



Arabic Lexicons in The Contemporary Legal System

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Abstract

This article explores the complexities and challenges of understanding and translating Arabic terms in the context of contemporary legal systems. The Arabic language, rich in nuances and has a deep Islamic legal heritage, plays a central role in shaping legal foundations. Key terms such as hudud, ta'zir, and faraid take centre stage, with an emphasis on the need for a deep understanding of culture and history to ensure accurate interpretation of the law. The article identifies key challenges, including contextual differences and terminological discrepancies between countries, and details the impact of misunderstanding Arabic on the fair enforcement and harmonization of international law. By inviting in-depth reflection, the article highlights the importance of a cautious approach and interdisciplinary collaboration to ensure that Arabic is not only correctly translated but also contextually understood in an increasingly complex and cross-border connected contemporary law.

Keywords: *Arabic; Law; Term; lexicons*

Introduction

In this era of globalization, we need to understand and absorb various aspects of life, including the increasingly complex contemporary legal system. One aspect that cannot be ignored is the use of Arabic terms in the context of modern law. Although it may sound unfamiliar to some, understanding these terms provides a new dimension in responding to and interpreting existing legal regulations. The legal problems that occur are getting more and more developed day by day; these are what are called contemporary legal problems.

The Arabic lexicon is a precious linguistic resource for those who want to understand and use Arabic well. This lexicon not only covers the meaning of words in Arabic but also provides additional information such as word forms, roots, and examples of usage in sentences.

The Arabic language has a rich and complex history, and this lexicon reflects the rich culture and intellectuality of the Arab world. By providing a complete and contextual definition, the Arabic lexicon helps learners and speakers of Arabic to expand their vocabulary, improve their grammatical comprehension, and hone their communication skills.

The importance of the Arabic lexicon is also reflected in its role in supporting the understanding of classical and contemporary texts in Arabic literature, Islamic religion, science, and other fields. As a tool that supports the sustainability of intellectual and cultural heritage, the Arabic lexicon is not only a practical guide for everyday communication but also a gateway to a deeper understanding of Arabic thought and culture. Thus, the Arabic lexicon is not only a practical tool for language learners, but it is also a window that connects us to the incredible and profound heritage of the Arab world.

Arabic, as a language full of meaning and history, has made a significant contribution to the development of the contemporary legal system. In this article, we will explore some of the Arabic terms that are widely used in legal contexts, as well as uncover how a deep understanding of these terms can enrich the interpretation and application of law in different countries.

Islamic thought often experiences ups and downs, sometimes even experiencing turmoil¹. By detailing the meaning and origin of Arabic terms, it is hoped that readers can better understand the root of the thinking behind the legal provisions that are often used. While Arabic is often associated with religious aspects, we will see how the terms have crossed religious boundaries to become an integral part of a secular legal system.

The application of Arabic in the legal context provides a special dimension in the interpretation and implementation of legal regulations in various countries. Arabic, as a language rich in meaning and history, provides the ability to convey legal nuances with great clarity and accuracy. Many legal terms in Arabic have deep historical roots and are often closely associated with religious concepts. Therefore, a deep understanding of the Arabic language is important in a legal context in order not only to master legal texts but also to permeate the values and intentions behind them. The application of the Arabic language also reflects how cultural and

religious heritage can synergize with contemporary legal principles, creating a meeting point between tradition and progress.

By understanding and applying Arabic terms, the legal system can enrich itself, creating space for more holistic and contextual interpretation. The complexity of translation and understanding of legal terms is a major challenge in responding to and implementing legal norms, especially when it involves languages with their own uniqueness, such as Arabic. Legal terms often cannot be fully understood through literal translation, given the nuances of meaning and connotations inherent in certain cultural and historical contexts.

In this case, translators and legal practitioners need to have a deep understanding of the legal system in question, as well as the cultural and religious background that makes up the terms. Translation limitations often pose a risk of interpretation inaccuracy, which can impact clarity and consistency in the application of the law. Therefore, awareness of this complexity is important, not only to maintain the integrity of legal texts but also to ensure that an accurate understanding of law can be passed down from one language to another, bridging the gap between diverse linguistic and legal contexts around the world. If we look more deeply, the paradigm of classical Islamic law tends to be exclusive and rejects foreign elements into the body of Islamic law.²

This article not only opens insight into the relationship between Arabic and contemporary law but also invites readers to reflect on the complexity and cultural richness that language can present in designing and interpreting legal regulations. Let's explore together the role of Arabic terms in establishing harmony between cultural heritage and legal progress in contemporary society.

