

RESPONSE OF ACADEMICIANS IN THE INTERESTATION OF UIN MATARAM TO MUHAMMAD SYAHRUR'S THOUGHTS ABOUT THE CONTEXTUALIZATION OF THE MEANING OF ZINA: CRITICAL STUDY OF THE INTERPRETATION OF Q.S. AL-NUR [24]: 2 AND 3

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Abstract

This study aims to explore and attempt to describe the responses of academics in the field of interpretation of UIN Mataram regarding Muhammad Syahrur's thoughts about the contextualization of the meaning of adultery in the Qur'an. From this search, especially his interpretation of Q.S. Al-Nur [24]: 2 and 3 related to sexual relations carried out by a man and a woman out of wedlock, it is only called adultery if it is witnessed by four or more adult men. Therefore, he is entitled to be whipped or whipped a hundred times for adultery, ghairu muhsan (never married) and imprisoned for adulterer muhsan (already married). Meanwhile, if witnessed by less than four people, the act is called fahisyah, not adultery and therefore cannot be whipped or stoned according to their status. Regarding Syahrur's thought, which was mentioned last, academics in the field of interpretation of UIN Mataram rejected or disputed it on the grounds that the naming of the term adultery or fahisyah was not due to the number of witnesses who witnessed the act, but was related to the despicable act he committed outside of marriage itself.

Keywords: Adultery, Adulterers, Witness, Fahisyah, Al-Qur'an

INTRODUCTION

History records that the determination of the law at the time of the Prophet Muhammad. Fall directly into the hands of the Prophet himself. It was the Prophet Muhammad who had the right to decide and establish a law if there were statements or issues that occurred in the midst of society at that time. In giving answers to various questions or problems that arose, the Prophet answered based on revelation from Allah, namely the verses of the Qur'an. Friends do not need to do their own ijihad because they can directly ask the Prophet if they experience a problem that they do not know about. So, the laws of 'alamiyah at that time were only limited to the laws established by Allah and His Messenger.¹ Nevertheless the Prophet also allowed his companions under certain conditions to carry out ijihad. For example the permission given to Mu'az bin Jabal when he was sent to Yemen.²

In further developments, after the period of the Prophet Muhammad. Since the era of the Companions, Islamic law has continued to develop along with the expansion of Islamic power, causing interactions between Islamic cultures and other cultures. This happened since the era of the Khulafa al-Rasyidin. In this era, there were many legal texts that could not be reached by the realities and phenomena of the life of the Companions, which gave rise to new problems that had never been encountered at the time of the Prophet. To solve this new problem that has never been encountered, the friends try to formulate a concept in the form of ijihad. Ijihad is a method that can be used to answer new issues that have not been touched by the law in texts,

both texts of the Qur'an and texts of al-Hadith. One of the proofs of ijtiḥād that occurred during the time of the Companions is the ijtiḥād carried out by the Caliph 'Umar bin Khattab.³ Among the issues touched upon by Caliph 'Umar's ijtiḥād were not giving zakat to converts,⁴ not giving spoils of war to soldiers who participated in the war,⁵ and so on.

The ijtiḥād carried out by Caliph 'Umar basically indicates that Islamic law is always in dialectic with social situations, where Islamic law lives and is applied. However, what needs to be noted from the ijtiḥād of Caliph 'Umar above is the importance of reinterpreting and reforming Islamic legal thought based on universal values in Islam itself, namely the achievement of the benefit of mankind. Because, borrowing the concept of al-Syatibi, Islamic law basically aims to realize the benefit for humans both in this world and in the hereafter.⁶ Thus it is clear that the main principle of Islamic law is to prioritize the principle of benefit for humans in their lives. Reinterpretation and renewal of Islamic legal thought continues to develop. It is recorded that since the days of the Abbasid dynasty (750-1258 AD) there has been the formation of schools and books of hadith,⁷ as expressed by Khudari Bik quoted by Jaih Mubarak, calling this phase the golden phase of Islam.⁸ However, in subsequent developments after the period of ijtiḥād and the progress of Muslim thought, a period of Taqlīd and decline which is better known as the period of closing the doors of ijtiḥād emerged. This period lasted quite a long time, since the mid-13th century H.⁹ In this period, the fuqaha' were generally weak and their will, enthusiasm and ability to dig directly from the main sources, namely: the Qur'an and al-Hadith, decreased. Their tendency is only limited to taking and reviewing the opinions of the Mujtahid Imams who have preceded them and have compiled books with various religious issues and problems whose answers have been compiled, no longer independent ijtiḥād.¹⁰ The scholars at this latter time were generally able and only willing to carry out ijtiḥād on the basis of the teachings of their Imam's school, so that the fanaticism and cult that emerged was the fanaticism and cult of schools or groups that were very extreme.¹¹

Behind this phase of decline, the Islamic world was still able to emerge fiqh figures who had the confidence that as long as the world was still turning, problems would never stagnate. Departing from the assumption above, for them the term closed door of ijtiḥād is not at all known. Among the names of these figures, one of them is Muhammad Syahrur (hereinafter referred to as Syahrur).¹² As a Muslim thinker, his religious intellectual anxiety to harmonize Islam with the current situation and conditions has motivated his awareness to re-read the Qur'an with a contemporary model (al-Qira'ah al-Mu'ashirah) as a response to the recitation. "trianic" or hegemonic (Qira'ah Mustabiddah).

According to Syahrur, the legal universalism of al-Tanzil al-Hakim (al-Qur'an) does not mean that one has to apply the laws contained in al-tanzil al-hakim as they are in all places and times, but it also means that The suitability of al-tanzil al-hakim is only possible if the rules are hududiyah hanfiyah (consisting of flexible-elastic legal boundaries) that can adapt to changes in time and place as well as objective conditions in the human community.¹³ Apart from that, Syahrur also did a lot of reinterpretation of legal verses (umm al-kitab and al-risalah) as well as bayyinat verses. All the laws contained therein, Q.S. al-Nur for example verses 2 and 3,¹⁴ including the fara'idh verses, namely something in which Allah obliges His servants to carry

out His orders, to relieve the fatigue of His servants, difficulties and narrowness and provide leeway.¹⁵

The verse above explicitly explains that the punishment set for adulterers (both men and women) is 100 lashes. Cynical people, said Syahrur, will ask whether the penalty for 100 lashes implicitly contains an element of leniency, granting of leniency. I answered, so said Syahrur, Yes. The leniency in granting or relief lies in the conditions for carrying out had (punishment decisions) which require the presence of four witnesses to be almost impossible or impossible to fulfill. If only three witnesses are found who have sworn to witness a dirty act between a man and a woman then the punishment is 83 times under the chapter on accusations of honor (qadzaf al-i'rad). That is, faridah disin is not to defeat the form (syakl) of punishment or content (al-mudhmmum), but not to abort the laqab of adultery even though the heinous act actually occurred. Punishment is limited to heinous acts that are openly committed. To note, in a murder case, only one witness is sufficient.¹⁶ In other words, it may be said that heinous behavior, in Syahrur's view, between a man and a woman is not considered adultery unless it is accompanied by four witnesses. Furthermore, he argues that, sexual relations between men and women that are not legal according to syar'i (religious law) = fahisyah (abominable acts). On the other hand, sexual relations between men and women that are not legal according to syar'i (religious law) + four witnesses = adultery.

If one pays close attention to what Syahrur said above, it is not simply accepted because it seems that this opinion is contrary to the views of the majority of scholars, including several academics who are experts in interpretation at UIN Mataram. Some of them even said that Syahrur's view seemed partial. He did not pay careful and comprehensive attention to the verses of the Koran related to what he stated above. Because of this, there is no positive value from what he said. Even with his statement, people tend to underestimate the legal provisions related to what he said. Then on what basis did Syahrur stick with his opinion? Is it solely based on linguistic analysis or is there a qarinah (connection) with other verses which requires that it be wisely understood like that?

