

***Qāṭl al-Khaṭa'*: The Contextual Relevance of QS. An-Nisā' Verse 92 to Traffic Accidents Caused by Human Error**

Adinda Mawaddatul Urfah^{1*}, Masruhan,² Indah Khoirun Nisa³

^{1,2}Universitas Islam Negeri Sunan Ampel Surabaya, Indonesia

³University of Al-Azhar Cairo, Egypt

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*Corresponding Author:

Name: Adinda Mawaddatul Urfah

Email:

adindamawaddatulurfah@gmail.com

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Abstract

QS. *An-Nisā'*:92 emphasizes the responsibility of perpetrators of *qatl al-khaṭa'* (unintentional killing) through the obligation to free a Muslim slave, pay diyat, or fast as *kaffārat*. This verse not only contains legal provisions, but also offers a moral framework and restorative justice that is relevant to cases of traffic accidents caused by negligence. This study aims to examine the classification of traffic accidents due to negligence as *qatl al-khaṭa'* in the perspective of Islamic law and compare it with Indonesian positive law regulations. The research uses a qualitative approach with library research and Hans-Georg Gadamer's hermeneutic analysis methods, through the stages of pre-understanding, dialogue with the text, and fusion of horizons to link the meaning of QS. *An-Nisā'*:92 with contemporary legal reality. The results of the study show that traffic accidents caused by negligence fall under the category of *qatl al-khaṭa'*, which carries moral, legal, and social consequences that require the perpetrator to be held proportionally accountable. In Indonesian positive law, the handling of similar cases focuses on criminal sanctions, while compensation for victims and/or heirs is partly facilitated through the Jasa Raharja social insurance compensation scheme as basic state protection, not diyat imposed directly on the perpetrator. This pattern provides material compensation, but does not fully accommodate relational and spiritual recovery as outlined in QS. *An-Nisā'*:92, so that the principle of justice in this verse can be used as an ethical reference to enrich the design of traffic accident settlements in Indonesia.

QS. *An-Nisā'*:92, *Qatl al-Khaṭa'*, Traffic Accidents, Islamic Criminal Law

Abstrak

QS. *An-Nisā'*:92 menekankan tanggung jawab pelaku *qatl al-khaṭa'* (pembunuhan tidak sengaja) melalui kewajiban membebaskan budak Mukmin, membayar *diyat*, atau berpuasa sebagai *kaffārat*. Ayat ini tidak hanya memuat ketentuan hukum, tetapi juga menawarkan kerangka moral dan keadilan restoratif yang relevan bagi kasus kecelakaan lalu lintas akibat kelalaian. Penelitian ini bertujuan mengkaji klasifikasi kecelakaan lalu lintas karena kelalaian sebagai *qatl al-khaṭa'* dalam perspektif hukum Islam dan membandingkannya dengan pengaturan hukum positif Indonesia. Penelitian menggunakan pendekatan kualitatif dengan metode *library research* dan analisis hermeneutika Hans-Georg Gadamer, melalui tahapan pra-pemahaman, dialog dengan teks, dan fusi horizon untuk menautkan makna QS. *An-Nisā'*:92 dengan realitas hukum kontemporer. Hasil penelitian menunjukkan bahwa kecelakaan lalu lintas akibat kelalaian termasuk kategori *qatl al-khaṭa'* yang mengandung konsekuensi moral, hukum, dan sosial yang menuntut pertanggungjawaban pelaku secara proporsional. Dalam hukum positif Indonesia, penanganan perkara sejenis menitikberatkan pada sanksi pidana, sementara kompensasi bagi korban dan/atau ahli waris sebagian difasilitasi melalui skema santunan asuransi sosial Jasa Raharja sebagai perlindungan dasar negara, bukan diyat yang dibebankan langsung kepada pelaku. Pola ini menghadirkan unsur kompensasi material, tetapi belum sepenuhnya tercapai pemulihan relasional dan spiritual sebagaimana digariskan QS. *An-Nisā'*:92, sehingga prinsip keadilan ayat tersebut dapat dijadikan rujukan etis untuk memperkaya desain penyelesaian kecelakaan lalu lintas di Indonesia.