Method

The approach in this study is library research, which is research conducted by studying and examining library materials in accordance with the topic of discussion related to the role of Arabic terms in the contemporary legal system. Through various approaches, the sources collected are varied in line with the title of the research being carried out.

Results and Discussion

A. History of the Use of Arabic in Legal Contexts

The history of the use of Arabic in legal contexts has deep roots and covers a long period in the development of human civilization. Arabic is the language of the two main sources of Muslims, namely the Quran and Hadith. It is the grip of Muslims in determining the law on a matter and problem.³ Initially, the Arabic language was used as a means of writing and documenting laws in the form of customary laws and laws that developed in the regions controlled by Arab civilization. The Islamic legal system that emerged in the 7th century AD, which was based on the teachings of the Qur'an and the Sunnah, also contributed significantly to the use of the Arabic language in establishing legal norms and regulations.

In the heyday of the Abbasid and Umayyad Caliphate, Arabic became the official language of government and administration⁴, reinforcing the role of this language in the making and interpretation of laws. Prominent legal works, such as the books of fiqh (Islamic jurisprudence), were written in Arabic, creating a legacy of legal writings that are still relevant today. During this period, Arabic became a medium that facilitated the exchange of legal ideas and views between scholars and legal practitioners in the Islamic world.

Arabic also dominated the legal realm during the Islamic Glory Age in Spain, which lasted from the 8th to the 15th century. Universities and libraries in cities such as Cordoba and Toledo became scientific centers that researched and developed legal systems based on Roman and Greek law adapted into the context of Islamic law. The influence of the Arabic language in the legislative process and courts in Islamic Spain inspired the development of law in Europe at that time.

During the Middle Ages, Arabic remained the language of instruction in various learning centers in the Islamic world, including universities such as Al-Qarawiyyin in Fez, Morocco, which is recognized as the oldest university in the world. His great works on law and legal philosophy, written in Arabic, continue to influence the view of law throughout the Islamic world and beyond its geographical boundaries.

With the development of the power of colonialism and imperialism in the modern era, the influence of the Arabic language in the legal context has undergone dynamic changes. In many countries that were once colonies, the legal and administrative systems generally underwent a transformation by incorporating elements of Western law. Nevertheless, the legal terms used still reflect the influence of the Arabic language in the legal tradition inherent in the culture and history of the society. This long history proves that Arabic has not only become a communication vehicle in the development of law but also formed a strong foundation for legal thought that continues to develop to this day.⁵

One of the figures in the contemporary legal system is Muhammad Shahrur. He is a contemporary Islamic intellectual and thinker from Syria born in 1938. He has made significant contributions to modern Islamic legal thought. Shahrur advocates a more contextual and rational interpretive approach to Islamic law in his perspective on the contemporary legal system. He emphasized the importance of understanding the primary message and moral purpose of the Qur'an. He argued that Islamic law must evolve to respond to the needs and challenges of the times. Shahrur emphasized that the interpretation of law must be more open to developing science and human thought. In his vision of the contemporary legal system, Shahrur encourages inclusivity, justice, and the empowerment of individuals in society. His progressive approach reflects his efforts to create a legal foundation that is more adaptive and in line with the demands of modern society while still maintaining Islamic ethical values and morality.

Based on his study of legal verses, Shahrur concluded that there are six forms in the theory of boundaries. First, legal provisions that have a lower limit. This happens in the case of various women who are not allowed to marry. Second, legal provisions that only have an upper limit. This happened to the crime of theft. Third, legal provisions that have upper and lower limits. Such as inheritance law and polygamy. Fourth, the legal provision where the lower and upper boundaries are at one point (straight line) must not be more and less. This happened to the punishment of adultery, which is 100 times the volume. Fifth, provisions that have upper and lower limits, but both boundaries must not be touched. Because touching it means that you have fallen under God's prohibition, this applies to the relationship between men and women. Sixth, a legal provision that has an upper and lower limit where the upper limit must not be exceeded, and the lower limit may be exceeded. The upper limit occurs in *riba*, and the lower limit is interest-free

loans (al-qard al-hasan).

