

CHAPTER II

THE LAND OF *ḤARĀM*

A. The Definition of Land of *Ḥarām*.

It is not mentioned explicitly and clearly in al-Qur'an about the prohibition of entering the land of *ḥarām*. What is mentioned is in *Sūrah* at-Taubah verse 28; the prohibition of to be close to *al-Masjid al-Ḥarām*. But some interpretations are various. Some say, not to be close to *al-Masjid al-Ḥarām* means not to pass *ḥarām*'s borders, while some say; the verse is specified for certain time and reason. Before talking about it widely, it is better to understand the definition of the land of *ḥarām*.

The word *ḥarām* consists of three letters; cha' (ح), ro' (ر), and mīm (م). But sometimes it is said as حرام (with alif after rā'), as like the word زمن which is sometimes written زمان.¹ *Ḥarām* here means respect. The word *ḥarām* said here is no longer dealing with the word *ḥalāl*, nor understood in the sense of illegitimate in Islamic law (fiqh). Although the word which is implied in the term of Islamic law is also drawn from the same root word. But *ḥarām* here means honor. We all

¹ Abdul Aziz ibn Muhammad Al Chuwaithān, *Ahkāmul Hurum al Makky as Syar'iyah*, Maktabah Mulki Fahd, Riyadh, 2004, p.13.

know that the more honorable thing, the more requirements and restrictions associated with it.² Whoever enters the land of *ḥarām*, he or she should obey its rule and law.

The word *al ḥarām* today is different from it was because of the enlargement of the city. Prophet Muhammad said, “Ibrahim made Makkah the land of *ḥarām*, and I make Madinah as Ibrahim did”. But what prophet means with the word Makkah in that is different from the land of *ḥarām* now. Because there are some area of Makkah that’s not included in the *ḥarām* land.³

In other side, Kingdom of Saudi Arabia prohibits non Muslim to enter the whole Mecca Al Mukarramah, not only the land of *ḥarām*. There are gates to check the visa of visitors.

When term “Mecca” or its synonyms is mentioned in al-Qur’an and *Ḥadiṣ* is the Land of *Ḥarām*. But after the enlargement of the area of the Land of *Ḥaram*, not all Mecca area is the Land of *Ḥarām*.⁴

Here are the differences between four terms; *Al Masjid Al Ḥarām*, the land of *ḥarām*, *Miqāt*, and Mecca.

² M. Quraisy Sihab, *Tafsir Al Misbah; Pesan, Kesan, dan Keserasian Al Qur’an*, Lentera Hati, Jakarta, 2002, Vol. 5, p. 65.

³ Al Chuwaithān, *Ahkāmul Hurum al Makky.*, p.13.

⁴ Abdul Malik ibn Abdullah ibn Duhaisy, *Alḥarām Al Makkiy Al Ṣarīf; Dirāsāt Tārikhiyyah wa Midāniyyah*, Maktabah Al Mukarramah, Mecca, tth., 131

1. *Al Masjid Al Ḥarām* is the area of grand mosque where Kaaba is placed with its enlargement area.
2. the land of *Ḥarām* is area which is bordered by the borders of *Ḥarām* and this is what we discuss in this thesis.
3. *Miqāt* is certain places which are decided by Islamic law and whoever wants to perform pilgrimage and ‘*umrah* have to wear *iḥrām* clothes and recite *talbiyyah*.
4. Mecca is the region where all mentioned above is placed.

Allah mentions the land of *ḥarām* in al-Qur’an only two times:

وَقَالُوا إِن تَتَّبِعِ الْهُدَىٰ مَعَنَا نُنْخِطِفْ مِنْ أَرْضِنَا أَوْ لَمْ تُمَكِّنْ لَهُمْ

حَرَمًا آمِنًا يُجِبِي إِلَيْهِ ثَمَرَاتُ كُلِّ شَيْءٍ رِّزْقًا مِنْ لَدُنَّا وَلَكِنَّ أَكْثَرَهُمْ لَا

يَعْلَمُونَ⁵

Translation: they say if we accept the guidance with you, we shall be driven from our land. But have we not given them a sanctuary of safety to which fruits of every kind are brought as a provision from Ourselves? Indeed, most of them do not know.⁶

⁵ QS. Al Qoshosh:57.

⁶ Mahmud Y. Yazid, *The Qur’an; An English Translation of the Meaning of the Qur’an*, Dar L-Choura, Beirut, 1980, p.287.

أَوَلَمْ يَرَوْا أَنَّا جَعَلْنَا حَرَمًا آمِنًا وَيَتَخَطَّفُ النَّاسُ مِنْ حَوْلِهِمْ

أَفَبِالْبَاطِلِ يُؤْمِنُونَ وَبِنِعْمَةِ اللَّهِ يَكْفُرُونَ⁷

Translation: Do not they know how We have made a safe sanctuary while all around them men are carried off by force? Would they believe in falsehood and deny Allah's goodness?⁸

According At Ṭobari, the purposes of this verse (to not invite the idolaters approaching the Mosque of *Ḥarām*) is to prohibit them from entering the land of *ḥarām*. Because if they enter the land of *ḥarām*, it means they approach *al-Masjid al-Ḥarām*.⁹

Similarly, the honorable of land of *ḥarām*, compared with other regions in the world, there are some actions that are required and forbidden. The actions that are prohibited by humans on the land of *ḥarām* of are unlawful to hunt animals, cut trees, uprooting trees, taking scattered goods, war. As word of Allah;

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْتُلُوا الصَّيْدَ وَأَنْتُمْ حُرْمٌ وَمَنْ قَتَلَهُ مِنْكُمْ مُتَعَمَّدًا فَجَزَاءٌ

مِثْلُ مَا قَتَلَ مِنَ النَّعَمِ يَحْكُمُ بِهِ ذَوَا عَدْلٍ مِنْكُمْ هَدْيًا بِالِغِ الْكَعْبَةِ أَوْ كَفَّارَةٌ

⁷ QS. Al Ankabut:67.

⁸ Mahmud Y. Yazid, *The Qur'an; An English Translation of...*, p. 43.

⁹ At Thobari, *al jāmi' liahkāmil qur'an*, Darul Kutub al Ilmiyyah, Beirut, 2003, Volume 4, p. 66.

طَعَامُ مَسَاكِينَ أَوْ عَدْلُ ذَلِكَ صِيَامًا لِيَذُوقَ وَبَالَ أَمْرِهِ عَفَا اللَّهُ عَمَّا سَلَفَ وَمَنْ
عَادَ فَيَنْتَقِمُ اللَّهُ مِنْهُ وَاللَّهُ عَزِيزٌ ذُو انْتِقَامٍ¹⁰

Translation: Believers, kill no game whilst on pilgrimage. He that kills game by design, shall present, as an offering to the Kaaba, the like of which he has killed, to be determined by two just men among you; or (he shall), in expiation, (undertake) either the feeding of the poor or equivalent of that in fasting, so that he may suffer the evil consequences of his deed. Allah has forgiven what is past, but if any one returns to sin He will avenge Himself on him: He is Mighty, capable of punishment.¹¹

Here are legal acts that are specifically applied when entering the land of *ḥarām*¹²:

1. It is recommended for people who enter the land to wear *ihrām* cloth¹³, according to the Shāfi'i's school, wearing *ihrām* cloth is

¹⁰ QS. Al-Maidah: 95

¹¹ Mahmud Y. Yazid, *The Qur'an; An English Translation of ...*, p. 85

¹² Wahbah Zuhaily, *Al Fiqh Al Islamiy wa Adillatuhu*, Dar el Fikr, Damsyiq, 2008, juz 3, p. 585

¹³ *Ihram cloth* is a white cloth which is used by the pilgrimage performers when they do *ihrām*. for men, there are two large piece of unhemmed sarong which covers man body except left armpit. The top (the *ridā*) is draped over the torso and the bottom (the *izār*) is secured by a belt; plus a pair of sandals. Women's clothing, however, varies considerably and reflects regional as well as religious influences, but they often don't wear special clothing or cover their faces. The main objective is to avoid attracting attention.

sunnah¹⁴, while other schools consider it as *wājib*.

2. Prohibited of killing animals, whether animals are *halāl* or *ḥarām*, unless the animal is injuring or potentially harmful to humans.
3. No logging or cutting plants that are not planted by man¹⁵ as Siwāk tree, Syaich, and 'Ausaj, except trees which have several needs such as cutting down Idzkhar trees to be used it's fragrance. Mālikiyyah Scholars formulate six trees which are permitted to be logged or cut; felling trees of Sana (well known as Sana Makkiy) were utilized as a medicinal herb, Hasyīsy (cut foliage or leaves with Michjān or stick whose edges sharpened, if they attempted to abort the foliage or leaves with plain stick, it is *ḥarām*), 'Ashō or using the timber as stick, utilizing Siwāk timber for cleaning teeth, cutting trees to build buildings, and cut the plants to beautify the landscape.

¹⁴ Sunnah is an action when it is done, the doer will get reward from God, but if it is left, there is no sin in it.

¹⁵ According to Syāfi'iyyah, logging plants planted by human is not forbidden.

4. Not allowed to carry out dust, soil or rocks of *ḥarām*, it is *makrūh*¹⁶ according to *syāfi'iyah*, according *nawāwiyyah*, it is forbidden, and permissible or *mubāch* according to *ḥanāfiyyah*.
5. According to majority of scholars, it is unlawful to enter Mecca for those who disbelieve, just pass or settle. However, Abu Hanifa allows non-Muslims to enter the land of *ḥarām* as long as they do not settle in it.
6. Not *halāl* to take goods or things found in Mecca (*luqōthoh*). This is in contrast to the region out of the land of *ḥarām*, it is permissible for those who find the goods even they should keep it.
7. Aggravate the punishment of people who kill in the land of *ḥarām*.
8. It is forbidden to bury the dead bodies of non-Muslims in it.

