

## KHILAFAH: THE HIGHEST STRUGGLE TO PROTECT MUSLIM FAMILIES

The emerging awareness of Muslim Ummah to return to the teachings of Islam is evident in the efforts of Muslim families to protect their family members from the influence of secularism and liberalism. These efforts are being undertaken at all levels, for example, the Islamic parenting movement has become a new trend for many young Muslim families in Indonesia nowadays. It is following the widespread establishment of Islamic schools, and also, there are more and more Islamic business and entrepreneurship movements because of the anti-Riba spirit among Muslims. They realize that haraam treasure will ruin their family's serenity.

There was an interesting phenomenon in Indonesia. Not feeling satisfied with many efforts, a group of Muslim women intellectuals were trying to struggle through the constitution. A struggle that could be said at the highest level, because it's trying to touch the legislation system in this largest Muslim country. This group of Muslim women intellectuals created a platform for Muslim family movers which they named AILA (Family Love Alliance). They are determined to fight at the constitutional level because they see the reality of many of the legal products of this country in fact have opened the door to many criminal acts that threaten the Muslim family in Indonesia. AILA advocated for the judicial review of Articles 284, 285 and 292 of the Criminal Code (KUHP) on immorality in order to have an extension of the meaning of adultery, so that moral crimes such as free sex, cohabitation, and LGBT are also included in those chapters of decency. Criticism of the articles is the restriction on the scope of adultery ban only if one of the perpetrators is married (Article 284), restriction on the scope of rape only to women (Article 285), and restrictions on prohibition of same-sex relationships only if done with children (Article 292).

However, the Constitutional Court rejected the Judicial Review filed by AILA together with dozens of other applicants in mid-December 2017. Of the nine judges of the Constitutional Court, five judges rejected the submission. AILA then gave a statement of attitude; *"This rejection will have an impact on how the society will become more and vulnerable to moral crimes such as free sex, rape, and LGBT behavior. This ruling will also nourish anti-moral and anti-religious movements and ideas that seek to distance the society from the identity of a nation which is godly and just, civilized humanity. The struggle for a more civilized Indonesian families will face enormous challenges with this decision, but we will strengthen family resilience through various other support programs such as education and socialization to the society, as well as advocacy and consultation programs for victims of moral crimes."*

### The Effort is Not Enough

The struggle of our sisters in AILA provides an important lesson that the format of a secular state will not be able- and never will be providing legal protection to the Muslim society from the many aggravations of liberalization of life due to the application of secular laws.

The threat of social liberalization does not face any shield from the state, precisely because the state essentially tolerates liberal secular values, but will never tolerate Islam, which is often labeled a radical primordial value. Yet as revealed by AILA; the behavior of adultery and LGBT is increasingly worrisome. The rate of abortion due to Unwanted Pregnancy (Kehamilan Tak Diinginkan, KTD) is estimated at 2.3 million per year where 30% is performed by adolescents. Meanwhile, the number of male sex men (MSM) continues to increase and predicted until 2024 and beyond will be a major cause of increasing HIV infections, based on Estimation and Projection of AIDS prepared by the Ministry of Health based on AIDS data from 2011-2016.

Ironically, the format of the secular state is not only incapable of providing protection, but in fact it sides with liberalization and facilitates it to attack the Muslim families. Let's take the example of economic liberalization through the flow of economic empowerment of women. Indonesia has been rolling out the red carpet to millions of Indonesian women to neglect their motherhood roles by encouraging them to become low-level women migrant workers abroad, risking their honor as Muslim women and neglecting their children in their home country. Poverty and low welfare in this country have forced millions of these women to leave their homes and children for a bite of food due to the application of global capitalism. Its free market system and

riba-based financial model have caused wealth to be concentrated only among the elites so that it has spread the poverty in the Islamic world which then exploited the mothers massively.

On the other hand, an important note for Muslim rulers in the Islamic world is the loss of strong alignments to Islam and its ideology, so it is easy for them to be subjugated, and to duck on international pressures. They are parroting to accuse Islam, easy to label the Islamic teachings as radical, but at the same time they are reluctant to label the LGBT movement as radical. Then do we still have any hope and belief in the constitutional struggle in secular countries?

### **Khilafah, the True Shield for Muslim Families**

Reported from Abu Hurayra that the Messenger of Allah (saw) said: **«إِنَّمَا الْإِمَامُ جُنَّةٌ يُقَاتِلُ مِنْ وَرَائِهِ وَرَأَيْهِ، فَإِنْ أَمَرَ بِتَقْوَى اللَّهِ وَعَدَلَ، فَإِنَّ لَهُ بِذَلِكَ أَجْرًا، وَإِنْ أَتَى بِغَيْرِهِ فَعَلَيْهِ إِثْمُهُ»** ***“Verily the Imam is but a shield from behind which the people fight and by which they protect themselves. So if he ordered to observe the Taqwa of Allah and he was just he would have equal to these (actions) in reward, and if ordered other than that it would be against him equal to that.”*** (Sahih Muslim)

Verily, the picture of the ideal state – in which its inherent sublime constitution that fully favors for the Islamic ideology so that prosperity, honor, and glory covering the Muslim families – had ever been once realized. For 13 centuries, the world and human life had been shaded by the Islamic state – the Khilafah – and every individual had the guarantee of his life needs met fairly and equally. The institution of family could perform its functions as a solid fortress. These families were able to meet the economic, educational, and health needs of their members, provided protection to their children, and guarded the honor of their female members of families. With the application of economic, educational, social, media and other systems, the Khilafah (Caliphate) will guarantee the protection of Muslim families, including women and children. Here is a picture of the guarantee done by the Khilafah against Muslim families:

**Firstly: the guarantee against the honor of women.** As members of society, women are at the center of cultural wars in many Muslim countries today. They are seen as "cultural bearers", managers of tradition and family values, and the last fortress against Western cultural penetration and domination. Muslim women play an important role in maintaining the family as well as the Islamic identity of the Muslim society. A healthy society can be achieved if the women are aware of their right position and return to take it back. The main position of women is as the educator of young generation. Mothers who are intelligent, faithful, and aware of their main tasks will produce generations of fighters who will improve the condition of Muslims. In the West, this main form and role of women have been destroyed. As a result, social diseases and crimes are going rampant. The worst injustice is the destruction of morals and the integrity of women, as it will spread throughout the social aspect of society.

Unlike the West, Islam preserves the honor of women with its noble laws. Women are commanded to cover the private parts and wear hijab, and there are various other laws that are very protective of women. After preserving their honor, Islam commands women to play various extraordinary roles in the preservation of society, which are to hold the role of mother and housekeeper (*ummun wa rabbatul bayt*) who educate their children and strengthen their husbands in carrying Islam. These roles will preserve the building of the family institution as the smallest unit of the societal building. Like the body of society, the families are its cells; if the cells are healthy then the society will also be healthy.

**Secondly: the guarantee of the welfare of the Muslim family.** Women have their main task in the family as the mother as well as regulator and savior of the household, so women are not burdened with the task to work to support themselves. The task is charged to men — their husband, father, or brother. With the fulfillment of the respective obligations of the mother and father, then the children's lives will be assured. Islam will crack down on a husband who does not meet the needs of his family well. The state will detail a husband who does not fulfill this livelihood obligation. If he does not have any job, the State will assist him to get a job. If it's caused by lack of knowledge and skill, the State will do some coaching. Likewise, if he does not have any capital, the State will give him capital assistance. However, if the cause is laziness and reluctance to work, the State will admonish him and may even impose sanctions if he remains unchanged.

At the same time, the Khilafah places the main base of its economic policy for the fulfillment of people's living needs. The Khilafah will carry out what is called the Islamic Political Economy, that is the implementation of various policies that ensure the achievement of all the basic (primary) needs of each individual within the society as a whole, accompanied by a guarantee that allows each individual to meet their (secondary and tertiary) needs in accordance with the ability they have, in a distinctive society, with a unique style and lifestyle.

**Thirdly: the guarantee to get education.** In Islam, studying is an obligation for every Muslim, women and men, adults and children. Therefore, Muslim families must also be guaranteed for their access to beneficial knowledge through intelligent and highly educated mothers, because they will be the first source of knowledge for their children. At the same time, the state provides a free and high quality education system that ensures every citizen to obtain effective teaching on Islamic sciences and other beneficial sciences.

**Fourthly: the guarantee of media quality and information.** In order to preserve the honor of women and Muslim families, the Khilafah will monitor the mass media so that the content submitted does not deviate from the Islamic Sharia. For the Khilafah state and Islamic da'wah urgency, mass media have a strategic function within the country, which serves to build a solid Islamic society. Therefore, the state will also oversee the existing private media, whether print or electronic media, in order not to endanger the public by completely eliminating any shows of indulgence, pornography, or violent scenes. Because these shows will grow and nourish disobedience in the midst of society that will result in the weakening of Muslim families.

**Fifthly: the guarantee for continuity of offspring.** Through the laws of nasab (also the laws of marriage), Islam has glorified women and men to obtain legitimate offspring, even a tranquil home life. Through the Shar'i marriage, women get their rights as men (husbands) get their rights from wives. And this will affect the resulting offspring in the future. It will preserve the survival of their children and the rights of other children, both physically and mentally. At the same time the state will combat social diseases within the society that disrupt the nasab, such as LGBT disease, non-marital relationships, and anti-marriage syndrome within the society. The Khilafah has a strict sanction system based on Islamic Sharia.

**Sixthly, the guarantee of security in public space.** Islam glorifies women with the guarantee in the field of justice. Islam allows women to fight for jihad. Islam also glorifies women by allowing women to participate in various fields of life, both within government structures (i.e. in exception to rulers and Qadhi Mazhalim) as well as other general activities. All of that must be implemented while maintaining the implementation of other Sharia law.

The Khilafah will preserve the security of all its people – men, women, and children – both inside and outside their house, from any disturbance that will harm them. The Khilafah will apply the Islamic law of punishment (uqubat). Any act of violation of the rules, whether the violation of Sharia rules or irregularities of state administration, will be subject to sanctions in accordance with the provisions of the Sharia and the policies of the Khalifah. The sanction of a hundredlashes and stoning for the adulterers, the sanction of hand-cutting for the thieves, the sanction of qisas for murderers and physical crime perpetrators, the sanction of lashing for the drinker of the khamr, the ta'zir in the form of fines, lashing, or confinements for the perpetrators of khalwat, harassment, and so forth. These sanctions will ensure the security, honor, and dignity of women and their families. The law of sanctions imposed by the State will have a deterrent effect on both the perpetrators and the rest of society, in the end will be able to prevent massive violations.

Such is the picture of guarantees of the Islamic Khilafah against Muslim families. As a result, this is actually the highest level of struggle that should be seriously worked for by many family activists throughout the Islamic world, NOT the secular constitutional advocacy struggle anymore in the Islamic world that will only lead to futility.

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