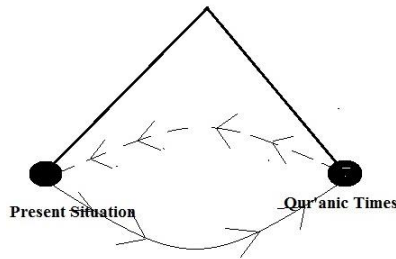


CHAPTER IV

DOUBLE MOVEMENT APPLICATION

A. Understanding the Prohibition of Entering the Land of *Ḥarām* for Non Muslim

The process of interpretation proposed here consists of a double movement, from the present situation to Qur'anic times, then back to the present. Al-Qur'an is the divine response, through the Prophet's mind, to the moral-social situation of the Prophet's Arabia, particularly to the problems of the commercial Meccan society of his day.¹



Picture 1
Double Movement

The first step of double movements application is to look at the condition of the problems that occur today. Here

¹ Fazlur Rahman, *Islam and Modernity*, The University of Chicago Press, London, 1984, p.5

the researcher describes the problems and conditions of Saudi Arabia, particularly in the land of *ḥarām* conditions today.

A. 1. Kingdom of Saudi Arabia

Kingdom of Saudi Arabia, or its official name is *Al Mamlakah al 'Arabiyyah As Sa'udiyyah*, occupies most of the Arabian Peninsula. It is composed of narrow plains along the coast of the Red Sea (plains *Tihāmah*). While, on the east side, there is a range of mountains that extends along the nation: mountains *Hijāz* and *ʿAsir*, whose peak reaches 2000 meters above sea level. In addition, Saudi Arabia is a desert expanse of the sandy and rocky hill (which covers 90% of the area) with the largest sand desert, the desert *An Nafūd* in the north and the *Ar Rūb 'al Khālī* in the south. While in the east, along the Arabian Gulf coast, stretching wide coastal lowland.²

This absolute monarchy kingdom is located in southwest Asia. The west is bordered by the Red Sea, the east by the Arab Gulf, United Arab Emirates, and Qatar, north to Kuwait, Iraq and Jordan, while the south by Yemen and Oman.³

² Sami bin Abdullah Al Moghlouth, *Atlas Haji dan Umrah*, terj. Syarifuddin, dkk, Almahira, Jakarta, 2010, p. 12

³ Sami bin Abdullah Al Moghlouth, *Atlas Haji dan Umrah*,..., p. 12

The area of Saudi Arabia is about 2.24 million km² (five times the size of Sumatra island) with a population of 27.5 million people. The capital city of Saudi Arabia is Riyāḍ. Arabic is the official language of the Saudi. Saudi Arabia commemorates National Day of the Royal on September 23, the day of unification of the kingdom of Saudi Arabia in the year 1351 AH/1932 AD by the King Abdul Aziz bin Abdur Rahman Alu Sa'ud.

The system of ruling in Saudi Arabia is a Royal system where children and grand children of the Kingdom's Founder, King Abdul Aziz bin Abdur Rahman al Faisal al Saud, had control of the kingdom held sway in terms of fidelity and feasibility in which the Decision has been completely based on al-Qur'an and the Prophet (PBUH) *Sunnah*. The power of Ruling in the Kingdom has been derived from the holy Qur'an and prophet's (peace be upon him) *Sunnah* that are the two regulators all over the Ruling system and all its related system where Ruling is based upon justice, *Ṣūra* and equality in terms of Islamic *Sharī'a*.⁴

⁴http://www.saudi.gov.sa/wps/portal/yesserRoot/aboutKingdom/rulingSystem/?ut/p/b1/04_Sj9CPykssy0xPLMnMz0vMAfGjzOId3Z2dgj1NjAz8zUMMDTxNzZ2NHU0NDd2DTYAKIvEo8DYipN9LPyo9Jz8JaJWfR35uqn5BbkSl06OilgDhWPWC/dl4/d5/L0lDUmlTUSEhL3dHa0FKRnNBLzRKVXFDQSEhL2Vu/ Accessed on October 31, 2014, 06:52 PM

Kingdom of Saudi Arabia does not have a parliament or other democratic bodies, the king is regarded as an absolute ruler. Statement is legal. However, in practice, sometimes it does not always work this way. The king's decision must be accepted by the House of Saud, especially a lot of brothers and sisters, many of them holding a leading position in the government. The authority of the king - and his brother prince- rely on legacy may be the children or grandchildren of the founder of the country, Ibn Saud. Those closest to the "root" of the family tree has elected position and the most influential. The individual who is removed from the main families have less important government positions, or may be responsible for some big business or military power.⁵

Although Saudi Arabia does not have a representative government, Saud family does not have absolute control. The members depend on a broad consensus, both within the family and with prominent religious leaders (*ulāma*) of Wahhabi sect, many of whom had married into the family of Saud. Council of Ministers who advised the king includes several key

⁵ Robert A. Harper, *Saudi Arabia*, Chelsea House Publisher, New York, 2007, p. 63

princes and religious leaders, as well as a number of senior government bureaucrats. In 2000, the king formed eighteen senior princes family into a council to choose the future king and to foster better relations between members of the royal family.⁶

Another important component of the Saudi government is *Şura* Council. Board one hundred and fifty members oversee the implementation of *Sharīʿa* law, with government support. Council of *Şura* is the main advisory body to the king and consists of several committees chaired by members appointed by the king and the House of Saud.⁷

Islamic law as applied in Saudi Arabia and the courts and judges who apply it—in other words, the Islamic legal system of Saudi Arabia—are little known or understood outside the Kingdom. Even within the Kingdom, the information about this system is little known except by the officials and practitioners who work within it. At the same time, as everyone recognizes, the Kingdom's claim to uphold Islamic law is central to its constitution, law, religion, history, and society.⁸

⁶ Robert A. Harper, *Saudi Arabia*, ..., p. 63

⁷ Robert A. Harper, *Saudi Arabia*, ..., p. 63

⁸ Frank E. Foegel, *Islamic Law and Legal System Studies of Saudi Arabia*, Brill, Leiden, 2000, Vol. 8, p. xi/introduction

Saudi Arabia is the most traditionalist system of Islamic law in the world today. Islamic law is constitutional law of the land, the general jurisdiction held by traditional trained judges who apply exclusively Islamic law, Islamic law and traditional learning is still a good professional training for exercise. The majority of Arabs is very appreciative of their religion and intends to maintain its strength in their legal and social life. Most Saudi Islamic law considers their customary law, natural and inevitable. Chief among the justification for the present regime and the reason for that is often ascribes historical success is passion in enforcing God's law code. Saudi Arabia is not as widely and effectively implement the rule of the old Islamic law, perhaps to a greater degree than many Muslim countries in the past.⁹

Humans struggle to learn shari'a from al-Qur'an and al-Sunnah. The process which scholars find legal interpretation of revealed text is *ijtihad*. *Ijtihad* literally means "fight". Understanding of the human from the divine law is called *fiqh*, literally means "understanding". *Fiqh* consists of scholarly opinion

⁹ Frank E. Foegel, *Islamic Law and Legal System...*, Vol. 8, p. xi/introduction

with piety and learning that they have become comply requirement to interpret scriptural sources and lowering the law. So to learn the laws of Saudi Arabia, someone should study *fiqh* first. In other words, someone did not study any law or court precedent but an opinion or *ijtihād* of scholars (called 'ulamā')- *fiqh* of the past and the present.¹⁰

Saudi Arabian society is diverse and Islamic ideologies vary throughout the nation. A monotheistic religion such as Islam finds two opposing traditions. For example, there are two major groups of Saudis who differ vastly in their adherence to Islamic faith and its practice. On one hand, there is the *Tawhīd* school of Islam, which promotes conservative monotheistic Islam as defined by Muhammad ibn al-Wahhab, who is also credited as the founder of Wahhabism. *Tawhīd* Muslims in Western religious definitions would be considered a conservative traditional sect.¹¹

Saudi economy depends on oil and Islamic pilgrimage. Currently there are some nomadic wandering. Most people live in big cities with modern facilities. Children go to school free of charge; no free

¹⁰ Frank E. Foegel, *Islamic Law and Legal System ...*, Vol. 8, p. 5

¹¹ Robert A. Harper, *Arab Saudi...*, p. 65

health care. Because oil and its role as the guardian of the holiest shrine of Islam, Saudi Arabia is an important part of two very different worlds; the traditional world of Arab with Islamic culture and the modern global world, led by the industrialized countries of North America, Europe, and Japan. The second meeting of the world in Saudi Arabia began less than eighty years ago, when oil was discovered in this Bedouins (nomadic Arabs) kingdom. At that time, Saudi Arabia is one of the most remote and underdeveloped in the world. Since then, the country has been a remarkable turnaround. It is also a place of conflict between the values of tribal and traditional religions are represented by the Arab Bedouins and the modern world that are imported into the country because of the importance of Saudi oil.¹²

In 1930, geologist from the US oil company (the Standard Oil Company of California and Texaco) discovered oil in the northeastern part of Saudi Arabia. Since then, scientists have estimated that sea of oil lie under Saudi Arabia. Today, after more than a half century as the world's leading exporters of oil, about a quarter of all known oil still in the ground, as well as a large amount of natural gas, remained under the surface

¹² Robert A. Harper, *Arab Saudi*, ..., p.11

of the country. Saudi Arabia has become a very important part of the modern world. Influence of the oil industry is so large that is a change in policy affecting the Saud family of global energy consumption. For example, it is clear during the Yom Kippur War (between Israel and Egypt, Syria, Jordan, and Iraq) in 1973, when Saudi Arabia leads the Arab countries in drastically reducing the production of oil to the West. This greatly affects the growth of industries around the world and cause a severe blow to the US economy.¹³

Saudi oil is not only important to the countries and companies of the modern world. It is also tempting to Saudi Arabia's larger neighbors, Iraq and Iran. Saudi money has gone into building a modern military equipped with jet aircraft, missiles, and tanks. To protect itself further, the Saudi government has signed treaties with the United States. The Saudis gain support from the world's greatest military power, and the United States receives a constant supply of Saudi Arabian oil.¹⁴

Oil companies need workers who do not necessarily Moslem. They are allowed to live in Saudi Arabia but not allowed to settle. After their contract

¹³ Robert A. Harper, *Saudi Arabia*, ..., p. 14

¹⁴ Robert A. Harper, *Saudi Arabia*, ..., p. 18

period is completed, the workers had to leave Saudi Arabia. Because the Prophet once said, "No two religions will gather in the Arabian Peninsula".