In order to understand Syahrur's thoughts further in relation to the above, this article seeks to carry out a thorough search and further study of their relation to the logical reasoning of the texts and the existence of other qarinahs related to the understanding of the verses in question.

Biography and Intellectual Works of Muhammad Syahrur

This Muslim thinker who once shook and shocked the world of Arab thought, has the full name Muhammad Syahrur ibn Dayb.¹⁷ He was born in Salihyah Damascus, Syria¹⁸ on April 11, 1938 AD.¹⁹ He is the fifth child of a dyer, namely Deyb Ibnu Syahrur from his marriage to Siddiqah bint Shalih Filyun.²⁰ In his personal life, Syahrur is considered to have succeeded in forming and fostering a happy family (sakinah) with his beloved wife, Azizah. He has five children and two grandchildren. Her three married children are Tariq (wife to Rihab), Lays (wife to Olga), and Rima (husband to Luis), while the other two are Basil and Mas'un and their two grandchildren are Muhammad and Kinan. At least Syahrur's love for his family can be seen in all of his works which are dedicated to these names.²¹

1. Intellectual Background and Religious Thoughts

Syahrur began his intellectual career in primary and secondary education in his homeland, to be precise at the Abdurrahman al-Kawakibi educational institution, a madrasa whose name is taken from the name of a famous Arabic writer who lived in 1849-1903 AD and persistently called for resistance against the corrupt Turkish nation.²² This madrasa is located in al-Midan on the outskirts of the city south of Damascus which is outside the old city limits. He completed his secondary education in 1957, at the age of 19. After that, in March 1957 with a scholarship from the Syrian government he was sent to Saratov near Moscow, Soviet Union (now Russia) to continue his studies in Civil Engineering (Handasah Madaniyah) until 1964.²³ While in Moscow (1957-1964), Syahrur began to feel anxiety and clashes between his ideological background as a Muslim and the social and intellectual phenomena in communist Moscow. It was here that he also began to get acquainted with and was impressed and challenged with the ideas of Marxism. Although he admits that he is not a follower of this school, he is influenced by the thoughts of George Wilhelm Frederich Hegel and Alfred North White Head as two figures who have inspired many Marxian thinkers.²⁴ After obtaining his diploma in 1964 he returned to Syria and then in 1965, he was appointed as an assistant lecturer (muayyid) at the Faculty of Civil Engineering, University of Damascus.

Four years after his return to Syria, in 1968 to be precise, Syahrur received a scholarship for the second time, this time he received a scholarship from the University of Damascus to continue his studies in Dublin, Ireland at the University College (National University of Ireland) to obtain an M.A. and Ph.D in soil mechanics (Soil Mechanic) and foundation engineering (Foundation Engineer). He earned his Ph.D (Philosophy Doctor) in 1972. Then he was appointed as Professor of Civil Engineering at the University of Damascus in 1972-1999 and was recorded as an educational staff in the fields of soil mechanics and geology. Apart from being a lecturer, in 1982-1983 AD, Syahrur was sent back by the University of Damascus to become an expert at the al-Sa'ud Consulate of Saudi Arabia, and along with several of his colleagues in the engineering faculty at the technical consulting bureau Dar al-IstiQual al-Handasiyah (engineering consultancy) in Damascus.

Syahrur's intellectual background in the field of engineering has greatly influenced his mindset and choice of methodology in understanding the religious texts he uses. This is indicated, among others, by various analogies and metaphors taken from the inspiration of the world of science. In addition, his idea is to integrate various mathematical materials such as the concept of limits, differentials, integrals, parabolas, and so on, in his method of analysis of Islamic law issues. Even though he has an academic background in engineering, that doesn't stop him from pursuing other disciplines. His interest in and interest in other disciplines is enormous, especially supported by his mastery of several world languages such as English, Russian and Arabic which are his mother tongue. Some of the sciences that he is interested in and is devoted to include philosophy of humanism (al-philosophy al-insaniyah) and Arabic language semantics and Islamic issues. His interest in studying philosophy began when he was studying in Moscow, especially since his meeting with Ja'far Dik al-Bab, his alma mater colleague at Damascus University, whom Syahrur considered as his teacher in linguistics, made him realize

that he was interested and needed studied philosophy, linguistics, and the study of the Koran.²⁵

Basically, Syahrur's intellectual anxiety to conduct global Islamic studies can be distinguished in interrelated dimensions, namely the reality of contemporary Islamic society and the reality of the turats doctrine in Islam. He sees that contemporary society has been polarized into two blocks. First, the scripturalist-literary school, are those who hold firmly to the literal meaning of tradition. They believe that the inheritance holds the absolute truth. Second, those who tend to advocate secularism and modernity, namely groups that reject Islamic heritage including the Koran as part of the inherited tradition. For them, ritual is an image of obscurity. According to him, these two groups have failed to provide modernity to their people.²⁶

Historical reality shows that each generation provides an interpretation of the Qur'an that emanates from the reality that emerges and is in accordance with the conditions in which they live. Thus, modern Muslims are more qualified to understand the Qur'an in accordance with the objectives of the modern reality that surrounds it. In this sense, compared to previous generations, Muslims in the modern era are more qualified to understand the Qur'an in accordance with their own goals and interests. Therefore, traditional interpretations are not always binding on modern Muslim society. In fact, Syahrur further stated that their civilization was more advanced, that modern Muslims had a more complete and better analytical tool for understanding the meaning of revelation than its introduction.²⁷

2. Intellectual Work

As an intellectual, Muhammad Syahrur is very productive in producing his brilliant ideas both in the field of concentration as a person with a technical background and also in Islamic issues which have also taken up a lot of his attention, in his works both in the form of books and other writings such as articles, journals and so on. In his field of specialization he has written several books including foundation science or building engineering (handasah al-turabat).

In Islamic studies Syahrur has been able to produce the fruit of his brilliant ideas in his works and has also captured the attention of thinkers in various parts of the world, especially in the world of Middle Eastern Islamic thought. Several scientific writings in book form and which have been published include: 1) al-Kitab wa al-Qur'an: Qira'ah Mu'ashirah,²⁸ 2) Dirasah Islamiyah Mu'ashirah fi al-Daulah wa al-Mujtama',²⁹ 3) al-Islam wa al-Imam: Manzhumah al-Qiyam,³⁰ 4) Nahwa Ushul Jadidah li al-Fiqh al-Islami: Fiqh al-Mar'ah,³¹ and 5) Tajfif al-Manabi al-Irhab.

Muhammad Syahrur Approach in Interpretating the Qur'an

The methodology introduced by Muhammad Syahrur in carrying out contextual interpretation of the Qur'an is to use a linguistic approach which he calls manhaj al-taikhi. By making Ibn Faris's Mu'jam Maqayis al-Lughah an adherent of the absence of synonymity as his obligatory reference, Syahrur also has the same conclusion as Ibn Faris that there is no synonymity in Arabic. This denial of synonymity then becomes one of the principles of his method of interpretation. According to him, every expression in Arabic has an independent meaning; there is no contextualization either for the text, for its reception, or for its formulation. In other words,

the Koran is a text without any context. It is a text that stands alone with no connection to the history or society to which the revelation is intended. For him, the most important context in understanding the Qur'an is the political and intellectual context which becomes the living space of the people.

