth of information is the basis for the application of sanctions (Bakar et al., 2024). Understanding *tabayyun* and its application in the case examination process is important to maintain justice and credibility in the Islamic court system.

The process of examining cases in Islamic criminal law requires the availability of valid evidence that is accountable under Sharia law (G. Ahmad et al., 2022). QS al Hujurat verse 6 emphasizes the obligation of *tabayyun* before determining information as the basis for legal action. However, in practice,

it is often marred by misinterpretation, lack of verification procedures, and reliance on verbal testimony alone (Istiqomah et al., 2025). As a result, court decisions can be influenced by data whose validity has not been guaranteed, potentially leading to injustice (Yani & Barthos, 2020). By examining in depth how the principle of *tabayyun* is actualized in the case examination mechanism, this study aims to identify obstacles and formulate a verification model that is in accordance with fiqh rules and contemporary judicial procedures.

Several studies have examined the aspect of *tabayyun* from an Islamic and legal perspective, particularly in the context of verifying information. Agustin (2020), in his thesis comparing al-Qurthubi's interpretation and Sayyid Qutb's interpretation of *tabayyun*, emphasizes that verse 6 of Surah al-Hujurat highlights that *tabayyun* is re-examining news that comes from wicked people, as well as matters whose truth is unclear, so that no party will be harmed by rushing to judgment. Kadir and Vahlepi (2021) discuss the mechanism of *tabayyun* in classical and contemporary interpretation law, showing that there are several things that are emphasized in *tabayyun*, namely the prohibition of rushing to judgment based on the information obtained, the information must be filtered first, but it is not justified to reject (information), but its truth must be investigated comprehensively.

Nur et al. (2022) in their study of M. Quraish Shihab's interpretation of QS al-Hujurat verse 6 concluded two important steps in *tabayyun*, namely carefully filtering information sources and paying close attention to the wording or sentences of the news, so that there is no misinformation that could be misleading or cast doubt on its truth. Recent research by Istiqomah et al. (2025) using a *maqasidi* approach to QS al-Hujurat verse 6 emphasizes that the verse stresses the need to verify news from people whose credibility is questionable so as not to cause harm or regret. These studies provide valuable insights into the concept, procedures, and challenges of applying *tabayyun*, although they are still limited to non-criminal matters or specific cases. This research serves as a foundation for exploring more specific applications in the process of examining Islamic criminal cases.

Although the aspect of *tabayyun* has been widely discussed, its conceptual application in the mechanism of examining Islamic criminal cases is still not well structured. There is no integrated model that links the provisions of QS al-Hujurat verse 6 with criminal court procedures, particularly regarding the procedures for collecting evidence, verifying witnesses, and documenting the results of *tabayyun*. This study aims to fill this gap by developing a *tabayyun*-based verification framework in QS al-Hujurat verse 6, combining the principles of *fiqh* and best practices in contemporary procedural law in positive law, particularly in Indonesia.

This study formulates several issues, namely how the principle of *tabayyun* in QS al Hujurat verse 6 is internalized into the procedures for examining Islamic criminal cases? What are the operational obstacles in verifying evidence and witnesses in Islamic courts? And what kind of verification mechanism model can be implemented effectively? The purpose of this study is to formulate operational guidelines for *tabayyun*, evaluate the obstacles to its implementation in the context of Islamic criminal law, and design a verification mechanism model that is in accordance with Islamic law and modern judicial practices. The contribution of this research is expected to serve as a reference for policymakers in formulating and integrating *tabayyun* into the positive law framework, particularly in the context of evidence in criminal procedure law in Indonesia.