A. 2. Makkah Al Mukarromah

Under the royal instructions No.A/92/27/8/1412H, in line with the royal instructions No.A/21/30/3/1414H, Kingdom of Saudi Arabia is divided into 13 administrative regions, and each region is divided into several districts which vary in amounts.¹⁵ Districts are divided into several centers. The thirteenth province or *mantiqoh* are Al Qāsim, Riyādh, ‘Asīr, Tābūk, As Syarqiyyah, Hudūdusy Syamāliyah, Jauf, Ha'il, Jizan, Makkah Al Mukarromah, Madinah, Najran, Bahah.¹⁶

Makkah Al Mukarramah Province is one of the administrative region of the kingdom of Saudi Arabia that covers several cities in it. The headquarter is located in the city of Mecca. Mecca is at an elevation of 300 meters above sea level. Mecca is one of two cities in Saudi Arabia which has a forbidden land or non muslims are prohibited to be in.

¹⁵ Sami bin Abdullah Al Moghlouth, *Atlas Haji ...*, p.16

¹⁶ Mohammad Anis Adnan, *Ibadah Ziarah Plus Wisata*, Syi'ar Media Publishing, Semarang, 2014, p.xxi

Mecca was, at this time, a city of considerable importance and note among the townships of Arabia, both from its associations and its position. Situated in a low-lying valley stretching north to south, bordered on the west by a range of hills, on the east by high granite rocks, the *Kaaba* in its center, its regular and paved streets, its fortified houses, its town-hall opening on to the platform of the temple, the city presented an unusual appearance of prosperity and strength.¹⁷

Since the first, known as the city of Mecca seeds peace. Although the cities around often get a stormy conflict, but Mecca always tells about peace.¹⁸ Because the values which are always required by the land of *ḥarām* are fulfilled by everyone. However, if viewed from a few instances, the kingdom of Saudi Arabia never violated several provisions that are set to the land of *ḥarām*.

The city's recent history also bears witness to some dramatic political events. In 1979 a group of Saudi militants stormed the sacred sanctuary, the *Kaaba* and occupied it for sixteen days, killing many civilians and

¹⁷ Ameer Ali, Syed, M.A., C. I. E., *Spirit of Islam; Life and Teaching of Mohammed*, S. K. Lahiri, College Street, 1902, p. 2

¹⁸ Zuhairi Misrawi, *Mekah; Kota Suci, Kekuasaan dan Teladan Ibrahim*, Kompas, Jakarta, 2009, p. 85

soldiers in the process. Apart from these infrequent events, however, Mecca has always been of preeminent importance to Muslims because of the *Kaaba* and the hajj. It is solely because of the rituals of hajj performed in the city and its environs that Mecca is haloed in sanctity.¹⁹

In addition to oil, the people of Mecca also feel confused by the arrival of non-Muslim workers who renovate buildings around the *Al Masjid Al Harām*.²⁰ However they cannot react anything, because it has become the will of the king.

Mecca as a clean city of the non-Muslims but in fact, non-Muslims can still do business in it. One of them is the presence of Hilton boutique and hotel²¹, and KFC there.²² Many new buildings of European architecture style, such as the example of building a giant clock that became the standard GMT time named

¹⁹ Richard C. Martin, *Encyclopedia Of Islam and the Muslim World*, Thomson Gale, USA, p.312

²⁰ <http://luar-negeri.kompasiana.com/2013/03/23/kegalauan-umat-di-mekah-539602.html> Accessed on November 5, 2014 at 1:14 PM. Lihat juga <http://www.republika.co.id/berita/dunia-islam/mualaf/10/08/26/131785-ka-bah-menggetarkan-hati-ratusan-pekerja-cina>

²¹ <http://www.kabar24.com/international/read/20121121/10/100481/paris-hilton-buka-toko-baju-seksi-di-mekkah-ulama-marah>

²² Zuhairi Misrawi, *Mekah; Kota Suci*, ..., p. 161

Abraj Al Bayt Tower. This indicates that the economic relations with the non-Muslims are good.



Picture 2

Al Masjid Al Harām from Hilton Hotel²³

Economic relations of the Arab Kingdom with the nation that have the majority of the citizen are non-Muslims is open widely. This indirectly proves that Saudi Arabia opened the forbidden land for non-Muslim people. And behind the good economic relations, political relations are good also.

A. 3. Prohibition of Entering the Land of *Ḥarām* for Non Muslim

In the development, Mecca and Medina is also designated as the land of *ḥarām*, it is attributed to the QS. Al-Tawbah: 28. Through the revelation of the verse many commentators and scholars of jurisprudence that makes the prohibition of non-Muslims entering the land

²³<http://www3.hilton.com/en/hotels/saudi-arabia/makkah-hilton-hotel-MAKHITW/index.html> Accessed on November 1, 2014 at 11:32 AM.

of *ḥarām*. That is, there are some special treatments or special actions if we are in this forbidden area. One of the special treatment is that the infidels are not allowed in this area. Non-Muslims are prohibited from entering the city of Mecca and Medina to a certain extent.

Land of *Harām* in Mecca is bordered by the magnificent gates in each *miqot makāni*, namely the mosque of *Asy Syajārah*, in the mosque of *Ẓul Hulayfah* or commonly called the *Bir ‘Ali*, located 8 KM away from Medina. Messenger started pilgrimage from here. The second is located 94 KM from Mecca. The third is the *Wadī Al ‘Aqīq*, the fourth *Yalamlam*, 94 km from Mecca and the last is *Juhfah*, 320 km from Mecca.²⁴



Picture 3
The *Harām* Land Boundaries

²⁴ O. Hashem, *Berhaji Mengikuti Jalur Para Nabi*, Mizan Media Utama, Bandung, 2008, p. 71-72



Picture 4
Ji'ranah Mosque



Picture 5
Gate of *Harām* in Tan'im



Picture 6
Gate of *Harām* Boarder in Hudaibiyah



Picture 7
Najd Gate

Foreign visitors find obtaining permission to enter the closed society of Saudi Arabia is enormously complicated. This is not a country that allows tourists. Only those foreigners needed to work in hospitals, schools, construction, or in the oil business are allowed entry. The rulers of the kingdom fairly recently resolved to leap across centuries of primitive life and bound into the modern world. Thus, they reluctantly opened the doors to welcome a host of foreign workers.²⁵

But even so, the Saudi government ever put those non-Muslims into the forbidden land. One is when there is a claim to the Mahdi create chaos.

History records some Christians who "break through" into the Land of *Ḥarām*. They are generally disguised by changing its name to the Arabic name, or come into the group of the Muslims. Their goals are vary. But in general they are interested in the Holy City of Mecca and the *Kaaba* at the center. Here are people who have entered Christian city of Mecca.

1. Ludovico Bartema, 1503²⁶

²⁵ Jean Sasson, *American Chick in Saudi Arabia*, The Sasson Cooperation, 2004, p.3

²⁶ Augustus Ralli, *Christians at Mecca*, London, William Heinemann, 1909, p. 23-28.

Driven by a "thirst for knowledge", Ludovico Bartema traveled long distance. He was the first European to visit Mecca and write observations. As an Italian citizen who thirst for knowledge, he left Venice heading to Alexandria in 1503. From there, he visited Babylon in Egypt, Tripoli, and Damascus.

In Damascus, he met with "Some *Mamluk* officials" who are planning to visit Mecca as traitors of *Mamluk* empire. To support his trip, he bought clothes and horses. And with a very high price finally he got both.

He departed leaving Damascus on April 11, 1503. He said that there were 40,000 people and 35,000 camels in his caravan. Forty days required to reach Mecca, including a few days break in Medina.

The trip was not smooth and uneventful. On the way, the caravan had to fight with the Bedouins were demanding payment of water. Although ultimately survived, because it was not armed Bedouins - even almost no dressing. In addition, he said, it is quite disturbing is "dirty". He

always said that the Arabs were dirty, and said that the thirst for knowledge that pushes him survive on the way.

He arrived in Mecca on 18 May 1503. He saw there were about 6,000 homes around Mecca. The houses were considered "built like our home". The other thing is that water is a luxury item. "12 cents a day will not be enough to satisfy your thirsty", he said. And of the *Kaaba* in Mecca is also the center of attention.

For twenty days, he and the caravan was in Mecca to carry out the Hajj. On the last day in Mecca, the caravan leader announced it will execute anyone who refused to return to Syria. It probably is a way to avoid the leader when the number of people who want to settle in Mecca. But Bartema wants to do another trip. To smooth out his plan, he was hiding in one of his *Mamluk* friends; and by his wife that he helped lead to Jeddah for the next sail to Persia. Bartema is ultimately up to the Gulf of Aden safely.

2. Vincent Le Blanc, 1568²⁷

Le Blanc arrived in Alexandria and headed to Cairo. When in Candia ship must stop. From here, he separated from his entourage and met with an acquaintance in Merseil, Cassis. His friend is the passenger of ship from Venice bound to Jerusalem. Cassis asked Le Blanc to accompany him to Jerusalem. The request is accepted, and the two friends continue their journey.

They both pass in Tripoli, and arrived at Damascus. Three days them towards the Machārib city, to look for residence. There they met Morat, Cassis brother, which suggested that they go to Mecca. The goal is to trade. An attempt to cover losses suffered recently. Cassis felt hard and stated that he had promised to bring the Le Blanc to Jerusalem. Morat dodged that they will go to Jerusalem after heading to Mecca first.

²⁷ Augustus Ralli, *Christians at Mecca*, London, William Heinemann, 1909, p. 29-33.

Le Blanc overheard the conversation. He was frightened: the perilous journey to Mecca; and he will be sold when he protested. The decision was finally taken to go to Mecca. The three of them go towards Mecca with a lot of merchandise. They joined a caravan consisting of 20,000 camels which are all full of merchandise.

Cassis suggested they should spread while in Mecca. He and Le Blanc will be heading to Jeddah carrying six camels. There, he said there was a ship from India who had just docked. Thus, they can sell merchandise with a huge advantage there.