¹⁶ Makruh is actions when the muslims do it they get no reward or punishment but when it's left, muslims got reward

9. Animals of *Dam* may be slaughtered just for the hajj in *ḥarām* months¹⁷.
10. For a native of Mecca, it is not obliged to pay the *dam* (expiation) if they perform the pilgrimage Tamattu¹⁸ and Qārin.¹⁹
11. Admission to do any *sunnah* prayers which have no requiring cause to its existence.
12. When someone swore (*nadzar*) to visit the land of *ḥarām*, it must be filled with the *hajj* or *umrah* (according to the Shafi'i).
13. When one makes vow (*nadzar*) to slaughter sacrificial animals on forbidden ground, it must be carried out there.
14. Prohibited facing or leading to the Kaaba while urinating and defecate.
15. Doubled the reward of prayer and other acts of worship.
16. It's *sunnah* for all residents of the land of *ḥarām* to do 'id prayer in *Al Masjid Al Ḥarām*.

¹⁷ *Ḥarām months* are some months when muslim can perform hajj; *Dzul Qa'dah, Dzul Ḥijjah and Muḥarram*

¹⁸ *Tamattu'* is performing *umrah* first and putting off the *ihram cloth* and wearing again when the day of hajj is coming.

¹⁹ *Qaarin* is doing hajj and *umrah* at the same time.

17. Not allowed for residents of the land of *ḥarām* to start *iḥrām* for *hajj* or *umrah* beyond the land of *ḥarām*.

While the *hadīṣ* of the Prophet that explains about the things that are prohibited in the land of *ḥarām* are as follows:

أخرجه ابن ماجة في سننه عن صفية بنت شيبة, قالت: سمعت رسول
الله صلى الله عليه وسلم يخطب عام الفتح, فقال: يا أيها الناس: إن الله
حرم مكة يوم خلق السموات والارض, فهي حرام الى يوم القيامة: لا
يعضد شجرها, ولا ينفر صيدها, ولا يأخذ لقطنها إلا منشد. فقال
العباس: إلا الإذخر فإنه للبيوت والقبور. فقال رسول الله صلى الله عليه
وسلم, إلا الإذخر.²⁰

Translation: it's released by ibn majah in his book from Shophia bint Syaibah, said, "I heard from the messenger of God preaching on the year of conquest (عام الفتح), he said "human! Truly God has made Mecca *ḥarām* since the day creating the sky and earth, and it's *ḥarām* until the doomsday; no cutting its tree, no killing its animal, no taking its found goods. Than Ibnu 'Abbas said, "except *idzkhir*, it's for house and grave". "yes, except *idzkhir*". Said the prophet.

²⁰ Sunan ibnu Majah, juz 2, p. 1038

This ban has been happening since the time before Islam. In addition to the ban, other regulations are not the permissibility of war in the months of *ḥarām*, namely Dhul Qa'idah, Dhul-Hijjah, Muharram and Rajab.²¹

حدثنا أبو الوليد قال: حدثني حدي أحمد بن محمد, وإبراهيم بن محمد الشافعي قالوا: أخبرنا مسلم بن خالد, عن عبد الله بن عبد الرحمن بن أبي حسين, عن عطاء بن أبي رباح, والحسن بن أبي الحسن, وطاوس, أن النبي صلى الله عليه وسلم دخل يوم الفتح البيت, فصلى فيه ركعتين ثم خرج, وقد لبط بالناس حول الكعبة, فأخذ بعضادتي الباب, فقال: «الحمد لله الذي صدق وعده, ونصر عبده, وهزم الأحزاب وحده, ماذا تقولون وماذا تظنون»؟ قالوا: نقول خيرا ونظن خيرا, أخ كريم, وابن أخ كريم, وقد قدرت فأسجح قال: "فإني أقول كما قال أخي يوسف: (لا تثريب عليكم اليوم يغفر الله لكم وهو أرحم الراحمين) [يوسف: 92], ألا إن كل ربا كان في الجاهلية أو دم أو مال فهو تحت قدمي هاتين إلا سدانة الكعبة, وسقاية الحاج, فإني قد أمضيتهما

²¹ M. Quraisy Sihab, *Tafsir Al Misbah...*, Vol. 5, p. 18

لأهلها على ما كانتا عليه, ألا إن الله سبحانه وتعالى قد أذهب عنكم
نخوة الجاهلية وتكبرها بأبائها, كلكم لآدم, وآدم من تراب, وأكرمكم
عند الله أتقاكم, ألا وفي قتيل العصا والسوط الخطأ شبه العمدة الدينة
مغلظة مائة ناقة, منها أربعون في بطونها أولادها, ألا إن الله قد حرم
مكة يوم خلق السموات والأرض, فهي حرام بحرام الله سبحانه, لم تحل
لأحد كان قبلي, ولا تحل لأحد بعدي, ولم تحل لي إلا ساعة من نهار
" - قال: يقصرها النبي صلى الله عليه وسلم بيده - « لا ينفر صيدها,
ولا تعضد أعضائها, ولا تحل لقطتها إلا لمنشد, ولا يحتلى خلالها » فقال
له العباس رضي الله عنه وكان شيخا مجربا: يا رسول الله, إلا الإذخر;
فإنه لا بد منه للقين ولظهور البيت فسكت النبي صلى الله عليه وسلم,
ثم قال: «إلا الإذخر فإنه حلال» قال: فلما هبط النبي صلى الله عليه
وسلم بعث مناديا ينادي: «ألا لا وصية لوارث, وإن الولد للفراش
وللعاهر الحجر, وإنه لا يحل لامرأة أن تعطي شيئا من مالها إلا بإذن
زوجها»^{٢٢}

²² Abu Abdillah Muhammad ibn Ishaq ibn Al Abbas Almakkiy Al

Translation: Abul Walid told us, my grandparents told me, from Abdur Rahman ibn Hasan ibn Al Qasim, from his father, said: I heard some scholars said: Ibrahim said to Ibrahim peace be upon them. Please help me to find me a stone to make the sign to human, said: then Ismail went, then he came back bringing nothing but he (Ibrahim) find a pillar with him, when he (Ismail) saw him he said to him: where can you get this? Ibrahim said: someone who doesn't burden me with your stone, Gabriel came here with it. Some scholars then said: Ibrahim put it in its place. Then he light east and west side, right and left side, Allah honor the *ḥarām* since the finish of *nūrur rukni* and its rise from every side. Then he said that Ibrahim said: o God, please make us know about *manāsik*, gabriel is coming down and went with him, and make him know about the *manāsik*, and make him stand on the border of *ḥarām*. Then Ibrahim build some stone, and stood that sign and spilled dust over it. And Gabriel sat him over the border and said: I heard that the sheep of Isma'il are herd in the *ḥarām* land, and they don't pass the boarder and never quit from it, if you reach the end of *ḥarām* from any sides, you should be back and stay within al *ḥarām*.

About the boarders in the present and the past, and its history will be discussed on the next sub chapter and chapter IV.

B. History of the Land of *Ḥarām*

Every religion respectively has a holy city, Jews exalt Jerusalem, Catholics exalt Vatican and Muslims glorify

Mecca. Mecca became the holy city of Muslims with accordance to God's promise:

أَوَلَمْ يَرَوْا أَنَّا جَعَلْنَا حَرَمًا آمِنًا وَيَتَّخِطُّوا النَّاسُ مِنْ حَوْلِهِمْ أَفَبِالْبَاطِلِ يُؤْمِنُونَ
وَبِالنِّعْمَةِ اللّٰهِ يَكْفُرُونَ^{٢٣}

Translation: Do not they know that We have made a safe sanctuary while all around them men are carried off by force? Would they believe in falsehood and deny Allah's goodness?²⁴

Mecca is a city that is very important for Muslims because of the revelation stems from this city. This desert town which is located in the Hejaz region of northwest of the Arabian peninsula was a barren desert town. The geographical position of the region, Mecca, is located in Hejaz i.e. in part of the northern of Sarah Mountains which is stretching from the Aqābah bay and ends at the State of Yemen.²⁵

Another thing that made the city important to the Muslim community is because of an old purified building built by Ibrahim and Ismā'il, namely the Kaaba, the cube-shaped building which becomes *qibla*²⁶ of all Muslims around the

²³ QS. Al Ankabut:67.

²⁴ Mahmud Y. Yazid, *The Qur'an; An English Translation of...*, p. 43.

²⁵ Zuhairi Misrawi, *Madinah, Kota suci, Piagam Madinah, Teladan Muhammad SAW*, Jakarta:Kompas, 2009, p. 187.

²⁶ The place toward which Muslim worshippers direct themselves for prayer, the *qibla*, has always been an important Islamic identity marker. The Kaba and the Holy City of Mecca play a very important role as symbolic center

worldwide. Even, the Kaaba is the first building that God prepared for man.

إِنَّ أَوَّلَ بَيْتٍ وُضِعَ لِلنَّاسِ لَلَّذِي بِبَكَّةَ مُبَارَكًا وَهُدًى لِّلْعَالَمِينَ (96) فِيهِ آيَاتٌ

بَيِّنَاتٌ مَّقَامُ إِبْرَاهِيمَ وَمَنْ دَخَلَهُ كَانَ آمِنًا وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ

اسْتَطَاعَ إِلَيْهِ سَبِيلًا وَمَنْ كَفَرَ فَإِنَّ اللَّهَ غَنِيٌّ عَنِ الْعَالَمِينَ²⁷

Translation: The first House ever to be built (as sanctuary) for men was that Bakkah (Mecca), a blessed place, a beacon for the nation. In it, there are clear signs and the spot where Ibrahim stood. Whoever enters it is safe. Pilgrimage to the House is a duty to Allah for all who can make the journey. As for the unbelievers, Allah can surely do without all creatures.²⁸

B. 1. Mecca and the Land of Ḥarām before the coming of Islam.

Historically, there is no archaeological sources which can be used as a foothold, when the land of *ḥarām* was first inhabited or who first led in Mecca. Therefore,

in several kinds of religious behavior. The *salat* (prayer) is performed with the face in the direction of Mecca; the deceased is buried lying on his right side, facing Mecca, and it is also advised to take the *qibla* into account in a positive or negative way in various other activities.(Encyclopedia of Muslim and Muslim World).

