

**PROHIBITION OF SEXUAL VIOLENCE IN THE HOLY QUR'AN :
MA'NA CUM MAGHZA APPROACH TOWARDS Q.S AN-NUR 33**



FINAL PROJECT

Submitted to Ushuluddin and Humanities Faculty in Partial Fulfillment of
A Requirement for the Degree of S-1 of Islamic Theology
on Qur'anic Sciences and Tafsir

Submitted by :

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WALISONGO STATE ISLAMIC UNIVERSITY

SEMARANG

2022

SEXUAL VIOLENCE IN THE HOLY QUR'AN : MA'NA CUM MAGHZA
APPROACH TOWARDS Q.S AN-NUR 33



THESIS

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MOTTO

What keeps people from committing adultery is proper education that informs them that adultery is wrong.

(Prof. M Qurais Shihab)

Avoiding adultery is not a compelling enough reason to marry off children.

(Najwa Shihab)

TRANSLITERATION

Guidelines for translation Arabic-Latin letters in the writing of this guided by the “transliterate Arab-Latin guidelines” issued by the Joint Decree of Minister of Religious Affairs and the Minister of Education and Cultur of RI, number: 158/1987 and number 0543b/U/1987. Dated January 22, 1988, as follows :

1. Single Consonant

Arabic	Written	Arabic	Written
ب	b	ط	ṭ
ت	t	ظ	ẓ
ث	ṯ	ع	‘
ج	j	غ	g
ح	ḥ	ف	f
خ	kh	ق	q
د	d	ك	k
ذ	ẓ	ل	l
ر	r	م	m
ز	z	ن	n
س	s	و	w
ش	sy	ه	h

ص	ṣ	ع	‘
ض	ḍ	ي	y

2. Double Consonant

Double consonants, including *syaddah* are written double.

For example رَبَّكَ is written *Rabbaka*.

3. Tā' Marbūtah (ة) in the End of Word

a. Ta Marbuthah (ة) in the end of word with sukun is written as *h*, except Arabic words that are used as Indonesian words, such as *salat*, *zakat*, etc. For example : فَاطِمَةٌ is written as *Fatimah*.

b. Ta' Marbuthah (ة) followed by , but read as *sukun* must be written as *h*. For example : مَدْرَسَةُ الْعَالِيَةِ is written as *madrasah al-'aliyah*.

c. Ta' Marbuthah (ة) followed by , read as unite, must be written as *t*.

For example : مَدْرَسَةُ الْعَالِيَةِ is written as *madrasatul 'aliyah*.

4. Vowel

a. Short Vowel

َ	<i>a</i>
ِ	<i>i</i>
ُ	<i>u</i>

كَلِمَ	<i>Kalama</i>
شَرِبَ	<i>Syariba</i>
كُتِبَ	<i>Kutubun</i>

b. Long Vowel

Long vowel (*maddah*) written as *huruf* and stripe (-) above it

نَامَ	<i>Nāma</i>
كَرِيمٌ	<i>Karīm</i>
مَحْمُودٌ	<i>Mahmūd</i>

c. Double Vowel

<i>Fathah + ya' sukūn</i> = بَيْنَ	<i>Baina</i>
<i>Fathah =+ wawu sukūn</i> = قَوْلٌ	<i>Qaula</i>

d. Consecutive Short Vowels in One Word separated with the Apostrophe

أَنْتُمْ	<i>A'antum</i>
----------	----------------

5. Article Alif+Lam (ال)

a. Followed by huruf *Qamariyyah* is written as *al* and separated by stripe (-)

القرآن	<i>Al- Qur'an</i>
--------	-------------------

b. Followed by huruf *Syamsiyah* is written as real formula separated with stripe (-)

الشمس	<i>Asy-Syams</i>
-------	------------------

6. Words as Part of Phrase or Sentence

It is written as real formula

أهل السنة	<i>Ahl as-sunnah</i>
-----------	----------------------

DEDICATION

This final project is dedicated to :

Dear Parents: Moh. Sutiman and Sumarni, love and respect are always for you; thanks for your valuable efforts and contributions in making my educational success. Appa, who is the coolest guy as a father, partners in maintaining our house design,

Dear my YangKung and YangUti, Dr. H. M. Masyhuri and Hj. Suparni, who is giving me the space of their pleasant house, especially on the second floor and the balcony, to finish my final project. A comfortable place for contemplating and overthinking.

All members of FUPK 13 and the big family of FUPK, it is an honour to be part of you.

ACKNOWLEDGEMENT

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Praise be to Allah who has given strength and patience in working on the final project entitled "**Sexual Violence in the Holy Qur'an : Study of Ma'na Cum Maghza Approach to An-Nur 33**", which was compiled to fulfil one of the requirements to obtain a Bachelor's degree (S. -1) Faculty of Ushuluddin and Humanities UIN Walisongo Semarang.

In preparing this final project, the author received a lot of guidance and suggestions from various parties so that the preparation of this final project can be completed. For that, the author would like to thank:

1. Prof. Dr. Imam Taufiq, M.Ag as the Rector of Walisongo State Islamic University.
2. Dr. H. Hasyim Muhammad, M.Ag, Dean of Theology and Humanities Faculty of Walisongo State Islamic University Semarang, as my Advisor and my Guardian lecturer.
3. Mr. Mundhir, M.Ag as the Chief of Science and Al-Qur'an and Interpretation Department, and Mr. M Sihabuddin, M.Ag as the Secretary of Science of Al-Qur'an and Interpretation Department at Theology and Humanities Faculty Walisongo State Islamic University Semarang.
4. Mr. H. Sukendar, M.Ag, M.A, Ph.D, as my Advisor, for giving tremendous direction and support in assisting me to complete my studies.
5. Dr. KH Mu'tashim Billah, SQ, M.Pd.I chief of PP Sunan Pandanaran Yogyakarta, Dr. KH Fadholan Musyaffa',Lc, MA the chief of Ma'had Al-Jami'ah Walisongo Semarang, KH Abdul Muhayya' the chief of Ma'had Ulil Albab Lil Banin wal Banat Semarang, KH Athoillah, the chief of PPTQ Al-Rohmah Bumiayu, Brebes, all my greats *Murabbi ruh*.
6. Eomma, Appa, grandfa Dr. H. M Masyhuri and grandma Hj. Suparni
7. All members of Special Program of Ushuluddin and Humanities Faculty (FUPK 13),

8. DPD KNPI Jawa Tengah, UKM-U Nafilah UIN Walisongo, UKM-F JHQ Ushuluddin, Forum Alumni Sunan Pandanaran Semarang. And PKBM BINA ILMU Wonolopo, Mijen, Semarang.
9. My sister Isnaeni Nurruria, Dyna, Ayu, Hilya, M Nifa Fadhil, Faiz Kurnia Rahman, S.Tr.T, M Riyan Hidayat, M.Ag, Ahmad Murtaza MZ, M.Ag, and all member of Kost Pak Jaya.

Semarang, 16 September 2022

Rosyda 'Aqila

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Abstract

Sexual violence is still considered not a big problem by some people in Indonesia, especially for people who still lack knowledge, as it is known that this crime of sexual violence has a very physical and psychological impact on the victim. The study focuses on the reinterpretation of Q.S An-Nur verse 33 by the Ma'na Cum Maghza Approach and the relevance of Q.S An-Nur 33 about sexual violence in the Indonesian context. The Ma'na Cum Maghza approach is a cutting-edge theory that integrates Western and Eastern scholarship to explore three important points, namely Ma'na At-Tarikhi (Maqshad Al-Ayah), Maghza At-Tarikhi, Ma'na Al-Mutaharrik Al-Mu 'ashir. Q.S An-Nur verse 33, Allah SWT forbids any of his servants to commit violence against fellow humans even though he is enslaved. Apart from violating human rights, it also violates the Islamic principle of monotheism. With the urgency of the government to take preventive steps and handle cases of sexual violence, recently, the government passed the UU TPKS as a legal protection for sexual violence in the country. The results of the analysis of this study provide a view of sexual violence in favour of the victim and contribute in the form of spiritual support for the victim to recover. This is in line with Islamic principles that the government needs to make policies by considering aspects of the benefit for the community.

Keywords : Sexual Violence, Ma'na Cum Maghza, Islamic Principle, Indonesian Context.

CHAPTER I INTRODUCTION

A. Background

The practice of sexual slavery that occurred in the pre-Islamic period and during the present Islamic era still occurs because slavery has become a part of world life, not only in the Arabian Peninsula (Jahiliyyah). At that time, many masters made their slaves sexual commodities and sold them to other people who were rich, and then the results were enjoyed by their masters. The practice of slavery is included in sexual violence, which is very detrimental to the victim physically, psychologically, and mentally.

The presence of Islam, which was brought by the Prophet Muhammad SAW with the prophetic mission of liberating women and all *mustadh'afin* groups from various acts of injustice and violence, is very strong. The presence of Islam is reinforced in the Qur'an Surah Al-Anbiya verse 107, which reads :

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

Meaning: "And We have not sent You (Muhammad SAW) but to (be) a mercy for the whole world".¹

Islam is present as *Rahmatan Lil 'Alamin* for humans and all of nature, especially for humans who experience sexual violence where they seek justice. The urgency for every believing servant is to maintain good relations with their Lord (*Hablun min Allah*) and good relations with others (*Hablun min An-Nas*). The principle of Islam is monotheism, which requires worship and servitude only to Allah SWT. There is no worship or worship other than Him. In this case, sexual violence is a man's servitude to his sexual libido. Perpetrators who cannot control lust are channeled inhumanly to *Mustadh'afin* parties, who should be

¹ <https://quran.kemenag.go.id/sura/21>.

mandated by religion to be protected. So it can be concluded that sexual violence is the same as a violation of the basic principles of Islam, namely monotheism, as well as human submission to other humans.²

Sexual violence is an act of humiliating, insulting, attacking, or injuring the victim on a sexual basis. Attacks against women can be in the form of physical or non-physical violence. Among the forms of violence that often occur are rape, forced abortion, forced prostitution, sexual torture, sexual slavery, sexual control, sexual intimidation, sexual punishment, and exploitation. Sexual-based violence is very detrimental to the victims, especially women. This is because people who are often considered second class are often the targets of the lust of irresponsible mashers.

In 2021 there were 299,911 cases of violence against women. This figure was calculated from several Komnas Perempuan Partner institutions such as the Religious Courts (291677 cases), Komnas Perempuan Partners (8,234 cases), and UPR/direct complaints by victims (2,389 cases). Then in 2022, Komnas Perempuan's Annual Record stated that throughout 2021 there was an increase of up to 50%, and when calculated, there were 338,496 cases of gender-based violence against women. The violence includes physical, psychological, economic, and sexual violence, the majority of sexual violence appears in the form of rape and sexual abuse.³

They _the perpetrators of sexual violence_ vent their sexual libido on any woman they meet at the time and opportunity that allows them to carry out these inhumane acts. Cases of sexual violence do not only occur outside the marriage bond. Still, they can also occur in the household caused of husband-wife relations that are not by the guidance of the Qur'an, namely *Mu'asyarah Bil Ma'ruf*.

² Faqih Abdul Kodir, dkk, "*Tanya Jawab Seputar RUU Penghapusan Kekerasan Seksual Dari Pandangan Kongres Ulama Perempuan Indonesia*" (KUPI), Jakarta, Agustus 2020, h. 7

³ <https://komnasperempuan.go.id/siaran-pers-detail/peringatan-hari-perempuan-internasional-2022-dan-peluncuran-catatan-tahunan-tentang-kekerasan-berbasis-gender-terhadap-perempuan>, accessed on 13 Maret 2022, 16:50

Allah SWT says in the Qur'an Surah Al-Maidah verse 33, as follows:

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ
مِنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا وَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ

Meaning: "The compensation for those who fight Allah and His Messenger and cause mischief on the earth is only to be killed, crucified, have their hands and feet cut off on a cross, or be exiled from their homes. That is a humiliation for them in this world, and in the future (in the end), they will be severely punished.."⁴

In Islam, sexual acts can only be carried out between a man and a woman in lawful marriage, mutually willing, not forced, and providing mutual comfort (*Sakinah*) to each other. Sexual violence is subject to threats and threats. From this verse, KH Husein Muhammad understands that sexual violence is the same as robbery/deprivation of rights (*Hirabah*). They were depriving women of honor/purity, accompanied by acts of persecution.⁵ Whenever and wherever it could happen. Sexual violence is against the principles of human dignity and recommended marriage.

Sexual violence harms the victim physically and psychologically. Islam rejects all forms of damage, horror, and violence in this case. As the Prophet SAW said:

قَالَ ابْنُ عَبَّاسٍ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا ضَرَرَ وَلَا ضِرَارَ. سنن ابن ماجه

"From Ibn Abbas r.a said: Rasulullah SAW said: there is no (permissible) damage to oneself (*dharar*) or damage to others (*dhirar*)" (Sunan Ibn Majah, no. 2431)⁶

⁴ <https://quran.kemenag.go.id/>.

⁵ KH Husein Muhammad, *Fiqh Perempuan : Refleksi atas Tafsir Wacana Agama dan Gender*, (Yogyakarta : IRCiSoD 2019), h. 305.

⁶ <https://sunnah.one/>.

This hadith contains recommendations for *Daf'ul Mafasid*, rejecting all forms of damage, horror, and violence. Refusing in a preventive sense, on the one hand, seeks to prevent all forms of violence from occurring and, on the other hand, provides protection, assistance, and recovery to victims of violence to minimize the impact of the damage.⁷

During the COVID-19 pandemic, the number of violence cases against women decreased by 31% in 2020. Based on the annual records owned by KOMNAS Perempuan, it does not mean that violence against women has decreased, but it is caused by several factors, one of which is the victim is a victim. Close relatives of the perpetrator. The victim chose not to report the perpetrator because he still had a kinship with the perpetrator, and in some cases, there were threats from the perpetrator for the victim not to report the incident to the authorities.⁸

Allah SWT says in another verse contained in Surah An-Nahl verse 97, thus the editorial :

مَنْ عَمِلَ صَالِحًا مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهٗ حَيٰوةً طَيِّبَةً وَلَنَجْزِيَنَّهُمْ أَجْرَهُمْ بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ

Meaning: "Whoever does good, both male and female, while he is a believer, We will indeed give him a good life and We will reward him with a better reward than what they always did."⁹

This verse teaches every human being to do good to others. We provide comfort in each other's lives, not disturbing, insulting, or hurting each other. As pests of God's goodness, we are called to glorify one another without

⁷ Kongres Ulama Perempuan Indonesia (KUPI), *Tanya Jawab Seputar RUU Penghapusan Kekerasan Seksual dari Pandangan Kongres Ulama Perempuan Indonesia (KUPI)*, Jakarta, Agustus 2020), h.12.

⁸ Catahu 2021 : Catatan Tahunan Kekerasan Terhadap Perempuan Tahun 2020, *Perempuan Dalam Himpitan Pandemi : Lonjakan Kekerasan Seksual, Kekerasan Siber, Perkawinan Anak dan Keterbatasan dalam Penanganan ditengah Covid-19*, Komnas Perempuan, Jakarta, Maret 2021, h.1.

⁹ <https://tafsir.app/m-madinah-text/16/97>.

discriminating. This is reinforced in the letter Al-Hujurat verse 13, Allah SWT says :

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَىٰكُمْ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

Meaning: "O humanity, indeed We have created you from a male and a female. Then We made you into nations and tribes so that you might know one another. Verily, the most honorable of you in the sight of Allah is the most pious one. Verily, Allah is All-Knowing, All-Aware"¹⁰

Allah does not like arrogant people about their lineage, rank, or wealth. Because the noblest are those, who are pious. Not long ago, there was a lot of discussion regarding the glorification of one of the Indonesian entertainers. They had just been released from detention after being entangled in a sex crime case. The release of this public figure has invited several controversies from many parties, up to the boycott of the unwillingness of several television channels to broadcast the public figure because the release of a pedophile was greeted in front of the prison complete with a flower necklace and some time afterward he became a guest star at a television station which led to criticism, from various circles. The reception for a sexual harasser is unnatural; they are not concerned with the victim's fate. The public also criticized the KPI for providing a policy of limiting the space for every public figure who had a scandal, especially sexual crimes.¹¹

With all empathy and conscience, the victim was significantly harmed. Not only does the loss physically and mentally, but at the same time, it impacts the community structure around the victim. Not to mention the stigma of society that always criminalizes victims because the clothes worn by the victims invite lust. As long as opportunities and targets are supported by situations and conditions that make it possible to carry out immoral acts, the perpetrators don't

¹⁰ <https://quran.kemenag.go.id/sura/49>.

¹¹ <https://www.bbc.com/indonesia/indonesia-58460450>.

care what clothes the victim wears. The most important thing is the satisfaction of his sexual desires.

Helping fellow human beings who are oppressed and oppressed is a default afraid effort—assisting wrongdoers in stopping their heinous actions, especially helping those who are being wronged. Victims of sexual violence (Mustadh'afin) seek a legal protection to ensure protection, assistance and recovery, access to justice, and natural justice.

Whoever the victim is, they are in a position of powerlessness. At the same time, the perpetrator is seen as having both scientific and government authority, so the main obstacle experienced by the victim is difficulty accessing justice. Another obstacle that often occurs is the victim's difficulty in presenting evidence or witnesses of sexual violence to identify the perpetrator as a suspect. Inequality in relations results in impunity, a kind of immunity from the law for law holders. So the legal system is not well integrated. As a result, victims have not fulfilled their rights to justice, truth, and reparation.¹²

Even from an Islamic perspective, an inappropriate understanding of religious texts causes the misuse of meaning, which will later impact the arbitrary treatment of women—making specific arguments to colonize women, as the permissibility of exploitation of women. There is a very striking difference between the period of the revelation of the Qur'an and specific arguments in the present context. Apart from being flexible (*Shalih li Kulli Zaman wa Makan*), the Qur'an also plays a role in keeping the times. So what is needed now is the correct interpretation of religious texts. By doing the proper reading and understanding of the Qur'an, new things will be found to answer the challenges of the times.

¹² Catahu 2021 : Catatan Tahunan Kekerasan Terhadap Perempuan Tahun 2020, *Perempuan Dalam Himpitan Pandemi : Lonjakan Kekerasan Seksual, Kekerasan Siber, Perkawinan Anak dan Keterbatasan dalam Penanganan ditengah Covid-19*, Komnas Perempuan (Jakarta, Maret 2021), h. 70-80.

