



Western values of sexual consent in Muhammad Shahrur's theory of milk al-yamin

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Abstract: This paper discusses Muhammad Shahrur's proposal for a "new way" to practice the concept of *milk al-yamin* in Islam. He believes that the Qur'anic verses pertaining to *milk al-yamin* can no longer be applied today because of their close connection to slavery. Shahrur argues that the practice of *milk al-yamin*—particularly in the context of the permissibility of engaging in sexual relations without a marriage contract—can be carried out through mutual consent. This consent is formed through an agreement between a man and a woman, solely for the purpose of engaging in sexual relations. The aim of this paper is to analyze Shahrur's arguments within the framework of his *milk al-yamin* theory. The method used in this paper is a normative literature study, employing a juridical-normative approach. The findings of this paper indicate that Shahrur's theory of *milk al-yamin* tends to align more closely with Western values of sexual consent than with Islamic values. Moreover, Shahrur's proposal for *milk al-yamin* could have significant implications for the development of family law, particularly in Indonesia.

Keywords: *Milk al-yamin*, Sexual consent, Shahrur

Introduction

The practice of slavery itself, long before the advent of Islam and before the revelation of the Qur'an, had already existed in various parts of the world, including in the Arabian Peninsula (Nasution, 2019). At the advent of Islam as brought by the Prophet Muhammad (peace be upon him), Islam appeared to acknowledge the practice of slavery. This is evident from the numerous Qur'anic verses and hadiths that address the issue. On the other hand, it is also well established that the Prophet Muhammad (peace be upon him) and his companions owned slaves, particularly those who were taken as prisoners of war (Al-Qardawi, 2006). However, it is important to note that when observed more closely, the slaves owned by the Prophet Muhammad (peace be upon him) and his companions were only a specific group of slaves. These slaves were acquired and owned through only one of the many existing avenues of slavery, namely slavery that resulted from legitimate warfare (*harb shar'i*). This type of warfare refers to battles against enemies from among the *kafir harbi* (non-believers who actively wage war against Muslims), who themselves had taken Muslim captives as slaves (Nasution, 2019).

Although Muslims were permitted to own slaves taken as prisoners of war, this ownership was, in fact, considered a step toward the slaves' eventual freedom. Islam sought to eliminate the practice of slavery by making the emancipation of slaves a form of *kafarat* (expiation) for sins and mistakes committed by Muslims. Examples include the *kafarat* for unintentional killing as stated in Q.S. An-Nisa [4]: 92, the *kafarat* for breaking an oath as mentioned in Q.S. Al-Ma'idah [5]: 89, the *kafarat* for committing *zihar* (a form of verbal divorce) against one's wife as written in Q.S. Al-

Mujadilah [58]: 3, and also the *kafarat* for engaging in sexual relations between husband and wife during daylight hours in the month of Ramadan, as narrated in a hadith recorded by Imam al-Bukhari (al-Bukhari, 1422). These expiations for sins and mistakes demonstrate that Islam widely opens the door to the freedom of slaves through various means.

History shows that slavery was practiced in almost every region of the world. Completely abolishing slavery was not considered beneficial (*maslahah*) for the Muslim community at that time, as Islam's enemies still practiced it. Therefore, Islam continued to permit slavery but introduced many reforms and restrictions to narrow its scope, limiting it solely to slaves who were prisoners of legitimate (*shar'i*) warfare. The ruling on making prisoners of war into slaves was merely permissible (*mubah*), not recommended (*sunnah*), let alone obligatory (*wajib*). On the other hand, Islam also opened wide doors for the freedom of these captives through various means (Al-Qardawi, 2006).

It is important to note that among the many verses and hadiths addressing slavery, there is a particular text that deserves special attention. This text discusses *milk al-yamin*, a term that in various Qur'anic verses is often associated with the permissibility of engaging in sexual relations without a marriage contract. *Milk al-yamin* itself is understood as female slaves owned by Muslims through prisoners of legitimate (*shar'i*) warfare, who could be sexually accessed by their owners.

At least two verses in the Qur'an, such as Q.S. Al-Mu'minun [23]: 5-6 and Q.S. Al-Ma'arij [70]: 29-30, mention that those who claim to be believers must guard their chastity and honor, except with their spouses and with their slaves—*ma malakat aymanuhum* (those whom their right hands possess). Ibn Kathir, in his tafsir, explains (Hallaq, 2007). He states that these verses command Muslims to refrain from all prohibited acts such as *zina* (adultery) and *liwat* (homosexuality). Therefore, Muslims are forbidden from engaging in such acts except with their wives and female slaves whom they possess as a result of war, which Allah SWT has made lawful.

Understanding these verses posed no difficulty when the phenomenon of slavery was still present in the world. However, once slavery ceased to exist, the practical application of these verses became problematic, given that the primary subject of the verses is slaves. Therefore, a proper understanding of this aspect of the sharia is essential to prevent misunderstandings in the implementation of these verses.

One alternative understanding of the concept of slavery in Islam has been proposed and offered by Muhammad Shahrur. Shahrur has explicitly presented and shared his ideas about *milk al-yamin* on his official website. There, he writes the following regarding *milk al-yamin*:

ملك اليمين: هو علاقة طوعية بين رجل بالغ عاقل وامرأة بالغة عاقلة، ليس فيها صهر ولا نسب، ولا نية في الإنجاب والاستمرار، وتقتصر على ممارسة الجنس بين الطرفين. وقد تكون المرأة ملكاً ليمين الرجل، فينفق عليها، ومثاله زواج المتعة. وقد يكون الرجل ملكاً ليمين المرأة فلا تطلب منه أي نفقة أو سكن، ومثاله زواج المسيار. وقد يكون ملك بيمين متبادل بينهما، ومثاله زواج (الفرند)

Meaning: "*Milk al-Yamin* is a voluntary relationship that occurs between an adult man with full mental capacity and an adult woman who is also mentally sound. This relationship is not based on kinship, lineage, or the desire to have offspring indefinitely, but is limited to a sexual relationship between the two. In this case, sometimes a woman becomes the *milk al-yamin* of a man. He then provides something to the woman, similar to the concept of *nikah mut'ah* (temporary marriage). Sometimes, a man becomes the *milk al-yamin* of a woman, where the woman does not ask for maintenance or housing, as in the case of *nikah misyar* (visiting marriage). Occasionally, there is mutual *milk al-yamin*, where both parties "own" each other, as in a friendship marriage." (Aziz, 2019).

In addition to his statements regarding the definition and understanding of *milk al-yamin*, Shahrur has also made remarks about *zina* (adultery/fornication). Shahrur provides several definitions of *zina*: *first*, when it occurs between an adult man and an adult woman who are married to each other. *Second*, when it involves multiple men having sexual relations with a single woman. *Third*, when it takes place in a public setting or is witnessed by four or more people. *Fourth*, when

the tradition, environment, or surrounding society prohibits it (Aziz, 2019).

What Shahrur offers certainly deserves appreciation, especially if it is carried out as part of implementing Islamic law. However, it also requires critical analysis to ensure that Shahrur's concept of *milk al-yamin* does not inadvertently lead Muslims away from their own sharia.

This certainly presents a problem, because on one hand, Muslims are commanded to practice their holy scripture, while on the other hand, the implementation of the *milk al-yamin* verses is hindered by the fact that the concrete form of slavery—as the instrument for practicing those verses—no longer exists today. Additionally, there is an alternative proposal to practice these verses in a new and different form from the original practice that occurred during the early days of Islam, as reflected in the practice of the Prophet Muhammad (peace be upon him) and his companions.

The main issue in this study concerns what the concept of *milk al-yamin* in Islam should be—generally acknowledging that the verses still exist and remain applicable, yet the reality shows that slavery no longer exists. It also examines the position of Shahrur's alternative model for the application of *milk al-yamin*. Furthermore, Shahrur's proposal will be analyzed in terms of its implications for the development of family law, particularly in Indonesia.

