

Liberal Muslim Interpretation of Islamic Shari'a: An Analysis

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ABSTRACT

In the context of interpreting a verse of the Qur'an, the exegetes has put in place some guidelines to ensure that each interpretation is in line with the Qur'an and Sunnah. This set of guidelines was created to avoid any inconvenience to these verses of the Qur'an especially to Muslim liberals. This is because the liberals often interpret a verse based on their (hermeneutical) reasoning and their interpretation is seen only in the context of the verse without reference to the definitive scriptures. Interpreting the Qur'an means trying to explain a verse and the contents of the Qur'an in it for clarity. This study is a qualitative study using a document analysis approach and proofreading books. Therefore, in this study, there are three objectives of the study that will be of interest to study. First, the criticism of the liberal Muslims regarding inheritance rights division found in the Qur'an. Second, a critique of hand-cut punishment in hudud law. Third, criticism of female aurah. The study found that among the things criticized by liberal Muslims were criticism of inheritance rights, criticism of the of hand-cut punishment law (hudud) and female aurah. This shows that these liberal Muslims are trying to interpret and revise the laws found in the Qur'an to suit their liberal point of view.

Keywords: Hermeneutic Interpretation, Liberal Muslim Society, Inheritance Rights Division, Hand-Cut Punishment, Female Aurah

INTRODUCTION

According to Ibnu Kathīr (2004), Almighty Allah has blessed Muslims with His acknowledged religion, Islam, and the Message of the Prophet PBUH as the final Prophet who serves as a guideline and an example for all humanity. Subsequently, the Qur'an was bestowed to Muhammad PBHU with the purpose of instructing his people, including a multitude of subjects, including the intricacies of human existence. Changes in one's life for the better are required for a human being to acquire happiness and joy. Each individual who wishes to attain happiness must possess a high spirit of mind and be rational in all matters.

Furthermore, Islam is a faith that promotes prosperity for the entire globe. The inherent universality of Islam enables its global dissemination, transcending any specific demographic or cultural boundaries. This aligns with the term *al-Dīn* used in Surah al-Anbiyā verse 107, encompassing all facets of existence. Islam is known for its comprehensive and harmonious approach to organising all aspects of human life, including matters related to living, social interactions, beliefs, legal judgements, and more (Mohd Zuhdi Ahmad Khasasi 2020).

Additionally, Islam is a religion of universality (*ʿalamiyyah*), tolerance (*Tasāmuh*), and affection (*Mahabbah*) in all spheres of life. When considered

together, these three factors are necessary for developing and generating both moral and immoral human beings. However, even though Islam promotes these characteristics, everything must be modified to ensure its fitness and justice to the surrounding community. In other words, not everything must be suited to Islam's teachings, such as particular worship and *tawfiqiah* (a term that has been fixed with the argument) contained inside the Islamic faith itself (Khadijah Mohd Khambali @ Hambali & Mohd Herzali Mohd Haled 2008).

According to Muhammad Atiullah Othman (2021) the Department of Islamic Development Malaysia (JAKIM) has issued a fatwa following its deliberations. This progressive ideology and activism was deemed divergent from the principles of religious belief and shari'a law. These liberals believe that the human mind is a source of divine knowledge and question the genuineness of the Qur'an. From a shari'a perspective, they raise concerns about the methodology used to interpret the Qur'an and Sunnah, questioning the grounds for determining prophethood and the approach towards Islamic rules.

However, in the modern day, a liberal interpretation has resulted in the development of new interpretations that are not present in the Qur'an or Sunnah. The efforts of the groups that advocate for liberal beliefs, such as the reconstruction of Islamic

definitions to include non-Muslims as Muslims, the reconstruction of the Qur'an as scripture, the re-interpretation of the shari'a verses, and the various changes brought about by the people's understanding. This is a violation of Islam (Fahmi Salim 2012).

Additionally, according to Hafiz Firdaus Abdullah (2007), in this modern era, emerging intellectual groups and philosophers such as Jamal al-Din Al-Afghani (d.1879), Muhammad Abduh (d.1905), Rifa'at Bik al-Thantawi (d.1873), Thaha Husein (d.1973), Ali 'Abd al-Raziq (d.1966), Mahmud Abu Rayya (d.1970), Ahmad Amin (d.1954), Hasan Hanafi (d.2021), Farag Foudah (d.1992), Naser Abu Zaid (d.2010), 'Athif Al-Iraqi (d.2012), Nawwal al-Sa'dawi (d.2021), Mukti Ali (d.2004), Abdul Karim Soroush (present), Amina Wadud (present), Muhammad Syahrur (d.2019), Harun Nasution (d.1998) and Nurcholis Majid (d.2005).

Thus, the discussion over the interpretation of this liberal to Islamic Shari'a has prompted the writer to conduct additional research into the issues raised by these parties, as well as why and how the new interpretation is to be applied in opposition to shari'a rulings enshrined in the Qur'an.