On the other hand, recovery for victims of sexual violence is significant. The goal is to free the victim from criminalization. The support from various parties will raise the resilience of victims so that they become more empowered to voice the violence they have experienced. This research also represents the voices of victims of sexual violence as shared by the researchers. Sexual violence dramatically affects the psychology and mentality of researchers. It takes strong support and resilience until the researcher decides to conduct research related to sexual violence with the title "*Sexual Violence in the Qur'an: A Study of the Qur'an Surah An-Nur Verse 33 with the Ma'na Cum Maghza Approach*". By using the Ma'na Cum Maghza approach, it is expected to be able to elaborate on the textual meaning and then develop it to be contextualized for current needs related to sexual violence in the form of protection for people who are oppressed and paving the way for those who experience adversity in life.

B. Research Questions

Based on the background described previously, the researcher formulates the research problem formulation, which will be answered in the following chapters. The formulation of the problem is as follows:

1. How is the interpretation of sexual violence in Q.S An-Nur verse 33 with the Ma'na Cum Maghza approach?
2. What is the relevance of the interpretation of Q.S An-Nur 33 in Indonesian context?

C. Aims and Benefits

This research aims to apply the Ma'na Cum Maghza approach to the Qur'an Surah An-Nur verse 33 regarding sexual violence by exploring the Maghza at-Tarikhi (phenomenal historical significance) and developing phenomenal dynamic significance to be implemented in the context in which the text is interpreted.

While the benefits of this research are as follows:

1. Theoretically, this research contributes ideas to the study of the interpretation of the Qur'an using the latest approach to add insight into the understanding of the Qur'an.
2. Practically
 - a. Interpret the Qur'an Surah An-Nur verse 33 with a contextual approach to suit the context or contemporary situations and conditions.
 - b. Implementing the dynamic significance of the Qur'an Surah An-Nur verse 33 regarding sexual violence.

D. Literature Review

Based on the author's observations of various previous studies, several books, theses, journals, and articles related to the theme of this research were obtained, namely:

The book "*Pendekatan Ma'na Cum Maghza atas Al-Qur'an dan Hadits : Menjawab Problematika Sosial Keagamaan di Era Kontemporer*" by the initiator of the Ma'na Cum Maghza approach, namely Dr. Phil. Sahiron Syamsuddin, M.A, a lecturer at the Faculty of Ushuluddin and Islamic Thought at UIN Sunan Kalijaga Yogyakarta. This book elaborates on the Mana Cum Maghza approach, especially concerning its methodical steps, along with articles that contain the application of the *Mana Cum Maghza* approach to verses of the Qur'an and Hadith¹³

Wilden's final project with the title "*Penafsiran Kontekstual Sahiron Syamsuddin (Studi Analisis Pendekatan Ma'na Cum Maghza dalam Penafsiran Al-Qur'an)*" this study examines the *Mana Cum Maghza* approach in the interpretation of the Qur'an and the methodology used to develop this approach, because the method of Mana Cum Maghza is still widely discussed.

¹³ Sahiron Syamsuddin, Sahiron Syamsuddin, *Pendekatan Ma'na Cum Maghza atas Al-Qur'an dan Hadits : Menjawab Problematika Sosial Keagamaan di Era Kontemporer*. Lembaga Ladang Kata dan Asosiasi Ilmu Al-Qur'an & Tafsir Se-Indonesia. (Yogyakarta: Juli 2020)

Nazif Fikri Abady's final project with the title "*Konstruksi Teoretis Ma'na Cum Maghza dan Kontribusinya dalam wacana studi Al-Qur'an dan Tafsir di Indonesia*" research on the theoretical construction of Mana Cum Maghza and the extent to which the theory contributes to the discourse of Al-Qur'an studies 'an and interpretation in Indonesia.¹⁴

Journal of "*Hermeneutika Al-Qur'an "Mazhab Yogya" (Telaah atas Teori Ma'na Cum Maghza dalam Penafsiran Al-Qur'an)*" by Asep Setiawan. Explains the discourse on the application of hermeneutics in Qur'anic studies in the form of the problematics of the Mana Cum approach Maghza, in interpreting the Qur'an, Hermeneutics is deemed unsuitable to be applied in the study of the Qur'an because it departs from skepticism and relativism, equates the Qur'an with the text, deconstructs meaning and relatively-tentative interpretation.¹⁵

Ghufron Hamzah, in the Tafseer journal with the title "*Prostitusi dalam perspektif Al-Qur'an*", explained that not all motives for the crime of Human Trafficking or human trafficking are aimed at prostitution, but this is very contrary to Islamic principles. Prostitution is included in the radar (*Bigho'*) or a heinous act which M Quraish Shihab interprets as prostitution or adultery and the law in the form of a prohibition on sexual exploitation.¹⁶

The journal "*Kekerasan Seksual dalam Perspektif Al-Qur'an dan Hadits*" by Laudita Soraya Husin explains that sexual violence still often occurs due to misuse of the meanings contained in the Qur'an that deviate from the recommendations of the Qur'an. Of course, the Qur'an and hadith do not claim the subordination of women.¹⁷

¹⁴ Nadzif Fikri Abady, skripsi dengan judul "*Konstruksi Teoretis Ma'na Cum Maghza dan Kontribusinya dalam Wacana Studi Al-Qur'an dan Tafsir di Indonesia*", STAI Sunan Pandanaran Yogyakarta : 2021.

¹⁵ Asep Setiawan, "*Hermeneutika Mazhab Yogya (Telaah atas Teori Ma'na Cum Maghza dalam Penafsiran Al-Qur'an)*" dalam *Jurnal Studi Ilmu-Ilmu Al-Qur'an dan Hadits* Vol.17, No.1 Januari 2016.

¹⁶ Ghufron Hamzah, 'Prostitusi dalam Perspektif Al-Qur'an', dalam jurnal Tafseer, Vol. 6 No. 2, tahun 2018.

¹⁷ Laudita Soraya Husin, "*Kekerasan Seksual dalam Perspektif Al-Qur'an dan Hadits*" dalam Al-Maqashidi, *Jurnal Hukum Islam Nusantara*, Vol. 3 No.1, Januari-Juni 2020.

The book *“Tanya Jawab Seputar RUU Penghapusan Kekerasan Seksual dari pandangan Kongres Ulama Perempuan Indonesia (KUPI)”* compiled by Faqih Abdul Kodir et al. The book describes the existence of the PKS Bill as an effective way to protect humans from all forms of sexual crimes. Not only talking about providing a deterrent effect on perpetrators, but also procedural law, prevention, protection, and recovery of victims as well as instruments for upholding justice. The leader's actions or policies must be oriented to the benefit of the people.¹⁸

Ahmad Badrut Tamam *“Rancangan Undang-Undang Penghapusan Kekerasan Seksual (RUU PKS) dalam perspektif Masalah Mursalah”* in the Annual Conference for Muslim Scholars explained the suitability of the RUU PKS with Islamic sharia, namely the guarantee of the five basic human rights *ad-daruriyyat al-Khams*.¹⁹

Looking at some of the previously mentioned studies, the researcher did not find any studies that describe the partiality of Allah SWT to victims of sexual violence contained in the Qur'an Surah An-Nur verse 33. Instead, it seems that what dominates is basic knowledge of sexual violence and sexual violence in terms of particular perspectives. So, in this final project proposal, the researcher tries to contextualize the Qur'an Surah An-Nur verse 33 about sexual violence, which becomes a spiritual spirit to raise the morale of victim resilience.

E. Method of Research

This research is based on descriptive analysis work. It focuses on library research, a study that presents primary and secondary data about the *Mana Cum Maghza* approach study, which Sahiron Syamsuddin initiated in the form of

¹⁸ Faqih Abdul Kodir, dkk, *“Buku : Tanya Jawab Seputar RUU Penghapusan Kekerasan Seksual dalam Pandangan Kongres Ulama Perempuan Indonesia (KUPI)”*, Jakarta : Agustus 2020.

¹⁹ Ahmad BAdrut Tamam, *“Rancangan Undang-Undang Penghapusan Kekerasan Seksual (RUU PKS) dalam perspektif Masalah Mursalah”* dalam Annual Conference for Muslim Scholar, Surabaya : November 2019.

books, journals, articles, and various kinds of literature related to the object of research.

1. Data Source

This study takes data sources from two aspects, namely primary data sources and secondary data sources. The primary data sources are the Qur'an Surah An-Nur verse 33, the book *Pendekatan Ma'na Cum Maghza dalam Al-Qur'an dan Hadits : Menjawab Problematika Sosial Keagamaan di Era Kontemporer*, by Sahiron Syamsuddin, *Catahu Komnas Perempuan Indonesia dan Rancangan Undang-Undang Penghapusan Kekerasan Seksual (RUU PKS)*. Meanwhile, secondary data are books, journals, research, articles related to the object of research.

2. Data Collection Techniques

The data collection technique in this research is documentation or library research, namely by collecting related data from books, journals, articles, and videos.

3. Data Processing techniques

- a. Explain the basic concepts related to sexual violence.
- b. I am explaining an overview of the Qur'an Surah An-Nur verse 33.
- c. Discusses the Mana Cum Maghza approach, used as a knife for analyzing the research object.
- d. The author's analysis of the Qur'an Surah An-Nur verse 33 is formulated from several classical commentaries on sexual violence.
- e. Elaborating the conception of sexual violence implied in Surah An-Nur verse 33 using the Mana Cum Maghza approach.

F. Writing Order

So that the discussion in this study is structured systematically and does not go out of the path that has been determined as it has been formulated in the formulation of the problem, the researchers set a systematic discussion into five chapters of argument as follows:

The first chapter, the introduction, discusses the background of the research and how important it is to conduct this research. Then formulate the problem formulation to limit the scope of the study. Next, the purpose and benefits of the research are to explain the urgency of this research, then review the literature to find out the position or location of this research among existing studies. Finally, the research method describes the methods and steps of how this research is carried out and the general systematics of the research results; this chapter will clarify the direction of the discussion in the following chapters.

The second chapter contains an overview of the theoretical basis used as an analytical tool in this research, namely the basic concepts of sexual violence and the Mana Cum Maghza approach. It covers the definition and types of sexual violence, facts about sexual violence, the impact of sexual violence, legal instruments for women's rights, a biography of the originator of the Mana Cum Maghza theory, the construction of Mana Cum Maghza and its methodical steps.

The third chapter is the result of the researcher's analysis of Q.S An-Nur verse 33, how the audience understood the verse during the period of revelation, and the understanding of several classical interpreters regarding the verse.

The fourth chapter is an answer to the formulation of the problem regarding the alignment of Allah SWT to victims of sexual violence contained in Q.S An-Nur verse 33, accompanied by solutions for victims and the community to provide support for the recovery of victims.

The fifth chapter is the closing, containing this research's conclusions, suggestions, and recommendations for more comprehensive results.

CHAPTER II

SEXUAL VIOLENCE AND *MA'NA CUM MAGHZA* APPROACH

A. Sexual Violence

1. The Definition of Sexual Violence

Violence, according to Law Number 35 Article 6 of 2014 that any act against children that results in physical, psychological, sexual misery or suffering and neglect, including threats to commit actions, coercion, or deprivation of liberty against the law. Sexual is a sexual activity that involves the vital biological organs of women and men physically and non-physically.¹

Sexual violence is defined as any sexual act, attempt to perform sexual actions, comments or suggestions for unintentional sexual behavior or otherwise, an act of violation to have sexual relations with force against someone..² Another view regarding sexual violence from MAPPI FHUI is that every show of degrading, insulting, attacking and other actions, against the body related to sexual desire, a person's sexual desire, and reproductive function, is forcible, against someone's will, and or other actions that cause a person to be unable to give consent in a free condition, due to inequality in power relations, gender relations and other causes, which result in or may result in suffering or suffering to the victim physically, psychologically, sexually, economically, socially. , culture, and politics.(Masyarakat Pemantau Peradilan Indonesia FHUI, 2018)

Rape is a sexual crime where a person forces another person to have sexual intercourse forcibly through vaginal penetration with a penis accompanied by violence. This kind of sexual violence crime, if examined from a criminological perspective, refers to the motives and behavior where it has the reason of satisfying sexual desire.

¹ <https://pkbi-diy.info/pengertian-seks-dan-seksualitas/> dan <https://www.iac.or.id/id/seks-seksual-dan-seksualitas/> accessed on March 27th 2022,

² <https://www.who.int/news-room/fact-sheets/detail/violence-against-women> accessed on March 15th, 2022, 23

2. Kinds of Sexual Violence

Sexual violence can be classified into sexual violence verbally, physically, non-physically, online, or through information and communication technology. Komnas Perempuan identified 15 types of sexual violence that occurred in various contexts, as follows:

- a. Sexual Harassment: Sexual acts through physical or non-physical touch target the victim's sexual organs or sexuality to be entertained.
- b. Forced marriage: forcing sexual relations in marriage not at the will of both parties.
- c. Sexual Control: acts of violence or threats of violence directly or indirectly threaten or force women to internalize certain symbols they disagree with.
- d. Forced Abortion: Abortion is carried out due to pressure, threat, or coercion from other parties.
- e. Forced Prostitution: a situation where women experience deception, threats, or violence to become sex workers. This situation can occur during recruitment or to make the woman powerless to escape from Prostitution, for example, by confinement, debt bondage, or threats of violence.
- f. Forced Contraception: installation of contraceptive devices and the implementation of sterilization without the woman's full consent because she does not receive complete information or is considered legally incompetent to give support.
- g. Tradition Practices (Female Circumcision): community habits that have sexual nuances and can cause physical and psychological injury to women sexually.
- h. Forced Pregnancy: this condition is usually experienced by women who are rape victims who are not given any other choice but to continue their Pregnancy. Likewise, when the husband prevents his wife from using Contraception so that the woman cannot distance her Pregnancy.

- i. Rape: forced sexual intercourse carried out accompanied by violence, threats of violence, detention, psychological pressure, abuse of power, or by taking advantage of a coercive environment.
- j. Sexual Torture: violence that attacks women's organs and sexuality that is carried out intentionally, causing pain or trauma, both physically and spiritually as well as sexually.
- k. Sexual nuanced punishment: a method of punishment that causes extraordinary suffering, pain, fear, or shame, such as caning and humiliating punishments or degrading human dignity because they are accused of violating moral norms.
- l. Sexual Intimidation: an act that attacks a person's sexuality to cause fear or psychological suffering to the female victim. This sexual Intimidation can be done directly or indirectly through media such as letters, SMS, e-mail, and others.
- m. Sexual Slavery: a situation where the perpetrator feels he has ownership over the victim's body so that he has the right to do anything, including obtaining sexual satisfaction through rape or other than sexual violence.
- n. Sexual Exploitation: Acts of abuse of unequal power, abuse of trust for sexual gratification, or to obtain material or non-material benefits.
- o. Trafficking in women: The act of recruiting, transporting, harboring, sending, transferring, or receiving a person through the threat of force, use of force, abduction, confinement, fraud, deception, abuse of power over a position of vulnerability, debt bondage or direct payment or benefit to the victim. Or other people who control it for Prostitution or other sexual exploitation.

3. Facts of Sexual Violence

Komnas Perempuan's Annual Records show that violence against women has increased significantly yearly. Komnas Perempuan's 2022 Annual Record states that throughout 2021 there will be an increase of up to 50% if it is calculated there are 338,496 cases of gender-based violence

against women. This violence includes physical, psychological, economic, and sexual violence. The majority of sexual violence occurs in the form of rape and sexual abuse. Victims have all ages, from toddlers to seniors. This figure is only data reported to state and social institutions partnering with KOMNAS Perempuan. There are still many forms of sexual violence that are not registered and recorded.³

Rape cases that have gone viral in Indonesia include a state servant raping his lover. Meanwhile, her lover died by committing suicide due to mental pressure from the environment, causing depression. A rape victim was found dead near her father's grave in Mojokerto, East Java. Along with the discovery of the victim's body, there was also a bottle of liquid suspected to be poison used by the victim to commit suicide. The depression experienced was caused by coercion on the part of the victim to have two abortions.⁴ In The disclosure of this case, the perpetrator was arrested and dishonorably discharged and sentenced according to Perkap Number 14 of 2011 concerning the Code of Ethics as well as Articles 7 and 11.⁵

Sexual violence can happen anywhere, even in an educational environment that is considered sacred. An Islamic educational institution that is expected to be able to guide its students to explore religious knowledge has become a place to vent their sexual desires. As many as 13 female students have been raped by their teachers, and 9 of them are pregnant and have given birth. The perpetrator was found guilty of violating the Child Protection Law and the Criminal Code. The perpetrator is an Ustadz and the leader of an orphanage in the Antapani area, Bandung City. The foundation has a boarding school called Madani Boarding School. The

³ <https://komnasperempuan.go.id/siaran-pers-detail/peringatan-hari-perempuan-internasional-2022-dan-peluncuran-catatan-tahunan-tentang-kekerasan-berbasis-gender-terhadap-perempuan>, accessed on 13 Maret 2022, 16:50

⁴ <https://www.liputan6.com/news/read/4729353/6-fakta-terkait-kasus-dugaan-bunuh-diri-novia-widyasari> accessed on March 15th, 2022, 09:30

⁵ <https://deskjabar.pikiran-rakyat.com/nasional/pr-1133167070/kasus-novia-widyasari-begini-tindakan-tegas-polri-bripda-randy-bagus-kena-sanksi-ptdh-dan-proses-pidana?page=2> accessed on March 15th, 2022, 09:35

action has been going on since 2016 and was only revealed in 2021. Finally, the perpetrator was sentenced to death and chemical castration. However, the perpetrator appealed on the grounds of raising his children, so the judge decided to punish him with life in prison.⁶

Various things become obstacles in resolving cases of gender-based violence against women, including the legal substance as seen from the use of the legal basis and its articles. The problem of limited infrastructure needed to resolve cases, including human resources, facilities, and budget, was repeatedly complained about by service agencies to be able to run services optimally. This is reinforced by the community's traditions and culture or religious views, which think that talking about sex in front of other people is taboo. In addition, when the victim reports the case she is experiencing, she is vulnerable to *Victim Blaming*.⁷

4. Factor of Sexual Violence

The factors that cause sexual violence are divided into two, namely, internal factors and external factors. The internal factors include⁸ :

- a. The relationship between the perpetrator and the victim, usually the relationship between the perpetrator and the victim, is used by the perpetrator to commit sexual violence.
- b. The role of the perpetrator and the victim's position is marked by the closeness between the perpetrator and the victim. Such as establishing a relationship of love, kinship, and the like.