The legacy of Islamic law holds a vital role in shaping and guiding the legal principles that flourished in the various regions that were once part of the Islamic world. As a legal system inspired by the teachings of the Qur'an and the Sunnah, the legacy of Islamic law has made a significant contribution to the development of law throughout history. One of the main aspects of this heritage is fiqh, the science of Islamic jurisprudence that explores and interprets the laws of Allah contained in the Qur'an and the hadith of the Prophet Muhammad PBUH. Islamic legal scholars such as Imam Malik, Imam Shafi'i, Imam Hanafi, and Imam Hanbali, through their monumental works, provided the foundation for various schools of Islamic law that are still relevant today.

The legacy of Islamic law also highlights the principles of justice, balance, and alignment with human rights. The concept of proportionate punishment, protection of property rights, and fair treatment of all individuals, including non-Muslims, are core values in the legacy of Islamic law. In addition, the Islamic legal system also develops the principles of trade, contracts, and social responsibility that are the foundation for economic and social development in the Islamic world.

In the context of family law, the inheritance of Islamic law carries concepts such as marriage, divorce, and inheritance, which are regulated in detail in the Qur'an and hadith. These principles provide the basis for the establishment of family law norms that provide protection and justice for family members. While the legacy of Islamic law has historically provided the foundation for legal systems in various Muslim countries, its influence can also be felt in the development of law in the wider world. The introduction of concepts such as treaties, international law, and human rights in Islamic legal literature became the foundation for universal legal thought. Thus, the heritage of Islamic law is not only a local heritage for Muslim communities but also a valuable contribution to human civilization as a whole.

Developments in the contemporary legal system reflect a response to the complex dynamics of modern society and the global changes that have occurred. Along with technological advancements, globalization, and social changes, legal systems in various countries continue to transform to meet the demands of the times. One of the main trends is the adaptation of laws to advances in information technology, such as regulations on data privacy, cybersecurity, and e-commerce

laws that accommodate the new reality in the digital era.

In addition, developments in the legal system also include efforts to strengthen human rights protections and promote social justice. Many countries seek to improve access to justice, formulate inclusive legal policies, and address disparities in the treatment of various groups of society. These developments include new thinking about punishment, rehabilitation, and efforts to achieve a more responsive and fair justice system.

The contemporary legal system also embodies the spirit of collaboration between countries in addressing global challenges, such as climate change, international trade, and transboundary crime. International agreements and global legal forums are important in responding to issues that require cross-border cooperation. New ethical challenges that have emerged as science and technology evolve, such as bioethics and artificial intelligence ethics, have also triggered changes in the legal system. Adequate and relevant regulations are needed to accommodate advances in science and technology without compromising ethical values and human rights.

These developments create an interesting dynamic in contemporary law, requiring flexibility and adaptability to respond to the ever-evolving challenges of today's world. Therefore, constant renewal and evolution are key in ensuring that the legal system can meet the changing needs and values of society.

B. Flexibility and Nuances in Arabic Terms

The flexibility and nuance in Arabic terms reflect the richness and complexity of the language, mainly when used in a legal context. Arabic is known as a highly contextual language, where the meaning of a word can change according to the context of the sentence and the situation that surrounds it. In law, the flexibility of the Arabic language provides room for in-depth and contextual interpretation of legal texts.

Every legal term in Arabic often carries a nuance of meaning that is richer than its literal translation. Therefore, legal interpretation requires a deep understanding of the cultural, historical, and social contexts that underlie the use of the term. This flexibility allows the law to remain relevant and adapt to the changing times without losing the traditional roots of the Arabic language.

The uniqueness of the Arabic language also creates space for interpretation that is responsive to the needs of society. Legal terms can be interpreted with nuances that are in accordance with the ethical and moral values embraced by people who use Arabic as their legal medium. Thus, the flexibility and nuance in

Arabic terms not only create complexity in the law but also provide the depth and context that is essential for understanding and appropriately applying legal norms in an ever-changing society.