Upon reaching Mecca they implement the plan. Le Blanc and Cassis heading to Jeddah, while still selling at Mecca Morat. However, at the time in Jeddah, Cassis shows the catch. He considered Morat have sinned by rejecting Christianity, he may have converted to Islam. Therefore, Cassis was entitled to seize property Morat with six camels and their carrying cargo. Le Blanc Cassis was disappointed with the decision, because he enjoyed his trip to Mecca

and was pleased to see the caravan Hajj. However, Le Blanc was again silent just because the state agreed.

They realize the plan Cassis; heading to Aden and then to Ormus. They also sell the stuff in Persia and Babylon, and large profits. Then they headed to the extent Disguise, then returned to the Gulf of Aden. From there they traveled along the east coast of Arabia, India, and many other countries in the continent of Asia.

In 1578, after ten years of adventuring, Le Blanc finally returned to his hometown: Merseil.

3. Johann Wild, 1607²⁸

At Nuremburg, on 1585, Wild was born. At nineteen years old, he went to Hungary to fulfill her desire to join the military, and noted as the royal troops. But not long ago, he was arrested by the traitors who conspired with the Turkish empire, and sold as slaves.

²⁸ Augustus Ralli, *Christians at Mecca*, London, William Heinemann, 1909, h. 34-39.

Life as a slave is never easy. He has been owned by five different hands before the Persian master had him. Wild, as a slave, the master or owner invited Persian heading to Mecca. He and his master went to Mecca to retrace the caravan from Egypt. The leader (*amīr al-Hajj*) called group camping in a field, about two kilometers from Cairo. There, they waited for a gathering during the week, little by little, of the entire congregation that will go to Hajj.

Trumpet is blown as a sign of the caravan will be leaving soon. The group consisted of 20,000 men and 100,000 camels. When they arrived in *Yanbū* on the twentieth day, 1,500 people and 900 camels died due to severe weather. After passing *Yanbū*, exactly three days to Mecca, they wear Ihram. He was in Mecca for twenty days.

His master sold him because of an error. Luckily, a new master gave him his freedom after a year of working. In Autumn 1611, he finally returned to Nuremburg.

4. Y. Leblich Badia, 1807 (Ali Bey El Abbassi)²⁹

Badia, better known by the name of Ali Bey El Abbassi was born in Biscay in 1766. He was a master scientist astounding twenty-eight foreign languages. Badia has studied medicine, Astronomy, Mineralogy.

On 15 December 1806, Badia joined a caravan that was heading to Mecca. He brings with fourteen camels and two horses. The caravan of 5,000 camels causing it to run slowly.

On January 22, 1807, Badia departure from Jeddah. And a day later they arrived in Haddah henceforth wear Ihram.

In Mecca, Badia received an unusual honor to help cleanse the *Kaaba*. With water and rose essence, He cleansed the *Kaaba*. At the end of the cleansing ceremony, Badia get gratitude.

Badia was the first European to proclaim to the world academically Mecca. He drew a map of Mecca and the *Kaaba*, having regard to the scale used. This map will be repaired by Burckhardt who come after.

²⁹ Augustus Ralli, *Christians at Mecca*, ..., p. 40-47.

5. Ullrich Jasper Seetzen, 1809-10 (Haj Moosa)³⁰

In the town of Jever 1767, Seetzen born. His father was a wealthy farmer who gives anything for their children's education. At first Seetzen was so interested in the mechanics and medicine as a field of study. He successfully completed his undergraduate degree with a major in medicine at the University of Gottingen, then head to Hungary to study mining, engineering, and architecture.

With his knowledge and adventure seekers to the mainland Seetzen East in 1802. He succeeded in captivating the important people through projects he initiated. Baron von Zach rewarded astronomical equipment; Prince Augustus commissioned Seetzen looking for specimens for the museum's collection, which he founded; Even the Emperor Alexander to help support the financial needs.

Pleasure to map the eastern world and look for different things to the two drove toward the

³⁰ Augustus Ralli, *Christians at Mecca*, ..., p. 65-73.

Holy City: Mecca-Medina. He began his journey through the land.

6. John Ludwig Burckhardt, 1814-15 (Haj Shaykh Ibrahim)³¹

Born in Kirchgarten in 1784, Burckhardt was a very learned. He obtained a college education at the University of Leipzig and Gottingen, and became the lover of pure science, not take sides. Many witnesses will sincerity seek knowledge, and good behavior.

He also studied Arabic at the University of London and Cambridge, who delivered it made his first trip to the Arab countries in 1809.

On July 15, 1814, he arrived in Jeddah along with African slaves. There, he was so amazed by the prosperity Jeddah and want to find out. He found that not only harbor Jeddah for Mecca and Medina but also the main port for Egypt and India. Based Leader command Mecca, all ships docked along the path in Jeddah. This gives a lot of revenue to the city.

³¹ Augustus Ralli, *Christians at Mecca*, ..., p. 74-101.

On September 7, Burckhardt toward Mecca. When he reached the gate of the Grand Mosque, some Hajj guides him. Burckhardt choose one of them and start the ritual *ṭawaṭ*, kissing "black stones", then drink *zam-zam* water. Guides are strictly followed and kept chanting prayers. On 15 September he was leaving Mecca toward Jeddah. He returned to Mecca in mid October: a month later. A sign that he enjoyed his sojourn in Mecca.

Sojourn in Mecca produce the final picture of Mecca. His book is the main foundation for all Western knowledge that time will be Mecca. Descriptions are given of the *Masjid al-Ḥarām* was already final and almost without a gap.

Joseph Pitts, 1680³², Leon Roches, 1841-1842 (*Haj Omar*)³³ George Augustus Wallin, 1845 (*Wali al-din*)³⁴ Sir Richard Burton, 1853 (*Shaykh haj Abdallah*)³⁵ Heinrich Freiherr von Maltzan, 1860 (*Sidi Abd-er Rochman Ben Mohammed es Skikdi*)³⁶ Herman

³² Augustus Ralli, *Christians at Mecca*, ..., p. 34-39.

³³ Augustus Ralli, *Christians at Mecca*,..., p. 121-155.

³⁴ Augustus Ralli, *Christians at Mecca*, ..., p. 156-160.

³⁵ Augustus Ralli, *Christians at Mecca*, ..., p. 161-190.

³⁶ Augustus Ralli, *Christians at Mecca*,..., p. 191-199.

Bicknell, 1862 (*Haj Abd-El-Wahid*)³⁷ John Fryer Keane, 1877-8 (*Haj Mohammed Amin*)³⁸ Christian Snouck Hurgronje, 1885 (*Abd'-el-Gaffar*),³⁹ Gervais-Courtellemont, 1894 (*Abdallah*)⁴⁰

B. Understanding the Prohibition of Entering the Land of *Ḥarām* for Non Muslim

B. 1. The Verses of the Prohibition of Entering the Land of *Ḥarām* for Non Muslim

In al-Qur'an, the Prohibition of Entering the Land of *Ḥarām* for Non Muslim explicitly, as far as the researcher know, only stated in At Tawbah verse 28.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْمُشْرِكُونَ نَجَسٌ فَلَا يَقْرَبُوا
 الْمَسْجِدَ الْحَرَامَ بَعْدَ عَامِهِمْ هَذَا وَإِنْ خِفْتُمْ عَيْلَةً فَسَوْفَ يُغْنِيكُمُ اللَّهُ
 مِنْ فَضْلِهِ إِنْ شَاءَ إِنَّ اللَّهَ عَلِيمٌ حَكِيمٌ (28)⁴¹

Translation: "O believers, know that the idolaters are unclean. Let them not approach the sacred mosque after this year is ended. If you

³⁷ Augustus Ralli, *Christians at Mecca*, ..., p. 200-203.

³⁸ Augustus Ralli, *Christians at Mecca*, ..., p. 204-222.

³⁹ Augustus Ralli, *Christians at Mecca*, ..., p. 223-243.

⁴⁰ Augustus Ralli, *Christians at Mecca*, ..., p. 244-260.

⁴¹ QS. At Taubah:28

fear poverty, Allah, if He pleases, will enrich you through his bounty. He is knowing, wise.”⁴²

B. 2. *Munāsabatul Ayāt* of Prohibition of entering the *Ḥarām* Land for Non-Muslims

The following verses are banning the entry of land *ḥarām* for non-Muslim which occurred during the first Hajj in Islam, namely the Hajj delegation which was led by Abū Bakr. Ibn Ishāq in his book start chapter the pilgrimage or hajj of Abū Bakar in 9 H with the verse one to verse six letter in At-Tawbah. The earlier verses of this *sūrah* were revealed down in IX H after Muhammad returned from the Tābūk war⁴³. These earlier verse of this *sūrah* explain the cancellation of an appointment with the *Musyrikīn* traitors. While the agreements which are respected by both parties are not canceled, but waited until the limits of the agreement expires.

بَرَاءَةٌ مِنَ اللَّهِ وَرَسُولِهِ إِلَى الَّذِينَ عَاهَدْتُمْ مِنَ الْمُشْرِكِينَ

(1) فَسِيحُوا فِي الْأَرْضِ أَرْبَعَةَ أَشْهُرٍ وَاعْلَمُوا أَنَّكُمْ غَيْرُ مُعْجِزِي اللَّهِ

وَأَنَّ اللَّهَ مُخْزِي الْكَافِرِينَ (2) وَأَذَانٌ مِنَ اللَّهِ وَرَسُولِهِ إِلَى النَّاسِ يَوْمَ

⁴² Mahmud Y. Zayid, *The Qur'an, An English Translation of the Meaning of the Qur'an*, Dar Al Choura, Lebanon, 1980, p.134

⁴³ Tabuk is a war between Muslims against Rome on Ramadhan IX AH.