²⁷ QS. Ali Imran:96-97

²⁸ Mahmud Y. Yazid, *The Qur'an; An English Translation of...*, 1980,

historians have different opinions on this issue. Some say, the first inhabitant of Mecca is Abraham. Among other reasons: (1) In Abraham's prayer above, he does not mention the *balad* (the country), but referred to the *wādi* (valley), meaning the place deserted uninhabited. (2) There are no verses or authentic ḥadīṣ explain or imply the story of Mecca before the arrival of the Prophet Abraham. (3) No verses or traditions made to purify the Kaaba and Mecca as *ḥarām* land and call on people to come to it except after Abraham stayed the venue.

Another opinion states that the history of Mecca not only begins at the time of Prophet Ibrahim or previous prophets and messengers, but even the history of Mecca has been around since the days of Adam. Those who think so argue with the verse QS. Ali Imran: 96, QS. Al-Hajj: 26, QS. Al-Baqarah: 127. These verses explain that the first house was built to human located in Mecca or *Bakkah*, while Abraham was not the first man, so it is not the first house was built by him. In other words, both Ibrahim and Isma'il role is to restore the building. However, building of the Kaaba has actually been around since Adam descended on earth.

Regardless of opinions of who was first to occupy the land of *ḥarām*, the *ḥarām* land was occupied by civilization since Ishmael and Hagar found Zamzam water there. Initially, the land was a barren valley that no drop of water and a single plant. In the end, this place gets the blessing, with the decline in the form of miracles of Zamzam water sources in the arid region. In the land of *ḥarām*, it was established building called the Kaaba, namely a building that approximates the shape of a cube. This building is a sacred monument which since its inception has been commenced by the Prophet Adam, and then restored by Abraham and Ishmael. In the development, tribe Jurhūm emerged who ended up staying there. Since then, Mecca was established with the inhabitants settling in the region which has source of Zamzam water. Because in the earlier, Arab inhabitants have never been settled down. In fact, Arabic is a language derived from the *'Araba*, which means moving, so that the term is a country that is always moving and never settled in an area in the desert peninsula.²⁹

²⁹A. Syalabi, *Sejarah dan Kebudayaan Islam*, Djaya Murni, Jakarta, 1970, p. 18-20

Ishmael lived for 130 years. In a century, he had two weddings. The first wife is a woman from the tribe Qathura and the second wife is a Jurhūm woman. His father, Abraham, had come to the house of Prophet Ismail to meet him in Hijaz but they have not met at the time, Abraham just met the wife of his son. Hearing a lot of complaints from daughter in the law, eventually Abraham ordered his son Ismail to divorce his wife. Then the Prophet Ismail married a woman from tribe Jurhūm. Ishmael was awarded with 12 children from his marriage to a Jurhūm woman. Children of Prophet Ismail was tasked to take care of the Kaaba, teach the rituals of Hajj, and educate the pilgrims to the teachings of monotheism (*tauḥīd*). Some say that the children of including prophets (*nabiyy*) but not apostles (*rasul*)³⁰. After the death of Prophet Ismail, guarding the land of *ḥarām* is mandated to his son Nabit. After that, historians have different opinions whether Nabit

³⁰ Some Muslim scholars distinguish between a generic “prophet” (*nabiy*) and a “messenger” or “apostle” (*rasūl*), maintaining that only a select few of the many prophets were messengers, supposed to have brought a revealed book to their people. Within the Qur’ān, other terms are used to refer to prophets, including “messiah” or “Christ” (*masīḥ*) with reference exclusively to Jesus. Ibn Sad reports that the number of *rasul* including the prophet Muhammad is 315, and the total number of prophets is one thousand. Other Muslim sources list the total number of prophets as 224,000.

controlled this area until his death or he handed over to his uncles of the tribe Jurhūm.

After the passing away of Prophet Ishmael, the Arabs glorify Kaaba and Mecca to perform pilgrimage and Umrah. That's the season when the Arabs flocked to Mecca to meet the impromptu markets. In that market, trading activities, the economy and culture developed very powerful.³¹

In Surah al-Hājj verse 27, Allah says:

وَأَذِّنْ فِي النَّاسِ بِالْحَجِّ يَأْتُوكَ رِجَالًا وَعَلَىٰ كُلِّ ضَامِرٍ يَأْتِينَ مِنْ كُلِّ فَجٍّ عَمِيقٍ³²

Translation: proclaim pilgrimage to men. They will come to you on foot and on the backs of swift camels from every distant quarter.³³

Long time ago, people from various parts flocked to perform Hajj. The congregation from Senegal, Liberia, and Nigeria has to go through a long journey across central Africa. Along the way, members of the congregation continued to grow from the countries they traversed. As the journey, they are trading, begging and working all the way to Mecca and

³¹ Ali Khusni al-Kharbatuli. *Tarikh Ka'bah*, terj. Fu'ad Ibn Rusyd, *Sejarah Ka'bah; Kisah Rumah Suci yang tak Lapuk dimakan Zaman*, Turots, Jakarta, 2013, p. 36

³² Q.S. Al Hajj:27

³³ Mahmud Y. Yazid, *The Qur'an; An English Translation of...*, p. 243

Medina. People who died in the middle of journey is considered martyrdom (*syāhid*).³⁴

Indian, Persian, Shabiah and partly Jewish also performed Hajj. The months of Hajj are the months of *ḥarām* to them; forbidden to make war, namely the month of Dhul Hijjah, and one month before and after. And they also regard the month of Rajab as *Ḥarām*.³⁵

The ritual consists of: wearing *iḥrām* clothes, echoing *talbiyyah* (with expression of *shirk*), implementing *towaf* or walking around the Kaaba seven times (by nude), slaughtering sacrificial animals, doing *sa'i*, *wuquf*, throwing pebbles (*jumrah*) and kiss the Black Stone (*Ḥajar Aswad*). Besides that, they also knew *tarwiyyah* and *taşri'* day.³⁶

In addition to the hajj, the men did purchase festival and transactions around Mecca, both in the valley and in the hills. Hajj months are the months of *syar'* (Arabic poem), painting and trade. In addition to being the center of worship and the economy, visitors

³⁴ Philip K. Hitti, *History of the Arab; from the Earliest time to the Present*, Translated by. R. Cecep Lukman Yasin *History of the Arab*, PT. Serambi Ilmu Semesta, Jakarta, 2010, p.169

³⁵ Al Kharbuthli, *Tarikh Ka'bah...*, p. 199

³⁶ Ali Sodikin, *Antropologi Al Qur'an: Model Dialektika Wahyu dan Budaya*, Jogjakarta: Ar-Ruz Media,2008, p. 54

from around the world have made this region as a center of civilization.³⁷

Hajj rituals were performed not far from what the Muslims are doing today. Or it could be said that Hajj which is performed by Muslims today is a "continuation" of the Hajj tradition of people before Islam.

Prophet Muhammad himself made it clear to people in his era about that sacred place (Kaaba). And at the same time he conveys the implied message that Islam does not reject the tradition of the Arabs. He shows that their noble ancestors such as Abraham, Hagar, and Ishmael are not pagan, unlike the Arab community who worship idols and put them around the Kaaba. Their ancestors worshiped God the almighty one. So, it is Islam which is a faith and bearer of the most authentic traditions of religion.³⁸

Ibn Hishām explained in his book of history, who ruled Mecca are the two major tribes, Jurhum and Qathura. Jurhum ruled northern region of Hijaz and Qathura sets South region. Such circumstances

³⁷ Ali Husni Al Kharbuthli, *Tarikh Ka'bah...*, p. 202

³⁸ Inggrit Mattson, *The Story of the Qur'an*. Terj. R. Cecep Lukman Yasin, *Ulumul Qur'an Zaman Kita; Pengantar untuk Memahami Kontek, Kisah dan Sejarah Al Qur'an, Zaman*, Jakarta, 2013, p.22.

continued until a dispute between the two tribes which later caused war. To break the deadlock and end the conflict, eventually the two groups held talks. And as the result, Jurhum became into the tribes who led Mecca. After a long period in power, it started the arrogance and arbitrary behavior appeared among those, Jurhum people. They began negligent in taking care of *al-Baitul Ḥarām*, arbitrary act against pilgrims who visit there, even doing contemptible deed within or near *Al Baitul Ḥarām*. Two idols named Isaf and Nailah are a pair of human who has committed heinous near *al-Ḥarām*. Although their story is narrated from the storyteller, but at least it describes the situation of the people of Mecca at the time.³⁹

News of injustice committed by tribe Jurhum made other tribes began to respond. Then the sons (*bani*) of Abdu Manāt ally with Khuzā'ah to overthrow Jurhūm from their throne. The battle became inevitable anymore, Jurhūm unable to cope the ally of Banu Abdu Manat and Khuzā'ah. Finally they were driven out from Mecca after they inhabited that place for generations. After the departure of Jurhūm, power of Mecca is held

³⁹ Ali Khusni al-Kharbatuli. *Tarikh Ka'bah*..., p.38-39.

by the tribe Khuzā'ah. Some claimed Khuzā'ah ruling in Mecca for more than 500 years. One of the most famous figures of Khuzā'ah is Amr bin Luhai al-Khuzā'i. Amr was the first to carry the idols to the *Baitullah al-Ḥarām* and change the monotheistic religion brought by Prophet Ibrahim and Prophet Ishmail. The messenger said about Amr ibn Luhai said, "*I saw Amr bin Amr bin Luhai out his intestines in Hell and he is the first who made up the teachings of al-sayaaib (camels should not be given the burden and thus removable nadzar devoted to eating and drinking anything and not ridden).*" (HR. Bukhari, no. 3260).