THE ORIGIN AND DEVELOPMENT OF LIBERAL UNDERSTANDING

According to Mohd Nasir Masroom & Wan Ismail Wan Dagang (2016) the current state of globalisation has had a detrimental effect on the Islamic world. These negative consequences affect not only morality, attitudes, and human behavior, but also the point of view. In keeping with the quick evolution, it is not surprising that the creation of new views serves as a springboard for the downfall of Islam, just as liberalism exists. The existence of these ideas is to establish an understanding that Islam is a religion that moves with the flow of time and that the moment has come to redeem the names of Islam that are deteriorating.

Moreover, upon examining the research article entitled *Liberalism Philosophy in Malaysia: A Preliminary Highlights* authored by Ibrahim Majdi Mohamad Kamil (2022) it becomes apparent that within the Malaysian context, liberalism pertains specifically to the Muslim community, resulting in the emergence of a distinct term known as Liberal Islam. It is important to acknowledge that this ideology of liberalism has a long-standing history, and its evolution is intricately connected to the rise

of liberalism in Europe. Regarding its evolution in the Malay world before independence, it was the colonialists that hindered its progress rather than any specific organisations or individuals. This phenomenon occurred when the ideology of liberalism gained control of the government and wielded significant influence in major Western nations. Consequently, this group sought to indirectly impose this ideology and its principles on colonised countries in Asia, Africa, and South America.

Furthermore, Mazlan Ibrahim, Latifah Abdul Majid, Jaffary Awang (2013) argue that the origins of liberal philosophy can be traced back to the 18th century AD. This mindset emerged due to the impact of religious liberalisation movements in the Western world during the 16th and 17th centuries AD, sometimes referred to as the European era. Besides, among the figures associated with this approach are John Locke, Rousseau, Adam Smith, and J.S Mill, who advocate for individual liberty in relation to moral standards and the ignoring of transcendental factors. Then, this knowledge did not end at that point, but continued to evolve with some efforts to the so-called modernizing Islam of Islam pushed forward in the twentieth century by Muslim intellectuals influenced by the movement.

Additionally, liberal or liberalism, as defined by Abd Aziz A'zmi (2016), is an ideology or philosophy that is dynamic and progressive in political and world systems. From an eternal perspective, liberalism is a political philosophy that emphasises the importance of freedom to each individual and the country's responsibility to protect and guarantee the rights of its citizens. Literally, it refers to the freedom of each individual in terms of stake, action, and expressing opinions in their own unique ways and choices. According to him, this notion has existed in Europe since the 18th century, emphasising individual liberty through rights such as freedom of expression, belief, association, and assembly.

However, after the emergence of liberalism, this strategy was devised as a means to address the disagreement between Christians and the church. Nevertheless, the methodology employed by factions with a progressive interpretation ultimately resulted in a disparity between intellectuals and Christian doctrines. Christianity's inherent imbalance has effectively permeated the adherents of Islam, who have adopted it as an ideology aimed at dismantling religious beliefs by rejecting sharia regulations that impede human rights. (Shahirah Abdu Rahim & Mohd Safri Ali 2018).

LIBERAL INTERPRETATIONS OF ISLAMIC SHARI'A

Recently, these liberal organisations have grown more brazen in their production of views and beliefs, particularly those regarding shari'a law. According to Muhammad Faiz Ismail (2012), liberal Muslims now extol modernity to the point where the Islamic religion itself requires modernization. Moreover, there is a conflict between modernization and Islamic teachings, the Islamic teachings should be understood in accordance with the modernity they encountered and the beliefs they held; this is why Islam is the religion that is in accordance with their thoughts.

Put simply, the language of Islamic doctrines require reinterpretation. It is necessary to reinterpret the laws found in the Qur'an and Sunnah. As per the findings of Siti Wahidah Mustapa & Muhd Najib Abdul Kadir (2020) liberals tend to extensively reinterpret the Qur'an, without feeling obligated to adhere to the interpretations of past scholars. This is due to the belief that the previous researchers' perspectives have become obsolete and are not suitable for application in contemporary society. They argue that the contents of the Qur'an should be modified as each generation passes. These liberals rely solely on reasoning and rationality to interpret the Qur'an.

According to these liberal advocators, Muslims are now inextricably linked to the past and do not allow for rational thought when enacting legislation. Thus, the liberal objective is to establish reason as a key source and to expand its application. Thus, liberal Muslims attacked the following to ensure that Islamic Shariah was connected with modernity:

Inheritance Rights Division

Inheritance is the transfer of assets from a deceased person to their heirs. In accordance with Dewan Bahasa dan Pustaka (2010), inheritance refers to the assets and possessions that are bequeathed by a deceased individual to their rightful beneficiaries. Nevertheless, the legal framework in Malaysia has been shaped by British policies and administration, resulting in significant implications for the handling of inheritance matters, particularly among the Muslim population. However, the Qur'an has long made oblique references to the distribution of property and even specified the proportion in which it will be distributed. Wan Nur A'ina Mardhiah Wan Rushdan (2021) states that surah al-

Nisā' is one of the surahs that address the topic of inheritance partition. Verse 11 address the topic of property partition. The mentioned passages of the Qur'an provide a clear depiction of the procedure for property division, which can be regarded as the divine words of Almighty Allah:

Allah instructs you concerning your children: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [or sisters], for his mother is a sixth, after any bequest he [may have] made or debt. Your parents or your children - you know not which of them are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is ever Knowing and Wise.