الْحَجِّ الْأَكْبَرِ أَنَّ اللَّهَ بَرِيءٌ مِنَ الْمُشْرِكِينَ وَرَسُولُهُ فَإِنْ تُبْتُمْ فَهُوَ خَيْرٌ
 لَكُمْ وَإِنْ تَوَلَّيْتُمْ فَاعْلَمُوا أَنَّكُمْ غَيْرُ مُعْجِزِي اللَّهِ وَبَشِّرِ الَّذِينَ كَفَرُوا
 بِعَذَابٍ أَلِيمٍ (3) إِلَّا الَّذِينَ عَاهَدْتُمْ مِنَ الْمُشْرِكِينَ ثُمَّ لَمْ يَنْقُصُوا
 شَيْئًا وَلَمْ يُظَاهِرُوا عَلَيْكُمْ أَحَدًا فَأَتِمُوا إِلَيْهِمْ عَهْدَهُمْ إِلَىٰ مُدَّتِهِمْ إِنَّ
 اللَّهَ يُحِبُّ الْمُتَّقِينَ (4) فَإِذَا انْسَلَخَ الْأَشْهُرُ الْحُرُمُ فَاقْتُلُوا الْمُشْرِكِينَ
 حَيْثُ وَجَدْتُمُوهُمْ وَخُذُوهُمْ وَاحْصُرُوهُمْ وَاقْعُدُوا لَهُمْ كُلَّ مَرْصَدٍ فَإِنْ
 تَابُوا وَأَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ فَخَلُّوا سَبِيلَهُمْ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ
 (5) وَإِنْ أَحَدٌ مِنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ حَتَّىٰ يَسْمَعَ كَلَامَ اللَّهِ
 ثُمَّ أَبْلِغْهُ مَأْمَنَهُ ذَلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَعْلَمُونَ (6)

Translation:

“A declaration of immunity by Allah
 and His Apostle to the idolaters with whom you
 made agreements: for four months you shall go
 unmolested in the land know that you shall not
 escape the judgment of Allah, and that Allah
 will humble the unbelievers.

A proclamation to the people by Allah
 and his apostle on the day of great pilgrimage:

Allah and his apostle are free from obligation to the idolaters. If you repent, it will be well with you; but if you give no heed, know that you shall not escape his judgment.

Proclaim a woeful punishment to the unbelievers, except idolaters who have fully honored their treaties with you and aided none against you. With these keep faith, until their have run their term. Allah loves the righteous.

When the sacred months a recover, slay the idolaters wherever you find them. Arrest them, besiege them, and lie in ambush everywhere for them. If they repent and take to prayer and pay the alms-tax, let them go their way. Allah is forgiving and merciful.

If an idolaters seeks asylum with you, give him protection so that they may hear the word of Allah, and then convey him to safety. For they are ignorant man.”

What is set out above is not for all of the idolaters as a whole. Therefore, the fourth paragraph asserts that the above provisions do not apply to people who have made promises and keep them, and not help the opponent.

However, the fifth verse of this *surāh* is so firmly that is the order to kill the idolaters wherever and whenever. But this, according to Quraysh Shihab, it was

not a command, but rather to allow to kill and subdue dangerous polytheists.⁴⁵

And the sixth verse is a command to provide protection for them, good body, wealth possessions, and their faith and trust.

كَيْفَ يَكُونُ لِلْمُشْرِكِينَ عَهْدٌ عِنْدَ اللَّهِ وَعِنْدَ رَسُولِهِ إِلَّا الَّذِينَ عَاهَدْتُمْ
عِنْدَ الْمَسْجِدِ الْحَرَامِ فَمَا اسْتَقَامُوا لَكُمْ فَاسْتَقِيمُوا لَهُمْ إِنَّ اللَّهَ يُحِبُّ
الْمُتَّقِينَ (7) كَيْفَ وَإِنْ يَظْهَرُوا عَلَيْكُمْ لَا يَرْقُبُوا فِيكُمْ إِلَّا وَلَا ذِمَّةً
يُرْضَوْنَكُمْ بِأَفْوَاهِهِمْ وَتَأْبَى قُلُوبُهُمْ وَأَكْثَرُهُمْ فَاسِقُونَ (8) ااشْتَرَوْا
بِآيَاتِ اللَّهِ ثَمَنًا قَلِيلًا فَصَدُّوا عَنْ سَبِيلِهِ إِنَّهُمْ سَاءَ مَا كَانُوا يَعْمَلُونَ
(9) لَا يَرْقُبُونَ فِي مُؤْمِنٍ إِلَّا وَلَا ذِمَّةً وَأُولَئِكَ هُمُ الْمُعْتَدُونَ (10) فَإِنْ
تَابُوا وَأَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ فَإِخْوَانُكُمْ فِي الدِّينِ وَنُفَصِّلُ الْآيَاتِ
لِقَوْمٍ يَعْلَمُونَ (11)⁴⁶

Translation:⁴⁷

“How can the idolaters have any treaty with Allah, and His Apostle, save those with

⁴⁵ M. Quraisy Sihab, *Tafsir Al Misbah; Pesan, Kesan, dan Keserasian Al Qur'an*, Lentera Hati, Jakarta, 2002, Vol. 5, p. 19

⁴⁶ QS. of Taubah:7-11

⁴⁷ Mahmud Y. Zayid, *The Qur'an, An English Translation of ...*, p.132-

whom you have made treaties at the Sacred Mosque.? So long as they keep faith with you, keep faith with them. Allah loves the righteous.

How (can you trust them)? If they prevail against you, they will respect neither agreements nor ties of kindred. They flatter you with their tongue, but their hearts refuse. Most of them are evil-doers.

They sell Allah's revelations for a small price and debar others from His path. Evil is what they do. They honor with the believers neither treaties nor ties of kindred. Such are the transgressors.

If they repair and take to prayer and pay the alms-tax, they shall become your brothers in the faith. Thus we make plain Our revelations for men of understanding."

Quraish Shihab, citing Muhammad Izzat Darwazah, said that Islam demands peace, and therefore if peace is offered to Islam by others, Islam receives and welcomes it if this solicitation is fair peace. Verse seven provides an opportunity to forge peace with anyone. Agreements that have expired can be renewed. Verse which ordered war applies only to the polytheists who violate the agreement.⁴⁸

Verses eight and nine explain about fairness to cancel the agreement with them. Since that time the

⁴⁸ M. Quraisy Sihab, *Tafsir Al Misbah; Pesan, ...*, Vol. 5, p. 25

polytheists, even if they win they still do not maintain good relations with Muslims.

The tenth verse of this sūrah explains about the decay of the current treatment of the polytheists against the Muslims at that time. They do not just do evil against Muslims who live with them, but also against all Muslims whenever and wherever. Nevertheless, God is opening the door of repentance for those who want to carry out prayers and alms. And they are your brothers in religion.⁴⁹

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْمُشْرِكُونَ نَجَسٌ فَلَا يَقْرَبُوا
 الْمَسْجِدَ الْحَرَامَ بَعْدَ عَامِهِمْ هَذَا وَإِنْ خِفْتُمْ عَيْلَةً فَسَوْفَ يُغْنِيكُمُ اللَّهُ
 مِنْ فَضْلِهِ إِنْ شَاءَ إِنَّ اللَّهَ عَلِيمٌ حَكِيمٌ (28)⁵⁰

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.”

After the preceding verses tell of crimes against the unbelievers, they must be dealt with firmly. They were not allowed to approach the Sacred Mosque. This is because the idolaters are unclean minds and

⁴⁹ M. Quraisy Sihab, *Tafsir Al Misbah; Pesan, ..., Vol. 5*, p. 29

⁵⁰ QS. At Taubah:28

hearts. The Muslims are those who have been sanctified by God with faith, thus avoiding their vices. Scholars have different opinions about who Pagans here are. Are the pagans or extend to Jews and Christians.⁵¹

Thus a group of verses were sent down on events of Abū Bakr Hajj with banning the entry of non-Muslims to the land of the *ḥarām* according to Ibn Ishāq in his book *As an Nabāwiyya Sirah*.

B. 3. Prophetic tradition on the Prohibition of entering the Harām Land for Non-Muslims.

Prophetic tradition or hadith, including in this hadith of law, according to Fazlur Rahman, should be interpreted in the proper historical perspective and according to their exact function in a clear historical context. The traditions of law, further, according to Rahman, should be viewed as a problem that must be revisited (a problem to be re-treated) and not the views of a law that is so that can be directly used (a ready-made law). Situational interpretation through historical study in order to dilute the traditions in the form of "living *sunnah*". This will enable us to conclude norms from those hadith to ourselves through an ethical theory

⁵¹ M. Quraisy Sihab, *Tafsir Al Misbah*; ..., Vol. 5, p. 64

that scope and then the re-establishment of a new legal theory.⁵²

In following the researcher take two hadith related with restriction. Here you are:

أنا أبو طاهر نا أبو بكر نا محمد بن يحيى نا عبد الرزاق
أخبرنا ابن جريج أخبرني أبو الزبير أنه سمع جابر ابن عبد الله يقول في
قوله تعالى: إنما المشركون نجس فلا يقربوا المسجد الحرام بعد عامهم
هذا قال: إلا أن يكون عبداً أو أحداً من أهل الذمة
قال الأعظمي: إسناده صحيح⁵³

Translation: From Abu t{ahir from Abu Bakr from Muhammad ibn Yahya from Abdur Razzaq from Ibn Juraij from Abu Az Zubair told me that he heard from Jabir ibn Abdullah said toward Allah saying : إنما المشركون نجس فلا

he said; but he said; but لا يقربوا المسجد الحرام بعد عامهم هذا
slavers or *ahlud zimmah*.

