

# **The Implementation of Islam as *Rahmah Li Al-'Alamin* in Indonesia: Contributions, Challenges and Opportunities**

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**Abstract:** *Implementasi Islam Rahmah li al-'Alamin di Indonesia: Contributions, Challenges and Opportunities.* Prophet Muhammad was sent with the teachings of Islam, so Islam is rahmatan lil'alamin. Islam is a blessing for all humans and the nature. In language grace means that tenderness is combined with compassion. In other words, grace can be interpreted with affection. His grace or outpouring of affection is of meaningful and material. The meaningful grace is the enjoyment that comes from being close to Allah SWT, and this is only given to the believers. While the material grace is in the form of physical pleasure and given to all people. So, the Prophet Muhammad saw is the form of Allah's love for all humanity. Islam in Indonesia will not be able to function as rahmatan lil 'alamin as long as the Qur'an is only roled as the five kinds. Islam will serve as rahmatan lil 'alamin only if Muslims want to read the Qur'an, memorize it, teach it to others, understand the content and intentions of its content, put it into national law, respect and obey it.

**Keywords:** *Islam, rahmah li al'alamin, Indonesia*

## **Prolog**

Allah sent the Prophet Muhammad as a mercy for all humans, both believers and unbelievers. Mercy for the believers is Allah's giving guidance to them. With Allah's guidance the believers obtain salvation life in the world and the hereafter. Mercy for the unbelievers, that is in the form of not haste disaster for them as imposed to the people earlier that deny the doctrine of God.

Islam forbids humans to be arbitrary to God's creatures, not just to humans. In a hadith narrated by al-Hakim, the Prophet

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declares: "*Who arbitrarily kills birds or other animals smaller than him, then Allah will hold accountable to him*".

Birds and other animals are created by God to fulfill human needs. If you will use the bird or other animals, humans are taught to apply smooth, not rude, let alone torture. If you will slaughter it, it is required to use a sharp knife, slaughter on the rapidly deadly part of the body, namely the neck by reading *basmalah*. Should not torture or kill animals, unless they disturb or endanger humans. It is the beauty of Islam. Being affectionate to all beings is at the core of Islamic teachings. If against animals Islam forbid to do arbitrary, let alone to humans, the creatures that Allah's most glorified creation. Islam teaches to do good action to others, even though they are non-Muslims.

### **The meaning of Islam as *rahmah li al-'alamin***

Islam is a religion of *rahmatan lil 'alamin*. This statement is actually a conclusion from the word of Allah SWT:

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

*We do not send you Muhammad, but as a mercy to all nature* (Surah al-Anbiya: 107)

Prophet Muhammad was sent with the teachings of Islam, then Islam is *rahmatan lil'alamin*. Islam is a blessing for all humans and the nature. Language, grace means that tenderness is combined with compassion. Or in other words, grace can be interpreted with affection. His grace or outpouring of affection is of meaningful and material. The meaningful grace is the enjoyment that comes from being close to Allah SWT, and this is only given to the believers. While the material grace is in the form of physical pleasure and given to all people. So, the Prophet Muhammad saw is the form of Allah's love for all humanity.

Allah does not say '*rahmatan lil mu'minin*', but says '*rahmatan lil 'alamin*' because Allah SWT wants to give mercy to all creatures with the sending of the Prophet Muhammad. He is sent by bringing great happiness. He also saved human from great tribulation. He became the

cause of the achievement of goodness in the world and hereafter. He give enlightenment to human who previously was in *ignorance*. Through mediation, humans get God's guidance where human previous is in digression. This is God's grace for all people. Even the unbelievers get benefit from this grace, the delay of punishment for them. Allah will not directly degrade the punishment to the unbelievers as Allah has sent it to the Thamud's people, the people of 'Ad, drowned Fir'aun, or the hail for the people of Luth. However, Allah will delay the punishment as long as there are people who practice the syari'ah of the Prophet Muhammad until the doomsday comes. That is the meaning of *rahmatan lil'alamin* for the unbelievers

Islam *rahmatan lil 'alamin* indeed is none other than Islam that upholds human rights. Islam obliges its people to respect humanity. Islam does not tolerate any form of violence. On behalf of any and for any purpose, violence is not place in Islam. Islam also does not tolerate any attempt to fight for the truth by harming oneself or others, such as committing suicide bombings to fight for something more ideal, no matter how ideal it is. However, Islam does not allow its followers to perpetuate the falsehood continuously. Islam demands its followers to be responsible by enlightening others, both as individuals and through their various capacities. Islam teaches its adherents to seek out the ideal options in offering every ideal mission that they embrace. Islam teaches adherents to consult and dialogue in the face of important issues concerning the welfare of the people. If by way of deliberation, the people still find difficulties, Islam does not necessarily send its adherents through the path of violence, but to surrender the affairs to Allah SWT. Islam prefers unity and togetherness rather than difference, let alone hostility.

