

The Phenomenon of Indonesian Migrant Workers: A New Face of Modern Slavery (An Overview of Social Fiqh)

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Abstract: *The term is often connoted inaccurately; the TKI is often regarded as hard and uneducated laborers. Yet, in reality, there are many workers who work overseas as professional workers in all walks of life and professions, including those who work in household environment as professional domestic servants. Minor impression which emerged was mainly due to the number of cases of violence and injustice against Indonesian migrant workers (especially women) caused by weak recruitment system and brokering practices. Such system and practices have been presenting illegal Indonesian workers overseas as well as a problem of the absence of job agreements that can protect the interests of the migrant-workers concerned. In a plain overlook, many fact of problems suffered by these workers, more specifically the women migrant workers (or Tenaga Kerja Wanita, abbreviated as TKW, in Indonesian), are very easily presented; particularly those who work in the Middle Eastern countries. So in overview of sosial fiqh slavery has not ended yet, rather it only changes name to be TKI and ect. If traditional people still hold a language of honesty and naivety by saying that the reality of slavery is slavery, then the modern people in this millennium century is more able to resemble inhuman cruelty with a beautiful, smooth and friendly language. The essence of slavery is the deprivation of the rights of a person. If such action continues to occur, it means that slavery is still rampant even though it is protected under the umbrella slogan of freedom, egalitarianism and brotherhood.*

Keywords: Indonesian migrant worker, slavery, social fiqh

1. Introduction

The term of *Tenaga Kerja Indonesia* (Indonesian Migrant Workers), abbreviated as *TKI*, means Indonesian citizens who are eligible to work in a certain time with a certain wage or income and they work overseas by a job contract through a placement procedure. However, the term is often connoted inaccurately; the *TKI* is often regarded as hard and uneducated laborers. Yet, in reality, there are many workers who work overseas as professional workers in all walks of life and professions, including those who work in household environment as professional domestic servants. Minor impression which emerged was mainly due to the number of cases of violence and injustice against Indonesian migrant workers (especially women) caused by weak recruitment system and brokering practices. Such system and practices have been presenting illegal Indonesian workers overseas as well as a problem of the absence of job agreements that can protect the interests of the migrant-workers concerned. In a plain overlook, many fact of problems suffered by these workers, more specifically the women migrant workers (or *Tenaga Kerja Wanita*, abbreviated as *TKW*, in Indonesian), are very easily presented; particularly those who work in the Middle Eastern countries. In several meetings of International Parliamentary Forum held in several countries in the Middle East, there were always found some Indonesian women migrant workers living in shelters provided by the Embassy of Indonesia in the country concerned with various problems that they experienced. The impact of the condition just mentioned is the emergence of negative" impression or image" towards our workers, so that this influences the views of other nations to our nation. Something that is more apprehensive is that the problems of these workers are often discussed in political level and have always been a political tool used by political parties in their political fight, especially prior to general elections.

Nonetheless, the problem still appears to be tangled as any stake holders concerned are not all willing and able to work seriously in finding an appropriate solution to the TKI's problems so that they can be resolved well and with dignity.

The amendment to the Act no. 39 of the year 2004 on the Placement and Protection of Indonesian Migrant Workers had been a priority of discussion in 2011. The amendment to the Act was expected to provide guarantees for the improvement of placement, service, and protection of the TKIs by the government. Furthermore, the changes are expected to clarify the distribution of authority between the BNP2TKI that currently serves as the operator and the Ministry of Manpower and Transmigration as the regulator in managing the supply and demand of labor market abroad.

One of the major agenda in the current modern era is a high respect to human rights. Based on this agenda, any action done by members of the world community will be measured by the extent to which they respect human rights that had been agreed and accepted by acclamation by the majority of countries in the world. The question that then arises is due to the difference of the language and position in speaking about human rights. There are a few people who feel most entitled to speak, measure, and assess the human rights implementation.

Islam is included in the most disadvantaged party resulted from the monopoly of interpretation of human rights by certain groups and nations, especially Western countries. Up to now, a misleading view and stereotype that Islam is violent, cruel, discriminatory, inhuman, and so forth, is still evolving and being developed. In America, for example, as reported by the Council of American-Islamic Relations (CAIR) the United States still remains propagandizing various allegations against Islam through various printed and

electronic media. Even the largest U.S. Internet provider, America Online (AOL), intentionally creates a homepage for discrediting Islam.

Islam is accused as a non- humane religion. This happened because at the time when the European, American and other nations have agreed to abolish slavery, Muslims still recognize the teachings of the Quran and hadiths that in reality do not contain assertions about abolition of slavery, as they do in forbidding wine. Thus, according to them, Islam is no longer relevant to the 'more polite and civilized' modern civilization.

2. Method

This study used a qualitative approach. This was carried out with the consideration that the study related to the philosophical writings and thoughts. The possible method used in this study such as the study of literatures, namely that all associated resources with the study, organized as a texts (books, result of research, magazines and so on). Once all the information collected and considered enough, the next step was to conduct the depth and thorough study. This was carried out in order to the data and information that has obtained to be accurate. After the analysis or this depth study, then the results of this study was presented by descriptive analysis to describe the procession of the searching of God in Islamic theology by the figure/ ideology in Islam.

3. Discussion

3.1. The Perspective Slavery In The Qur'an

1. 'Abd and Ibad (عبد، عباد)

The word '*abada*, *ya'budu*, '*ibadat* (عبد، يعبد، عبادَة) means worshipping, serving, or humiliate oneself. And the word '*abd* (عبد) ('*abid*, عبد, or '*ibad*, عباد, in its plural form) means a serf, a slave, a worshiper of something, or a bondman; a kind of fragrant plant; an arrow. The word '*abd* can also mean mankind in general whether he/she is a free man or a slave. This word can also be interpreted merely as a slave, however, according to Sibawaihi, the original meaning of the word '*abdi* is a slave.

In the *Arabic-English Dictionary*, the verb '*abada* (عبد) may mean to serve, to worship God or to praise (to adore) God or man, to glorify (to venerate), and to idolize (to deify). This word also means to enslave, to attract (to enthrall), and to subjugate (to subject). The word '*abada* can also be used with these meanings: to repair (to improve), to develop, to make possible to serve, and also to provide oneself to the service of God, or to serve others. As a noun, the word '*abd* means a slave or a serf that is a person who is chained or becomes a servant. It also means a servant of God.

The Quran mentions the words that originate from the root word '*a-b-d* (ع ب د) as many as 275 times with the following details: '*abada* 4 times, '*ya'budu* 80 times, '*u'bud* 37 times, '*yu'badu* once, '*abbada* once, '*al-'abd* 29 times, '*ibad* 97 times, '*abiid* 5 times, '*aabid* 12 times, and '*ibadat* 9 times. From these many verses that use the root word '*a-b-d*, there are

only five verses (2:178, 16:75, 24:32, 26:22, and 44:18) which mean a slave in the sense of a man who becomes a slave to another man while the rest of the verses mean a man who becomes a servant of God.

