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LIMITING THE NUMBER OF POLYGAMIES TO REALIZE ECONOMIC JUSTICE: A HERMENEUTIC ANALYSIS OF MUHAMMAD SYAHRUR

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Abstract

Looking at the times, humanitarian problems have developed so complex, ranging from genetics, space exploration, education, interfaith relations, gender issues, human rights, and so on. The rapid development of the times makes Islamic sciences inevitably have to follow the flow of the times, and without exception the science of interpretation. The science of interpretation is required to always develop in the face of the complexity of humanitarian problems. It was here that the idea of the use of hermeneutics became a necessity for today's interpreters. Hermeneutics as a methodology in the interpretation of the Quran is

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considered quite important and urgent to do because hermeneutics does not only speak at the level of the text alone but also considers the context and role of subjectivity of an interpreter, so that by using the method of hermeneutics, interpretation or study of the Quran is expected to be able to become an actual contextual and answer the challenges of the times. The problem in this study is how Muhammad Syahrul's hermeneutic method in interpreting Quranic verses about Polygamy. **The purpose of the study** was to know and analyse Muhammad Shahrur's hermeneutics in interpreting Qur'anic verses about polygamy. **The research method** used in writing this paper is a qualitative research method through library research or literature review method using descriptive analysis writing method. **The results showed** that using his Limit Theory (Nadzariyah al-Hudud), Syahrur tried to reconstruct the understanding of polygamy by using quantity and quality standards together. In terms of quantity, the minimum standard limit for a person to marry is once (one wife), and the maximum limit is four wives. Islam allows a person to marry 4 (four) people together (polygamy), but in quality it is necessary to distinguish between the status of the first wife and the status of the second, third and fourth wives. For first wives (first marriages) one can marry a woman who is a virgin or widow whether or not she has children, but in a second, third, and/or fourth marriage (polygamy), the wife must be widowed and have orphans. So one cannot marry all one's wives in virgin condition, but on the contrary it is quite possible one marries wives who are all widows. This is in accordance with the main purpose of polygamy, which is to provide protection and protection and ensure the welfare and happiness of orphans living in intact families so as not to become homeless and avoid juvenile delinquency.

Keywords: Syahrul's Hermeneutic, Tafseer, Al-Qur'an, Polygamy,

Introduction

It is undeniable that the study of the Quran has always evolved since the Quran was revealed until now. The emergence of various books of tafsir that are loaded with various methods and approaches is clear evidence that to interpret the Quran never stops[1]. This is a necessity, because Muslims in their umm want to always make the Quran a dialogue partner in living life and developing civilization.

In the process of interpreting the Quran, a mufassir is required to master several branches of knowledge according to the rules of interpretation that have been agreed upon by Islamic scholars. One has no authority to interpret Kalamullah if one does not have sufficient capacity to become a mufassir[2]. The methodology of interpretation used must also be in accordance with the guidance of the Prophet s.a.w, the companions, tabi'in, and the latest scholars[3]. In other words, they are our main reference[4]. The first science born among Muslims was the Science of Tafsir[5]. It became possible and became a reality due to the scientific nature of the structure of the Arabic language.

The science of Qur'anic exegesis is important because it is truly the fundamental science upon which the entire structure, purpose, understanding, outlook and culture of the Islamic religion is built[6]. That is why al-Imam al-Thabari (d. 923 AH) considered it to be the most important of all knowledge and knowledge[7]. It is the science that deals with the holy book of the Qur'an in terms of its historical descent, its *sanad*, *adab*/how to read it, its *lafadz-lafadz*, its meanings, which relate to its laws and its wisdom[8].

Recently, however, Muslims have been shocked by attacks by liberal and secular currents of thought by both orientalists and Muslims influenced by Western thought. In the science of exegesis, hermeneutics arises. The science that was first applied in interpreting the Bible, was forced to be applied in interpreting various holy books, especially the Qur'an[9]. At the end of the 20th century the development of science and advances in science technology that provided a new discourse to examine the understanding contained in the Qur'an, although the various methods that have been offered by the *mufassir* until now have not found it. Among such methods is hermeneutics[10]. Hermeneutics is a method or philosophical theory for interpreting symbols related to texts in order to know their meaning and meaning. Hermeneutics began to be applied to the study of the Qur'an in the 19th century CE by Islamic scholars, but many scholars questioned it[11]. This is because it can cast doubt on the authenticity and sanctity of the Qur'an. In addition, hermeneutics has been used in interpreting the Bible in search of its true value. However, this is contrary to its use of the Qur'an which has been recognized as authentic.

