

Milk al-Yamin and Khilafah in Indonesia

written by Muhammad Najib

The last few days, Abdul Aziz's name has been in the public spotlight and a number of news material for the media. Even to appear on the screen like a rising artist. Public attention to the doctoral student of the State Islamic University (UIN) Sunan Kalijaga, Yogyakarta was due to his dissertation entitled "The concept of Milk al-Yamin Muhammad Syahrur as the Validity of Non-Marital Sexual Relations".

Abdul Aziz, using Syahrur's thought, concluded that milk al-yamin, using the legal hermeneutic approach from the aspect of philology with the principle of anti-synonymity, gave an interpretation that the concept of milk al-yamin in the Koran no longer meant slaves, but partners in non-marital sexual relations. With this concept, sex outside marriage is permissible or within certain limits does not violate Islamic law.

For information, milk al-yamin means "right hand ownership". Jumhur ulama commentaries, mainly traditionalists, give contextual meaning to milk al-yamin as a contract or relationship of ownership of a master to slaves. Slaves in this case can be obtained through war or the results of purchases or other ownership causes. With this definition, a slave owner - his master - may have intimate relations with his slaves without having to enter into a marriage contract.

The above definition does not reap significant problems or almost no resistance at all. However, once embracing Muhammad Syahrur's interpretation, the concept of milk al-yamin reaped controversy because he had a different interpretation, even against the mainstream, with other scholars. For Syahrur, as revealed earlier, the concept of milk al-yamin in the Koran no longer means slaves, but partners for non-sexual relations.

The concept of milk al-yamin according to Syahrur was then responded quickly by the public, mainly through social media. The majority of netizens responded to Abdul Aziz's scientific work as something that is destructive and can destroy religious norms that have long been obeyed and practiced by the public.

Blasphemy, insults and the like were scattered on social media like dust brought by strong winds. In fact, netizens who refuse and blaspheme not necessarily read thoroughly and thoroughly dissent Abdul Aziz.

Actually Milk al-Yamin, which has caused controversy among the people, is interspersed with the controversy over the enforcement of the Khilafah in Indonesia. That is, the concept of milk al-yamin version of Syahrur and the concept of the Khilafah which is shouted by some groups in Indonesia today has the same side; are not suitable to be applied in Indonesia.

Why is the milk al-yamin version of Syahrur and Khilafah in Indonesia incompatible and actually has a great potential to destroy this nation? To answer this question, let's look at the case through two glasses.

First, look at the context. Yudian Wahyudi, chairman of the dissertation examiner Abdul Aziz stressed that, if the concept of milk al-yamin as understood by Muhammad Syahrur was applied in Indonesia, according to him it would destroy the nation's record which had been built and maintained in such a way by the nation's founder and his successors.

Maybe Syahrur's interpretation of the concept of milk al-yamin is suitable to be applied in certain regions and periods. However, if applied in Indonesia, the concept of milk al-yamin Syahrur really loses its context. Here, contextual meaning — contemporaryity — finds its urgency.

Just imagine if sex outside marriage is legalized in Indonesia, then what happens is that decadence will spread. Aids will be widespread. And what is far more distressing than just getting sick is the destruction of a family.

We certainly understand that the foundation of a country is a family. The country was first built from family. If the family is intact and great, then the country will be strong. Conversely, if the family is destroyed, then the country will also be destroyed. The implications of free sex are very clear; make a family broken; abandoned children and cause illness and other social problems.

Likewise with the Khilafah. Indonesia, through the founding fathers of the nation has agreed and chose Pancasila as the basis of the final state and decided as a republic of the Republic of Indonesia based on Pancasila. So when a person or group talks about the enforcement of the Khilafah in Indonesia, it will be un-

useful (useless). Because contextually, in fact the Indonesian system, namely the Republic of the Republic which is based on Pancasila has implemented a khilafah system.

Mohammad Nasih, in his article "Misconception of the Khilafah" (harakatuna, 11/2/2018) asserted that, the khilafah is really any political system that allows for the implementation of God's laws, so that the people in them can worship properly and also can build relationships among fellow human beings in harmony.

Second, see who is speaking. Besides looking at the context, we need to see who is speaking, interpreting and initiating a concept. If this is the case, then sitting down a problem will be seen clearly.

In the scientific world, there is the term scientific authority. That is, someone can be said to be competent and have the right to talk about something when it comes to the field or expertise (competency) that he has and is devoted to. The scientific authority here is more on experts in certain fields which can be used as a reference.

So, someone considered competent in field A, for example, one of which can be seen from their educational background. So, civil engineering people, not their domains, talk about religious concepts, milk al-yamin, for example. Or in the realm of religion, for example, halal-haram is the authority of scholars' scholarship.

Scientific authority is needed in order to avoid improper cases, if you do not want to be said in false words.

Back to the concept of milk al-yamin and khilafah. These two discussions are actually included in the realm of a study of the Koran and Al-Hadith, namely interpretation.