Milk al-yamīn is a Qur'anic term used to denote the concept of slavery. One example appears in Q.S. al-Mu'minun [23]:6 with the phrase mā malakat aymānuhum (إِلَّا عَلَىٰ أَزْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ فَإِنَّهُمْ غَيْرُ مَلُومِينَ (الإماء)), meaning female slaves (Hallaq, 2007). Similarly, Imam al-Qurtubi understands it as al-mamlūkah (المملوكة), namely a female servant or slave who is owned (al-Qurtubi, 1964). From this, it is clear that the expression milk al-yamīn has, from the outset, referred to slavery, consistent with the historical reality of its existence.

The discourse on milk al-yamīn was reignited by Muhammad Shahrur's reinterpretation, which gained broader attention after being examined in a dissertation by Abdul Aziz (2019), titled "*Konsep Milk al-Yamin Muhammad Shahrur sebagai Keabsahan Hubungan Seksual Non-Marital*" at UIN Sunan Kalijaga Yogyakarta. Aziz concluded that Shahrur's interpretation, which allows sexual relations without marriage under the framework of milk al-yamīn, contradicts Islamic law and therefore requires critical examination (Aziz, 2019).

A similar critique was presented by Muhammad Nur Hadi in his 2019 article in Yudisia, "*Muhammad Shahrur dan Konsep Milkul Yamin: Kritik Penafsiran Perspektif Ushul Fiqh*." Hadi argues that Shahrur's concept does not meet the Qur'an's principle of comprehensiveness (syumūliyyah), nor does it align with the maqāṣid al-Qur'an (the Qur'an's higher objectives). His reinterpretation is also seen as disregarding maṣlaḥah (public interest) and 'urf (custom). At this point, it becomes evident that Shahrur's attempt to reinterpret the milk al-yamīn verses through a modern lens of humane social relations lacks a strong paradigmatic foundation that can be justified (Hadi, 2019).

There is also a journal article by Muhammad Kholid titled "*Epistemological-Methodological Criticism of Muhammad Shahrur In Islamic Studies (Case Study of Milk Al-Yamin Concept)*" published in the Tasfiyyah journal in 2021 (Kholid, 2021). This article concludes that Shahrur's interpretation of the verses concerning milk al-yamin deviates from the mainstream interpretations of the majority of scholars. Furthermore, another issue identified is a striking inconsistency, particularly in his use of methodology, along with the epistemological relativism embraced by Shahrur.

There is also a journal article published in 2022 in al-Bayan titled "*Eksplikasi Konsep Milk al-Yamin dalam al-Quran dengan Hubungan Seks Non Marital Kajian Tafsir Tematik*" authored by Aرسال and Maizul Imran (Imran, 2022). This study highlights the findings of Abdul Aziz's dissertation, which revealed Shahrur's concept of milk al-yamin has sparked both support and opposition in society. The article concludes that milk al-yamin refers to female slaves obtained through warfare, and historically, the permission to associate with them was not intended to satisfy sexual desire but rather as an effort to elevate the status of the slave.

This study will differ from previous writings on the same theme. It will analyze Shahrur's theoretical construction of *milk al-yamin* from various aspects, with the author's initial assumption that this theory closely resembles the Western concept of sexual consent. Moreover, this paper will also examine the implications arising from the presence of this theory.

Method

Research methodology is the way of thinking used to understand an object. It includes the technical methods for conducting or analyzing the results of that understanding. Research methodology can also mean a standard procedure considered the most effective for solving a problem in a particular field. Therefore, the approach in any research must be aligned with the characteristics of the problem being studied, the objectives to be achieved, and the conceptual framework that has been formulated (Penyusun, 2023).

The method used in this research is normative literature research, which prioritizes the use of information and data from both primary and secondary sources related to the concept of slavery in Islam. Therefore, to systematize the research procedure, critical analysis techniques are employed to manage the relevant data concerning the object under study and to analyze its implications for achieving the intended objectives (Arikunto, 2005).

This study uses a juridical-normative approach by examining the normative description of the concept of slavery in Islam (Shaifudin, 2017). For example, it explores how this concept should be understood according to Islam, including its definition, methods, applications, and instruments in the practice of slavery today. The study also incorporates a historical approach by looking at how Islamic scholars have understood this system of slavery and how the concept has been practiced.

Results And Discussion

Life History, Education, and Contributions

Muhammad Shahrur was born in Damascus, Syria, on April 11, 1938 (Andi et al., 2016). He was the fifth child of al-‘Aziz Dayb and al-‘Azizah al-Ṭarḥūmah Ṣiddīqah Filyun (Shahrūr, 1996). Shahrur later married a woman named ‘Azizah, and from this marriage, they had five children: Tariq, Lays, Rima, Basil, and Masun (Rosyada, 2019).

Shahrur grew up in Syria, a country known for its strong emphasis on education and its long tradition of producing prominent scholars, scientists, and intellectuals. Among the renowned scholars from Syria are Imam al-Nawawī, Imam Ibn Kathīr (Sari, 2019), Shaykh Muṣṭafā al-Sibā‘ī, Shaykh Maḥmūd al-Ṭaḥān (Maghfiroh et al., 2023), and Nūr al-Dīn ‘Itr (Asaad, 2019). In more recent times, the country has also been home to modern thinkers such as Hadi Alwi, Firas Sawwah, Georgy Kan’an, Adonis (Alī Ahmad Sa‘īd), Azīz al-Azmeh, and Muhammad Sawa (Andi et al., 2016).

Unlike many traditional Muslim scholars, Shahrur did not receive a formal education in Islamic studies. His father, who worked as a clothes dyer, chose to send him to a public elementary school rather than to a *kuttāb* (Qur’anic school) or local madrasa (Christmann, 2003). Consequently, Shahrur did not acquire sufficient religious training during his childhood and adolescence (Rahman, 2010), a factor that may explain why his later ideas about Islam diverged significantly from conventional interpretations. He pursued his primary and secondary education at ‘Abd al-Rahman al-Kawakib School, located in the al-Midan district on the southern outskirts of Damascus (Shahrūr, 2007).

According to his own account, Shahrur’s father was a close student of Shaykh Nasir al-Din al-Albani, a well-known hadith scholar. When al-Albani visited Damascus, he was often invited to their home to give lectures. Despite this close family connection, Shahrur’s thought was not influenced by al-Albani. On the contrary, he frequently opposed the hadith interpretations espoused by al-Albani and other classical scholars. He even once declared, “*lā aqbal al-julūs ‘inda aqdam Ibn al-‘Abbās wa al-Shāfi‘ī*” (I do not accept sitting at the feet of Ibn ‘Abbas or al-Shafi‘i) (محمد شحرور, 2013). Shahrur emphasized that although his father was deeply influenced by al-Albani, this had no impact on his own intellectual trajectory. He maintained that he would not adhere to anyone’s views, not even those of Imam al-Shafi‘i or Ibn ‘Abbas (Rahman, 2011).

Shahrur’s further education increasingly distanced him from formal religious education. In 1957, he continued his studies in Saratov, a city in the Soviet Union near Moscow. With a government scholarship, he pursued civil engineering (handasah al-madaniyyah). In 1964, Shahrur completed his diploma and obtained his diploma degree. Besides civil engineering, during his time in Moscow, he also showed interest in philosophy and languages, eventually venturing into Quranic studies and Islamic sciences (Andi et al., 2016).

After completing his diploma in 1964, Shahrur decided to return to his homeland, Syria. There,

he dedicated the knowledge he had gained in Moscow to teaching at the Faculty of Civil Engineering at Damascus University. After three years, in 1967, Shahrur was given the opportunity to conduct research at Imperial College in London, England. However, in the same year, specifically in June 1967, he was forced to return to Syria due to the outbreak of war between Syria and Israel, which led to the severance of diplomatic relations between Syria and the United Kingdom (Mustaqim, 2007).