Among the most famous Islamic scholars was Muhammad Shahrûr who offered a Contemporary study of the Understanding of the Text of the Qur'an (Qirâ'ah Mu'âshirah), he was a polemical figure, he was from Damascus, Syria[12]. There are scholars who reject the ideas he compiled such as Muhammad Sa'id Ramadan al-Buti, and there are also those who give positive responses such as Sultan Qaboos of the Kingdom of Oman.

In addition, there are those who consider this method of hermeneutics can damage tawhid, change the teachings of Islam because it breaks the understanding of the verse that is considered established, Qat'i and should not be debated anymore[13]. For this reason, it is necessary to study what exactly is meant by hermeneutics, when it appeared and how it developed and implemented in interpretation[14]. The formulation of the problem in writing this paper is how Muhammad *Shahrur's* hermeneutics in interpreting Qur'anic verses about polygamy? In line with these research problems, the purpose of writing this paper is to know and analyze how Muhammad *Syahrur's* hermeneutic method in interpreting Qur'anic verses related to polygamy.

Research Methods

The research method used in writing this paper is a qualitative research method or literature research, namely research based on literature books, magazines, articles related to the object of research[15]. The data source consists of primary and secondary data. What is meant by primary data in this study is the main data in the form of books needed to explore the discussion information studied[16]. The primary data are books and books that discuss the hermeneutic interpretation and polygamous interpretation of Muhammad *Shahrur* and the interpretation of the *mufassir* related to these issues[17]. While secondary data sources are additional and complementary data as supporting data related to research and discussion, such as supporting books related to the theme written

Findings and Discussion

Definition of Hermeneutics

Linguistically hermeneutics is a word taken from the Greek term *hermeneueim* derived from the Greek *Hermeneutikos*, which contains three basic meanings, first expressing, second explaining and third translating. Of the three meanings can be termed by interpretation, namely; Spoken pronunciation, explanations acceptable to reason and copying from one language to another[18]. In English, hermeneutics is known as hermeneutic or to interpret, that is, interpret, interpret and translate. In Arabic the equivalent meanings of hermeneutics are *Tafsir*, *Takwil*, *Sharh* and *Bayan*, although these translations are not fundamentally compatible at all[19]. In terms of language arrangement between the word *hermeneutics* (*hermeneutics*) and *hermeneutics* (*hermeneutics*) there is a difference in meaning, if *hermeneutic* is an adjective form, which indicates the nature found in the interpretation, while *hermeneutics* is a noun (noun) which means the science of interpretation[20], the science of knowing the meaning contained in the words and expressions of the author or special interpretation of scripture.

While according to the term *hermeneutics* is a new term that is academic, to interpret the purpose, understanding and purpose of an ancient text. Epistemology actually has a broad meaning and developed from the science of understanding language and text, the science of understanding scripture, then becoming a branch of philosophy[21]. Later this *hermeneutics* was developed into a methodology specifically for interpreting the Bible, the holy book of Christians. The question is, why did they build such a methodology? Because in the Bible they face problems with the texts of the Bible itself[22]. They know that this Bible was not written by the Prophet 'Isa 'alaihissalam whom Christians believe to be Jesus nor was it written by the disciples of the Prophet 'Isa 'alaihissalam, but was written by people who never met the Prophet 'Isa. So if we

look at the Bible new testament or new testament, there is the Gospel of John, the Gospel of Mark, the Gospel of Mathius, the Gospel of Luke and so on[23]. These were people who never met the Prophet 'Isa 'alaihissalam, but they wrote about the Bible and told about the life story of Prophet 'Isa 'alaihissalam.

Hermeneutic History of the Qur'an

Since the time of the Companions, the Qur'an has begun to be interpreted. Especially after the death of the Prophet when there was no place to ask questions because he had died and the verses of the Qur'an no longer came down, then a number of companions began to interpret the verses of the Qur'an[24]. Among the prophet's companions who were masters of exegesis were Ibn Abas and Ibn Mas'ud. Even Ibn Mas'ud had his own *mushaf* which was made into his personal collection[25]. This fact confirms that the role of interpreters has been involved since the early days of Islam.