⁶ <https://www.suara.com/news/2022/02/16/192310/7-fakta-kasus-herry-wirawan-terbaru-predator-seksual-perkosa-13-santriwati-yang-lolos-vonis-hukuman-mati-dan-kebiri>, Accessed on 15 Maret 2022, 09:20

⁷ KH.Husein Muhammad. *"Islam Agama Ramah Perempuan"*. (Yogyakarta: IRCiSoD, 2021) h. 266

⁸ Poetri Azela Aisyah, *"Faktor-Faktor Penyebab Melakukan Kekerasan Seksual Terhadap Korban Kekerasan Seksual Dampingan Pusat Layanan Informasi dan Pengaduan Anak (PUSPA) di Pusat Kajian dan Perlindungan Anak (PKPA) Medan"* Skripsi Departemen Ilmu Kesejahteraan Sosial Fakultas Ilmu Sosial dan Ilmu Politik Universitas Sumatera Utara, 2017, h. 21-25

- c. The emotional condition of the perpetrator and the victim in every relationship will cause the situation and emotional state to experience instability so that these unstable emotions can trigger one party to commit sexual violence.
- d. The low morality and mentality of the perpetrator, the character and mentality that is not appropriately stimulated, can make the perpetrator unable to control his lust and behavior.

While external factors are relatively more numerous, some of which are⁹ :

- a. environmental influence,
- b. Cultural influences, the dynamics of cultural developments that increasingly do not respect the ethics of dressing that cover the nakedness. Of course, clothes that show body shape can stimulate perpetrators to commit sexual violence.
- c. Association is the interaction between men and women who are increasingly accessible; there is no barrier between what can and cannot be done.
- d. lack of collective awareness of child protection in the educational environment,
- e. Public perception of reproductive health education is often considered taboo. At the same time, information regarding reproduction is nothing but to provide understanding so that it becomes a consideration in behavior.
- f. economic factors,
- g. Exposure to pornography is not recommended for minors because exposure to pornography can cause brain damage (*neurotransmitters*), so it has the potential to experience psychological and emotional disturbances.

⁹ Kayus Kayowuan Lewoleba & Muhammad Helmi Fahrozi, “*Studi Faktor-Faktor Terjadinya Tindak Kekerasan Seksual Pada Anak-Anak*” dalam Jurnal Esensi Hukum, Magister Hukum Universitas Pembangunan Nasional Veteran Jakarta, Vol. 2 No. 1, Juni 2020, h. 36-44

- h. Weak law enforcement and relatively light legal threats, complicated, convoluted, and often inhumane legal procedures make victims experience increasingly tricky situations to achieve justice.

Sexual violence can be caused by the interaction between social factors, individual psychosocial, and social processes. Personal characteristics such as the individual's tendency to commit sexual violence, individually the inability to contain emotions, especially sexual desire or libido, causes emotions and empathy to be not appropriately stimulated so that violence is taken to force the victim to become a medium for expressing the perpetrator's feelings. At the same time, the social factor is the environmental tendency to commit violence. Reflections on social and economic inequality between community groups include public attitudes towards violence against women, men's control over decision-making, or restrictions on women's freedom. Contrasting identities and roles of men and women in society, relationships that lack respect for others, especially women, densely populated slum environments, and exposure to violence.

5. Impact of Sexual Violence

Sexual violence experienced by victims not only causes physical, sexual, and psychological suffering such as injuries, permanent disability, trauma, and mental disorders, but victims are also at risk of unwanted pregnancy, childbirth, suicide, infection with sexually transmitted diseases, and exposure to HIV/AIDS. On the other hand, violence also causes victims and their families to experience various forms of suffering, due to threats, restrictions, exclusion/exclusion, deprivation of rights and social, political and economic distinctions. Like the stigma of society that often blames the victim.

In general, the impact of sexual violence on victims is that victims experience physical influences such as injuries to vital parts, being infected with infectious diseases, etc. Then also the psychological impact includes matters relating to the feelings of worthlessness the victim feels. In addition,

the social effects experienced by victims, such as the existence of thoughts and myths about sexual violence, especially in cases of rape, become a stressor for the victim. The victim was worried about the acceptance of the surrounding community for him.

In general, the following are some of the impacts experienced by victims, both physically and mentally:

- a. Physical and sexual effects include physical injuries, permanent physical disabilities, reproductive disorders, pregnancy disorders, and being infected with sexually transmitted diseases, including HIV/AIDS.
- b. The social impact, namely having difficulty building relationships both in the immediate and broader environments. Some cases make victims have to build their world, hide and isolate themselves and feel safer when they are in it.
- c. The economic impact causes the victim to have to pay for self-healing both physically and mentally from psychological disorders, and not infrequently, the victim loses his job.
- d. Psychological impact: trauma experienced by the victim differs from one victim to another. Among the victims, some feel afraid, even to meet people, they feel worried, have nightmares, are emotional, have trouble sleeping and have no appetite, distrust men, feel guilty, feel ashamed and humiliated, and even experience prolonged trauma with the emergence of memories, about what happened suddenly (flashback).
- e. The follow-up impacts anti-social behavior, feelings of helplessness, low self-esteem, anxiety, and depression which causes the victim to show negative behavior by drinking alcohol, abusing drugs, plunging themselves into the world of prostitution, becoming lesbian/gay/transgender, and some even attempted suicide.

The fact is the condition of the victims after the incident it is difficult for them to reach justice because there is no specific legal protection related to sexual violence. The stigma of society that tends to blame the victim and the existence of legal impunity is a kind of abuse of power, so the legal

system is not integrated optimally—making victims weak in the eyes of the law because many lawmakers do not take into account the experiences and realities of victims. There is no basic knowledge about gender sensitivity from lawmakers as a consideration in the analysis of evidence owned by victims, which is difficult to obtain for victims such as sperm, injuries to organs or other body parts, and witnesses to the incident. The Bill on the Crime of Sexual Violence has just been passed in Indonesia on April 12, 2022, after going through a long and arduous struggle for six years. After the Sexual Violence Bill is given, it is hoped that it can be implemented in handling and resolving cases of sexual violence, and protecting women and children in Indonesia.¹⁰

The crucial evidence is difficult to fulfill; meanwhile, the law enforcement authorities prioritize formal procedural elements. Not to mention the relationship between leadership and staff in the bureaucracy. Instead of being considered a severe case, it was turned into a case of unpleasant acts. As a result, justice is not evenly distributed; not all victims receive justice and recovery from various obstacles experienced. It should be emphasized again that the integrity of the law in cases of sexual violence depends on the existing laws and regulations, the workings and perspectives of law enforcement officers, as well as the role of the community in dealing with cases of sexual violence.

B. Ma'nā Cum Maghā Theory

1. Constructions of Ma'na Cum Maghza

Mana Cum Maghza is a combination of Arabic, namely Mana and Maghza. Between the two words is inserted the Latin word 'Cum'. Mana means understanding the Qur'an during the period of revelation. Maghza is an excellent understanding of the primary guidance of the Qur'an, which is

¹⁰https://www.instagram.com/p/CcPVRXnrUW8/?utm_source=ig_web_copy_link
Accessed on 17 April 2022, pukul 23:10 WIB

dynamic and can be applied to any place and context. While Cum comes from German, a connecting word that means 'and/and'. The German term is used to distinguish it from the term used by Nasr Hamid Abu Zayd, *Mana wa Maghza*. The *Mana Cum Maghza* approach is an approach that seeks to find and reconstruct the essential meaning and central message of the Qur'anic verse when it is revealed, then develop the essence and main message into the context when the Qur'anic text is interpreted. Put, *Mana Cum Maghza* can be construed as an effort to dialogue between text and context.¹¹

Sahiron Syamsudin classifies hermeneutical schools in terms of the meaning of the object of interpretation into three schools:

- a. The conservative Quasi-objectivist school believes that the Qur'an's teachings must be understood, interpreted, and applied today, as it was understood, analyzed, and applied in the period of revelation and conveyed to the first audience or early generation of Muslims.
- b. The Subjectivist school emphasizes that every interpretation is entirely the interpreter's subjectivity. Therefore this school applies relativity in terms of the truth of understanding.
- c. The progressive quasi-objectivist school.

Having in common with the conservative quasi-objectivist view in terms of contemporary interpretation, it is still obligatory to explore the original meaning by using the systematic tools of exegesis and other methodical tools such as macro-historical contexts, linguistic and literary aspects, and hermeneutics.¹²

¹¹ Wildan, "*Penafsiran Kontekstual Sahiron Syamsuddin : Studi Analisis Pendekatan Ma'na Cum Maghza dalam penafsiran Al-Qur'an*", Skripsi diajukan kepada Program Studi Ilmu Al-Qur'an dan Tafsir Fakultas Ushuluddin dan Studi Agama Universitas Islam Negeri Sulthan Thaha Saifuddin, Jambi, 2022, h. 27-28.

¹² Sahiron Syamsudiin, *Pendekatan Ma'na Cum Maghza atas Al-Qur'an dan Hadits : Menjawab Problematika Sosial Keagamaan di Era Kontemporer*, Lembaga Ladang Kata dan Asosiasi Ilmu Al-Qur'an & Tafsir Se-Indonesia. (Yogyakarta: Juli 2020). h. 3-6

According to Sahiron, the most acceptable of the three views above is the quasi-objectivist modernist view because there is a hermeneutical balance, giving equal attention to the literal origin and the main message behind the literal meaning. By providing an additional explanation of the significance, then he termed his theory of reading *Mana cum Maghza* reading.¹³ According to Sahiron Syamsuddin, there are five essential paradigms in the *Mana Cum Maghza* approach: Believing that the Qur'an is God's revelation, the message of the Qur'an is universal, the Qur'an needs interpretation, and then it is actualized for implementation, there is no contradiction. Between revelation and reason, there is no *Naskh Mansukh*.¹⁴

The principles that underlie the *Mana Cum Maghza* approach are that interpretation must be based on science, keep the good things from the past and take new, better things, the result of understanding is for the benefit, and interpretation is dynamic with relative truth.¹⁵ The interpretation with the *Mana Cum Maghza* approach is an interpretation that uses the literal origin (*historical meaning, explicit*) as the starting point for understanding the central message of the text (*significance, most profound meaning, implied*). According to him, something is dynamic from interpreting the text's literal meaning because it is monistic (one), objective, and historical-static. Meanwhile, the sense of the text's significance is pluralist, subjective (also intersubjective), and historical-dynamic throughout human civilization. This approach combines textual insight and interpreter's insight, between the past and the present and between the divine and the human

¹³ Mustahidin Malula, "*Ma'na Cum Maghza Sebagai Metode Dalam Kontekstualisasi Hadits Musykil (Telaah Pemikiran dan Aplikasi Hermeneutika Sahiron Syamsuddin)*" dalam *Citra Ilmu*, Edisi 29 Vol. XV, April 2019, h. 31

¹⁴ dan, "*Penafsiran Kontekstual Sahiron Syamsuddin : Studi Analisis Pendekatan Ma'na Cum Maghza dalam penafsiran Al-Qur'an*", Skripsi diajukan kepada Program Studi Ilmu Al-Qur'an dan Tafsir Fakultas Ushuluddin dan Studi Agama Universitas Islam Negeri Sulthan Thaha Saifuddin, Jambi, 2022, h. 29-38

¹⁵ Wildan, "*Penafsiran Kontekstual Sahiron Syamsuddin : Studi Analisis Pendekatan Ma'na Cum Maghza dalam penafsiran Al-Qur'an*", Skripsi diajukan kepada Program Studi Ilmu Al-Qur'an dan Tafsir Fakultas Ushuluddin dan Studi Agama Universitas Islam Negeri Sulthan Thaha Saifuddin, Jambi, 2022, h. 38

aspects. So, an interpretive theory based on the same attention to the meaning and significance of 'ma'na cum maghza', there is a balance of hermeneutics of 'Balanced Hermeneutics'.¹⁶

Sahiron emphasized that the interpretation of Mana Cum Maghza is an elaboration of Gadamer's application theory (*anwendung*). According to him, this interpretation theory is precisely like Al-Ghazali's concept, which distinguishes between dzahir and inner meanings. Nasr Hamid Abu Zayd named it with meaning and maghza. Hirsch calls it meaning and significance, and Gadamer terms it with Sinn (meaning) and Sinnesgema (deep meaning). This interpretation is carried out by taking into account the textual context with language analysis as its basis and the historical context in which the text appears with historical analysis as the instrument.¹⁷

In the next aspect, Mana Cum Magza is influenced by contemporary thought. First, Fazlur Rahman's thought with his theory of Double Movement is a two-step theory of understanding, namely Socio-historical analysis and Contextualization. Second, Abdullah Saeed's thought is a more flexible contextual approach so that the meaning of the Qur'an can be connected and applied, especially in the interests and needs of the modern era. Third, Nashir Hamid Abu Zayd's thoughts are deconstructive thoughts on the concept of revelation and his new methodology in interpreting the Qur'an, with the discourse of 'renewal'.¹⁸ Fourth, the thought of Ath-Thalibi, who developed the Qiro'ah al-Maqasidiyyah approach. The goal is Dzarf at-Tanzil (understanding the verse in the historical context of its descent), Muqarabah Masidah or Ghayah as-Shari'a (holding the principle of maqasid or will in making sharia).¹⁹

¹⁶ Jurnal Studi Ilmu-Ilmu Al-Qur'an dan Hadits, "Hermeneutika Mazhab Yogya" h.84-85

¹⁷ *Ibid*, h.85

¹⁸ Lalu Heri Afrizal, "Metologi Tafsir Nasr Hamid Abu Zaid dan Dampaknya terhadap Pemikiran Islam", dalam TSAQFAH : Jurnal Peradaban Islam Universitas Darussalam Gontor, Vol. 12, No. 2, November 2016, h. 301

¹⁹ Nadzif Fikri Nadzef "Konstruksi Teoretis Ma'na Cum Maghza dan Kontribusinya dalam wacana studi AL-Qur'an dan Tafsir di Indonesia" Skripsi diajukan kepada Program Studi Ilmu Al-

Furthermore, the linguistic aspect becomes an essential point in determining the meaning of a text; besides that, language experiences diachronic from time to time which can describe the socio-historical conditions of a particular text. In this case, Ma'na Cum Maghza refers to Ibn Manzur's *Lisan al-Arab*, Muhammad Ibn Jarir's *Jami'ul Bayan at-Thabari*, Ibn Sulaiman's *Muqatil Tafsir*, Az-Zamakhsyari's *Al-Kasyaf*, and Fakhr al-Din's *Mafatihul Ghaib*. Al-Razi, *Maqayis al-Lughoh* by Abu al-Husain Ahmad bin Faris Zakaria al-Qazwini ar-Razi and the *Al-Munjid fi al-Lughoh* dictionary by Fr. Louis Ma'luf and Fr. Bernard Tottel.

2. Methodical steps of Ma'nā Cum Maghẓā

Interpretation of the Mana Cum Maghza approach can be made in several steps. First, Sahiron classifies two kinds of significance: Historical Phenomenal Significance and Dynamic Phenomenal Significance. Historical phenomenal significance is the main message of a verse or collection of verses that was understood and applied at the time of the revelation of the Qur'an. In contrast, Dynamic Phenomenal Significance is the message of the Qur'anic verse that was understood and defined when a verse or a collection of verses was interpreted and applied in life. Ideal significance, namely the ideal accumulation of understandings of the significance of the verse. The accumulation of understanding can be known at the end/purpose of human civilization that Allah SWT wills.

There are three important things that must be sought by the Mufasssir, namely al-mana at-Tarikhi, phenomenal historical significance (al-maghza at-Tarikhi), and phenomenal dynamic significance (al-Maghza al-Mutaharrik al-Mu'ashir).²⁰

Qur'an dan Tafsir Sekolah Tinggi Agama Islam Sunan Pandanaran, Yogyakarta 2021, h. 52.

²⁰ M Dani Habibi, "Penafsiran Dalil Radikal dan Terorisme di Indonesia (Interpretasi Ma'na Cum Maghza Terhadap Kata Fitnah dalam Al-Qur'an Surat Al-Baqarah :190-193) dalam Al-Dzikra Jurnal Studi Ilmu Al-Qur'an dan Al-Hadits Vol. 13, No. 1, Juni 2019, h. 101-103

The first is to explore Mana At-Tarikhi (historical meaning) and Maghza at-tarakihi (phenomenal historical significance) by analyzing the vocabulary used by 7th century Arabs and their diachronic. Next is the analysis of Intratextuality, namely analyzing and comparing the use of the verse being interpreted with other verses, paying attention to each word syntagmatically and paradigmatically. After that, the researcher explores the intertextuality of the text or examines the relationship between one text and another (Munasabatil verse), followed by an analysis of the micro-historical context and the macro-historical context, which includes Asbabun Nuzul, and the last is looking for the main purpose/message (Mashad/Maghza al-father). At this stage, the researcher looks for Maqshad or Maghza that is understood by the first audience, namely during the revelation period.²¹

Second, looking for phenomenal dynamic significance or Al-Maghza Al-Mutaharrik Al-Mu'ashir. The researcher categorizes the interpreted verse into the existing hierarchy of values, then develops the nature/definition of Al-Maghza and captures the symbolic meanings of the AL-Qur'an verse being interpreted. Finally, the researcher develops an interpretation of the data and analysis that has been obtained for the current context with a broader perspective.²²

Operationally, the theory of the Magna Cum Maghza approach seeks to integrate literal textual studies based on the classical interpretation rules that have been reconstructed by previous scholars based on the rules of interpretation summarized in the concept of 'Ulumul Qur'an'. In addition, this study also uses historical contextual analysis, both macro and micro, which contains information on the history of the Arab nation in general, especially in the first century Hijriyah. Furthermore, an in-depth

²¹ Sahiron Syamsudiin, *Pendekatan Ma'na Cum Maghza atas Al-Qur'an dan Hadits : Menjawab Problematika Sosial Keagamaan di Era Kontemporer*, Lembaga Ladang Kata dan Asosiasi Ilmu Al-Qur'an & Tafsir Se-Indonesia. (Yogyakarta: Juli 2020). h.9-13

²² Wildan, "Penafsiran Kontekstual Sahiron Syamsuddin : Studi Analisis Pendekatan Ma'na Cum Maghza dalam penafsiran Al-Qur'an", Skripsi diajukan kepada Program Studi Ilmu Al-Qur'an dan Tafsir Fakultas Ushuluddin dan Studi Agama Universitas Islam Negeri Sulthan Thaha Saifuddin, Jambi, 2022, h.48-53

philosophical analysis was carried out to reveal the meaning of the verses of the Qur'an, which were understood by Muslims in the first century Hijriyah or called the phenomenal historical significance. The implication is that it is adapted to the social context faced by modern society (phenomenal dynamic significance).²³

The material object in this study is the Al-Qur'an An-Nur verse 33 and the formal interpretation of *Magna Cum Maghza* initiated by Sahiron Syamsuddin, written in the book "Hermeneutics and Development of Ulumul Qur'an". This research is a study of the Al-Qur'an An-Nur 33 about the phenomenon of sexual violence using the *Mana Cum Maghza* approach.