This increase in synonymity has implications for the redefinition of terms that have so far been considered synonymous, such as al-Kitab, al-Qur'an, and al-Furqan and so on. Al-Kitab itself is interpreted by Syahrur as a collection of various things that are related to one another and produce a complete unity of meaning. The Al-Kitab was revealed to the Prophet Muhammad in his position as Prophet and Messenger at the same time. This clearly has a composition that is adapted to the prophetic and apostolic positions, so that for Syahrur, the al-Kitab is divided into two major parts, namely: al-kitab al-nubuwwah and al-kitab al-risalah. To determine which parts of the Bible are included in the category of nubuwwah and treatises, Syahrur quotes verse 7 of surah Ali 'Imran:

هُوَ الَّذِي أَنْزَلَ عَلَيْكَ الْكِتَابَ مِنْهُ آيَاتٌ مُحْكَمَاتٌ هُنَّ أُمُّ الْكِتَابِ وَأُخَرُ مُتَشَابِهَاتٌ

“He who sent down the Book (the Qur'an) to you (Muhammad). Among them are muhkamat verses, which are the main points of the Book (Al-Qur'an) and others are mutasyabihat.”

According to Syahrur's understanding, the verse above not only shows that there are two classifications of al-Kitab content: muhkamat and mutasyabihat, implicitly as understood by most scholars, but also implicitly contains a new classification, namely verses that are neither muhkam nor mutasyabih (la muhkam wa la mutasyabih). This new understanding is obtained from the word wa ukharu in the verse above which uses the form nakirah, a word form that does not show a specific meaning. This would be different if the wa ukharu pronunciation was expressed in the form of ma'rifah "wa al-ukharu", then the al-Kitab only consists of two classifications, namely muhkam and mutasyabih. Therefore, the verse above confirms that the contents of the Bible consist of muhkam, mutasyabih, and la muhkam wa la mutasyabih. This third type has been given a special term in surah Yunus verse 37, namely tafsil al-Kitab,³² as Allah says:

وَمَا كَانَ هَذَا الْقُرْآنُ أَنْ يُفْتَرَىٰ مِنْ دُونِ اللَّهِ وَلَكِنْ تَصْدِيقَ الَّذِي بَيْنَ يَدَيْهِ وَتَفْصِيلَ الْكِتَابِ لَا رَيْبَ فِيهِ مِنْ رَبِّ الْعَالَمِينَ

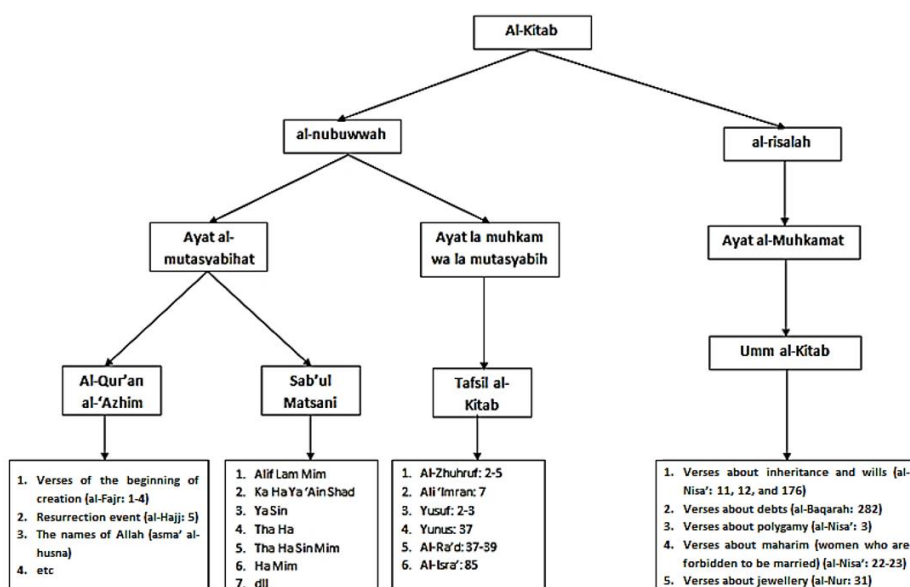
“And it is not possible that this Qur'an was fabricated by other than Allah; but (the Qur'an) confirms (the books) that were before it and explains the laws it has established, there is no doubt in it, (sent down) from the Lord of the worlds”.

Muhkamat is a collection of verses that are summarized in the term Umm al-Kitab, namely verses that contain explanations about law, norms of human behavior, worship, social relations and morals. It is these verses that form Muhammad's apostleship. Whereas what is meant by mutasyabihat is the entire contents of the al-Kitab apart from muhkamat verses and tafsil al-Kitab, namely a collection of verses most of which are gaibiyyah in nature, namely matters that were not yet known to human consciousness when the al-Kitab was revealed. He represented the prophethood of Muhammad and at the same time distinguished between the right (haqq)

and the wrong (bathil), and between the real and the absurd or conjecture. Mutasyabih verses are also divided into two, namely the Qur'an al-'Azhim and Sab'ul Matsani. In terms of its content, it contains good information verses about beliefs, stories, and scientific knowledge so that it cannot be changed and is outside the scope of human endeavor, which is then called qadar. The interpretation of al-Kitab (la muhkam wa la mutasyabih) is a verse that explains the contents of the al-Kitab as explained in verse 7 of Surah Ali 'Imran.

Thus in the al-nubuwwah dimension there are mutasyabih verses and interpretations of al-Kitab (la muhkam wa la mutasyabih), while in the al-risalah dimension there are muhkamat verses as a guide for those who are pious and a complement to the knowledge they have acquired. Revealed in the dimension of al-nubuwwah.

Syahrur mapping of al-Kitab



A. Muhammad Syahrur Legal Istinbath Method

There are only two legal bases or istinbath methods used as proof by Syahrur, namely the Koran and the sunnah, although of the two Syahrur uses the Koran more often than the sunnah. Al-Qur'an itself is understood by him as al-Kitab which comes from the root word kataba which means collecting several parts of each other with the aim of obtaining a useful meaning or to obtain a certain topic in order to obtain a perfect understanding.

In terms of terminology, the al-Kitab is a collection of various objects or themes that were revealed by Allah to the Prophet Muhammad in the form of texts and their meaning content, which textually consists of all the verses arranged in the mushaf from sura al-Fatihah to sura al-Nas. Ontologically, the Koran is a static text, but sociologically, the interpretation of the Koran is dynamic. It is understood through historical processes and developments that occur. Everyone will certainly understand the Qur'an according to the background of their thoughts, and differences in space and time play a major role in understanding it.³³ While sunnah is

defined as a word that has the root word *sanna* which in Arabic means "easy and flows smoothly", such as *lafaz ma'un masnun* which means water that flows smoothly or easily. This is in accordance with the Qur'an surah al-Baqarah verse 185 and al-Hajj verse 78 which states that Allah wants convenience in religion and does not want narrowness and difficulty.

In Syahrur's eyes, the *sunnah* and the *hadith* have different meanings. *Sunnah* as a method (*manhaj*) in establishing the laws contained in al-Tanzil al-Hakim in an easy way without going outside the boundaries determined by Allah, both in matters that have limits in the Qur'an and making boundaries -temporary new boundaries in various issues, taking into account the reality and socio-cultural conditions that will be used as a place for the application of law. Whereas the *hadith* is understood as the result of the Prophet's *ijtihad* in his reading of al-Tanzil al-Hakim or in other words the *hadith* is an example of the first *ijtihad* and interpretation made by the Prophet of the Koran. Thus, Muslims must also make interpretations. Not to imitate what the Prophet said verbally, but to imitate his path and methodology.

Departing from his understanding of the Qur'an and *sunnah*, in formulating his ideas, Syahrur distinguished the Islamic teachings contained in the two sources of Islamic law between those with *nubuwwah* dimensions and treatises. The *nubuwwah* dimension is a collection of knowledge information that was revealed to the Prophet Muhammad positioning him as a prophet. The concept of *nubuwwah* includes all scientific information and knowledge contained in the Qur'an, as well as functioning as a differentiator between right and wrong. Meanwhile, the treatise is a collection of legal provisions submitted to the Prophet Muhammad as a complement to the knowledge that has been revealed and positions the Prophet as a Messenger and distinguishes between what is lawful and what is unlawful. From this understanding, it can be understood that prophecy is synonymous with knowledge which includes universal rules of the universe, history and particular rules of natural phenomena, while treatises are synonymous with law which includes issues of worship, morality, *muamalah*, *ahwal al-syakhsiyah*, and other laws.