## 2. Methods

This study uses a normative juridical method with a qualitative-descriptive approach, focusing on the analysis of norms and principles contained in QS al Hujurat verse 6 as well as fiqh rules and Islamic criminal law (Taekema, 2018). This approach emphasizes the study of legal texts sourced from the Qur'an, tafsir, and fiqh. The primary data sources include the text of QS al-Hujurat verse 6, classical and contemporary interpretations, and *fiqh* literature related to evidence and witness testimony. The secondary sources consist of laws and regulations on criminal case examinations, academic journals, and books discussing *tabayyun*, Islamic criminal law, and the theory of evidence. Data collection techniques were carried out through systematic literature studies and document studies from literature in digital databases selected with the keywords *tabayyun*, evidence verification, and Islamic criminal law, then extracted with the norms, procedures, and principles of *tabayyun* from primary and secondary sources from the relevant articles of legislation (Taherdoost, 2020).

Data analysis techniques use doctrinal analysis, including hermeneutics of Qur'anic verses to explore the meaning of *tabayyun* (Rushagama, 2024), comparison of the pillars and verification procedures according to *fiqh* literature, as well as synchronization with the provisions of legislation. Then, comparative legal analysis is used to review similar practices in other jurisdictions to formulate a normative, integrated, and applicable framework for the *tabayyun* mechanism in Islamic criminal law (Al Abiad & Masadeh, 2024).

### 3. Results and Discussion

#### 3.1. Conceptualization of *Tabayyun*: Definition, Arguments, and *Asbab an-Nuzul*

Linguistically, *tabayyun* (تَبَيَّنَ) means “to explain,” “to reveal,” or “to establish something truthfully.” This term emphasizes an active effort to seek clear and accurate information before making conclusions or taking certain actions (Zain, 2017). *Tabayyun* in Islamic criminal law serves as a principle of fact and evidence verification, requiring law enforcement officials such as judges, investigators, or authorities to thoroughly explore, examine, and weigh information (Ermawati & Sirajuddin, 2018; Sabry & Ridwan, 2018), before determining charges or passing sentences. Without the application of the principle of *tabayyun*, the risk of legal errors will increase significantly, such as imposing punishment without valid evidence.

The main argument for *tabayyun* in the context of Islamic criminal law is found in the QS al-Hujurat, specifically in verse 6, where Allah says:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِن جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا أَن تُصِيبُوا قَوْمًا بِجَهَالَةٍ فَتُصْحَبُوا عَلَىٰ مَا فَعَلْتُمْ نَادِمِينَ

Meaning: “O you who believe! If a wicked person comes to you with any news, ascertain the truth, lest you harm people unwittingly and afterward become full of repentance for what you have done.” (QS. al-Hujurat [49]: 6).

This verse forms the basis of *tabayyun* because it commands Muslims to thoroughly examine a piece of news or event so as not to be misled and sin, and to find clear insight in following up on the content of the news or event (Agustin, 2020).

The following is a simple explanation of the *mufradat* (vocabulary) of the above verse, as shown in Table 1 below:

**Table 1. Mufradat Verse 6 QS al-Hujurat**

Word	Original Form	Meaning in Language	Meaning in Terminology
<i>Fasiq</i>	فَاسِقٌ	that goes beyond the limits	People who do not obey the law, perpetrators of sin
<i>Naba'</i>	نَبَأٍ	news, reports	Information communicated
<i>Tabayyanu</i>	تَتَّبِعُوا	check (carefully)	Conducting thorough verification before accepting
<i>Tusibu</i>	تُصِيبُوا	you impose	Giving or imposing (punishment, disaster)

Ibn Kathir emphasizes that this verse affirms the obligation to reject false news spread by wicked people. He explains that the command to verify includes examining the source of information, the circumstances of the witnesses, and the time frame of the incident before accepting the news as absolute fact. Then ath-Thabari highlights the difference between the *qira'at fatabayyanu* and *fatatsabbatu*, but both *qira'at* are well-known and both are correct. Check the news carefully, so as not to bring disaster upon innocent people due to ignorance of the actual circumstances. Acting hastily on a piece of news can have fatal consequences (Kadir & Vahlepi, 2021). In a criminal context, *tabayyun* requires proof through sharia arguments and fair testimony, thereby minimizing the possibility of *ghulut* (excess) or *zalim* (injustice) (Saepullah, 2018).