Our duty only conveys and introduces Islam through wise means. We should not impose our will on others, even though it is to straighten the creed and belief of those who are clearly deviating from the teachings of Islam. Muslims are taught to practice as well as to implement Islamic values of *wasathiyyah rahmatan lil alamin*. Upholding the value of God, promoting human dignity, knitting unity, caring for togetherness, and caring about social justice in building civilization. Islam rejects any misuse of religion for purposes that are inconsistent with the basic

character and purpose of religion itself. That is the meaning and spirit that was inflated by verse 107 of surah al-Anbiya above.

### **The Contribution of Islam as *Rahmah li al-'Alamin***

Islam entered Indonesia in the seventh / eighth century.<sup>1</sup> There are also those who say in the 13th century.<sup>2</sup> Islam spread in Indonesia was originally brought by merchants from Gujarat, Persia and India. Islam develops not through bloodshed. In Java, for example, Islam is conveyed by Islamic advocates known as Wali Songo. Islamic teachings can be accepted voluntarily by the Javanese community because the method of delivering Islamic teachings is used not by intimidation or violence, but in a gentle and peaceful way. Wali Songo did not directly oppose and eradicate Javanese beliefs at that time, but with a wise approach and show the beauty and elevation of noble character. The height of Islamic morals they conveyed among them is the similarity of human degrees in the presence of Allah SWT. At that time the Javanese people embraced the Hindu-Buddhist religion that recognizes the castes in society, such as Brahmins, Knights, Waisya, and Sudra. Of the four castes, Sudra caste is the lowest caste and the object of oppression by the higher castes. Thus, when Wali Songo explains the similarity of human status in Islam, the Sudra are much interested because Islam teaches that human is equal in degree and does not differentiate their position before God on the level of caste. What distinguishes human degrees is their piety towards God. The cautious, even from the caste of the Sudra, is more glorious in the sight of Allah than other castes who are not cautious. Hearing the information, those who came from Sudra and Waisya caste were relieved. They feel defended and restored their rights as a whole human, so they flock to Islam with joyful without any coercion.

What Wali Songo does is one example of the demonstration of Islam rahmatan lil 'alamin in carrying out missionary mission, with peace and compassion, not by violence and destruction. In other areas outside the

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<sup>1</sup>Uka Tjandrasamita, "Masuknya dan Perluasan Islam di Indoneisa dalam hubungannya dengan Islam di Asia Tenggara", dalam *Seminar Internasional tentang Islam di asia Tenggara*. Jakarta: Lembaga Penelitian IAIN Syarif Hidayatullah. 1986, hal. 17-30

<sup>2</sup>B. Schrieke, *Indonesia Sociological Studies*, Den Haag: W. Van Hoeve. 1995, hal. 37

island of Java, Islam is spread peacefully, so people accept Islam voluntarily without the need for the lure of scholarships.

At the beginning of the arrival of Islam in the archipelago, Muslims are still a little, but in a short time Islam developed and accepted as a community religion. The practice of Islamic teachings in Muslim societies is not only about *mahdhah* worship but also legal issues, muamalah and jinayah problems. At that time the Muslim community did not have a separate government. If there were disputes in the community, especially those related to Islamic law, they *tahkim* or ask people who are experts in the field of religion (muballigh / scholars) to solve their problems.

Over time, the Muslim community was able to establish self-government and their king was Muslim. At this stage the dispute issues between them were handled by the authorities. However, because it is not necessarily the Sultan or the king of Islam is mastering the problem of Islamic law, so it is done delegation of authority or *tauliyah* to solve the problem (*tahkim*) to the religious experts. In this way, gradually emerging institutions that specifically deal with the problem or a kind of judiciary.<sup>3</sup> From this it can be said that *tahkim* method is actually a *prototype* of the emergence religious judicial institutions in Indonesia.