In addition, to find out the legal messages contained in the Qur'an, there are two basic things that must be understood, namely *al-hanafiyah* and *al-istiqamah*. *Hanafiyah* is a deviation from a straight line, while *istiqamah* is a quality (nature) of a straight line. These two are opposites but complement each other. *Al-hanafiyah* is a natural trait that is also found in human nature. The laws of physics say that something doesn't usually happen in a straight line. For example natural motion, described as curvature, all objects from the smallest electrons to the largest galaxies move in a *hanif* (curved). Within the framework of natural law perception, *al-hanafiyah* is seen as a characteristic of crooked motion. Likewise, the customs and traditions of society tend to adapt to the demands of the needs of some members of society and can change from one generation of society to another. To control the changes that occur, it is necessary to have a straight line (*al-istiqamah*) to maintain the existing legal rules.³⁴

A straight line (*al-istiqamah*) is not a natural trait, but rather it is God's provision to jointly (with *al-hanafiyah*) govern society. So nature always goes in a curved line and changes or *al-hanafiyah* always requires *al-istiqamah* as God's provision that cannot be violated. For example, in surah al-Fatihah verse 6 it says: "*ihdina al-shirath al-mustaqim*" (show us the

straight path). There is not a single verse in the Qur'an that says "ihdina al-sirath al-hanafiyah". This is because al-hanafiyah is a basic nature of nature. Between al-istiqaamah and al-hanafiyah there is a dialectical relationship in which decisions and changes have a very close relationship. This dialectic is necessary because it shows that the law can change (adapt) according to the conditions of space and time that surround it. From the study of these two basic characteristics, Syahrur then came up with his theoretical idea which he called the theory of legal boundaries (nazhariyyah hududiyah). The theory of boundaries can be broadly described as God's commands expressed in the Qur'an and Sunnah which regulate/provide limits (maximum limits and minimum limits) for all human actions; lower limits represent minimum legal provisions in certain cases, whereas the upper limit is the maximum. Legal actions that are less than the minimum are not valid (not allowed), with the upper limit not being exceeded. When these limits are exceeded, the law must be imposed according to the proportion of the offense committed. But when it is really needed, then the law can be guaranteed according to predetermined limits. This is where the power of Islam lies, by understanding this theory according to Syahrur, millions of legal provisions will emerge from it. That's why the treatise of the Prophet Muhammad is called umm al-Kitab, because of its hanif based on this boundary theory.

Related to this, Syahrur further explained that in al-Tanzil al-Hakim there are six characteristics of boundaries or there are six theories of limits that have been determined by Allah, namely: first, the minimum limit position; second, the position of the maximum limit; third, the position of the minimum and maximum limits together; fourth, the position of the minimum and maximum limits together at one point or straight position; fifth, the position of the maximum limit with one point approaching a straight line without touching; and sixth, the position of the maximum "positive" limit may not be exceeded or exceeded, and the maximum "negative" limit that is allowed to exceed or exceed it.

The first limit is God's legal limit in the form of a minimum limit, this limit can be found one of them in the revelation of Allah surah al-Nisa' [4]: 22-23 concerning women who are forbidden to marry. The women mentioned in this verse are the minimum limit set by Allah in the prohibition of women who are forbidden to marry who under any circumstances are not allowed to violate this limit even though it is based on ijtihad.

The second limit is the maximum limit that has been determined by Allah, such as in the case of theft, as explained in His word in surah al-Ma'idah verse 38. In this verse, Allah gives the maximum punishment for thieves, namely cutting off the hand. Thus it is not permissible to impose a sentence on a thief that is more severe than the punishment of cutting off the hand.

The third limit is the minimum and maximum limit at the same time that Allah has set in verses 11, 12, 13, 14 and 176 of surah al-Nisa' concerning inheritance. The fourth limit is the minimum and maximum limits together at one point or straight position. This limit position only applies in cases of adultery, namely the maximum legal limit which at the same time has a position as a minimum limit in the form of one hundred lashes as explained in the Qur'an surah al-Nur verse 21. The fifth limit is the maximum limit with one point approaching a straight line without touching. This limit is set in terms of physical relations between men and women. This physical

relationship starts from the lowest limit, in the form of no contact at all between the two and ends at the highest limit in the form of actions that lead to sexual relations, so he has not fallen to the maximum limit of physical relations set by Allah. In other words, he has not been sentenced to adultery. Theoretically, the legal limit of adultery which is one of the limits of Allah's law is in a straight line that a person will reach its culmination if he gets closer to it. Therefore the penalty for adultery is symbolized by a straight line, namely the position of the maximum limit as well as the minimum limit. The editorial verse reads: "wa la taqrabu al-zina" (Q.S. al-Isra': 32).

The sixth position or limit is the maximum "positive" limit that cannot be crossed or exceeded, and the minimum "negative" limit that is allowed to pass or exceed it. This limit applies to wealth transfer relationships between people. These two limits consist of the maximum limit that may not be violated, namely usury, and the minimum limit in the form of zakat that can or can be exceeded. The form of exceeding this minimum is in the form of various kinds of alms. The two boundaries are one line in the positive area and one line in the negative area, the midpoint between the two is in a neutral position or denoted by zero. In the application area, the maximum positive limit is in the form of usury, the neutral limit is in the form of interest-free loans and the minimum negative limit is in the form of zakat and alms.³⁵

At the application level, Syahrur distinguishes the limitations that apply to worship and the limitations that apply to the al-hudud theme as mentioned above. According to him, worship in the sense of the relationship between humans and God which is tawqifiyah in nature consists of only four categories, namely: prayer, zakat, fasting, and pilgrimage. For more details, the differences in the scope of the theory of boundaries in worship and al-hudud themes can be seen in the following table.³⁶

Scope of Boundary Theory in Worship

Number	Worship	Limitation
1	Salat	There is no maximum or minimum limit explicitly stated in the Qur'an, what can be determined is the level of firmness to carry it out, namely: 1) Friday prayers, 2) Wustha (Ashar) prayers, 3) five daily prayers, and 4) Nafilah and Tathawwu' prayers (sunnah/additional prayers)
2	Zakat	The minimum limit based on the provisions of the Prophet is 2.5%, the scope of ijtihad moves up to set a zakat limit greater than 2.5%. Related to this, there is a concept of alms that exceeds the limit of a larger percentage.
3	Fasting	The minimum limit is Ramadan fasting. There is no maximum limit; there is even relief (rukhsah) for those who are unable.
4	Hajj	The minimum limit is once in a lifetime for those who can afford it.

The Scope of Boundary Theory in al-Hudud's Theme

Number	Worship	Theme (Sample Case)	Qur'anic Text
1	Minimum limit	- Women who are prohibited from marrying (maharim al-nikah) - Types of food that are prohibited from being consumed - Debts - Women's clothes	- Al-Nisa': 22-23 - Al-Ma'idah: 3 - Al-Baqarah: 28 - Al-An'am: 31
2	Maximum limit	- Punishment for thief - Punishment for murderers	- Al-Ma'idah: 38 - Al-Baqarah: 178 - Al-Isra': 33
3	Minimum maximum limit together	- Distribution of heritance - Polygamy	- Al-Nisa': 11-14 dan 176 - Al-Nisa': 3
4	Straight limit	- Punishment for adultery	- Al-Nur: 2-10
5	Maximum limit tends to approach without touching	- Physical relationship between the opposite sex	- Al-Isra': 32 - Al-An'am: 151
6	The maximum limit is positive and the minimum limit is negative	- Distribution of assets - Zakat - Alms - Riba'	- Al-Taubah: 60 - Al-Rum: 39 - Al-Baqarah: 276 - Ali 'Imran: 130

The Respon of Academics in the Field of Interpretation of UIN Mataram to Syahrur's Thoughts about Adultery

In the following, the meaning of the words fara'id in surah al-Nur will be put forward, which opens with the words: "This is the sura that We sent down and We made it obligatory (carrying out the laws that are in it), and We sent down in it verses -clear verses, so that you always remember them" (al-Nur: 1). Surah al-Nur contains legal verses (umm al-kitab and al-risalah) and bayyinat verses (al-Qur'an).