Within Hadiş mentioned there is exception, namely permissibility slave and *Ahlu z Zimmah* of entry and approach *Al Masjid Al Harām*. Word *zimmah* means

⁵² Fazlur Rahman, *Islamic Methodology in History*, Central Institute of Islamic Research, Karachi 1965, p.81

⁵³ صحيح ابن خزيمة ج 2 ص 285

agreements, guarantees and security. They are named *zimma* because they have assurance treaty with God and His Prophet and all Muslims to live safely and peacefully in under protection of Islam and within Islamic environment. With This, they are including *Ahlu dārīl Islām* (Islamic State members) or having citizenship.⁵⁴

أخبرنا أبو عبد الله الحافظ أخبرني أبو محمد المزني ح وأخبرنا
 أبو نصر بن قتادة أنبأنا أبو محمد: أحمد بن إسحاق المروى قال أنبأنا
 علي بن محمد بن عيسى حدثنا أبو اليمان أخبرني شعيب عن الزهري
 أخبرني حميد بن عبد الرحمن أن أبا هريرة رضى الله عنه قال: بعثني
 أبو بكر رضى الله عنه فيمن يؤذن يوم النحر. بمعنى أن لا يحج بعد العام
 مشرك وأن لا يطوف بالبيت عريان ويوم الحج الأكبر يوم النحر وإنما
 قيل الحج الأكبر من أجل قول الناس الحج الأصغر فنبت أبو بكر رضى
 الله عنه إلى الناس في ذلك العام فلم يحج في العام القابل الذي حج فيه
 رسول الله - صلى الله عليه وسلم - حجة الوداع مشرك وأنزل الله عز

⁵⁴ Yusuf Qardhawi, *Ghoirul Muslimin fil Mujtama' Al Islamiy*, terj. Muhammad Baqir, Penerbit Mizan, Bandung, 1985, p.19

وجل في العام الذي نبذ فيه أبو بكر إلى المشركين (يا أيها الذين آمنوا إنما المشركون نجس فلا يقربوا المسجد الحرام) إلى قوله (عليم حكيم) فكان المشركون يوافون بالتجارة فينتفع بها المسلمون فلما حرم الله على المشركين أن يقربوا المسجد الحرام وجد المسلمون في أنفسهم مما قطع عنهم من التجارة التي كان المشركون يوافون بها فقال الله تعالى (وإن خفتن عيلة فسوف يغنيكم الله من فضله إن شاء) ثم أحل في الآية التي تتبعها الجزية ولم تكن تؤخذ قبل ذلك فجعلها عوضا مما منعهم من موافاة المشركين بتجاراتهم فقال (قاتلوا الذين لا يؤمنون بالله ولا باليوم الآخر ولا يحرمون ما حرم الله ورسوله ولا يدينون دين الحق من الذين أوتوا الكتاب حتى يعطوا الجزية عن يد وهم صاغرون) فلما أحل الله ذلك للمسلمين عرفوا أنه قد عاضهم أفضل مما كانوا وجدوا عليه مما كان المشركون يوافون به من التجارة. رواه البخارى في الصحيح عن أبي اليمان إلى قوله حجة الوداع مشرك دون ما بعده وأظنه من قول الزهرى.⁵⁵

السنن الكبرى للبيهقي باب من تأخذ منه الجزية ج 9 ص 185⁵⁵

Translation: From Abū ‘Abdullāh Al Ḥāfidz from Abū Muḥammad Al Muzani from Abū Nasr ibn Qatādah from Abū Muḥammad: Aḥmad ibn Isḥaq said that Muhammad ibn ‘Isa told him that Abul Yamān told him that shu’aib from Az Zuhry said that Ḥamid ibn Abdur Raḥmān said that Abū Hurairah said: Abu Bakr delegated me to announce in the *Naḥr* day in Mina about the prohibition of performing pilgrimage after this year for *Mushrikīn* and not doing *tawaf* naked in the great pilgrimage (*Al Ḥajj Al Akbar*). Then he also announce it to people in that year, so no people of *Mushrik* do pilgrimage in the next year when Prophet Muhammad performed farewell pilgrimage (*Al Ḥajj Al Wada’*). Allah revealed down in the year Abu Bakr announced this prohibition (يا أيها الذين

until آمنوا إنما المشركون نجس فلا يقربوا المسجد الحرام) (عليهم حكيم) . Non moslem did trading before this prohibition and give benefit to muslim society. So, when Allah forbid non muslim to be close to *Al Masjid Al Ḥarām*, muslim worried about their trading tradition. So Allah fulfill this worry with his statement (وإن خفتهم عيلة فسوف يغنيكم الله من فضله

so in the next verse of this *sūrah* to permit muslim taking tax (*jizyah*) which was not allowed before as the change of this prohibition.

(قاتلوا الذين لا يؤمنون بالله ولا باليوم الآخر ولا يحرمون ما حرم الله ورسوله ولا يدينون دين الحق من الذين أوتوا الكتاب حتى يعطوا الجزية عن يد وهم صاغرون) when

this was allowed, muslim aware and found that this prohibition gave them more benefit.

B. 4. *Asbāb al-nuzūl*

Asbāb al-nuzūl is an event or a particular event, then caused the revelation of one or several verses of al-Qur'an regarding to the incident. Knowing *Asbābun nuzūl* has great effect in understanding the meaning of the noble verse. In fact, some verses meanings are probably not known or taking legal certainty of it before knowing about *Asbāb al-nuzūl*.⁵⁶

Knowing *Asbābun nuzūl* has several benefits; (1). Knowing the background of a legal wisdom (*tasyri*). (2). Specificity of the law due to certain reasons. (3). Avoid the assumption that the law is narrow when seeing narrow law in its appearance. (4) to know the name of the person associated with the verses revealed to get a clear understanding of the verse.⁵⁷

Fazlur Rahman developed the concept of *Asbābun nuzūl* becomes more widespread. In his view, as quoted by Ilyas Supena, *Asbābun nuzūl* is the source or material obtained from the historical decline in the revelation to shed light on the parts of al-Qur'an and

⁵⁶ Muhammad Ali As Shobuni, *At Tibyan fi Ulumil Qur'an*, Daru Ihya' al Kutub Al 'Arobiyyah, Indonesia, 1985, p.19

⁵⁷ Muhammad Ali As Shobuni, *At Tibyan fi Ulumil Qur'an*, ..., p.21

provides a context for understanding the commands, because al-Qur'an is a divine response through the memories and thoughts of the Prophet Muhammad to the social-moral situation of Arab society at the time of the Prophet.⁵⁸

Asbābun nuzūl as defined by *Salaf* scholars, in Fazlur Rahman opinion, is the micro background of the revelation of a verse. While the conditions of social, society, religion, customs, cultures and lives of the Arabs as a whole is called the macro reasons. So that the whole verse in al-Qur'an has *Asbābun nuzūl*. This is in contrast with the views of *Salaf* scholars who consider that not all the verses of al-Qur'an have *Asbābun nuzūl*.

B. 3. a). Micro Reasons

Ibn Abi Hatim narrated from Ibn Abbas that the idolaters, when they come to the *Kaaba*, usually bring food for sale. When they are prohibited from visiting the *Kaaba*, the Muslims asked, "if so, from where we get the food?" Then Allah sent His word, "خفتم عيلة فسوف وإن" "إن الله عليم حكيم. يغنيكم الله من فضله إن شاء"⁵⁹

⁵⁸ Ilyas Supena, *Desain Ilmu-Ilmu keislaman dalam Pemikiran Hermeneutika* Fazlur Rahman, Walisongo Press, Semarang, 2008, p.65

⁵⁹ Jalaluddin As Suyuthi, *Lubabun Nuqul fi Asbabun Nuzul*, terj. Tim Abdul Hayyie, *Sebab Turunya Ayat Al Qur'an*, GIP, Jakarta, 2008, p.280.

Ibn Jarir and abusy Shaykh narrated from Sa'id Ibnuz Zubair, he said, "when it comes down verse

يا أيها الذين آمنوا إنما المشركون نجس فلا يقربوا
المسجد الحرام بعد عامهم هذا وإن خفتم عيلة فسوف يغنيكم الله
من فضله إن شاء إن الله عليم حكيم

Muslims feel hard. They say , " who which bring in food and goods needs our ? ",then Allah lower his word , " وإن خفتم عيلة فسوف يغنيكم الله من فضله إن شاء . The same Case also narrated by Ikrimah, Athiyyah al 'Aufi, Adh Dahhak, Qatada, and other.⁶⁰

The researcher has not found other *asbābun nuzūl* but in the book of As Suyuti. It means that *asbābun nuzūl* is too narrow to know the full figure of the condition of the revelation. So that, we need broader *asbābun nuzūl* that's macro reason.

B. 3. b). Macro Reasons

Before converging on historical banning the entry of non-Muslims to the land of *ḥarām*, the researcher briefly summarizes the related

⁶⁰ Jalaluddin As Suyuthi, *Lubabun Nuqul fi Asbabin Nuzul*, ..., p.280.

conflicts that occurred in the years prior to the ban. One of them is a complicated conflict that occurs when the Prophet Muhammad is going to do *'Umrah*. Up sprang a remarkable political strategy of the Prophet Muhammad, namely the signing of an agreement between the Prophet Muhammad with Pagans of Mecca, namely *'Aqabah* charter. The contents of the agreement are as follows *Hudaybiyyah*:⁶¹

1. أن يرجع محمد في عامه هذا عن مكة, على ان يعود إليها في العام المقبل فتخليها قريش له ثلاثة ايام يطوف فيها بالبيت ويقضي ورجاله المناسك.
2. أن تعقد هدنة مدتها عشر سنوات في قول وستان في قول اخر, يأمن فيها كل من الطرفين صاحبه.
3. أنه من أراد ان يدخل في حلف محمد من القبائل دخل ومن اراد ان يدخل في حلف قريش دخل, (ويجري على الحلفاء ما يجري على المتعاقدين).

⁶¹ Ahmad Ibrahim Assyarif, *Daulatur Rasul fil Madinah*, Darul Bayan, Kuwait, 1972, p. 245

4. أنه من جاء الى محمد من أهل مكة دون اذن وليه رده

اليهم, ومن جاء من أصحاب محمد لايردوه.

Until next year, time passes by peacefully, the agreement was adhered, the Prophet allowed to carry *‘Umrah* on the following year. At the end of seven *Hijriyyah* Muslims did *qodo ‘Umrah*.

Battles by battles for the sake of war were passed, *Khaibar* (*Şafar* 7 H) which was ended with the fall of *Khaibar* in the hands of the muslim and the expulsion of the Jews of Medina.⁶²

With the weakening of the power of Jews of Medina, weakened the power of groups allied with them as well. One of them is the Arab Bedouin. Muslims give lessons to the cruel Bedouin. The purpose of fighting the Bedouins is to establish security, prevent attacks to Medina, and ensure the safety of the preachers who spread Islam.⁶³

⁶² Muhammad Al Ghazali, *Fiqhus Sirah; Understanding the Life of the Prophet Muhammad*, terj. Imam Muttaqin, *Sejarah Perjalanan Hidup Muhammad*, Mitra Pustaka, Yogyakarta, 2003, p.440

⁶³ Muhammad Al Ghazali, *Fiqhus Sirah; ...*, p.440

Prophet Muhammad was also preaching by sending invitation letter the kings and rulers to convert to Islam. Some letters of prophet can be summarized, in the following table. This data is summarized from a book by KH. Moenawar Khalil, *Kelengkapan Tarikh Nabi Muhammad*.