Damascus University then sent Shahrur to continue his education in a Master's and Doctoral program in defense mechanics and structural engineering at the National University of Ireland, located in Dublin, Ireland. He completed his Master's degree in 1969, and three years later, in 1972, he completed his Doctorate. After finishing his doctoral studies, he returned to teach at Damascus University in his field of expertise, specifically in Defense Mechanics and Geology courses. At the university, he, along with several other faculty members, established a Technical Consulting Bureau and also served as a consultant in the engineering field (Andi et al., 2016). Subsequently, he was appointed as a Professor in the Civil Engineering Department at Damascus University, serving from 1972 to 1999 (Shahrūr, 2007).

Shahrur was also invited by Al-Saud Consult of the Kingdom of Saudi Arabia to serve as an expert consultant during the years 1982–1983. Due to his involvement with Al-Saud Consult, in 1995 he was invited as an honorary participant and took part in a debate on Islamic thought held in Lebanon and Morocco. Although Shahrur initially pursued a career in engineering, he also developed a strong interest in Islamic studies. He began to seriously focus on the study of the Quran as well as the study of hadith and sunnah. In his studies of the Quran and hadith, he applied new approaches incorporating linguistics, philosophy, and even modern scientific methods (Andi et al., 2016).

It is this scientific background that makes his research contributions uniquely distinctive. He maximizes his knowledge of natural sciences, particularly mathematics and physics, to undertake a reinterpretation and reexamination of the texts of the Qur'an and the Sunnah of the Prophet (peace be upon him). What he does is described as part of a legal reconstruction aimed at developing a comprehensive system (Hallaq, 2007).

However, it should be noted that Shahrur has no affiliation with any Islamic institution. He never underwent formal training or courses in Islamic studies. He also does not possess any certificates or evidence indicating that he has formally studied Islamic sciences. Therefore, Shahrur acquired his knowledge of Islamic disciplines entirely through self-study. In fact, Christmann mentions that Shahrur studied Islamic sciences by referring to thinkers such as A.N. Whitehead, Ibn Rushd, Charles Darwin, Isaac Newton, al-Farabi, al-Jurjani, F. Hegel, W. Fichte, F. Fukuyama, and others (Christmann, 2003).

Thus, when considering his educational background, it becomes clear that Shahrur is neither an expert in tafsir (Qur'anic exegesis), nor a specialist in fiqh (Islamic jurisprudence), nor a linguist. He is merely a doctorate holder with expertise in civil engineering. What is quite surprising, however, is the fact that he often undertakes reinterpretations of Islamic law, principles of tafsir, and even Usul al-Fiqh (principles of Islamic jurisprudence) relying solely on his technical knowledge and his background in Arab culture. Additionally, his environment, such as his education and social interactions, has influenced his thinking, which he expresses in his works (Rahman, 2010). Therefore, it is not surprising that Shahrur's intellectual proposals can be considered premature and contrary to the conventional thinking of professional religious scholars.

As a Doctor in civil engineering, he has produced several works related to his field of expertise. Notably, he authored several volumes on engineering and soil mechanics, such as *Techniques of Building Foundations* (Handasat al-Asasat) in three volumes, and *Soil Engineering* (Handasat al-Turbat). However, beyond that, Shahrur also began to articulate his thoughts related to Islamic studies in a substantial number of writings.

According to Christmann, one of the reasons Shahrur produced many works was that he had limited opportunities to express his ideas and views through public pulpits. Therefore, he utilized printed media to engage in public debates. By doing this, Shahrur suddenly became popular and his name increasingly well-known, even though initially he was relatively unknown. His works received a great deal of response from readers—both positive, with many praising his contributions, and negative, including criticism and insults. In fact, his writings became the target of critical scrutiny from local scholars who possessed more precise and detailed knowledge (Christmann, 2003).

In addition to books related to Building Engineering, Shahrur also authored several other works, primarily concerning Islamic sciences. Among his works are: *al-Kitāb wa al-Qurʾān: Qirāʾah Muʿāṣirah* (1992); *Dirāsāt Islāmiyyah Muʿāṣirah fī al-Dawlah wa al-Mujtamaʿ* (Contemporary Islamic Studies on State and Society); *al-Islām wa al-Īmān: Manẓūmāt al-Qiyām* (Islam and Faith: The Fundamental Pillars); and *Nahwa Usūl Jadīdah li al-Fiqh al-Islāmī* (2000) (Shahrūr, 2007). These four works are part of a series he called "Contemporary Islamic Studies" (*Dirāsāt Islāmiyyah Muʿāṣirah*). Although this term only appeared in the second series, it most likely emerged after the success of his first book (Christmann, 2003).

Structure and Methodology of Shahrur's Thought

As a thinker originating from an exact science background with no formal education in Islamic studies, Shahrur's thought often diverges significantly from that of other Muslim scholars. It has been noted that Shahrur's methodological framework is grounded in the philosophy of materialism, which asserts that the true source of knowledge lies in the material world external to the human mind, rather than in abstract forms of thought. Consequently, he rejects speculative knowledge derived solely from intuition. This perspective is influenced by Shahrur's specialization in technical sciences. Additionally, Shahrur employs hermeneutic and philological approaches in his analyses. The theoretical framework he references centers on a critical evaluation of Islamic teachings (Ridwan, 2011).

According to Syahiron Syamsuddin, in interpreting the verses of the Qur'an, Shahrur employs at least two core methods, particularly when addressing topics such as wills, inheritance, leadership, polygamy, and matters related to women. These methods consist of semantic linguistic analysis and the application of modern exact sciences, including analytical mathematics, engineering analytics, and set theory (Shahrūr, 2004). According to Andreas Christmann, Shahrur's approach can be characterized as defamiliarization—a deliberate estrangement or making the familiar appear unfamiliar. This step represents a process of utilizing language in an unconventional manner that significantly attracts attention, while tending to disregard the conventional procedures or mechanisms commonly employed in linguistic practice (Christmann, 2003).

In interpreting and reading the verses of the Qur'an, including legal concepts, Shahrur does not adhere to the interpretations of previous mufasssirs (exegetes) or Islamic jurists. According to Dale F. Eickelman, Shahrur can be said to have largely discarded the entire legacy of classical Islamic jurisprudence in favor of promoting his own ideas (Shahrūr, 2004). Furthermore, Christmann argues that Shahrur's approach represents an attempt to undermine the authority of traditional experts such as mufasssirs or fuqaha (jurists), professions in which Shahrur himself is not formally trained (Shahrūr, 2004). In his works, Shahrur often advises students of religious knowledge not to base their understanding on any particular sect or school of thought, even if this requires transgressing established boundaries within Islam itself (Christmann, 2003).

What Shahrur does in his interpretative method clearly violates the established principles of exegesis and differs significantly from other mufasssirs. Traditional exegetes always consider, evaluate, and incorporate interpretations from earlier scholars whenever necessary and appropriate. These interpretations should ideally originate from the companions of the Prophet Muhammad (peace be upon him), who had a deeper understanding of the Qur'an's intended meanings. Additionally, interpretations from the generation of the *tabi'in* (the successors of the companions) and subsequent scholars are also essential, as they help clarify and support the exegete's views (Rosyada, 2019).

Milk al-Yamin in the Perspective of Shahrur

Shahrur holds the view that the Islamic Sharia brought by the Prophet Muhammad (peace be upon him) is valid *ṣāliḥ li kullī zamān wa makān* (suitable for all times and places) (Shahrūr, 2004). This perspective indicates that Islam can always accommodate changes within the boundaries of its principles and laws. Accordingly, Shahrur attempts to critically reassess understandings that have been considered fixed by classical scholars, proposing that these should be reexamined in light of the realities of modern life (Shahrūr, 2000). Since human life continually evolves and demands relevant answers for changing times, Islamic law must remain pertinent by undergoing appropriate

modifications in accordance with contemporary realities (Jamal, 2021).

According to Shahrur, people living today have the right to interpret the Qur'an based on the "spirit of the age" (*rūḥ al-zamān*) that reflects contemporary conditions. Muslims of every era are considered better qualified to understand the Qur'an in accordance with their own goals and interests. Consequently, interpretations from traditionalist scholars no longer hold binding authority over modern Muslim communities (Hallaq, 2007). One of the theories that Shahrur attempts to reinterpret is related to the concept of *milk al-yamīn*.