Multi-articulation of legal terms refers to the ability of a term to encompass different aspects or dimensions in a legal context. Legal terms are often not limited to a single meaning but can have multi-articulation that allows them to encapsulate different nuances and complexities. This creates a wealth of meaning and flexibility of interpretation in the legal system. In the context of legal language, multi-articulation allows a term to be inclusive and able to cover a wide range of scenarios or situations that may arise in legal practice. This is important in responding to evolving social, technological, and societal changes, ensuring that legal terms remain relevant and applicable in a variety of contexts. The ability of legal terms to describe complexity and progress in society reflects the beauty and adaptability of legal language in responding to the dynamics of the times. Therefore, the multi-articulation understanding of legal terms is key in interpreting and applying the law holistically and contextually.

Cultural and historical contexts play a very significant role in shaping and understanding the legal system. Law is inseparable from the reality of the culture in which it operates, and the history of a society is a strong foundation in forming its legal norms. Cultural context encompasses the values, beliefs, and traditions that have long colored people's mindsets and behaviors. Therefore, the law is not only a mirror of practical needs but also reflects the identity and worldview of a community.

History plays an important role in shaping the legal framework, as past decisions and events form the foundation for the development of the current legal system. The influence of colonialism, revolution, or political change can be reflected in the laws of a country, creating a legacy that can shape the face of its law. Therefore, understanding history provides the necessary context to understand the evolution and motivation behind the prevailing legal norms.

Through tracing cultural and historical contexts, we can explore the origins of law and understand how societal values are reflected in its legal rules. This understanding helps to encourage a more contextual interpretation of the law and provides a solid basis for revising or developing the law in accordance with changes in society. Thus, in order to design a fair and relevant legal system, it is necessary

to understand that the law is not only a product of written legal norms but also reflects the cultural roots and historical traces that shape it.

C. Significant Arabic Terms in the Legal Realm

The existence of Islamic law cannot be separated from the teachings of the Qur'an, the hadith of the Prophet PBUH, which is accumulated in the religious system. Islamic law teachings include the legal values in it.⁶ Islamic law and its traditions, which involve the concepts of sharia and qanun, play an integral role in shaping the legal structure in various Muslim societies. Sharia, as an Islamic law rooted in the Qur'an and Sunnah, encompasses the moral, ethical, and regulatory aspects of the law that govern the lives of Muslim individuals and societies. Sharia is applied to guide daily behavior, involving regulations related to worship, social justice, and criminal punishment. Shari'a is Islamic Criminal Law that contains benefits for humans in the world in the hereafter.⁷

Meanwhile, qanun refers to a legal tradition that is more secular and includes legal norms inherited from the Roman and Byzantine legal systems. In many Muslim countries, qanun has become part of the Islamic legal tradition as an attempt to combine Islamic law with elements of standard and modern law. This creates a legal framework that reflects the complex dynamics of Muslim societies that are constantly changing. The Islamic legal tradition also involves the role of qadi, namely Islamic judges, who are in charge of making decisions based on Islamic law and the principles of justice. Qadi's decisions often take into account the local cultural and historical context, demonstrating the flexibility of Islamic law in responding to the differences and needs of society.

Overall, Islamic law and its traditions create a unique and detailed legal foundation, which covers aspects of life from the spiritual dimension to everyday actions. The combination of sharia and qanun elements creates a legal framework that combines traditional values with modern legal principles, reflecting the harmonious dynamics between cultural heritage and the development of the times in the Muslim world.

The concept of criminal law in Islam is defined by two main principles, namely, hudud and ta'zir. The collaboration between the linguistic approach and the application of ḥudūd theory has become a discussion that invites quite a long discussion⁸. Hudud refers to the punishments specified by the Qur'an and the

Sunnah for certain crimes, such as theft, adultery, and drinking khamar. These punishments have fixed characteristics and contain values derived from the provisions of the Islamic religion. On the other hand, ta'zir refers to punishments that can be adapted to contextual conditions and are not regulated in detail in Islamic legal sources. It gives legal authorities the authority to determine punishments that are appropriate to the situation and severity of the crime. The concept of hudud shows the nature of firmness and justice embodied in God's law, while ta'zir reflects flexibility and contextual understanding that can be adapted to the needs of society. The incorporation of these two concepts in the Islamic criminal law system creates a balanced legal framework, combining divine justice with human wisdom in responding to violations of the law.