No.	Empire	Religion	King	Reply
1.	Persian	Majusi	Kisra bin Hurmuz	Tear off the letter and sent two executioners of Yemen (when it was in his power) to kill Prophet Muhammad
2.	Roman	Christian	King Heraclius	The enemy of Allah has lied, he was not a Muslim. However, he equips the introductory letter, named Dahyah, with the money to be distributed to the need
3	Roman Damascus	Christian	Al Harith ibn Abi Syammar	Who will revoke the power of my hand?
4.	Roman Bashra	Christian		Unrequited because the sender of the letter was killed by a Roman in the middle of journey.
5.	Egypt		Muqauqis	Politely refuse and reward the Prophet Muhammad with two <i>jariyah</i> , some clothes and a horse.
6.	Bahrein	Majusi	Al-Mundhir bin Sawa	Accepted the invitation of the Prophet Muhammad, and told his people to embrace Islam.

Table. 2

Prophet letters to leaders

In *Jumādā* Awwal eight AH occurred the *Mu'tah* war. This war happened because the Muslims feel insulted by the killing of Prophet Mohammed's envoy to Baṣra. Prophet Muhammad sent 3,000 troops to the Roman. While the Romans were waiting with 100,000 troops. With burning courage, troops did not flinch. The flag of Islam changed hands three times because the killing of the commander (flag holder). But finally God bestows victory over the Muslims.⁶⁴

After a fierce battle, the people of Qurayṣ assume that the Muslims were weak after coming home from war *Mu'tah*. They assume that Muslims have lost. This assumption makes them brave for them to pollute *Hudaybiyyah* agreement.

The first offense is a violation of the second point of the agreements. They deny by giving the Banū Bakr weapon or arming them (a tribe who is in the side of the Qurayṣ) to attack

⁶⁴ Muhammad Al Ghazali, *Fiḡhus Sirah; Understanding...*, p.464

Banī Khuza'ah (a tribe who is in the side of the Muslims).⁶⁵

Second offense is their request to the Prophet Muhammad to remove fourth point to be abolished. Textually the article in favor of the Qurayş, but reality says another. Some of the Qurayş who had embraced Islam but rejected by the Prophet made a new lineup outside the city of Medina and blocking the path of commerce of the Qurayş.⁶⁶ The request was then filled so that the row can be accepted in Medina and the commercial track become safe as before and on the other hand they also live peacefully.

The polytheists of Mecca realized their mistake, they sent Abū Sufyan, but not resulting anything. Prophet Muhammad remained adamant to go to Mecca secretly to minimize the possibility of losing. But one of the Muslims, Haṭīb bin Abī Balta'ah, leaked this preparation by sending a letter to Mecca.

⁶⁵ KH. Moenawar Khalil, *Kelengkapan Tarikh Nabi Muhammad*, Gema Insani Press, Jakarta, 2001, vol. .II, p. 509

⁶⁶ KH. Moenawar Khalil, *Kelengkapan Tarikh Nabi Muhammad*, ..., Vol. .II, p. 510

Mecca was conquered bloodlessly. *Kaaba* was cleared of idols at the time of *Fathu Makkah*. Prophet, after seven rounds of *tawaf*, cleanse the *Kaaba* and its surroundings from idols, amounting to 360 idols, followed by his companions. Prophet then recited a verse

وَقُلْ جَاءَ الْحَقُّ وَزَهَقَ الْبَاطِلُ إِنَّ الْبَاطِلَ كَانَ زَهُوقًا⁶⁷

Translation: Say “truth has come and falsehood has been overthrown. Falsehood was bound to be discomfited”.

After that, Prophet Muhammad explained to the residents of Mecca on the teachings of Islamic faith and proclaim the victory of the Muslims. After completing his religious preaching, he went to the hill. The residents of Mecca came and stated their conversion to Islam and abandon idolatry.⁶⁸

Fathu Makkah and the *Kaaba* mastery is the biggest factor that contributed to the success

⁶⁷ QS. Al Isra':81

⁶⁸ Ali Husni Al Kharbuthli, *Tarikh Ka'bah*, terj. Fuad Ibn Rusyd, *Sejarah Ka'bah; Kisah Kota Suci yang Tak Lapuk Dimakan Zaman*, Jakarta, Turos, 2013, p. 248

of Islamic preaching. Arab tribes who previously refused propagation of Islam, rollick to convert to Islam. Year 9 After *Hijra* was well known as the year of delegations or '*am al wufūd*' because this year many representatives of the Arab tribe come to the Prophet Muhammad and said their conversion to Islam. Whether that comes and state their conversion with the voluntary or with threats.⁶⁹

The power of Islam is greater. Since the beginning of the year 9 AH, the tribes of the Arabian Peninsula flocked to send their delegations to the Prophet Muhammad. However, it is actually more likely caused by despotic of State Medina which is controlled by Qurayş clan, rather than because of the factor of Islam as a religion brought by Muhammad.⁷⁰

Even so, there are still many tribes who have not declared their conversion. And they still run the pilgrimage to the *Kaaba*. So the

⁶⁹ Abdur Rahman ibn Khaldun, *Tarikh Ibn Khaldun*, Darul Kutub Al Ilmiyyah, Beirut, 1992, p.455

⁷⁰ For the clearer information, open Negara Madinah; Politik Penaklukan Masyarakat Arab.

Prophet was settled in Medina until the God complete his word and allowed him to perform the pilgrimage to His house. Instead, He ordered Abū Bakr to lead the Muslims pilgrims.⁷¹

After returning from the battle of *Tābūk*⁷², which is about Shawwal, *Zul Qa'idah* or beginning of *Zul Hijjah*, the beginning part of sūrah At Tawbah was revealed down with the intention to cancel the agreement between Muhammad and the idolaters in general and also with some of the Arab tribes to the specified limits. The contents of the agreement is not to deter anyone who visits *Baytullah*.⁷³

When the *musyrikīn* still running *ṭawaf*⁷⁴ naked, Prophet Muhammad was reluctant to perform the pilgrimage in this condition. So he sent Abū Bakr⁷⁵ to lead the

⁷¹ Ali Husni Al Kharbuthli, *Tarikh Ka'bah*, ..., p. 250

⁷² Ali Husni Al Kharbuthli, *Tarikh Ka'bah*, ..., p. 248

⁷³ Ibn Ishaq, *As Sirah An Nabawiyyah*, Da Al-Kotob Al-Ilmiyah, Lebanon, 2009, p.621

⁷⁴ Thawaf is a ritual to walk around Kaaba seven times, this ritual has been done before the coming of Islam.

⁷⁵ Abu Bakr b. Abi Quhafa, the first caliph (r. 632–634), and a member of the clan of Taym of the tribe of the Quraysh, was the first adult male convert to Islam, and the Prophet's close companion. A merchant and an expert on the genealogies of the Arab tribes, Abu Bakr came to be known as al-Siddiq, the truthful, or the one who trusts, a reference to the fact that he alone

Hajj delegation from Medina. After going down the first verses *sūrah At Tawbah* and several other verses, Muhammad sent ‘Alī ibn Abī Talīb⁷⁶ to catch up to the group with some announcements from Prophet Muhammad.⁷⁷

On the day of *Nahr*, the 9th or 10th month of *Zul Hijjah*, ‘Alī echoes of what Muhammad ordered that:

أيها الناس، إنه لا يدخل الجنة كافر، لا يحج بعد
العام مشرك، ولا يطوف بالبيت عريان، ومن كان له عند

immediately believed the Prophet’s story of his night journey to Jerusalem. Recognized even in Mecca as the foremost member of the Muslim community after Muhammad, he is credited with the purchase and release of several slaves, including Bilal, renowned for proclaiming the first Muslim call to prayer. Abu Bakr was chosen by Muhammad to accompany him on his “flight” or *hijra* to Medina in 622 C.E. He became Muhammad’s father-in-law when his young daughter, Aisha, married the Prophet. (Encyclopedia of Islam and Muslim World)

⁷⁶ Ali ibn Talib, born in Mecca about 600 C.E., was the cousin and son-in-law of the prophet Muhammad, father of the Prophet’s grandsons Hasan and Husayn, and fourth caliph (656–661) of the Muslim *umma* (community of believers). At a very young age, Ali was adopted by Muhammad, who brought him up like his own son. When prophet Muhammad received the divine revelation, Ali was still a very young boy. He was the first male to accept Islam, and to dedicate all his life to the cause of Islam. Ali’s courage became legendary because he led several important missions. (Encyclopedia of Islam and Muslim World)

⁷⁷ Quraisy Sihab, *Al Misbah; Pesan*, ..., Vol.5, p.10

رسول الله صلى الله عليه وسلم عهد الى مدة, فهو له الى
مدته^{٧٨}

Translation: O, human, invidel cannot enter heaven, musyrikūn cannot perform pilgrimage after this year, and no *thowāf* naked, whoever has agreement with the prophet with the specified time, it will end in the time.

After that, the Muslims perform the pilgrims according to the demands of religion and the polytheists were run according Hajj as their habit, then each returned to the residential village.⁷⁹

After the second verse of sūrah At-Tawbah came from which reads:

فَسَيَحُورُوا فِي الْأَرْضِ أَرْبَعَةَ أَشْهُرٍ وَاعْلَمُوا أَنَّكُمْ غَيْرُ
مُعْجِزِي اللَّهِ وَأَنَّ اللَّهَ مُخْزِي الْكَافِرِينَ^{٨٠}

Translation: for four months you shall go unmolested in the land know that you shall not escape the

⁷⁸ Ibn Ishaq, *As Siirah An Nabawiyyah*, Da Al-Kotob Al-Ilmiyah, Lebanon, 2009.p.624

⁷⁹ Quraisy Sihab, *Al Misbah; Pesan*, ..., Vol.5, p.11

⁸⁰ QS. At Taubah:2

judgment of Allah, and that Allah will humble the unbelievers.⁸¹

Through this verse, Allah gives respite to the idolaters for adaptation to the new situation. They are faced with the choice to accept, submissive, obedient, or find somewhere else to live or fight.