The birth of Qur'anic interpreters is inevitable because the territory of Islam is expanding and life has interacted with other cultures and civilizations. The verses of the Qur'an no longer come down, but at the same time, events continue to emerge with increasing complexity. The answers to legal, moral, and cultural problems need to be answered by Islam which began to be embraced by nations to the farthest corners. This demands *ijtihad* and constant effort with how to interpret the Qur'an[26]. Thus, the discipline of interpretation grew to answer the social realities that continue to flood. These disciplines emerged with their own schools[27]. This means that interpreters have their own approaches, philosophical tendencies, and worldview choices that are very different from each other[28]. Thus, the Qur'an continues to be interpreted from time to time throughout the world in different languages.

The style of interpretation also varies depending on the methodology used. The social conditions, eras, history, and life experiences of the interpreters also determine the content of the interpretations created[29]. The question is whether the thousands of exegesis can all be accounted for? Do these interpretations replace the cessation of Allah's verses since the death of the Prophet of Allah? Are those interpreters God's mouthpieces? These questions are important due to the fact that some exegesis have shifted the message of the Qur'an so that it is often directed to meet the interests of its ideology and school[30]. No wonder then that some scholars fretted and wrote down standards of interpretation that could be scientifically accounted for[31]. However, standards of interpretation do not close the emergence of new interpreters[32]. They can reject the standards set by the *ijtihad* results of a particular *ulama* on the pretext that the *ijtihad* results of one scholar do not invalidate the *ijtihad* results of another scholar[33].

The next question is, why does the Qur'an need its interpreters? Because the Qur'an does not speak for itself. He speaks through people (the mufassir). Companions of Ali ibn Abi Talib once said *innamaa yuntiquh al-rijaal* (the Qur'an only speaks through humans)[34]. This means that the Qur'anic meaning is explored through reasoning of reason. The role of reason, therefore, is very important. Without reason, the meaning of the Qur'an cannot be understood. That is why, interpreters of the Qur'an must have adequate scientific qualifications in language, logic, social theories, directed to corner the Umayyads[35]. Or the interpretation of the *Umayyah* group that denounces the *ahlul bait*[36]. Also the birth of Sufism tafsir style, rational tafsir, and tafsir written to respond to modern times.

as well as hermeneutics. Modern interpreters, for example, must have the additional requirement of adequate knowledge of modern insights. In this line of argument it can be asserted that having language skills and memorizing all hadiths is not enough to interpret the Qur'an without knowledge of modern insights[37]. What would be interpreted if it were detached from its social contexts? It must be realized that the modern age is very different from the era when the verses of the Qur'an were revealed[38]. Therefore, sufficient sophistication is required so that the commentaries of the Qur'an do not speak on the wind far from its social contexts[39]. To a certain extent, the interpreters of the Qur'an actually use the principles of hermeneutics. They are trying to grasp God's intentions behind the texts of the Qur'an[40]. They also sometimes imagine meanings when all attempts to understand are deadlocked. Indeed, the mufassir provided materials for hadith, sunnah, opinions of the companions, character, and other necessary insights[41]. However, in the end they decide the available options based on a predetermined mindset.

There is indeed a view that a good tafsir is one that is explained by the verses of the Qur'an itself. Or by valid hadiths. But when the Qur'an is being referenced by global life with advances (minds, concepts, systems, technology etc.) as our time requires, it is necessary to expand meaning through what Mohamed *Arkoun* calls deconstruction[42]. Deconstruction here, of course, is not to deconstruct the text, but to dismantle the text to find the internal dimension of meaning so as to find a comprehensive abstraction of meaning[43]. In this sense, *hermeneutics* is necessary[44]. It is intended to enrich the method of interpretation that was originally solely theological-legal-formal to metaphorical or symbolic meaning.

It must be admitted that hermeneutics is a science born of Christian and Western traditions. Although some believe it was invented from the era of Aristotle, hermeneutics was popularized very scientifically at the beginning of the Enlightenment. The names of F. Schleiermacher, *Dilthey*, *Martin Heidegger*, Jack

Derrida, Michel Foccolt, H. G. Gadamer, Paul Ricour, Paul Palmer, Roland Barthers, and others were instrumental in introducing this science to the wider community[45]. Because its scientific merits are recognized by academics, it can be used as an alternative method of interpreting the Qur'an.

This contemporary Qur'anic hermeneutics began with the emergence of a renewal movement in the 18th century which turned out to have implications for the emergence of a new interpretation inspired by modernity such as Ahmad Khan, Amir Ali. Later in Egypt came Muhammad Abduh who offered an interpretation that rested on literary and social analysis[46]. The term hermeneutics is not yet known in the Islamic scholarly tradition[47]. It was only after the 1960s that serious figures emerged on the issue of methodological interpretation.