From those only five verses in the Quran that contain this word (i.e. '*abd*) with the meaning of a slave, it can be said that the Quran seeks to use this word in the context of more humane conversation. The term '*abd* in the understanding of Arab society during the time of *jahiliyah* (ignorance) has a negative connotation and seems very humiliating because this word implies the meaning that a person is wholly owned by his/her master. A slave's humanity vanishes when he/she is called '*abd*. The condition of '*ibad* is just having the fate of the slaves that are described in the previous general terms. They are nothing but animal or tangible goods in the form of mankind.

The Quran itself tries to illustrate their fate clearly through the words of Allah that read:

ضرب الله مثلا عبدا مملوكا لا يقدر على شيء ومن رزقناه منا رزقا حسنا فهو ينفق منه سرا وجهرا هل يستويون الحمد لله بل أكثرهم لا يعلمون (النحل: ٧٥)

Allah sets forth the parable (of two men: one) a slave under the dominion of another, he has no power of any sort. And (the other) a man on whom We have bestowed goodly favors from Ourselves. And he spends thereof (freely) privately and publicly. Are they two equal? (By no means;) praise be to Allah, but most of them understand not. (Surah al-Nahl [16]: 75)

In this verse, Allah makes a parable of them as gods other than Allah who cannot do anything even for their own needs. Apart from that verse, the other usage of the word '*abd* in the Quran is always associated with the rights of a slave. In this case it can be said that even if the people that the masters own are being their slaves, they also have certain rights as those owned by free men. The Quran maintains to uphold the slaves' existence as human beings as that of free men.

If free men need fair treatment, for example, then so do the slaves. Therefore, if a slave is murdered by another slave, then the murderer must be punished likewise (or a *qishash* is applied). Allah says in Surah al-Baqarah [2]: 178:

...كتب عليكم القصاص في القتلى... والعبد بالعبد...
“... the law of equality is prescribed to you in cases of murder... the slave for the slave...”

They are also human beings who need families and spouses. Therefore, it is a duty to the Muslims in general and his/her master specifically to find a life partner if they have already come to an age appropriate to get married as Allah says in the Quran Surah al-Nur [24]: 32 that reads:

وانكحوا الأيمن منكم والصالحين من عبادكم وامانكم...
“Marry those among you who are single, or the virtuous ones among your slaves, male or female...”

To dispel the negative view to people who were in a status of being slaves, the Prophet raised objection when they were called as '*abd*. He ordered the Muslims to replace such calling with *maamalakatayman* (one owned by the right

hand) and *fata* (a youth). This is so because the word '*abd*' is only worth mentioning to illustrate the existence of man before Allah alone.

Thus, the Quran still acknowledges that a slave belongs to his/her master. However, the Quran notes that such ownership is no longer as absolute as the previous times. Slaves must obtain recognition of humanity and, therefore, they are also entitled to good treatments as any other fellow mankind. A person should not call to, let alone assume that, the slave they possess the same as to his/her goods or animals. Along with the rights of a master towards his/her slave, he/she also has certain obligations to that slave that must be fulfilled.

2. *MaaMalakatAymaan* (ما ملكت أيمان)

The words *malaka*, *yamliku*, *milkan*, and *mulkan* mean to have or to own something. Meanwhile, the word *yamin* (*aymun* or *aymanin* plural form) means the right side or the right hand. The phrase *maamalakataymanis* mentioned 13 times in the Quran (al-Nisa [4]: 3, 24, 25, 36; al-Mukminun [23]: 6; al-Nur [24]: 31, 33, 58; al-Rum [30]: 28; al-Ahzab [33]: 50, 52, 55, and al-Ma'arij [7]: 30. Apart from those, there mentioned in the Quran the same phrase with slightly different wordings (i.e. *maamalakatayman*) two times which are found in Surah al-Ahzab [33]: 50, 52.

The phrase *maamalakatayman* (one owned by the right hand) means *al-raqiq* or a slave. The slave meant here is one that is originally obtained from a prisoner of war or *jihad* in order to uphold Islam. Such slave is not obtained from kidnapping, robbery, and a war that is based on greed. The verses that contain the phrase *maamalakatayman* generally discuss the issue of a person's household that owns a slave. In other words, the verses that use the phrase *maamalakatayman* talk more about how the position of a slave in the household of his/her master. These rules, - ranging from big issues up to the smallest ones -, are very important remembering that the life of a slave cannot be separated from his/her master's life.

The Quran allows a master to have intercourse, as appropriately conducted by a married couple, with a woman slave he owns (al-Nisa [4]: 3, 24; al-Ahzab [33]: 50, 52). This can be seen from the expression as stated in the Quran Surah al-Nisa [4]: 3 that reads:

...فإن خفتم الاتعلا فواحدة أو مملكتهم
 "... but if ye fear that ye shall not be able to deal with justly (with them), then (marry) only one, or (a captive) that your right hands possess ..."

A master may have an intercourse with a woman slave that he possesses as he is permissible to do so to his wife that he has married to through a marriage covenant (*'aqadnikah*).

If a man has not had an ability to marry to a free woman while he is very eager to marry and he fears himself to fall into immoral conducts should he not marry, then he can seek a life partner among Muslim women slaves with the permission of their masters. Such is as stated in the Quran Surah al-Nur [24]: 25 that reads:

ومن لم يستطع منكم طولا أن ينكح المحصنت المؤمنة فمن مملكتهم
 ...فتيتكم المؤمنة

"If any of you have not the means wherewith to wed free believing women, they may wed believing girls among those whom your right hands possess ..."

A Muslim and a Muslimah are strictly instructed to keep their modesty (read: private parts/loins or '*aurat*' in Arabic) except to, one of them, their slaves as stated in Surah al-Mukminun [23]: 5-6, al-Nur [24]: 31, 58; al-Ahzab [33]: 55; al-Ma'arij [70]: 29-30 that read:

والذين هم لفروجهم حافظون الأعلى
 ما ملكت أيمانهم فأنهم غير ملومين

"And those who guard their chastity, except with their wives and the (captive) whom their right hands possess, for (then) they are not to be blamed."

All of this is because, within certain limits, a slave is considered to be part of his/her master's family.

There are verses in the Quran which discuss that in the *rizq* (gift of sustenance from God) that Allah has given to someone, there contained the rights of slaves that must be given to them (al-Nahl [16]: 71, al-Rum [30]: 28) as the verse that reads:

...فما الذين فضلوا بآدي رزقهم على ما ملكت أيمانهم ففهم سواء
 "... those more favored are not going to throw back their gifts to those whom their right hands possess, so as to be equal in that respect ..."

