

CONTEMPORARY APPROACH IN MUHAMMAD SYAHRUR'S THOUGHT ON ISLAMIC LAW

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Abstract

Contemporary Islamic thought is marked by an awareness of the coexistence of tradition (*turath*) on one side and modernity (*hadathah*) on the other. Syahrur introduces a new approach that emphasizes rationality and contextuality in understanding religious texts, especially in the field of Islamic law. This study aims to analyze the construction of Syahrur's thought through methods of defamiliarization, rejection of synonymity, and the *hudud* (limits) theory as an effort to renew Quranic understanding in line with contemporary contexts. The research method used is a literature study with a qualitative descriptive approach, examining various concepts and Syahrur's critiques of contemporary Islamic thought. The results indicate that Syahrur offers a flexible Quranic interpretation method, rejects classical literature, prioritizes an objective-positivistic approach, and employs mathematical principles to interpret law in a flexible manner. Syahrur believes that the Quran is sufficient as the primary source of law without reliance on the Sunnah. Although his views are controversial and opposed by traditional scholars, Syahrur is confident that his approach opens opportunities for Islamic legal reform relevant to the demands of the times.

Keywords: Contemporary, Islamic Law, Muhammad Syahrur, Thought

Abstrak

Pemikiran Islam kontemporer ditandai dengan kesadaran akan keberadaan tradisi (*turath*) di satu sisi dan modernitas (*hadathah*) di sisi lain. Syahrur mengemukakan pendekatan baru yang menekankan rasionalitas dan kontekstualitas dalam memahami teks-teks agama, terutama dalam bidang hukum Islam. Penelitian ini bertujuan untuk menganalisis konstruksi pemikiran Syahrur melalui metode defamiliarisasi, penolakan sinonimitas, dan teori *hudud* (batasan) sebagai upaya untuk memperbarui pemahaman Al-Quran sesuai konteks zaman. Metode penelitian yang digunakan adalah studi kepustakaan dengan pendekatan deskriptif kualitatif, menelaah berbagai konsep dan kritik Syahrur terhadap pola pikir Islam kontemporer. Hasil penelitian menunjukkan bahwa Syahrur menawarkan metode penafsiran Al-Quran yang fleksibel, menolak literatur klasik, mengutamakan pendekatan objektif-positivistik, yang didukung oleh prinsip-prinsip matematis untuk menafsirkan hukum secara fleksibel. Syahrur meyakini bahwa Al-Quran sudah memadai sebagai sumber hukum utama, tanpa ketergantungan pada Sunnah. Meski pandangannya kontroversial dan ditentang oleh ulama tradisional, Syahrur yakin pendekatannya membuka peluang pembaruan hukum Islam yang relevan dengan tuntutan zaman.

Kata Kunci: Hukum Islam, Kontemporer, Muhammad Syahrur, Pemikiran

A. Introduction

Contemporary Islamic thought is marked by an awareness of the existence of tradition (*turath*) on one side and modernity (*hadathah*) on the other. Within this framework, tradition is understood as a historical achievement encompassing various intellectual legacies, while modernity is interpreted as a historical reality that continually evolves with social, cultural, and technological changes. Thus, a contemporary approach cannot disregard tradition in the process of renewal and rationalization, and at the same time, it does not completely reject elements of modernity, including advancements in science and technology. Islamic thought that combines tradition and modernity must be carried out creatively, with methodological awareness and interpretation relevant to the current context (Muslih, 2012).

Syahrur is one of the contemporary Islamic thinkers who emphasizes the importance of rational and contextual approaches in understanding religious texts, particularly in the field of Islamic law. His ideas emerge from criticism of traditional approaches in fiqh and interpretation, which he believes rely too heavily on literal understanding and often fail to consider the socio-political dynamics of the modern era (Syahrur, 2009). Syahrur views the Qur'an as an universal source for humanity, but in reality, the current state of the Muslim community reveals significant disparities compared to the Qur'anic ideal of "the best community" (*khaira ummah*) (Syahrur, 2015). This discrepancy leads Syahrur to conclude that Islamic studies must begin with an in-depth understanding of the Qur'an, which must engage with the contemporary issues present in society (Fazlurrahman, 1982; Syahrur, 2015).