Before the Dutch came to "Indonesia", the term Indonesia its self did not exist. There was the term "Malay World" which consists of Islamic empires scattered in this archipelago. In the western region (Sumatra) there are Islamic kingdoms in Aceh, in Java are in Demak, Mataram, Cirebon, and Banten, and in the eastern part (Sulawesi and Maluku) are located in Goa Sulawesi Selatan and in Ternate. The use of the term Indonesia was only known after 1850.<sup>4</sup> The influence of these Islamic kingdoms is not limited to the present region of Indonesia, but extends to Malacca / Malaysia and Philippines.

The study of experts on the application of Islamic law in those days shows that Islamic law has acted as a positive law to regulate people's lives in solving the problems that arise among them. Hamka explained

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<sup>3</sup>H. Zaini Muhammad Noeh, "Kata Pengantar Penerjemah" dalam *Peradilan Agama Islam di Indonesia* :Suatu Studi Tentang Landasan Politik Lembaga-Lembaga Hukum, oleh Daniel s. Lev. Jakarta: Intermasa, 1986. hal. 1-2

<sup>4</sup>Pemakaian istilah "Indonesia", lihat *Webster's Ninth New Collegiate Dictionary, Massachusetts*: Meriem Webster, 1987 di bawah "Indonesia"

that Muslim jurists in Malacca came to Sumatra Pasei to ask for a word about the legal issues that they encountered in the community.<sup>5</sup>In this connection, Atho Mudzhar also quoted Hooker's study of the laws imposed in the Islamic kingdoms in the archipelago, 'saying that in the original Malacca law even though they recognize customary law, the elements of Islam can be clearly found in various places, regarding the punishment of the free or slave-servants, the punishment of cutting off hands for theft, and the punishment of committing adultery. In the law of marriage the elements of Islamic law are seen more clearly. All marriage requirements are arranged according to the jurisprudence law, especially the *Shafi'i mazhab*. The terms its used, such as guardian, divorce, and solemnization of a marriage, are derived from the Jurisprudence term.<sup>7</sup>

The practice of Islamic teachings, especially the application of Islamic Law to the Muslim community has been done in the time of the Islamic kingdoms. For the purposes of the Muslim community guidelines, some people have written the Jurisprudence books as reference in the teaching and implementation of Islamic law. Nur al-Din al-Raniri, for example, wrote Islamic law under the title of *Siratal Mustaqim*. The book, according to Hamka, is the first legal book that was expanded by a scholar from Banjarmasin, Sheikh Muhammad Arsyad al-Banjari, under the title *Sabilal Muhtadin*. In addition, there is also written *Miratul Tullab* by Abdurrauf Singkel, and there are also other scholars who write the books of Islamic law as a guideline of society in solving various problems, such as Sheikh Abdu Samad Nawawi al-Bantani.<sup>8</sup> Muslim communities in the kingdom of Demak, Jepara, Tuban, Gresik, Ngampel, and Mataram also apply Islamic law in daily life. It can also be seen from the work of poets at that time for example, *Sajinatul Law*.<sup>9</sup>

The dynamics of society at that time led to developments in the implementation of Islamic law. With the *tauliyah* given by the authorities

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<sup>5</sup>Hamka, *Antara Fakta dan Khayal "Tuanku Rao"*, Jakarta: Bulan Bintang, 1974, hal. 53

<sup>6</sup>M.B. Hooker, *Islamic law in Sautheast Asia*, Singapura: Oxford University Press, 1984, hal. 8

<sup>7</sup>Muhammad Atho Mudzhar, *fatwa-fatwa majlis Ulama Indonesia: Sebuah studi tentang Pemikiran Hukum Islam di Indonesia, 1975-1988*, Jakarta: INIS, 1993, hal. 33