As an affirmation, not everyone has the authority to interpret a verse or letter in the Koran. That is, there are provisions or conditions that must be met when they want to interpret the Qur'anic verses.

Related to this, the scholars of ancient times asserted that a reader must master several sciences when intending to interpret the Koran at the same time as one of the conditions as a reader. As-Suyuthi in al-Itqan, describes several types of

knowledge that must be mastered by a mufassir; including (1) linguistics; (2) nahwu science; (3) the science of qira'at; (4) rhetoric (balaghah), i.e. ma'ani, bayani, and badi'; (5) asbabun nuzul science; (6) the science of hadith; and (7) usul fiqh.

If you want to be honest, in fact Muhammad Syahrur is less competent in speaking or interpreting the Koran, like milk al-yamin. Because the real authority of science is not in the realm of interpretation of the Koran. This can be seen from Muhammad Syahrur's educational background.

As Abdul Aziz revealed in his dissertation, namely in chapter III, Muhammad Syahrur was born in Damascus, Syria, on April 11, 1938. The fifth child of a dye named Daib completed his primary and secondary education in his hometown (Salihiyyah) before moving to Moscow, Russia, in 1957 to study civil engineering (a scholarship from the Syrian government).

Abdul Aziz also emphasized that Syahrur in his childhood did not receive sufficient religious education. In fact, Syahrur from undergraduate to doctoral level (completed in 1972), is linear in the same field, namely civil engineering, specializing in Land Mechanics and Foundation.

And then Syahrur served as a lecturer at the Faculty of Civil Engineering, Damascus University. At this point, Syahrur did not join any Islamic institution and did not take formal training or obtain a certificate of Islamic sciences, Aziz explained, as he quoted from Andreas Christmann's book.

From this it can be seen that Syahrur does not have the basic scientific knowledge of Islam, especially the science of interpretation. No doubt if Syahrur has a relatively different path from the thoughts and interpretations of commentators in general. Even Syahrur, according to some circles, including liberal-minded thinkers. Actually, this is the case for the concept of milk al-yamin according to Syahrur. Naturally, if Syahrur always reap controversy.

Similarly, the bearers of the khilafah. If it is observed more closely, actually the Khilafah bearer group, let's say the HTI leaders do not have adequate scientific authority. Call it Sheikh Atha Abu Ar-Rashthah, Amir Hizb ut-Tahrir, Civil Engineering alumni, Cairo University. Ismail Yusanto, Spokesman of HTI, alumni of Geological Engineering, UGM Yogyakarta. Rokhmat S. Labib, Chairman of the DPP HTI, English Literature Alumni, Unesa Surabaya. M. Rahmat Kurnia,

Chairman of the DPP HTI, Agricultural Alumni, Bogor Agricultural University. Muhammad Shiddiq al-Jawi, Chairman of the HTI DPP, Bogor IPB MIPA alumni. Fahmi Amhar, Chairman of the DPP HTI, Alumni of the Department of Physics, ITB Bandung. Suteki, Law alumni, Semarang UNDIP.

No doubt if the HTI frontman, often 'failed to understand' in understanding the concept of khilafah. They always base the establishment of khilafah based on the Koran and Hadith.

For example, the hadith that they understand as information that at the end of the age, the Khilafah system based on the prophetic path will prevail and succeed, namely:

"The Messenger of Allah said: ' In the midst of you there is a prophetic age, by the permission of Allah he still exists. Then He will lift it if He wishes to lift it. Then there will be a Khilafah who follows the Prophetic Manhaj. He exists and by the permission of Allah he will still exist. Then He will lift it if He wishes to lift it. Then there will be unjust power (kingdom); he also exists and by the permission of Allah he will still exist. Then He will lift it if He wishes to lift it. Then there will be dictatorial (royal) power that is miserable; he also exists and with the permission of Allah will remain. Then there will be another Khilafah following the Prophetic Manhaj. "He then silenced." (Ahmad and al-Bazar).

Against this hadith, once again, they 'failed to understand' in understanding the hadith above, they understood textually. At least 'failed to understand' was seen from several things.

For example, understanding that there will be a return to the Khilafah in a prophetic way. Related to this Nadirsyah Hosein, straightened out about the purpose of the phrase "there will be a return to the khilafah ..." which is meant by the caliphate of Umar bin Abdul Aziz. Even Gus Nadir also strengthened it by including the opinions of scholars such as al-Imam Ahmad bin Hanbal, Abu Bakr al-Bazzar, Abu Dawud al-Thayalisi, Abu Nu'aim al-Ashfihani, al-Baihaqi, Ibn Rajab al-Hanbali, al- Suyuthi, even Shaykh Yusuf bin Isma'il al-Nabhani (Taqiyyuddin al-Nabhani's grandfather, founder of Hizb ut-Tahrir) also argued that Umar Bin Abdul Azis was meant in the fourth period (<https://nadirhosen.net>).

Indeed there are still many of their mistakes in understanding the concept of the Khilafah. No need to mention one by one in this column because we are already

aware of the situation.