Specially, residents of Mecca accepted the Prophet and his followers gracefully, as well as the teachings carried. Although there are challenges, the interesting things of the mission of this exemption is that the people of Mecca did not feel that their service and maintenance of the city are being reduced.⁸²

The prohibition to enter the forbidden land is not for all Pagans. In the fourth paragraph stated:

إِلَّا الَّذِينَ عَاهَدْتُمْ مِنَ الْمُشْرِكِينَ ثُمَّ لَمْ يَنْقُصُوكُمْ
شَيْئًا وَلَمْ يُظَاهِرُوا عَلَيْكُمْ أَحَدًا فَأَتِمُّوا إِلَيْهِمْ عَهْدَهُمْ إِلَى
مُدَّتِهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُتَّقِينَ⁸³

⁸¹ Mahmud Y. Zayid, *The Qur'an, An English Translation of...*, p.132

⁸² Zuhairi Misrawi, *Mekkah; Kota Suci, Kekuasaan ...*, p. 136

⁸³ QS. At Taubah:4

Translation: Except idolaters who have fully honored their treaties with you and aided none against you. With these keep faith, until their have run their term. Allah loves the righteous.⁸⁴

الذين in the above verse referred to Banū Bakr who participated and signed the Treaty of *Hudaybiyyah*. And treaty should be implemented until the specified time.⁸⁵

B. 4. Classical interpretation of At-Tawbah Verse 28

God sent his servants who believe the scriptures to prohibit the idolaters who are unclean in their religion to enter *Al-Masjid Al-Harām* and they should not approach it after this year, nine after *hijrah*. Idolaters are prohibited to perform the pilgrims, and should not perform *Tawaf* naked.⁸⁶

But there is exception, as narrated from Ibn Abū Az Zubair Jurayj, he heard Jabir ibn Abdullah, namely slaves and *ahlūz žimma*. In another narration, Imam Ahmad from Syuraik

⁸⁴ Mahmud Y. Zayid, *The Qur'an, An English Translation of...*, p.132

⁸⁵ Ibn Ishaq, *As Siirah An Nabawiyyah*, Da Al-Kotob Al-Ilmiyyah, Lebanon, 2009.h.622

⁸⁶ Ibnu Katsir Ad Dimasyqiyy, *Tafsir Al Qur'an Al Adzim*, Maktabah An Nur Al 'Ilmiyyah, Beirut, 1992, juz. 2, p.331.

of Ash'aṭ of Siwar of Hasan Ibn Jabir said that the Messenger of Allah said, "Pagans are not allowed to get in the mosque after this year unless the *ahl al 'ahd* and their slavers."⁸⁷

Imam Abu 'Amr Al 'Auza'iy writes that Umar ibn Abdul 'Aziz prohibit Jews and Christians to enter the mosques of Muslims. This follows the word of God (إنما) (المشركون نجس). In line with 'Aṭa' which also prohibits non-Muslims from entering mosques with basic (فلا يقربوا المسجد الحرام بعد عامهم) (هذا). It argues that this verse shows on dirtiness of the non-Muslims.⁸⁸

Some scholars of *ḍohīriyyah* even consider the body of those non-Muslims are unclean, so that, according to Ash'ath Al Hasan, whoever shake hands with non-muslims, they should take ritual ablution (*wuḍu'*).⁸⁹ Ibn Waki also thinks so, he said, "do not shake hands with them". Whoever shook hands with them then he

⁸⁷ Ibnu Katsir Ad Dimasyqiyy, *Tafsir Al Qur'an Al Adzim*,..., juz. 2, p.332.

⁸⁸ Ibnu Katsir Ad Dimasyqiyy, *Tafsir Al Qur'an Al Adzim*, ..., juz. 2, p.332.

⁸⁹ Ibnu Katsir Ad Dimasyqiyy, *Tafsir Al Qur'an Al Adzim*, ..., juz. 2, p.332.

should take ritual ablution.⁹⁰ Even other scholars argue that the polytheists are unclean as pigs and dogs.⁹¹

Some argue that God called idolaters like this because they do not take bath when they are *junūb*⁹². Therefore, it is said that they were unclean and should not be approached to *ḥarām*, because the person who is in *junūb* condition is not allowed to enter the mosque.⁹³

Terms Impure (*najs*) has been used by Umm Habibah when her father, Abu Sufyan came from Meccato meet the Prophet Mohammed. When he walked into the house of Umm Habībah and sat in the place where the Prophet usually occupied. He asked his daughter "My daughter, am I forbidden to occupy a stretch of inappropriate seat?"⁹⁴

⁹⁰ Muhammad Ib Jarir Ibn Yazid Ibn Katsir Ibn Ghalib Abu Ja'far Ath Thobari, *Jami'ul Bayan fi Ta'wilil Qur'an*, Mu'assasah Ar Risalah, Beirut, 2000, vol.14, p. 197

⁹¹ Ath Thobari, *Jami'ul Bayan fi Ta'wilil Qur'an*, ..., Vol.14, p. 195

⁹² Junub is a condition when a moslem is obligated to do bathing caused by secreting sperm, sexual intercourse, giving birth, menstruation, *nifas*, and death.

⁹³ Ath Thobari, *Jami'ul Bayan fi Ta'wilil Qur'an*, ..., Juz.14, p. 196

⁹⁴ KH. Moenawar Khalil, *Kelengkapan Tarikh Nabi Muhammad*, Gema Insani Press, Jakarta, 2001, Juz.II, p.518

Umm Habībah emphatically answered "No, father should not occupy the seat of the Prophet Muhammad because the father is the polytheists, idolaters are unclean. I do not allow father occupying a stretch of the seat of the Prophet."⁹⁵

While the definition of Al Maṣjid Al harām in the above verse has diverse perspectives. Bishr and Ibn Al Mutsanna said that the premises *فلا يقربوا المسجد الحرم* is Mecca and the land of *ḥarām*.⁹⁶

B. 5. Understanding the Moral Idea Verses Land *Ḥarām* Prohibition Sign For Non-Muslims

After having noted the historical situation in the micro and macro context, the next step is to generalize specific responses while determining the general social-moral purpose, and then the final step is to adjust the general social-moral purpose in the current context.

For the researcher, taking moral idea is the hardest step. This is due to the difficulty of understanding a problem in a comprehensive manner and seek a complete picture of the condition of the times

⁹⁵ KH. Moenawar Khalil, *Kelengkapan Tarikh Nabi Muhammad*, ..., Juz.II, p.518

⁹⁶ Ath Thobari, *Jami'ul Bayan fi Ta'wilil Qur'an*, ..., Juz.14, p. 191

in the past. With limited knowledge, the researcher ventured to do so, because this is a step that must be taken to apply the theory of a double movement.

Textual interpretation of this passage is questionable considering that Islam is a religion of *raḥmatan lil ‘ālamīn*. Full of friendly faces and smiles of Islam should be a model to inspire world peace. To prohibit to enter the *ḥarām* land for all non-Muslims today, even consider them unclean, is a form of racism that is not fair.

Viewing the chronology, this ban has a political background. The greatness of the leadership of the Prophet Muhammad in Medina has two positions, religious leader and political leader. State Qurayṣ in Yathrib and Islamic religion are twins biting each other and the two branches of the same roots. Therefore, it is an issue that can be understood that the verses or *sūrah* which are revealed at the time of *Fatḥu Makkah* and after are more dominated by the language of the victor and the ruler who stood tall with satisfaction on what has been achieved.⁹⁷

⁹⁷ Khalil Abdul Karim, *Negara Madinah; Politik Penaklukan Masyarakat Suku Arab*, terj. Kamran As’ad Irsyadi, LKiS, Yogyakarta, 2005, p. 348

Verse Al Barō'ah or can be called by At-Tawbah which is expressed as a plenary of al-Qur'an contains the statement "wash their hands" of the Pagans and the voicing verse of the sword:

فَإِذَا انْسَلَخَ الْأَشْهُرُ الْحُرُمُ فَاقْتُلُوا الْمُشْرِكِينَ حَيْثُ
وَجَدْتُمُوهُمْ وَخُذُوهُمْ وَأَحْصِرُواهُمْ وَأَقْعُدُوا لَهُمْ كُلَّ مَرْصِدٍ فَإِنْ تَابُوا
وَأَقَامُوا الصَّلَاةَ وَآتَوْا الزَّكَاةَ فَخَلُّوا سَبِيلَهُمْ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ^{٩٨}

Translation: ⁹⁹“When the sacred months a recover, slay the idolaters wherever you find them. Arrest them, besiege them, and lie in ambush everywhere for them. If they repent and take to prayer and pay the alms-tax, let them go their way. Allah is forgiving and merciful.”

And a crucial principle that states: *the real people who are idolaters are unclean* (QS. At-Tauba: 28). It is obvious, anyone from the Arabian peninsula who reject the religion propagated by Muhammad, then he turned into unclean one and must be fought. Whereas, the slogan heralded before is " لا إكراه في الدين ". That is, each person is given the freedom to decide, who wants to be believer is pleased, and

⁹⁸ QS. At Taubah:05

⁹⁹ Mahmud Y. Zayid, *The Qur'an, An English Translation of ...*, p.132

whoever wants to cling or hold up his religion is also welcomed.¹⁰⁰

At-Tawbah verse 28 was revealed down at the time of the Islamic state or the state of Qurayş started to be strong and sturdy. Islam start ruling on the time "weakening", ages of fears. Islam became the religion of the ruling, hegemonic, and authoritative, and did not need to be gentle and smooth to those other non-Muslims, including two other heavenly religions; Jews and Christians.

From the process or the dissemination of Islamic conquest done by Muhammad, the order to kill the non-Muslims, the conquest of the tribes in the Arabian Peninsula, the arrival of the delegation from tribes to submit to Islam, and *Fathu Makkah* are the process that resulted the benefits that tent to the religion constructed by Muhammad and also the State which is established by him.

This ban is actually the mission of Islamization of the Arabian Peninsula in many ways that the researched had mentioned above; mailing, diplomacy and warfare. The Prophet had been prevail over the ḥaram land with the method of preaching, but preaching

¹⁰⁰ Khalil Abdul Karim, *Negara Madinah*;..., p. 349

method is changed along with the development of relations of Muslims with non-Muslims today. Propagation by means of radicals and fanatics are already irrelevant, whereas distinguish mankind by religion is racism.

Disclosure of information and hospitality services are reflection of the courage to preach the truth of Islam to the world audience. Muslims should be able to initiate the peace of many conflicts in the world. Because since before Islam came also people of various religions and various state already sacred and respected Al Masjid Al Haram as a place that is no bloodshed in it, a place to discuss the problems of inter-ethnic, and where everyone has to dampen the flames of hatred.