<sup>7</sup>*Ibid.*,hal. 323

<sup>8</sup>*Ibid.*,hal. 323

<sup>9</sup>H. Moeh. Koesnoe, *Perbandingan Antara Hukum Islam, Hukum Eropa, dan Hukum Adat*, Prasarana Seminar PTIS di Kaliurang, 1980, hal.2

to the scholars to resolve disputes that occur in the community led to the judicial institutions that specifically deal with the problem of solving public complaints in seeking justice. In areas such as Aceh, Jambi, Sambas, Pontianak, Southeast Kalimantan, South Sulawesi, Ternate, Ambon, in addition to mosque officials, religious judges were found to be mostly called times, kadis, or judges. In Minangkabau religious matters were tried at a nagari meeting of nagarichiefs, mosque officials, and clerics held on Friday so the meeting was called Friday Session. As in Java and Madura, the judiciary is conducted by the leader of the mosque or *headman* whose sessions usually take place in the mosque porch, so it is often referred to as the *Court of Serambi*.<sup>10</sup> Daniel Lev added that at that time there was no official tribunal that servethe people of Java other than the *Court of Serambi*.<sup>11</sup>

Presumably, differences in acceptance of Islamic teachings, especially Islamic law in various regions, according to Atho<sup>12</sup> are influenced by two things, such as by the strong influence of customs and the mystical tricks held by the local community. But again the spread of Islam does not cause conflict in society.

In relation to this issue, Lev said that in strong areas of acceptance Islamic law, such as Aceh, Jambi, Java, South and East Java, and in South Sulawesi, the settlement of case is done by using Islamic law so that in these areas are formed courts. The judges were appointed by the local authorities. As in other areas, such as North Sulawesi, Gayo, Alas, Tapanuli, and South Sumatra there are no clear Islamic judges, although religious leaders perform judicial duties. In Java Islamic judges existed in every district since the 16th century.<sup>13</sup>

It is undeniable that the Islamic law imposed in society at that time was not yet fully Islamic. Many Dutch observers and experts agree with Rafless, Marsden, and Crawford who say that there is a mixture of religious norms and values with different societal customs throughout

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<sup>10</sup>Supomo, *Sistem Hukum di Indonesia sebelum Perang Dunia II*, Jakarta: Pradnya paramita, 1983, hal. 93

<sup>11</sup>Daniel S. Lev, Lev, Daniel. S., *Peradilan Agama di Indonesia : Suatu Studi tentang landasan Politik lambaga-lembaga Hukum*, Terjemahan olah H. Zaini Ahmad Noeh, Jakarta: Intermasa, 1986, hal. 25

<sup>12</sup>Muhammad Atho Mudzhar, *op.cit.*, hal. 36

<sup>13</sup>Daniel S. Lev, *op.cit.*, hal. 25

the archipelago.<sup>14</sup> This, Lev explained,<sup>15</sup> is due to the fact that Islam does not completely overhaul the Indonesian people, and indeed Islam does not oppose the forms of civilization that accept the new religion. People who embrace Islam do not just release the values inherited from their ancestors. Beside that, sometimes the rulers do not implement syari'at islam well. They do not deepen the teachings of Islam well, so the application of Islamic law is not done completely. The form of government that they do is not in accordance with Islamic politics. With certain revisions, the ways of governing their kings and ancestors remain dominant. Islamic institutions such as *Qadhi* are absorbed, here and there Islamic symbols are taken over, but they are still in the veil of mixed mythos power in which Islam is a part of it.

In Javanese law, for example, represented by *Babad Tanah Jawi*, *Babad Mataram* and *Pepakam Cirebon*, as Hooker states, that the influence of Islamic law is vague because Islam is considered only part of the law as long as indigenous custom is ready to deal with it . Javanese culture influenced by Hinduism is too strong to absorb many elements of Islamic law. Only in the *Lokantara* manuscript in West Java in the 18th century was found evidence of criminal cases governed by Jurisprudence with the possibility of using the local custom. Hooker considers that the acceptance of Islamic law in Java is heavily influenced by the nature of Islamic law itself which is so flexible that here the elements of Islamic law are commonly encountered. For the northern coastal areas, especially the areas around the mosque, Islamic law is clear, while in the rural villages the rules blend among elements of Islamic law and Hinduism.<sup>16</sup>

Even though the Islamic Courts have been formed, but in its form there is a cross that imposed Islamic law with local customs. Basically, the influence of Islam is on the family, marriage, and some aspects of inheritance and in this case the people choose and take certain rules which are then balanced with the needs and cultural values.<sup>17</sup>

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<sup>14</sup>Supomo dan R. Djakosutomo, *Sejarah Politik Hukum Adat*, Jakarta: Jembatan, 1954, hal. 79