Although the emergence of Qur'anic hermeneutics began in the decade of 1960, but in fact it was not until 1970 that Qur'anic hermeneutics received wide acceptance precisely after Fazlur Rahman formulated his systematic hermeneutics known as the theory of double movement or alternating hermeneutics[48]. This method of alternating motion is applied by Rahman in his book *The Main Themes of the Qur'an* which is used in interpreting social and humanitarian verses[49]. As for eschatological verses he uses synthetic-logical methods.

Since the emergence of Rahman who formulated his Qur'anic hermeneutics became the starting point for the development of contemporary Qur'anic hermeneutics. Although the *hermetics* of the Qur'an was systematically introduced in the previous decade, it only gained wide acceptance after Rahman formulated his Qur'anic hermeneutics[50]. Furthermore, Fazlur Rahman has raised a new awareness among Muslims about how to interpret the Qur'an.

In addition to Rahman, there are also various hermeneutics patterns of the Qur'an introduced including Muhammad *Syahrur* with linguistic hermeneutics, Hassan Hanafi who is known for social hermeneutics because it is more oriented towards solving social problems[7], the *hermeneutka* of the liberation of Farid Esack and Asghar Ali Engineer, because it is oriented towards the liberation of Muslims from the oppression of the apartheid regime, and the feminist hermeneutics of Amina Wadud Muhsin because it is oriented towards the liberation of the people women of the patriarchal system, as well as Nasr Hamid Abu Zayd with inclusive hermeneutics.

Methods and Approaches in the Hermeneutics of the Qur'an

There is something quite basic that distinguishes between hermeneutics and previous methods of interpretation, namely hermeneutics can be said to move in three horizons, namely the author's horizon, the horizon of the text and the horizon of the receiver or reader or procedurally the hermeneutic step works on the area of text, context, and contextualization[51], both with regard to its methodological operational aspects and the epistemological dimensions of its interpretation[52]. While in classical exegesis, the area studied rests more on the text. As explained above, although embryonic hermeneutic approach in Islamic thought

In fact it already exists, but the scope of discussion is still very limited to the Bayani scholarly tradition and has not yet entered into the Burhani tradition. There are at least three basic assumptions in the interpretation of the Quran through a hermeneutic approach, namely:

- a. Interpreters are human beings. Anyone who interprets the text of scripture is an ordinary person who is bound by a certain time and space, which will affect the style of interpretation. With this assumption, the absolute verdict will be right and wrong interpretation is expected not to occur, thus leading to a critical understanding and analysis of the interpretation.
- b. Interpretation cannot be separated from language, history and tradition. So that the struggle of Muslims with the Qur'an is also in this "space".
- c. No text is unto itself.
- d. Interpretation of Quranic Verses on Polygamy Using Muhammad Shahrur's Hermeneutic Method[53].

Biography of Muhammad Syahrur

Muhammad Syahrur has the real name Muhammad Syahrur Ibn Dayb and was born on April 11, 1938 in Damascus, Syria. His father named Deys bin Deyb Syahrur and his mother Siddikah bint Salih Filyun, they were a happy family. His wife, Azizah, has five children and two grandchildren. His three children are married, namely Tariq and his wife Rihab, then Lays and his wife Olga, and Rima and her husband Luis. Two other children did not have a family, namely Basil and Mas'un, and two grandsons named Muhammad and Kinan[54].

Damascus was the first place where Muhammad Shahrur received education starting from the Ibtidayah, I'dadiyah and Tsanawiyah school levels.

In 1957 Syahrur successfully completed his primary and secondary education at the educational institution 'Abd Al-Rahman Al-Kawakibi, Damascus. In March 1958 Syahrur received a scholarship from the government to continue his education in Moscow, Soviet Union with a concentration in civil engineering studies (*handasah madaniyah*). A Diploma degree in civil engineering was obtained by Syahrur in 1964. The following year Syahrur worked as a lecturer at the Faculty of Engineering of Damascus University[1]. The university then sent Syahrur to Ireland, Ireland National University, to continue his Masters and Doctoral studies in the specialization of Land and Foundation Mechanics. Syahrur then earned a Master of Science degree in 1969 and a doctoral degree in 1972.