Syahrur identifies several issues within contemporary Islamic thought. First, there is a lack of objective and empirical research in the field of Islamic scholarship. Second, most Islamic studies remain rooted in established perspectives, often trapped in subjectivity and failing to produce new knowledge, merely reinforcing old assumptions. Third, Muslims often view humanistic thought, particularly Greek (Western) philosophy, as erroneous or deviant. Fourth, there is a lack of a valid Islamic epistemology, which subsequently fosters sectarian fanaticism and indoctrination based on ancient thought. Fifth, the existing products of fiqh are no longer relevant to the ever-evolving demands of modernity (Nasr Hamid Abu Zayd, 1992; Syahrur, 2004, 2010).

To address these issues, Syahrur conducts an in-depth study of the Qur'an as the primary source using an approach distinct from conventional interpretation. Syahrur proposes a paradigm shift that is more methodological and emphasizes *ta'wil* (in-depth interpretation) over mere literal interpretation. Syahrur's approach to the universality of the Qur'an serves as the foundation for his exegesis, where the Qur'an is regarded as a "subject" that must always be contextual when interpreted. In this process, Syahrur treats the Qur'an as if it were newly revealed so that each interpretation remains relevant to current conditions. He employs a hermeneutic approach rooted in linguistic analysis, rejecting synonymy and applying the theory of limits (*hudud*). Before discussing legal verses, Syahrur elaborates on the ontological reasons why contemporary Qur'anic hermeneutics should be applied, which he explains through philosophical discourse on the relationship between *kaynunah* (existence), *sayrurah* (process of transformation), and *shayrurah* (actual condition), believed to be closely related in modern Qur'anic studies (Syahrur, 1990, 2004). This approach is known as defamiliarization, aiming to eliminate old biases in Qur'anic interpretation, making it more relevant and acceptable in a modern social context (Y. Abdullah, 2005).

Syahrur sought to actualize a paradigm shift in Islamic law by emphasizing the significance of Quranic reinterpretation through scientific and objective approaches. This effort demonstrates Syahrur's boldness in critiquing and attempting to move beyond entrenched traditional theories. He departed from classical theory-based interpretations, adopting a realistic-empirical reasoning approach to understand the Quran (Tajuddin & Awwaliyyah, 2019). Syahrur's approach not only challenges the authority of classical interpretations but also creates room for the renewal of Islamic law in alignment with contemporary developments. By emphasizing rationality and empiricism, Syahrur aims to shift the paradigm of sacred text interpretation from rigid dogmatism toward a more open and flexible reality-based analysis. He argues that divine laws outlined in sacred texts must align with the ever-evolving and dynamic realities of human life (Alfathah, 2023). According to Syahrur, the Quran consistently emphasizes that Sharia defines specific boundaries. In legislating Sharia laws, Allah establishes maximum and minimum limits, while the space between these boundaries remains an area for human *ijtihad*. Through this perspective, Syahrur offers flexibility in legal application, enabling

adaptations that align with shifting social, cultural, and temporal contexts (Hamdan, 2024).

Therefore, this article outlines Syahrur's efforts to construct a contemporary approach to Islamic law while applying it to various legal cases. Through a scientific methodology, Syahrur offers a reinterpretation of sacred texts that emphasizes flexibility, rationality, and relevance. His goal is to present a more comprehensive understanding of Islamic law that remains pertinent to the ever-evolving needs of modern society.

B. Method

The research method employed in this study is library research, focusing on the analysis of literature relevant to the topic being researched. The type of method adopted in this study is descriptive qualitative, aimed at describing and analyzing in detail concepts, theories, and criticisms proposed by Muhammad Syahrur against contemporary Islamic thought patterns. The sources for this research include various types of literature, comprising books and written works by Muhammad Syahrur as well as academic journal articles, seminar papers, and other scholarly writings that discuss Syahrur's thought, Islamic epistemology, and related issues.

