

Analisis pandangan aktifis jaringan islam liberal tentang relevansi had zina di Indonesia = Point of view of the activist of the jaringan islam liberal (liberal islam network) concerning relevance of had zina in Indonesia

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Abstrak

Kemunculan Jaringan Islam Liberal sesungguhnya adalah hasil dari sekularisasi-liberalisasi pemikiran yang dirancang pihak musuh Islam sejak era 1970an di Indonesia. Berbagai fakta dan bukti membenarkan hal tersebut. Salah satu agenda dan misi dari JIL adalah menyebarkan pemikiran liberal di Indonesia terutama di kalangan muda Islam. Dengan dasar kebebasan berpikir, Jaringan Islam Liberal seringkali mengeluarkan pandangan dan kritik terhadap Hukum Islam dengan argumen-argumen yang sebagian besar mereka contoh dari para tokoh liberal dunia, yang selalu mereka sebut sebagai cendekiawan dan pembaharu. Salah satu hukum yang sering mereka kritik adalah sanksi zina dalam Hukum Pidana Islam. Mereka mengatakan bahwa sanksi zina dalam Hukum Islam kejam, bertentangan dengan HAM, tidak sesuai dengan budaya modern, kuno, dan tidak efektif. Sayangnya, kritik ini tidak diimbangi dengan pemaparan delik dan sanksi zina secara komprehensif. Mereka hanya menekankan pada sisi sanksi atau hukuman zina saja. Padahal, pembahasan zina mendapat porsi yang cukup luas dalam Hukum Pidana Islam, yang jika dipaparkan seluruhnya secara proporsional akan menghilangkan persepsi negatif tentang had zina. Bahkan, jika diteliti secara historissosiologis, sesungguhnya had zina pernah diterapkan di Indonesia, dan hingga saat inipun masih cukup relevan untuk diterapkan di Indonesia. Meskipun diperlukan proses-proses dan langkah-langkah yang bersifat gradual dan membutuhkan waktu yang tidak singkat. Yang pasti, hukum pidana yang akan tetap eksis adalah yang dapat memberikan rasa keadilan dan ketenangan bagi masyarakat yang saat ini hilang.

.....The emergence of the JIL (Liberal Islam Network) is actually the result of secularization, liberalization of thought which are designed by the enemy of Islam since the 1970s era in Indonesia. The facts and evidences justify it. One of the agenda and mission of JIL is to spread liberal ideas in Indonesia, especially among young Muslims. With the basic freedom of thought, the JIL often Express their views and criticisms of Islamic Law with the arguments that most of those are duplicate of liberal leaders of the world, which they always call as scholars and reformers. One of their frequent criticism of the Islamic Law is the punishment of adultery in Islamic Penal Code (zina). They say that the sanction of adultery in Islamic law is cruel, contrary to human rights, does not comply with modern culture, old and ineffective. Unfortunately, this criticism is not accompanied by the exposure of the offense and punishment of adultery in a comprehensive manner. They only emphasize on the side of the penalty or punishment of adultery alone. In fact, the adultery issues discussed very widely in the Islamic Penal Code, which if presented all proportion would eliminate negative perceptions about adultery sanction in Islamic Penal Code. Even when examined in socio-historically, sanction of adultery had indeed been implemented in the period of Islamic kingdom in Nusantara, and until this day is still relevant enough to be applied in Indonesia. Although there quired processes and steps that are gradual and it was not short. Certainly, the criminal law which will prevail are those who could provide justice and peace for the people that are currently missing.