The majority of the Arabs belief before the advent of Islam follow Ishmail teaching, which calls upon the religion of his father Abraham which essentially called for the worship of Allah, His Oneness, and His religion. Time passed so long, so many of those who heed the teachings which were never delivered to them. Yet there are still remnants of monotheism and some of the symbols of the faith of Abraham, until appears Amr Bin Luhay, (Leader of Bani Khuza'ah). He grew as a person who is well known as a good person, always gives *shadaqāh* and respects to religious affairs,

and everyone loved him and they almost take him as a great scholar and a respected guardian.

Then Amr Bin Luhay traveled to Sham. There he saw the residents of Sham are idolatry. He regarded it as something good and right. Because according to him, Syria is the place of Apostles and Holy Books. So he came home carrying Hubal and put it in the Kaaba. After that he invited the residents of Mecca to make communion with God. Many Hijaz people follow residents of Mecca, as they are considered as supervisors of Kaaba and residents of the *ḥarām* land. At that time, there were three of the biggest idols that placed them in places, such as: (1) Manat, they place it on the edge of the Red Sea, close to Musyallal Qudaid.(2) Lata, they place it in Ta'if. (3) Uzza, they place it in the Wādy Nakhlah.⁴⁰

After that, polytheism is widespread wider and wider, and smaller idols are “scattered” in every place in the Hijaz. Something that became the biggest phenomenon of the polytheism of the Arabs at the time is that they consider themselves to be the faith of Abraham. There are several examples of traditions and

⁴⁰ Jaih Mubarak, *Sejarah Peradaban Islam*, Pustaka Bani Quraisy, Bandung, 2004, p. 25-26

idolatry that they do, such as: they surround the idol, came, mutter into it, ask for help when they have problem and trouble, pray for needs, with full confidence that the idols may intercede with Allah and realize what they wanted. They did hajj and *ṭawāf* around idols, bowing and prostrating in front of him. They sacrifice animals to be slaughtered for the sake of the idols and call his name. And there are many other traditions of worship that they did to their idols, they do a wide variety for their beliefs at the time. The Arabs worship the idols, along with the belief that it could bring them to God and connect them to him, as well as providing benefits in his side.

Al-Qur'an mentions polytheism in Arabic in the following verse:

وَقَالُوا لَا تَدْرُنَّ إِلَهَتَكُمْ وَلَا تَذَرُنَّ وُدًّا وَلَا سُوعًا وَلَا يَعُوثَ

وَيَعُوقَ وَنَسْرًا⁴¹

Translation: They say, "do not renounce your gods. Do not forsake Wadd or Sowa' or Yagūṣ or Ya'uq or Nasr."⁴²

⁴¹ QS. Nuh:23

⁴² Mahmud Y. Zayid, *The Qur'an: an English Translation of...*, p. 431

Although the Arab society adopts polytheists, but they still believe in the power of the supernatural, as God says:

وَلَيْنِ سَأَلْتَهُمْ مَنْ خَلَقَ السَّمَاوَاتِ وَالْأَرْضَ وَسَخَّرَ الشَّمْسَ وَالْقَمَرَ
لَيَقُولَنَّ اللَّهُ فَاتَى يُؤْفَكُونَ (61) اللَّهُ يَبْسُطُ الرِّزْقَ لِمَنْ يَشَاءُ مِنْ عِبَادِهِ
وَيَقْدِرُ لَهُ إِنْ أَرَادَ بِكُلِّ شَيْءٍ عَلِيمٌ (62) وَلَيْنِ سَأَلْتَهُمْ مَنْ نَزَّلَ مِنَ
السَّمَاءِ مَاءً فَأَحْيَا بِهِ الْأَرْضَ مِنْ بَعْدِ مَوْتِهَا لَيَقُولَنَّ اللَّهُ قُلِ الْحَمْدُ لِلَّهِ
بَلْ أَكْثَرُهُمْ لَا يَعْقِلُونَ^{٤٣}

Translation: If you ask them it is who has created the heavens and the earth and subjected the sun and the moon, they will say: ‘Allah.’ How then can turn away from Him? (61)Allah gives abundantly to whom He pleases. He has knowledge of all things (62) If you ask them who it is that sends down water from the sky and thereby quickens the earth after its death, they will reply: ‘Allah’. Say: ‘praise, then, be to Allah!’ but most of them do not understand (63).⁴⁴

In the later period, Quṣai took over Mecca from Khuṣaylah. Quṣai was the one whose ancestor chain (*nasab*) is connected until Ishmael, peace be upon him.

⁴³ QS. Al Ankabut:61-63

⁴⁴Mahmud Y. Zayid, *The Qur'an: an English Translation of...*, p. 295

The term Quraish has just known in his day. It was never heard that someone mentions the term “Quraish” in earlier times. The narrators have different opinions about this naming. Some say Quraish is *laqāb* of Nadhar or Fihir. There is also a saying, there is a man named Quraish bin Badr bin Takhlud, he is the grandson of Nadhar. Another opinion says Quraish is a term which refers to the two tribes honored; the tribe Nadhar and Fihir. In summary, the Quraish is the name attributed to Qūṣay and his people from among the children of Fihir and Nadhar, and this name is not known except in Qūṣay era.

On the basis of the descendants of Prophet Ismail, Qūṣay and his tribe feel more entitled to take care of Mecca, and they hold a plan to take over from the hands of the Khuzā’ah. The bloodshed ensued and ended with the fall of the power of Khuzā’ah for ḥarām land. After the conquest, Qūṣay collected the Quraysh people and put them all around the *al-Baitul Ḥarām*. He also divided the tasks among the tribes of Quraisy; preparing the water to pilgrims, feed them, change *kiswah*⁴⁵ of Kaaba, and other

⁴⁵ *Kiswah* is black cloth covering Ka’bah which is annually changed.

tasks. First, *hijābah* or *sidānah* namely treating the Kaaba. Qushay determined the specific tribe of the Quraish who was assigned to take care of everything concerning the Kaaba. Second, *as-Siqāyah* is giving drinking to the pilgrims coming from all directions towards the land of *ḥarām*. Third, *rifādah* that provide food to the pilgrims during their stay in Mina and gave them clothes to those who need it. Fourth, *Liwa'* is devoted to chairman of the tribe. *Liwa'* is a sort of Quraish military force that serves to warfare and escort trade caravans of Quraish. Those four of which actually existed prior to Qūṣay ruled Mecca, but Qushay divide these powers to some tribes, so that the unity and integrity of Quraish are maintained. Qushay set that form of politic, so that each of the Quraish tribe feel considered and have a role so there is no tendency to rebel.⁴⁶

From this it's known, entertain pilgrims policy is a legacy of the Arabs earlier and still maintained until the time of the Kingdom of Saudi Arabia now. May God always continue this situation, and provide security and peace in the region. In addition, Qūṣay also

⁴⁶ Jaih Mubarak, *Sejarah Peradaban Islam...*, p. 29

makes *Dārūn Nadwah*, a sort of parliament but still very simple. *Dārūn Nadwah* was built near the Kaaba which serves as a meeting place and an elder magnifying tribe to discuss the problems they face, including their foreign policy of trade.⁴⁷

A number of Arab tribes at the time determined a rule for the first time pilgrims who perform the ritual, they should put off all the clothes they wear. The reason is the outfit or clothes are so inappropriate and impure wearing in pilgrimage ritual. That is why, the pilgrims perform *tawāf* naked. However, these rules are only applied to the lower classes. People who come from middle to upper social class are allowed to wear while doing *tawāf* although they are also the first time to go for Hajj. However, after completing the *tawāf*, their clothes should be discarded and should not be used anymore. In a series of Hajj activities conducted by the ignorance of Arab society, there are certain elements that resemble Hajj guidance taught by Prophet Ibrahim and Ismail peace be upon him. This is a proof that the Arab society of ignorance is actually still retains some teachings of the Prophet Abraham.⁴⁸

⁴⁷ Jaih Mubarak, *Sejarah Peradaban Islam...*, p. 30

⁴⁸ A. Syalabi, *Sejarah dan Kebudayaan Islam...*, p. 41-43

All in all, the hajj has a great influence on the social life of the Arabian Peninsula. At the pilgrimage season throughout the tribes can come together in peace, forget their enmity. They meet, get acquainted, make trading, chanting *sya'ir*, find solutions to their problems, and even to hold a wedding. All activities ultimately reduced tribal fanaticism.⁴⁹

In the *ḥarām* months, all fighting were stopped and all busy to be able to come to Mecca. On the way, they rest on the outskirts of Mecca, especially in places where they found water sources. There, they spent a few days for the sale and purchase, talk and become acquainted. Then they went together to the Ukkazh market as the place of *sya'ir* competition. There is also the court which is ready to resolve all disputes among Arabs. Ukkazh at that time is an international market that sells various items from around the world. After the market Ukkazh completed, they then do *wuqūf* in Arafah then they go to Mecca to perform the pilgrimage. And then they go back to their respective

⁴⁹ Al Kharbuthli, *Tarikh Ka'bah...*, p. 207

hometowns.⁵⁰ Quraysh maintain and serve the pilgrims well.