C. Result and Discussion

1. The Philosophical Construction of Muhammad Syahrur's Thought

Muhammad Syahrur's thought originates from his perspective on the Qur'an, which he seeks to apply through a new form and method, treating the Qur'an as if it were freshly revealed. This is an implementation of the principle that the Qur'an is a book *shalih likulli zaman wa makan* (relevant for all times and places) (Syahrur, 2004). Syahrur aims to dismantle various established maxims and standards of understanding to address contemporary issues. According to him, the laws in the Qur'an do not need to be applied literally in all places and times; rather, they have legal flexibility that can only be realized through an approach of elastic or flexible legal boundaries (*hududiyah hanifiyyah*). Thus, the Qur'an can serve as a foundation for *ijtihad* practices that are adapted to the objective conditions of a particular time and place (Mufidah, 2010; Syahrur, 1990).

There are several epistemological prepositions underpinning Syahrur's methodological framework, reflecting his ambition to integrate a scientific paradigm into

the understanding of the Qur'an (Martanti, 2019). The following are key points of his epistemological framework:

a. The Relationship Between Consciousness and External Reality

Syahrur acknowledges a correspondence between human consciousness and the material external reality. External reality, existing independently of human beings, serves as a source of knowledge that is transformed into human consciousness. By emphasizing this perspective, Syahrur rejects the idealist view that thought exists independently of the external world. Instead, he affirms that human knowledge is real and not an illusion.

b. Rejection of the Idealist Paradigm

Syahrur critiques Islamic scholars who adopt an idealist approach to religious thought. According to him, the idealist perspective, which regards thinking as "recollecting" what is already inherent in the human soul, detaches itself from objective reality. Consequently, religious thought becomes abstract and irrelevant to human life. In contrast, Syahrur advocates for a scientific paradigm that begins with sensory observation as a foundation for abstract and theoretical knowledge.

c. The Scientific Paradigm in Approaching the Qur'an

Syahrur accepts the scientific paradigm, asserting that Islam, through its holy text, has signaled a scientific approach since its revelation in the 6th century CE. He argues that the modern scientific paradigm, which emerged in the 17th century CE, has its roots in principles found in the Qur'an. This reinforces his belief that a scientific approach is suitable for understanding the sacred text and Islamic law.

d. Reproducing and Extracting Scientific Theories from the Qur'an

Syahrur's ambitions go beyond aligning scientific theories with the Qur'an. He aims to reproduce scientific theories within the Qur'anic context and extract new theories—whether in law, science, or politics—directly from the sacred text.

e. Influence of Hegelian Dialectics and Marxism

Although Syahrur does not explicitly cite external influences, his methodological construction indicates the impact of Hegel's dialectical theory as later developed by Karl Marx. This influence is plausible given Syahrur's educational background in

Syahrur begins his interpretation by developing the concepts of *kaynunah* (state of being), *sayrurah* (state of processing), and *shayrurah* (state of becoming), which serve as the foundation for discussions on theological (divine), naturalistic (nature), and anthropological (human) aspects. According to Syahrur, divine entities, nature, and humanity will always experience these three stages. The *kaynunah* stage is the initial state of existence; *sayrurah* is the process phase that unfolds over time; and *shayrurah* is the final or ultimate stage of existence after passing through the process phase. This concept reflects an interconnected relationship among these three conditions, influencing each other reciprocally (Duderija, 2011; Syahrur, 2015).

In relation to Islamic law, the relationship between *kaynunah*, *sayrurah*, and *shayrurah* illustrates a legal system that can evolve with the progression of time. According to Syahrur, the laws in the Qur'an are based on certain social conditions rather than solely on the literal text. He refers to this as the law of negative dialectics (*qanun al-nafy wa anfy al-nafy*) or internal dialectics, where, although legal verses are definitive (*qath'i*), they still undergo a dialectical process through constantly changing times, resulting in new laws that align with current conditions (Syahrur, 1995).

Historically, legal logic has often been bound by rigid frameworks that do not always reflect reality, while dialectical law can be more relevant in guiding the interpretation of sacred texts. Syahrur criticizes the idea that new interpretations should negate or invalidate previous ones; instead, they should engage in a harmonious dialectic. New interpretations are meant to enrich existing perspectives, not to dismiss earlier interpretations. Therefore, according to Syahrur, the interpretation of the Qur'an must take into account its social and historical context, offering new concepts such as the theory of boundaries (*hudud*) to provide flexibility in legal application (Fadl, 2001).