A master must provide an opportunity for his/her slave(s) to earn his/her freedom and the master must help him/her to find the ransom agreed. The Quran Surah al-Nur [24]: 33 says:

...والذين يبتغون لكتاب مملكتهم ما يكتبونهم أن علمتم ففهم خيرا
 ...

"... and if any of your slaves ask for a deed in writing (to enable them to earn their freedom for a certain sum), give them such a deed if ye know any good in them ..."

And a Muslim is ordered to treat well to his/her slave as to his/her own family as said by Allah in the Quran Surah al-Nisa' [4]: 36 that reads:

...وبالوالدين احسانا وما ملكت أيمانكم
 "... and do good to parents...and what your right hands possess..."

From the verses of the Quran it can be said that the phrase *maamalakataymanis* used to indicate the proximity of physical life, feelings and social relations between a slave with his/her master. The phrase *maamalakatayman* also implies that the master has a *not light* responsibility towards his/her slave(s), because they are the ones held by the master's right hand. A master is responsible for his/her slave's necessities of life because within the property of the master, there contained the rights of his/her slave. A master should not deter his/her slave(s) to attain the perfection of life. So, if a slave wants to obtain his/her freedom with an agreement, the master must fulfill it. Even the master has to assist his/her slave materially so that he/she can pay for his/her freedom in accordance with the agreement they made.

3. *Raqabat* and *Riqab* (رقبة, رقاب)

The words *raqaba*, *yarqubu*, and *raqabat* mean to peep at, to see or to keep. The word *raqabat* (*riqabin* its plural form) means a neck, a slave or a servant. The words *raqabat* and *muraqabat* mean custody, supervision. The words *raqib* and *muraqib* mean a keeper, a supervisor or an owner. When explaining the verses of *raqabat*, the interpreters/commentators of the Quran (*mufasssirun*) give its meaning as a *slave* who has to be helped to obtain his/her freedom. According to the majority of Islamic scholars (*jumhurulama*'), the slaves that are helped to get their freedom are the *mukatab* slaves which mean that they have made an agreement with their masters for their freedom as a change of a certain payment. Other scholars say that such help to free them may be in the form of liberating them by buying them out from their masters, or not enslaving the prisoners of war but rather releasing them.

In the Quran, the word *raqabat* is found in Surahs al-Nisa [4]: 89, 92, al-Mujadalah [58]: 3, al-Balad [90]: 13. The word *riqabis* contained in Surahs al-Baqarah [2]: 177; al-Tawbah [9]: 60, and Muhammad [47]: 4. The verses that use this word generally talk about the liberation of a slave from his/her slavery.

Since the very beginning, Islam has announced its opposition towards slavery through its expression in the Quran *fakku raqabah* (رقيقاً) which means freeing slaves), although it is recognized that the work is quite heavy (*al-'aqabah*). By taking into account the wider benefit for the society, the Quran views that it is not possible to abolish slavery at once. For this reason, the Quran begins with advising the Muslims to free slaves and classifies such conduct as *abirr* (a virtue) and compares it with *iman* (faith), *shadaqah* (charity), *jiyah* (holy war or earnest struggle to propagate Islam) and other deeds (Surah al-Baqarah [2]: 177). And, at the final stage, the Quran includes the liberation of slaves as a way of channeling *zakat* (obligatory alms) or *shadaqah* which must be paid (al-Tawbah [9]: 60) by those who have ability to do so.

The original meaning of *raqabat* is "neck". Then this word is defined as a person who is bound (or his/her neck is tied) with rope. The impression obtained from such definition is very bad. It illustrates a person whose neck is tied with rope like an animal. It is these bad impression and real circumstances experienced by slaves which are intended to be abolished by the Quran. Hence, the Quran and the Prophet Muhammad (peace be upon him) from the early time of Islam has chosen not to call them with *'abd* (slave) but as *maamalakataymanukum* (one that your right hand possesses).

4. *Amat* and *Ima'* (أمة, إماء)

The word *amat* (which means a woman slave) is the singular form of *ima'*. The word *amat* has its origin from the word *amuwatin* which its letter *waw* is removed. So, the word *al-amat* has the meaning which is opposite to a free woman: it means a woman slave or a woman who is under someone's domination (*al-mamlukat*).

The Quran only uses this word twice. Once is in the *mufrad* (singular) form (i.e. *amat*) and the other is in the *jama'* (plural) form (i.e. *ima'*). There is mentioned in the Quran that a woman slave who is not pretty but she is an obedient woman believer is more worthy to be married by a Muslim youth than a free beautiful woman but is a polytheist. Allah says in Surah al-Baqarah [2]: 221 that read:

وَلَا تَنْكِحُوا الْمُشْرِكَةَ حَتَّىٰ يُوْمِنَ وَلَٰمَةً مُّؤْمِنَةً خَيْرٌ مِّنْ مُّشْرِكَةٍ وَلَوْ أَعْجَبَتْكُمْ

...
 "Do not marry unbelieving women until they believe.
 A slave woman who believes is better than an
 unbelieving woman even though she allure you..."

And, it is also commanded to the believers to help a slave woman in finding a husband for her and likewise is to a male slave who needs a wife as said by Allah in Surah al-Nur [24]: 32:

وَانكِحُوا الْأَيْمَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ ...

"Marry those among you who are single, or the
 virtuous ones among your slaves, male or female,..."

Those two verses speak in the context of marriage or in the context of how a woman slave maintains her chastity and how the attitude of Muslims to preserve and protect the honor of the slaves. The term *amat*, as *so'abd*, in the ignorant Arabian terminology brings negative connotation and humiliating impression to those designated with this naming. Such slave becomes a property to her master. That is why the Apostle forbade Muslims to refer to the female slaves with *amat*. He asked them replacing the term with *fatat* (a girl).

Due to long poor treatment received by an *amat* so much so that her honor is not respected at all, then the Quran uses this term (i.e. *amat*) by mentioning her particular rights that must be protected. An *amat*'s honor must be protected and an *amat* who can preserve her honor could be better than that of free pagan women.

5. *Fatayat* (فتيات)

The words *fatiya*, *yafta*, *fatan* means young. The words *fata* (*fityan* in plural) mean a youth(s), a young man (young women), or a male slave (male slaves). Likewise, the words *fatat* (*fatayat* in plural) mean a girl youth (girl youths), a young woman (young women), or a female slave (female slaves). The Quran uses the words with the same root with these words as many as 10 times; they contain the meaning as a male youth or a boy eight times (in Surahs Yusuf [12]: 30, 36, 62, al-Kahf [18]: 10, 13, 60, 62, and al-Anbiya' [21]: 60) and the meaning as a female youth or a girl twice (in Surahs al-Nisa' [4]: 25 and al-Nur [24]: 33).