However, according to Shahrur, if the term *milk al-yamīn* is understood as slavery, such an understanding will encounter many problems and difficulties (Shahrūr, 2007). Herefore, considering the current historical context, *milk al-yamīn* can no longer be interpreted as slavery, and alternative means must be sought to apply the concept of *milk al-yamīn* (Shahrūr, 2000). This is possible because, in his view, understanding *milk al-yamīn* as slavery was a form of *ijtihād* exercised by the Prophet Muhammad (peace be upon him).

On the other hand, in *al-Kitāb wa al-Qur'ān*, Shahrur formulates his own terminology regarding the concept of *zina* (adultery/fornication). He states that an act is considered *zina* if there is direct sexual intercourse between a man and a woman without a marital bond. According to him, the term that is unequivocally used in *al-kitāb* (the Book) is *fāḥishah*. Shahrur argues that there are two perspectives that can be put forward in this matter, there is:

First, a "husband-wife" relationship between a man and a woman without witnesses and conducted in a private setting. In this context, society cannot impose punishment due to the presence of doubt and the absence of strong evidence confirming the occurrence of *zina*. Therefore, in this case, the matter is left between the perpetrator and their Lord, who may repent for their actions. In situations where the perpetrator confesses without any witnesses, the Prophet Muhammad (peace be upon him) sought to avoid imposing punishment due to the element of doubt (Shahrūr, 2000).

Second, a "husband-wife" relationship that occurs openly and publicly between an adult man and an adult woman. In this case, Allah SWT has prescribed strict evidentiary requirements: the testimony of four trustworthy witnesses who directly observe the act. Alternatively, four oaths can be sworn by the spouses accusing each other of *zina*, substituting for the four witnesses. Here, there are matters between the servant and their Lord, as well as between the perpetrator and the community. Allah SWT has set the punishment of one hundred lashes for those who commit *zina*, neither increasing nor decreasing the number (Shahrūr, 2000).

At the same time, Shahrur develops a terminology for *milk al-yamīn* that bears resemblance to the conventional conception of *zina*. Among these is what Shahrur explicitly articulates on his official website, where he writes about *Milk al-Yamīn* as follows:

ملك اليمين: هو علاقة طوعية بين رجل بالغ عاقل وامرأة بالغة عاقلة، ليس فيها صهر ولا نسب، ولا نية في الإنجاب والاستمرار، وتقتصر على ممارسة الجنس بين الطرفين. وقد تكون المرأة ملكاً ليمين الرجل، فينفق عليها، ومثاله زواج المتعة. وقد يكون الرجل ملكاً ليمين المرأة فلا تطلب منه أي نفقة أو سكن، ومثاله زواج المسيار. وقد يكون ملك يمين متبادل بينهما، ومثاله زواج (الفرد)

Meaning: "*Milk al-Yamīn* refers to a voluntary relationship between an adult man and an adult woman, wherein the relationship is neither based on kinship, lineage, nor the desire to have offspring or perpetuate lineage, but is limited solely to a sexual relationship between the two parties. In such cases, sometimes a woman becomes the *milk al-yamīn* of a man, to whom he gives something in return, as in the case of *nikah mut'ah* (temporary marriage). Conversely, sometimes a man becomes the *milk al-yamīn* of a woman, where the woman does not request maintenance or housing, as in the case of *nikah misyār*. Occasionally, *milk al-yamīn* occurs as a mutual sense of ownership between both parties, as seen in cases of 'friend marriage' (*nikah friend*)."

 (Aziz, 2019).

In one instance, it is mentioned that according to Shahrur, sexual relations between two young individuals of opposite sexes without the foundation of a marital bond are considered permissible and "halal" to engage in. Shahrur states that such acts are lawful and allowed to be performed, provided they are in accordance with the will of the parties involved. Even if these sexual relations

occur without a formal marriage contract, without the presence or guidance of a religious scholar (sheikh), or even without any explicit permission, the act is still considered lawful.

Shahrur emphasizes the importance of open access to the Kitabullah (*the Book of God*), asserting that every individual has the authority to read it directly without the mediation of religious intermediaries or authorities. He also advances the controversial idea that sexual relations between a man and a woman, based on mutual consent, may be deemed legally valid (syar'i) even in the absence of a written marriage contract. Shahrur positions such relationships as an alternative form of the formal institution of marriage, as long as voluntary agreement between both parties is fulfilled (Rahman, 2010).

In addition to his statements regarding the definition and understanding of milk al-yamīn, Shahrur also provided specific remarks concerning zina (adultery/fornication). He outlined several definitions of zina as follows: first, sexual relations occurring between a husband who already has a wife and a wife who already has a husband; second, sexual relations involving multiple men with one woman; third, sexual acts conducted in public or witnessed by four or more individuals; and fourth, sexual relations prohibited by prevailing customs, environment, or society (Aziz, 2019). Therefore, if sexual relations occur outside these four conditions outlined by Shahrur, such acts should not be classified as zina, but rather as another form of relationship that he terms milk al-yamīn (Kholid, 2021).

Shahrur mentions that there are a total of fifteen verses in the Qur'an, found in the chapters of An-Nisa', An-Nahl, Al-Mu'minun, An-Nur, Ar-Rum, Al-Ahzab, and Al-Ma'arij, which discuss the concept of milk al-yamin (right hand possessions). Some of these verses were revealed during a period when slavery was acknowledged, accepted, and practiced by the majority of human communities worldwide, including among the Arabs, Romans, Persians, Indians, and others. Consequently, mufasssirun (Qur'anic exegetes) and scholars who apply the theory of asbab al-nuzul (occasions of revelation) have interpreted these verses as referring exclusively to slaves. This understanding by the scholars is, of course, highly relevant to the social conditions prevailing at that time (Shahrūr, 2000).

The issue that subsequently arises is the reality that the system of slavery permitted the owner—or granted the right—to a man to have sexual relations with the milk al-yamin he possessed. On the other hand, women who owned milk al-yamin were not allowed or given the same right to engage sexually with their milk al-yamin. Shahrur even mentions a report, the source of which is not specified, stating that there was once a woman who had sexual relations with her male slave, but Umar subsequently prohibited it (Shahrūr, 2000). According to Shahrur, this occurred because the law was enforced based on the presumed superiority of men over women in a patriarchal society, as well as due to the negative social attitudes toward women. In light of this reality, Shahrur argues that the mufasssirun remain uncertain to this day, as they must confront the problem caused by their own insistence that milk al-yamin must be understood strictly as slaves and cannot be interpreted with any alternative meaning (Shahrūr, 2000).

According to Shahrur, there is another issue that is considered even more significant for people living today. The problem is that the phenomenon of slavery has now disappeared from the face of the earth, and no community anywhere continues to practice it. Slavery has been abolished through a long historical process embedded in the collective memory of humanity. Once slavery has been eradicated by historical development, does this mean that the verses considered to be related to it should also be discarded and suspended? If this were the case, it would imply that the divine decrees contained in the Qur'an (al-Tanzil al-Hakim) are subject to the realities and determinations of history (*al-hatmiyah al-tarikhiyah*). Such a notion would immediately reject and undermine the view that the Qur'an is suitable for every place and time (*ṣāliḥ li kulli zamān wa makān*). According to Shahrur, if this happens, we would witness the gradual disappearance and erasure of the Qur'anic verses one by one throughout the course of history. This would occur simply because contemporary scholars are not permitted to reinterpret the existing verses of the Qur'an and no one is allowed to step beyond the boundaries of the original interpretations (Shahrūr, 2000).

Milk al-Yamin of Shahrur and Sexual Consent

The term consent means to agree, to give approval, to surrender one's rights, and to relinquish the desire to oppose. The word consent originates from the Old French terms *consentir* and *consente*,

which mean to agree, approve, or comply. The term *consentir* itself derives from the Latin word *consentire*, meaning to agree, accord, or feel together. Consent is defined as an act of permitting something to be done or acknowledging an authority. Giving consent implies relinquishing a portion of the authority one possesses, under conditions where an individual's sovereignty ought to remain respected (Soebagio, 2021).