Syahrur views the Qur'an as a living and universal text, relevant for all of humanity across all times and places. If one contemplates the Qur'an, considering *sayrurah* (processing) and *shayrurah* (becoming) in a particular time and place, it can feel as though the Qur'an was revealed for that generation. This is because the Qur'an has a *kaynunah* or a state of existence that can be understood through phenomena of the universe and the names of Allah reflected in those phenomena (Syahrur, 1992).

In deriving knowledge from the Qur'an, a mujtahid must not be confined to existing interpretations. They should adopt a contemporary approach that is open to scientific

developments and social conditions. Syahrur argues that the Qur'an possesses characteristics that allow for a contemporary reading (*sifat al-qira'ah al-mu'ashirah*) in line with the evolution of the times. By using the logic of knowledge and perspectives that correspond to the issues of the era, interpretations of the Qur'anic text will remain relevant in addressing social and scientific challenges within Islam. According to him, the effort to reconstruct the foundations of Islam (*I'adat ta'sil al-ushul*) can be achieved by offering new concepts in interpreting legal verses, such as the theory of boundaries in legal establishment (Syahrur, 2009).

2. The Rejection of Synonymity in Muhammad Syahrur's Interpretive Method

Muhammad Syahrur begins his methodological approach with a process of defamiliarization - estranging the conventional reading of Qur'anic texts from classical Islamic scholars. This estrangement is a process where language is used in a striking and uncommon way, freeing the text from automatic or established interpretive habits. This term refers to an effort to make readers perceive a text as if for the first time, countering conventional familiarity in reading literary texts so that the familiar object appears new and unexpected.

Syahrur applies a semantic method with pragmatic and syntactic analysis, after initially conducting intratextual techniques. This pragmatic analysis focuses on uncovering symbolic meanings by examining their connection to other symbols that either share or oppose their meaning. Syahrur rejects the concept of synonymity in the Arabic language, arguing that each word has a specific meaning and can even possess multiple meanings depending on the context and its relationship with surrounding words. This aligns with Ibn Faris's view, which posits that there are no synonyms (*muradif*) in Arabic; each word has a unique nuance (*maziyyah*). The meaning of a word is determined by the logical context within the text in which it appears. This approach, known as syntagmatic analysis, is a method of determining the meaning of a word through its relationship with other words within the text (Syahrur, 1990).

Syahrur's method, *manhaj al-tartil* or intratextuality, incorporates linguistic methodologies from Abu Ali Al-Farisi, Ibn Jinni, and Al-Jurjani. Over time, Syahrur concluded that there is no synonymity in Arabic, referring to *Mu'jam Maqayis al-Lughah* by Ibn Faris as a guide. Syahrur argues that each expression in Arabic carries an

independent meaning and need not be contextualized with the text's background, its author, or its audience. He views the Qur'an as a standalone text, untethered from the historical or social context of its original audience. For Syahrur, the context that matters in understanding the Qur'an is the political and intellectual context that forms the dialectic landscape of the Muslim community (Berg, 2001). In interpreting the Qur'an as if it were newly revealed, Syahrur reflects the Qur'an's characteristic of historical relativity (*sayrurah*), allowing for different understandings in line with societal changes, or *shayrurah*.

Syahrur adopts three linguistic principles from Abu Ali Al-Farisi to interpret texts: first, language as a system containing agreed-upon rules in its use. Second, language as a social phenomenon closely linked to its context, such as the phenomenon of gendered nouns (*muzakkar-muannas*) in Arabic, which reflects a patriarchal culture. Third, the connection between language and thought. This principle has implications for redefining Qur'anic terms previously considered synonymous, such as Al-Kitab, Al-Furqan, and Al-Qur'an. In his rejection of synonymy, Syahrur employs Al-Jurjani's anti-synonymy principle (*ghayr taraduf*) in the poetic expression of the Qur'anic text. He argues that each term previously considered synonymous holds distinct nuances when understood in the Qur'an's original context and explored through various expressions (polysemy) (El-Awa, 2006).