<sup>15</sup>Daniel S. Lev. *Op.cit.*, hal. 20

<sup>16</sup>Hooker, M.B. Hooker, *Islamic law in Sautheast Asia*, Singapura: Oxford University Press, 1984, hal. 17-19

<sup>17</sup>Daniel S. Lev. *Op.cit.*, hal 20-1

In practice, it is not always a cross-law to go smoothly. Sometimes there are tensions between demands that openly require the pure implementation of Islamic law, while others still want the validity of the old values in the settlement of the case. However, the tensions are not to disturb the peace of life together because according to Lev,<sup>18</sup> that Indonesian Muslims are not considered less Islamic when he put aside or mix religious (Islam) teachings with cultural values that exist in them. This is the form of tolerance given by the archipelago of Islam at that time.

### **The Challenge of Islam Rahmah li 'Alamin**

In the 17th century the Netherlands entered the archipelago. In the first and second centuries of their arrival, because for the interest of their existence in Indonesia, the Dutch did not interfere in the affairs of the Muslims including the issue of implementation of Islamic teachings. In fact, on May 25, 1760, the Union of Company in the East Hindi (VOC) recognized and applied Islamic family law, marriage law and inheritance law in the form of the *Resolutie der Indische Regeering* regulation, a set of rules of Islamic marriage and inheritance law, or those are often called *Compendium Freijer*. In 1808 through a letter, the VOC instructed all local officials to let the headman take care of marriage and inheritance cases.<sup>19</sup> The Netherlands pursues the full policy of Islamic law in society. It means that the Netherlands recognizes that for Indonesian Muslims who apply Islamic law as a whole, although in its implementation there are deviations. This is called *receptio in complexu* theory. The figures behind this theory are Carel Frederik Winter (1799-1859), an expert on Java-Javanici, Salomon Keyzer (1823-1868), professor of linguistics and cultural science of the Dutch East Indies, and Prof. Mr. Lodwijk Willem Christian van and Berg (1845-1927).<sup>20</sup>

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<sup>18</sup>Daniel S. Lev. *Ibid.*, hal 20-1

<sup>19</sup>Mahadi, "Kedudukan Pengadilan Agama di Indonesia: Sebuah Catatan Sejarah Sampai Tahun 1882, dalam Tim Penyusun, *Kenang-kenangan Seabad Pengadilan Agama*, Jakarta: Departemen Agama, 1985, hal. 90-101. lihat juga: Ismail Suny, "Kedudukan Hukum Islam dalam Sistem Ketatanegaraan Indonesia, dalam Dimensi Hukum Islam dalam Sistem Hukum Nasional, Jakarta: Gema Insani Press, 1996, hal. 131

<sup>20</sup>Sajuti Thalib, *Receptie a Contrario: Hubungan Hukum Adat dengan Hukum Islam*, Jakarta: Bina Aksara, 1985, hal. 4

In 1823 the Dutch colonial government issued a court decision in Palembang to deal with marriage, divorce, and inheritance issues. And in 1828 the decree of the Commissioner General was stipulated that in Jakarta the marriage case should be handled by the district court whose judges consist of the penghulu and heads of the district.<sup>21</sup>

In 1855, through chapter 75 *regeeringsreglement* (R.R.) Stbl. 1855 The Netherlands affirms the application of Islamic law to Muslims.<sup>22</sup> In fact, through the decision of the Dutch King (*Koninkelijk Besluit*) no. 19 on January 24, 1882, which was published in the *Staatblad* of 1882.152 *Praisaad* (*the Reverend Court = chaplain*) for Java and Madura was established.<sup>23</sup> Stbl. 1882 it has not yet determined what cases are the authority of the Religious Courts. Therefore, the Religious Courts themselves set the matters that is viewed to enter into its sphere of authority, namely matters that related to marriage, all kinds of divorce, dowries, lawfulness of children, inheritance trust, grants, alms, baitul mal, and charitable. In other words, the authority of the Religious Courts at that time was matters that related to marriage and inheritance law.<sup>24</sup>