*Asbab an-Nuzul* (reasons for the revelation) of verse 6 of Surah al-Hujurat: When the Prophet Muhammad (peace be upon him/PBUH) invited al-Harith (from the Bani al-Mustaliq tribe) to embrace Islam, al-Harith accepted the invitation and returned home to invite his people, promising to pay zakat. When the time came, the Prophet Muhammad PBUH sent al-Walid bin 'Uqbah to collect the zakat, but on the way, al-Walid became doubtful and returned, lying that al-Harith had refused and threatened to

kill him. The Prophet Muhammad PBUH then sent someone else, and it turned out that the messenger met al-Harith, who was indeed on his way to the Prophet Muhammad PBUH with his zakat. From this incident, QS al-Hujurat verse 6 was revealed, which teaches the importance of *tabayyun*, checking the truth of information from both sides so that slander or division does not arise (Kadir & Vahlepi, 2021).

To emphasize the importance of verifying information before acting, the Prophet Muhammad PBUH also reminded his followers through his words about the dangers of accepting news without thorough examination. As stated in one of the hadiths in *Muqaddimah Shahih Bukhari* No. 5, the Prophet Muhammad PBUH said:

كَفَى بِالْمَرْءِ إِثْمًا أَنْ يُحَدِّثَ بِكُلِّ مَا سَمِعَ

Meaning: "It is enough for a person to be called a liar if he says everything he hears." (Hadith narrated by Bukhari, no. 5).

The hadith of the Prophet Muhammad PBUH and also the athar from his companion 'Umar bin al-Khattab r.a above indicate that the punishment for those who fabricate false news and those who merely spread it is the same, namely that they are both considered liars. This hadith also explicitly reinforces the command to verify information and emphasizes that every piece of information, especially that which has the potential to cause legal or social repercussions, must first be verified for its accuracy (Said, 2020). Then there is one of the principle/rule of *fiqh* which states:

الْبَيْتَةُ عَلَى الْمُدْعِي، وَالْيَمِينُ عَلَى مَنْ أَنْكَرَ فِي جَمِيعِ الْحُقُوقِ، وَالِدَّاعَاوَى، وَنَحْوَهَا

Meaning: "Evidence must be provided by the accuser, and an oath is required of the accused. This applies to all disputes over rights, claims, and the like."

The scholars agree on the existence of this *fiqh* rule, which is needed by judges, muftis, and everyone else. This *fiqh* rule states that in legal cases, the party making the accusation must present valid evidence, otherwise the accusation cannot be accepted (Ibrahim, 2019). Meanwhile, if the evidence is disputed, the judge may request an oath of denial from the defendant. This principle is in line with the spirit of *tabayyun*, as it requires verification of evidence before making a decision, whereby judges may not rely solely on rumors or prejudice, and protects the accused by giving them the opportunity to reject the charges through an oath if the evidence is insufficient (Jamil, 2017). These values are not only ethical in nature, but also have direct implications for the process of proving cases, preventing slander, and maintaining social stability.

### 3.2. The Principle of *Tabayyun* in the Process of Verification, Prevention of Slander, and Social Reconciliation

The sixth verse of QS al-Hujurat explicitly instructs Muslims to verify information when receiving news from wicked people, so that no sanctions or false stigma are imposed on individuals or groups (Rohman, 2020). This command applies not only to general news, but also to information that has the potential to trigger legal proceedings, where acceptance without verification can result in invalid court decisions. Al-Qurtubi emphasizes that it is necessary to double-check news that comes from wicked people, as well as matters whose truth is unclear, and to verify that the people who are to be fought are truly not believers. This is so that no other party will be harmed due to hasty actions or punishments (Agustin, 2020).