Syahrur divides the Qur'an into two major sections: verses with prophetic and revelatory dimensions. The *mutashabihat* verses are constant in textual form but adaptable in understanding, whereas the *muhkam or umm al-kitab* verses contain laws and guidelines for worship and social transactions (*muamalah*) with boundaries (*hudud*) that are legally non-specific but more flexible in application (Fadl, 2001).

In his rejection of synonymy, Syahrur formulates fundamental principles of linguistic methodology as follows: first, there is no synonymy in language; even a single word can have multiple meanings. Second, a word is an expression of meaning. Third, meaning is the most crucial aspect of language. Fourth, language cannot be understood without alignment with reason and objective reality. Syahrur argues that in interpreting (*ta'wil*) the Qur'an, it is unnecessary for a jurist to understand its content; rather, it can be achieved collectively through collaboration. Syahrur divides *ta'wil* into two models: first, the transformation of certain Qur'anic verses into empirical phenomena

comprehensible by reason, or what he calls sensory ta'wil. Second, the exploration and study of scientific philosophical theories through interpretations aligned with available scientific foundations (Syahrur, 2009).

3. The Construction of the Theory of Limits or Hudud

The hudud or limits theory is a method developed by Muhammad Syahrur to understand the Qur'anic legal verses (*muhkamat*) so they remain relevant within the socio-historical context of contemporary society. This theory consists of a lower limit (*al-hadd al-adna*, minimum) and an upper limit (*al-hadd al-a'la*, maximum). Through this hudud theory, legal verses traditionally viewed as absolute and final can be dynamically and flexibly interpreted in line with the progression of time, using a mathematical approach. This approach provides space for an interpreter (*mufasssir*) to maintain the sanctity of the text without losing creativity in *ijtihad*, as long as it stays within the legal boundaries established by Allah (Mustaqim, 2012; Syahrur, 1990).

Syahrur's thinking in constructing the limits theory is inspired by exact analysis in mathematics, particularly the theory of limits pioneered by Isaac Newton. In this theory, there are two main axes: the vertical axis symbolizes Allah's laws as absolute boundaries, while the horizontal axis represents objective conditions within a specific historical or social context. Through this approach, Syahrur emphasizes that while Allah's laws remain constant, their application can be adapted to the different social conditions of Muslims according to the changing times (Moussalli, 2001).

The basis of Syahrur's hudud theory is drawn from verses 13-14 of Surah An-Nisa, especially the phrase "*Tilka Hudud Allah*" which declares that only Allah has the authority to set legal boundaries. Although this theory is considered original to Syahrur, it has some influences from earlier thought. One example is the *usul fiqh* book *As-Sullam* by Abdul Hamid Hakim, an Islamic scholar from Padang Panjang in 1927, which contains principles similar to the hudud concept. This principle suggests that a legal provision related to a name or identity has a specific limit, a practical approach that aligns with Syahrur's hudud concept on a practical level (Hakim, 1927). According to Syahrur, this hudud theory can be applied in the following six forms:

- a. Lower Limit Only (*Halal al-hadd al-adna*): This applies to laws that set only a minimum limit, such as laws about permissible women for marriage (QS 4:22-23),

prohibited foods (QS 5:3; QS 6:145-156), debt transactions (QS 2:283-284), and women's clothing (QS 4:31).

- b. Upper Limit Only (Halah al-hadd al-a'la): This sets only a maximum limit, such as laws on theft (QS 5:38) and murder (QS 17:33; QS 2:178; QS 4:92).
- c. Upper and Lower Limits Simultaneously (Halah al-haddayn al-a'la wa al-adna ma'an): This sets both a minimum and a maximum limit, as seen in laws on inheritance (QS 4:11-14, 176) and polygamy (QS 4:3).
- d. Fixed Limit (Halah al-mustaqim): This is a rule with no alternatives; the amount is definite and cannot be lessened or increased, such as the punishment for adultery, which is one hundred lashes (QS 24:2).
- e. Limit Not to Be Breached (Halah al-hadd al-a'la li al-hadd al-muqarib duna al-mamas bil al-hadd Abadan): This applies to rules that emphasize avoiding close interactions with prohibitions without directly breaching Allah's clear boundaries, such as interactions between men and women that approach but do not constitute actual adultery.
- f. Positive Upper and Negative Lower Limits (Halah al-hadd al-a'la mujaban wa al-hadd al-adna saliban): This applies to human material interactions, such as the prohibition of usury (positive limit) and encouragement of charity (negative limit). (A. Abdullah, 2004)