Kata Kunci: QS. *An-Nisā'*:92, *Qatl al-Khaṭa'*, Kecelakaan Lalu Lintas, Hukum Pidana Islam

INTRODUCTION

In the perspective of *fiqh jinayat* (Islamic criminal law), death resulting from human negligence is generally classified as *qatl al-khata'* (unintentional killing) (Siregar et al., 2024). The category of *qatl al-khata'* refers to an act not accompanied by the intention to take a life, but which occurs due to a failure to uphold the required standard of due care, ultimately leading to the loss of another person's life (Fadil et al., 2025). The legal consequence for the perpetrator of *qatl al-khata'* is not *qisas* (retaliatory punishment), but rather the obligation to pay *diyāt* (blood money) to the victim's family and to perform *kafārat* (expiation) as a form of moral and spiritual accountability. This distinction affirms a clear normative boundary between actions intentionally directed at harming or killing and acts that are unintended yet fatal, thereby allowing for a more proportionate framework of responsibility (Wahyuni, 2018).

The primary question is not merely whether death has occurred, but to what extent the perpetrator's conduct can still be regarded as an unavoidable human error, or at what point such behavior transforms into serious recklessness that is no longer socially or legally (*shar'i*) tolerable. For example, driving while fatigued after strenuous work, experiencing sudden drowsiness, or committing technical mistakes that remain within reasonable limits may be assessed differently from driving while using a mobile device, speeding in high-risk areas, or consciously ignoring traffic signs. In the latter type of behavior, there exists an element of awareness in placing oneself and others in danger, such that the negligence may approach the category of *syibh al-'amdi* (quasi-intentional killing), because the perpetrator understands the significant risks that may arise yet still chooses to act recklessly (Taufiqurrahman et al., 2023).

Therefore, determining the legal ruling in traffic accidents resulting in death requires a careful and detailed examination of the facts underlying the incident. The analysis must encompass the driver's condition prior to the event, the level of compliance with traffic regulations, the psychological and social circumstances influencing decision-making, and the extent to which the conduct deviated from socially recognized standards of due care (Hidayati & Hendrati, 2016). These facts form the basis for scholars or judges to situate a case within the spectrum of criminal responsibility, ranging from *qatl al-khata'* to more serious forms of fault, which in turn affect the amount of *diyāt*, the obligation of *kafārat*, and the possible imposition of *ta'zir* (discretionary punishment) by the state to safeguard public safety.

However, the focus of this study is not on elaborating the juristic classification between *qatl al-khata'* and *syibh al-'amdi*, but rather on analyzing the legal and ethical consequences offered by the Qur'an particularly QS. *An-Nisa'*:92 and its relevance to the positive legal system in addressing traffic accidents resulting in death. Accordingly, the discussion is not directed toward technical debates concerning criminal categories within *fiqh jinayat*, but toward the normative interpretation of the Qur'anic verse and its implications for the perpetrator's responsibility and the protection of human life in the contemporary social context.

QS. *An-Nisa'*:92 is understood as an effort to balance the values of justice and compassion within the framework of protecting life (*hifz al-nafs*) (Khaliq & Pangestu, 2025). Classical exegetes such as Al-Qurtubi emphasize that even when unintentional, an act that results in death still entails responsibility that must be borne by the perpetrator (Al-Qurtubi, 2003). Quraish Shihab also asserts that every human action, whether carried out consciously or unconsciously, remains within

the sphere of ethical accountability before Allah (Shihab, 2002). Provisions such as the obligation to pay *diyyah* (blood money) and to free a slave indicate that the Qur'an does not merely regulate legalistic aspects, but also emphasizes moral and social restoration. In the contemporary context, where slavery no longer exists, the spirit of the verse can be understood as an encouragement to atone for wrongdoing through forms of social responsibility that are relevant to present day developments. Thus, the study of *qatl al-khaṭā'* becomes significant when linked to the issue of negligent traffic violators namely, cases of negligent driving that cause death without intent because this phenomenon essentially concerns human values, social ethics, and the sanctity of human life.

A number of previous studies have examined negligence (human error) resulting in death; however, most of them focus on aspects of positive law rather than on an analysis of Qur'anic verses. For example, research conducted by Muhammad Irfan Fadil and colleagues examined the accountability of negligent offenders in court decisions and compared it with the perspective of Islamic criminal law (Fadil et al., 2025). This study provides insight into the differences in sanctions between the two legal systems, but it does not highlight the Qur'an particularly QS. *An-Nisā':92* as the moral foundation for understanding the perpetrator's responsibility in cases of negligence

Furthermore, research by Silalahi & Nainggolan (2025) examines the resolution of traffic accident cases through both legal and familial approaches. The study affirms that even if the perpetrator has taken responsibility toward the victim's family, criminal charges may still be pursued. The findings indicate that fatal accidents fall under the category of negligent homicide, carrying a maximum penalty of six years' imprisonment or a fine in accordance with Article 310 of Law No. 22 of 2009 on Road Traffic and Transportation. This research emphasizes the importance of vigilance among road users but remains focused on procedural legal aspects without linking them to Qur'anic principles.