Syahrur was appointed as a lecturer at the Faculty of Civil Engineering of Damascus University in the field of Soil and Basic Earth Mechanics since 1972 until now. Syahrur was delegated as a civil engineering researcher at a consulate company in Saudi Arabia in 1982-1983. In 1995 he was invited to be an honorary participant in a public meeting on Lebanese and Moroccan Islamic ideas[10]. Basically, the basis of Shahrur's education was engineering and exact sciences, but he was also interested in studying the Qur'an self-taught and in-depth and using the philosophy of language and framed with exact theory. Syahrur also wrote books and articles on Islamic thought to respond to conflicting issues.

Social and Political Conditions of Syria

Syria is the birthplace and career of Muhammad *Shahrur*. The majority of Syria's population is Sunni Muslims which almost make up 70 percent and minorities are of Shi'a *Alawiyah*, Suwaydah, and Ismailiyah origin. Syria became an independent state in 1944 and before independence from 1517-1918 it was part of the Ottoman government[12]. Syria was a country that had been invaded by France and had been part of the Ottoman government of the *Turkiy* modernization movement. This historical fact clearly affected Syria and gave rise to figures who sought religious reform in Syria, such as al-Din al-Qasimi (1866-1914) and Tahir al-Jaza'iri (1852-1920).³⁰⁷

The Ottoman government carried out a reform known as The Tanzimat to deal with European society. The Tanzimat covers various aspects such as military, administrative, legal, and educational that emphasize modern knowledge and technical expertise. This then affected also in Syria. One of the figures who tried to carry out religious reform was al-Din al-Qasimi who offered how Muslims could combine rationality (reason), progress (progress) and modernity (modernity) within the framework of religion. Al-Qasimi criticized the tendency of Damascus scholars to treat the Qur'an and Sunnah as ritualistic discussions without re-digging for their true meaning. According to al-Qasimi,

the decline of Islam was due to the tendency of "taqlid" in understanding the joints of religion. This decline can be overcome by returning to the main sources of the Qur'an and the Sunnah and emphasizing the importance of *ijtihad*. Al-Qasimi's reform ideas were typical of early reformers' thought because they were influenced by his teacher, Muhammad Abduh.

The idea of al-Qasimi's reform was then continued by later generations such as Tahir al-Jaz'iri, Shukri al-Asali, Abdul Wahab al-Inklizi and Salim al-Jaza'iri. The tendency of their movement is more on improving the educational aspect. This phenomenon proves that Muslims in Syria already know the existence of a tradition of renewal and are actively involved in it. Syahrur's thought can be said to be a continuation of the tradition of renewal thought from his predecessor. Differences in place and time cause the challenges faced are also different, so it is inevitable that there are different patterns of reform that will be initiated by a figure.

Islamic thought has now entered the contemporary era, especially Islamic intellectuals in Arabia. Contemporary has the meaning of contemporary or present, present era or current prevailing. The contemporary era in the Islamic world, in particular, is characterized by self-awareness or self-criticism of the challenges to face modernity and the demands of tradition (*turats*). *Turats* is a term that has become a key word in entering the discourse of contemporary Islamic thought. The examples of Islamic thinkers attached to the project are Hasan Hanafi, Muhammad Arkoun, and M. Abed al-Jabiriy.

Hasan Hanafi pursued the project of Islamic civilization (*mashru' nadlawi*) called the project of tradition and renewal (*al-Turats wa al-Tajdid*). The project is divided into three agendas: "our attitude towards old traditions", "our attitude towards the West", and "our attitude towards reality". Each of these three attitudes is elaborated in each of the different writings and books. The introduction to the Hanafi project is contained in the book entitled *al-Turats wa al-Tajdid* and the three attitudinal agendas that are the subject of the project are entitled *Min Aqidah ila al-Tsawrah*; *Muqaddimah fi Ilm al-Istighrab*; and *Manahij al-Tafsir: Muhawalah fi Ilm al-Ushul al-Fiqh*.

Muhammad Arkoun in looking at *turats* he used historicism methods based on the formulations of French structuralist Western thinkers such as De Saussure (Linguistics), Levi's Strauss (Anthropology), Lacan (Psychology), Barthes (Semiology), Foucault (Epistemology), and Derrida (Gramatology). According to him, a *turats* is formed and standardized in history so that to read it a historical framework called historicism is used[20]. The purpose of reading texts, especially sacred texts, is an effort to appreciate the text in the midst of changes that continue to occur. The effort made by Arkoun and other reformers

is to harmonize tradition with modernity by using new methods so that religious teachings derived from sacred texts must remain relevant to all circumstances[55].