Through the hudud theory, Syahrur seeks to demonstrate that Islamic teachings exhibit two types of movement: constant movement (*istiqamah*) and flexible, dynamic movement (*hanifiyyah*). The flexibility allowed within the hudud framework expresses human freedom while remaining bound by Allah's laws. Syahrur integrates modern scientific understanding to make Islamic law relevant and applicable in an empirical manner. He also applies a scientific historical method in formulating laws, although he tends to avoid classical Islamic literature in his pursuit of objective-positivist truth (Duderija, 2011). Although Syahrur greatly values the use of philosophy and the humanities in developing Islamic law, his approach has been noted to have certain weaknesses, particularly a tendency to employ natural sciences dogmatically in legal analysis. However, Syahrur's contribution to expanding the scope of Qur'anic

interpretation within a modern context can be appreciated as a successful effort to align the Qur'an's messages with the contemporary needs of the Muslim community.

4. Application Model of the Theory of Limits in Islamic Law

Syahrur applies the theory of hudud or limits to several issues in Islamic law to demonstrate the flexibility of Qur'anic verses within ever-changing socio-historical contexts. The application of this theory covers areas such as women's dress and modesty, marriage and polygamy, and leadership. Through this theory, Syahrur seeks to provide a relevant perspective for modern contexts without neglecting the fundamental essence of the laws outlined in the Qur'an.

a. Women's Dress and Modesty

Syahrur's perspective on women's dress and modesty begins with an etymological analysis of the word *libas*, which literally means "clothing worn" (QS Al-Kahf: 31 and QS Fatir: 33) and, in a connotative sense, can also mean "mixture" or "replacement" (QS Al-Baqarah: 42, QS Al-Furqan: 47). Syahrur interprets *libas* in a connotative context and sees that the Qur'an uses this term symbolically, as in the story of Adam and Eve in QS Al-A'raf: 22 and 27, which he suggests implies that clothing is not only about physical appearance but also moral and social protection (Syahrur, 1990).

Regarding women's clothing, Syahrur interprets QS An-Nur: 31 as a command to "lower some of their gaze" and "guard their private parts." He argues that the use of the word "min" (some of) in this command indicates a minimum requirement, suggesting that only part of one's gaze needs to be lowered according to the social and situational context. Syahrur adds that the minimal requirement for covering one's modesty (*aurat*) is the genital area, while the maximum requirement is covering the entire body except for the face and hands (Barlas, 2002).

Syahrur contends that the *jilbab*, known today as the *hijab*, is not an absolute religious obligation but rather a traditional adaptation to the climate and culture of Arab society during the time of revelation. Thus, the *jilbab* or *hijab*, according to him, has maximum and minimum boundaries. The maximum is to cover the entire body except for the face and hands, while the minimum is to cover the chest and genital area, referred to as *jujub* in QS Al-Ahzab: 59. Consequently, interpretations of clothing can vary based on social and cultural context (Syahrur, 2009).

b. Marriage and Polygamy

In the context of marriage, Syahrur identifies two main foundations: the sexual relationship (*mihwar al-'alaqah al-jinsiyah*) and the human and social relationship (*mihwar al-'alaqah al-insaniyah al-ijtima'iyah*). According to Syahrur, marriage is not merely a sexual relationship but also encompasses family, lineage, and shared life. He emphasizes that household life should not focus solely on sexual orientation but should include various social activities that involve balance between husband and wife (Asriaty, 2014; Fadl, 2001).