All the laws contained in it are classified as fara'id, an obligation by Allah to His servants to relieve fatigue, difficulties and narrowness and provide concessions

This surah begins with the matter of punishment for adulterers. Allah says:

“The woman who commits adultery and the man who commits adultery, then lash each one of them 100 times, and let mercy on both of them prevent you from practicing Allah's religion, if you believe in Allah, and the Last Day, and let their execution be witnessed by group of believers. Men who commit adultery do not marry except women who are adulterous or mushrikah, women who commit adultery do not marry except men who are adulterers or men who are polytheists, so that is forbidden for believers.” (al-Nur: 2 dan 3).

The punishment set for adulterers (both men and women) is 100 lashes. Cynical people will ask: does the punishment in volume 100 contain concessions, concessions, or leniency? I answered: Yes, leniency, granting or relief lies in the terms of implementation, the hadd (sentence) which requires the presence of four witnesses (see discussion of martyrs and

shabids). It is nearly impossible. If only three witnesses are found who have sworn to witness a dirty act between a man and a woman, then 83 punishments are sufficient under the chapter on accusations of honor (qadzaf al-i'rad). The meaning of faridah here is not to defeat the form (syakl) of punishment for the womb (al-madhmun), but to abort the laqab of adultery, even if it is an openly heinous act. To note, in a murder case, only one witness is sufficient.

That is, heinous behavior between a man and a woman is not considered adultery unless it is accompanied by 4 witnesses. Note the following definitions:

- Sexual relations between men and women are not legal according to syar'i (religious law) = fahisyah (abominable acts).
- Sexual relations between men and women that are not legal according to syar'i (religious law) + four witnesses = adultery.

That way, it is not permissible to put the nickname adulterer (for both men and women) except for men and women who commit heinous behavior accompanied by 4 witnesses. Therefore the mention of adulterers, by itself obliges the implementation of the punishment. Therefore Allah said "... and do not be merciful to both of them ..." Apart from heinous acts (fahisyah) another category associated with adultery is su' al-sabil (bad path). God's Word: "... and do not approach the act of adultery, in fact it is an abomination and a bad way".

Zina = heinous act + 4 witnesses are subject to caning (sa'a sabila). A heinous act shifts from its position as a sin against God if it is not done openly, to a dishonorable act against humans (society) if it is done openly, so that society has the right to impose lashes as compensation for the despicable act.

What was stated by Syahrur above regarding sexual relations between a man and a woman out of wedlock is not called adultery but only called fahisyah because it was not witnessed by four witnesses and therefore punishment cannot be applied to it which according to H. Muhammad Said Ghazali is opinion or views of some of the Shia scholars. He said, how could Syahrur's opinion be taken for granted, even though he put forward several arguments or reasons from a linguistic point of view? While the theory regarding the meaning of adultery in general and is acknowledged by some scholars is "idkhal al-khasyafah ila farj al-adami" (adultery is inserting the tip of the penis, for men out of wedlock, into the genitals of women).³⁷

Furthermore, he (Muhammad Said Ghazali) said it was true that flogging and/or stoning punishments could not be determined and carried out for perpetrators of sexual relations between men and women outside of marriage if four male witnesses did not witness the dirty act or sin. Clear and certain without any doubt or the testimony of the four people. However, the names and terms attached to the perpetrators of such sins are still called acts of adultery. Thus it can be said that, what Syahrur refers to in this context with the term fahisyah is the same as adultery. This means that fahisyah is the same as adultery and adultery is the same as fahisyah in this context, although it can be said that not all fahisyah acts are called adultery, so the two terms do not stand alone and are not separate, although it can be said that adultery is included in the category of fahisyah and Not every fahisyah act is an act of adultery.

It seems clear that what was stated by h. Muhammad Said did not agree with what was put forward by Muhammad Syahrur. Indeed, if we pay close attention, the main target of the discussion above is the word adultery without being called witness either in terms of quality or quantity, so that regardless of the number of people who witness the act, whether it meets the lower limit (hadd al-adna) or not, it is still called adultery. The problem of designation must be distinguished from the number of witnesses within the lower (minimum) or upper (hadd al-'la) limits, which are also called the maximum limits. In this connection Allah says which means: "and do not approach adultery, in fact adultery is an abomination and a bad way".³⁸ Here the word adultery is spelled out absolutely without being accompanied by mention of testimony either in terms of quality or quantity, lower limit (minimum) and upper limit (maximum). The verb nakaha, thus stressed Syahrur, in Arabic vocabulary has a single meaning: "sexual activity". This activity (carried out through a husband and wife agreement or with a milk al-yamin contract) so that it becomes a lawful marriage as stated in the word of God, "... then marry other women you like; two, three, or four. Then if you are afraid that you will not act fairly, then marry only one person or your milk al-yamin ..." (Q.S. al-Nisa' [4]: 3), or it will be carried out without a husband and wife agreement or milk al-yamin contract so that it becomes fahisyah (abominable act). The word "fa amkihi" means to engage in sexual activity through an agreement or contract. Therefore it is said that the marriage contract is annulled, because marriage is one of the conditions for the implementation of the contract.

Adulterers (men) who sleep with adulterers (women) without a contract and accompanied by witnesses, have actually committed the act of marriage in the sexual sense. Apart from that, this kind of action cannot be categorized as adultery at all. At this point, a marriage becomes heinous and unlawful, or a marriage between husband and wife or with milk al-yamin becomes halal. If the dirty act is committed openly (in the presence of 4 witnesses) it is included as an act of adultery.

Responding to Syahrur's statement, H. Zulyadain, one of the board members of the Yusuf Abdussatar Islamic Boarding School, Kediri, West Lombok, said that, Syahrur's views and opinions and interpretations of the concept of adultery as mentioned above are so surprising, because basically the Qur'an does not link terms or mentions adultery with the number of witnesses. That is, the act of adultery is a heinous "activity", while the witness is a separate term mentioned in the Qur'an. This also means that the act of adultery is adultery and witnesses are witnesses...³⁹

Up to this point, it is necessary to pay close attention to how someone who commits theft (surqah) is called a thief (sariq), someone who commits murder (qatl) is called a murderer (qatil). We see the noun liar (kadzib) from lie (kadzaba). If we look at Allah's statement: "... and let a katib among you write it down correctly ..." (Q.S. al-Baqarah [2]: 282), we will find that the katib (author) there does not mean an ordinary human being, no knows nothing about writing, but refers to work that is done repeatedly or is usually called a profession. Not everyone who understands writing is called a writer, unless it is made into a profession, such as the "Arab Writers' Association". So are sailors, or thieves. They don't call sailors or thieves, unless they make it a profession. The most severe punishment meted out to thieves was cutting off the

hands. But theft which is only done once, is not enough to qualify for the punishment of cutting off the hand. Because if this were permitted, of course the verse would read: "wa man yasraq faqtha'u yadah", but in reality, "wa al-sariqu wa al-sariqaatu faqtha'u aydiyahuma ..." (Q.S. al-Maidah: 38). Whereas in murder, one crime is enough, this is because the criminal has carried out the i'dam penalty (deletion of life), Allah says, "... and whoever kills a believer on purpose, then the reward is hell hell ..." (Q.S. al-Nisa': 93).

