

Indonesia's New Punishment for Fornication is Not Sharia Law

News:

On the 2nd of December, the BBC reported that Indonesia's parliament will pass a new criminal law month that will punish intimate relations outside of marriage with imprisonment of up to a year. Bambang Wuryanto, a politician involved in the draft, said the law if passed, would apply to Indonesian citizens and foreigners alike.

Punishment for adultery can only take effect if there are parties who lodge complaints to the authorities. For those who are married, the party entitled to lodge a complaint is the perpetrator's husband or wife. The law also allows the parents of unmarried people to report them for having sex. Cohabitation before marriage will also be banned, and those convicted could face a six-month prison sentence.

Comment:

The laws may seem to agree with Islamic sentiments, but they have nothing to do with Islamic law. The Sharia has nothing to do with man-made interpretations of the forbidden acts and how they are punished. In the system of Islamic jurisprudence, the matters of Hudud are the right of Allah (swt) only. The implementation of punishment must first meet the specific criteria defined by Allah (swt) and as follows in the tradition of the pious Khulafaa' (caliphs) before them. An example of fornication and its condition of guilt is that there must be three witnesses of the actual enactment of the physical violation. Hearsay or the report of a single narrator will not be accepted as validation of a crime. Also, the actual punishment cannot be changed to suit political convenience or ease of implementation. Zina (intimacy outside of marriage) must be punished by lashing, and Adultery (intimacy with a stranger outside your own marriage) must be punished with stoning to death. **«الزَّانِيَةُ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِئَةَ جَلْدَةٍ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَلَيْشَهِدَ عِدَابَهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ»**
“The woman or man found guilty of Zina, flog each one of them with a hundred lashes. Let not pity for them without you applying the ruling of Allah and the Last Day. And let a group of the believers witness their punishment.” [An-Nur 24:2]

The danger of not understanding the specific criteria of these matters led to the following rebellious actions within Indonesia.

Business groups have expressed concern about the damage the rules might do to Indonesia's image as a holiday and investment destination, according to Reuters.

Shinta Widjaja Sukamdani, the deputy chairperson of Indonesia's Employers' Association (APINDO), said: "For the business sector, the implementation of this customary law shall create legal uncertainty and make investors reconsider investing in Indonesia."

The previous draft of the code was set to be passed in 2019 but sparked nationwide protests with tens of thousands taking part in demonstrations.

Many, including students, took to the streets in cities across Indonesia with the main clashes taking place in the capital Jakarta.

We ask Allah (swt) to keep us steadfast on the path of the Quran and Sunnah and not be deviated by the false idols of secular laws disguised as Sharia.

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