Of those ten words, only two of them have the meaning as a slave. One of these two verses contains an issue of allowing one to marry a woman slave, with the permission of her master, when he is not able to marry a free woman. The other verse prohibits people from making women slaves as prostitutes. Allah says in Surah al-Nisa' [4]: 25 and al-Nur [24]: 33:

وَمَنْ لَّمْ يَسْتَطِعْ مِنْكُمْ طَوْلًا أَنْ يَنْكِحَ الْمُحْصَنَاتَ الْمُؤْمِنَاتِ فَمِنْ مَا
 مَلَكَتْ أَيْمَانُكُمْ مِنْ فَتَيَاتِكُمُ الْمُؤْمِنَاتِ وَاللَّهُ أَعْلَمُ بِإِيمَانِكُمْ بَعْضُكُمْ مِنْ
 بَعْضٍ فَانكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ ... (النساء: ٢٥)

"If any of you have not the means wherewith to wed free believing women, they may wed believing girls among those whom your right hands possess. And Allah hath full knowledge about your faith. Ye are one from another. Wed them with the leave of their owners ..."

...ولا تكرهوا فتياتكم على البغاء إن أردن تحصنًا لتبتغوا عرض الحياة الدنيا ومن يكرههن فإن الله من بعد إكراههن غفور
رحيم(النور: ٣٣)

"... but force not your maids to prostitution when they desire chastity, in order that ye may make a gain in the goods of this life. But if anyone compels them, yet, after such compulsion, is Allah Oft-Forgiving, Most Merciful (to them)."

The Quran calls slaves with *fata* or *fatat*. This seems to show that they are still young (especially psychologically) and need to be directed to find their own selves again. They actually have potencies to be great people which is left to the extent to which they are directed and nurtured, and their awareness of their potencies within them (as other peer youths) are raised. The use of the word *fatat* to refer to the slaves is also intended to honor them. This is so because, this word is also used for the noble persons in the sight of Allah and their greatness are recognized by mankind as Ibrahim (al-Anbiya' [21]: 60), Joseph (Yusuf [12]: 30), and the youths of *ashab al-kahf* (al-Kahf [18]: 10, 13).

Human slavery is contrary to the teachings of *tawheed* (monotheism) which prohibit a man to become a slave to another man. Allowing slavery to exist so means allowing a conduct of *syirk* (associating Allah with others), because a slave owner who makes another man as his/her servant means placing himself as an ally to Allah. A man may only become a servant of Allah and not a slave to another fellow man.

The statement saying that a man is a servant of Allah does not mean that he/she enslave and downgrade himself/herself. Contrarily, the human subservience only to Allah will free him/her from all forms of slavery. Therefore, in accordance with the teachings of monotheism, Islam does not condone any kind of slavery.

Therefore, since the early time, the Quran has emphasized that one of the sacred mission to be fought by Islam is to liberate the slaves from the bondage of slavery (*fakku al-raqabat*). Islam from the beginning to the end of time is a religion of *frahmatan li al-'alamin* (a blessing to the universe). This is why the Quran does not discuss any cause that may legalize slavery. This means that there is no condition or specific criteria that can make a person to become a slave of others. All discussions about slavery in the Quran always lead to its abolition.

Chronologically, the verses that talked about slavery led to a clear goal which was to gradually abolish slavery. After Islam stated that one of its main missions was eroding slavery, it began to move with the most basic steps. At first, still in the period of Mecca, the Quran allowed a master to have intercourse with his woman slave(s) but such permission was associated with maintaining the honor of the slave(s) (Surah al-Mukminun: 5-7 and al-Ma'arij: 29-30).

In the Medina period, the Quran discussed the issue regarding slavery more steeply by saying that freeing slaves was included as *birr* (al-Baqarah [2]: 177) and every murderer of slave must be dealt with firmly, if the convicted is a fellow slave, a *qishash* is applied (al-Baqarah [2]: 178). If in the Mecca period a slave might be clocked by her master, then in the Medina period it was advised to marry a believing slave since a believing slave is more feasible to be married than independent polytheists women (al-Baqarah [2]: 221). Subsequently, after the battle of Badr, the door of slavery started to be closed by liberating the prisoners of war, with or without ransom (Muhammad [47]: 4).

The movement of slave liberation was more emphasized by allowing slaves to demand *amukatabah* (agreement for obtaining freedom) to his/her master (al-Nur [24]: 33 which is linked to al-Baqarah [2]: 177). The next stage, marrying slave/slaves had to go through a permit, she needed to be proposed, to be given a dowry, and one must be punished if committing adultery with her (al-Nisa' [24]: 25). Doing *ihsan* (good deeds) to slaves is already associated with *tawheed* (monotheism) and is aligned to doing good deeds to respected people such as one's parents, close families, relatives, and so on (al-Nisa' [4]: 36).

Furthermore, the liberation course was expanded with the method of *kaffarat* (redemption) towards a violation of *shari'ah*. When someone accidentally kills (al-Nisa' [4]: 92), performs a *dzihar* to his wife (al-Mujadalah [58]: 4) or violates an oath (al-Maidah [5]: 89), then one alternative of penalties for him/her is to liberate a slave/slaves. If previously freeing slaves is only recommended, or associated with *birr* and *ihsan*, it is now associated with *shadaqah* (charity) or *zakat* (alms) which are something that must be paid (al-Tawbah [9]: 60).

From those series of verses of the Quran, it can be understood that actually the liberation of slaves had been programmed in such a way that there will, consecutively, be no more slavery in the world, especially in the Islamic societies. It is also apparent there that the methods used in the Quran are not in a hurry and drastic but all of them are done carefully, gradually, systematically, realistically, and humanely. Thus, it can be said that in abolishing slavery Islam takes prudent manner and considers everything as well as possible.

3.2. The Perspective Slavery in the Hadiths

There are many hadiths that talk about slavery. Hadiths are:

1. The first hadiths

- 3730 - حدثنا خالد بن مخلد حدثنا سليمان قال: حدثني عبد الله بن دينار عن عبد الله بن عمر رضي الله عنهما قال: بعث النبي صلعمبعثًا وأمر عليهم أسامة بن زيد، فقطع بعض الناس في أمارته فقال النبي صلعمان تطعنوا في أمارته فقد كنتم تطعنون في أماره أبيه من قبل وأيم الله إن كان لخليقًا للامارة وإن كان لمن أحب الناس الي وإن هذا لمن أحب الناس البيعهذه.

2. The second hadiths

- 2754 - حدثنا أبو نعيم حدثنا عبد العزيز بن أبي سلمة عن محمد بن المنكر أخبرنا جابر بن عبد الله عنهما قال: كان عمر يقول: أبو بكر سيدنا، وأعتق سيدنا، يعني بلالا.