The context of this verse is closely related to the mechanism of evidence in Islamic criminal law, namely the establishment of sharia arguments such as testimony, documents, or oaths that are arranged in stages and documented before passing a verdict (Haq, 2020). The principle of *tabayyun* can be translated into the stages of investigation and trial: (1) gathering credible preliminary evidence; (2) cross-checking witness testimony, including examining credibility and possible bias; (3) objectively assessing documents or evidence, and (4) applying an oath of rejection (*al-yamin*) if the primary evidence is still in doubt (Jamil, 2017). This layered process ensures that every criminal verdict is built on a foundation of strong evidence, so that the verdict reflects substantive and procedural justice in accordance with sharia principles

Verses 7–8 of QS al-Hujurat continue the command of *tabayyun* by emphasizing prohibitions that protect individual honor and refrain from actions that divide society:

وَأَعْلَمُوا أَنَّ فِيكُمْ رَسُولَ اللَّهِ لَوْ يُطِيعُكُمْ فِي كَثِيرٍ مِنَ الْأَمْرِ لَعَنِتُمْ وَلَكِنَّ اللَّهَ حَبَّبَ إِلَيْكُمُ الْإِيمَانَ وَزَيَّنَهُ فِي قُلُوبِكُمْ وَكَرَّهَ إِلَيْكُمُ الْكُفْرَ وَالْفُسُوقَ وَالْعِصْيَانَ أُولَئِكَ هُمُ الرَّشِدُونَ

Meaning: “And know that among you is the Messenger of Allah. If he were to follow your desires in many matters, you would surely find hardship. But Allah has made you love faith, and has made it beautiful in your hearts, and has made you hate disbelief, wickedness, and disobedience. They are the ones who follow the straight path,” (QS. al-Hujurat [49]: 7).

فَضْلًا مِنَ اللَّهِ وَنِعْمَةً وَاللَّهُ عَلِيمٌ حَكِيمٌ

Meaning: “as a gift and blessing from Allah. And Allah is All-Knowing, All-Wise.” (QS. al-Hujurat [49]: 8).

The above verses explain that Allah reminds Muslims of the special position of the Prophet Muhammad PBUH, as when the companions were about to act based on their own opinions about the Bani al-Mustaliq, but the decision of the Prophet Muhammad PBUH based on the revelation of Allah proved to be wise and saved them from difficulty. Allah also instilled love for faith and made disbelief, denial, and rebellion despicable in their hearts. In verse 8, Allah emphasizes that all respect and love are solely His blessings and gifts. He is All-Knowing of who is worthy of guidance and who will go astray, and He is All-Wise in determining the provisions, laws, and destiny of His servants (Fahimah, 2014). Thus, these verses emphasize that by using *tabayyun* as a means of verifying information, we can prevent slander and restore social harmony.

Verses 9–10 of QS al-Hujurat then offer a constructive solution in the form of reconciliation:

وَإِنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ فَاصِلْتَا فَاصْلِحُوا بَيْنَهُمَا فَإِن بَغَتْ إِحْدَاهُمَا عَلَى الْأُخْرَى فَقَاتِلُوا الَّتِي تَبْغِي حَتَّى تَنصِبَ إِلَى أَمْرِ اللَّهِ فَإِن فَاءَتْ فَاصْلِحُوا بَيْنَهُمَا بِالْعَدْلِ وَأَقْسِطُوا إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

Meaning: “And if two groups of believers fight each other, then make peace between them. If one of them commits injustice against the other, then fight the one that commits injustice, so that it returns to the command of Allah. If it returns (to the command of Allah), then make peace between them with justice, and be just. Indeed, Allah loves those who act justly.” (QS. al-Hujurat [49]: 9).

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَاصْلِحُوا بَيْنَ أَخْوَيْكُمْ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ

Meaning: “Verily, the believers are brothers, so reconcile between your two brothers (who are in dispute) and fear Allah so that you may receive mercy.” (QS. al-Hujurat [49]: 10).