Prophet Muhammad actually never discriminates against people of other religions. A peace treaty (*'aqd al-ḡimma*) that he did is not more than politic strategy in facing the infidel society of Mecca (*kuffar Makkah*). *'Aqd al-ḡimma* is ruled and formed after Muhammad conquered Mecca residents through QS. 9:29. He entered into a peace agreement with those who happened to be non-Muslim religion by giving one of the two options as a condition to enable them to remain living in the area, namely faith (join politics of

the prophet) or pay taxes (*jizyah*). If they do not receive one of these two requirements then they will continue to fight, because it was the infidels who do not want to pay taxes certainly hostile to Muslims (Qur'an. 22:39). Therefore God rule '*aqd al-zimma* with the goal of unbelievers no longer fight Muslims.

Verses of al-Qur'an which states banning the entry of non-Muslims in just one paragraph which reads:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْمُشْرِكُونَ نَجَسٌ فَلَا يَقْرَبُوا
 الْمَسْجِدَ الْحَرَامَ بَعْدَ عَامِهِمْ هَذَا وَإِنْ خِفْتُمْ عَيْلَةً فَسَوْفَ يُغْنِيكُمُ اللَّهُ
 مِنْ فَضْلِهِ إِنَّ اللَّهَ عَلِيمٌ حَكِيمٌ¹⁰¹

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."¹⁰²

Textually there are two questions that tickle of the paragraph above. Do *Musyrikīn* in this paragraph particularly in view of the polytheists of Mecca at the

¹⁰¹ QS. Al Taubah:28

¹⁰² Mahmud Y. Zayid, *The Qur'an, An English Translation of ...*,

time? The second, whether the prohibition of entry of this forbidden land just on the Hajj season only or a total ban? In fact, in another verse God invites all people to perform Hajj.

وَأَذِّنْ فِي النَّاسِ بِالْحَجِّ يَأْتُوكَ رِجَالًا وَعَلَى كُلِّ ضَامِرٍ يَأْتِينَ

مِنْ كُلِّ فَجٍّ عَمِيقٍ^{١٠٣}

Translation: Proclaim the pilgrimage to men. They will come to you on foot and on the backs of swift camels from every distant quarter; (they will come) to avail themselves of man a benefit and to pronounce on the appointed days the name of Allah over the cattle which He was given them. Eat of their flesh yourselves, and feed the poor and the unfortunate.¹⁰⁴

When viewed from *munāsabatul ayāt* above, this assertive prohibition is because of lack of reliability of the idolaters who make appointments at that time. are they not given the opportunity to stay in Mecca after *Fatḥu Makkah*? Even, they (the polytheists of Mecca) were given the freedom to hold the key of the Kāba? If Muslims was greedy of power, the Prophet would not

¹⁰³ QS. Al hajj:27

¹⁰⁴ Mahmud Y. Zayid, *The Qur'an, An English Translation of ...*,

prohibit Ali ibn Abi Talib to seize the Kāba key from the hand of Ṭalḥa. Because of this incident, he then declared himself to Islam and still holds the key to the Kāba.¹⁰⁵

Why the ban verse should be suspected only when the month of Hajj is a statement (فإن خفتُم عيلةً) when you fear poverty. The people Muslim of Mecca at that time was a trading loss when the Hajj season arrives. So, by prohibiting them entering the land of *ḥarām* on the hajj season, it will impact to their economy.

When we examine, these verses are chronologically full of conflicts, then the decision is a very dignified firmness. As a new Religion, new State power and betrayed their agreement is disgracing Islam self esteem.

It can be concluded that the moral ideal of verse al-Taubah verse 28 is the attitude of the political assertiveness of Muslims against those who break the appointment.

C. Contextualization of At-Tauba Verse 28

¹⁰⁵ Ali Husni Al Kharbuthli, *Sejarah Ka'bah*,..., p. 246

The last process of the research is taking moral ideal of God's response to the situation of the past into the present situation.

Previously, Muslim and Pagans conflict is like the same two poles of magnet, never good, mutual deceit. But now, the religions of the world are seeking common ground for peace.

From the beginning, it should be known that the attitude of the commentators of al-Qur'an against the scribes always tinged with economic, social, and political change between the Muslim world, the Jewish community and the Christian western world.¹⁰⁶

The presence of the verses of the doctrine of Christianity cannot be separated from the condition of Arab society at the time of Prophet Muhammad, especially with regard to the Jews and Christians. That conditions later affect the design of the redaction of verses of al-Qur'an that responded. The interpretation that comes afterward is very influenced by the situation. Moreover classical interpretate grown today is largely a product of intellectual centuries ago, underway of a fierce crusade. While books on this interpretation become our reference books written subsequent

¹⁰⁶ Mahmud Mustofa Ayoub, *Mengurai Konflik Muslim-Kristen*, ..., p.

interpretation. This can be understood if the ideas they have are confrontational.¹⁰⁷

Kaaba which has been proven for centuries can build friendship and inner warmth among the various tribes and religions should inspire constructive about the prophetic mission of Islam, that is the service to God and the generosity among human.

Mecca is a city that can represent two values at once; love of God (*ḥablum min allah*) and the love of fellow man (*ḥablum minan nās*). These two important values are what ultimately become a priceless force to build the civilization of humanity. Therefore, Mecca became a revelation that has always lived in the midst of the inner Muslims to carry out holy mandate outlined by Lord.¹⁰⁸

The principle of inter-religious tolerance has been taught by the Prophet Muhammad. Prophet Muhammad when he invited the non-Muslims to worship together. A Monday of Zul Qa'idah month is the time set by the Prophet Muhammad to leave for Mecca along with Muslims, both the *Muhājirīn*

¹⁰⁷ Hasyim Muhammad, *Kristologi Qur'ani*, Pustaka Pelajar, Yogyakarta, 2005, p.193

¹⁰⁸ Zuhairi Misrawi, *Mekkah; Kota Suci*, ..., p.130

and the *Ansār*, and a small portion of the idolaters with a total of 1,500 people.¹⁰⁹

Before setting out, the Prophet Muhammad invited the polytheists to join together to perform the pilgrimage. This is because they still think that the Kaaba was a shrine that is annually visited by all Arabs. It is also intended that this news would be known to the public and to the ears of the Qurayş of Mecca so that they know that their goal is for the pilgrimage to Mecca, not for war.¹¹⁰

Every year, millions of people come from different parts of the world towards and fused in one place without any violence. People who are in conflicts, different political views, schools, ethnicity, race, skin color, sat on knees and gathered in the land of ḥarām and became peaceful. Because they came with the intention of Hajj.

Actually, other than the Hajj season though forbidden land is an area that guarantees peace. Therefore, by limiting the forbidden land reserved only for Muslims is tantamount to narrow the role of the *ḥarām* land itself.

Al Masjid al Ḥarām is a messenger of the sanctity. That is the message of non-violence, as the Prophet

¹⁰⁹ KH. Moenawar Khalil, *Kelengkapan Tarikh Nabi Muhammad*, ..., Vol. II, p.347

¹¹⁰ KH. Moenawar Khalil, *Kelengkapan Tarikh Nabi Muhammad*, ..., Vol. II, p.346

Muhammad often emphasizes nonviolent message in Mecca. The message could actually be an inspiration in the wider scale of life, especially in the modern world which is marked by radical religious fervor.¹¹¹

Moreover, Islam as a new comer religion was previously requested the right, that the Kaaba cannot be monopolized by a tribe. The assertion of the right to worship is the case when the Prophet Muhammad with his companions departed ‘*Umrah* which finally ended with the treaty of *Hudaybiyyah*. By that, the Prophet Muhammad confirmed the right of Muslims to pray at the Al Masjid Al Ḥarām.¹¹²

Some narrated that Allah responded and condemned the ban on the Muslim events for admission to practice in *Hudaybiyyah* with verse:

وَمَنْ أَظْلَمُ مِمَّنْ مَنَعَ مَسَاجِدَ اللَّهِ أَنْ يُذَكَّرَ فِيهَا اسْمُهُ وَسَعَىٰ فِي
خَرَابِهَا أُولَٰئِكَ مَا كَانَ لَهُمْ أَنْ يَدْخُلُوهَا إِلَّا خَائِفِينَ لَهُمْ فِي الدُّنْيَا خِزْيٌ وَلَهُمْ
فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ^{١١٣}

Translation: “Who is more unjust than the man who seek to destroy the mosque of Allah and forbid His name to be mentioned in them? These men

¹¹¹ Zuhairi Misrawi, *Mekkah; Kota Suci*, ..., p.204

¹¹² Muhammad Al Ghazali, *Fiqhus Sirah; Understanding* ..., p.407

¹¹³ QS. Al Baqoroh:114

may not enter them except stricken with fear. They shall be held to shame in this world and sternly punished in the next.”¹¹⁴

So those who prevent people from entering into their prostrate including those tyrannical.

Allowing the entry of non-Muslims forbidden land is also beneficial or *maṣlaḥat* for the sake of Muslims, such as allowing workers from China to work on the project of fast train lines connecting the most important cities in Saudi Arabia, Mecca-Medina, in order to facilitate the pilgrimage. Also the architects and construction labors who built the skyscraper buildings around the *Al Masjid Al Ḥarām*. This has been done by the government of Saudi Arabia today.

That has not been done by the kingdom of Saudi Arabia is to allow scholars and researchers to enter Mecca. This fact is important for the promotion of Islam in a globalized world so that they can expose Islamic studies better for people who are curious about Islam. Mecca is the birthplace of Islam, growing place -with a wide range of dynamics- and thrive in this city. Mecca is the first source of Islamic studies. However, this has not been done by the government of Saudi Arabia considering the number of

¹¹⁴ Mahmud Y. Zayid, *The Qur'an, An English Translation of ...*, p.12

researchers who have to underhand and pretended to be a Muslim to be close to Islam.

In addition, allowing the non-Muslims enter forbidden land intended that they get to know Islam more closely. God commands us to allow the idolaters who want us to close to them.

وَإِنْ أَحَدٌ مِنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ حَتَّى يَسْمَعَ كَلَامَ اللَّهِ

ثُمَّ أبلغه مَأْمَنَهُ ذَلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَعْلَمُونَ^{١١٥}

Translation :¹¹⁶“If an idolaters seeks asylum with you, give him protection so that they may hear the word of Allah, and then convey him to safety. For they are ignorant man.”

Thus the task of the holy land of Mecca to ensure the security of all mankind, not just the people of one religion.

¹¹⁵ QS. At Taubah:6

¹¹⁶ Mahmud Y. Zayid, *The Qur'an, An English Translation of ...*, p.243