3. The third hadiths

- 2559 - وحدثنا عبد الله بن محمد حدثنا عبد الرزق أخبرنا معمر عن همام عن أبي هريرة رضي الله عن النبي صلعم إذا قاتل أحدكم فليجتنب الوجه.
4. The fourth hadiths
- 2234 - حدثنا عبد العزيز بن عبد الله قال: أخبرني الليث بن سعد عن أبيه عن أبي هريرة رضي الله عنه قال: سمعت النبي صلعم يقول: إذا زنت أمة أحدكم فقتلن زناها فليجلدها الحد ولا يثرب عليها، ثم إن زنت فليجلدها الحد ولا يثرب، ثم إن زنت الثالثة فقتلن زناها فليعها ولو بحبل منشعر.
5. The fifth hadiths
- 2552 - حدثنا محمد حدثنا عبد الرزاق أخبرنا معمر عن همام بن منبه أنه سمع أبا هريرة رضي الله عنه يحدث عن النبي صلعم قال: "لا يقل أحدكم: أطعم ربك، وضئ ربك، اسقي ربك، وليقل: سيدي مولاي. ولا يقل أحدكم: عبي، أمي وليقل: فتاتي وفتاتي وغلامي"
6. The sixth hadiths
- 2277 - حدثنا محمد بن يوسف حدثنا سفيان عن حميد الطويل عن أنس بن مالك رضي الله عنه قال: "حجم أبو طيبة النبي صلعم فأمر له بصاعا وصاعين من طعام، وكلهم مواله فخفف عن غلته أو ضريبة"
7. The seventh hadiths
- 2544 - حدثنا اسحاق بن إبراهيم سمع محمد بن فضيل عن مطرف عن الشعبي عن أبي بردة عن أبي موسى رضي الله عنه قال: قال رسول الله صلعم: "من كانت له جارية فعلمها فأحسن إليها، ثم أعقها وتزوجها كان لها جران."

In the Indonesian dictionary, a *budak* (a slave) can be interpreted as *anak* (a child), *abdi* (a servant), *hamba* (a slave), and *orang gajian* (a paid person). In the English dictionary, there two words that connote the meaning as *budak*, namely: *slave* and *servant*. And from these two roots of the word, the term of *civil servant*, which in the Indonesian language interpreted as *pegawai negeri* and *slavewhich* in the Indonesian language interpreted as *budak* and *pekerjakeras* (hardworking person) originated.

In the Islamic legal jurisprudence, the term *abdi* is commonly defined by: (1) a slave or someone who loses his/her independence since he/she is owned by a master, (2) a devout servant of God, he/she is obedient and devoted to Him, (3) all mankind, (4) prisoners of war who must be obedient to their masters. In the view of Islamic law, slaves became half a mankind (since they do not have their own independence). On one side, a slave acts as a perfect human being in common, but ironically on the other side, he/she is a wholly owned property of the master that can be traded.

If we observe the Prophet's hadiths, then we will get a global snapshot of friendly climate in revealing and treating slaves. The terms which were often used by the Prophet referring to the slaves were *abd*, *naqabah*, *ma malakataiman*, *khadim*, *jariyat*, *ghulam*, *fata* and *riqq*. Etymologically these words have meaning connotations as follows: *abd* (slaves, servants); *raqabah* (neck); *ma malakataiman* (those under the control by the right hand); *amat* (woman slave); *mamluk* (a person in control); *khadim* (servant); *jariyat* (girls); *ghulam* (young boy); *fata-fatayat* (young person) and *riqqi* (person to be pitied). *Abd*, *raqabah*, *mamluk* were often used in the sense of slavery in general. While the terms of *ma malakataiman*, *khadim*, *ghulam*, *fata-fatayat*, *amat*, *jariyah*, *riqqi* were used in improving the image of slaves in society.

Linguistically, the word *abd* means a person who prays, serves and worships to something. The word *abd* can have a meaning as a person in general, whether he/she is a free person or a slave, but this term can also be connoted to

slaves only, and according to Syibawaihi, this meaning is the origin of the word. The word *raqabah*, *riqab* linguistically means neck. Quraish Syihab said that the word *raqabah* originally means the neck, and then it is interpreted as a person that is chained and bound with a rope around his/her neck. The impression of the connotations from this meaning verily underestimates and disparages a slave as a human being since, by such connotation; he/she is pictured like an animal tied with a rope around its neck. And that was the practice of slavery before Islam came. If the term is used in the practice of slavery, the existence of the slave is a non-free person; his/her neck is tied with rope bondage. He/she is wholly *mamluk*; his/her soul, body and life are fully under the control of the master.

The hadiths of the Prophet want to give a new feel or nuance to the slaves regarding to all kinds of abuses they might suffer. They are referred as *ma malakataiman* (means those who are controlled by right hands, so they can be utilized by their masters. The masters have a responsibility to them both in this world and later in the hereafter therefore the slaves are not merely exploited their body and soul). They are also referred as *khadim* and *ghulam* (a young man who can be utilized to assist and serve to a variety of needs, where they also have feelings and conscience). Towards woman slaves, the terms which were often used are *jariyat*, *amat*, *fatayat* (mean a woman or a girl or a young woman who are utilized and they are physically weak so they have to be respected and their honors be preserved). The word *riqq* has the meaning connotation as advocating to nurture, to protect, to guide and to grow up their confidence back.

From the phenomenon just explained, it can be concluded that the hadith do indeed acknowledge the existence of slavery practices with all its consequences long before Islam came. The slaves do not have the essence of humanity because their necks, identities, independences, liberties are confined and bound by the chain of *dehumanization*. Reformation done (by Islam) through the hadiths of the Prophet regarding the practice of slavery was by providing a clear warning of the humanity existence of slaves and restricting sternly to treat them inhumanely. Therefore, the Prophet Muhammad forbade slaves' master to call them using the term *abd* and, instead, suggested the masters calling their slaves as *ghulam*, *fatay*, or *fataty*. If we analyze further, the normative objective of the Prophet in positioning the slaves humanely is not to legitimate the slavery practices. Contrarily, he did so to gradually eliminate the practice of slavery since it does not conform to the Quran's moral and universal values that uphold the spirit of egalitarianism and humanism.

The Hadiths' Tribute to Slaves

In the pre-Islamic time, there was a practice of slave dehumanization. In the ancient Rome, for example, the slaves were employed in the rice fields under hot sunlight while they were chained tied one to another as herds so they would not run away. They were only fed just enough to survive so that their energy could be exploited. They slept in small and narrow compartments without ventilation just like the dark side of *harem*. They were often contested in a human fight, in which bloodshed and loss of their lives did

not mean anything but interesting entertainment to their masters, let alone becoming a case that would be dealt with by the law enforcers.

After the advent of Islam, all forms of slavery were deconstructed; dehumanizing slaves was prohibited, they were even treated modestly and humanely. The hadiths of Abdullah ibn Umar, for example, pictured clearly how angry the Prophet was when the Muslim soldiers underestimated the Usamah's leadership because he was formerly a slave belonged to Zaid ibn Haritsah. This can also be traced in an *athar* of Jabir ibn Abdullah regarding the respect given by Umar ibn al-Khattab to Bilal ibn Rabbah who was a slave freed by Abu Bakr al-Shiddiq.