(Al- Qur'an, Al-Nisā' 4: 11)

In Malaysia, a progressive movement called Sisters in Islam (SIS) was founded by women. Indriaty Ismail & Ahmad Muhyuddin Haji Hassan (2021) assert that SIS is a feminist movement that actively engages in advocating for and protecting its principles. As a result, SIS is recognised as a women's movement that frequently encounters criticism due to its achievements. The SIS struggle is aligned with human rights, global ideals, and a theological approach that is based on the interpretation of human rights, which can be associated with the liberal Islamic movement. Amina Wadud is a prominent figure in SIS and is known for her opposition to the split of inheritance rights. The criticism and rejection of the partition of inheritance rights stem from his use of his own analytical approach, which includes the process of textual analysis.

According to Amina Wadud-Muhsin (1992) she rejected and contradicted the exegetes interpretation of the amount of partition rights included in this verse. This is because this passage does not demonstrate gender justice in terms of estate distribution. Then, if this verse is viewed in terms of gender equity, she continues, the divide should take into account the heirs' benefits and justice. The two-to-one formula or distribution ratio entrenched in the Qur'an is rejected because, according to her, these portions can be altered in response to economic conditions, family duties, the environment, or certain times when changes can be made evenly.

Other than that, Formula 2: 1 is an inaccurate formula or mathematical conclusion because, upon further examination of the verse regarding the succession of this property, this distribution

ratio is merely one of the possible housing types for male and female heirs. A case in point of this unequal divide occurs when a family has a son and two girls. After his father died, one of the daughters became pregnant with his mother. However, when his mother died, the son's right of inheritance was trumped by the fact that his daughter was the one who guarded his mother throughout his life. As a result, he believes that the *Naf'a* term given in this passage does not correspond to the partition for girls.

Again, she asserts that the 2:1 ratio emphasises two points. To begin, women and distant relatives. As an heir right, this item cannot be removed or abolished. This is because, in pre-Islamic periods, it was normal to distribute property to even distant relatives. Second, any property allocation between relatives should be equitable (equity). The degree of justice desired is irrelevant; rather, it is determined by the advantages of heritage property to the abandoned person. As a result of this advantage, men's share will not surpass that of women.

The Issue of Hand-Cut Punishment in Hudud Law

According to Hafiz Firdaus Abdullah (2007), these liberal movements have classified revelation into two categories: written and unwritten. Written revelation, according to these organisations, refers to the Qur'an, whereas unwritten revelation refers to reason. According to this perspective, the role of reason is critical in reviving a Qur'anic text that is contextually and historically relevant. Thus, according to J.M.S. Baljon, Jr. (1958), Sayyid Ahmad Khan using historical research methods, was one among the liberal Muslims who opposed the Shari'a Law on *Hudud's* judgement (Historical Methods). To him, the Qur'an is only a document that clarifies religious aims; yet, when it comes to enforcing rules, it is guided by human reason. Among the logical employed by the liberal advocates is that is the Word of Almighty Allah, which means:

[As for] the thief, the male and the female, amputate their hands in recompense for what they committed as a deterrent [punishment] from Allah. And Allah is Exalted in Might and Wise.

(Al-Qur'an, al-Māidah 5: 38)

According to Al-Qāsimī (1994), Al-Qurṭubi (2010) and Abdulmalik Abdulkarim Amrullah (1999), the original intention of this verse was to address the thief during the time of *jahilia* and after the advent of Islam, however it was interpreted by

this group in a different way. To them, the sentence should be altered to reflect the time period in which it was circulated.

This is because this specific law is applicable only during the Prophet's lifetime, and in the present day, this hand penalty should be interchangeable with other penalties. This implies that the approaches employed by the liberal groups might be classified as a means of opening and liberating Muslims in the contemporary time. This strategy is also employed in other areas such as worship etc, therefore what the Messenger of Allah (may peace be upon him) taught no longer needs to be practiced.

Furthermore, in J.M.S. Baljon, Jr. (1958), Sayyid Ahmad Khan argues that this hand-cut sentence does not exist and that this might be interpreted as the passage of his words:

"Neither are the rules for cutting off hands and feet in this verse, nor is the rule for cutting off a hand in case of theft in that other verse (i.e. verse 38) obligatory (lazim) and people who think so, take a wrong deduction from the pre-scripts of the Prophet, for : (1) in this verse in which there is an option between cutting off the hands and feet and imprisonment, one is confronted with a choice between two punishments; (2) when by all the fuqaha a certain amount of stolen goods was stipulated in a case in which a hand or a foot should be cut off, then it also follows from this that they did not consider them obligatory rules : (3) we have good evidence to assume that already at the time of the Companions hands were not cut off, and that only punishment by imprisonment existed". According to the author, this bodily punishment is only required "when a country cannot afford the luxury of a prison-systems. Then one must have recourse to bodily punishment in order to stop criminality and to maintain peace for men, though it is a barbarous punishment."