The project initiated by al-Jabiri is known as the "project of criticism of Arab Reason (Masyru' Naqd Aql Arabiy)". In the project, al-Jabiri emphasized the importance of critical historical studies and the necessity of presenting turats that fit modernity. According to him, turats should be read using the framework of modernity, not the other way around, namely measuring modernity in terms of turats.³⁶ Based on the ideas of the figures described earlier, contemporary Islamic thought has reconstructive and deconstructive tendencies[56]. This was a necessity as a form of Muslim intellectual interaction with the West in the Psmo era. This kind of anxiety was also felt by Syahrur as stated in his monumental work. Shahrur also spoke of turats, something that is central to contemporary Islamic thought. The discourse of contemporary Islamic thought significantly influenced Shahrur's thought.

The main concerns of religious thinkers are humanitarian issues, human rights, the relationship of religion to the state, democracy, relations between Muslims and non-Muslims, and the epistemology or new fiqh. Arkoun, Hasan Hanafi, Shahrur, al-Jabiri, Abu Zaid, Rahman are thinkers who are on one line, what distinguishes them is how they respond to these problems[57]. They see humanitarian problems that occur at the national level, and they individually look for the source of the cause of the problem, including the conclusion that it is the result of the confinement of the people by past thoughts[58]. The method used by Shahrur was not by dismantling its sacredness, but by doing a new interpretation of the Bible with classical methods that had been chosen and then polished to a new appearance.

Examples of Interpretation of Qur'anic Verses on Polygamy by Muhammad Shahrur

One example of a verse of the Qur'an whose interpretation is motivated by the hermeneutic method. Among them are interpretations adapted to the social context and history of the present. This step requires a careful study of the present situation and its analysis to enable judgment to be made and change the current situation according to the needs and determine the priorities in best implementing the values of the Qur'an[59]. An example for this context-based description is M Syahrur's Hermeneutics on Polygamy:

Syahrur said that polygamy is a "special help" that Allah prioritizes, because polygamy has many benefits for the benefit of the people, even though special assistance is only given to those who can afford it[60]. For those who are

indigent, God does not give such special assistance or does not give such special assistance or does not give authority to practice polygamy.

The talk about polygamy always refers to the Qur'an Surah An-Nisaa verse 3.

This verse can be said to be the only verse that talks about the theme

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَعْتَىٰ وَتِلْكَ وَرُبَعٌ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَٰلِكَ أَدْنَىٰ أَلَّا تَعُولُوا

"And if you fear that you will not be able to do justice to an orphaned woman (if you marry her), then marry those (other) women you please: two, three or four. Then if you are afraid that you will not be able to do justice, then (marry) only one, or the slaves you have. That is closer to not persecuting."

In interpreting the 3rd verse of Surah an-Nisaa, *Shahrur* does not separate the previous verses, namely the 1st and 2nd verses. According to him, these three verses have nuances of brotherhood (*silaturahmi*), humanist, and lay all the foundations of social life in one creation. Likewise with the verses after it, namely the 4th, 5th and 6th verses[61]. The disclosure of alms and dowry, as well as the care and maintenance of orphans' property is a theme that boils down to how to protect orphans which is an indicator for the principles of brotherhood, humanism and brotherhood in Islam[62]. Therefore, according to *Syahrur*, the discussion about polygamy must be related to the theme of caring for orphans.

According to *Syahrur*, an orphan is a child who is left dead by his father. The translation of the verse "And if you will not be able to do justice to orphans...", according to *Shahrur* shows the permissibility of polygamous behavior, namely by marrying widowed mothers. Next sentence; "...then marry the women you please...". *Khitab* in the verse is addressed to those who have married a woman and have children. Because, it is not polygamy for bachelor men who marry widows who have orphans. Because in the next sentence it says "... two, three, or four...".

In analyzing sentences; "... *Ma Thaba Lakum*..." (women you please), *Shahrur* affirms that the word "*thaba*" indicates Allah's glorification and reverence for women. In the context of the widows losing their support and bearer (husbands), the word seems to raise the woman's "bargaining price." This is different if God expresses it with the phrase "... *Fankihu Ma Shi' tum*..." (Marry the widows as you please), even though the expression is needed by the widows very much. This subtle expression of feeling is intended by God as an attempt to respect marital matters[63].