Rich people of Quraisy took a chance on a pilgrimage and *umrah* for trade activities in the Hijaz area. They exalt tribal positive law with preaching all *syi'ar* of paganism and combine it with the Kaaba so that everyone who boasts Quraysh then he must sanctify of the Kaaba, and anyone who boasts the Kaaba, he sanctify of the Quraish.⁵¹

However, closely prior to the birth of Islam, paganism in Arabia weakened, yet the tribe of Quraysh still maintain statues around the Kaaba for the material benefit for them, because they bring pilgrims from outside the Arab Nation. Arabs was still smeared temples with the blood animal sacrifices and came to the pastor for help when experiencing difficulties and asking for news about the future. But it is only camouflage and pretend. They actually do not have intrinsic faith. However, the Arabs would be upset when there are other people tarnish their statues.⁵²

⁵⁰ Ali Husni Al Kharbuthli, *Tarikh Ka'bah...*, p. 208

⁵¹ Khalil Abdul Karim, *Hegemoni Quraisy; Agama, Budaya, Kekuasaan*, LKiS, Yogyakarta, 2002, p.184

⁵² Ali Husni Al Kharbuthli, *Tarikh Ka'bah...*, p. 213

This raises suspicions to them why the Quraish so desperately fought Islam. It is likely because they fear of the development of Islamic religion and Arab communities longing to true religion. With the advent of Islam, their authority to Kaaba was threatened and at the same impact on their economies.

Al Mas'udi, as quoted by Prof. Dr Ali Husni Al Kharbutli, said that the Arab nation is divided into several groups. Among them, there are monotheistic, recognizing the existence of the creator and the presence of the day of resurrection. They also believe that God will reward those who obediently and they were immoral. Al-Qur'an says:

أَلَا لِلَّهِ الدِّينُ الْخَالِصُ وَالَّذِينَ اتَّخَذُوا مِنْ دُونِهِ أَوْلِيَاءَ مَا نَعْبُدُهُمْ إِلَّا لِيُقَرِّبُونَا إِلَى اللَّهِ زُلْفَىٰ إِنَّ اللَّهَ يَحْكُمُ بَيْنَهُمْ فِي مَا هُمْ فِيهِ يَخْتَلِفُونَ إِنَّ اللَّهَ لَا يَهْدِي مَنْ هُوَ كَاذِبٌ كَفَّارٌ^{٥٣}

Translation: To Allah alone is true worship due. As for those who choose other guardians besides Him, (saying): “we serve them only that they may bring us nearer to Allah”. Allah Himself will judge between them concerning their differences. He does not guide the untruthful and unbeliever.

⁵³ QS. Az Zumar:03

Among them tend to Christians and Jews. There are also the worshiper of angels, and assume angels are daughters of God. They assume that the angels are closer to God, and worshipping them in the hope they granted prayers for the intercession of the angels.⁵⁴

In this case, al-Qur'an states:

وَيَجْعَلُونَ لِلَّهِ الْبَنَاتِ سُبْحَانَهُ وَلَهُمْ مَا يَشْتَهُونَ⁵⁵

Translation: They ascribe daughters to Allah but they themselves would have what they desire.

أَفَرَأَيْتُمُ اللَّاتَ وَالْعُزَّىٰ (19) وَمَنَاةَ الثَّالِثَةَ الْأُخْرَىٰ (20) أَلَكُمُ الذَّكَرُ
وَلَهُ الْأُنثَىٰ (21) تِلْكَ إِذًا قِسْمَةٌ ضِيزَىٰ (22)⁵⁶

Translation: Has you considered Al Lāt and Uzzah, and, another the third goddess Manat?⁵⁷ Is he to have daughters and you sons? This is indeed an unfair deviation.⁵⁸

Among them there are also *Ḥanīf*⁵⁹ religion, or they are commonly called *Ḥunafā'*. They do not worship

⁵⁴ Ali Husni Al Kharbuthli, *Tarikh Ka'bah*...., p. 208

⁵⁵ QS. An Nahl:57

⁵⁶ QS. An Najm:19-22

⁵⁷ The three principal idols of the pagan Arabs who called them the daughters of Allah

⁵⁸ Mahmud Y. Zayid, *The Qur'an: an English Translation of*...., p 393

⁵⁹ It's stated in Surah An Nahl:

ثُمَّ أَوْحَيْنَا إِلَيْكَ أَنْ اتَّبِعْ مِلَّةَ إِبْرَاهِيمَ حَنِيفًا وَمَا كَانَ مِنَ الْمُشْرِكِينَ

This verse tells that the religion which Prophet Muhammad brought is the religion of Ibrahim, Ḥanīf.

idols, not leaning to the Jewish nor Christian religions and express the oneness of God. They reject humiliation spread across society such as idolatry, give offerings to them, adultery or cohabitation, enslaving friends, drinking wine (*hamr*), wrestle usury, burying daughters alive.⁶⁰ They often isolate themselves in caves. One of them is *Hiro* cave. This tradition is also followed by Muhammad before the first revelation.⁶¹ *Hanīf* religion is the basis of Islam.⁶²

Hanīf Religion also referred to in any of paragraphs that make Ibn Mas'ud slapped and whipped that is *إن الدين عند الله الحنيفية*. This is because the verse which Ibn Mas'ud narrated is different from the corpus of al-Qur'an which is codified by a committee formed by the Caliph who then burn the entire other versions of al-Qur'an except the results of the committee.⁶³

Bordering the land of *haram* before Islam was first performed by Prophet Abraham. This is in accordance with the following hadīṭ:

⁶⁰ Khalil Abdul Karim, *Hegemoni Quraisy...*, p.173

⁶¹ Zuhairi Misrawi, *Mekkah; Kota Suci...*, p. 107

⁶² Khalil Abdul Karim, *Hegemoni Quraisy...*, p.184

⁶³ Abdul Karim, *Negara Madinah, Politik Penaklukan Masyarakat Suku Arab*, LKiS, Yogyakarta, 2005, p. vii.

حدثنا أبو الوليد قال: حدثني جدي, عن عبد الرحمن بنحسب بن القاسم, عن أبيه, قال: سمعت بعض, أهل العلم يقولون: "قال إبراهيم عليه السلام لإسماعيل: أبغني حجرا أجعله للناس آية, قال: فذهب إسماعيل, ثم رجع ولم يأت به شيء, ووجد الركن عنده, فلما رآه قال له: من أين لك هذا؟ قال إبراهيم: جاء به من لم يكن لي إلى حجرك, جاء به جبريل عليه السلام قال: فوضعه إبراهيم عليه السلام في موضعه هذا, فأنا شرقا وغربا ويمنا وشاما, فحرم الله تعالى الحرم من حيث انتهى نور الركن وإشراقه من كل جانب قال: ولما قال إبراهيم: ربنا أرنا مناسكنا, نزل جبريل, فذهب به, فأراه المناسك, ووقفه على حدود الحرم, فكان إبراهيم يرضم الحجارة, وينصب الأعلام, ويحشي عليها التراب, وكان جبريل يقفه على الحدود قال: وسمعت أن غنم إسماعيل عليه السلام كانت ترعى في الحرم, ولا تتجاوز ولا تخرج منه, فإذا بلغت منتهاه من كل ناحية من نواحيه, رجعت صابة في الحرم" ٦٤

⁶⁴ Al Fākihiy, *Akhbaru Makkah*..., Vol. 2, p.246

Translation: Abul Wafid told us “my grandparents told me “from Abdur Raḥmān ibn Hasan ibn Al Qasim, from his father, said: I heard some scholars said: Ibrahim said to Ibrahim peace be upon them. Please help me to find me a stone to make the sign to human, said: then Ismail went, then he came back bringing nothing but he (Ibrahim) find a pillar with him, when he (Ismail) saw him he said to him: where can you get this? Ibrahim said: someone who doesn't burden me with your stone, Gabriel came here with it. Some scholars then said: Ibrahim put it in its place. Then he light east and west side, right and left side, Allah honor the *Ḥarām* since the finish of *nūrur rukni* and its rise from every side. Then he said that Ibrahim said: o God, please make us know about *manāsik*, gabriel is coming down and went with him, and make him know about the *manāsik*, and make him stand on the border of *ḥarām*. Then Ibrahim build some stone, and stood sign and spilled dust over it. And Gabriel sat him over the border and said: I heard that the sheep of Isma'il are herd in the *ḥarām* land, and they don't pass the boarder and never quit from it and if you reach its end from any sides, you have to be back and stay still in *ḥarām* land.

After Abraham, boundaries of the land of *ḥarām* were updated by the Prophet Isma'il, 'Adnan ibn' Adad,

Qushoy ibn Kilab, and the Quraysh.⁶⁵ However, the researcher has not found the exact development (from which point to which point) of this restriction.

م	اسم مجدد الاعلام و سنة	من قام بالتحديد	سنة	الاعلام التي تم تجديدها
1	اسماعيل عليه السلام	--	--	جميع الاعلام الميطة به
2	عدنان بن أدد	--	--	جميع الاعلام الميطة به
3	قصي بن كلاب	--	--	جميع الاعلام الميطة به
4	قريش	رجال من قبيلة قريش	--	جميع الاعلام الميطة به
5	رسول الله محمد	تميم بن اسد الخرزاعي الاسود بن خلاف	8 هـ	جميع الاعلام الميطة به
6	عمر ابن الخطاب	مخرمة بن نوفل سعيد بن يربوع حويطب ابن عبد العزى	17 هـ	جميع الاعلام الميطة به

⁶⁵ Abdul Malik ibn 'Abdullah, *Al Ḥarām Al Makky As Syarif...*, p. 73

		ازهر بن عبد عوف صبيحة بن الحارث بن عجبر بن عبد يزيد		
7	عثمان ابن عفان	عبد الرحمن بن عوف حويطب ابن عبد العزي عبد الرحمن بن ازهر نفر من قریش	26 هـ	جميع الاعلام الميطة به
8	معاوية	كرز بن القامة الخزاعي	48 هـ	جميع الاعلام الميطة به
9	عبد الملك بن مروان	شيخ من خزاعة ومن قریش ومن بني بكر	75 هـ	جميع الاعلام الميطة به
10	المهدي العباسي	--	185- 169 هـ	جميع الاعلام الميطة به
1	الراضي	--	325	العلمان الكبيران
1	العباسي	--	هـ	الذنان بالتنعيم
1	الملك	--	616	العلمان اللذان مما