Some observations can be made with regard to the interpretation of S. A. Khan. First of all, there are no laws about the cutting of hands and feet in this verse, and one is given the choice between chopping hands and feet and jails. Second, *ijma'* scholars agreed that in order to carry out this sentence, the number of things laid out should be one-four dinar, as it was during the Prophet's lifetime. According to Nidhla Mujahid (2018), *nisab* maximum punishment for stealing is depend upon the current gold price. The exchange rate for one gold dinar varies from a country to another. Brunei State for example has fixed the value of one gold dinar at 4.25 grammes of gold, while Kelantan and Terengganu have set the value at 4.45 grammes of gold. According to Kelantan and Terengganu state, this *hudud* sentence may be inflicted on the criminal if the property is valued at more than one-four dinar (1.1125 grammes), or RM 703.43. Thirdly, this suspended sentence should be converted to jail.

Harun Nasution (1975) observed that Sayyid Ahmad Khan's hand sentencing is not a mandatory punishment rather a maximum punishment for a particular situation. To implement this penalty, it is imperative to assess the circumstances and state of the offender prior to issuing a sentence. Furthermore, the perpetrators may also face further penalties, such as incarceration. According to Gunawan B. Dulumina (2005), Sayyid Ahmad Khan thinks that the strength and freedoms of man are determined by his choice and action, or in other terms, it is known for the Qadariyah (freewill and free action). This is because Almighty Allah endowed the mind with the ability to generate a will, and man has the freedom to employ and maximise it in controlling their lives or actions. Consequently, because to the ideas he presented, certain individuals categorised him as *nechari*. Akmal (2015) defines *nechari* as a phenomenon that revolves around the principles of nature.

This is because, as Aziz Ahmad (1967) and Harun Nasution (1975) note, Sayyid Ahmad Khan observed that Muslims in India did not flourish because they continued to cling to classical civilization, which is incompatible with emerging civilizations that place a premium on knowledge and technology. Therefore, because knowledge and technology are the consequence of human thought, and because the mind is the most important element in existence, he believes that reason plays a critical role in transforming and modernising a culture. However, Muslims who adhere to the revelation believe that reason has limitations and requires revelation to be understood. According to Harun Nasution (1975), Sayyid Ahmad Khan opposed the *taqlīd* interpretation, stating that Muslims should adhere to the Qur'an and Sunnah without regard for previous scholars. Then, in terms of *ijtihād*, *ijmā'*, and this *qiyās*, which is not a source of Islamic teachings, the hadith does not have to be accepted in its entirety simply because it is a designed hadith.

As a result of this research, it is clear that these liberal groups believe that *hudud* law is unsuitable for modern times because the sentence is only applicable during the Prophet's lifetime and the punishment of ancient times and they are to be changed with other punishments that are more suitable with the contemporary time.

The Issue of Female Aurah

According to Faiz Hadi Sanadi & Mazlan Ibrahim (2019), among the liberal Muslims who oppose

women's *aurah* is Muhammad Syahrur, who employs the Theory of Social Method of Community Culture (*Manhāj al-Thaqāfah al-Ijtimā'iah*). Almighty Allah has revealed in the Qur'an which means:

O Prophet, tell your wives and your daughters and the women of the believers to bring down over themselves [part] of their outer garments. That is more suitable that they will be known and not be abused. And ever is Allah Forgiving and Merciful.

(Al-Qur'an: Al-Ahzāb: 33: 59)

According to Ibnu Manzūr (2012) the term *aurah* (عورة) appears to denote something shameful. Additionally, it can be noticed that this *aurah* is highlighted for men, where it extends from the centre to the knee, and for women, where it encompasses the entire body except for the face and palm of the hand. According to *al-mausū'ah al-Fiqhiyyah* (1990), *aurah* refers to something that a man or woman is forbidden to see, however according to Musā'id bin Qāsim al-Fālah (1993), *aurah* refers to the disadvantages, errors, and anything that makes something look terrible. From the term *shara'*, *aurah* refers to something that is prohibited from being exhibited or displayed to a non-halal person, however in the Kamus Dewan Bahasa (2010), *aurah* refers to a body portion that is not visible or required.

According to Muhammad Syahrur (2000), *jilbab* as a garment that covers the *aurah* and the body is not required by Islamic Shari'a, therefore, its application is more likely to be determined by other factors such as the community's life at the time, and the *jilbab*'s use can also vary according to the society's situation. Additionally, he asserts that *aurah* is something to be embarrassed of, even though it appears to have nothing to do with *halal* and illicit activities. With regards to surah al-Ahzāb verse 59, he believes that the closing order of this *aurah* is only acceptable during the Prophet's PBUH lifetime and that the rate or limit of *aurah* closure is determined by a woman's freedom and comfort in relation to her surroundings.