More specifically, the paradigm of sexual consent gave rise to Comprehensive Sexual Education (CSE), which emerged as a form of resistance against the Sexual Revolution in the West during the 1960s and 1970s (Soebagio, 2021). The discourse on sexual consent itself began to gain prominence toward the end of the twentieth century. A key milestone was the publication of *The Moral Magic of Consent* by Heidi M. Hurd in 1996, in which she discussed sexual consent as a fundamental principle underlying sexual activity (Hurd, 1996). Two years later, David Archard further developed this discussion in his work *Sexual Consent* (1998), which remains a central reference in the field (Archard, 2019).

Initially, the term *sexual consent* was often linked to discussions of sexual violence and rape. Sexual violence refers to acts of arbitrary or non-consensual use of another person's body—acts that are unwanted by the individual to whom the body belongs. Such coercion aims to dominate another person, act according to one's own will, and reduce the individual to the status of an object. This form of violence most frequently targets women (Susilowati & Frans, 2025).

Within society, sexual violence and related crimes are regarded as behaviors that profoundly disrupt social order, morality, and collective well-being. In response, feminists have promoted sexual consent as a “new” norm designed to reduce the prevalence of sexual crimes. This paradigm frames sexual relationships on the basis of explicit agreement, making consent itself the foundation of legitimate sexual activity (Salim, 2021).

From a legal standpoint, sexual consent raises two essential questions: first, who holds the legal capacity to grant consent, and second, what forms of communication count as valid expressions of that consent. Both popular discourse and academic literature generally define sexual consent as an agreement to participate in sexual acts. However, the concept is more nuanced than a simple verbal “yes.” In practice, willingness to engage in sexual activity may be conveyed through a range of verbal and non-verbal cues, making the interpretation of consent complex and varied (Kania, 2021).

Feminists argue that the prevalence of sexual crimes and harassment is largely rooted in coercion and violence. For this reason, they advocate for legislation that explicitly punishes perpetrators of sexual offenses when such acts occur without consent. According to David Archard, sexual consent is built on two fundamental principles: the principle of consensuality and the principle of non-consensuality (Archard, 2007). These principles hold that the moral status of a sexual act depends on the presence or absence of consent. If consent is granted, the act is considered permissible; if absent, the act is deemed wrongful. Within this framework, sexual consent is regarded as valid and legitimate because sexual activity is based on mutual willingness. In fact, it is often framed as part of human rights (HR), highlighting freedom as a core principle of life, especially for women in the postmodern era (Chairil, 2021).

From another perspective, sexual consent is often seen as the defining line between good and bad sexual behavior. Some argue that it marks the distinction between pleasurable and unpleasurable, or moral and immoral, sexual acts. On this basis, when a sexual activity is entered into with mutual agreement between at least two parties—even if it contravenes social rules, norms, or religious values—it can still be considered ethically permissible under feminist ethics (Ballano, 2024).

Consent is also seen as capable of transforming morality and human actions in at least two ways. First, it can render an act that would normally be wrongful into something permissible. For example, theft might be reframed as a gift, or an invasion of privacy might be understood as an intimate moment. Second, consent can establish new rights that authorize actions otherwise deemed wrong. For instance, when a woman chooses to undergo an abortion, her consent functions as authorization for an act that may otherwise be morally contested (Hurd, 1996).

The underlying principle of sexual consent is bodily autonomy, meaning that individuals have full authority and control over their own bodies. This autonomy encompasses the right to

decide who is granted access, how such access is given, and under what circumstances it occurs. These decisions are expected to be made independently, without external coercion or pressure (Popova, 2019).

From the feminist perspective, a sexual relationship founded on consent is morally legitimate and unproblematic. Consent provides the key distinction between lawful sexual activity and rape. Consequently, feminists contend that consensual sex should neither be criminalized nor subject to legal regulation. Those who engage in consensual sexual relations should not face civil sanctions, social rejection, or political criticism (Kania, 2021).

In line with this view, Western education systems have introduced campaigns promoting sexual education grounded in the principle of consent. These initiatives emphasize that sexual activity must begin with an explicit “yes” to ensure that it is based on mutual agreement. Both parties are encouraged to clearly articulate their willingness to engage in sexual activity, a model known as affirmative consent (Soebagio, 2021).

Although originally intended as a tool to curb sexual crimes, the sexual consent paradigm has also generated new challenges and sparked ongoing debate. This is primarily because it legitimizes sexual relations between two consenting adults even outside the institution of marriage, thereby creating tensions with prevailing social, cultural, and religious norms.

Although the initial rationale behind each differs, the sexual consent paradigm—intended as a means to reduce sexual crimes—shares a striking similarity with Shahrur’s theory of *milk al-yamīn*. The common ground lies in the emphasis on agreement or consent. Shahrur frames this as a voluntary relationship (‘*alāqah ṭū‘iyyah*) between two adults, restricted solely to sexual activity without any intention of continuation or procreation. In his view, it constitutes a purely voluntary agreement to engage in sexual relations outside marriage, encompassing both premarital sexual relationships (sexual activity before marriage) and extramarital relations (sexual activity involving someone other than one’s lawful spouse) (Azimi et al., 2024).

A global study conducted by the Pew Research Center on infidelity across 40 countries further illustrates the social perception of such practices. The study revealed that in 39 of the surveyed countries, more than half of respondents considered infidelity to be morally unacceptable (Bozoyan & Schmiedeborg, 2023). Conversely, fewer than half regarded it as morally acceptable or not a moral issue at all. This indicates that while extramarital sexual relations remain largely condemned, there are societies in which they are still socially tolerated.

This finding highlights the way in which the paradigm of “consent” could serve as the foundational principle in Shahrur’s reading of *milk al-yamīn*, since both frameworks are linked by the notion of mutual agreement. Furthermore, Shahrur interprets the word *yamin* in the verses concerning *milk al-yamīn* as synonymous with *al-qasam* (oath), as seen in Qur’an Surah al-Baqarah [2]:225. Accordingly, he understands the phrase *milk al-yamīn* as “a contract containing an agreement or oath on a matter.” To support this interpretation, Shahrur refers to Qur’an Surah al-Nisā’ [4]:33, arguing that the verse provides a Qur’anic legal framework aimed at abolishing slavery based on coercion and replacing it with a contractual arrangement founded upon voluntary consent (*al-tarādī*) (Kusroni, 2020).

However, from a historical perspective, *milk al-yamīn* as practiced during the time of the Prophet Muhammad (peace be upon him) bore no relation to voluntariness or mutual consent. On the contrary, its essence was intertwined with *zinā* (fornication or adultery), underscoring a fundamental tension between Shahrur’s modern interpretation and the original socio-legal context of the term.

Implications of Shahrur’s Concept of Milk al-Yamin on the Development of Family Law

In Indonesia, the feminist paradigm of sexual consent, alongside Shahrur’s concept of *milk al-yamīn*, has been reflected in the Draft Law on the Elimination of Sexual Violence (*RUU Penghapusan Kekerasan Seksual* or RUU P-KS). Within this draft law, individual consent is positioned as the primary benchmark in determining whether a particular act constitutes sexual violence (Zaman, 2021). After its removal from the 2020 National Legislation Program (*Prolegnas*) following the evaluation of the Legislative Body (*Baleg*), the Regional Representative Council (DPD), and the Ministry of Law and Human Rights (Menkumham), the National

Commission on Violence Against Women (*Komnas Perempuan*) together with Civil Society Networks revised the Academic Manuscript and Draft of the RUU P-KS. The revised version was then resubmitted to the Indonesian House of Representatives (DPR RI) and has since been included as a priority bill in the 2021 Prolegnas (Feulner, 2024).