Since the very beginning, the Prophet had warned Muslims to take a deep care of their slaves (*Ittaqu Allah fi ma malakataimanukum*). When the master scolded the slave, he was hardly prohibited to hit his/her face (a hadith narrated by Abu Hurairah). Similarly, if a slave woman committed major sins, such as adultery, this did not become a reason to insult her from Abu Hurairah. The Prophet commanded to apply punishment in accordance with the appropriate level regulated by the Islamic law.

At the time of the Prophet, any slaves got fair treatment before the law. Even in a hadith, it was stated that anyone who injured or killed a slave then he/she should be punished with the same act or a *qishas* be applied to him/her. The principle of reciprocity that was echoed by Islam was also applied to them. At that very time, such a thing was very surprising since previously it was unimaginable.

Islam rehabilitates the slaves' existence in society. In the hadiths of Abu Hurairah there can be seen that the slaves are forbidden to call his master as *rabb*, rather they are taught to simply address him as *sayyid* or *maula*. A master is also not allowed to call his slave as '*abd*' (a slave), but rather as *ghulam*, *fata* or *fatayat* (a young person) since such calls will grow up their confidence.

According to Ibn Hajar, in the hadiths, there clearly shown that Islam prohibits cult master. In Qurtubhi's notes, there also clearly explained the difference between the words *rabb* and *sayyid*, where the former (i.e. *rabb*) is reserved only to God the Almighty. In the same explanations, he furthermore states that the words *ghulam* or *khadim* are similarly used to refer free persons so it is more appropriate in addressing the slaves. When the word '*abd*' is used, this clearly gives an impression that the slave is absolutely bound to his/her master. Moreover, the Prophet also emphasized to ease the job for slaves and prohibited to burden him/her with any job beyond his/her ability.

With such humane treatment in the slavery practice that had been reconstructed by Islam through the Prophet Muhammad, there were many slaves who chose to be possessed by Muslims than by non-Muslims. A free woman who became a prisoner of Islam did not feel worried any longer for being treated inhumanely. In the hadiths of Abu Dhar al-Ghifari there can be seen clearly of how modest and kind the Muslims treated their slaves. A slave was no longer regarded as *another person* (an outsider) to his/her master,

but was regarded as a brother/sister who must be protected, fulfilled his/her needs and lightened his/her load. A slave should eat what his/her master eats and wear what his/her master wears. So, it was difficult to distinguish between a master and his/her slave.

One thing that had never been found in the pre-Islamic times is what was narrated by Abdullah which a slave was permitted and even encouraged to advise his/her master when he did something wrong/unlawful with the (God's) reward promised for him/her as that of a free person. Such is included as the obligations of a slave and a right to his/her master. So, not only the slaves' right to speak was liberated, but also at the same time they were obliged to warn, criticize and correct their masters. As a form of Islam's tribute to a slave, the full mandate on his/her master's belongings is put on his/her shoulder, which means that he/she is given full responsibility to keep his/her master's properties (the hadiths from Abdullah).

All the appreciation of Islam towards the slaves must have departed from the starting point of human existence (i.e. *antum banu Adam wa Adam min turab* which means "You are all sons of Adam and Adam was created from clay"). There is no single excuse that can be justified to classify and divide free men and slaves into different classes. To further elevate the morality of slaves, the Prophet once said: (in the hadiths of Abu Hurairah), "Pious slaves obtain two rewards. Should there be no obligation to do jihad in the path of Allah the God Almighty, to do pilgrimage, and to do good deeds to parents, I would prefer (myself) to be a slave".

There were so many things done by the Prophet in elevating the dignity and self-esteem of the slaves. These then raised the slaves' confidence and made them realized that they were human beings just as other free people. He made brothers between the slaves with the nobles of Quraish, as Bilal with Halid ibn Ruwainah and Zaid ibn Haritsah with Hamzah ibn Abdul Muttalib; he also wed Zaid to Zainab bint Jahsh and promoted Usamah ibn Zaid as a war general who led several senior companions.

The Slave Humanization in the Perspective of Hadiths

To abolish slavery, Islam has done very radical things with psychological and humanistic considerations. Looking further at the hadiths of the Prophet and the Quran will then enable us to map any steps taken by the Prophet in the process of humanization of the slaves as well as in achieving his ultimate goal which is abolishing slavery practices.

Before a slave is really liberated physically, Islam at first liberates his/her spirit. They should be liberated in advance from the slave mentalities: being apathy, inferior, subordinate, worthless, has no ideals, no responsibility or even having a feeling that he/she is not human. Before becoming free persons in the legal sense, they first need to possess valuable attitudes such as being mentally optimistic, having goals, have self-esteem, responsible and a "feel" that they are human beings as their master. Such psychological independence becomes the first thing to be struggled for by Islam. Once a slave attains his/her psychological independence so that he/she is ready to become a free

person, then Islam paves the way towards his/her physical independence.

First, Islam recommends to all wealthy Muslims who have slaves to set them free. This is done in order to seek pleasure (*ridla*) of Allah and His servants, as revealed in the hadiths of Abu Hurairah. Imam Nawawi commented on this hadiths. According to him, there is no doubt that regarding to the hadiths mentioned; liberating a slave is an act that has a large of virtues (*fadhilah*). This laudable deed will deliver someone to the doors of heaven. Someone who liberates slaves before he/she converts to Islam will get his/her reward after he converts to Islam (Hadiths Abu Hisham). This hadiths does not explain that the unbelievers may get close (*taqarrub*) to Allah by doing such thing.

Secondly, Islam also teaches an act of liberating a slave as expiation (fines) for violations against the shariah. These include violation of oath, killing a Muslim accidentally, killing an unbeliever who is in a peace agreement, doing *dzihar* to a wife, and having an intercourse done by a husband and his wife during daytime in the month of Ramadan (the hadiths of Abu Hurairah). Thirdly, freeing slaves in a way of *mukatabah* which is the existence of an agreement between a master and his/her slave on a condition that he/she has to pay a sum of money that has been set with the value of goods or services. After a slave makes or writes down a contract with his/her master (about buying out him/herself), from that very time his/her work is calculated accordingly, he/she is entitled to receive *zakat* (obligatory alms) and he/she may seek additional income outside (his/her obligation to serve his/her master). After the slave can pay off the amount (of the buying out price) that had been agreed, then automatically he/she becomes a free person. Such slave manumission system was quite lately introduced in Europe in the fourteenth century.

Fourthly, Islam introduces an act of freeing slaves under a state's spending, where in such a case the money used to do this is taken out from the state treasury (*bait al mal*). This was often done during the reign of Umar ibn Abdul Aziz. Yahya ibn Said told that he was once instructed by Umar to collect taxes in Africa. Once collected, he sought poor people who deserved it but he found none; eventually the money was used to buy some slaves and then they were liberated.