According to Sawati's (2016) research, Muhammad Syahrur also interpreted the hijab as a piece of clothing worn by women on the outside, rather than as a garment that fully covers the body. Moreover, based on his account, the term hijab originates from the word *ja-la-ba*, which possesses dual interpretations. Firstly, transportation refers to the act of conveying an object or item from one location to another. Secondly, a covering is an object or material that is used to conceal or protect another

object or surface. Furthermore, Muhammad Syahrur explains that the term for the ripped fabric utilised for dressing wounds is referred to as *al-jalabah* and it is from this term that the name *al-jilbab* originates. Additionally, he also misinterprets other terms, such as using the phrase *libas* (clothing) instead of *siyab* (clothing), *jilbab* to refer to a woman's outer garment and *khimar* (cover) as a substitute for the term *al-hijab*.

As well, Muhammad Syahrur contends *يَا أَيُّهَا النَّبِيُّ*, that it is not a *tashri'*, but a *ta'lim* to the Prophet. Moreover, this verse is not referred to be a *tashri'* verse. According to him, there are two primary criteria that determine the coverage of this *aurah*. The first scenario is a lady experiencing distress when she is observed by someone. The second scenario pertains to a circumstance in which a woman experiences a sense of shame when certain areas of her body are exposed. However, he does not consider covering the *aurah* to be a need. Regarding interference, he categorised this interference into two distinct elements. The first type is referred to as natural disturbance, also known as *ṭobi'ī*. The second type is called social disturbance, or *ijtimā'ī* (Muhammad Syahrur 2000).

According to him, the first factor is related to weather and natural circumstances such as heat, cold, and so on, and the veil is used solely to protect people from heat and cold. This is due to the fact that Arab countries have four distinct seasons. The second factor is an annoyance *ijtimā'ī* that if the opening of the *aurah* does not cause embarrassment, then, it is not a crime for a woman to reveal her limbs, and the woman's obligatory right to conceal the *aurah* on man has lapsed. (Muhammad Syahrur 2000). Thus, according to Muhammad Syahrur in Faiz Hadi Sanadi & Mazlan Ibrahim (2019), this issue has nothing to do with the verse's intended meaning in surah al-Ahzāb, because the verse is intended to be a disturbance such as view, skirting, or attention, in which the verse sounds "*That is more suitable that they will be known and not be abused.*"

Based on those expressions, it is clear that some of liberal advocates among Muslims tend to read and interpreted some Qur'anic verses on Shari'a rulings merely based on their mind and understanding. The interpretations of the Qur'an which is based on one's own limited mind and understanding is not only has a negative impact on Islamic society, but also can affects the meanings of the revelation itself which the Divine Legislator wishes to convey and

the result of this action is indeed serious one as there will be those who are unconcerned with women's *aurah*, and the regulations governing women's *aurah* will eventually be forgotten.

LIBERAL MUSLIM INTERPRETATION OF SHARI'A IS UNACCEPTABLE

The Qur'an is Almighty Allah divine word, revealed to the Prophet. Each verse's grammatical height and arrangement contain its own wisdom when analysed and investigated in further detail. Thus, in order to comprehend each verse contained in the Qur'an, classical scholars have employed a variety of techniques to assist readers in grasping the essence and implied intentions conveyed by the Qur'an. Among the ways of interpretation employed by renown scholars are Quranic interpretations using the Qur'an or as it is more commonly called *tafsīr bi al-ma'thūr* dan *tafsīr bi al-ra'yi*.

According to Ibnu Taymiyyah (1972), the best interpretations include the following *tafsīr bi al-ma'thūr* the correlation of Qur'anic passages with other Qur'anic verses, what the Prophet PBUH reported, and what the companions have narrated from the Prophet to the *tābi'īn*. While according to Muhammad Husīn al-Dhahabī (2000), *tafsīr bi al-ma'thūr* is the interpretation of a Qur'anic verse using another Qur'anic verse that serves as an explanation for the passage in question. Along with the Qur'an, this method of interpretation makes use of the Prophet PBUH 's Hadiths and the *tābi'īn*.

Among the books of *tafsīr bi al-ma'thūr* is the book of *Mukhtaṣar Tafsīr Ibn Kathīr* which is composed by 'Imāduddīn Abi Al-Fidā 'Isma'īl Bin Kathīr, the book *Jami' Al-Bayān Fī Tafsīr Al-Qurān* authored by Ibn Jarīr Al-Ṭobari, *Tafsīr Abī Mas'ūd Ahmad al-Rāzī* and *Tafsīr al-Qurān al-Karīm* authored by Ibn Mājah al-Qazwīnī (Hikmat Bin Bashīr Yāsīn 1999).

Moreover, according to Muhammad Husīn al-Dhahabī (2000) elaborated that *Tafsīr bi al-Ra'yi* is known as an interpretation based on the *ijtihād* of the exegete which meets the features outlined by the scholars of the discipline in the interpretation and has expertise in the field of interpretation. This is because, for a person to interpret a verse of the Qur'an, he needs to master other disciplines such as Arabic language, *asbab nuzul*, *nāsakh* and *mansūkh*, morphology (*harf*), *mantiq*, *bayan* etc. Some examples of *Tafsīr bi al-Ra'yi* is *Mafātih al-Ghaib* of Muhammad bin 'Umar Ibn al-Husīn al-

Rāzī; *Anwār al-Tanzīl wa Asrār al-Ta'wīl* of ʿAbd Allah bin ʿUmar al-Baidōwī and *Lubāb al-Ta'wīl wa Maʿānī al-Tanzīl* of ʿAbd Allah bin Muhammad al-Khāzin.