At the end of the nineteenth century, entering the 20th century, the Netherlands changed its legal politics towards Indonesia. The Dutch began to enter the vulnerable territory for the Indonesian nation which is considered strategic for the interests of colonialism, namely creating a conflict between Islamic law and customary law. This policy change begins with the critique of a customary law expert, Cornelis van Vollenhoven (1874-1933), toward articles 75 and 109 R.R. Stbl 1855: 2 which became the basis of the application of Islamic law.<sup>25</sup> According to him, the law that applies in society is not Islamic law, but customary law, that is the law that has its roots in legal awareness since the past and has succeeded in creating a peaceful atmosphere in society. The Islamic laws

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<sup>21</sup>Mahadi, *op.cit.*, hal. 102-3

<sup>22</sup>Sayuti thalib, *Ibid.*, hal. 7. lihat juga: Ismail Suny, *op.cit.*, hal. 131

<sup>23</sup>A. Wasit Aulawi, "Sejarah Perkembangan Hukum Islam" dalam dimensi Hukum Islam dalam Sistem Hukum Nasional, Jakarta: Gema Insani Press, 1996, hal. 53

<sup>24</sup>Habibah Daud, "Peranan Pengadilan Agama dalam Penyelesaian masalah Kewarisan di Indonesia" dalam *Seminar Waris Islam di Indoneisa*, Jakarta: Direktorat Pembinaan Bada Peradilan Agama Departemen Agama RI, 1982, hal. 42-43

<sup>25</sup>Sayuti Thalib, *op.cit.*, hal. 9

prevailing in the society have been permeated by customary law.<sup>26</sup> Through his famous book *De ontdekking van het Adatrecht* (discovery of Customary Law), according to Arifin it seems as if van Vollenhoven has "discovered" a stand-alone legal system that has not been known. His "findings" law has completely different principles from other legal systems and has successfully managed the life of the Indonesian people peacefully since long time ago.<sup>27</sup> In fact, the name of the custom in any community in the world there must be.

In 1898 the Dutch colonial government appointed Christian Hurgronye (1857-1936), an expert on Islamic law and customary law, as a government adviser on matters of Islam and children of the country. He disguised himself as a Muslim by the name of Abdul Gaffar and learned the ins and outs of Islam several years in Mecca. After knew that he was an orientalist, the Saudi Arabian government drove him out of Mecca.<sup>28</sup>

After researching the life of Aceh and West Java people, Hurgronye proposed a criticism that shocked the government. He said that in fact government officials have very little understanding of Islam and Indonesia. As a result of his lack of understanding the government was harmed by Muslims. He considered that the theory of *receptio in complexu* based on the lack of understanding. The true one, according to him, that applies in indigenous communities is customary law. Islamic law may apply if it has been accepted by the community as customary law. This theory is known as *receptie*.<sup>29</sup>

Actually, the theory stems from desire to distance Islam from its followers. Because, according to him, if too obedient to run the law of Islam, Muslims are not easily influenced by western civilization, and they will be easily attracted to the ideas of Islamic renewal in the Islamic world (Middle East) pioneered by Jamaluddin al-Afghani and Muhammad Abduh, and it is very dangerous for the survival of Dutch colonial rule in

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<sup>26</sup>Busthanul Arifin, *Pelebagaan Hukum Islam di Indoneisa*, Jakarta: Gema Insani Press, 1996, hal. 35

<sup>27</sup>Busthanul Arifin, *Ibid.*, hal. 36

<sup>28</sup>Sajuti Thalib, *op.cit.*, hal. 10

<sup>29</sup>Sajuti Thalib, *op.cit.*, hal. 13. lihat juga: Daniel S. Lev. *Op.cit.*, hal. 26

Indonesia.<sup>30</sup> Suminto explained that in the eyes of the Dutch colonial government, Islam is often judged as a state within the state because it also regulates the horizontal dimension of the relationship among humans.<sup>31</sup> Thus, according to Hurgronye, Islam must be faced by holding a cultural association supported by Western education. In addition, the distinction between Islam and custom should be emphasized, especially in its legislative policy.<sup>32</sup> Therefore, no wonder if there is a clash between Islam and custom, the Dutch government always sided with the customary groups.<sup>33</sup> Because through that policy - by protecting the interests of customary leaders - the government wants to emphasize the sense of regionalism and tribalism, while Islam wants to bridge the differences that exist through *ukhuwah Islamiyah*. The Paderi war case in western Sumatra is one proof of the policy. It is therefore understandable that the Dutch colonial government viewed Islam as a barrier to its political line. Moreover the Pan Islamic<sup>34</sup> movement which in the next development seeks to unite all Muslims in a loyal bond of friends (*ukhuwah Islamiyah*) throughout the Islamic world. Of course the movement is very worried by the Dutch colonial government because it will threaten its existence in the earth of Indonesia. Hurgronye as the architect of the Dutch colonial political policy warned the government not to look lightly at Islam, either as a religion or as a political force. Therefore, he advises the government to give religious freedom in a narrow sense, to promote community association, and to take firm action against any factors that cause riots in the field of political politics. That