²³ JurnalUshuluddin Vol. 27 No. 2, July-December 2019, h.213-214

CHAPTER III

THE IMPLEMENTATION OF *MA'NA CUM MAGHZA APPROACH*

A. Al-Qur'an Surah An-Nur verse 33

Surah An-Nur is the 24th letter revealed following Surah Al-Hasyr. It is a Madaniyah letter that contains 64 verses. Surah Madaniyah can be interpreted as a letter or verse revealed after the Prophet's migration.¹ Surah An-Nur, which means "Light," is named after the word An-Nur, which appears in the 35th verse² Surah An-Nur, which means "Light," is named after the word An-Nur, which appears in the 35th verse and contains legal verses as well as God's instructions for humans, both of which are related to social and household life. The light in question is the light that illuminates human life on the path that leads to worldly and eternal happiness. Allah's words in Surah An-Nur verse 33 are as follows:

وَلْيَسْتَعْفِفِ الَّذِينَ لَا يَجِدُونَ نِكَاحًا حَتَّى يُعْطِيَهُمُ اللَّهُ مِنْ فَضْلِهِ ۗ وَالَّذِينَ يَبْتَغُونَ الْكِتَابَ بِمَا مَلَكَتْ أَيْمَانُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا وَأَتَوْهُمْ مِنْ مَالِ اللَّهِ الَّذِي آتَاكُمْ ۗ وَلَا تَكْرَهُوا فَتَيْبَتِكُمْ عَلَى الْبِغَاءِ إِنْ أَرَدْنَ حَصْنًا لَتَبْتَغُوا عَرَضَ الْحَيَاةِ الدُّنْيَا وَمَنْ يُكْرِهْنَهُنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ إِكْرَاهِهِنَّ غَفُورٌ رَحِيمٌ

Meaning: "And those who are not able to marry should keep their chastity (self) until Allah gives them the ability with His grace. And if your slaves want a covenant (freedom), you should make a covenant with them, if you know there is good in them, and give them some of the wealth of Allah which He has bestowed upon you. And do not force your female slaves to commit prostitution, while they themselves desire chastity, because you want to seek the benefits of worldly life. Whoever compels them, then indeed, Allah is Forgiving, Most Merciful (to them) after they were forced."

The essence of Q.S An-Nur is to invite respectable associations, to avoid infidelity and adultery, and to provide guidance in this regard. The 30th verse begins

¹ Jullul Wara "Trafficking dalam Al-Qur'an (Study Analisis Terkait Penafsiran Surat An-Nur 244:33 dan Surat Yusuf, 12:20)" Skripsi Ilmu Al-Qur'an dan Tafsir Fakultas Ushuluddin dan Filsafat UIN Sunan Ampel, Surabaya 2016, h. 57.

² <https://quran.com/id/surah/an-nur/info> sabtu 21 Mei 2022 3:36 pm

with a discussion about the eyes, which includes the command to refrain from seeing what Allah SWT has forbidden. The word (yaghuddu) is derived from the word (ghadha), which means "subduing" or "reducing," because, as previously stated, view is the initiating factor in adultery. Following the 31st verse of the Qur'an, which commands to cover the genitals, explicitly prohibits all passive and active activities carried out by someone if it is suspected of causing lust stimulation to the opposite sex.

The 32nd verse explains why parents or guardians should marry off their sons and daughters, as well as slaves. The meaning of "ankih" is "assist" in realizing someone's marriage, even if he is a slave. If the directive in paragraph 32 is addressed to the guardian, the beginning of the 33rd paragraph includes a recommendation to the child/caregiver/slave (who is in charge) not to put pressure on the guardian to marry him right away. When an agreement has been reached between the slave and the master, the slave's master is advised not to make it difficult for the slave in the transaction of the book. Providing opportunities for slaves who want to be free, by redeeming themselves with assets that are paid in stages. Help to slaves can be in the form of zakat or alms to free them. At the end of this verse, Allah SWT forbids slave masters to prostitute their slaves to earn money.

Zina is referred to as Bigha' in the Nash. And Allah promised the slaves who were forced to prostitute by their masters forgiveness "maghfirah" and affection "rohmah" for the coercion they experienced and that it would not happen again. In several other verses of the Qur'an, the act of adultery is described as heinous and forbidden:

1. Q.S Al-Isra' ayat 32

وَلَا تَقْرُبُوا الزَّوَاجَ الَّذِي هُوَ لَكُمْ وَوَالِدَيْكُمْ حَتَّىٰ تَخْرُجُوا مِنْ بَيْتِكُمْ سَبِيلًا

Meaning : “and do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way.”

It forbids all actions that lead to adultery, because adultery is a heinous

act that is done in a bad way and is not blessed by Allah SWT.

2. Q.S AL-A'raf ayat 33

قُلْ إِنَّمَا حَرَّمَ رَبِّي الْفَوْحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَنَ وَالْإِثْمَ وَالْبَغْيَ بِعَيْرِ الْحَقِّ وَأَنْ تُشْرِكُوا بِاللَّهِ مَا لَمْ يُنَزَّلْ بِهِ سُلْطَانًا وَأَنْ تَقُولُوا عَلَى اللَّهِ مَا لَا تَعْلَمُونَ

Meaning : Say, “May Lord has only forbidden immoralities – what is apparent of them and what is concealed – and sin, and oppression without right, and that you associate with Allah that for which He has not sent down authority, and that you say about Allah that which you do not know.”

3. Q.S Maryam ayat 20

قَالَتْ اأنا يكون ل قألت أئى يكون لى علم وم يمسنى بشر وم أك بعيا

Meaning : She said, “How can I have a boy while no man has touched me and I have not been unchaste?”

There are two types of contact with the opposite sex: contact with the opposite sex within marriage, which is permissible, and contact with the opposite sex outside of marriage, which is not recommended by religion.

B. Review of The Text (Grammatical Analysis)

To understand Q.S An-Nur 33, the author needs to analyze the linguistic aspects of several mufrodat as keywords in exploring maqshad al-ayat. Q.S An-Nur 33 contains the following keywords :

1. The word “Tukrihu”

Derived from the word بُكْرَهُ - كَرَهُ which means to force to do things that are disliked or hated³ the opposite of the word أَحَبَّ which means

³ <https://www.almaany.com/id>

displeasure or feeling reluctant.⁴ The word أَحَبَّ in Q.S An-Nur 33 means a prohibition against forcing others to do something that they do not like.

The word الكُرْهُ and the word الكَرْهُ have the same meaning. Some say that the word الكَرْهُ means difficulty caused by a human being from outside by being forced and unwanted. While the word الكُرْهُ means difficulties that are obtained from his essence, and he accepts it. The form of acceptance is divided into two. First, he accepts by nature. Second, he logically accepts the Shari'a. Therefore it is justified for someone to say at one time إِيَّ أُرِيدُهُ meaning 'I want it, but I don't like it.' This saying means that 'I want it by character, but I hate it intellectually and shari'a, or vice versa, I like it by reason and shari'a but don't like it by nature.'

In Surah An-Nur, verse 33, it reads تُكْرَهُوا which contains two meanings at once, namely the prohibition of forcing women to commit prostitution and the prohibition of prostitution, which is an act that he does not like.⁵ The Prophet PBUH said :

حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ، حَدَّثَنَا سُفْيَانُ، عَنْ الزُّهْرِيِّ، عَنْ أَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ . قَالَ هَمَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ ثَمَنِ الْكَلْبِ، وَحُلْوَانِ الْكَاهِنِ، وَمَهْرِ الْبَحْرِ الْبَغِيِّ .

Meaning: “Narrated Abu Mas`ud: The Prophet (ﷺ) prohibited taking the price of a dog, the earnings of a soothsayer, and the money earned by prostitution.⁶

In another hadith the Prophet PBUH said :

⁴ KH. Ali Ma'shum & KH. Zainal Abidin Munawwir. “Kamus Al-Munawwir Arab-Indonesia Terlengkap”. pdf h. 1204.

⁵ Raghīb Al-Ashfahani. “Al-Mufradat fi Gharibi Al-Qur'an”. Pustaka Khazanah Fawa'id. (Depok : April 2017). pdf. h. 316-318

⁶ Sahih al-Bukhari 5346 <https://sunnah.com/bukhari:5346>

وَعَنْ أَبِي مَسْعُودِ الْبَدْرِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: "كُنْتُ أُضْرِبُ غُلَامًا لِي بِالْوَاسِطِ، فَسَمِعْتُ صَوْتًا مِنْ خَلْفِي :
 "إِعْلِمِ أَبَا مَسْعُودٍ" فَلَمَّ أَفْهَمَ الصَّوْتُ مِنَ الْغَضَبِ"، فَلَمَّا دَانَا مَتِي إِذَا هُوَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَإِذَا
 يَقُولُ : "اعْلَمْ أَبَا مَسْعُودٍ أَنَّ اللَّهَ أَقْدَرُ عَلَيْكَ مِنْكَ عَلَى هَذَا الْعُلَامِ" فَقُلْتُ : لَا أُضْرِبُ مَمْلُوكًا بَعْدَهُ أَبَدًا
 وَفِي رِوَايَةٍ : فَسَقَطَ السُّوطُ مِنْ يَدِي مِنْ هَيْبَتِهِ فِي رِوَايَةٍ : فَقُلْتُ : يَا رَسُولَ اللَّهِ هُوَ حَرٌّ لِيُوجِهَ اللَّهُ تَعَالَى،
 فَقَالَ : "أَمَّا لَوْمْ تَفْعَلْ، لِلْفَحْتِكَ النَّارَ، أَوْلَمَسْتِكَ النَّارَ" (رواه مسلم بهذه الروايات)

Meaning: "From Abu Mas'ud Al-Badri R.A, he said: "Once I hit my slave with a whip, then I heard a voice from behind me, 'Know O Abu Mas'ud, I do not understand that voice because I am angry. After being close to me, the Prophet PBUH said, "Know O Abu Mas'ud! Allah has more power (torment) over you than you (torture) over this slave." I said, "I will never hit a slave again after that." Another narration states, "The whip fell from Abu Mas'ud's hand because he was afraid of the Prophet PBUH." Another narration states, "I (Abu Mas'ud) said, 'O Messenger of Allah, he is free because he hopes for the face of Allah Ta'ala,' He said, 'Know! If you do not do it (free the enslaved person), the fire of hell will scorch you or touch you." (HR Muslim)⁷

2. Makna Fatayaat

The meaning of the word *الْفَتَى* is a young man. As for the form of Mu'annats, it is said to add *Ta' Marbutoh* after the root word becomes *الْفَتَاةُ*. Masdar of the word *فَتَا* itself is *فَتَاءٌ*. These two words are used as metaphors to indicate male and female slaves.

The word *الْفَتَيَاتِ* in QS. An-Nur [24]: 33 is a plural form 'which means "your female slaves." The meaning then moved to the meaning of 'slave.' The transfer of meaning is because a slave, even though he is big and

⁷ Riyad as-Salihin 1604 <https://sunnah.com/riyadussalihin:1604> dan Imam Nawawi, Riyadhus Shalihin & Penjelasannya, Syarah : Syaikh Faishal Alu Mubarak, Takhrij : Syaikh Nashiruddin Al-Albani, Ummul Qurra', Jakarta 2017, h. 941

old, is still seen as a child because he does not have freedom. Islam forbids being bad to enslaved people, humiliating and harassing them. Rasulullah SAW said in a hadith narrated by Bukhari, Muslim, Abu Daud, and Imam Ahmad, recommending the call فَتَى or فَتَاة for enslaved people and not using the call عَبْدُ or أَمَةٌ; the following hadith reads:

وَحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ، حَدَّثَنَا عَبْدُ الرَّزَّاقِ، أَخْبَرَنَا مَعْمَرٌ، عَنْ هَمَّامِ بْنِ مُنَبِّهٍ، قَالَ هَذَا مَا حَدَّثَنَا أَبُو هُرَيْرَةَ، عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ . فَذَكَرَ أَحَادِيثَ مِنْهَا وَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " لَا يَقُولُ أَحَدُكُمْ اسْقِ رَبِّكَ أَطْعِمِ رَبِّكَ وَصَيِّ رَبِّكَ . وَلَا يَقُولُ أَحَدُكُمْ رَبِّي . وَلَا يَقُولُ سَيِّدِي مُوَلَّائِي وَلَا يَقُولُ أَحَدُكُمْ عَبْدِي أَمْتِي . وَلَا يَقُولُ فَتَايَ فَتَايَ غُلَامِي " .

Meaning : “Abu Huraira reported Allah's Messenger (ﷺ) so many ahadith and one of them is this that Allah's Messenger (ﷺ) said: None of you should say: Supply drink to your lord, feed your lord, help your lord in performing ablution, and none of you should say: My Lord. He should say: My chief, my patron; and none of you should say: My bondman, my slave-girl, but simply say: My boy, my girl, my servant”.⁸

In the Qur'an, the word فَتَى and its derivative forms are mentioned ten times, including in the QS Al-Kahf 10-13-60-62 (إِلَى الْكُهْفِ) / إِذْ أَوْى الْفَتِيَّةُ إِلَى الْكُهْفِ)
 وَإِذْ قَالَ مُوسَى لِفَتَاهُ لَا أَبْرَحُ حَتَّىٰ أَبْلُغَ مَجْمَعَ الْبَحْرَيْنِ أَوْ أَمْضِيَ / إِنَّهُمْ فِتْيَةٌ ءَامَنُوا بِرَبِّهِمْ وَرِذَّئَهُمْ هُدًى
 ﴿ وَقَالَ نِسْوَةٌ فِي الْمَدِينَةِ ﴾ QS Yusuf 30-36-62 (فَلَمَّا جَاوَزَا قَالَ لِفَتَاهُ ءَاتِنَا غَدَاءَنَا / حُفْبًا
وَقَالَ لِفَتِيئِهِ اجْعَلُوا بِصَعْتَهُمْ فِي / وَدَخَلَ مَعَهُ السِّجْنَ فَتَيَانٍ / أَمْرَأَتِ الْعَزِيزِ تُرْوَدُ فَتَاهَا عَنْ نَفْسِهِ
 أَنْ يَنْكِحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمِنْ مَّا مَلَكَتْ) QS An-Nisa 25 (رِحَالِهِمْ لَعَلَّهُمْ يَعْرِفُوهُنَّ
أَنْ يَأْتِيَكُم مِّن فِتْيَانِكُمُ الْمُؤْمِنَاتِ), and An-Nur 33, which is the discussion in this study.

⁸ Sahih Muslim 2249d, <https://sunnah.com/muslim:2249d> accessed on June 5th, 2022 1:01 pm

The word فَيِّ , which means 'youth' by the Qur'an, is generally used to refer to historical figures or figures who have virtues, such as the Prophets and the youth of *Ashabul Kahf*, who have firm faith.

The word فَيِّ , which means the slave is under the linguistic meaning and in line with the advice of the Prophet's hadith; the call فَيِّ for 'slave' is a perfect figurative expression, which implies that enslaved people should be respected and treated humanely. An enslaved person should not be forced to commit atrocities, and his liberation should be sought or alleviated.⁹

3. Al-Bigho'

The word البَغْيُ is sometimes used in terms of quantity and sometimes used to describe the nature of how to do something. The word البَغْيُ has a commendable meaning, namely exaggerating justice with goodness and exaggerating obligations with sunnah. The despicable meaning of the word البَغْيُ is exaggerating the truth with falsehood or with something doubtful.¹⁰

In the Qur'an, the word is repeated four times in the form of *Fi'il Madhi*, mentioned 11 times in the form of *Fi'il Mudhari'*, mentioned 10 times in the form of *masdar*, mentioned three times in the form of *Isim Fa'il*, mentioned four times in the form of *Fi'il Amar* and given various meanings according to the context.¹¹ The word is used to denote people who violate their rights, commit acts that can cause hostility, persecute and harm others, sell themselves to unbelievers because they hate the teachings of the Qur'an

⁹ M Qurais Shihab. "Ensiklopedia Al-Qur'an; Kajian Kosa Kata". h. 221-222

¹⁰ Raghīb Al-Ashfahani. "Al-Mufradat fi Gharibi Al-Qur'an". Pustaka Khazanah Fawa'id. (Depok : April 2017). pdf. h. 223-225

¹¹ Ummi Suhaila Binti Muhammad Yunan, Skripsi "Keragaman Makna Lafadz Baghyu dalam Al-Qur'an", Program Studi Ilmu Al-Qur'an dan Tafsir Fakultas Ushuluddin dan Filsafat Universitas Islam Negeri Ar-Raniry Darussalam-Banda Aceh, 2019, h. 21-24

and are envious and hate the information brought by the Apostles and other people. Who commits adultery or prostitution.

The word **الْبَغْيُ** in the sense of transgressing can be understood from the word **بَعَّ الجَرْحَ**, which means 'the wound expands and widens so that it takes time to heal. The word **الْبَغْيُ** in the sense of committing adultery or prostitution can be understood from the case of Maryam, who was pregnant with Prophet Isa, while Maryam herself was not married and had never been touched or had intercourse with any man. Maryam stated that she was not **الْبَغْيُ** one of the people who prostituted herself or committed adultery.¹²

Bigha' referred to in the Nash, is Zina. In several other verses, the Qur'an describes the act of adultery as a heinous act and forbidden to do. Allah SWT says in Surah Al-Isra 'verse 32 :

وَلَا تَقْرَبُوا الزَّوْجَ إِتْنَهُ، كَانَ فَحِشَةً وَسَاءَ سَبِيلًا

Meaning: "Do not approach adultery, verily (zina) is a heinous act and the worst way."