The above discussion has clearly showed unreliability of the liberal advocates' interpretations of the Qur'anic verses as long as the qualifications and requirements of those Qur'anic interpreters are supposed to be concerned.

Some Issues and Scholarly Arguments Against the Opponents of Shari'a Distribution of Inheritance

Regarding Surah al-Nisā' verse 11, the distribution of inheritance has been clarified by one of Amina Wadud's liberal-mindedness on this verse. According to her understanding, it is apparent that she wrongly interpreted the text. This is because, according to exegetes such as Sayyid Qutub (2000) and Abu Thahir Muhammad bin Ya'kub al-Fairuzabadi (2011), this verse is revealed as found in the hadith narrated by Bukhāri, Muslim, Tirmidhī, Abu Daud, Nasā'i, and Ibn Majah, who narrated that from Jabir bin Abdillah, he said: The Messenger of Allah (peace The Prophet observed my state of unconsciousness. He snatched up the water and ablution and sprayed it on my shoulders. "What do you instruct me to do in times of treasure trouble?" I realised (when I die). Following that, Almighty Allah removes the verse in Surah Nisā' verse 11 which is about his estate distribution to his offspring.

Based on Amina Wadud's explanation of this verse, the author might conclude three points. Firstly, it is regarding distribution of inheritance between men and women, especially distant relatives. As the right inheritor, this item cannot be removed or abolished. This is because it was a pre-Islamic custom to distribute property to distant relatives. However, based on the *tafsir's* books, it is not determined that the verse about the people's practices at the time confers a far-reaching brother on the property, with the exception of Sayyid Qutub (2000) worry for the attitude of society members who are unsatisfied with the revealed laws. This is because Allah SWT has clearly pronounced certain amount in the Qur'an according to gender, but the *Jahiliyah* Arab society at that time limited this division to those who did not fight the enemy. As a result, these non-fighters (women) are ineligible for the inheritance. Abu Ja'far Muhammad bin Jarīr al-Ṭobari (2009) and Muhammad bin Ali bin Muhammad al-Shaukani (2012) have reference to this topic. Hence, Amina Wadud's assertion on the

allocation of inheritance property to a distant female relative is merely her subjective viewpoint.

Furthermore, interpreters such as Sayyid Qutub (2000) have also addressed her perspective on the necessity for equitable distribution of property among families. According to her, the Shari'a Jurisprudence governing the matter of wealth distribution set by Almighty Allah and is not motivated by partiality toward men at the expense of women's rights. However, this distribution is necessary to ensure fairness and regard for the obligations that men and women will bear. According to her again, once a man marries a woman, all of the woman's duties, including her entire life to the born children, lie on his shoulders. As for a woman, whether she lives alone or is carried by another person prior to or after marriage, there is no distinction between the two insofar as the woman is not accountable for giving life to the husband or his children in any circumstance.

These are, of course, the significances made by those who fought for feminists and liberals alike, such as Amina Wadud, who argued that the formula 2: 1 division was an unfair division because, according to him, if the daughter bore the parents, the woman deserved the same property as males. However, as stated by the exegetes above, the woman bears no responsibility for his property, and the example offered by Amina Wadud is merely the outcome of her thinking. As a result, this suggests that her understanding differs from the *mufassirīn*.

Third, according to Amina Wadud's book, Qur'an and Woman, one of the points she makes is "this might not be the decision if we look at the actual *naḥa* of those particular offspring", she argues that the advantages gained by women will not be realised if the allocation of inheritance disproportionately favours men over women. *Naḥa* word found in this verse, it is only understood that something in the world is like property. However, exegetes like as Abu Ja'far Muhammad bin al-Ṭobari (2009) a *takwil* member, hold divergent views on the subject. Some cite the benefits in the afterlife, while others mention the benefits in this world, however based on these incurred incurred, it is unclear what type of benefits are indicated by this verse, which is reinforced by the next narration:

Muhammad bin al-Husin narrated to me, he said: Ahmad bin al-Mufadhhal informed us, he said: Asbath informs us from Al-Suddi about Almighty Allah statement لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا which means "You do not know who among them is closer to you, nor do you know how many benefits it brings you."

Certain scholars make reference to the rewards of the hereafter and other aspects of the world. Then, the benefits of Amina Wadud's benefit are devoted to the property are inconsistent with the exegetes interpretation, and according to Zulfikri (t.th.), it can be seen that Amina Wadud's principles for distributing this legacy rights are more concerned with benefits and justice than with the specified ratio. This is because the ratio, according to him, is more sociological and should be regarded as a turning point rather than a necessity to be followed. According to him, something that is in the form of justice is referred to as a *muhkamat* or *qat'i*, whereas suspicion, or *zonni*, should be consistent with the time period.