The phrase “*fa-ashlibu bayna akhawaykum*” or “repair the relationship between your brothers” emphasizes the concept of *sulh* (peace) as a method of conflict resolution (Irfan, 2023). According to Islamic legal theology, *sulh* not only restores relationships, but also restores violated rights (Putri et al., 2024). Within the framework of restorative justice theory, this is in line with efforts to repair damage and restore victims, as developed in the West (Karimullah, 2023), but is strongly rooted in the principles of the Qur’an, which places reconciliation as an integral part of social recovery. This concept is also similar to restorative justice theory, which emphasizes the restoration of relationships and reparation for damage rather than punishment alone (Sodiqin, 2021).

In terms of *fiqh*, the implementation of verses 7–10 in criminal court procedures involves: (1) a preventive approach through educating judges and investigators about the prohibition of gossip and prejudice without evidence (Rokhmadi, 2021); (2) a restorative justice mechanism by inviting the parties to mediation under the supervision of the sharia court to reach a settlement; and (3) an emphasis on *maqasid al-sharia*, particularly the protection of life (*hifz al-nafs*) (Thamsir et al., 2025; Zulfahmi et al., 2024). Thus, verses 7–10 of QS al-Hujurat not only function as moral norms, but also as a procedural framework for maintaining justice and restoring social balance in every criminal case.

### 3.3. The Urgency of *Tabayyun* in the Examination of Islamic Criminal Cases

The principle of *tabayyun* is very important in every stage of criminal case examination in Islam because it ensures that the entire law enforcement process is based on truth and justice. The verdict handed down by judges in Islamic criminal law does not solely depend on prejudice, but on verified and accountable information (Korbatieh, 2021). Without the *tabayyun* mechanism, the examination process tends to be prone to errors (Kadir & Vahlepi, 2021), for example, false testimony or forged documents can easily influence the verdict. By consistently applying *tabayyun*, judicial officials are encouraged to

comprehensively uncover the facts, including tracing the source of information, testing the credibility of witnesses, and examining physical evidence and documents before determining charges. *Tabayyun* not only minimizes the potential for *ghulut* and *zalim*, but also maintains the dignity of the individuals being examined and public trust in the integrity of Islamic judicial institutions (Agustin, 2020).

The urgency of *tabayyun* also lies in its role in preventing slander and social stigma from information (Bakar et al., 2024), which in the context of Islamic criminal law, a wrongful verdict not only affects the legal status of the convicted person, but also causes a domino effect in the form of social condemnation, damage to reputation, and even severance of social ties (Muhammad & Shafy, 2020). The provisions of QS al Hujurat verse 6 focus on the obligation to verify or investigate the truth of information (Istiqomah et al., 2025), especially before imposing sanctions in Islamic criminal law, because failure to do so can trigger deep regret and horizontal conflicts in society. The implementation of *tabayyun* ensures that all information is processed through cross-checking, accurate documentation, and in-depth legal analysis (Jamil, 2017). Thus, slander and excessive stigma can be avoided, and substantive justice values are maintained, in line with the *maqasid al-sharia* which emphasizes the protection of honor (Thamsir et al., 2025; Zulfahmi et al., 2024).

*Tabayyun* can play a strategic role in strengthening the legitimacy and accountability of the Islamic criminal justice system. A decision reached through a multi-layered verification procedure will be much more easily accepted by all parties involved in the case, including victims, defendants, and the public, because they know that every fact has been verified (Amin et al., 2023). This is important to maintain social harmony and prevent victim blaming or the impression that the judicial institution is biased towards one party without strong evidence (Holmen, 2024). Therefore, *tabayyun* helps build public trust and compliance with Islamic law, while strengthening long-term social stability. This verification mechanism through *tabayyun* is not merely a technical tool, but also a moral and legal foundation that can prevent the abuse of power while upholding justice in every Islamic criminal case.