In addition, a study by Umniyatun et al (2021) and colleagues, published in a Scopus-indexed journal, provides empirical data on risky behaviors among adolescent riders in the Jakarta metropolitan area. The study found that behaviors such as speeding, using mobile phones while driving, drowsy driving, or riding against traffic are significantly associated with accidents. More than 91% of adolescent riders did not possess a driver's license, and approximately 40% had been involved in an accident. These findings demonstrate that adolescent driving negligence is a real social phenomenon that requires supervision and intervention from parents, schools, and the government.

Based on previous studies, it can be observed that research on negligence (human error) resulting in death tends to focus on regulations governing driving procedures and road safety, law enforcement, and case resolution mechanisms within the judicial system (Hartanto, 2021). There is almost no research that specifically examines the concept of *qatl al-khaṭā'* through an analysis of QS. *An-Nisā':92* as a foundation for moral and legal accountability, particularly in the context of negligent traffic violators. Furthermore, no study has yet integrated the interpretations of classical and contemporary Qur'anic exegetes with Hans-Georg Gadamer's philosophical hermeneutics to understand the relevance of this verse to modern social problems. This gap indicates an academic shortcoming, namely the lack of understanding of how Qur'anic principles can serve as a basis for analyzing the phenomenon of negligent driving (human error) and its consequences.

Departing from this gap analysis, this study aims to examine and analyze QS. *An-Nisā'*:92 along with its *asbāb al-nuzūl* (occasions of revelation) through the perspectives of classical and contemporary exegetes, as well as Gadamer's hermeneutics, in order to produce a more contextual interpretation of the verse. Accordingly, this study is expected not only to enrich contemporary Qur'anic exegesis discourse through an interdisciplinary approach that connects the tradition of tafsīr, modern interpretive theory, and social analysis, but also to offer a more applicable framework for addressing the issue of negligent driving, and to serve as a consideration in the formulation of positive law in Indonesia.

METHOD

This study uses a qualitative approach with a literature review research type. The theoretical framework used is Hans Georg Gadamer's philosophical hermeneutics. This approach emphasizes the importance of dialogue between the text and the reader in the process of meaning-making (Purnama, 2022). Through the concepts of pre-understanding, dialogue with the text, and fusion of horizons, this study attempts to present a contextual interpretation. Thus, the verse can be understood historically as well as in relation to modern social issues such as negligence resulting in fatal consequences (Darmaji, 2014).

The primary data sources in this study are the Quran, specifically QS. *An-Nisā'*:92, *Tafsīr al-Munir* by Wahbah al-Zuhaili, *Tafsīr al-Mishbah* by M. Quraish Shihab, and the book *Asbāb al-nuzūl* by al-Wahidi. Secondary sources include literature discussing Gadamer's hermeneutics, *qatl al-khaṭa'* law, restorative justice, and contemporary social legal studies. Data collection was carried out through a literature study by searching for various references relevant to the research topic. The search process used keywords such as *qatl al-khaṭa'*, Gadamer's hermeneutics, and restorative justice. The literature obtained was then selected based on the suitability of the title, abstract, and relevance of the content. Sources that did not meet academic criteria were eliminated so that only credible literature was used in the analysis (Mudin et al., 2021).

Data analysis was conducted in three stages in accordance with Gadamer's hermeneutic framework. The first stage was pre-understanding, which involved establishing an initial framework based on a reading of interpretations and relevant legal literature. The second stage was dialogue with the text, which involved critically examining the structure of meaning, legal values, and moral messages in the verses. The third stage was fusion of horizons, which involved linking the historical context in which the verses were revealed with contemporary social conditions (Darmaji, 2014). This process allows for interpretations that are rooted in history while also being responsive to modern realities. To maintain the validity of the research, source triangulation was carried out by comparing various books of interpretation, *fiqh* literature, and contemporary research on Islamic law and positive law in Indonesia. Through these steps, it is hoped that an applied understanding of the concept of *qatl al-khaṭa'* will be obtained that is relevant to the mechanism of restoring victims' rights and the restorative justice approach.