Scholars Argument on Amputation of Hand in Shari'a Law

Regarding the Quranic law of amputating hands, these liberal groups attempt to modify the law to suit with contemporary circumstances. Ibnu Kathīr (1981) and other exegetes have disputed these claims. Almighty Allah set this verse against both male and female thief, according to him. This rule was also in place throughout the reign of the *jahiliyah*, who established conditions for its implementation. The *hudud* punishment does not allow for the amputation of the hands of a convicted criminal because certain factors must be taken into consideration before the sentence is carried out.

Wahbah Al-Zuhailī (1986) says that the Qur'an also has verses like *muhkamat* and *mutashābihāt*. According to him, has no further connotations or implications than those mentioned in the verses regarding heritage, *hudud*, and influence (*Qat'i*) in their source (*thubūt*). The verse *mutashābihāt*, on the other hand, is an ambiguous verse (*zonni*) about something that can have a variety of interpretations if it is preached. Among them is the *al-quru'* word. When seen from an Arabic perspective, he says, this term has two meanings: clean and sick, or three sacred or three times ancient. This illustrates the ambiguity and overlapping implications of the statement.

As stated by Ibn Kathir (1994), each school has a set penalty before a person is convicted of *hudud*. Hand cut stealing has a conviction rate of three dirhams, according to Imam Malik. A quarter of the dinar in the Imam Shafie sect was based on the Aisyah Hadith ra. As an added bonus, the Hanafi sect sets the donation at ten dirhams, whilst Imam Ahmad's group uses a quarter-dinar (1 dinar = 4.45

grammes of gold and a quarter-dinar equals 1.1125 grammes of gold) (silver). A *hudud* legislation must be enforced in accordance with the quantity of theft that has been set by the scholars, according to this reasoning. Society has a difficult time enforcing a *hudud* law like the piece of hand. Derived from the YouTube channel of Azhar Idrus (2011) titled *Potong Tangan (Tolak Hudud Terbatal Islam)*, anyone who opposes any of the laws will be deemed apostate which is a term used to describe a non-believer. This argument, known as *qat'i*, specifically refers to an argument that pertains solely to the interpretation and application of Islamic law, without any other connotations.

According to *Enakmen 4: Enakmen Kesalahan Jenayah Syariah (Hudud & Qisas) Terengganu (2002) and Enakmen 13: Enakmen Kanun Jenayah Syariah (II) 1993 (2015)*, this stealing offence if convicted will impose *hudud* laws on the perpetrator and this is based on the previously mentioned argument. This is consistent with the logic provided previously. Upon the initial act of theft, the offender will face retribution in the form of amputation of their right hand, with the restriction that the amputation is confined to the wrist area only. Nonetheless, if the robber does this again, his left foot will be chopped in half. On the other hand, this *hudud* law will collapse if certain requirements and characteristics are not met. To begin, the individual accused of stealing his property or the witness' testimony was contested by the product's owner. While the thief is making his confession without evidence, he retracts it (solely). It was the third time that the thief admitted that he was the owner of the stolen property.

They are also the punishment for this *hudud's* incorrect behavior in contemporary society, and the penalty is severe. Muslim scholars assert that the Qur'an and Sunnah have historically been utilised to support these ideas. Dr. Zakir asserts that all religions on the planet are growing in Dakwah Islam (2016) because to their emphasis on virtue. On the other side, Islam emphasises the need of demonstrating how to obtain the good and of distributing zakat to alleviate global poverty. As a result, he asserts, crime and larceny will increase in nations that do not practise *hudud* legislation, just as they do in the United States.

The reason for this is that the United States is not an Islamic nation and does not adhere to the principles of the Islamic system. If a country adheres to the Islamic system and faithfully follows its teachings as outlined in the Qur'an, including the

practice of zakat, poverty can be eradicated. This demonstrates that Islam is an equitable faith in every respect. Implementing the hudud law in America would likely lead to a fall in theft and crime rates. This is because individuals would be aware that such offences are morally wrong, and the enforcement of this Islamic punishment would serve as a deterrent against committing crimes (Dakwah Islam 2016).

Thus, Sayid Ahmad Khan's approach of historical research in interpreting Islamic Shari'a laws does not correspond to the suitability of this abusive and unsuitable age. This is because the punishment of *hudud* administered during the Prophet PBUH's lifetime is a punishment that instructs humanity; it is not a severe punishment, but rather a means of generating individuals who value kindness and peace, as well as reducing the number of crimes that occur at any one moment.

Some Discussion On Covering The Aurah

In response to the discussion over Surah Al-Ahzāb verse 59, Muhammad Syahrur asserts that the use of *jilbab* is only customary in the Arab society of the past and is not appropriate in modern times. Then, with regard to the social method he employed, he was rejected by many exegetes as Muhammad al-Ṭōhir Ibn al-ʿAshūr (1997) because, according to his interpretation, the hijab can be worn in a variety of ways, but it must be tailored to the woman's condition and guided by custom, but its primary purpose based on this verse is "*That is more suitable that they will be known and not be abused*". On this basis, it can be seen that Muhammad Syahrur's declaration is satisfied with the *Jilbab's* rejection of Ibn al-ʿAshūr.