Returning to the discussion of surah al-Nur above, here we can see that the word zani (adulterer) is not a fraction of the verb nakaha, but follows wazan fa'il as sariq or katib. It comes from zana, as the saying goes: zana al-zanbur. If it is reversed it becomes naza. This means that lust (syahwat) has taken over the adulterer until the fear of Allah and society has disappeared. The loss of fear of Allah makes it fahisyah (abominable act), and the absence of fear of society makes it like blatant behavior. Because of that, he is called an adulteress (abominable behavior that is done openly). And the community has the right to carry out jild (whipping) for them (the adulterers). Tanzil himself, when talking about Yusuf, called sarafa anbu al-fahsyah not sarafa anbu az-zina because he was only with the wife of an Egyptian official, there were no witnesses.

Some say: there are millions upon millions of heinous acts, which occur every day between men and women, but the punishment is not carried out. I replied: because it is fahisyah not adultery. For this action Allah ordered the perpetrators to repent and repent, as His words: *Those who, when they commit abominable acts or about themselves, they remember Allah and then ask forgiveness for their sins, and who else can forgive sins other than God?* (Q.S. Ali 'Imran: 135).

Entering the discussion of the terms zina-zaniyah and fahisyah by giving the example of the case that happened to the Prophet Yusuf a.s. with the Egyptian official's wife at the time, and there were people who said; "That there are millions of heinous acts that occur every day between men and women but the punishment is not carried out, then Syahrur said it was an act of fahisyah not an act of adultery". By H. Muhammad Taufiq, one of the administrators and members of the Ulema Council of West Nusa Tenggara Province said:

The first case, related to slander or the incident that happened to the Prophet Yusuf and the wife of an Egyptian official as narrated in the Qur'an in surah Yusuf [12]' 24-29 is not in the context of this discussion, but rather an accusation. Because the Qur'an itself only reveals the desire of al-Aziz's wife to subdue the Prophet Yusuf, while the Prophet Yusuf himself avoided her and nothing happened, so the word fahisyah is not worthy of being attached to it.⁴⁰ **The second case**, related to the millions of heinous acts that occur every day between men and women but the punishment is not carried out, then Syahrur said that because of that fahisyah is not included in the category of adultery. Regarding Syahrur's view, H. Muhammad Taufiq said that this was known by many people, but it was as if people didn't want to know. In addition, these immoral acts are indeed prepared, maintained, and maintained. In essence, the localized immoral acts are known by hundreds and even thousands of people, so that it can be said that such places of prostitution can be said to be houses or complexes for people who commit adultery. Thus it is inevitable that the occupants and victims who come there as perpetrators of adultery and at the same time commit fahisyah. How is it possible that the punishment in the

form of stoning (for muhshan adulterers) can be carried out or carried out, while the perpetrator and the place were deliberately made, guarded, cared for, and maintained? This is where Syahrur seems to have made a mistake in his interpretation and way of thinking regarding the term adultery attached to the perpetrators."

Parallel to the notions of zani and zaniyah, when (dirty) sexual activity occurs between a man and a woman without marriage ties or milk yamin, both are called adulterers (having sex openly), then who is called a musyrik or musyrikah? What is meant by deed (al-mil) in the verse is the act of marriage, which is said to have 4 sides:

- Zani marries zaniyah-fahisyah 'alaniyyah (blatant abomination);
- Musyrik marries musyrikah;
- Zani marries musyrikah;
- Musyrik marries zaniyah

How do we distinguish between zani and zaniyah in the last section? If we want to recognize polytheists man (musyrik) and polytheists woman (musyrikah), we must place them according to their portion. God said:

"And (remember) when Luqman said to his son, when he gave mau'izhah: O my son, do not shirk Allah, verily shirk (associating partners with Allah) is a great injustice" (Q.S. Luqman: 13);

"Do not marry polytheistic women before they believe. Indeed, a believer is better than a polytheist, even if she attracts your heart. Do not marry polytheists before they believe. Indeed, 'abd the believer is better than the polytheist, even if he entices you. They invite to hell, while Allah invites to heaven and forgiveness with His permission..." (Q.S. al-Baqarah: 221);

"Strengthen with him my strength, and make him partner in my affairs" (Q.S. Thaha: 31, 32);

"... but if there are more than one sibling by mother, they are partners in one third ..." (Q.S. al-Nisa': 12);

"And they said: 'What is in the bellies of these cattle is exclusively for our men and forbidden for our women.' And if that which is in the belly is born dead, then both men and women may eat it equally ..." (Q.S. al-An'am: 139);

"He made a parable for you of yourself. Is there any of the slaves that you have with your right hand, partners for you in possessing the sustenance that we have given you ..." (Q.S. al-Rum: 28);

"Allah makes a parable (namely) a man (slave) who is owned by several people who are united in a dispute and a slave who is the full property of only one person. Are the two slaves the same?" (Q.S. al-Zumar: 29).

Syirk in the first verse is syirk (making partners) in Allah. Musyrikah and polytheists in the second verse, as well as polytheism towards Allah, do not believe in Him. Whereas in the third verse isyarak (partner) in affairs. Isyarak in the fourth verse is syirkah in inheritance. In the fifth verse is syirkah in the womb of pets. In the sixth verse syirkah is in rizki and in the seventh verse syirkah is in property rights.

From the above verses it is clear that syirk for musyrik and musyrikahs is sometimes related to matters of divinity, syirk (associating partners) with Allah, and sometimes related to trade, inheritance or property rights. Musyrik in surah al-Nur is a husband who has intercourse with a woman who is not his wife in bed like a husband and wife. He had intercourse with another woman who was not his wife, and married her. Syirk here is not possible syirk to Allah as some opinions. Because if we understand shirk here as shirk to Allah or kufr, then it is impossible for us to embody the verse law in concrete reality, but if we understand it as above, we will get five things:

1	Zani + zaniyh	Obscene acts between boy and virgin.
2	Musyrik + musyrikah	A married man and a married woman, but no witnesses.
3	Zani + musyrikah	Single man who commits lewd acts with married woman even if there are no witnesses. There is basic evidence of the enactment of the law of jilid.
4	Musyrik + zaniyah	Single woman and married man. Here the woman is considered zaniyah even though there are no witnesses with other evidence.
5	Musyrik-zani + musyrikah-zaniyah	The condition of obscene acts that are carried out openly between a married man and a married woman, both of them are legitimately called adultery as well as syirk.

This is the reality that is happening all over the world. There is no sixth kind. This also explains the truth of the news in Tanzil Hakim. The punishment for adultery (both men and women, volume 100 times, has been emphasized in verses, then what is the punishment for musyrik and musyrikah or muhsan husbands (married men who have intercourse with other women illegally) and mubsanah wives who commit heinous acts or adultery (the act of adultery) abominations that are openly committed)?

The fiqh scholars replied: Stoned to death. Instead I would say: That's not true! Because in addition to the law of stoning adulterers who have a wife (for men) or husband (for women) it was revealed in the shari'a of the prophet Musa which was later eliminated in Tanzil Hakim, on the other hand, if we follow God's word: "... and if they have taken care of themselves by marrying, then they do abominable work (adultery), then for them half the punishment of their married women..." (Q.S. al-Nisa' [4]: 25).

Is there a semi-death sentence? In our opinion, said Syahrur, the punishment for musyrik and musyrikah (in the sense that it is in surah al-Nur) is not vol or the death penalty, but as conveyed in two verses of Tanzil Hakim.

"O Prophet, if you divorce your wives, then you should divorce them when they can (face) their 'iddah, and calculate the time of the 'iddah and fear your Lord. Do not

take them out of their homes and do not let them go out unless they have committed a clear abomination” (Q.S. at-Talaq: 1).