Fifth, a woman slave will automatically get her freedom by becoming *umm al-walad* i.e. a woman slave who had intercourse with her master and gave birth to his child. In Islam, a woman slave may only be clocked by her master and should not be clocked by others let alone be exploited as a prostitute. When she gives birth to a child of her master, she becomes *umm al-walad* (the mother of the child). Since then she should no longer be sold and become a free person as well as the child born.

Sixth, Islam also introduces an act of liberating slaves due to any abuse done by his/her master to him/her. According to some jurists, especially Hanafiyah jurists, a slave can get his/her freedom if he/she suffers ill-treatment from his/her master while he/she did not make mistakes.

The Slavery in the Perspective of Social Fiqh

Officially, slavery practices in Europe had been abolished by the Revolution of France, in the United States by the decree of Abraham Lincoln and throughout the world with the international agreement under the UN forum. These slavery abolitions had caused great social unrest and caused a *moral panic* in American society so much so that even Abraham Lincoln as the idea originator was shot dead and became a victim of his own idea.

However, for some time after those declarations, some wars still occurred and the prisoners were treated as slaves as to which Russians treated prisoners of Japanese soldiers inhumanly. Prisoners of the Second World War were treated like animals in which German women were raped sadistically so were Japanese women. The French treated the people of Morocco, Tunisia and Algeria cruelly during their colonization time. They killed hundreds of thousands of people who demanded their independence. While across the continent, at the same time the U.S. government was very discriminatory against the Negroes (black skinned people).

The treatments done by the Western countries against Muslims in Afghanistan, Palestine, Bosnia, and other places are very inhumane. Millions of Muslims were massacred and hundreds or thousands of Muslim women were raped and forced to bear illegitimate children, their homes were burnt down to the ground and their whole sources of life were closed or embargoed. This is the form of modern slavery in the era of globalization.

The essence of slavery is the deprivation of the rights of a person. If such action continues to occur, it means that slavery is still rampant even though it is protected under the umbrella slogan of freedom, egalitarianism and brotherhood. So called modern people led by the West is the most intelligent community in hiding behind sweet and lovely slogans as mentioned. And cunningly they discredit Islam by accusing that Islam legalizes slavery, does not uphold human rights and is incompatible to modernity and liberal climate. Yet, contrarily, it is *the West* that has underground jails with thousands of men and women imprisoned without food and drink. Furthermore, hundreds of pregnant women's stomachs were ripped just to know the sex of the baby. On the other hand, in their countries, the prostitution system and practices are legalized on the grounds of fulfilling the life's need of modern society.

So, slavery has not ended yet, rather it only changes name. If traditional people still hold a language of honesty and naivety by saying that the reality of slavery is slavery, then the modern people in this millennium century is more able to resemble disgusting reality and inhuman cruelty with a beautiful, smooth and friendly language.

The Slavery in the Perspective of Social Fiqh

In liberating slaves, one question that arises is: Why does Islam not abolish slavery and reduce it to rubble completely, or why does Islam not abolish the slavery system and practices explicitly with legal passages? In this case, according to the author's analysis, there are several

philosophical considerations in the context of gradual abolishment and liberation of the slavery.

First is the consideration of universality, in which slavery is a universal and worldwide phenomenon. Before the advent of Islam, slavery was a condensed phenomenon that occurred on every level of society. And it is very likely that bitter disputes between Muslims and non-Muslims take place that have to end with battles or wars, while the war is the biggest source of the emergence of slavery. Should slavery be abolished permanently, in a situation as just described, Muslims would face difficulties to enslave prisoners as this otherwise opposing to the Quran while, at the same situation, releasing them for granted might not be a good choice since it would be very likely that Muslim people who held captive are treated as dishonorable slaves.

Second is the political consideration. When a war between Muslims and non-Muslims takes place and the Muslims successfully take enemies into prisoners then the imam (the head of the Islamic government) can choose one of four alternatives, namely: liberating them without ransom, freeing them with ransom, killing them and enslaving them. If the enemies have alternatives in treating their captives (i.e. Muslim prisoners) then is it wrong for Muslims to have such alternatives likewise? With a comparable action, this is supposed to suppress enemy so that they will not treat Muslim prisoners arbitrarily.

Third is the psychological consideration. Islam does not want to address the issue of slavery blindly but instead, it wants to take care of it gradually. In liberating the slaves, taking into account to the psychological consideration is very important. Prior to liberating them physically, they must be liberated psychologically. Otherwise, they will not be able to live independently as they had suffered both mental and moral crisis pretty severely. It can be seen from what was done by Abraham Lincoln in the United States during his reign as the US President who freed American (black) slaves through a decree. Having a feeling of being unable to live independently, many of those liberated slaves eventually returned to their masters and asked them to be enslaved again.

Fourth is the social consideration. In addition to bringing social issues, actually slavery also delivers some added values. A man who is very eager to get married but has not had any ability yet can perform a marriage to a slave. Furthermore, a woman whose entire family had been killed in a war would suffer constantly unless channeled into the path of slavery. By putting her as a slave, her master may replace (the position and function of) her lost husband or brothers. She can become a free person again either by the way of *mukatabah* or by other means.

Fifth is the consideration of legislation. Islam has closed the sources of slavery practices except through a war, nonetheless, Islam establishes that not all wars can be a source of the emergence of slavery. The war to spread and defend the religion is the only kind of war that is justified by Islam as a source of slavery. In dealing with prisoners of war, Islam also provides three alternatives to the Islamic leader, one of which is enslaving them. Finally Islam

gradually liberates the slaves and opens widely for them the way out of slavery prison. Thus, the systems and practices of slavery can be abolished permanently. Such legal (*tasyri'*) process to such an issue as described, shows that Islam indeed has a systematic and humane method. But, it is expected that other-than-Muslim people will be able to hand in hand to eradicate slavery around the world.

Officially, slavery practices in Europe had been abolished by the Revolution of France, in the United States by the decree of Abraham Lincoln and throughout the world with the international agreement under the UN forum. These slavery abolitions had caused great social unrest and caused a *moral panic* in American society so much so that even Abraham Lincoln as the idea originator was shot dead and became a victim of his own idea.

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The essence of slavery is the deprivation of the rights of a person. If such action continues to occur, it means that slavery is still rampant even though it is protected under the umbrella slogan of freedom, egalitarianism and brotherhood. So called modern people led by the West is the most intelligent community in hiding behind sweet and lovely slogans as mentioned. And cunningly they discredit Islam by accusing that Islam legalizes slavery, does not uphold human rights and is incompatible to modernity and liberal climate. Yet, contrarily, it is *the West* that has underground jails with thousands of men and women imprisoned without food and drink. Furthermore, hundreds of pregnant women's stomachs were ripped just to know the sex of the baby. On the other hand, in their countries, the prostitution system and practices are legalized on the grounds of fulfilling the life's need of modern society.