Regarding polygamy, Syahrur develops the theory of limits with two primary constraints: a quantitative limit (*al-Hadd al-Kamy*), which allows a maximum of four wives, and a qualitative limit (*al-Hadd al-Kalfy*), which permits marriage only to widows with children. Syahrur restricts polygamy to cases where the husband is concerned about not being able to act justly towards orphans under his care. If this condition is not met, polygamy is considered invalid. This condition is derived from the linguistic structure in QS An-Nisa: 3, which emphasizes the need to consider social and moral conditions in each form of marriage (Syahrur, 1990).

Syahrur views the polygamy of Prophet Muhammad as a practice related to the transitional conditions of his society, not a tradition to be followed today. He asserts that this rule serves as guidance (*ta'lim*) for early communities (*awwalun*) and is not prescriptive (*tasyri'*) for advanced societies. For Syahrur, the marriages of the Prophet were specific to their context and should not be regarded as a definitive model for Muslim marriages (Fadl, 2001).

c. Leadership

Syahrur's view on leadership in Islam is based on his interpretation of QS An-Nisa: 34, which raises the issue of male leadership over women. Syahrur analyzes the word pairs *adz-dzukur* (young men) and *al-inats* (young women), as well as *ar-rijal* (adult men) and *an-nisa* (adult women). He argues that the concept of leadership in this verse is not due to biological factors but rather qualities that develop with individual maturity, managerial abilities, and wisdom in society (Barlas, 2002).

Syahrur extends the understanding of leadership in Islam to various sectors, including management, education, law, and high-ranking positions such as head of state. He rejects traditional views that suggest male superiority in leadership is based on

biological or physical strength. With advancements in technology and society, these roles can be undertaken by anyone, whether male or female, as long as they possess adequate capabilities and qualities. According to him, leadership qualities such as *al-salihat* (piety), *qanitat* (wisdom), and *hafidat* (protection) are attributes not exclusive to a specific gender but can be found in women with leadership qualities (Syahrur, 2009). Syahrur interprets these leadership characteristics as potentials that vary among individuals, and female leadership does not contradict this verse. For Syahrur, the verse does not restrict leadership to men but provides important criteria for anyone in that role.

Thahir al-Syawwaf critiques Syahrur's thought, particularly his *Nazariyah al-Hudud* (Theory of Limits), with several key points summarized as follows:

1. Influence of Materialism and Historicism

Al-Syawwaf argues that Syahrur's theory is influenced by materialistic and historicist concepts. He perceives that Syahrur prioritizes human realities, such as customs and material needs, as the primary solution to societal issues. Consequently, al-Syawwaf accuses Syahrur of giving insufficient weight to Islam as a source for resolving contemporary problems.

2. Islam and Changing Times

While Syahrur emphasizes the adaptability of Islam to the changing contexts of time and place, al-Syawwaf criticizes this view, claiming it risks sidelining the Qur'an's role as the primary source of law. Instead, Syahrur's approach leans excessively on empirical and contextual needs, potentially undermining the timelessness of Islamic principles.

3. Positivism and Objective Truth

Syahrur asserts that his research aims to achieve objective truth, free from subjectivity. However, al-Syawwaf highlights elements of emancipation within Syahrur's framework, such as his emphasis on human freedom and breaking domination. These elements, according to al-Syawwaf, reveal underlying subjectivity in Syahrur's approach, challenging his claim to objectivity.

4. Critique of Syahrur's Hermeneutics

Syahrur's hermeneutic method is rooted in positivism, prioritizing scientific methodologies akin to those in natural sciences. Al-Syawwaf critiques this approach as overly reductionist, arguing it inadequately addresses the complex, spiritual, and

metaphysical dimensions of sacred texts. He contends that such hermeneutics fail to liberate humans from domination, as they overlook the broader subjective and socio-spiritual contexts.

5. The Paradox of Objectivity and Subjectivity

Although Syahrur aims to construct an objective understanding of the Qur'an, al-Syawwaf identifies a paradox: Syahrur's approach inherently carries subjective elements, such as his focus on freedom, dialogue, and anti-domination ideals. This paradox highlights the ideological underpinnings that influence his interpretation, despite his efforts to avoid subjectivity.