حد الحرم من جهة عرفة	هـ		المظفرصاح ب اربل	2
العلمان اللذان مما حد الحرم من جهة عرفة	683 هـ	--	الملك المظفرصاح ب اليمن	1 3
العلمان اللذان مما حد الحرم من جهة عرفة	874 هـ	--	السلطان قا يتي	1 4
العلمان اللذان مما حد الحرم من جهة عرفة	1023 هـ	--	السلطان احمد خان الاول	1 5
جميع حدود مداخل الحرم	1073 هـ	--	الشريف زيد بن محسن	1 6
اعلام الحرم من طريق التنعيم	1262 هـ	--	السلطان عبد المجيد خان	1 7
اعلام الحرم من طريق جدة	1263 هـ	--	السلطان عبد المجيد خان	1 8
علمان جديدين	بعد عام	--	الملك عبد	1

9	العزیز ال سعود		1343	في طريق جدة القديم (الشميسي) هـ
20	الملك سعود بن عبد العزيز ال سعود	--	1376	علمان جديدين في طريق جدة القديم (الشميسي) هـ
21	الملك سعود بن عبد العزيز ال سعود	--	1377	بناء علمين كبيرين على طريق الطائف (السيل) هـ
22	الملك خالد بن عبد العزيز ال سعود	--		اقام علمين جديدين على طريق الطائف من جهة عرفة
23	الملك خالد بن عبد العزيز ال سعود	--		اقام علمين جديدين في طريق جدة القديم هـ
24	خادم الحرمين الشريفين	--	1404	اقام علمين جديدين في منطقة تنعيم هـ

تجديد العلم الغربي	1407	--	الملك فهد	2
من العلمين	هـ		بن عبد	5
الاسطونين			العزیز ال	
القديمين اللذين في			سعود	
التنعيم				

Table 1

Renewal of *Harām* Border Sign

B. 2. Mecca and the Land of *Harām* After Islam

In 571, the Prophet Muhammad, a direct descendant of Qushay and Prophet Ismail, was born in this city and growing up. He first received revelation from God but his teachings were rejected by his people who were still in the dark thinking (*Jāhilliyah*) so he moved to Medina. After developing Medina, Muhammad finally returned to Mecca in the mission of liberating the city of Mecca without bloodshed known as (*Fath Mecca*). At the previous time, year 8 AH (623 M) Mecca was still occupied or visited by the Christians, Jews and other non-Muslims. It even happens after Muhammad conquered Mecca. The Prophet whose childhood was expelled from Mecca to Medina after getting revelation. Then he moved to Medina and returned to Mecca after having many supporters. Muhammad friendly welcome non-Muslim

population. But because the disbelievers are many actions of hypocritical, broken promises and hostile and tarnish the greatness of Islam, then in the year 9 AH based on the word of Allah in al-Qur'an. Al-Tawbah [9]: 28. At first the land that became only mosques around the Kaaba. But in its development, the boundaries of ḥarām grown to include Nabawi mosque in Medina, as embedded in the hadīth of the Prophet.⁶⁶

The later period, Mecca was under the administration of pious caliph (*khulāfaur Rāṣidīn*) centered in Medina, as well as the Caliph who was ruling in Damascus (Umayyah Dynasty), Baghdad (Abbasid) and Turkish (Ottoman). Then after the collapse of the Caliphate system, the city is united under the government of Saudi Arabia by Ibn Saud who later became the servant of the two holy cities of Islam, Mecca and Medina. It is undeniable, that the land of ḥarām became the oldest Islamic region, so it has the most powerful spiritual-political power. Even since the 10th century AD when the various small kingdoms (*ad-Duwailāt*) appear, as well as the Fatimid dynasty who wants to compete with the Abbasids in Baghdad, when

⁶⁶ Muhammad Husain Haekal, *Sejarah Hidup Muhammad*, Dunia Pustaka Jaya, Jakarta, 1997, p.2-5

they attempted it wants to improve its status as a caliphate, finally the area of *Ḥarām̄ain* has been a struggle for political status of the spiritual power of the Islamic world, where the caliph wanted to be identified as the guardians of the ḥarām land, Mecca- Medina. In the next few hundred years the region still continues to survive as a region, each of which is held by the ethnic of Arab tribes. Until the 1500s, the Ottoman Empire finally managed to reunite and rule the whole of the Arabian Peninsula, including the areas around the North and the area around the Northwest.⁶⁷

Although since the 16th century (1512 AD), formally Arab has been ruled the by Ottoman Turks, but various small emirates remained in power. This is what makes the region continued to churn until the late 19th century. Among the many emirates, Amir Saudi dynasty emerged as the most influential political force and the most prominent. They started to appear since the 18th century as a chieftain in the Hejaz region, centered on the *Dāriyah* city. In 1744, Saud dynasty increasingly expanded his realm, one by one other weak emirates were conquered. Mastery of Mecca and Medina area

⁶⁷ Ajid Thohir, *Studi Kawasan Dunia Islam*, Rajawali Press, Jakarta, 2009, p. 118

as *Ḥarām* further increase their political influence. To withstand the impact, the Ottoman Turkish government sent troops to Saudi. However, the mission was failed. Along with this, the capital of Arab governments was moved from *Dāriyah* to Riyadh. Finally the Saudi government became the ruler over all the land of Arabia.⁶⁸

Ḥarām land is not only in Mecca, but Medina also has the land of *ḥarām*. So the city of Mecca and Medina called the *Ḥarām*. Medina's *ḥarām* land boundaries are as follow: from the north is 'Air, and Tsaur in south side. While the western and eastern boundaries are two *Hurrat*, or two areas that have black stone.⁶⁹

Medina became the *ḥarām* city since the beginning of the seventh year of *Hijriyyah*. In fact, as quoted from Al-Imam *Malik*, some have claimed that the prohibition was by the end of the sixth year of Hijrah.⁷⁰

The basis of this prohibition is a prophetic tradition narrated by Abu Sa'īd al Khudry:

⁶⁸ Ajid Thohir, *Studi Kawasan Dunia Islam...*, p. 120-121

⁶⁹ Khalil Ibrahim Mulla Khatir, *Mukjizat Kota Madinah*, Pustaka Marwa, Yogyakarta, 2008, p. 28

⁷⁰ Khalil Ibrahim Mulla Khatir, *Mukjizat Kota Madinah...*, p. 31

اللهم إن إبراهيم حرم مكة, فجعلها حراما, وإني حرمت المدينة حراما
بين مأزميها, أن لا يهارق فيها دم, ولا يحمل فيها سلاح لقتال.⁷¹

Translation: oh thee, surely Ibrahim has glorified Mecca, then he made it glorified land, and I glorify Medina between its two *ma'zam* (the place in north and south of Medina which have black stone), no bloodshed and no sword to war there.

Mecca at the time of the Prophet is generally characterized by two things; The first, the struggle to seize back control of Mecca totally. And the second is to enhance fifth pillars of Islam, the Hajj is a ritual heritage of Abraham peace be upon him.⁷²

When during the reign of ‘Umar ibn Khattab and Uṭman ibn Affan, the floods were so great hitting Mecca that he asked for help to Christian engineers to build flood antidote. And the both caliphs built it by his help.⁷³

On the border of the *ḥarām* after the advent of Islam, the Prophet Muhammad update the boarder of the land of *ḥarām* at the time of the conquest of Mecca

⁷¹ Khalil Ibrahim Mulla Khatir, *Mukjizat Kota Madinah...*, p. 31

⁷² Zuhairi Misrawi, *Mekkah; Kota Suci...*, p.140

⁷³ Zuhairi Misrawi, *Mekkah; Kota Suci...*, p.145

(*Fatḥu Mecca*) 8H. Because previously, he does not have authority over Mecca.

Until now the land of *ḥarām* is under the rule of the Saudi Kingdome. It has been built into the grandest buildings in the world. No wonder the city of Mecca even dubbed as Las Vegas.⁷⁴

C. *Mushrikun* or Non Muslim.

Etymologically, *mushrik* is an isim *fā'il* of *ashraka*. *Shirk* according to Shaykh al-Islam, Muhammad bin Abdul Wahab, is addressing a worship to other than Allah, praying to other than Allah such as praying to Him, as well as other worship. *Mushrikūn* are people who commit *shirk* i.e. associating God with something else. *Shirk* is an act of contrary to monotheism (*tauḥīd*), either *tauḥīd* Uluhiyyah (worship to other than Allah) or tawheed *rubūbiyyah* (believe there is other creator, other healer than Allah) or *tauḥīd asmā'* wa *ṣifat* (characterize other than Allah with the exclusive characteristic of Allah).⁷⁵

In other words, people who do not acknowledge the unity of God are idolaters. Whether it is the unity of the substance of God, Oneness of God's characteristic, the

⁷⁴ Mirza Tirta Kusuma, *Ketika Makkah Menjadi Seperti Las Vegas*, Gramedia Pustaka Utama, Jakarta, 2014, p. 10-12

⁷⁵ Abu Bakr Muhammad Zakariyya, *Ash Shirk fil Qodim wal Hadits*, Maktabat Rusydi, Riyadh, 1421H, p.118

oneness of God in acts and Gods oneness in our worship to Him.

God explained;

وَيَعْبُدُونَ مِن دُونِ اللَّهِ مَا لََا يَضُرُّهُمْ وَلَا يَنْفَعُهُمْ وَيَقُولُونَ هَؤُلَاءِ

شُفَعَاؤُنَا عِنْدَ اللَّهِ^{٧٦}

Translation: And they worship besides Allah, something which bring disastrous to them and not (also) bring them benefits, and they said, "they are our intercessors in front of God".

The oneness of *zat* implies that one must believe that God is not composed of elements or parts.⁷⁷ It denies the belief of the existence of various elements arranging God, because if God is composed of the elements then God would not be perfect without the elements. And actions of *syirk* in this regard is to believe that God is arranged.