### 3.4. Integration *Tabayyun* in Islamic Criminal Procedure Law

At the investigation stage of Islamic criminal cases, the principle of *tabayyun* is integrated through systematic evidence collection and verification procedures. Investigators are required to record all preliminary information in writing, including the identity of the source, time, place, and context of the incident. They then cross-check witness statements using the fact correspondence method, for example by examining supporting documents, audio-visual recordings, or other relevant physical evidence (Rokhmadi, 2021). In this process, the principle of *tabayyun* requires double verification before determining the status of primary or secondary evidence. Investigators must record every verification step in the official report so that the origin and authenticity of each piece of information can be traced (Wahyuningsih et al., 2018). This stage of the investigation serves to gather facts and as an initial filter to ensure that all data submitted to the judge has been verified in accordance with QS al Hujurat verse 6.

During the prosecution stage, prosecutors are guided by the principle of *tabayyun* to prepare indictments based solely on verified evidence. Before filing charges, prosecutors must ensure that all elements of the crime are fulfilled based on sharia principles, such as the testimony of two impartial witnesses, authentic documentation, or an oath of denial or *al-yamin* if the primary evidence is in doubt. The application of *tabayyun* at this stage also reinforces the principle of presumption of innocence because indictments cannot be based solely on assumptions or prejudices (Saad, 2019). Prosecutors are required to re-examine all evidence and statements before submitting case files to court, including cross-verifying between witnesses (Riyawan & Ibrahim, 2024). This procedure confirms that charges are only filed on the basis of strong evidence, thereby protecting the rights of the defendant and avoiding the possibility of false prosecution.

During the trial process, the principle of *tabayyun* is implemented through a mechanism of witness examination and layered evidence. Judges are required to directly verify witness testimony in court, including assessing the credibility, motives, and potential bias of witnesses through detailed questioning (interrogatory questions). Judges must also examine documents and evidence objectively, even requesting additional clarification when inconsistencies are found (Chalmers et al., 2022). If the evidence remains in question, the judge has the authority to order an oath of denial to the defendant or other witnesses, in accordance with the principle of *al-bayyinah 'ala al-muda'i* (Widodo et al., 2024). A final decision can only be made after all evidence has passed this verification stage. The integration of

*tabayyun* in court proceedings can ensure that the verdict reflects substantive and procedural justice, so that the verdict is not only legally formal, but also truly based on valid and verified evidence..

### 3.5. Comparison of Verification Mechanisms: Islamic Law and Positive Law Perspectives

The verification mechanism through *tabayyun* in Islamic law is rooted directly in primary sources, namely the Qur'an and hadith, as well as interpretations by scholars of *madhhab* or *fiqh*, where legal sources are arranged hierarchically, including verses, hadith, *ijma'*, *qiyas*, and *fiqh* rules (Ithalib et al., 2020). The positive legal system through the Criminal Procedure Code (KUHAP) is based on codified laws, government regulations, court decisions (jurisprudence), and institutional guidelines (investigator's manual, or prosecutor's circular) (R. A. Ahmad, 2019). In Islamic law, every evidentiary procedure is based on sharia arguments, for example, with the obligation of fair witnesses with testimony, oaths of refusal *al-yamin*, and rules such as *al-bayyinah 'ala al-muda'i* (Rokhmadi, 2021). Evidence verification in the Criminal Procedure Code is regulated in detail in Articles 184 to 187, and the chain of custody procedure for evidence (R. A. Ahmad, 2019). The main difference lies in flexibility, whereby Islamic law is principled and normative, while positive law is more detailed in terms of technicalities, documentation, and standards of evidence, even though both require the validity and accountability of evidence.

In Islamic criminal law practice, information verification begins with *tabayyun*, which includes preliminary investigation of news sources, cross-checking witnesses, and reviewing hadith or fatwa. This stage is dynamic because judges can request various forms of verification depending on the context, such as oaths, mediation, or involving sharia law experts. Meanwhile, in the KUHAP system, the verification procedure begins with a formal investigation by the police, starting with identification, search, seizure, detention, and the preparation of an Investigation Report (BAP). Evidence is measured based on three KUHAP criteria, which include legality, relevance, and reliability (Saepullah, 2018). Forensic technologies such as fingerprints, DNA, or digital forensics are an integral part, whereas in Islamic courts, forensic verification is more limited to documents and witness testimony (Alkahtani et al., 2015). Although the modernity of positive law offers higher technical accuracy, Islamic law provides interpretive space that emphasizes caution and moral values.