The 2021 draft introduces significant changes from the 2016 version. Previously, the bill identified nine forms of sexual violence that included the element of “coercion.” This element is considered crucial, as criminal penalties are applicable only when coercion is proven. Consequently, under the legal paradigm of the bill, an act is deemed violent only if coercion is present. In contrast, when coercion is absent and the sexual act is based on mutual consent, it is regarded as lawful and legitimate, even outside the institution of marriage. Such recognition positions sexual relations based on consent as a matter of human rights (Chairil, 2021).

Beyond the RUU P-KS, the Indonesian Criminal Code (*KUHP*) also contains provisions that, if interpreted liberally, may produce a paradigm potentially harmful to social life, especially regarding adultery. Article 284 of the KUHP regulates adultery but limits sanctions only to those who are married, whether one or both parties. Thus, if an unmarried man and woman engage in sexual relations, no legal punishment can be imposed, as such actions do not fall under the definition of adultery offenses (Niken, 2020). This loophole indirectly creates space for extramarital sexual relations among the younger generation, thereby giving renewed relevance to the discussion on *milk al-yamīn* in the Indonesian legal context.

The issue is further complicated by the issuance of Ministry of Education and Culture Regulation No. 30 of 2021, which, like the RUU P-KS, embeds feminist ideology. Both emphasize freedom and recognize consent as the fundamental principle governing sexual relations. However, this orientation stands in contrast to Indonesia’s prevailing legal, religious, and cultural norms. If implemented without careful consideration, these regulations could weaken the institution of marriage and erode respect for the family. In Indonesian society, marriage and family are regarded as moral commitments essential for achieving sexual and spiritual well-being (Chairil, 2021).

Placing consent as the ultimate principle risks reducing sexual relations to acts divorced from religious and social values. This creates tension between the concept of sexual consent, particularly as reflected in Shahrur’s interpretation of *milk al-yamīn*, and Indonesia’s moral and normative framework. The controversy arises because *milk al-yamīn* is perceived to contradict the religious and cultural foundations of Indonesian society.

At a broader level, the paradigms of sexual consent and *milk al-yamīn* carry the risk of altering the perceptions and behaviors of younger generations. By legitimizing sexual activity solely on the basis of willingness and mutual consent, these paradigms may normalize casual sexual relations. If internalized without critical reflection, such tendencies could degrade moral standards, diminish human dignity, and pose serious challenges to the ethical foundation of future generations (Niken, 2020).

Milk al-Yamīn in Islam

Milk al-yamīn is a phrase composed of two Arabic terms: milk (مَلِك) and al-yamīn (الْيَمِين). The first term, milk, is a verbal noun (maṣdar) derived from the root verb malaka–yamliku (يَمْلِك – مَلَك), which means “to possess” or “to own.” From this root, several related words emerge, including mālīk (مَالِك), which is formed from three letters: mīm (م), lām (ل), and kāf (ك). The arrangement of these letters conveys meanings associated with strength and legitimacy (Shihab, 2007).

Ibn Manẓūr, in his lexicon *Lisān al-‘Arab*, provides a comprehensive explanation of this term and its morphological variations. He notes that al-milk or al-malk (المَلِك/الملِك) means mā malakat al-yaddu min mālin wa khawwal (مَا مَلَكَتُ الْيَدُ مِنْ مَالٍ وَخَوَّلَ), which refers to the ownership of property as well as slaves. Similarly, the *Al-Munawwir* dictionary explains that the term al-mamlūk means “that which is owned,” and it can also be understood as al-‘abd (slave) or al-riqq (bondservant) (Munawwir, 1997).

The Qur’an employs the term al-milk—in its morphological variation mamlūk—only once, namely in Surah al-Nahl [16]: 75. Over time, the meaning of this term developed further, referring specifically to “those who were conquered and subsequently treated as slaves, even though they were originally free individuals” (Shihab, 2007).

The *second* term, al-yamīn (اليمين), is derived from the same root as al-yumn (اليمن), which means “blessing,” the opposite of misfortune. The term *al-yamīn* itself refers to the right side of a person or other entities (Ibn Manzūr, 1414). It is also occasionally used as one of the attributes of Allah (Jabbar et al., 2012). In its original sense, *al-yamīn* means al-jāriḥah (الجارحة), referring to a limb or part of the body (al-Asfahani, 1412). The plural form, al-aymān (الأيمان), denotes “the right side,” but it can also be interpreted as *qasm* (an oath) (Munawwir, 1997).

In certain contexts, *aymān* is used to refer to a male slave, particularly when the master is a female. However, when *yamīn* carries the meaning of “oath,” the Qur’an consistently employs its plural form *aymān* and never the singular (Nata, 1997). This usage appears in three ways: *first*, *aymān* is preceded by the word *aqsamu* (“I swear”); *second*, it is followed by the term *half* (oath); and third, it is never preceded by any of its synonyms (Ulinnuha & Arifah, 2020).

The term *yamin*, often interpreted as ‘right hand,’ according to Ibn Faris, has several meanings. *Yamin* is sometimes understood as ‘the strong hand’ because the right hand generally has greater strength compared to the left hand. *Yamin* is also interpreted as ‘blessing’ since gifts considered to bring blessings are commonly given and received with the right hand. Additionally, *yamin* is understood as ‘oath’ because those who swear and those to whom the oath is sworn often use the right hand as the medium for taking the oath. The term *yamin* is also sometimes interpreted as ‘happiness’ or ‘salvation from Allah’s punishment and the fire of Hell.’ Furthermore, *yamin* can mean ‘slave (bondservant)’ (Shihab, 2007).

The designation of a bondservant or slave by the term *al-yamin* is based on the reality that a slave is controlled by their master or owner. The meaning of this control is closely related to power (Shihab, 2007). Therefore, a person who has the status of a slave must submit and obey their master because they have no power at all over themselves (Ulinnuha & Arifah, 2020).

Therefore, the phrase *milk al-yamin* has a special meaning that aligns with its usage, especially in the Quran. *Milk al-yamin* is understood as female slaves who—in the context of this study—are lawful to be intimate with without a marriage contract. However, it should be noted that historically, the number of slaves who had husband-wife type relationships with their masters was ten times fewer compared to female slaves who only worked as general servants in their master’s household (Akgunduz, 2024).

Perhaps the major question is why Islam permits a man to have intimate relations with his female slave. Even though Islam also provides ease for adult men who are ready to marry to do so. Among the reasons or wisdoms behind the permission given by Islam to the master to be intimate with his female slave are the following:

1. As an expression of affection from the master to his female slave, including fulfilling the slave’s sexual needs which cannot simply be ignored. If the sexual needs of the female slave are unmet, it is possible that she might commit adultery with others, whether fellow slaves or free persons.
2. When a female slave is intimate with her master, it may lead her to attain the freedom she longs for, especially if she bears the master’s child. This is known as *umm al-walad*, who will automatically be freed upon the death of her master (Nasution, 2019).
3. When the master is intimate with his female slave, he will indirectly care more about her physical and emotional needs. He will pay attention to her living conditions, clothing, food, and other needs. A master would naturally feel uncomfortable having intimacy with a slave who is neglected or poorly cared for in terms of her living space, clothes, and appearance.
4. The permission to be intimate with a female slave also provides a way for Muslim men to fulfill their sexual desires lawfully with the female slaves they own. This is especially significant when they cannot marry free women due to economic reasons, such as lacking sufficient dowry (*mahr*), stable employment, or other financial constraints. With this permission, a man with strong sexual desires can channel them in a manner and place allowed by Islamic law, thereby avoiding unlawful sexual acts (Amanda, 2021).

Therefore, Islam has a clear purpose in implementing this sharia law and does not abolish it entirely at once. Similarly, this practice was applicable during the era when slavery still existed. However, when the practice of *milk al-yamin* as it was in early Islam no longer exists, it only needs to be understood as the early Muslim generations understood it. If it cannot be practiced today, then the concept of *milk al-yamin* can simply be put in *tawaquf* (suspended) status, so that if Allah wills

that slavery returns to the earth, Muslims will be ready with the proper understanding as given by the Prophet Muhammad (peace be upon him).