The oneness of characteristic (*tauhīd asmā' wa šifāt*) is that God has characteristics that are not the same in substance and capacity with the creature, although in terms of the language we used to refer to the words of the same character.⁷⁸ The act of *shirk* in this case is held to the creature-

⁷⁶ QS. Yunus:18

⁷⁷ M. Quraisy Sihab, *Tafsir Al Misbah; Pesan...*, Vol. 15, p. 717

⁷⁸ M. Quraisy Sihab, *Tafsir Al Misbah; Pesan...*, Vol. 15, p. 718

but God has the same nature with God both its substance and its capacity.

Oneness in deed means that everything in the universe, whether the system works or causes and manifestations, all of which are the result of the actions of God.⁷⁹ The act of shirk in this case is believed that there are other forces that can lead to other things.

In addition to the above categories, *shirk* is also divided into two, namely *shirk akbar* and *asghar*. (1). *Shirk akbar* is associating something with God or worshipping to or with other god. *Shirik* issued perpetrators of religion, there is no forgiveness for him except his repentance.⁸⁰ (2). While *shirk asghar* is *shirk* which does not put out a person of religion, such as *takabbur* or arrogant, *riya'*, and any other divinity characters.

Some scholars also divide shirk into six⁸¹ ;

1. *Shirk istiqlāl*, namely allying of two equally independent things.
2. *Shirk Tab'īdh*, namely *shirk* of trusting in the God's composed.

⁷⁹ M. Quraisy Sihab, *Tafsir Al Misbah; Pesan...*, Vol. 15, p. 718

⁸⁰ Prof. Dr. Tm. Hasbi Ash Shidieqy, *Al-Islam*, Bulan Bintang, Jakarta, 1997, p. 224

⁸¹ Abu Bakar Muhammad Zakariyyah, *Syirk al Qodim wal Hadits...*, p. 113

3. *Shirk Taqrīb*, that is worshiping other than Allah to draw closer to Him.
4. *Shirk taqlīd*, that is worship to other than Allah only following others.
5. *Shirk Asbāb*, that is leaning the results to the causes.
6. *Shirk Aghroḍ*, that is doing something for the sake of other than Him.

And the manifestation of trust the three *tauhīd* concept above is to worship God in oneness.

قُلْ إِنَّ صَلَاتِي وَنُسُكِي وَمَحْيَايَ وَمَمَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ⁸²

Translation: say my prayer, my worship, my life and my dead is owed by Allah, the lord of universe.

Worship is the key to all of the actions. What determines the behavior of the worshipers is whom they worshiped. Humans who worship a lion, they will like to roar. Worship is identical with the vision and mission he would do in life. In worship, a person needs a bond that can bind to the worship that is not easily fade.

The relationship of Muslims with non-Muslims in the era of the Prophet Muhammad is very volatile. At one time, al-Qur'an ordered to be firm with the polytheists, but not rare

⁸² QS. Al A'raf:162

Islam shows a high tolerance. It depends on the stability of the situation and condition of religion and the state which are initiated by the Prophet Muhammad.

At the beginning of the spreading of Islamic teaching, the Muslims got the tremendous pressure from the infidel Quraysh, of calumny, harassment, physical abuse, economic boycott, isolation, until eventually the Muslims migrated to leave their homeland.

But after Muslim community stronger in Medina which has diverse religions, Muslims, especially the Prophet Muhammad, teaching the values of tolerance is high.

The first form of tolerance is the signing of an agreement between the Muslims and the Christian community of Najran. The agreement reads: "Mohammed is the messenger of God shall maintain and protect the lives, property, land, creed, and their places of worship (Christian) from all forms of threats. Safe from interference and harassment and their land will never be colonized. As long as Najrān residents loyal to the contents of the agreement, there is no fear that strikes them".

The relation between muslim and non muslim was working well. At other times the prophet said "Whoever interfere the *ḍimmiy* infidel, I will be his enemy, on the Day of Judgment someday I will be his hostile. " al-Qur'an also allows

eat the results of their slaughter, even married women the people of the Book who keep honor.

الْيَوْمَ أُحِلَّ لَكُمْ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حِلٌّ لَكُمْ
 وَطَعَامُكُمْ حِلٌّ لَهُمْ وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا
 الْكِتَابَ مِنْ قَبْلِكُمْ إِذَا آتَيْتُمُوهُنَّ أُجُورَهُنَّ مُحْصِنِينَ غَيْرَ مُسَافِحِينَ وَلَا مُتَّخِذِي
 أَخْدَانٍ وَمَنْ يَكْفُرْ بِالْإِيمَانِ فَقَدْ حَبِطَ عَمَلُهُ وَهُوَ فِي الْآخِرَةِ مِنَ الْخَاسِرِينَ

(5) ⁸³

Translation: All good things have this day been made lawful to you. The food of those to whom the Book was given in lawful to you, and yours to them. Lawful to you are the free believing women and their free woman from among those who were given the Books before you, provided that you give them their dowries and live in honor with them, neither committing fornication nor taking them mistresses.⁸⁴

Prophet Muhammad believed that the figures mentioned in the book of the Old Testament and New Testament are Prophets as like himself, and the books they carry is a book that is derived from God. Although the frame of reference of the culture, history, charge and shape are varied, but a scriptural revelation comes from a single source

⁸³ QS. Al Ma'idah:5

⁸⁴ Mahmud Y. Zayid, *The Qur'an: an English Translation of...*, p 74

in the sky as it is mentioned in al-Qur'an with the *ummul kitāb* as mentioned in Az Zukhruf verse four and Ar Ra'd verse thirty-nine.⁸⁵

Al-Qur'an recognizes the plurality of religion, God explicitly states:

كَانَ النَّاسُ أُمَّةً وَاحِدَةً فَبَعَثَ اللَّهُ النَّبِيِّنَ مُبَشِّرِينَ وَمُنذِرِينَ وَأَنْزَلَ
مَعَهُمُ الْكِتَابَ بِالْحَقِّ لِيَحْكُمَ بَيْنَ النَّاسِ فِي مَا اخْتَلَفُوا فِيهِ وَمَا اخْتَلَفَ فِيهِ إِلَّا
الَّذِينَ أُوتُوهُ مِنْ بَعْدِ مَا جَاءَتْهُمْ الْبَيِّنَاتُ بَغْيًا بَيْنَهُمْ فَهَدَى اللَّهُ الَّذِينَ آمَنُوا لِمَا
اخْتَلَفُوا فِيهِ مِنَ الْحَقِّ بِإِذْنِهِ وَاللَّهُ يَهْدِي مَنْ يَشَاءُ إِلَى صِرَاطٍ مُسْتَقِيمٍ⁸⁶

Translation: Mankind were once one nation. Then Allah sent forth prophets to give them good news and to warn them; and with these He sent down the Book with the truth, that it might judge the disputes of men. None disputed it save those to whom it was given after clear arguments had come to them, and that was through envy of one another. So Allah guided by His will those who believed whom He will to the right path.⁸⁷

Not a religious diversity that is denounced in this important verse, but the dispute. Diversity is a law of human society created by God so that nobody can change it. Al-

⁸⁵ Mahmud Mustofa Ayoub, *Mengurai Konflik Muslim-Kristen*, translate. Ali Noer Zaman, Fajar Pustaka Baru, Yogyakarta, 2001, p. 172

⁸⁶ QS. Al Baqoroh:513

⁸⁷ Mahmud Y. Zayid, *The Qur'an: an English Translation of ...*, p.23

Qur'an categorically states, "if thy Lord had willed, He could have made mankind one, but they actually disagree."⁸⁸ Therefore, it can be concluded that although religious diversity is a definite consequence of differences in language and religion of man, religious strife caused by pride, jealousy, and ignorance of man.⁸⁹

It is important that al-Qur'an never talk about religion as a system of ideology, philosophy, and theology. However, al-Qur'an, especially, considers the attitudes of real people, such as *islām* (submission or total surrender to God), *īmān* (genuine belief in God) and *ihsān* (righteous living or conducting good deeds). Further al-Qur'an explains that the true faith in religion and good deeds is not the prerogative of a religion or religious people. Moreover, God himself who decides the final fate of the people of every religion on the Day of Resurrection.⁹⁰ Just as the word of God:

⁸⁸ Al Qur'an 11:11, 8-119, 16:93 and 42:8

⁸⁹ Mahmud Mustofa Ayoub, *Mengurai Konflik Muslim-Kristen,...*, p.

⁹⁰ Mahmud Mustofa Ayoub, *Mengurai Konflik Muslim-Kristen,...*, p.