RESULTS AND DISCUSSION

This section presents the results of the analysis of QS. *An-Nisā'*:92 and its relevance to cases of traffic accidents caused by negligence within the framework of modern law. This verse serves

as the primary normative foundation because it regulates *qaṭl al-khaṭa'* (unintentional killing) by integrating legal, moral, and restorative justice dimensions through the obligations of *diyāh* (blood money) and *kaffārah* (expiation). By taking the verse as the starting point, the discussion explores its linguistic structure (*lafẓ*), historical context (*asbāb al-nuzūl*), and interpretations of Muslim scholars in order to build a bridge of meaning between the Qur'anic provisions on *qaṭl al-khaṭa'* and the contemporary phenomenon of traffic accidents. The first subsection presents the text of QS. *An-Nisā'*:92 along with its translation as the basis for analysis, followed by a discussion of exegetical interpretations, juristic perspectives, and their implications for restorative justice discourse in both Islamic law and Indonesian positive law.

The Meaning Structure and Historical Context of QS. *An-Nisā'*:92

وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَتَّقَلَ مُؤْمِنًا إِلَّا خَطَأً وَمَنْ قَتَلَ مُؤْمِنًا خَطَأً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوٍّ لَكُمْ وَهُوَ مُؤْمِنٌ فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ وَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِنَ اللَّهِ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا

“It is not for a believer to kill another believer except by mistake. Whoever kills a believer by mistake must free a believing slave and pay compensation (diyāh) to the victim’s family unless they remit it as charity. If the victim belonged to a people hostile to you but was himself a believer, then the expiation is the freeing of a believing slave. And if he belonged to a people between whom and you there is a treaty, then compensation must be paid to his family and a believing slave must be freed. Whoever does not find (a slave to free) must fast for two consecutive months as repentance from Allah. And Allah is All-Knowing, All-Wise”. (Kementrian Agama, 2019).

Table 1. Key Arabic Terms (*Mufradat Lughawiyah*)

Arabic Term	Brief Meaning
خَطَأً	Unintentional killing, causing death without prior intent to kill.
وَمَنْ قَتَلَ مُؤْمِنًا خَطَأً	Whoever kills a believer by mistake.
فَتَحْرِيرُ رَقَبَةٍ	Freeing a slave as a form of <i>kaffārah</i> (expiation).
مُؤْمِنَةٍ	A believing slave.
وَدِيَةٌ مُسَلَّمَةٌ	<i>Diyāh</i> (blood money) delivered to the victim’s heirs as compensation.
أَنْ يَصَدَّقُوا	That they give charity/forgive; meaning the victim’s family waives the obligation of <i>diyāh</i> .
مِيثَاقٌ	A covenant or treaty (of security/peace) protecting the life of a non-Muslim bound by agreement.
فَمَنْ لَمْ يَجِدْ	Whoever does not find (or is unable to free a slave).
مُتَتَابِعَيْنِ	Two consecutive months (fasting without an interruption not justified by Islamic law).
تَوْبَةً مِنَ اللَّهِ	As an act of repentance ordained by Allah, to purify and reform the offender.

From this Table 1, it is evident that the structure of the verse is highly systematic: it begins with the affirmation of the type of act (*qaṭl al-khaṭa'*, unintentional killing), then proceeds to its

legal consequences (the freeing of a slave and the payment of *diyah*), subsequently opens space for forgiveness by the victim's family, and concludes by emphasizing the dimension of repentance. This pattern demonstrates that the Qur'an does not regard unintentional killing as a "neutral accident," but as an event that still entails legal responsibility as well as an opportunity for the perpetrator's spiritual purification.

Terms such as *diyah*, *an yataṣaddaqū* (forgiveness/charitable remission), and *tawbatan min Allāh* (repentance from Allah) are crucial in constructing a restorative justice framework: the rights of the victim and their family are acknowledged through *diyah*; social relationships are given room to be restored through the option of remission or forgiveness; and the perpetrator is directed toward moral rehabilitation through *kaffārah* (expiation) and repentance. In a contemporary reading of traffic accidents, these terms may serve as key indicators in assessing whether modern legal mechanisms and compensation systems align with the verse's orientation toward the protection of life, victim restoration, and the moral awakening of the offender (Az-Zuhaili, 2016).