But in the last sentence it is stated: "... Then if you fear that you cannot do justice, then marry only one, or the slaves you have. It is more effective in anticipating abuse." This sentence offers another offer to people who cannot afford polygamy because of concerns that they will not be able to do justice to their wives and orphans. The justice referred to in this sentence is closely related to concern for orphans and their wives in a social context, not justice in biological terms, as many scholars understand[64]. Through his Limit Theory (*Nadzariyah al-Hudud*), Shahrur grouped that the problem of polygamy falls into the third stage of limit theory, namely the existence of a minimum limit (*al-hadd al-adna*) and a maximum limit (*al-hadd al-a'la*). The minimum limit of a marriage is a wife. This means that the actions of a person who falls below this minimum limit are not permissible in Islam. Like a monk or any motive that caused him not to marry. While the maximum limit is set so that a person does not have more than 4 (four) wives, but the maximum must be 4 (four) only. Because actions that exceed the maximum limit will complicate and burden life, and can interfere with one's attitude of justice.

In the first marriage, one can marry a virgin or widow, whether one has children or not. A person who does not choose to marry in his life is completely against the teachings of Islam. God's creation of His life and creatures in pairs is integral to the glory of human life, and indicates that man's need for a partner is *sunatullah*. A person's marriage to his first wife is the minimum that a human being must do. The human desire to practice polygamy is also permissible by Islam, as long as it does not exceed 4 (four) wives, and with the condition that it must be a widow who has orphans[65]. *Syahrur* uses quantity and quality standards in studying the problem of polygamy. Quantity standards are set to determine the number of women who may be married. The minimum limit for women who can be married is 1 (one), while the maximum limit is 4 (four). This is very clearly mentioned in the above verse (... *matsna wa tsulatsa wa ruba'* ...), and the clarity of that ability is not "disturbed" by other verses that forbid it. This shows that the standard quantity for polygamy is 2 (two) to 4 (four) wives simultaneously.

The quality standard of polygamy, according to *Syahrur*, means that for someone who marries a woman as his first wife, there is no quality stipulation that the woman must be a virgin or widow, whether a widow has children or not. Quality standards are set differently for polygamists seeking to marry second, third, or fourth, where the status of the wives must be widowed women with orphans. Thus, a polygamy may not marry his second, third, or fourth wife who is a virgin woman.

To clarify *Shahrur's* thoughts on polygamy, it is necessary to present a picture of the Limit Theory (*Nadzariyah al-Hudud*), using the following standards of quantity and quality:

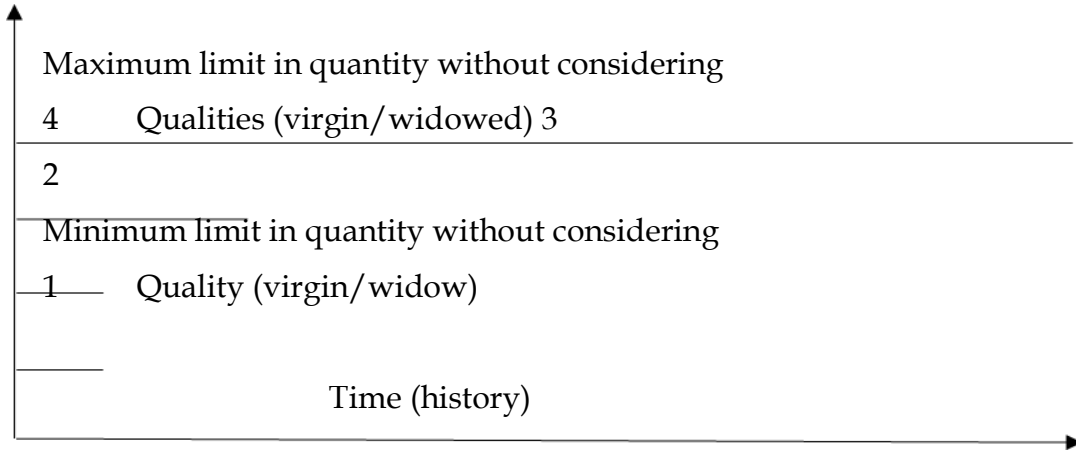


Figure 1

Figure 1 above is a reality that occurs in Islamic *fiqh* discourse, and has been applied since the time of the Prophet (peace be upon him) until now. In the picture, quantity restrictions are not accompanied by quality provisions. In quantity, a man can have 1 (one) to 4 (four) wives. As for quality, the status of women married for the first to fourth time is not distinguished, widow or virgin. This means that one can be polygamous with women who are all virgins or all widows. There is nothing to distinguish his wife's status. This has been the case in the understanding of Islamic societies throughout history.