Hudud, as an integral part of Islamic criminal law, refers to the punishments that have been specifically determined by the Qur'an and the Sunnah for certain acts that are considered serious and detrimental to society. Hadd is a punishment that has been determined in its limit, type, and amount, and it is the right of Allah in the sense that the punishment cannot be increased reduced by anyone and has no maximum or lowest limit.⁹ Examples of hudud offenses include theft, adultery (intimate relations outside of marriage), drinking khimar (alcoholic beverages), and haul qishash (punishment of visas or revenge). The hudud punishments have a fixed nature and are considered part of the provisions of Islam. The hudud principle reflects an effort to uphold the moral and ethical norms recognized in Islamic teachings, and its implementation often involves very rigorous evidence and careful legal procedures.

In addition to hudud, there is also the concept of ta'zir in Islamic criminal law. Ta'zir refers to punishments that can be adjusted to contextual conditions and are not regulated in detail in the Qur'an or Sunnah.¹⁰ It gives the authority for legal authorities to determine punishments that are appropriate to the severity of a particular crime or situation. Ta'zir penalties may include fines, imprisonment, or other sanctions deemed appropriate by the legal authorities. The concept of ta'zir provides the necessary flexibility to respond to crimes that may not be specifically regulated in Islamic legal sources, and this allows for punishments that are more in line with the conditions of society and the changing times.

The application of the concepts of hudud and ta'zir in the Islamic criminal law system brings its own implications and challenges. Although the hud reflects justice recognized by religion, its implementation is often controversial and demands a high standard of evidence. Meanwhile, ta'zir can pose challenges related to the authority of legal authorities and the risk of abuse of power. A wise understanding and balance in the application of both are needed so that Islamic criminal law remains in accordance with the values of justice, humanity, and the ever-changing context of society.

The family and inheritance aspects in Islamic law include two important things, namely nikah and talaq (divorce) for the family aspect¹¹, and faraid (distribution of inheritance) for the inheritance aspect. Marriage in Islam is not only a social bond between two individuals, but is also considered a worship regulated by sharia law. Principles such as the agreement between the two parties, the existence of a wali nikah (wali judge), and compliance with certain conditions, are the basis for the validity of the marriage bond. In addition, talaq or divorce in Islam is carefully regulated, and the process involves certain stages, including the role of witnesses and the judicious implementation of the talaq process.

In the aspect of inheritance, faraid is the rules that govern the distribution of inheritance after a person dies. Faraid explained how the property must be divided according to the provisions set out in the Qur'an. Although this rule is relatively fixed, the division can vary depending on the family relationship and the level of familiarity with the heirs. The principles of Faraid create justice in the distribution of inheritance and provide strict rights for each heir. In addition, afraid also stipulates that part of the inheritance can be allocated to charity and the public interest.

Overall, the family and inheritance aspects in Islamic law reflect the values of justice, responsibility, and harmony in family ties. Marriage and talaq are regulated to protect individual rights and ensure the continuity of offspring responsibly, while faraid guarantees a fair distribution of inheritance among heirs, creating order and peace in the context of the family and society.

D. Challenges in Translation and Comprehension

Translation and understanding of legal terms in Arabic becomes a complex and in-depth task, especially when the context involves law. The availability of various Islamic legal source instruments is one of its own advantages in providing

more meaningful sharia interpretation.¹² Arabic, as a rich and contextual language, often has certain nuances and connotations that can be difficult to transfer into other languages. The main challenge in translating Arabic law is to capture the accuracy of the meaning of the law as well as convey the cultural and contextual nuances inherent in the terms.

One of the major challenges is the diversity of Arabic legal terms in different countries and regions. Each country or region has its own legal terminology that may be different, even though it uses Arabic. This creates the potential for confusion and ambiguity, especially when legal documents must be interpreted at the international level or in cross-border legal cases.

The incompatibility of the legal system between countries that use Arabic is also an obstacle. Different legal systems can have different understandings and interpretations of legal terms, so foresight is needed so that the translation still reflects the original meaning and purpose of the term. In addition, Islamic law involving the Arabic language also raises its own complexity. The translation of Islamic legal terms such as *fiqh*, *qiyas*, and *ijtihad* requires a deep understanding of the principles of Islamic teachings and the legal culture that surrounds them. The accuracy of translation in this context is very important because misinterpretation can have a major impact on the understanding and implementation of Islamic law.