The verses preceding 4:92 discuss legal rulings concerning those deemed liable to capital punishment, such as hypocrites, individuals who violated treaties with the Muslims, and those who aided the enemies of the Muslim community. These verses indicate that such groups were, from a *shar'ī* perspective, deserving of firm punishment. In contrast, the subsequent verses 4:92-93 clarify the legal provisions for those who are not to be killed, whether intentionally or unintentionally, including when the victim is a believer, a person bound by treaty with the Muslims, or a *dhimmi* (a non-Muslim under Muslim protection) (Az-Zuhaili, 2016).

According to several narrations, QS. *An-Nisā'*:92 was revealed in connection with an incident involving Ayyash ibn Abi Rabi'ah and al-Harith ibn Yazid. It is reported by several transmitters that al-Harith ibn Yazid had previously shown hostility toward the Prophet. Some time later, al-Harith came to the Prophet intending to embrace Islam. However, when Ayyash ibn Abi Rabi'ah encountered al-Harith, he was unaware of al-Harith's intention to accept Islam. Still harboring resentment, Ayyash killed him. Thereafter, Allah revealed QS. *An-Nisā'*:92.

According to the explanation of al-Kalbi, the story began when Ayyash had already embraced Islam but concealed his faith out of fear of the people of his hometown. He fled and sought refuge in an elevated structure in Madinah. Upon hearing this news, his mother was deeply distressed and vowed that she would neither seek shelter under a roof nor eat or drink until her son returned. Hearing of this, Ayyash's two half brothers Abu Jahl and al-Harith ibn Hisham set out to search for him, accompanied by al-Harith ibn Yazid ibn Abi Unaysah. Eventually, they found Ayyash in his hiding place.

They feigned gentleness and said, "Come down. Your mother is extremely distressed, she has vowed not to eat or drink until you return. We will not harm you, and we will not interfere with your religion." Influenced by their words, Ayyash descended and followed them. However, during the journey, he was bound, beaten, and taken back to Mecca. There, his mother remained firm and declared, "By Allah, I will not release you until you abandon the religion you have embraced." Ayyash was left tied under the scorching sun, given little food, and pressured to renounce his faith. At that time, al-Harith ibn Yazid mockingly remarked, "By Allah, if I were to find difficulty in following guidance, I would abandon it, even if I were upon misguidance."

Hearing this, Ayyash became enraged and said, “By Allah, if I meet you without any barrier between us, I will surely kill you.”

Some time later, Ayyash managed to migrate (*hijrah*) to Madinah and join the Prophet. Not long afterward, al-Harith ibn Yazid also embraced Islam and migrated to Madinah. However, when al-Harith arrived, Ayyash unaware that al-Harith had become a Muslim encountered him and immediately killed him, still harboring past resentment. After the incident, people said to him, “What have you done, O Ayyash? Al-Harith had already embraced Islam!” Upon hearing this, Ayyash went to the Prophet and said, “O Messenger of Allah, there was a previous matter between me and al-Harith. By Allah, I did not know that he had accepted Islam.” Then revelation descended through the Angel Jibril in the form of QS. *An-Nisā'*:92, clarifying the ruling concerning killing by mistake, along with its prescribed *kaffārah* and *diyab*, and affirming that repentance remains open for one who errs (An-Nisaburi, 2014).

If we examine the *asbāb al-nuzūl* (occasions of revelation) of QS. *An-Nisā'*:92, the verse was revealed in connection with a specific incident involving ‘Ayyash ibn Abi Rabi’ah. Nevertheless, the wording (*lafẓ*) employed in the verse is general in nature. This can be seen from the term *مُؤْمِنٍ* (*mu'min*), which is a *‘amm* (general) expression encompassing all believers without limitation to a particular individual. This indicates that the ruling contained in QS. *An-Nisā'*:92 is broad in scope, applying both to the circumstances that occasioned its revelation and to similar situations beyond its historical context. Therefore, the legal provision concerning *qat'l al-khaṭa'* (unintentional killing) is not confined to the case of ‘Ayyash ibn Abi Rabi’ah al-Makhzumi alone, but remains legally relevant to comparable cases in the present day.