The punishment is immediately divorcing without calculating her 'iddah and expel her from the house immediately. This verse clearly talks about talaq. Can people who are married besides being married be subject to talaq? Then Allah said: *“.. illa an ya'tina bifahisyah mubayyinah,” (having an affair);*

“O you who believe, it is not lawful for you to destroy women by force and do not trouble them because you want to take back some of what you have given them, unless they do real abominable work. ...” (Q.S. al-Nisa' [4]: 19).

Here the punishment is self-respect for obtaining material and social rights with these two verses the punishment for becoming full, divorced, immediately expelled from the house and prohibition from obtaining material and social rights. This punishment applies to both polytheistic husbands and polytheistic wives.

Punishment for perpetrators of fahisyah mubayyinah, is determined by:

- Expelling one of them, both husband and wife, if one of them catches the other red-handed while carrying out a fahisyah act;
- Determine fahisyah in other ways such as photos and pregnancy indications or other methods that can be submitted as evidence. This is if there is no direct evidence (by being caught red-handed), in doubt;
- In these two circumstances the divorce sentence and not eliminating their rights can already be implemented because there are no 4 witnesses. On the other hand, if the perpetrator is still single, he is a zani and zaniyyah can already be carried out for adultery;
- Establish fahisyah between married men and married women (musyrik-musyrikah). In this case immediate divorce and loss of rights plus hadd adultery (jild) because the titles zani musyrik and zaniyyah musyrikah can already be assigned to them.

Here we understand the meaning of faridah, how Allah makes it easy for humans to get out of the bondage of difficulties that befall them. How fahisyah relates to sex, sex is a character, a virtue, and catching his behavior red-handed is a very difficult thing, and his business is with Allah Swt. Allah opens the door of repentance for the perpetrators with words:

“And people who, when they commit abominable acts or abuse themselves, they will remember Allah and then ask forgiveness for their sins and who else can forgive their sins apart from Allah? And they did not continue their heinous deeds, while they knew” (Q.S. Ali 'Imran [3]: 135).

Above all, it is not permissible to accuse someone of committing adultery or syark (a husband and wife who do it openly). Allah has promised those who do it with His word:

“Indeed, those who accuse good women who are heedless and believe in committing adultery, they will be cursed in this world and the hereafter and for them a great

punishment” (Q.S. al-Nur [24]: 23).

After discussing the laws (fara'id) relating to sex in sura al-Nur, we turn to the following fara'id-fara'id:

“O you, who believe, do not enter a house that is not yours before asking permission and greeting the occupants. That is better for you, so that you (always) remember” (Q.S. al-Nur [24]: 27).

“If you don't find anyone, then don't enter before you get permission. And if it is said to you: 'Come back,' you should return. It's cleaner for you guys ...” (Q.S. al-Nur [24]: 28).

“There is no sin for you to enter an urmah that is not prepared to live in, in which there are your needs ...” (Q.S. al-Nur [24]: 29).

These verses include the matsal 'ulya which falls after guarding the honor of adultery and isyark, so that Allah lightens the burden on people in their homes. Humans are prohibited from entering other people's homes, until they feel absolutely certain that there are people inside, not an empty house, and then greets the occupants. That is, enter as kawab like educated people, not with hostility. This is a faridah that Allah has set for humans to protect the privacy of their households and relieve burdens. If no one is found in the house, do not enter it (“...until permission is given”) unless the owner of the house, his neighbor or someone on his behalf is present.

CONCLUSION

Based on the descriptions above, several conclusions can be drawn as follows:

1. Syahrur views that Arabic does not contain synonyms. The linguistic approach in Arabic is an effective means of analyzing and understanding the intended meaning of the verses of the Qur'an. His views later became one of the principles of the legal instinct method in his interpretation, including verses about adultery and sanctions for the perpetrators.
2. Based on the results of interpretation and analysis of paragraphs two and three of Q.S. al-Nur, Syahrur is of the opinion that sanctions for adulterers can be given leniency and/or relief, depending on the conditions for carrying out hadd or sentencing decisions that require the presence of four witnesses
3. Academics in the field of interpretation of UIN Mataram did not agree with Syahrur who stated that sexual relations or sex committed by men and women outside of marriage can only be called adultery if it is witnessed by four or more people, whereas if it is less then it is called fahisyah. For academics in the field of interpretation of UIN Mataram, sexual intercourse or sex that is carried out by men and women outside of marriage whether witnessed by four or less people is still called adultery, except that the law is only enforced if the witnesses consist of four people and above. Presumably,

according to these academics, the act of adultery and the witness itself must be distinguished, adultery is adultery and a witness is a witness.

Notes

1. Abdul Wahhâb Khallâf, *Khulâshah Târîkh al-Tasyrî' al-Islâmiy* (Kairo: t.tp, 1388 H), pg. 2
2. Abû Dâwûd, *Sunan Abû Dâwûd*, j. Iii (Beirut: Dâr al-Fikr al-'Arabiy, 1994), pg. 295.
3. In relation to the problems that have been touched by 'Umar's ijtiâh, Look: M. Atho' Mudzhar, *Membaca Gelombang Ijtihad antara Tradisi dan Liberasi* (Yogyakarta: Titian Ilahi Press, 1998), pg. 39-60.
4. Normatively, based on Q.S. Al-Taubah [9]: 60 explained that one of the ashnaf determined to obtain zakat was converts, but during the Caliph 'Umar, converts were no longer given zakat.
5. In Q.S. al-Anfal [8]: 41 explained that one-fifth of the spoils of war is divided into six types, namely: Allah, the Messenger, the Apostle's relatives, orphans, the poor and ibnu sabil. His understanding was that four-fifths were distributed to friends who participated in the war, but 'Umar, the spoils of war, which were four-fifths, remained in the hands of the owners and cultivators, only they were obliged to pay taxes. This tax is then allocated to Bait al-Mâl.
6. Abû Ishâq al-Syâtibi, *al-Muwâfaqah fî Ushûl al-Syarî'ah*, j. ii (Kairo: Dâr al-Fikr, t.th), pg. 2-3.
7. Jaih Mubarak, *Sejarah dan Perkembangan Hukum Islam* (Bandung: Remaja Rosdakarya, 2000), pg. 67.
8. In this period, prominent figures of scholars and imams appeared in the Islamic world, especially in the field of Islamic law, such as: Imam Abu Hanifah (80-150 H), Imam al-Syafi'i (150-204 H), dan Imam Ahmad bin Hanbal (164-241 H). Look: Khudari Bik, *Târîkh al-Tasyrî' al-Islâmiy* (Surabaya: Muhammad Nabahan, t.th), pg. 4-5.
9. A. Hanafi, *Sejarah Hukum Islam* (Jakarta: Bulan Bintang, 1970), pg. 174.
10. Harun Nasution, *Islam Ditinjau dari Berbagai Aspeknya*, j. ii (Jakarta: Bulan Bintang, 1994), pg. 21.
11. Ibid.
12. Muhammad Syahrur is a technical engineer born in Damascus, Syria. He was born on April 11, 1938. His intellectual career started from primary and secondary education in his birthplace. In 1957 at the age of 19, he earned a high school diploma at the Abdurrahman al-Kawakibi institute. A year later he left for the Soviet Union to study civil engineering. Then taught in his country in 1965. In 1968 he was sent to University College Dublin Ireland to continue his education in Postgraduate specialization in soil mechanics and foundation engineering. He earned his master of science degree in 1969, while his Ph.D. was obtained in 1972. Look: Kurdi, et.al., *Hermeneutika al-Qur'an dan al-Hadits* (Yogyakarta: elSAQ Press, 2010), pg. 287.
13. Sahiron Syamsuddin in *Introduction Muhammad Syahrur, Metodologi Fiqh Islam Kontemporer*, translation Sahiron Syamsuddin dan Baharudin (Yogyakarta: elSAQ Press, 2008), pg. 2.
14. The two verses command that "the woman who commits adultery and the man who commits adultery, then whip each of them a hundred times..." Look: Q.S. al-Nur [24]: 2-3.
15. Look: Muhammad Syahrur, *Islam dan Iman: Aturan-Aturan Pokok*, translation, M. Zaid Su'di (Yogyakarta: Jendela, 2002), pg. 60.
16. Ibid, pg. 61.
17. Syahrur is a phenomenal contemporary Islamic thinker. His thoughts on Islam which tend to be deconstructive, liberal and controversial towards classical conservative thought (episteme) have earned him the nickname "Immanuel Kant" for the Arab world and "Martin Luther" for Muslims. Andreast Christman, *The Qur'an, Morality and Critical Reason the Essential Muhammad Syahrur*, <http://www.shahrour.org>