The verse contains a prohibition to do all actions that lead to adultery because adultery is a heinous act. Allah SWT characterizes adultery as al-Fawahisy from the word Fahisyah which means adultery or prostitution and the like can damage the lineage and lead to conflict. The next trait is Maqtan which means to be hated. Anyone who commits adultery will be shunned and considered to have no honor; it can also trigger discomfort in social relations with the community. The last characteristic is Saa a Sabiila; when adultery occurs, the jungle law applies. There is no difference between humans and animals due to sexual relations outside marriage. Besides being

¹² <https://quran.kemenag.go.id/sura/19 Maryam Ayat 18-22> accessed on March 29th, 2022

able to tarnish the sanctity of both parties, especially women, it is also proof of human kufr because it has tarnished the perfection of his mind.¹³

Then in another verse Allah says in Surah Al-A'raf verse 33, which reads:

قُلْ إِنَّمَا حَرَّمَ رَبِّي الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَّنَ وَالْإِثْمَ وَالْبَغْيَ بِغَيْرِ الْحَقِّ وَأَنْ تُشْرِكُوا بِاللَّهِ مَا لَمْ يُنَزَّلْ بِهِ سُلْطَانًا وَأَنْ تَقُولُوا عَلَى اللَّهِ مَا لَا تَعْلَمُونَ

Meaning: "Indeed, my Lord only forbids all visible and hidden abominable acts, sinful acts, transgressions without a valid reason. (He also forbids) you associating partners with Allah with something that Allah has not sent down evidence of justification for and (forbids) you saying about Allah what you do not know."

The word *بَاغٍ* is used to indicate the perpetrator of an act that is not commendable, but the act is carried out with great compulsion, in an emergency, or without intent to violate. For people who are in a state of necessity, Allah SWT forgives, and the heinous act that has been done is not considered a sin.¹⁴ The word *الْبَغَاءُ* is used by the Qur'an as a prohibition to force women to commit adultery. As a plural form of the word *الْبَغَاءُ*, which fiqh experts usually use to describe a group of people who oppose the legitimate government by using force or force of arms.¹⁵

It is stated in the hadith narrated by Bukhari that :

أَنَّ النَّكَاحَ فِي الْجَاهِلِيَّةِ كَانَ عَلَى أَرْبَعَةِ أَنْحَاءٍ فَبِكَاحٍ مِنْهَا نِكَاحُ النَّاسِ الْيَوْمَ

¹³ Ghufron Hamzah, "Prostitusi dan Trafficking dalam Perspektif Al-Qur'an", jurnal Tafsere Vol. 6, No. 2 Tahun 2018, h. 141-142

¹⁴ M Qurais Shihab. "Ensiklopedia Al-Qur'an; Kajian Kosa Kata". h. 122-123

¹⁵ *Ibid*, h. 122-123

Meaning: "Indeed, marriage in the Jahiliyah era took four forms. One form of which is marriage like people today,¹⁶

'Aisyah R.A explained that during the Jahiliyah period, there were four ways to have sexual relations. First, wiladah marriage. The method known until now is to apply for a woman to be a guardian, pay a dowry and get married. Second, the marriage of Al-Istibdha 'is by sending a wife who has been purified from her menstruation to "sleep" with a chosen man, and after she is pregnant, she returns to her husband. The goal is to get children from superior seeds. Third, al-right marriage, which is to gather in a group of fewer than ten people and then they have sexual intercourse with a woman, and when she is pregnant until she gives birth, she calls all the members of the group without anyone being able to dodge and remember them about their relationship with her. Then, the woman appoints one of the chosen men to be the father of the child who is born and given a name assigned to the chosen man. The fourth is al-bigha 'or al-Rayah marriage. Several men came to the place of the prostitutes. Then Islam came to abolish all forms of sexual relations except the first one¹⁷

C. Review of The Context (Micro-Macro Historical Analysis)

As we know, micro and macro-historical analysis can be done to trace the historical background of the revelation of the verse related to the events and problems that occurred.

1. Abdullah bin Ubay bin Salul

Before entering the discussion about Asbabun Nuzul Qur'an Surah An-Nur verse 33, it is necessary to know the figure behind the verse's revelation, Abdullah bin Ubay bin Salul. This figure is very influential in

¹⁶ Shahih Bukhari 5127 <https://sunnah.com> accessed on March 29th, 2022, pukul 06:55

¹⁷ <https://islam.nu.or.id/nikah-keluarga/4-bentuk-perkawinan-pada-zaman-jahiliyah-dXgtW> accessed on March 29th, 2022

revealing the Qur'an because, indeed, not a few verses of the Qur'an have been revealed due to his actions. He is the head of the Kahzraj Tribe. After the dispute between the Aus Tribe and Kazraj in the Battle of Bu'ats they finally decided to unite. So they agreed to choose one of them as the leader of Medina. Although the Kazraj Tribe suffered defeat, the two major tribes agreed to appoint Abdullah bin Ubay bin Salul as the leader.

Before the coronation of Abdullah bin Ubay bin Salul as King, Muhammad's call was heard by six Medinans who went on pilgrimage to Mecca and met the Prophet Muhammad SAW. The six people were Abu Umamah As'ad bin Zurarah bin 'Adas from Banu Najjar, Auf bin Harith bin Rifa'ah ('Auf bin 'Ufara') from Bani Najjar, Rafi' bin Malik bin 'Ajlan from Banu Zuraiq, Qutbah bin 'Amir bin Hadidah from Bani Salamah, Uthbah bin 'Amir bin Nabii from Banu Ubaid bin Ka'ab and Jabir bin Abdullah bin Ri'ab from Banu Ubayd bin Ghanam.¹⁸ Prophet Muhammad's call was well received even they declared themselves converted to Islam. Then the news was heard throughout Medina. The news of the call of the Prophet Muhammad was considered more promising for the people of Medina than lifting Abdullah bin Ubay bin Salul, thus making Abdullah bin Ubay bin Salul forgotten.

Abdullah bin Ubay bin Salul is an attack leader of the Khazraj tribe who has ambitions to occupy the leadership of the city of Medina. However, that dream was immediately buried after the presence of the Prophet Muhammad. The beginning of his hypocrisy was the disappointment of Abdullah bin Ubay bin Salul who failed to be appointed as the leader of Medina.¹⁹ Abdullah bin Ubay bin Salul held a grudge against the Messenger of Allah until his heartache covered him from the path of truth. He did not

¹⁸ https://kuliahislam.com/kisah-abdullah-bin-ubay-tokoh-kaum-munafiq/#:~:text=Abdullah_bin_Ubay_bin_Salul_adalah_kepala_suku,sepakat_memilih_salah_seorang_diantara_mereka_sebagai_Raja. Accessed on Saturday 28 May 2022 02:14 pm

¹⁹ Hidayatunnisa, *"Kelompok Munafiq Dalam Al-Qur'an (Ciri dan Sikap Al-Qur'an Terhadap Orang-Orang Munafik)*, Skripsi diajukan kepada Jurusan Ilmu Al-Qur'an dan Tafsir Fakultas ushuluddin dan Humaniora Universitas Islam Negeri Profesor Kiai Haji Saifuddin Zuhri Purwokerto, 2022, h. 29

accept the existence and virtue of the Prophet, and he closed his heart until, over time, Abdullah bin Ubay bin Salul became an enemy in a blanket for the Messenger of Allah. He became a traitor and became a leader for the hypocrites.²⁰

Everything that comes out of his mouth always causes a controversy that is detrimental to Islam and the Muslims. Become a provocateur in every slander he carries out. Allah says in Surah Al-Baqoroh verse 9 :

يُخَادِعُونَ اللَّهَ وَالَّذِينَ ءَامَنُوا وَمَا يُخَادِعُونَ إِلَّا أَنفُسَهُمْ وَمَا يَشْعُرُونَ

Meaning: "They deceive Allah and those who believe, even though they are only deceiving themselves without them knowing it."

Abdullah bin Ubay bin Salul besides being an enemy in a blanket for the believers is also two-faced. When in front of the believers, he declared his Islam. However, when in front of fellow hypocrites, he made fun of, denounced the Messenger of Allah, provoked the ummah, and did everything he could to destroy the Islamic ummah so they would be divided. Here is some hypocrisy that he has committed; first, during the Uhud war, the Muslim army consisted of 1000 troops; several 300 troops were successfully instigated by Abdullah bin Ubay bin Salul so that only 700 troops remained. People who were consumed by the incitement of Abdullah bin Ubay bin Salul defected back home and did not join the war. Seeing the unequal number of opponents, what Abdullah bin Salul wanted for the defection was for the Muslim troops to be mentally stressed and split up, so the Muslim troops lost severely. This incident is enshrined in the Qur'an Surah Ali-Imran verses 121-122, which reads :

وَإِذْ عَدَوْتَ مِنْ أَهْلِكَ تُبَوِّئُ الْمُؤْمِنِينَ مَقْعِدَ لِلْقِتَالِ ۗ وَاللَّهُ سَمِيعٌ عَلِيمٌ

²⁰ https://kuliahislam.com/kisah-abdullah-bin-ubay-tokoh-kaum-munafiq/#:~:text=Abdullah_bin_Ubay_bin_Salul_adalah_kepala_suku,sepakat_memilih_salah_seorang_diantara_mereka_sebagai_Raja.

إِذْ هَمَّتْ طَّائِفَتَانِ مِنْكُمْ أَنْ تَفْشَلَا وَاللَّهُ وَلِيُهُمَا ۗ وَعَلَى اللَّهِ فَلْيَتَوَكَّلِ الْمُؤْمِنُونَ

Meaning: "And (remember), when you (Muhammad) departed in the morning, leaving your family to arrange the believers at the battle posts. Allah is All-Hearing, All-Knowing. When two groups from your side want to (retreat) out of fear, even though Allah is their helper. Therefore, let the believers put their trust in Allah alone."²¹

After the Battle of Badr, the Muslims faced the Battle of Uhud. Before heading to the Uhud field, the Prophet asked the Muslims for advice on whether they should line up to meet the infidels or fortify themselves in Al-Madinah. `Abdullah bin Ubay (the head of the hypocrites) advised them to stay in Medina, saying that if the disbelievers besieged Medina, the siege would cost them a lot. He added that if they decided to attack Al-Medina, the men would confront them, while women and children could throw stones over their heads, and if they decided to return to Mecca, they would return with failure. However, some companions who did not attend the battle of Badr suggested that the Muslims should go to Uhud to meet the infidels.

When they reached the area of Shawt, `Abdullah bin Ubayy returned to Medina with a third of the army, claiming that he was angry that the Prophet had not listened to his advice. He and his supporters said, "If we had known that you were going to fight today, we would have accompanied you. However, we did not think that you would be fighting today."."²²

Second, take refuge in his oath. They are good at fighting tongues, leading them astray, reluctant to ask forgiveness from Allah SWT.²³ Until then, Allah revealed his word Surah Al-Munafiqun verses 1-8 قَالُوا نَشْهَدُ إِنَّكَ

كَرَسُولُ اللَّهِ . hypocrites claim that they believe and believe in the Messenger of

²¹ <https://quran.com/id/3?startingVerse=121-121> accessed on 2 Juni 2022

²² <https://quran.com/63> Qur'an Surat Ali-Imran 121-122, accessed on 6 Juni 2022

²³ <https://quran.kemenag.go.id/sura/63> Qur'an Surat Al-Munafiqun 1-8,

Allah PBUH, but Allah knows best that what they are doing is pretending, there is no substance in their statement. Then Allah **إِنَّ الْمُنَافِقِينَ كَذِبُونَ** Allah testifies that the hypocrites are liars. They believe in the Prophet PBUH in zahir, but it is different in their hearts. Their claims of trust and belief are false. This they do is nothing but to protect themselves so that it looks as if they believe, even though they expect the destruction of Islam. Of course, this is very detrimental to many people. Apart from that, they also hinder (others) from the path of Allah so that Allah makes their hearts closed, unable to understand any guidance or goodness that reaches them. His style of speech is very manipulative but cowardly. Allah will not forgive them, nor will there be any guidance for them.

Third, this story is still related to the Bani Mustaliq controversy and the slander incident directed at Sayyidatina Aisyah r.a. The Bani Mustaliq controversy took place in the month of Sha'ban in the 6th year of Hijriyah. Starting a leader of the Bani Mustaliq, namely Al-Harith bin Abu Dhirar, provoked his people to fight against the Muslims. Then the Prophet PBUH sent Buraidah bin Al-Aslami to find out the truth of the information.²⁴

After returning from the Bani Mustaliq controversy, Rasulullah PBUH and his entourage returned to Medina. The Messenger of Allah PBUH decided to rest for a while, so Aisyah r.a went out of the group to pray. At that time, Aisyah r.a wore an agate necklace from the city of Zhifar. When he finished his intention, it turned out that his necklace had come off, so he decided to go back and look for it. However, the group of Muslims continued their journey back to Medina. So Aisyah r.a was left behind by a group of Muslims.

Then, Aisyah r.a met with a friend of Shafwan bin Muwaththal As-Sulami. Long story short, Shafwan's friend helped deliver Aisyah to the group with her camel. Immediately, Abdullah bin Ubay bin Salul slandered

²⁴ <https://www.mahadalyjakarta.com/peperangan-bani-musthaliq-dan-peristiwa-terfitnahnya-aisyah/>

Aisyah r.a for having an affair with a friend of Shafwan bin Muwaththal. Regarding the fake news, Allah SWT explained his word in Surah AN-Nur verse 11 as follows :

إِنَّ الَّذِينَ جَاءُوا بِالْإِفْكِ عُصْبَةٌ مِّنْكُمْ ۗ لَا تَحْسَبُوهُ شَرًّا لَّكُم ۖ بَلْ هُوَ خَيْرٌ لَّكُمْ ۗ لِكُلِّ امْرِئٍ مِّنْهُمْ مَا اكْتَسَبَ مِنَ الْإِثْمِ ۗ وَالَّذِي تَوَلَّى كِبْرَهُ مِنْهُمْ لَهُ عَذَابٌ عَظِيمٌ

Meaning: "Indeed, those who bring false news are from among you (too). Do not think that the news is bad for you, even if it is good for you. Every one of them gets a recompense for the sins he has committed. And whoever of them takes the largest share (of the sins he has committed), he will have a great punishment (too)."²⁵

2. The Asbabun Nuzul

Asbabun Nuzul, from Imam Abu Ishaq Asy-Syathibi, is not limited to the context of language and related subjects but also the context of tradition and culture in language. Imam Abu Ishaq Ash-Syathibi is referred to as "muqtadhayatul ahwal" (مُقْتَضِيَةُ الْأَحْوَالِ) and "adaatul Arab fi aqwaaliha wa af'aliha wa majari ahwaliha" (أَدَةُ الْعَرَبِ فِي أَقْوَالِهَا وَأَفْعَالِهَا وَمَجَارِي أَحْوَالِهَا). Without this understanding carefully, it can lead to confusion in understanding the meanings of Shari'ah.²⁶ Based on the literature review through commentary books and historical texts, it was found that the revelation event known as Asbabun Nuzul was found as the background for the revelation of the Qur'an Surah An-Nur verse 33.

When the Prophet PBUH migrated to Medina, he found a hypocrite figure who came from the Kazraj Tribe named Abdullah bin Ubay bin Salul. He prostituted the enslaved people he owned, turning them into sexual commodities. Abdullah bin Ubay bin Salul asked for a reward to earn an

²⁵ <https://quran.com/24?startingVerse=11> qur'an An-Nur ayat 11

²⁶ KH.Husein Muhammad. "Islam Agama Ramah Perempuan". (Yogyakarta: IRCiSoD, 2021) h. 260-261

income, and if the enslaved person were a prostitute to give birth to a child, it would increase his status. Then came the letter An-Nur verse 33, which contains the prohibition of forcing slave girls to commit adultery.²⁷ If the enslaved person refused to prostitute, then Abdullah bin Ubay bin Salul did not hesitate to torture and beat the enslaved person.

Al-Qur'an Surah An-Nur verse 33 was revealed in response to the forced prostitution activity carried out by Abdullah bin Ubay bin Salul. From Jabir, Abdullah bin Ubay bin Salul said to his slave girl Masika, "Go and prostitute for us." Moreover, when the verse about adultery came down, the enslaved person said, "By Allah, I will never commit adultery forever." Then Allah SWT revealed the verse ".,, and do not force your female slaves to do prostitution, while they themselves want chastity.,,"²⁸

Muslims and Abu Daud narrated from Jabir that Abdullah bin Ubay had two enslaved women, Musaikah and Umaimah. Then he forced her into a prostitute, and they complained about this to the Prophet PBUH, revealing this verse. The women forced to prostitute will be forgiven by Allah SWT, and the sins are borne by those who force them. Hasan Bashri reads this verse every time he says: "For those women," namely those who are forced to prostitute themselves, Allah SWT forgives and has mercy on them.²⁹ Being a sex worker was once justified in the view of the old society which the Old Testament confirmed. There it is stated: "Judah saw a woman who he thought was a prostitute, and he said to her: "Come, let me come to you." The woman was promised to be given a goat.³⁰

Mecca, in the early days of Islam, recognized nine women who were sex workers by placing signs on the doors of their homes. One of them is 'Anaq and Murtsid bin Abu Murtsid whose case is mentioned in Surah An-Nur verse 3. Meanwhile, in Medina it is known that there were six women,

²⁷ <https://quran.com/id/24:33/tafsirs/en-tafisr-ibn-kathir> sabtu 21 mei 2022 3:38 pm

²⁸ <https://quran.kemenag.go.id/sura/24>

²⁹ Ariyadi, "Tindak Pidana Pelaku Eksploitasi Seksual Pada anak Menurut Hukum Islam" dalam Jurnal Hadratul Madaniyah, Vol. 6 Issue I, Juli 2019, h. 51-53

³⁰ <https://alkitab.sabda.org/commentary.php?book=1&chapter=38>, Kitab Kejadian 38:12-19 accessed on March 19th, 2022

all of whom were slaves of 'Abdullah Ibn Ubay Ibn Salul, a hypocrite who spread rumors about the Prophet's family. Muhammad, PBUH.