In addition to the language itself, contextual and cultural differences are also an important factor in the challenge of translating Arabic law. Translations that do not take into account a particular cultural context can result in misleading and detrimental interpretations, especially when dealing with different legal systems or when the law is applied in a multicultural environment. The existence of Arabic legal terms that do not have a direct equivalent in other languages can cause obstacles. Some concepts of Arabic law may be unique and difficult to translate precisely without losing their original meaning. Literal translations are often insufficient to convey the complexity and significance of a particular legal term.

Another challenge is the dynamics of language change itself. Languages, including Arabic, continue to evolve and change over time. Changing the meaning or adding new terms can complicate legal translation efforts and require constant updates. Machine translation technology, while increasingly sophisticated, still has

limitations in capturing the nuances and cultural context necessary for accurate legal translations. The success of technology depends on a contextual understanding and in-depth knowledge of Arabic legal terminology. In the era of globalization, where interaction between nations is increasing, overcoming challenges in translation and understanding of Arabic in a legal context is becoming increasingly important. Cooperation between legal investigators, translators, and cross-border legal practitioners can help address these challenges and ensure that the integrity of legal texts is maintained, as well as accurate legal understandings can be passed from one language to another in a careful and contextual manner.

Misunderstanding Arabic in a legal context can have a significant impact on different levels. First of all, these errors can result in improper interpretation of the law and unfair enforcement of the law. Most laws have a basis in an accurate understanding of legal terms, and errors in interpretation can lead to legal decisions that are not in accordance with the original intent of the law. This can result in unfair treatment of certain individuals or groups, harm their rights, and even undermine public trust in the justice system.

In addition, misunderstanding the Arabic language in a legal context can create legal uncertainty and complex conflicts. Ambiguity or inconsistency of legal terms can complicate the legal process, cause protracted legal disputes, and even give rise to differences of opinion among the parties involved. The impact is not only felt by the individuals or groups involved in the case but can also spread to the wider community. Errors in the understanding of Arabic in the legal context can also be detrimental to the process of legal harmonization at the international level. With the increasing globalization and interconnection between countries, uniformity of legal understanding across borders is becoming increasingly important. Mistranslations or interpretations can lead to disagreements between countries, complicate cross-border cooperation, and even make it difficult to negotiate international agreements.

In the context of Islamic law, misunderstanding the Arabic language can have a serious impact on the implementation of sharia law. Islamic law relies on the holy texts of the Qur'an and the Sunnah of the Prophet, and inaccurate interpretations can lead to the application of punishment that is not in accordance with the principles of justice and humanity that underlie Islamic law.

Overall, the impact of misunderstanding Arabic in a legal context includes the risk of injustice, legal conflicts, obstacles to international cooperation, and negative influences on the implementation of sharia law. Therefore, it is important to

approach Arabic translation and understanding in legal contexts with caution and to collaborate with linguists, legal scholars, and other relevant parties to minimize the risk of errors and ensure the sustainability of integrity and justice in the legal system.

Conclusion

In summarizing this article, it can be concluded that the understanding and translation of Arabic legal terms is crucial in the context of contemporary law. The Arabic language, which is rich in nuances and history, plays an important role in shaping the legal foundations, especially in legal systems that have Islamic legal roots or heritage. This article highlights the complexities and challenges of translating these terms, from contextual differences to the cultural dynamics that affect the meaning of the terms.

In the context of law, terms such as hudud, ta'zir, and faraid have profound implications in the regulation of people's lives. The use of Arabic in law creates flexibility and nuance that requires a deep understanding of culture and history. Meanwhile, inaccurate translations can have an impact on misinterpretation, legal conflicts, and uncertainty in law enforcement.

With the development of contemporary law and the increasing complexity of cross-border relations, the importance of a deep understanding of Arabic terms has become increasingly prominent. Errors in translation can trigger injustices and conflicts and even harm the sustainability of harmony in the legal system. Therefore, this article emphasizes the need for a careful approach and cross-disciplinary collaboration to ensure that Arabic is not only accurately translated but also understood in an actual cultural and legal context. Thus, this article invites deep reflection on the importance of handling Arabic terms in the contemporary legal system with caution and wisdom.

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