18. This city has been built since 3000 BC, even according to legend the Prophet Hud a.s. was the first person to build this city after the great flood hit the world. The city was ruled alternately by the Assyrian, Greek, Roman and Byzantine empires. Islam entered Damascus in September 653 AD At that time Syria was controlled by the Romans and then conquered by the Islamic army under the leadership of an Islamic warlord named Khalid bin Walid and 'Amr bin Ash during the caliph' Umar bin Khatthab r.a. Furthermore read: Ardiansyah, Konsep Sunnah dalam Perspektif Muhammad Syahrur, in <http://ejournal.sunan-ampel.ac.id>. In addition, this city is recorded as a place that has a great and extraordinary influence on the world of Islamic world thought, both socially, politically, culturally, and intellectually. The city, which was once the capital of the Umayyads' territory, has proven to give birth to many thinkers from various branches of scientific discipline, including the most recent, Muhammad Syahrur. Read: Muhammad Fawaidz Sadzili, Syahrur: Figur Fenomenal dari Syiria, in <http://www.Islamlib.com>
19. See various works about it, such as, Ahmad Zaki Mubarak, Pendekatan Strukturalisme Linguistik dalam Tafsir al-Qur'an Kontemporer ala M. Syahrur (Yogyakarta: elSAQ Press, 2007) or Imra'atul Mufidah, Hermeneutika Al-Qur'an M. Syahrur and Zainuddin, Hermeneutika Hadis M. Syahrur, in Kurdi, et.al., Hermeneutika Al-Qur'an dan Al-Hadis (Yogyakarta: elSAQ Press, 2010), or to get a more complete explanation of Muhammad Syahrur's biography, you can refer directly to the official website, namely: www.shahrour.org
20. Muhammad Syahrur, Tirani Islam: Geneologi Masyarakat dan Negara, translation Badrus Syamsul Fata dan Syaifuddin Zuhri Qudsy (Yogyakarta: LkiS, 2000).
21. Ahmad Syarqowi Ismail, Rekonstruksi Konsep Wahyu Muhammad Syahrur (Yogyakarta: elSAQ Press, 2003), pg. 43.
22. Ira M. Lapidus, Sejarah Sosial Umat Islam (Jakarta: PT. Raja Grafindo Persada, 1999), pg. 142.
23. M. Aunul Abid Shah dan Hakim Taufik, "Tafsir Ayat-ayat Gender dalam al-Qur'an: Tinjauan terhadap Pemikiran Muhammad Syahrur dalam Bacaan Kontemporer" dalam M. Aunul Abid Shah, dkk., Islam Garda Depan Mosaik Pemikiran Islam Timur Tengah (Bandung: Mizan, 2001), h. 237.
24. Charles Kuzma, Wacana Islam Liberal: Pemikiran Islam Kontemporer tentang Isu-isu Global, alih bahasa Bahrul 'Ulum, dkk., (Jakarta: Paramadina, 2001), h. 210.
25. Muhammad Syahrur, Prinsip dan Dasar Hermeneutika al-Qur'an Kontemporer, translation Sahiron Syamsuddin dan Burhanuddin (Yogyakarta: elSAQ Press, 2008), pg. 60.
26. Burhanuddin, Artifikasi Teori Batas (Nazhariyyah al-Hudud) Muhammad Syahrur dalam Pengembangan Epistemologi Hukum Islam di Indonesia in Sahiron Syamsuddin, et.al., Hermeneutika al-Qur'an Mazhab Jogja (Yogyakarta: Islamika dan Futuh Printika, 2004), pg. 148.
27. Wael B. Hallaq, Membaca Teori Batas Muhammad Syahrur, in Introduction Muhammad Syahrur, Prinsip dan Dasar Hermeneutika Hukum Islam Kontemporer, translation Sahiron Syamsuddin and Burhanuddin (Yogyakarta: elSAQ Press, 2007), pg. 4.
28. This book is the result of the long deposition of Syahrur's thoughts, which is about twenty years (1979-1990). Three chapters of this book have been re-translated by Muhammad Firdaus with the title: Dialektika Kosmos dan Manusia (Bandung; Nuansa Cendia, 2003), while in Chapter 1 be translated by Sahiron Syamsuddin dan Burhanuddin with the title: Prinsip dan Dasar Hermeneutika al-Qur'an Kontemporer dan Prinsip Dasar Hermeneutika Hukum Islam Kontemporer and published by elSAQ Yogyakarta.
29. This book has been translated and published in the Indonesian edition by Badrus Syamsul Fata and Syaifuddin Zuhri Qudsy with the title: Tirani Islam: Geneologi Masyarakat dan Negara (Yogyakarta: LkiS, 2000).
30. This book also has been translated and published in the Indonesia edition by Muhammad Su'udi with the title: Islam dan Aturan-aturan Pokok (Yogyakarta: Jendela, 2002).

31. This book is a book that wants to reemphasize the concept and basis of the hermeneutics of the Koran, especially with regard to the methodology of Islamic fiqh. This book has also been translated and published into Indonesian by Sahiron Syamsuddin and Burhanuddin with the title *Metodologi Fiqih Islam Kontemporer* (Yogyakarta: eLSAQ Press, 2004).
32. Syahrur, *Prinsip dan Dasar Hermeneutika al-Qur'an ...*, pg. 71-72.
33. Sahiron Syamsuddin, "Metode Intertekstualitas Muhammad Syahrur dalam Penafsiran al-Qur'an", dalam Sahiron Syamsuddin, dkk., *Studi al-Qur'an Kontemporer: Wacana Baru Berbagai Metodologi Tafsir* (Yogyakarta: Tiara Wacana, 2002), pg. 137.
34. Wael B. Hallaq, *Sejarah Teori Hukum Islam*, translation E. Kusnadinigrat and Abdul Haris (Jakarta: PT. Raja Grafindo Persada, 2000), pg. 366.
35. The terms "positive" and "negative" here are not moral terms (good and bad), but mathematical terms: "positive" (plus) means above the zero line, and "negative" (minus) means below the zero line.
36. Sahiron Syamsuddin, dkk., *Hermeneutika al-Qur'an ...*, pg. 161-162.
37. H. Muhammad Ghazali, Caretaker of Islamic Boarding School Hamzanwadi Gelogor, Kediri, Lombok Barat and Lecturer of Interpretation in UIN Mataram.
38. In that paragraph, it is not explained about witnesses both in terms of quality and quantity, in terms of lower (minimum) and upper (maximum) limits. See: Q.S. al-Isra [17]: 32).
39. H. Zulyadain, one of the administrators and leaders of the Islamic Boarding School Yusuf Abdussatar Kediri, Lombok Barat dan Lecturer of Interpretation in UIN Mataram.
40. H. Muhammad Taufiq, Anggota Majelis Ulama Indonesia Provinsi NTB dan dosen bidang tafsir UIN Mataram.

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