Then, with regards to the term *Jilbab*, Ibn Manzūr (2012) states that this hijab is derived from the word *ja-la-ba* (جلب) which means relocating one's origins, and the *jilbab* is a shirt or a large and bulky piece of clothing from *khimār* that is typically worn by women to cover their heads, chests, and backs. Additionally, according to Muhammad al-Ṭōhir Ibn al-ʿAshūr (1997), the term "*hijab*" refers to a tiny garment similar to *al-ridā'i* but larger than *khimār*, which is a fabric worn by women when they go out or travel. Then, Muhammad bin Ali bin Muhammad al-Shaukani (2012) backed the definition of the *Jilbab*, stating that it is a greater veil garment, whereas Al-Jauhari defined hijab as the cover (المُحَفَّة).

Thus, according to this debate, the crime committed by Muhammad Syahrur in relation to the word *jilbab* implies that the *jilbab's* definition as an external garment for women is rejected and is in conflict with the exegetes.

In relation to the words *يَا أَيُّهَا النَّبِيُّ*, he believes that this verse is not a *tashri'* referring to halal that is not legal, but rather a *ta'lim* to the Prophet. This interpretation, however, is distinct from the exegetes as performed by Sayyid Qutub (2000) and Ibn Kathir (2008). According to these exegetes, this verse is in reference to the fact that the wicked in Medina frequently go out at night in search of women. After that, women came out at night to fulfil their dreams. If the wicked observed the woman wearing the hijab, they would conclude that "she is an independent woman who is keeping her distance from them." And if the woman is not covered by a headscarf, they will tease her.

According to Muhammad Mutawalli al-Sha'rawī (2010) and Ahmad Mustafa al-Marāghī (2001), *يَا أَيُّهَا النَّبِيُّ قُلْ لَأَزْوَاجِكُمْ* is the word given by Almighty Allah to the Prophet PBUH is a messenger to his wife and children, instructing them to remove the veil and cover their entire bodies in order to be distinguishable from the female slaves. Then, in terms of disruption, Ibn Kathir (2008) and Sayyid Qutub (2000) state that the targeted disruption is a disruption of the wicked organisations that annoy women when they go out at night to conduct other business or perform. Thus, Muhammad Syahrur's assertion that this surah is *ta'lim* contradicts the exegete's interpretation, while the authors assert that the verse on the directions for women to dissolve the verses is a verse that requires or is *tashri'* for women to separate themselves from groups. The slave and Muhammad Syahrur's assertion that this verse is *ta'lim* are denied.

Simultaneously, as per Nozira Salleh (2021) a primary directive for women when taking an oath is to ensure the concealment of their intimate areas. When a Muslim woman goes outside, she is required to cover her *aurah*, which means she must cover her complete body except for her palms and face. The reason for this is that garments that expose intimate areas can draw the interest of males who are not related by marriage, which can lead to slander and undermine the honour of a Muslim lady. This usage guide not only emphasises the shirt, but also includes instructions for wearing a hijab in

situations where it is required to adhere to specific criteria, such as covering the breast. This aligns with the teachings of Allah SWT in surah al-Nūr (24:31), which instructs women to conceal the neckline of their garments with a veil.

CONCLUSION

Based on the previous discussion and arguments, it is clear how these liberal Muslims interpret any verses pertaining to the Qur'an's regulations. It can be seen in this work by some liberal Muslim leaders who strive for freedom and express criticisms of Qur'anic regulations, such as Amina Wadud, Sayid Ahmad Khan, and Muhammad Syahrur.

These are liberal thinkers that employ a novel approach of interpreting Qur'anic verses with the goal of generating fresh thought that is compatible with the modern world. However, the methodologies and theories employed by these liberal Muslim groups, such as Amina Wadud's textual analysis method, Sayid Ahmad Khan's historical research methods (historical), and Muhammad Syahrur's Social Method of Community Culture (*manhāj al-thaqāfah al-ijtimā'īah*) in interpretation. All of these modes of application, however, are not coincidentally defined by academics as adept in the fields of *nahu ṣorof*, *ilm tafsīr*, *ilm ma'āni*, *bayan* knowledge and *usul fiqh* among others (Ali Mursyid 2016). By rejecting the guidelines established by this scholar, he deviates from the interpretation's basic platform, resulting in hermeneutic interpretation.

To sum up, liberal Islamic intellectuals employ hermeneutic methods exclusively to explain and discuss some intellectual issues. They hold the belief that the Qur'an and Sunnah may be interpreted by everyone, irrespective of their level of education, even encompassing the most extensive legislation found in the Bible. Due to this independent interpretation, a new cohort has emerged that disregards the authority of legal interpretation, leading to doubt among Muslims. Consequently, it is not unexpected that the beliefs of these liberal groups encounter strong resistance from scholars and communities committed to upholding the authenticity of the Qur'an and Sunnah.

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