Interpretation of QS. *An-Nisā'*:92 on the Concept of *Qat'l al-Khaṭa'*

The term *خَطَأً* in QS. *An-Nisā'*:92 refers to killing that occurs without the intention to kill. *Khaṭa'* is divided into three categories: error in intention (*khaṭa' fi al-qaṣd*), error in action (*khaṭa' fi al-fi'l*), and error in causation (*khaṭa' fi al-sababiyah*) (Ananta & Amrulloh, 2025). Wahbah az-Zuhaili in his work *Tafsir al-Munir* explains that the punishment for unintentional killing consists of two obligations. First, freeing a believing slave. This act serves as expiation for the grave sin of causing the loss of another person’s life, even if unintentionally. The condition is that the slave freed must be a believer; if the freed slave is non-Muslim, the expiation is not valid. The majority of scholars maintain that it remains valid even if the believing slave freed is a child, even if owned by a non-Muslim (Az-Zuhaili, 2016).

The second obligation is the payment of *diyab* (blood money) to the victim’s family as compensation for the loss of life. In several narrations, the standard *diyab* is set at one hundred camels. For a female victim, the amount is half that of a male’s *diyab*, because in classical *fiqh* social understanding, men were generally positioned as the primary providers and economic supporters of the family thus, the loss of a man was considered to cause greater material harm to his heirs (Az-Zuhaili, 2016).

It is narrated by Abu Dawud and al-Nasa’i, among others, that the Prophet wrote a letter to the people of Yemen stating: “Whoever kills a believer without lawful justification shall be subject

to *qiṣāṣ* (equal retaliation), unless the victim's family pardons him. Every life has a *diyāh* of one hundred camels." The letter further specified that for those who possessed gold, the compensation was one thousand dinars, for those who possessed silver, ten thousand or twelve thousand dirhams according to different schools, and for camel owners, one hundred camels. Imam al-Shafi'i affirmed that owners of gold or silver need only pay the equivalent value of one hundred camels (Az-Zuhaili, 2016).

If the perpetrator does not possess a slave or sufficient wealth for expiation, or if no slave meeting the conditions can be found considering that Islam aims at the gradual abolition of slavery then the offender must substitute it by fasting for two consecutive lunar months. This fasting may not be interrupted if it is broken without a valid *shar'i* excuse, the perpetrator must begin again from the start (Az-Zuhaili, 2016). The establishment of punishment for *qatl al-khaṭa'*, even in the absence of intent, underscores that negligence and recklessness resulting in death remain subject to accountability under Islamic law (Maulidar, 2017).

According to al-Zuhayli, this verse reflects the principle of restorative justice an approach emphasizing restoration and the repair of social relationships after a violation, rather than mere punishment. This principle is manifested through compensation to the victim or their family, the offender's expiation through *kaffārah*, and preventive measures to avoid repetition of similar acts (Az-Zuhaili, 2016). With its dual dimensions spiritual, through expiation before Allah, and social, through compensation to the victim's family the verse demonstrates Islam's holistic approach to addressing unintentional killing. Al-Zuhayli's view affirms the relevance of the principles in this verse to modern restorative justice concepts, which emphasize offender accountability, community involvement, and social restoration (Ananta & Amrulloh, 2025).

Traffic Accidents Caused by Human Error in the Perspective of Indonesian Positive Law

In Indonesia, traffic accidents over the past three years (2018-2020) have been categorized as the third leading cause of death after coronary heart disease and tuberculosis, based on data interpreted by the national intelligence agency. The number of accidents continues to increase annually, in line with the significant growth in motor vehicle ownership, particularly motorcycles, which have experienced the highest increase among vehicle types (Umniyatun et al., 2021). Data from the Central Statistics Agency (*Badan Pusat Statistik*) in 2022 recorded 139,258 traffic accidents across Indonesia. Of these, 28,131 resulted in fatalities, 13,364 victims suffered serious injuries, and 160,449 sustained minor injuries. Beyond physical harm, traffic accidents also caused material losses amounting to 280,009 million rupiah (Badan Pusat Statistik, 2022).

According to Soerjono Soekanto, a traffic accident is an event involving motorized or non-motorized vehicles, humans, objects, and various hazards that may result in injury, death, damage, or loss (Paliama et al., 2023). Traffic accidents are influenced by multiple factors, including vehicle condition, road condition, and driver behavior commonly referred to as human error. Human error is one of the dominant factors causing traffic accidents. According to Fadil et al (2025) human error or negligence includes mistakes in concrete actions as well as a lack of inward caution, such that the error occurs without malicious intent. In the context of driving, human error arises from various factors such as irregular work patterns, environmental conditions, psychological and physical states, and fatigue. Irregular work patterns include excessive driving hours, inappropriate driving times, high frequency, and insufficient rest periods. As a result, drivers tend to neglect

safety principles, even though the risks involved concern not only their own safety but also the lives of others around them (Helmi et al., 2024).