Conclusion

It cannot be denied that slavery has been abolished in history and thus no longer has a tangible form today. Due to this condition, the practice of the related Quranic verses can no longer be implemented. This situation led Shahrur to offer a new alternative for the practice of *milk al-yamin*. He concluded that one aspect of the *milk al-yamin* phenomenon in early Islam was the presence of voluntary consent between the master and the slave to engage in sexual relations. The principle of voluntariness in *milk al-yamin* became Shahrur's basis to build a new understanding regarding the legitimacy of sexual relations outside of marriage, but on the basis of mutual consent. However, Shahrur's proposal does not at all reflect Islamic values, as it is closely related to the concept of zina (fornication/adultery) in Islam. Moreover, it is much closer to the concept of sexual consent that has long developed in the West.

The *milk al-yamin* theory developed by Shahrur also has very serious implications for the development of family law, especially concerning the sexual life of Muslims, both in the Nusantara region and worldwide. How could it not, when his concept justifies sexual relations solely based on agreement, voluntariness, or mutual consent between a man and a woman. If this is understood and believed by young Muslim generations, then it is not impossible that forbidden sexual relations, namely zina, will spread widely under the pretext of *milk al-yamin*. When this happens, the destruction of Islam is only a matter of time, as young Muslim generations no longer want to guard their chastity, under the guise of practicing sharia.

References

- Akgunduz, A. (2024). *The Harem of Ottoman* (G. F. Ramadhan (trans.)). Pustaka al-Kautsar.
- al-Asfahani, al-R. (1412). *Al-Mufradat fi Gharib al-Qur'an* (S. 'Adnan al-Dawadi (ed.)). Dar al-Qalam.
- al-Bukhari, M. ibn I. (1422). *Sahih al-Bukhari*. Dar al-Tawq al-Najah.
- Al-Qardawi, A. Y. (2006). The Fiqh of Balance: A type of understanding we need. *Bangladesh Journal of Integrated Thoughts*, 2(2).
- al-Qurtubi, Y. ibn 'Abdillah. (1964). *Al-Jami' li Ahkam al-Qur'an*. Dar al-Kutub al-Misriyyah.
- Amanda, R. (2021). Perlakuan manusiawi terhadap budak dalam konsep agama Islam [Humane treatment of slaves in the concept of Islam]. *Mubeza*, 11(2), Article 2. <https://doi.org/10.54604/mbz.v11i2.65> [in indonesian]
- Andi, A., Hakim, L., & Hibatullah, M. (2016). Reinterpretasi Sunnah (Studi Pemikiran Muhammad Syahrur terhadap Sunnah) [Reinpretation Of Sunnah (Study of Muhammad Syahrur's Thoughts on the Sunnah)]. *Jurnal Living Hadis*, 1(1), 79. <https://doi.org/10.14421/livinghadis.2016.1069> [in indonesian]
- Archard, D. (2007). The Wrong of Rape. *The Philosophical Quarterly*, 57(228), 374–393. <https://doi.org/10.1111/j.1467-9213.2007.492.x>
- Archard, D. (2019). *Sexual Consent*. Routledge. <https://doi.org/10.4324/9780429497353>
- Arikunto, S. (2005). *Manajemen penelitian [Research management]*. PT Rineka Cipta.
- Asaad, M. (2019). Kritik hadis berdasarkan metodologi hadis: Tawaran scientific Nuruddin 'Itr [Criticism of hadith based on the methodology of hadith: The scientific approach of Nuruddin 'Itr]. *Farabi*, 16(1), Article 1. <https://doi.org/10.30603/jf.v16i1.1032> [in indonesian]
- Azimi, A. A., Javidi, H., & Hayati, M. (2024). Exploring the Lived Experiences of Iranian Teenage Girls: Consequences of Sharing Sexual Content in a Sexually Conservative Culture. *Sexuality & Culture*, 28(2), 733–748. <https://doi.org/10.1007/s12119-023-10142-7>
- Aziz, A. (2019). *Konsep milk al-yamin Muhammad Syahrur sebagai keabsahan hubungan seksual*

- non marital [The concept of milk al-yamīn by Muḥammad Shahrur as the legitimacy of non-marital sexual relations]* [UIN Sunan Kalijaga]. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Ballano, V. O. (2024). Gender and “Gender Ideology” in the Catholic Church. In *LGBTQI Inclusivity, Homosexuality, and Same-Sex Marriage in the Catholic Church* (pp. 99–121). Springer Nature Singapore. https://doi.org/10.1007/978-981-97-4049-9_6
- Bozoyan, C., & Schmiedeberg, C. (2023). What is Infidelity? A Vignette Study on Norms and Attitudes toward Infidelity. *The Journal of Sex Research*, 60(8), 1090–1099. <https://doi.org/10.1080/00224499.2022.2104194>
- Chairil, A. (2021). Menelaah pro-kontra rancangan undang-undang keperempuanan versus komitmen moral hukum Indonesia [Examining the pros and cons of the Women’s Bill versus the moral commitment of Indonesian law]. *ISLAMIA: Jurnal Pemikiran Dan Peradaban Islam*, 13(1), 78–87. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Christmann, A. (2003). “The form is permanent, but the content moves”: The Qur’anic text and its interpretation(s) in Mohamad Shahrour’s \textit{Al-Kitāb wa al-Qur’ān}. *Die Welt Des Islams*, 43(2), 143–172. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Feulner, F. (2024). The Indonesian House of Representatives and its role during democratic regression. *The Theory and Practice of Legislation*, 12(2), 229–251. <https://doi.org/10.1080/20508840.2024.2351763>
- Hadi, M. N. (2019). Muhammad Syahrur dan konsep milkul yamin: Kritik penafsiran perspektif ushul fiqh [Muhammad Shahrur and the concept of milkul yamin: An interpretive critique from the perspective of Islamic legal theory]. *YUDISIA: Jurnal Pemikiran Hukum Dan Hukum Islam*, 10(1), Article 1. <https://doi.org/10.21043/yudisia.v10i1.5057> [in indonesian]
- Hallaq, W. B. (2007). *Membaca teori batas Muhammad Syahrur dalam @book{ibnkathir1999a, author = {Ibn Kathir al-Dimasyq, Isma’il ibn ‘Umar}, year = {1999}, title = {Tafsir al-Quran al-‘Azim}, publisher = {Dar Tayyibah}, } @book{ibnkathir1999b, author = {Ibn Kathir al-Dimasyq, I (S. Syamsuddin (trans.)). eLSAQ Press.*
- Hurd, H. M. (1996). The moral magic of consent. *Legal Theory*, 2(2), 121–146. <https://doi.org/10.1017/S1352325200000434>
- Imran, M. (2022). Eksplikasi Konsep Milku Al-Yamīn Dalam Al-Qur’ān Dengan Hubungan Seks Non Marital Kajian Tafsir Tematik [Explanation of the Concept of Milku Al-Yamīn in the Qur’an with Non-Marital Sexual Relations: A Thematic Interpretation Study]. *Al-Bayan: Jurnal Ilmu Al-Qur’an Dan Hadist*, 5(2), 249–272. <https://doi.org/10.35132/albayan.v5i2.173> [in indonesian]
- Jabbar, M. D. A., Burhanuddin, N., & Al-Quran, E. M. (2012). Syarah Alfazhul Qura. Bandung: CV. Media Fitrah Rabbani.
- Jamal, S. (2021). Problem teori batas (hudud) Syahrur: Telaah kritis interpretasinya terhadap ayat-ayat tentang aurat wanita [The problem of Syahrur’s theory of limits (hudud): A critical study of his interpretation of verses on women’s aurah]. *ISLAMIA: Jurnal Pemikiran Dan Peradaban Islam*, 13(1), 104–119. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Kania, D. D. (2021). Sexual consent: Dilema etika dalam feminisme [Sexual consent: Ethical dilemmas in feminism]. *ISLAMIA: Jurnal Pemikiran Dan Peradaban Islam*, 13(1), 9–19. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Kholid, M. K. (2021). Epistemological-methodological criticism of Muhammad Syahrur in Islamic studies (Case study of milk al-yamin concept). *Tasfiah: Jurnal Pemikiran Islam*, 5(2), Article 2. <https://doi.org/10.21111/tasfiah.v5i2.6431>
- Kusroni, K. (2020). *Rekonstruksi penafsiran ayat-ayat perbudakan: Pendekatan kontekstual Abdullah Saeed [Reconstruction of the interpretation of verses on slavery: Abdullah Saeed’s contextual approach]* [UIN Sunan Ampel Surabaya]. <http://digilib.uinsby.ac.id/42414/> [in

indonesian]