From Thahir al-Syawwaf's perspective, Syahrur's *Nazariyah al-Hudud* faces conceptual and methodological challenges. By grounding his approach in positivism and materialism, Syahrur is seen as falling short of offering an interpretative framework that fully liberates humanity—both structurally and spiritually. This critique underscores the necessity of balancing scientific objectivity with an acknowledgment of subjective and spiritual dimensions in the interpretation of sacred texts (al-Syawwaf, 1993).

Muhyar critiques Syahrur's *Nazariyah al-Hudud* (Theory of Limits) by highlighting fundamental weaknesses in its positivistic approach. He argues that Syahrur's Islamic legal theory leans too heavily on positivistic principles derived from the natural sciences. While this approach aims for objectivity, it often neglects the human and social complexities that shape legal and moral contexts. Consequently, the resulting legal framework becomes hegemonic and ideological rather than reflecting the *ushul fiqh* principles and fostering a civil (*madani*) and democratic ethos. He critiques Syahrur's underutilization of critical hermeneutics, which should serve as a tool for fostering dialogue between the interpreter (subject) and the text (object). Critical hermeneutics allows for participatory and reflective engagement, enabling a richer interpretative process that bridges the gap between the text and its readers. Syahrur's reliance on positivistic methods, however, limits the inclusivity and dialogical potential of his interpretations. He emphasizes that Syahrur's theory disproportionately applies methodologies from the natural sciences while sidelining approaches rooted in the humanities, particularly critical hermeneutics. Incorporating humanities-based methodologies would allow for a more inclusive and diversified process of legal

interpretation, one that respects societal diversity and integrates varied perspectives (Muhyar Fanani, 2005).

Although receiving much criticism, Syahrur's legal thought on the Theory of Limits has made a positive contribution to the development of Islamic law. Through the application of the hudud or limits theory, Syahrur presents a more dynamic understanding of Islamic law, unbound by rigid or absolute interpretations. This theory allows Islam to remain relevant and contextual to various social conditions and the progression of time, while still preserving the sacred boundaries established by Allah. Syahrur draws upon modern knowledge in the discovery of law and uses a scientific historical method to create laws that are more objective, aligned with the Qur'anic concept of boundaries. Though controversial, this effort reflects the potential of Islam as a flexible and adaptive religion, open to change without compromising its fundamental principles.

D. Conclusion

The condition of Muslims, whom perceived as having strayed far from Quranic values, led Syahrur to develop a scientific approach and a new reading method for the Quran. In his effort to create thought that is always up-to-date and relevant to the state of the Muslim community, Syahrur developed an interpretive method aimed at eliminating traditional interpretive habits that he saw as restricting creativity in understanding the Quran and obstructing the renewal of Islamic law in line with the changing context of the times. Syahrur implemented several key steps in his method: first, reinterpreting the muhkamat verses using the theories of synonymity rejection and hudud (boundaries); second, adopting a positivistic approach focused on seeking objective and empirical truths, with a firm stance of avoiding the influence of classical Islamic literature, which he believed tended to impede the renewal of Islamic law; and third, utilizing technical and mathematical sciences to understand Quranic laws in an effort to make interpretations of the sacred text more systematic, flexible, and less rigid—more universal and open to the evolution of the times.

To realize his ideas, Syahrur formulated the hudud theory (*nazariyat al-hudud*). Syahrur believed that the legal outcomes derived from Quranic interpretation are heavily influenced by socio-cultural context, necessitating continuous reinterpretation to synchronize the text with the realities within society. With his research focus on the

Quran, Syahrur viewed the Quran alone as sufficient as the primary source of law, making reliance on the Sunnah of the Prophet unnecessary. In his view, the Quran contains rules capable of addressing all of life's needs, positioning it as the sole primary legal source, complete and independent. Through this approach, Syahrur aimed to offer an Islamic legal renewal that is more relevant to social and cultural developments. However, his views on the exclusivity of the Quran as the sole primary source of law sparked controversy among scholars who believe that the Sunnah is an essential source in shaping Islamic legal structure. Despite this, Syahrur is confident that his scientific method, particularly through the theory of limits and the rejection of synonymity, can create space for legal reform that meets the demands of the times.

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