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<sup>30</sup>Daniel S. Lev, *op.cit.*, hal. 26 Lihat juga: H. Ichitijanto, S.A. "Pengembangan Teori Berlakunya Hukum Islam di Indonesia", dalam *Hukum Islam di Indonesia: Perkembangan dan Pembentukan*, *op.cit.*, hal. 122

<sup>31</sup>Suminto menukil surat kabar *Nieuwe Rotterdamsche* 27 Juli 1937 tentang pendapat Prof. H.J. Nauta yang menulis artikel tentang "Afbrokkeling van den oosterschen staat in den staat" Kemunduran Negara Timur dalam Negara. Dalam artikelnya itu Nauta menyatakan bahwa Islam boleh dianggap Negara dalam Negara. Hal ini disebabkan oleh karena Islam mempunyai pendapat tentang masalah yang oleh orang barat dianggap sebagai masalah Negara seperti masalah perkawinan dan kewarisan. (Politik Islam Hindia Belanda, *Politik Islam Hindia Belanda*, Jakarta: LP3ES, 1986, hal. 43)

<sup>32</sup>*Ibid.*

<sup>33</sup>Daniel S. Lev, *op.cit.*, hal. 10

<sup>34</sup>Pengertian Pan Islam secara klasik, sebagaimana dikemukakan oleh Suminto, adalah penyatuan seluruh dunia Islam di bawah satu kekuasaan politik dan agama yang dikepalai oleh seorang khalifah. Secara modern dapat diartikan bahwa kepemimpinan khalifah tersebut hanya meliputi bidang agama. (politik Islam Hindia Belanda, *op.cit.*, hal. 80)

way the government should limit Islam to mere religion in the mosque, and warn the government to preserve the heritage of its ancestors.<sup>35</sup> The steps taken by the government are paying off. The Religious Court as an Islamic law enforcement institution marred its image. And the culmination is the issuance of Article 134 paragraph 2 of the *IndischeStaatsregeling* (IS) of 1929 which is enacted in April 1937. The article provided a knockout blow to the Religious Courts, so that the Religious Courts are still alive but have no real power. The Religious Courts are only a *quasi-court*.<sup>36</sup>

Entering the period of Japanese occupation of the implementation of Islamic law in Indonesia has not changed. In fact, it can be said that the politics of government law toward Islamic law still remains. This is understandable because the Japanese occupation government concentrated more on efforts to win the war of East Asia. However, there is one thing that is significant for the progress of the development of Islamic law in the future, namely the establishment of Central Religious Office (*syumubu*) by the Japanese government which subsequently became the embryo of the Ministry of Religious Affairs.<sup>37</sup>

## Conclusion

We must honestly admit that the Qur'an as the main source of Islamic doctrine and law in Indonesian society has not functioned optimally.

There are only five the Qur'an role that Indonesian Islamic societies run:

1. As a readable reading;
2. As reinforcement of office oath;
3. Read and send the reward for the deceased, it is only a surah of Fatihah and Yasin;
4. It is memorized certain verses as immune mantras or to attract worldly gains, and;
5. As decoration in the room mosque and mushalla.

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<sup>35</sup>*Ibid.*, hal. 122

<sup>36</sup>Bustanul Arifin, *Pelebagaan Hukum Islam*, *op. cit.*, hal 83.

<sup>37</sup>*Ibid.*, hal. 64

Therefore, Islam in Indonesia will not be able to function as rahmatan lil 'alamin as long as the Qur'an is played only as the five kinds. Islam will serve as rahmatan lil 'alamin only if Muslims want to read the Qur'an, memorize it, teach it to others, understand the content and intentions of its content, put it into national law, respect and obey it.

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