In social life, traffic safety and security are of paramount importance (Lady & Umyati, 2021). To anticipate accidents caused by driver negligence (human error), Law Number 22 of 2009 concerning Road Traffic and Transportation stipulates strict sanctions. Article 310 paragraphs (3) and (4) state that a driver whose negligence results in an accident causing serious injury may be sentenced to up to five years' imprisonment and/or a fine of up to IDR 10,000,000, and the penalty may reach six years' imprisonment or a fine of up to IDR 12,000,000. These provisions affirm that every driver is obliged to comply with traffic regulations in order to prevent the risk of serious injury or death due to negligence (Fadil et al., 2025).

A traffic accident case in Magetan serves as a concrete example of negligence (human error). In the Decision of the Magetan District Court Number 34/Pid.B/2021/PN.Mgt, the defendant, Haryono bin (the late) Supeno, was found guilty of continuing to drive while fatigued and drowsy after a long journey on the toll road, eventually colliding with a truck ahead of him and causing the deaths of four people. The defendant had already felt sleepy and exhausted but chose to proceed without adequate rest, thereby losing control of his vehicle. The court considered this fatigue as primary evidence of negligence, with aggravating factors including the number of fatalities and the high risk associated with toll roads, and consequently imposed a sentence of three years and two months' imprisonment under Article 310 paragraph (4) in conjunction with Article 312 of Law Number 22 of 2009 on Road Traffic and Transportation (Istiawan, 2025). Although imprisonment was imposed, from a preventive standpoint this sanction is not fully optimal, as incarceration alone is insufficient to produce long-term behavioral change among drivers. Intensive education and supervision are needed to encourage sustained compliance.

The Relevance of QS. *An-Nisā'*:92 to Traffic Accidents Caused by Human Error

The relevance of QS. *An-Nisā'*:92 to cases of traffic accidents caused by human error can be analyzed through three stages of philosophical hermeneutics pre-understanding, dialogue with the text, and fusion of horizons as developed by Hans-Georg Gadamer, who emphasized that textual understanding is not static but occurs within a historical and dialogical relationship between the reader, the text, and the social context (Darmaji, 2014). The analysis shows that the verse's provisions concerning unintentional killing namely the obligation to free a believing slave, to pay *diyab*, and to fast for two consecutive months contain not only moral and legal norms but also relevance to contemporary phenomena, including traffic accidents caused by negligence (human error). Gadamer's hermeneutical approach enables contemporary readers to understand the verse from a new perspective relevant to present realities, without severing its connection to the historical context of its revelation (Purnama, 2022). Thus, the meaning embedded in QS. *An-Nisā'*:92 can be interpreted comprehensively, including in cases of traffic accidents resulting from negligence, so that the principle of responsibility articulated in the verse remains applicable in modern situations.

Theoretically, the exegetical maxim *al-'ibrab bi 'umūm al-laḥẓ lā bi khuṣūṣ al-sabab* (consideration is based on the generality of the wording, not the specificity of the cause) strengthens this relevance. The verse employs general wording ("a believer"), and therefore is not

confined solely to the initial historical case of 'Ayyash. Through a fusion of horizons, the concept of *qatl al-khaṭa'* discussed in the verse may be extended to traffic violations causing death without intent, but due to negligence (human error). Empirical data further supports the urgency of this extension: traffic accidents constitute one of the leading causes of death globally and nationally. According to reports by the World Health Organization (WHO), approximately 1.24 million people die each year and tens of millions are injured due to traffic accidents (Umniyatun et al., 2021). Consequently, negligent traffic violations clearly contravene the objectives of Islamic law (*maqāṣid al-shari'ah*), particularly *hiḥz al-naḥs* (protection of life) through the loss of life, and *hiḥz al-māl* (protection of property) through material and social losses (Wahyuni, 2018).

In contemporary Islamic legal practice, cases of human error such as traffic accidents occurring without intent cannot be resolved solely through criminal sanctions. Beyond legal consequences, the perpetrator also bears moral and social responsibility toward the victim (Hidayani & Mina, 2022). This responsibility may be manifested through compensation (*diyab*) to the victim or their family, as well as the performance of *kaffārah* as an act of expiation and spiritual reflection (Akbar, 2024).