According to Ibn 'Arabi, quoting Imam Malik and Az-Zuhri, Mu'adzah was forced into prostitution by Abdullah bin Ubay bin Salul with the Battle of Badr prisoners, but she refused because she was a Muslim. Abdullah bin Ubay bin Salul forced and beat Mu'adzah, hoping that his slave would become pregnant from the prisoner, then he demanded compensation. It is the custom of the Jahiliyah people to pay the master of the enslaved person one hundred camels to get his child born from the master's prostitute.³¹

Then Mu'adzah complained about this to the Prophet Muhammad, revealing this verse. Another narration states that 'Abdullah bin Ubay bin Salul did provide "comfort women" to honor his guests. One of them is Mu'adzah. The Prophet then ordered Abu Bakr to arrest Abdullah bin Ubay. This incident occurred before Abdullah bin Ubay pretended to embrace Islam.

Ibn As-Sakan narrates in the book *Ma'rifah Ash-Shahabah* from Abdullah bin Shabih from his father that he said: I used to be the slave of Huwaithib bin Abdul Uza, then I asked him for an agreement, but he refused. Then the verse came down, "*And the slaves you have who want a covenant.*" Allah SWT, "*And do not force your female slaves to do prostitution.*"

The practice of sexual slavery was rife in the period before Islam descended and after it came down because slavery was indeed a part of world life, not only in the Arabian Peninsula. According to Shaykh Abu Bakr Al-Jaza'iri, the origin of slavery was due to several reasons, including war, poverty, robbery, and piracy. When there was a war, groups of prisoners were made into enslaved people. Later, poverty also encouraged them to sell their children to be enslaved people for others. Lastly, robbery

³¹ M Qurais Shihab. "*Tafsir Al-Misbah*". Jakarta: Lentera Hati, November 2009. h. 541

and piracy. When the Europeans stopped in Africa and captured the Negroes, they sold them on the European slave markets. In addition, pirates from Europe hijacked ships crossing the ocean and attacked the passengers. After successfully conquering it, they sold their passengers on European slave markets, and they ate the proceeds of the sale.³²

3. Social and Historical Context of Madeena

There are two major tribes in Medina, namely the Aus and Khazraj. The Aus tribe consisted of several tribes, including the Bani Khathmah, Bani Umar An-Nabit, Bani Murrah Al-Ja'adirah, Bani Malik, Bani Amr, Bani Waqif, Bani Mu'awiyah, Bani Kulfah, Bani Za'ura', Bani Amr bin Auf, Bani Abdul Asyhal, Banu Umru'ul Qais, Bani Jusyam, Banu Ghanam, Banu Harithah, Banu Zhafar, Banu Murrah and Banu Auf. While the Khazraj tribe consists of several tribes including Bani Amr, Bani Mazin, Bani Zaid Manah, Bani Dinar, Bani Jusam, Bani Zuraiq, Bani Salim, Bani Salamah, Bani Al-Harith, Bani Najjar, Bani Sa'idah, Bani Haram, Bani Al-Harith Bayadhad, Bani Auf, Bani Ka'ab, Bani Ady, Badi Ghanam, Bani Malik and Banu Tharif.³³

The feud of Aus and Khazraj, two great tribes that never got along. They always fought during the Jahiliyyah period. Before the Prophet SAW moved to Medina, there was a war called the Bu'ats War between the Aus Tribe and the Khazraj Tribe. After the Bu'ats War, the two major tribes agreed to appoint a leader. Then Abdullah bin Ubay Bin Salul was appointed as the leader. They raised Abdullah bin Ubay bin Salul and prepared the crown to be pinned on Abdullah bin Ubay bin Salul's ship as a symbol of the appointment. Before he had time to be appointed King of Medina, people heard that the Messenger of Allah would emigrate to Medina. This

³² <https://muslim.or.id/8903-islam-kejam-membolehkan-perbudakan.html> accessed on 29 Mei 2011 08:10 pm

³³ Sami bin Abdullahal-Maghlouth, *“Atlas Perjalanan Hidup Nabi Muhammad”* (Napak Tilas Jejak Perjuangan dan Dakwah Rasulullah), Jakarta: House of Almahira, 2008, h. 176-177

makes people turn away from Abdullah bin Ubay bin Salul. So the Prophet is considered to have usurped his position as King in Medina. Abdullah bin Ubay bin Salul held a grudge and hated the Prophet Muhammad.³⁴

In Medina, the Prophet Muhammad faced three major groups: the Muslim group, the Munafiqin, and the Jewish group.

- a. The first group is the Muslims consisting of the friends of the Muhajirin. The characteristics of the Muhajirin believers are that they believe in Allah and His Messenger. Not only that, but they also show their obedience only to Allah SWT and His Messenger and are even willing to sacrifice everything they have to seek the pleasure of Allah SWT. Second, willing to leave home and property to carry out the commands of Allah and His Messenger. Third, dare to sacrifice body and soul to defend Allah and His Messenger. In one narration, it is stated that they were willing to suffer from hunger due to poverty due to the boycott. Ansar has the characteristics of loving the Muhajirin people and is even willing to be brothers with the Prophet SAW. They do not want to get Fai's property as the emigrants have given them. In addition, the Ansar prioritize the Muhajirin over themselves.³⁵
- b. The second group is the Munafiq (At-Taubah verse 101).

وَمَنْ حَوْلَكُمْ مِنَ الْأَعْرَابِ مُنْفِقُونَ يُورِثُ أَهْلَ الْمَدِينَةِ مِرَدًّا وَعَلَى الْبِفَاقِ لَا تَعْلَمُهُمْ نَحْنُ نَعْلَمُهُمْ
سُنْعَدِبُهُمْ مَرَّتَيْنِ ثُمَّ يُرَدُّونَ إِلَى عَذَابٍ عَظِيمٍ ۝

Meaning: And among the Bedouin Arabs who (live) around you, there are hypocrites. Moreover, the people of Medina (there are also hypocrites) are outrageous in their hypocrisy. You (Muhammad) do not know them, but We do. Therefore, we will punish them twice; then, they will be returned to a great punishment.

³⁴ Syaikh hafiyyurrahman Al-Mubarakfuri, “*Sirah Nabawiyah*”, Terj. Kathur Suhadi, Jakarta : Pustaka Al-Kautsar

³⁵ <https://quran.kemenag.go.id/sura/59 Surat Al-Hasyr ayat 9>, accessed on April 10th, 2022

Hypocrites are divided into two groups: hypocrites who appear to be hypocritical and hypocrites whose hypocrisy is vaguely undetected because of their cleverness in hiding their hypocrisy. In this condition, it cannot be expected to return to the true faith. However, Allah SWT is aware of their hypocrisy, so Allah inflicts punishment in the world in the form of suffering and inner suffering and the pain of death and the punishment in the hereafter in the form of Hell.³⁶

- c. The Jews were divided into three major tribes, namely Bani Qainuqa ', Bani Nadhir and Bani Quraidzah. *First* Bani Qainuqa 'which is enshrined in Q.S Al-Hasyr:

كَمَثَلِ الَّذِينَ مِنْ قَبْلِهِمْ قَرِيبًا ذَاتُؤَا وَبَالَ أَمْرِهِمْ وَهُمْ عَذَابٌ أَلِيمٌ

Meaning: (They are) like those who before them (Jews) not long ago, have felt the bad consequences (expelled) because of their own actions. And they will have a painful punishment.

The word Qainuqa 'is a popular name among other designations. Some call it Qainiqa 'and Qainaqa'. The title is intended for the most rude group of Jews. They were allies of Ubadah bin Shamit and Abdullah bin Ubay bin Salul. When 20 months after the hijrah of the Prophet they were expelled from Medina and then headed to a place called Adhri'at in the land of Sham. Banu Qainuqa' expulsion was caused because they violated the peace agreement they had agreed with the Prophet Muhammad and the Muslims were divided into three major tribes, namely Bani Qainuqa ', Bani Nadhir and Bani Quraidzah.

The Second is Bani Nadhir, the Jews of Bani Nadhir, broke the agreement that had been agreed with the Muslims. They intended to throw a large stone on the Prophet Muhammad while he was at their

³⁶ Tafsir Kemenag, <https://quran.kemenag.go.id/sura/9> accessed on April 10th, 2022, 06:55

residence to pay the Diyat of two polytheists whom Amr bin Umayyah accidentally killed. The Muslims then came to surround their house until they surrendered. The Muslims asked the Messenger of Allah to expel them from Medina. The request was granted by the Prophet Muhammad.³⁷ They were expelled from Medina full of anger and revenge against the Muslims. Before they left Medina, they demolished their houses and closed the streets of the villages with the aim that the houses they left were not used by Muslims and so that they could bring the equipment they already had.

The Third is Bani Quraidzah is a group that is not very fond of spreading religion. However, they are business experts. They do not hesitate to become master usurers. They are taking advantage of many times over the Arabs as a whole. They also usually provide loans with high interest by making land and gardens collateral. The high-interest rates they apply make the Arabs unable to pay off their debts that are increasing in interest. That way, Jews can reap two benefits at once, namely maintaining existence and accumulating wealth through usury.³⁸

The Messenger of Allah forbade the sex trade of women, which at that time was rife, even though they were enslaved. Moreover, the prohibition will be even stricter if the status is independent. The Messenger of Allah, who absorbed the spirit of the Qur'an, then forbade the forced prostitution of enslaved people that occurred at that time. What the Prophet did was to help enslaved people who were powerless over their masters. Nevertheless, they are treated inhumanely, so they need to be freed from the cruelty of their owners. In this case, the Messenger of Allah (PBUH) provided a way of justice and protection for prostituted enslaved people.

³⁷ Sami bin Abdullahal-Maghlouth, "*Atlas Perjalanan Hidup Nabi Muhammad*" (Napak Tilas Jejak Perjuangan dan Dakwah Rasulullah), Jakarta: House of Almahira, 2008, h. 196

³⁸ Syaikh Shafiyyurrahman Al-Mubarakfuri, "*Sirah Nabawiyah*", Terj. Kathur Suhadi, Jakarta : Pustaka Al-Kautsar, h.

4. The Significance of Q.S An-Nur ayat 33

Of the five value hierarchies related to the legal verse proposed by Abdullah Saeed, Q.S An-Nur verse 33 is included in the category of Protection Values. This third value hierarchy contains protection for the fundamental values of human life. It contains a prohibition on prostituting enslaved people for worldly gain. Not only that but this prohibition is also meant as a warning to always respect anyone, even an enslaved person. Its meaning is relevant to the prophetic mission of Islam, namely mercy for all nature in terms of liberation of the Mustadh'afin from acts of injustice.

The symbolic meaning of Q.S An-Nur verse 33 is Jihadun Nafsi (restraining lust) and Dar'ul Mafasid (rejecting damage). Islam teaches monotheism to unite Allah SWT; there is no enslaved person other than Him. Sexual violence is a person's self-serving of his sexual libido, thus making him greedy and taking all means to gain worldly benefits, even by oppressing other parties. What Abdullah bin Ubay bin Salul has done, if brought to the current era, he will be entangled in several articles. First, he forced his slaves into prostitution, tantamount to forced prostitution. The coercion he did, indicated that Abdullah bin Ubay bin Salul did not respect the human rights of his slaves.

Reflecting on the events behind the verse's revelation, slavery is rare and even non-existent. However, sexual violence is still rampant in various forms. Moreover, the problem of sexual violence seems never to end. For example, localization and prostitution can still be found in some big cities. In addition, several parties are vulnerable to being targets of sexual violence crimes, such as Mustadh'afin people and women. This vulnerability is caused by many things, including economic factors, inequality in relations, and gender-biased discourses that often subordinate women.

From the previous description, there are important points related to the protection values contained in Q.S An-Nur verse 33 as follows:

1. Protecting the human rights of enslaved people from prostitution due to coercion and torture from their masters.
2. Freeing enslaved people from sexual violence and prostitution.
3. Freeing enslaved people from the sin of adultery in the form of forgiveness and love of Allah SWT.

CHAPTER IV
“REINTERPRETATION OF SEXUAL VIOLENCE IN Q.S AN-NUR 33
WITH *MA’NA CUM MAGHA* APPROACH”

A. The Prohibition of Sexual Violence in Q.S An-Nur 33

One of the prophetic missions of the presence of Islam is to free women and the Mustadh'afin from all forms of injustice. When Islam was present, women occupied subordinate positions. In a narration, it is stated that the Jahiliyyah community was covered in dark darkness; when they heard the news of the birth of a baby girl, they immediately buried their baby girl alive because having a baby girl was considered a disgrace.

Then Islam was present in Arab society, full of discriminatory cultural practices and marginalized women; the Qur'an was revealed, which echoed the moral messages of universal humanity. Reinterpretation attempts to dismantle the ideological discourses that developed at that time, namely an ideology that was downright misogynistic, patriarchal, discriminatory and full of violence against women. This transformative effort is pursued by using two cutting-edge approaches that synergistically elevate the image and dignity of women and equate women and men. However, on the other hand, the Qur'an also condemns the practice of violence against them.

A prohibition against doing evil is the same as an injunction to do good. Surah An-Nur verse 33 not only contains a prohibition on prostitution of slaves, but also can be interpreted as a prohibition to commit sexual violence to the mustadh'afin especially women who are relatively vulnerable to being victims of sexual violence, as well as an order to provide protection for fellow human beings. Not insulting each other, let alone prostitution. It contains suggestions for marrying single people who are worthy of marriage, just like the previous verse. To 'marry' means to provide assistance for their marriage. In this case, the guardian may not compel their child to marry against their parents' wishes. Before getting married, it is a good idea to inquire about the willingness of both

parties who will be involved in the marriage relationship. Forced marriage against children is not only prohibited, but also regulated in Article 10 of the TPKS Law. This rule specifies that forced marriage is a criminal act of sexual violence punishable by up to 9 (nine) years in prison or a fine of Rp. 200,000,000, -. (two hundred million rupiah).

Then the Maqshad Al-Father was formulated from Q.S An-Nur verse 33 as follows:

1. Dar'ul Mafasid

Literally, Surah An-Nur verse 33 contains an explanation of the prohibition against prostitution of a slave. This verse was revealed to Abdullah bin Ubay bin Salul who made his female slaves as sexual commodities, then he enjoyed the results. In other words, Abdullah bin Ubay bin Salul was a pimp or pimp for his slaves. If the slave refuses to be prostituted, he does not hesitate to torture and beat his slaves.

In the case of this verse, Quraish Shihab uses the *العبرة بعُموم اللفظ* method 'the benchmark or guide in establishing a law is its general statement, not the specific reason'.¹ The method explains that if there is a verse that was revealed due to a special reason, while the lafadz contained in the verse is general, then the law taken is referring to the generality of the lafadz not to the specificity of the cause. Or in other words, that the argument of the Qur'an as a legal reference does not refer to the events behind the revelation of the verse, but refers to the generality of the verse's lafadz. The event that causes the revelation of the verse is a sign of guidance.

The prohibition is general in nature, related to the current phenomenon of sexual violence, including rape and all other forms of

¹ M Quraish Shihab "Kaidah Tafsir (Syarat, Ketentuan dan Aturan yang Patut Anda Ketahui dalam Memahami Ayat-Ayat Al-Qur'an)", h. 179-183

sexual violence. Nowadays, slaves are rarely found, for that reason, slaves are no longer interpreted as such, but are interpreted as someone whose rights and freedoms are imprisoned. No matter how old he is, he is considered like a 'little child' who can't do anything according to his will. Slaves are a picture of a person's helplessness known as *Mustadh'afiin* (weak people). They are said to be weak and helpless because they have to submit and obey their masters / superiors. Because of the inequality of these relations, the slave masters often act arbitrarily against them. If he does not obey, then he will be tortured by his master. Even if the command is to commit a vile thing, namely prostitution or committing adultery. They do not want the adultery but they are powerless to refuse. It was the slave master's greed for worldly gain that caused the slaves not to escape the act of prostitution.

A prostitute is called a *baghiyyah* which means she commits adultery not only once but many times. In a number of prostitution cases, the perpetrators were forced to become prostitutes due to economic reasons. With a promising profit they are willing to exchange their honor for money, making them more submissive to Pimps than obeying and obeying Allah's commands. After returning from the battle of Badr the Messenger of Allah said to his companions:

رَجَعْتُمْ مِنَ الْجِهَادِ الْأَصْغَرِ إِلَى الْجِهَادِ الْأَكْبَرِ فَقِيلَ وَمَا جِهَادُ الْأَكْبَرِ يَا رَسُولَ اللَّهِ؟ فَقَالَ جِهَادُ النَّفْسِ

Meaning: you have returned from a small battle to a big battle. Then the companions asked "What is the greater battle, O Messenger of Allah?" The Prophet replied 'jihad against lust'.²

As a human being who is endowed with reason, reason is used properly, one of which is to manage lust. Lust that is not managed properly can bring people to destruction. Like sexual violence, it contradicts the basic principle of Islam, namely monotheism, because

² <https://bincangsyariah.com/kolom/telaah-hadis-jihad-melawan-hawa-nafsu/>

sexual violence is equal to human submission to their sexual desires as well as human submission (perpetrators) to other humans (victims). This is contrary to the human status as a servant of Allah and the inherent mandate as caliph fil ardh. Sexual violence shows the loss of the perpetrator's mind which is the core of his humanity and has an impact on the loss of the benefit of the parties concerned, both perpetrators and victims in various aspects of life.

In addition to violating the principle of monotheism, sexual violence has a negative impact on both physically and psychologically, especially the victims. Islam rejects all forms of corruption, evil and violence. Allah SWT says in the Qur'an Surah Al-Maidah verse 33, as follows:

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ ۖ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ

Meaning: "The recompense for those who fight Allah and His Messenger and cause mischief on the earth is only to be killed, crucified, have their hands and feet cut off on a cross, or be exiled from their homes. That is a humiliation for them in this world and in the hereafter (in the future) they will have a very severe punishment."³

KH Husein Muhammad understands that sexual violence is the same as robbery / deprivation of "hirabah" rights. Namely depriving women of honor / chastity accompanied by acts of persecution.⁴ Whenever and wherever it can happen. Therefore, the Messenger of Allah urges all his ummah, to always admonish ma'ruf nahi munkar. When you see an evil, then prevent it. The Messenger of Allah (SAW) said in a narration as follows:

³ <https://quran.kemenag.go.id/>. Al-Qur'an Surat Al-Maidah ayat 33

⁴ KH Husein Muhammad, *Fiqh Perempuan : Refleksi atas Tafsir Wacana Agama dan Gender*, (Yogyakarta : IRCiSoD 2019), h. 305.

عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: "مَنْ رَأَى مِنْكُمْ مُنْكَرًا فَلْيُغَيِّرْهُ بِيَدِهِ، فَإِنْ لَمْ يَسْتَطِعْ فَبِلِسَانِهِ، فَإِنْ لَمْ يَسْتَطِعْ فَبِقَلْبِهِ، وَذَلِكَ أَضْعَفُ الْإِيمَانِ".
[رَوَاهُ مُسْلِمٌ].

Meaning : “On the authority of Abu Sa`eed al-Khudree (may Allah be pleased with him) who said: I heard the Messenger of Allah (ﷺ) say, “Whosoever of you sees an evil, let him change it with his hand; and if he is not able to do so, then [let him change it] with his tongue; and if he is not able to do so, then with his heart — and that is the weakest of faith.” [Muslim]⁵

Islam rejects all forms of corruption, ugliness and violence, which in another hadith states:

قَالَ ابْنُ عَبَّاسٍ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا ضَرَرَ وَلَا ضِرَارَ. سنن ابن ماجه

Meaning: "From Ibn Abbas r.a said: Rasulullah SAW said: there is no (permissible) damage to oneself (dharar) or damage to others (dhirar)" (Sunan Ibn Majah, no. 2431)⁶

This hadith contains recommendations for *dar'ul mafasid*, namely rejecting all forms of damage, ugliness and violence. Refusing in a preventive sense, on the one hand, seeks to prevent all forms of violence from occurring and on the other hand provides protection, assistance and recovery to victims of violence to minimize the impact of the damage.⁷ The body is a gift from God that must be guarded so as not to be damaged either by oneself or by others. Sexual violence is a violation of God's gift that should be guarded. Islam requires men and

⁵ Hadith 34, 40 Hadith an-Nawawi <https://sunnah.com/nawawi40:34>

⁶ <https://sunnah.one/?> .

⁷ Kongres Ulama Perempuan Indonesia (KUPI), *Tanya Jawab Seputar RUU Penghapusan Kekerasan Seksual dari Pandangan Kongres Ulama Perempuan Indonesia (KUPI)*, Jakarta, Agustus 2020), h.12.

women to take care of each other and be responsible for the morality of self, family, society and country. Sex without marriage, especially with violence, is haram for any reason without compromise.

Crimes such as violence, harassment, humiliation are also called psychological violence. Verbal and non-verbal violence will provide a negative stimulus that affects a person's psychological condition. In Q.S Al-Hujurat verse 11 Allah SWT says:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَسْخَرْ قَوْمٌ مِّن قَوْمٍ عَسَىٰ أَن يَكُونُوا خَيْرًا مِّنْهُمْ وَلَا نِسَاءٌ مِّن نِّسَاءٍ عَسَىٰ أَن يَكُنَّ خَيْرًا مِّنْهُنَّ وَلَا تَلْمِزُوا أَنفُسَكُمْ وَلَا تَنَابَرُوا بِالْأَلْقَابِ بِئْسَ الْإِسْمُ الْفُسُوقُ بَعْدَ الْإِيمَانِ وَمَنْ لَّمْ يَتُبْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

Meaning: O you who believe, let not a people make fun of other people (because) they may be better than them (who make fun of) and let not women (make fun of) make fun of) other women (because) it may be that women (who are made fun of) are better than women (who make fun of). Do not criticize each other and call each other bad names. The worst of calls are wicked (calls) after faith. Whoever does not repent, they are the wrongdoers.⁸

Sexual violence is contrary to the spirit of Islam to realize the benefit of individuals, families, communities, countries and even the universe. Contrary to the spirit of the 1945 Constitution which guarantees its citizens to be free from all forms of violence. Sexual violence is against the teachings of Islam so that men and women build equal, fair and human relations.

2. Mandate of protection for Mustadh'afiin

⁸ <https://quran.kemenag.go.id/surah/49> Al-Qur'an Surat Al-Hujurat ayat 11

Sexual violence contains elements of coercion *اكره* , which in fiqh is formulated as an invitation to do an act accompanied by threats. The perpetrator of coercion has the power or power to realize the threat. On the other hand, the person who is forced (the victim) is powerless to refuse it, accompanied by a strong suspicion that refusing him will result in the threat actually befalling him. Consider the hadith conveyed by the Prophet Muhammad in his last speech at Arafah, a few moments before his death:

[عَنْ عُمَرُو بْنِ الْأَحْوَصِ:] حَطَبَ رَسُولُ اللَّهِ ﷺ فِي حَجَّةِ الْوَدَاعِ، فَقَالَ فِي حُطْبَتِهِ: أَلَا وَاتَّقُوا اللَّهَ عَزَّ وَجَلَّ فِي النِّسَاءِ، فَإِنَّهُنَّ عِنْدَكُمْ عَوَانٍ، أَخَذْتُمُوهُنَّ بِأَمَانَةِ اللَّهِ، وَاسْتَحْلَلْتُمُ فُرُوجَهُنَّ بِكَلِمَةِ اللَّهِ عَزَّ وَجَلَّ، لَكُمْ عَلَيْهِنَّ حَقٌّ، وَهُنَّ عَلَيْكُمْ حَقٌّ، وَمِنْ حَقِّكُمْ عَلَيْهِنَّ أَلَّا يُؤْذَنَ فِي بُيُوتِكُمْ إِلَّا بِإِذْنِكُمْ، وَلَا يُوَطَّئَنَّ فُرُشَكُمْ مَنْ تَكْرَهُوْنَ، فَإِنْ فَعَلْنَ فَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ضَرْبًا غَيْرَ مُبْرِحٍ، فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا، وَإِنَّ مِنْ حَقِّهِنَّ عَلَيْكُمْ رِزْقَهُنَّ وَكِسْوَتَهُنَّ بِالْمَعْرُوفِ

Meaning: "Remember, do good to women. For they are (like) captives with you. You have no power over them at all apart from that, except when they commit a disgraceful act. If they do so then leave them in their beds and beat them with a blow that does not hurt. If he obeys you, then do not mistreat them. Nor can they put anyone you don't like into your bed and house. Know that their right over you is that you do good to them (with sufficient) their clothing and food."

The word *إِنَّ* is interpreted as 'captives'. Women are likened to captives on the side of men, because men rule and rule over them. So, the hadith wants to warn people about the reality of women in that space and time, calling on them to stop all forms of oppression and at the same time ordering them to treat women well. The hadith also illustrates how the superiority of men during the Jahiliyyah period was very detrimental

to women, not only depriving women of their freedom, but also depriving them of human rights.

The complaint of Abdullah bin Ubay bin Salul's slave to the Messenger of Allah immediately received a response from the Messenger of Allah, so that the Qur'an Surah An-Nur verse 33 forbade prostitution of slaves. In another hadith Rasulullah SAW said:

إِنَّ اللَّهَ لَا يُؤَخِّدُ لِلضَّعِيفِ فِيهِمْ حَقَّ

Meaning: "Indeed, Allah will not elevate the degree of a people/nation if the people/nation do not defend the rights of the weak."

Just as the Prophet SAW did to the slaves Abdullah bin Ubay bin Salul taught us to always defend the rights of the weak, empower the poor, ensure the victims are protected. Women are brothers who are gathered in one existence that is both human. Problems related to differences in abilities are caused by constructions that are built and developed in the community. The real difference is only in the biological aspects of men and women. In a narration, it is narrated about Umm Salamah, one of the wives of the Prophet Muhammad as follows:

وَحَدَّثَنِي يُوسُفُ بْنُ عَبْدِ الْأَعْلَى الصَّدِّيقِيُّ، أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ وَهَبٍ، أَخْبَرَنِي عَمْرُو، - وَهُوَ ابْنُ الْحَارِثِ - أَنَّ بُكَيْرًا، حَدَّثَهُ عَنِ الْقَاسِمِ بْنِ عَبَّاسِ الْهَاشِمِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ رَافِعٍ مَوْلَى أُمِّ سَلَمَةَ عَنْ أُمِّ سَلَمَةَ، زَوْجِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهَا قَالَتْ كُنْتُ أَسْمَعُ النَّاسَ يَذْكُرُونَ الْخَوْضَ وَمَا أَسْمَعُ ذَلِكَ مِنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَلَمَّا كَانَ يَوْمًا مِنْ ذَلِكَ وَالْجَارِيَةُ تَمْشِي فَمَسَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ " أَيُّهَا النَّاسُ " . فَقُلْتُ لِلْجَارِيَةِ اسْتَأْخِرِي عَنِّي . قَالَتْ إِنَّمَا دَعَا الرِّجَالَ وَمَا يَدْعُ النِّسَاءَ . فَقُلْتُ إِنِّي مِنَ النَّاسِ . فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " إِنِّي لَكُمْ فَرَطٌ عَلَى الْخَوْضِ فَإِيَّائِي لَا يَأْتِيَنَّ أَحَدُكُمْ فَيَدْبُ عَنِّي كَمَا يَدْبُ الْبَعِيرُ الضَّالُّ فَأَقُولُ فِيهِمْ هَذَا فَيَقَالُ إِنَّكَ لَا تَدْرِي مَا أَخَذْتُوا بَعْدَكَ . فَأَقُولُ سَخَفًا " .

Meaning : Umm Salama, the wife of Allah's Apostle (ﷺ), said I used to hear from people making a mention of the Cistern, but I did not hear about it from Allah's Messenger (ﷺ). One day while a girl was combing me I heard Allah's Messenger (ﷺ) say: " O people." I said to that girl: Keep away from me. She said: He (the Holy Prophet) has addressed the men only and he has not invited the attention of the women. I said: I am amongst the people also (and have thus every right to listen to the things pertaining to religion). Allah's Messenger (ﷺ) said: I shall be your harbinger on the Cistern; therefore, be cautious lest one of you should come (to me) and may be driven away like a stray camel. I would ask the reasons, and it would be said to me: You don't know what innovations they made after you. And I would then also say: Be away.⁹

The difference between men and women is only in their bodies which are naturally given by Allah SWT. In addition to this, women and men have the same potential, namely, intellectual potential, spiritual potential, sexual desire and energy. The four potentials are relatively dependent on the construction that forms them. So that with the similarity of potential, there is no difference regarding human rights. This is supported by the words of Allah Q.S Al-Hujurat verse 13:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَىٰكُمْ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

Meaning: O mankind, indeed We have created you from a male and a female. Then We made you into nations and tribes so that you might know one another. Verily, the most honorable of you in the sight of Allah is the one who is most pious. Verily Allah is All-Knowing, All-Aware.¹⁰

The verse emphasizes that there is no difference between men and women, the thing that distinguishes the two in the sight of Allah SWT is the level of piety. Relationship inequality cannot be the reason

⁹ Sahih Muslim 2295a <https://sunnah.com/muslim:2295a>

¹⁰ <https://quran.kemenag.go.id/surah/49> Al-Qur'an Surat Al-Hujurat ayat 13

someone acts arbitrarily to others. KH Husein Muhammad interprets Taqwa as a humanitarian commitment to humanize humans. Even if there is a misogynistic discourse that marginalizes women, it is not the text of the text of the verse or hadith that is wrong, but our understanding has not yet reached the true understanding so that it is misused as a tool of oppression against fellow human beings.¹¹

Forgiveness, for us, means that we do not consider the victim as the perpetrator, which in the perspective of many people, actually blames the victim. Caring, for us, means that we do things that make it easier to deal with the impact of this violence, by accompanying, recovering, and of course ensnaring the perpetrators. And this is the spirit of the UU TPKS in relation to victims of prostitution in particular, and women victims of sexual violence in general.

B. Relevance of reinterpretation Q.S An-Nur 33

1. Sexual Violence in the current era

In 2021 there were 299,911 cases of violence against women. This figure was calculated from several Komnas Perempuan Partner institutions such as the Religious Courts (291677 cases), Komnas Perempuan Partners (8,234 cases), and UPR/direct complaints by victims (2,389 cases).¹² Then in 2022 Komnas Perempuan's Annual Record stated that throughout 2021 there was an increase of up to 50% which when calculated there were 338,496 cases of gender-based violence against women. The violence includes physical, psychological, economic and sexual violence, the majority of sexual violence appears

¹¹ https://www.instagram.com/p/Ce4-FKIpMIf/?utm_source=ig_web_copy_link M Zainal Abidin, M. Pd. I on Instagram @mzainal_a Ka.Sub. Bag. Akademika IAIT Tribakti Kediri

¹² Catahu 2021 : Catatan Tahunan Kekerasan Terhadap Perempuan Tahun 2020, *Perempuan Dalam Himpitan Pandemi : Lonjakan Kekerasan Seksual, Kekerasan Siber, Perkawinan Anak dan Keterbatasan dalam Penanganan ditengah Covid-19*, Komnas Perempuan, Jakarta, Maret 2021, h.1-3.

in the form of rape and sexual abuse.¹³

Based on data on complaints to Komnas Perempuan, it increased significantly by 80% from 2,134 cases in 2020 to 3,838 cases in 2021. On the other hand, data from service institutions decreased by 15% mainly due to the COVID-19 pandemic so that the case documentation system was inadequate.¹⁴ From the results of the Women's Life Experience Survey data collection by the Central Statistics Agency, it was noted that 1 in 3 women aged 15-64 years experienced physical violence or sexual violence by partners and other than partners. Physical violence or sexual violence tends to be higher for women living in urban areas, recorded at 39.3% compared to women living in rural areas as much as 29.8%. The vulnerable age of sexual violence is between 15 years to 64 years with a high school education background of 39.4% and 35.1% of unemployed work status.¹⁵

Sexual violence is still seen as something normal by some people, even used as a joke. Victims are often positioned as perpetrators. Rape is often equated with adultery. As a result, women victims not only do not get protection, victims even get legal sanctions and social sanctions like perpetrators because women have various and long-term biological traces, ranging from tearing of the hymen, unwanted pregnancy, to giving birth to children.

Sexual violence can happen to anyone, anywhere and anytime. What happens at this time, the perpetrator is usually a person who is known or someone close to the victim. Sexual violence brings prolonged trauma and a tendency to become 'perpetrators' as well. Victims of

¹³ <https://komnasperempuan.go.id/siaran-pers-detail/peringatan-hari-perempuan-internasional-2022-dan-peluncuran-catatan-tahunan-tentang-kekerasan-berbasis-gender-terhadap-perempuan>, accessed on 13 Maret 2022, 16:50

¹⁴ <https://komnasperempuan.go.id/siaran-pers-detail/peringatan-hari-perempuan-internasional-2022-dan-peluncuran-catatan-tahunan-tentang-kekerasan-berbasis-gender-terhadap-perempuan>, accessed on 13 Maret 2022, 16:50

¹⁵ <https://www.bps.go.id/pressrelease/2017/03/30/1375/satu-dari-tiga-perempuan-usia-15--64-tahun-pernah-mengalami-kekerasan-fisik-dan-atau-seksual-selama-hidupnya.html>

sexual violence are often stigmatized and thus experience revictimization. Some of the impacts of sexual violence include damaging nasab or lineage, the status of the child is not known who the father is.

وَعَنْ وَائِلَةَ بْنِ الْأَسْقَعِ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «تُحْوزُ الْمَرْأَةُ ثَلَاثَ مَوَارِيثَ عَنِّيَّهَا وَلَقِيْطَهَا وَوَلَدَهَا الَّذِي لَاعَنْتُ عَنْهُ». رَوَاهُ التِّرْمِذِيُّ وَأَبُو دَاوُدَ وَابْنُ مَاجَهَ

Meaning: Wathila b. al-Asqa' reported God's Messenger as saying, "A woman gets inheritance from the three following: one she has set free, a foundling, and her child about whom she has invoked a curse on herself if she was untrue in declaring he was not born out of wedlock." Tirmidhi, Abu Dawud and Ibn Majah transmitted it.¹⁶

Not only destroying the lineage but also can damage the structure of society, defame a region/community group and disturbing local residents. There is a history which states that:

الْمَرْأَةُ عِمَادُ الْبِلَادِ إِذَا صَلَحَتْ صَلَحَ الْبِلَادُ وَإِذَا فَسَدَتْ فَسَدَ الْبِلَادُ

Meaning: "Women are the pillars of the state if the women are good then the country is good and if women are bad then the country is also bad."¹⁷

The kindness of women can be a parameter of the success of a country. When the female citizen becomes an honorable woman, a wise mother, it will give birth to the next generation of good morals for the glory and future of a country. Likewise, if women in a country do not have good manners, then the next generation has the potential to become a bad generation as well.

2. Urgency and Handling of Sexual Violence

¹⁶ <https://sunnah.com/mishkat:3053>, Mishkat al-Masabih » Inheritance and Wills - كتاب الفرائض والوصايا » Hadith 3053,

¹⁷ <https://doaislamseharihari.blogspot.com/2021/09/hadits-tentang-wanita-tiang-negara.html>, Hadits Tentang Wanita Tiang Agama

Everyone has the right to protection from violence and the right to be free from torture or treatment that degrades human dignity as guaranteed in the 1945 Constitution of the Republic of Indonesia. 136.76 million (50%), the female population is 133.54 million (49.4%) and the number of children is 84.4 million (31.6%). One in four women aged 15-64 years in Indonesia has experienced physical and/or sexual violence during their lifetime. Based on data on sexual violence against women and children based on the reporting year for the period January 1 to May 20, 2022, it was recorded that violence against adult women was 1,803 cases with 1,866 victims with a percentage of 45.28% for domestic violence. As for the victims of sexual violence as many as 323 people with a percentage of 17.3%. Violence against children as many as 2,390 cases with 2,611 victims. As for sexual victims of children, there were 1,439 victims with a percentage of 51.7%.¹⁸

Sexual violence is a violation of the gift of God that should be guarded. The state as Ulil Amri has an obligation to protect citizens from sexual violence. One of the functions of the state as Ulil Amri is to provide defense and protection for its citizens in a systematic way, obliged to break the chain of sexual violence and protect all Indonesian citizens from becoming perpetrators and victims of sexual violence. The government and all state institutions are obliged to draw up laws and public policies that are in line with universal humanitarian principles. For this reason, the government and law enforcers are required to carry out and enforce it consistently, as the implementation of Islamic principles, namely:

تَصْرَفُ الْإِمَامُ عَلَى الرَّعِيَّةِ مُنَوِّطٌ بِالمَصْلَحَةِ

¹⁸ http://bpsdm.jatimprov.go.id/assets/images/1659938856_Final-Implementasi_UU_TPKS_di_Daerah-BPSDM_Pemda_Jatim_30juni.pdf

Meaning: "Public policies and government actions must be made and implemented for the benefit of the people"¹⁹

There are three principles of public benefit in Islam that must be fulfilled, these three principles are:

- a. Prioritizing protection for the weak, poor, vulnerable to crime and minorities, by providing opportunities to step up and providing easy access for victims who have experienced sexual violence.
- b. Considering the special condition of the victim, the intention is to give special objective attention to the victim to meet the needs of the victim so that the rights of the victim are fulfilled.
- c. Involve related parties who understand well the case or problem that is happening, with the credibility of these parties it will be easier to resolve a case.