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The social *fiqh* (jurisprudence) can be understood as the process of extracting laws regarding contemporary issues or problems by using the methods/thoughts of *aimmah al-madzahib* (Hanafi, Maliki, Shafi'i and Hanbali) by focusing the process of *ijtihad* on the grounding of *maqashid sharia* (common benefits).

Among the typologies of social jurisprudence is trying to integrate between the texts and the contexts, in other words such is also called the *fiqh of reality* with the following procedures: *first*, it has to be based on the mastery of *ma'na* (meaning) and objectives of a *nash* (text) that is produced. This is then followed by the observation of social reality which refers to the reality of *mukalla* (mature Muslims upon whom the sharia is subjected) with different backgrounds and socio-culture conditions to avoid and minimize the reduction and simplification of *maslahat* (benefits). Only after this then the placement of *ma'na* of the text(s) towards a reality is conducted.

In the book *Nuansa Fiqh Sosial* written by KH Sahal Mahfudh, *ijtihad* in the context of social *fiqh* must be understood as a necessity and a requirement for Muslims in determining and paving new legal clauses that have never been touched by any *nash* (texts). *Ijtihad* is a tiered terminology that includes *ijtihad mutlaq* (absolute) and *ijtihad muqayyad*.

There are various alternative methods in constructing the social jurisprudence, among them is by combining the textual method (*madzhab qauli*) and the contextual methods (*madzhab manhaji*). The reform of *fiqh* (Islamic jurisprudence) by using the textual method contains the meaning that the *fiqh* can be realized by performing the contextualization of old books of Islamic teachings including *fiqh* (more famously referred as *kitab kuning* – yellow books – in Indonesia) or through the development of applicative examples of *qaedah usul fiqh* (principles of basic rules of jurisprudence) or *qaedah fiqh* (principles of jurisprudence). Meanwhile, the renewal of *fiqh* by using the contextual method contains the meaning that the development of jurisprudence can be achieved through the review and development of the theory of *masalik al-illah* (exploration of legal bases) so that the *fiqh* to be formulated is in accordance with *maqashid al-shariah* (the objectives of Islamic law) which is none other but *al-maslahah al-'ammah* (the benefits for all).

In the perspective of social jurisprudence, the phenomenon of inhumane treatments suffered by many men and women Indonesian migrant workers (known as Tenaga Kerja Indonesia and Tenaga Kerja Wanita in Indonesian, abbreviated as TKI and TKW respectively) that becomes a new face of modern slavery, is essentially contrary to the teachings of *tawheed* (monotheism) which prohibit a man to become a slave to another man. Allowing slavery to exist also means allowing a conduct of *syirk* (associating Allah with others), because a slave owner who makes another man as his/her servant means placing himself as an ally to Allah. Islam teaches that a man may become a servant of Allah *per se* and not a slave to another fellow man.

The statement saying that a man is a servant of Allah does not in any way mean that he/she enslave and downgrade him/herself. Contrarily, the human subservience only to Allah will liberate him/her from all forms of slavery. Therefore, in accordance with the teachings of monotheism, Islam does not condone any kind of slavery.

Therefore, since the early time, the Quran has emphasized that one of the sacred mission to be fought by Islam is to liberate the slaves from the bondage of slavery (*fakku al-raqabat*). Islam from the beginning to the end of time is a religion of *rahmatan li al-'alamin* (a blessing to the universe). This is why the Quran does not discuss any cause that may legalize slavery. This means that there is no condition or specific criteria that can make a person to become a slave of others. All discussions about slavery in the Quran always lead to its abolition.

Chronologically, the verses that talked about slavery led to a clear goal which was to gradually abolish slavery. After Islam stated that one of its main missions was eroding slavery, it began to move with the most basic steps. At first, still in the period of Mecca, the Quran allowed a master to have intercourse with his woman slave(s) but such permission was associated with maintaining the honor of the slave(s) (Surah al-Mukminun: 5-7 and al-Ma'arij: 29-30).

In the Medina period, the Quran discussed the issue regarding slavery more steeply by saying that freeing slaves was included as *birr* (al-Baqarah [2]: 177) and every murderer of slave must be dealt with firmly, if the convicted is a fellow slave, a *qishash* is applied (al-Baqarah [2]: 178). If in the Mecca period a slave might be clocked by her master, then in the Medina period it was advised to marry a believing slave since a believing slave is more feasible to be married than independent polytheists women (al-Baqarah [2]: 221). Subsequently, after the battle of Badr, the door of slavery started to be closed by liberating the prisoners of war, with or without ransom (Muhammad [47]: 4).

The movement of slave liberation was more emphasized by allowing slaves to demand a *mukatabah* (agreement for obtaining freedom) to his/her master (al-Nur [24]: 33 which is linked to al-Baqarah [2]: 177). The next stage, marrying slave/slaves had to go through a permit, she needed to be proposed, to be given a dowry, and one must be punished if committing adultery with her (al-Nisa' [24]: 25). Doing *ihsan* (good deeds) to slaves is already associated with *tawheed* (monotheism) and is aligned to doing good deeds to respected people such as one's parents, close families, relatives, and so on (al-Nisa' [4]: 36).

Furthermore, the liberation course was expanded with the method of *kaffarat* (redemption) towards a violation of *shari'ah*. When someone accidentally kills (al-Nisa' [4]: 92), performs a *dzihar* to his wife (al-Mujadalah [58]: 4) or violates an oath (al-Maidah [5]: 89), then one alternative of penalties for him/her is to liberate a slave/slaves. If previously freeing slaves is only recommended, or associated with *birr* and *ihsan*, it is now associated with *shadaqah* (charity) or *zakat* (alms) which are something that must be paid (al-Tawbah [9]: 60).

From those series of verses of the Quran, it can be understood that actually the liberation of slaves had been programmed in such a way that there will, consecutively, be no more slavery in the world, especially in the Islamic societies. It is also apparent there that the methods used in the Quran are not in a hurry and drastic but all of them are done carefully, gradually, systematically, realistically, and humanely. Thus, it can be said that in abolishing slavery Islam takes prudent manner and considers everything as well as possible.

4. Closure

From the discussion above, can be concluded an overview of sosial fiqih slavery has not ended yet, rather it only changes name to be TKI and ect. If traditional people still hold a language of honesty and naivety by saying that the reality of slavery is slavery, then the modern people in this millennium century is more able to resemble inhuman cruelty with a beautiful, smooth and friendly language. The essence of slavery is the deprivation of the rights of a person. If such action continues to occur, it means that slavery is still rampant even though it is protected under the umbrella slogan of freedom, egalitarianism and brotherhood.

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