- Maghfiroh, N. I., Ridiansyah, M. B., Muhid, & Nurita, A. (2023). Kontribusi Kitab Uṣūl al-Takhrīj wa Dirāsāt al-Asānid karya Mahmud al-Thahhan dalam kajian sanad hadis [The contribution of Mahmud al-Thahhan's work Uṣūl al-Takhrīj wa Dirāsāt al-Asānid in the study of hadith chains]. *DIRAYAH: Jurnal Ilmu Hadis*, 4(1), Article 1. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Munawwir, A. W. (1997). *al-Munawwir: Kamus Arab-Indonesia [al-Munawwir: Arabic-Indonesian dictionary]*. Pustaka Progressif. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Mustaqim, A. (2007). *Epistemologi tafsir kontemporer (Studi komparatif antara Fazlur Rahman dan Muhammad Syahrur) [The epistemology of contemporary tafsir: A comparative study of Fazlur Rahman and Muhammad Syahrur]* [Pasca Sarjana]. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Nasution, A. S. A. (2019). Perbudakan dalam hukum Islam [Slavery in Islamic law]. *AHKAM: Jurnal Ilmu Syariah*, 15(1), Article 1. <https://doi.org/10.15408/ajis.v15i1.2852> [in indonesian]
- Nata, A. (1997). *Ensiklopedi al-Qur'an: Kajian kosakata dan tafsirnya [Encyclopedia of the Qur'an: Vocabulary and interpretation study]*. Yayasan Bimantara. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Niken, N. W. (2020). Filsafat: Tinjauan filsafat moral Immanuel Kant terhadap perzinahan dalam Pancasila [Philosophy: A review of Immanuel Kant's moral philosophy on adultery in Pancasila]. *Buddhis: Jurnal Agama Buddha Dan Ilmu Pengetahuan*, 6(2), Article 2. <https://doi.org/10.53565/abip.v3i2.217> [in indonesian]
- Penyusun, T. (2023). *Proporsi Individu Yang Menggunakan Internet Menurut Provinsi (Persen), 2018-2019*. Badan Pusat Statistik(BPS - Statistics Indonesia). <https://www.bps.go.id/id/statistics-table/2/MTIyNSMy/proporsi-individu-yang-menggunakan-internet-menurut-provinsi.html>
- Popova, M. (2019). *Sexual consent*. MIT Press.
- Rahman, D. R. (2010). *Infiltrasi hermeneutika terhadap ayat-ayat ahkam: Kritik atas pemikiran Fazlur Rahman dan Muhammad Syahrur [The infiltration of hermeneutics into verses of legal rulings: A critique of Fazlur Rahman and Muhammad Shahrur's thought]*. Centre for Islamic and Occidental Studies (CIOS) - ISID. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Rahman, D. R. (2011). *Pandangan teologis Muhammad Syahrur (Implikasinya terhadap kaidah ushuliyah) (Siman) [Theological views of Muhammad Shahrur (Their implications for the principles of Islamic jurisprudence)]* [Universitas Darussalam Gontor]. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Ridwan, A. H. (2011). *Dasar-dasar epistemologi Islam [The basics of Islamic epistemology]*. Penerbit Pustaka Setia.
- Rosyada, Y. A. (2019). Poligami dan keadilan dalam pandangan Muhammad Syahrur: Studi rekonstruksi pemikiran [Polygamy and justice in the view of Muhammad Shahrur: A study of thought reconstruction]. *Profetika: Jurnal Studi Islam*, 18(2), Article 2. <https://doi.org/10.23917/profetika.v18i2.7434> [in indonesian]
- Salim, M. S. (2021). Sexual consent: Solusi atau sekadar masalah baru? [Sexual consent: A solution or just a new problem?]. *ISLAMIA: Jurnal Pemikiran Dan Peradaban Islam*, 13(1), 3–7. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Sari, R. R. (2019). Islam kaffah menurut pandangan Ibnu Katsir [Comprehensive Islam according to the view of Ibn Kathir]. *Ishlah: Jurnal Ilmu Ushuluddin, Adab Dan Dakwah*, 1(2), Article 2. <https://doi.org/10.32939/ishlah.v1i2.46> [in indonesian]
- Shahrūr, M. (1996). *Al-Islām wa al-Īmān: Manẓūmah al-Qiyam [Islam and faith: The system of values]*. al-Ahālī. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Shahrūr, M. (2000). *Nahw uṣūl jadīdah li al-fiqh al-islāmī: Fiqh al-mar'ah (al-waṣiyyah—al-irṭh—al-qawwāmah—al-ta'addudiyyah—al-libās) [Towards new fundamentals of Islamic jurisprudence: Women's fiqh (bequest—inheritance—guardianship—polygamy—clothing)]*.

- al-Ahālī. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Shahrūr, M. (2004). *Metodologi fiqh Islam kontemporer [Methodology of contemporary Islamic jurisprudence]*. eLSAQ Press. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Shahrūr, M. (2007). *Prinsip dan dasar hermeneutika hukum Islam kontemporer [Principles and foundations of contemporary Islamic legal hermeneutics]*. eLSAQ Press. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Shaifudin, A. (2017). Memaknai Islam dengan pendekatan normatif [Interpreting Islam with a normative approach]. *El-Wasathiya: Jurnal Studi Agama*, 5(1), Article 1. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Shihab, M. Q. (2007). *Ensiklopedia al-Qur'an: Kajian kosakata [Encyclopedia of the Qur'an: Vocabulary study]*. Lentera Hati. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Soebagio, R. H. (2021). Sexual consent dalam comprehensive sexuality education (CSE) menurut pandangan Islam [Sexual consent in comprehensive sexuality education (CSE) from the perspective of Islam]. *ISLAMIA: Jurnal Pemikiran Dan Peradaban Islam*, 13(1), 20–35. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])
- Susilowati, C. M. I., & Frans, M. P. (2025). Interpreting Power, Grooming, and Deception in Sexual Violence Cases: A Hermeneutic Study on Legal Challenges in Indonesia. *International Journal for the Semiotics of Law - Revue Internationale de Sémiotique Juridique*, 38(3), 1061–1078. <https://doi.org/10.1007/s11196-024-10223-2>
- Ulinuha, M., & Arifah, N. H. (2020). Perkembangan makna milk al-yamīn: (Kajian tafsir at-Ṭabarī, al-Qurṭubī, fī Zilāl al-Qur'ān dan al-Munīr) [The development of the meaning of milk al-yamīn: A study of Tafsir at-Ṭabarī, al-Qurṭubī, fī Zilāl al-Qur'ān, and al-Munīr]. *Al-Fanar: Jurnal Ilmu Al-Qur'an Dan Tafsir*, 3(2), Article 2. <https://doi.org/10.33511/alfanar.v3n2.167-192> [in indonesian]
- Zaman, A. A. (2021). Problem definisi kekerasan seksual: Telaah kritis paradigma sexual consent dalam rancangan undang-undang penghapusan kekerasan seksual [The problem of defining sexual violence: A critical study of the sexual consent paradigm in the draft law on the elimin. *ISLAMIA: Jurnal Pemikiran Dan Peradaban Islam*, 13(1), 44–51. [https://doi.org/\[in indonesian\]](https://doi.org/[in indonesian])



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