Within the framework of Indonesian positive law, this concept may be enriched through the mechanism of Jasa Raharja, a state owned enterprise that manages the Mandatory Road Traffic Accident Fund (SWDKLLJ). This fund is collected together with annual motor vehicle tax payments, as regulated by Law No. 34 of 1964 in conjunction with Government Regulation No. 18 of 1965 (A. M. Siregar et al., 2024). Through this mechanism, traffic accident victims or their heirs receive compensation provided that the accident was unintentional and the perpetrator was not under the influence of alcohol or narcotics. The compensation amounts to IDR 50 million for fatalities or permanent disabilities, and up to IDR 25 million for medical expenses (T. V. Siregar et al., 2025). The compensation is disbursed directly to hospitals or heirs, funded by the SWDKLLJ contributions automatically paid during annual vehicle registration renewal. This system enables victims to obtain assistance quickly without waiting for lengthy legal proceedings.

From the perspective of Islamic law, the Jasa Raharja compensation mechanism shares functional similarities with the concept of *diyab* mentioned in QS. *An-Nisā'*:92, particularly in cases of *qatl al-khaṭa'* (unintentional killing). Both aim to provide financial compensation to victims and to maintain social balance within society. The advantage of Jasa Raharja lies in its procedural simplicity, broad coverage, and certainty of compensation for road users (Novizal et al., 2024).

Nevertheless, there are fundamental differences. In Islamic law, *diyab* is a direct obligation borne by the perpetrator or their *'āqilah* (male kin group), with a normatively prescribed amount equivalent to one hundred camels. Additionally, the perpetrator is required to perform *kaffārah* by fasting two consecutive months as a form of spiritual purification and moral awareness. This requirement emphasizes the offender's inner engagement and fosters personal responsibility within social relations. In contrast, Jasa Raharja compensation derives from a collective state fund, meaning that the perpetrator does not directly bear the financial burden. Consequently, the spiritual dimension and moral consciousness emphasized in the concepts of *diyab* and *kaffārah* are not fully realized within this mechanism.

Even so, in general, the Jasa Raharja system aligns with a restorative justice approach, as it prioritizes victim recovery and the restoration of social balance (Putri & Pratiwi, 2023). By integrating Gadamer's philosophical hermeneutics, exegetical principles, and contemporary social realities, QS. *An-Nisā'*:92 may be understood not merely as a static normative text, but as a contextual and applicable source of values for the development of Islamic traffic law in the modern era.

CONCLUSION

Based on the analysis of QS. *An-Nisā'*:92 through the philosophical hermeneutical approach of Hans-Georg Gadamer, as well as classical and contemporary exegetical studies, this research concludes that traffic accidents caused by negligence (human error) may be categorized as *qāṭl al-khaṭa'* (unintentional killing) within the framework of Islamic criminal law. The verse not only contains juristic provisions in the form of the obligation to pay *diyah* and perform *kaffārah*, but also affirms the principle of restorative justice, which emphasizes the restoration of victims' rights, social reconciliation, and the moral responsibility of the perpetrator.

These findings demonstrate a difference in orientation between Indonesian positive law, which tends to emphasize criminal sanctions, and the Qur'anic principle, which integrates legal, ethical, and spiritual dimensions in a more proportional manner. By combining the historical understanding of the verse, the exegetical maxim *al-ībrah bi 'umūm al-lafz* (consideration is based on the generality of the wording), and Gadamer's concept of the fusion of horizons, this study expands the contextual understanding of the application of QS. *An-Nisā'*:92 to contemporary phenomena of modern negligence.

From the perspective of Qur'anic and tafsir studies, these findings open avenues for further research, including the development of a restorative justice model grounded in Qur'anic principles that is compatible with the national legal system; thematic (*tafsir maudhu'i*) studies on responsibility and unintentional wrongdoing; and in-depth analysis of the mechanisms of *diyah* and *kaffārah* through a *maqāṣid*-based approach. Open questions for future research include how the integration of Qur'anic values may influence public legal policy, and how the Qur'anic principle of restorative justice can be practically implemented to prevent fatal negligence in society. This conclusion reaffirms the relevance of QS. *An-Nisā'*:92 as a contextual and applicable normative source, capable of further development within contemporary tafsir scholarship.

DECLARATION OF USING AI

The authors used ChatGPT to improve language and readability. The authors reviewed and edited the output and take full responsibility for the content.

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