The Islamic legal system excels in providing strong ethical principles, where *tabayyun* prevents slander and prioritizes substantive justice in accordance with *maqasid al-sharia*. However, its shortcomings lie in the inconsistency of practices between jurisdictions and the lack of formal written guidelines, resulting in differences in verification and application. The positive legal system provides standard guidelines, transparency in documentation, and utilizes forensic technology, but it is sometimes overly procedural to the point of neglecting aspects of substantive justice or the socio-cultural context. Opportunities for harmonization arise by integrating both approaches, for example, enriching the KUHAP with the principle of *tabayyun*, imposing an obligation to cross-check information sources and witness testimony, and encouraging Islamic courts to adopt forensic documentation and chain of custody standards. This harmonization can produce an accountable, fair, and contemporary examination model without sacrificing Sharia values.

### 3.6. Reconstruction of the *Tabayyun* Mechanism Model in Criminal Case Investigations

The proposed *tabayyun* mechanism model begins with the information initiation stage, whereby every complaint or report of alleged criminal acts must be formally recorded in an initial investigation sheet containing details of the complainant, time, place, and summary of facts. The next stage is source verification, in which investigators or court officials examine the credibility of the reporter and explore the background of the incident through supporting documents, secondary witnesses, or other recordings. Once the source has been verified, a cross-check of primary witnesses is conducted by inviting at least two to four impartial witnesses to provide independent testimony. Each witness statement must be tested for consistency in the official report and compared with the facts on the ground. If doubts arise, the judge or investigator orders the defendant to take an oath of refusal in accordance with the rule of *al-bayyinah 'ala al-muda'i*. Each piece of evidence processed has thus gone through a double process before compiling a complete and accountable case file.

Entering the comprehensive documentation and analysis stage, all evidence, whether verbal, written, or physical, is compiled into a structured file that includes a *tabayyun* stage checklist, which covers identification, source verification, witness cross-checking, and oath of rejection. This file is then

examined by a legal team consisting of judges, court clerks, and fiqh experts in a pre-verdict meeting to assess the strength and suitability of the evidence with sharia arguments. If there is a conflict of evidence, the model facilitates internal mediation and sharia advice to harmonize the facts and the law. The final stage is the drafting of a verdict that includes a summary of the *tabayyun* process as an integral part of legal considerations, so that the verdict reflects substantive and procedural justice. The entire process is guided by standardized operational guidelines and periodic audits to ensure compliance with QS al-Hujurat verse 6 and the principles of *maqasid al-sharia*.

#### 4. Conclusion

The principle of *tabayyun* in QS al-Hujurat verse 6 has been internalized into the procedures for examining Islamic criminal cases through the enforcement of three pillars of verification, which include verification of news sources, cross-checking witness statements, and the application of the al yamin oath of rejection if the evidence is still in doubt. This mechanism ensures that indictments and verdicts are based solely on valid evidence in accordance with sharia principles, thereby reinforcing the presumption of innocence and substantive justice. This study also identifies operational obstacles such as the lack of standard written guidelines, variations in practice between jurisdictions, and limited use of forensic documentation technology. These obstacles have the potential to reduce the consistency of the application of *tabayyun*, even though in principle it is recognized as an absolute requirement to prevent *ghulut* and *zalim*. As a follow-up, the proposed *tabayyun* mechanism reconstruction model integrates the stages of information initiation, source and witness verification, comprehensive documentation, and pre-verdict meetings involving judges, court clerks, and fiqh experts. This model is expected to be applied systematically and in a standardized manner, in line with the *maqasid al-sharia*, thereby strengthening the legitimacy, accountability, and effectiveness of Islamic criminal case examinations.

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