إِنَّ الَّذِينَ آمَنُوا وَالَّذِينَ هَادُوا وَالصَّابِغِينَ وَالنَّصَارَى وَالْمَجُوسَ
 وَالَّذِينَ أَشْرَكُوا إِنَّ اللَّهَ يَفْصِلُ بَيْنَهُمْ يَوْمَ الْقِيَامَةِ إِنَّ اللَّهَ عَلَى كُلِّ شَيْءٍ
 شَهِيدٌ^{٩١}

Translation: Those who believe, the Jews, the Sabaeans, the Christians, the Magians, and Polytheists, Allah will judge them on the Day of Resurrection. He bears witness to all things.⁹²

In addition to the verses that contain lots of firmness, especially verses contained in surāh At-Taubah, there are many verses that dismiss these verses. One basic relations of Muslims with non-Muslims is the word of God:

لَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ أَنْ تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ (8) إِنَّمَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ قَاتَلُوكُمْ فِي الدِّينِ وَأَخْرَجُوكُمْ مِنْ دِيَارِكُمْ وَظَاهَرُوا عَلَىٰ إِخْرَاجِكُمْ أَنْ تَوَلَّوهُمْ وَمَنْ يَتَوَلَّهُمْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ (9)^{٩٣}

Translation: Allah does not forbid you to be kind and equitable to those who have neither made war on your religion nor driven you from your homes. Allah loves the equitable. But He forbids you to make friends with religion and driven you from your homes

⁹¹ QS. Al Hajj:17

⁹² Mahmud Y. Zayid, *The Qur'an: an English Translation of...*, p. 242

⁹³ QS. Al Mumtahanah: 8-9

or abetted other to do so. Those who make friends with them are wrong doers.⁹⁴

Thus, every Muslim is required to treat all human beings with virtues and justice, although they deny Islam, as long as they do not hinder its spread, do not fight and do not oppress adherents.⁹⁵

The above verse generally can be applied anytime and anywhere. There are some scholars who limit that verse was intended only for the *musyrikīn* of Mecca, but scholars since the time of Ibn Jarir Ṭabari has been denied. Ṭahir ibn 'Ashūr writes that at the time of Prophet Muhammad, many idolatrous tribes actually work together with the Prophet Muhammad and want him to win when Islam faced the Quraysh tribe in Mecca. They are like the Banu Khuzā'ah, Banū Al-Harīṭ Ibn Ka 'b, and Muzainah.⁹⁶

Islam is a religion of peace and love. Islam is a system that aims to overshadow the entire universe with a shade in the form of peace and love and that all human beings gathered under divine religion in the same capacity as brothers and knew each other and love each other. Nothing prevents the exception of acts of aggression toward his enemies and the enemies of this religion. As if they had made peace, Islam is

⁹⁴ Mahmud Y. Zayid, *The Qur'an: an English Translation of...*, p. 413

⁹⁵ Yusuf Qardhawi, *Ghoirul Muslimin fil Mujtama' al Islami*, terj. Muhamad Bagir, Penerbit Mizan, Bandung, 1985, p. 16

⁹⁶ M. Quraisy Sihab, *Tafsir Al Misbah; Pesan...*, Vol. 13, p. 599

not at all interested to hostility and made no attempt to do so. In fact, even in hostile circumstances, the spirit of Islam maintain the harmonious relationship factors, namely honesty behavior and fair treatment, waiting for the time in which opponents can receive virtue offered so that they join under its flag. Islam did not despair waiting emotion in which the human heart will be clear, and leads straight toward it.⁹⁷

وَلَا تُجَادِلُوا أَهْلَ الْكِتَابِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ إِلَّا الَّذِينَ ظَلَمُوا مِنْهُمْ

وَقُولُوا آمَنَّا بِالَّذِي أُنزِلَ إِلَيْنَا وَأُنزِلَ إِلَيْكُمْ وَإِلَهُنَا وَإِلَهُكُمْ وَاحِدٌ وَنَحْنُ لَهُ

مُسْلِمُونَ (46)⁹⁸

Translation: and do not argue with the people of books except in the best way, unless it be with those among them who do evil. Say: we believe in that which is revealed to us and wick was revealed to you. Our God is one. To Him we surrender ourselves.⁹⁹

Al-Qur'an forbids Muslims to debate with People of the Book except by best way. This verse forbids us to excessive fanaticism and to unify the differences about the concept of god; that we are the same god.

Diversity of peoples and languages, with a variety of religious and cultural implications, is a sign of God's wisdom

⁹⁷ M. Quraisy Sihab, *Tafsir Al Misbah; Pesan...*, Vol. 13, p. 599

⁹⁸ QS. Al Ankabut:46

⁹⁹ Mahmud Y. Zayid, *The Qur'an: an English Translation of...*, p.293

in governing society. Al-Qur'an asserts that for every apostle sent people there to call for the truth of God in their own language and explain the *shari'ah* of God to them. In fact, every human being is created by nature or innate ability (*natural*) to know God and believe in him.¹⁰⁰

Islam recognizes the right to life of other religions; and justify the followers of other religions to run the teachings of each of their beliefs. Herein lies the basis of Islamic teachings on religious tolerance.¹⁰¹

Relations of Muslims with non-Muslims is now running well. Although it must be admitted, that the relationship between Muslims with followers of other religions are not always in a state of peace.

D. Prohibition to Enter the Land of *Harām* for Non-Muslims in the View of Fiqh

Most scholars agree that non-Muslims are forbidden to reside and settle in the *harām* land. They are based on:

¹⁰⁰ Mahmud Mustofa Ayoub, *Mengurai Konflik Muslim-Kristen,...*, p. 172

¹⁰¹ Azyumardi Azra, *Konteks Berteologi di Indonesia Pengalaman Islam*, Penerbit Paramadina, Jakarta, 1999, p. 39.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْمُشْرِكُونَ نَجَسٌ فَلَا يَقْرَبُوا الْمَسْجِدَ الْحَرَامَ بَعْدَ
 عَامِهِمْ هَذَا وَإِنْ خِفْتُمْ عَيْلَةً فَسَوْفَ يُغْنِيكُمُ اللَّهُ مِنْ فَضْلِهِ إِنَّ شَاءَ إِنَّ اللَّهَ عَلِيمٌ
 حَكِيمٌ ١٠٢

Translation: O believers, know that the idolaters are unclean. Let them not approach the sacred mosque after this year is ended. If you fear poverty, Allah, if He pleases, will enrich you through his bounty. He is knowing, wise.¹⁰³

Syāfi'yyah and Hanābilah and Muhammad ibn Hasan As Syaibani argued that infidels are not allowed to enter the land of *ḥarām*, even though it was for the benefit (*maṣlaḥat*).¹⁰⁴ They also use surah At-Taubah verse 28 as their *ḥujjah*. In fact, according to Mālikiyyah found infidels are banned from entering mosques though they have received permission from the Muslims for not posing or doing dangerous (*maḍorot*). They argued that the At-Taubah verse 28 is generally talking about all idolaters, and all mosques. With this, 'Umar ibn Abdul Aẓiz prohibited non-Muslims to build mosques.¹⁰⁵ But imām Shafi'i allows non-

¹⁰² QS. At Taubah:28

¹⁰³ Mahmud Y. Zayid, *The Qur'an, An English Translation of...*, p.134

¹⁰⁴ Wahbah Zuhaily, *Al Fiqh Al Islamiyy wa Adillatuhu*, Dar el Fikr, Damsyiq, 2008, Vol.3, p. 586.

¹⁰⁵ Minister of Waqf and Islamic Affairs of Kuwait. *Al Mausū'ah Al Fiqhiyyah Al Islamiyyah*, Darus Salasil, Kuwait, 1427H, vol. 37, p. 243-244 compare with Tafsir At Thobari.

Muslims to enter all mosques in addition to the consent of the text is *Al masjid Al ḥarām* with the permission of moslems. Shafi'i argued that the text mentions the prohibition only to *Al Masjid Al Ḥarām*. He argued that original legal of everything is allowed, as long as there are no Islamic texts (*Syara'*) which prohibits such actions. He also reasoned that the Prophet Muhammad when he received a delegation from Ṭa'if, the Prophet put them in the mosque, but they have not converted to Islam yet. Sa'id ibn Mutsayyab said that Abu Sufyan, when he was still idolatrous, was also allowed to enter the mosque of Medina.¹⁰⁶

The chanāfiyyah found *ḍimmi* infidels are allowed to enter *Al-Masjid Al-Ḥarām* and other mosques, although without any requirement. At-Taubah verse 28 letter is prohibiton for non-Muslims to not do pilgrimage (*hajj*) or Ihram naked.¹⁰⁷

While Mālikiyyah allow non-Muslims to enter the land of *ḥarām* in Mecca but not allow them entering *Al Bait Al Ḥarām* with the permission of local authorities. Mālikiyyah prohibit absolutely for unbelievers to enter the mosque,

585 ¹⁰⁶ Wahbah Zuhaily, *Al Fiqh Al Islamiy wa Adillatuhu...*, Vol. 3, p.

585 ¹⁰⁷ Wahbah Zuhaily, *Al Fiqh Al Islamiy wa Adillatuhu...*, Vol. 3, p.

wherever it is. They also should not be settled in it, unless there is a logical reason.¹⁰⁸

Syāfi'yyah and Hanābilah scholars said that when people who came up with the idolatrous without permission, then it should be punished but do not need to kill.

Al Jaṣṣoṣ says that *kāfir ḍimmi* is allowed throughout the mosque. Because the verse can be interpreted become two possibilities:¹⁰⁹

1. There is a possibility, the prohibition against idolaters is specialized of forbidding to enter mosques of Mecca and others, because they are not *ahlud ḍimma*, then they are not accepted but their faith and their sword (being fought), they are the idolaters of Arabia.
2. Or other possibility is that prohibition is only prohibition to enter the land of *ḥarām* for hajj or pilgrimage. Because the word of God (*وإن خفتم عيلة*) (سوف يغنيكم الله) indicated their fear of the cut of their trade relations on Hajj season because they utilize to trade when the pilgrimage season comes.

¹⁰⁸ Wahbah Zuhaili, *Al Fiqh Al Islamiy wa Adillatuhu...*, Vol.3 3, p. 586

¹⁰⁹ Minister of Waqf and Islamic Affairs of Kuwait, *Al Mawsu'ah Al Fiqhiyyah Al Islamiyyah...*, vol. 17, p. 189

So it can be concluded that entering the land of *ḥarām* of Mecca according to the four schools of thought to some opinions. Chanābilah strictly forbids non-Muslims to enter the land of *ḥarām*, especially *Al Masjid Al Ḥarām* and other mosques. Syāfi'iyyah argue that non-Muslims are not allowed to enter the land of *ḥarām*, the *Al Masjid Al Ḥarām*, but allow them to enter other mosques with the permission of Muslims.

Two other schools allow non-Muslims to enter the land of *ḥarām*. Malikiyyah allow non-Muslims to enter the land of *ḥarām* but not allow them to enter the *Al Masjid Al Haram*. While schools of Chanāfiyyah allow non-Muslims to enter the land of *ḥarām*.

Therefore, this problem is still debatable among Islamic scholars.