A method explains:

مَا يَصْلُحُ لِأَحَدِ الْجِنْسَيْنِ يَجْلِبُ لِكِلَيْهِمَا وَمَا يَضُرُّ بِأَحَدِهِمَا يُدْرَأُ عَنْ كِلَيْهِمَا

Meaning: "Something that is Mashlahat (good) for one of the sexes must be brought in for both, and something that is harmful (bad) for one of them must also be kept away from both."²⁰

A policy must consider both parties, should not be biased or partial to one. There is no difference of opinion among fiqh experts, that every woman who is forced to commit adultery cannot be punished. Meanwhile, there are differences of opinion regarding the punishment for perpetrators of rape and sexual crimes. First, the punishment for adultery with 100 lashes or stoning in front of the public. Second, the

¹⁹ KH.Husein Muhammad. *"Islam Agama Ramah Perempuan"*. (Yogyakarta: IRCiSoD, 2021) h. 276

²⁰ Faqihuddin Abdul Kodir, *Qiro'ah Mubadalah Tafsir Progresif untuk Keadilan Gender dalam Islam*, Yogyakarta : IRCiSoD, Februari 2019, h. 514

punishment of persecution (if he abuses or injures the victim's limbs) then the law of qisas applies, namely a similar reply. If it is limited to threatening then the punishment is ta'zir.²¹ Q.S An-Nur verse 2 Allah SWT says:

الرَّائِبَةُ وَالرَّائِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ
بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَلْيَشْهَدْ عَذَابَهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ

Meaning : “The (unmarried) women or (unmarried) man found guilty of sexual intercourse - lash each one of them with a hundred lashes, and do not be taken by pity for them in the religion of Allah SWT. If you should believe in Allah and the last day and let group of the believers witness their punishment.”

Meanwhile, in the elimination of Had, according to the majority of scholars, it is said that the removal of Had for men and women is like the elimination of sins in the verse above. Because the law for men is the same as the law for women. It is based on the hadith of the prophet:

إِنَّ اللَّهَ قَدْ جَاوَزَ عَنِّي أُمَّتِي الْخَطَاءَ وَالسَّنْبَانَ وَمَا سُنُّكَرُهُوَاعَلَيْهِ

Meaning: "Verily Allah forgives from my Ummah something that is done because it is wrong, forget it and something that is forced upon it."

In Islam, the function of the state through government officials is to provide defense and protection for oppressed citizens, as experienced by victims of sexual violence. The state, in this case the government, is obliged to break the chain of sexual violence and protect

²¹ KH Husein Muhammad, *Fiqh Perempuan : Refleksi atas Tafsir Wacana Agama dan Gender*, (Yogyakarta : IRCiSoD 2019), h. 304.

all Indonesian citizens from becoming perpetrators and victims of sexual violence.

The existing law does not specifically regulate sexual violence. Whereas the mandate of the 1945 Constitution is to guarantee a safe and free life of citizens from various forms of violence, including sexual violence, both within the family and in the public sphere. The rise of cases of sexual violence shows that the mandate of this Constitution has not been fulfilled properly so it is important for the state to take constitutional steps to protect all its citizens. One of them is by making the Final Bill as a law that can be used by law enforcement 11 to protect all citizens, especially the vulnerable, such as women and children from all acts of sexual violence. This bill will also provide assistance and recovery to victims of sexual violence, as well as rehabilitation for perpetrators so that when they return to society they can become individuals who are anti-sexual against all types of sexual violence.

Finally, after going through a fairly long process, on April 12, 2022, the Official UU TPKS was finally passed, which will become a law that favors victims. Through this Law, law enforcement officers finally have a legal protection or legal standing that so far does not exist to handle cases of sexual violence. The Sexual Violence Act also contains a victim trust fund or victim aid fund. This is a progressive step to provide for Indonesian citizens. The main criminal offenses for the perpetrators consist of imprisonment and special rehabilitation. Additional penalties for perpetrators of crimes of sexual violence consist of compensation, deprivation of profits obtained from criminal acts, social work, special guidance, revocation of custody rights, revocation of political rights and revocation of positions or professions.²²

²² UU TPKS, Bagian kedua Paragraf 1 “pidana pokok dan pidana tambahan” pasal 87

Handling cases of sexual violence must balance the aspects of deterring perpetrators and recovering victims as an important step in handling cases of sexual violence. The UU TPKS focuses on the element of coercion that often occurs in power relations, between the strong and the weak to ensure that victims are not ensnared by the Moral Law or the ITE Law, but instead are protected, assisted, and restored. Legal protection that can be given to women who are victims of sexual violence/harassment can be provided through Law no. 23 of 2004 concerning PKDRT and the Criminal Code concerning 'rape' Article 285 of the Criminal Code which is a very horrific act of sexual violence and is the most cruel act of human rights violations against women, also by Law no. 13 of 2006 especially in Article 5, Article 8, and Article 9 which are the rights of a woman who is a victim.²³

3. Recovery and Resilience

In addition to the UU TPKS which focuses on the aspects of coercion and deterrence of victims, the UU TPKS also focuses on assisting and recovering victims. Because often the perspective of the community still considers the victim to be the perpetrator, so that the legal apparatus then places the victims of prostitution, rape, and other sexual violence as people who are blamed, as if they are perpetrators, making them vulnerable to becoming victims again, instead of being the perpetrators. protected and supported. The spirit of the UU TPKS is certainly in line with the spirit of the Qur'an which emphasizes that Allah SWT forgives (ghafur) and loves (women) to victims of prostitution in particular, or victims of sexual violence in general.

Lafad *إِنَّ اللَّهَ مِنْ بَعْدِ إِكْرَاهِهِمْ عَفُورٌ رَحِيمٌ* at the end of the verse of Surah

An-Nur 33 it has been explained that Allah promises forgiveness and

²³ Perbuatan kekerasan/pelecehan seksual terhadap perempuan Marcheyla Sumera 2013

compassion for victims of sexual violence. It can be interpreted that the intended forgiveness is the freedom of the victim from the sins of adultery, because the victim is involved in adultery by compulsion, not their will. This is because a coercion can invalidate penance for humans and the sin should be given to people who are forced to. A person who is forced to commit adultery is the same as being forced to say kufr. In the word of Allah *لَا مَنَ أَكَرَهُ وَقَلْبِهِ مُطْمَئِنٌّ بِالْإِيمَانِ* it means that if a person is forced to prostitute, but he feels displeased then it cannot be said to be coercion. That means a slave has been on the radar of the Qur'an and is mandated to be protected.

Then the affection in question is in the form of providing space for them to recover, accompanied by material and non-material support that can help them to recover. Allah SWT does not punish those who are forced to do something and forgives them. Hadith:

عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: "إِنَّ اللَّهَ تَجَاوَزَ لِي عَنْ أُمَّتِي الْخَطَأَ وَالنِّسْيَانَ وَمَا اسْتُكْرِهُوا عَلَيْهِ". حَدِيثٌ حَسَنٌ، رَوَاهُ ابْنُ مَاجَةَ [رقم: 2045]، وَالْبَيْهَقِيُّ ["السنن" 7].

Meaning: "From Ibn Abbas Radhiyallahu 'Anhuma, that the Messenger of Allah said, "Verily Allah forgives my ummah when she accidentally forgets and is forced." (Hadith Hasan, HR Ibn Majah No. 2045, Al-Baihaqi VII/356)

The hadith is as the legal basis of liberation of victims from criminalization.²⁴

Al-Qur'an Surah An-Nur verse 33 becomes a spiritual spirit that can help the spiritual recovery of victims of sexual violence. The urgency of the fragment of the verse is that every victim has the right to receive guarantees of justice, assistance to recovery, which in this case

²⁴ <https://prapatanjaini.blogspot.com/2021/01/sesungguhnya-allah-memaafkan-umatku.html>,

is psychological recovery. Forgiveness and compassion are also interpreted as liberation of victims from criminalization and victim blaming. The stigma that develops in society is still often blaming the victim on the grounds that the victim's clothing is inappropriate, the attitude or behavior of the victim that provokes the perpetrator and so on. Allah SWT says in another verse contained in Surah An-Nahl verse 97, thus the editorial:

مَنْ عَمِلَ صَالِحًا مِنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُتَمَنٍّ فَلَنُحْيِيَنَّهٗ حَيَاتًا طَيِّبَةً وَلَنَجْزِيَنَّهُمْ بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ

Meaning: "Whoever does good, both male and female, while he is a believer, We will indeed give him a good life and We will reward him with a better reward than what they always did."²⁵

Allah SWT promises those who do good deeds by giving them a good life and a better reward for what they have done. ة which is meant include lawful sustenance, qana'ah, faith and obedience, luck, heaven, health and sufficiency, contentment for qadha. Basically the damaging which caused by the accident of sexual violence has a very psychological impact on the victim. Psychological wounds are more difficult to heal. That is why in several cases of sexual violence that have been regulated in the UU TPKS, it is stated that every victim has the right to justice, assistance and recovery for physical and traumatic injuries experienced after the incident.

At the conceptual level, restitution is a right for the loss suffered by the victim of a crime in the form of a request for compensation by the perpetrator of a crime to the victim which is also explicitly mandated in the United Nations Declaration on The Prosecution and Assistance of

²⁵ <https://tafsir.app/m-madinah-text/16/97>.

Crime Victims in point 4 Part I-General The principles that confirm the compensation are classified into 4 (four) forms, namely (1) the return of stolen property, (2) monetary payment for loss, damages, personal injury and psychological trauma, (3) payment for suffering, and (4) service to the victims. The form is more or less the same as the form of restitution as regulated in Article 30 paragraph (2) of the UU TPKS. Restitution is given as a substitute for the loss suffered by the victim or his heirs, both materially and immaterially. Defendants who are unable to pay will have 'asset confiscation' as happened in the Herry Wirawan case.²⁶

Reporting from CNN Indonesia, Herry Wirawan, a caretaker at the Madani Boarding School located in the Wildlife Foundation complex, Cibiru District, Bandung Regency, was accused of raping 13 students and some of them even gave birth. Herry is considered to have violated Article 81 paragraph (1), paragraph (3), paragraph (5) Juncto Article 76 D of Law Number 17 of 2016 concerning Child Protection Juncto Article 65 paragraph (1) of the Criminal Code. In addition, the prosecutor also demanded an additional sentence of chemical castration against him. Then a criminal penalty of Rp 500 million and the obligation to pay restitution to the children of the victims which totaled Rp 330 million. Not quite until there, the prosecutor also asked the panel of judges to confiscate the assets of the foundation owned by Herry Wirawan.²⁷

The judge is obliged to determine the amount of Restitution for the Crime of Sexual Violence which is punishable by imprisonment of 4 (years) or more. If the assets of the convict confiscated is not sufficient for the cost of restitution, the state will compensate the victim with a

²⁶ <https://geotimes.id/opini/dalam-pusaran-restitusi-kekerasan-seksual/>

²⁷ <https://www.cnnindonesia.com/nasional/20220215095853-12-759275/herry-wirawan-divonis-seumur-hidup-kasus-perkosa-belasan-santriwati>

number of underpaid restitution in accordance with the court's decision. Compensation is paid through the Victim Aid Fund.²⁸

The psychological impact experienced puts pressure on the life of the next victim. Added to this is the stigmatization of the community who still often blames the victim without seeing the objective truth, which is to question the clothes the victim was wearing at the time of the incident. In several studies, it has been found that the real cause is not the clothes worn by the victim, but rather that the perpetrator has a deviant sexual orientation and is unable to control his lust. Uncontrolled sex libido causes perpetrators to vent in inhuman and irresponsible ways.

The rights of victims according to the UU TPKS are handling to follow up on incidents of sexual violence including the right to legal services, psychological strengthening, health services and services according to the special needs of victims. Then the Right of Protection for victims includes efforts to provide a sense of security to victims such as protection from threats or violence by perpetrators, protection of identity confidentiality. Furthermore, the victim's right to recovery is an effort to support victims of sexual violence to face the legal process and seek welfare based on the fulfillment of the victim, such as medical rehabilitation, mental and social rehabilitation, social empowerment, restitution or compensation and social reintegration.²⁹

This description of a safe (amin) and good (thayyibah) state implies how the government in Islam is obliged to provide security for all its citizens, without exception, from all forms of evil and fear. Sexual violence is something that frightens the socially weak, especially women and children. The state, therefore, is responsible for passing this

²⁸ http://bpsdm.jatimprov.go.id/assets/images/1659938856_Final-Implementasi_UU_TPKS_di_Daerah-BPSDM_Pemda_Jatim_30juni.pdf

²⁹ http://bpsdm.jatimprov.go.id/assets/images/1659938856_Final-Implementasi_UU_TPKS_di_Daerah-BPSDM_Pemda_Jatim_30juni.pdf

final bill to ensure its citizens feel safe from all fear, injustice, injustice, violence, especially sexual violence.

Regarding sexual violence, every individual, society and government can make efforts to stop the crime of sexual violence. The social community can work hand in hand to seek community security and stability in order to avoid the crime of sexual violence. Through its authoritative rights, the government can formulate laws related to sexual violence, provide a deterrent effect for perpetrators as sanctions and provide legal protection for victims who seek justice.

Efforts that can be made to avoid the dangers of sexual violence include the following:

- a. Be vigilant wherever and whenever considering that sexual violence crimes can occur regardless of time and place.
- b. Prepare yourself to anticipate such as basic knowledge about sexual violence crimes and related information.
- c. To fight against acts of sexual violence. In this condition, it is more risky, especially in sexual violence that is carried out far from the crowd.
- d. Be wary of unknown people because perpetrators are unpredictable and in some cases perpetrators of sexual violence are influential people in society with politicization to trap victims.

If someone has experienced sexual violence, here are some things that can be done as a victim of sexual violence, namely:

- a. Do not blame yourself. Trauma after the incident of sexual violence made the victim psychologically shaken so that assistance was needed so that the victim did not experience chronic depression which could lead him to do fatal things, such as injuring himself or committing suicide.

- b. Collect items that can be used as evidence. Some evidence can be found around the location, such as sperm or fingerprints of the perpetrator, evidence of vital organs, blow wounds and the like.
- c. Coming to health services and sexual violence services, complaints efforts to obtain assistance by the authorized institution in handling cases of sexual violence.
- d. Seeking support, such as fighting for the interests of victims by petitioning the government for follow-up.
- e. Immediately report to the authorities, to help freeze the perpetrators to account for their actions.

People who are closest to the victim may contribute to providing support to the victim by making the following efforts:

- a. Listening to victims' stories carefully to help find evidence of incidents of sexual violence experienced by victims objectively.
- b. Do not stigmatize the victim (victim blaming) because it will worsen their psychological condition.
- c. Fulfilling the rights of victims in the form of assistance both materially, emotionally, and spiritually.
- d. Support service institutions for victims of sexual violence in handling cases of sexual violence.

The long-term solutions for sexual violence are:

- a. clear regulations, with the enactment of the UU TPKS, Indonesia has regulations that become the legal protection for cases of sexual violence
- b. ensure that the UU TPKS is well integrated (later on the impunity law can be entered here as well) This UU TPKS has its own challenges to be understood by judges because this law brings new norms in Indonesian law such as the view of victims and an

emphasis on victim recovery that considers the physical impact and psychological victims. “judge education”

- c. Police reform in handling cases of sexual violence
- d. Community aware of sexual violence
- e. There is no justification for sexual violence

CHAPTER V CLOSING

A. CONCLUSION

Every soul is protected from various acts of injustice, such as sexual violence, including if he is enslaved. Sexual violence is a form of violation of the basic principles of Islam, namely monotheism 'Hablum Minallah', breaks the human rights' Hablum Minan Nas', and breaks 'Adh-Dhoruriyat al-Khams', which can cause damage in several aspects of life such as destroying social order, criminalization victims, the phenomenon of victim blaming, negative stigma and others. Victims of sexual violence have the right to justice, treatment, assistance, and recovery, considering the many losses incurred, both physical and non-physical, material and immaterial.

Based on the results of research on Q.S An-Nur verse 33 with the Ma'na Cum Maghza approach, the researchers concluded that:

1. With the Ma'na Cum Maghza approach, the ideal moral can be obtained from Q.S An-Nur verse 33, which can be a spiritual spirit for victims of sexual violence who experience physical and psychological shocks. This verse can be reflected as support for recovery for the victims, along with preventive efforts against various acts of sexual violence. Furthermore, it was freeing victims from criminalization and stigmatization.
2. In Indonesian context, the content of Q.S An-Nur 33 can be implemented to fulfill the rights of victims of sexual violence, starting by promoting preventive efforts, handling cases by providing a deterrent effect to perpetrators, and assisting and recovering victims who fight for justice. In Indonesia, the UU TPKS has been ratified as a legal protection that regulates sexual violence crimes. Therefore, the ratification is a breath of fresh air for victims and survivors of sexual violence who are looking for justice. Furthermore, this appropriate with Islamic teachings that " تصرف الامام الى الرعية "

"المصلحة" (public policies and government actions must be made and implemented for the benefit of the people).

B. SUGGESTION

This research is, of course, still far from perfect; it needs development for more in-depth and comprehensive research results. Nevertheless, the Ma'na Cum Maghza approach is a methodical interpretation that can be applied by anyone in interpreting the verses of the Qur'an with the systematics that have been built. Since the emergence of the theory initiated by Sahiron Syamsuddin, there have been many writings in the form of scientific journals. The interpretation of religious texts needs to be echoed for Dar'ul Mafasid to reach the benefit of the people. Efforts to reinterpret religious texts, both particular texts and universal texts, are sought to produce relevant and wise interpretations so that the resulting understanding is not misused for the benefit of one party in the name of religion and harming other parties. This refers to the revelation of the Qur'an as a mercy to the universe.

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