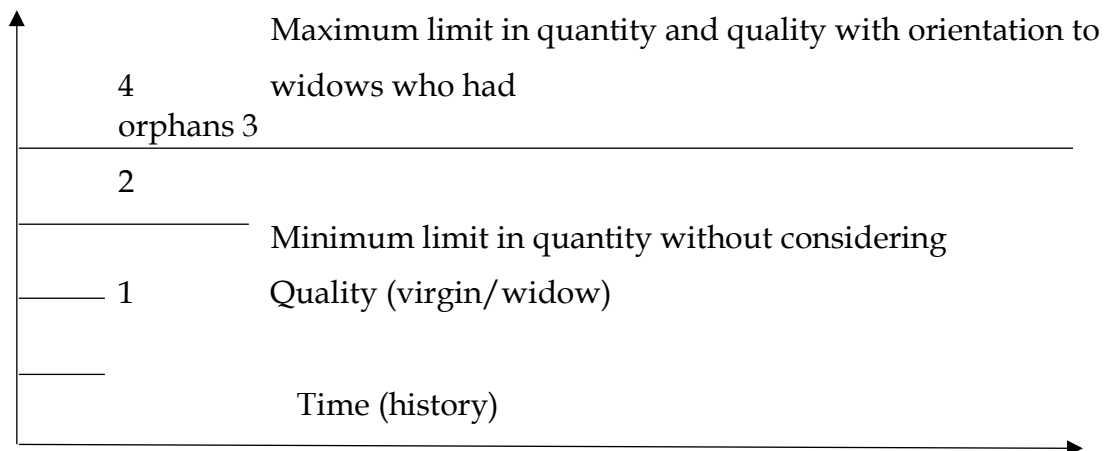


Figure 2

In figure 2, *Syahrur* tries to reconstruct the understanding by using quantity and quality standards together. In quantity, Islam only allows *polygans* to have 4 (four) wives, but in quality it is necessary to distinguish between the status of the first wife and the second, third and fourth wives, the status of the second, third and fourth wives must be widows who have orphans. So one cannot marry all one's wives as virgins, but on the contrary it is quite possible for one to marry wives who are all widows.

In the Limit Theory (*Nadzariyah al-Hudud*), *Shahrur* which is then clarified by the existence of these quantity and quality standards, in the end it can be underlined that a person can practice polygamy as long as he meets two conditions, namely: (1) the second, third and fourth wives must be widows who have orphans, and (2) must have a fear of not being able to do justice to their children, both their own children and orphans brought by their wives.

Some of these requirements were set by *Shahrur* on the grounds that the verse that mentions the permissibility of polygamy, QS: an-Nisaa (4:3), clearly implies the importance of attention to orphans. After all, an orphan will live in neglect if there is no father who can be used as a support for his life and future. The existence of several childcare centers and adoption models, according to *Syahrur*, cannot guarantee the lives of orphans to be happy, because they are separated from their mothers, and they do not live in intact families. Allah affirms the permissibility of polygamy as evidence that the best solution to the problem of caring for orphans

is by providing protection from the figure of the parent (father), provided that the action is based on the principle of protection which is the central theme of the verse that allows it. The principle of justice also plays an important role in this. Because, justice in question is not only justice in dividing love for wives, but more importantly justice in distributing attention, affection, and fulfillment of material needs to orphans, until they grow up and fulfill all their ideals. Therefore, for someone who wants to practice polygamy, it is necessary to prepare themselves and measure their abilities, not only the ability to meet biological needs by marrying more than 1 (one) wife, but also the ability to provide justice in the care and care of their children. In this case, *Syahrur* concluded that in fact the order of polygamy would be able to describe the various social difficulties experienced by women in social life. He mentions at least three benefits of polygamy: (1) the presence of a man by the side of a widow who will be able to look after and nurture, so as not to fall into heinous acts that can ultimately affect the life of her child, (2) the multiplication of safe shelters for orphans in which they grow and are educated, and (3) the presence of the mother

by the side of their orphaned children who can always educate and look after them. All of these can protect and protect children from becoming vagrants, and to avoid juvenile delinquency.

Conclusion

Based on the descriptions of the research above, the following conclusions can be drawn:

1. Syahrur's conception of polygamy focuses on nurturing, nurturing, and protecting children. This can be seen from the results of his analysis which is studied through verses related to polygamy. Through his Limit Theory (*Nadzariyah al-Hudud*), *Shahrur* said that the minimum limit for the number of marriages is once (one wife), and the maximum limit is four wives. Such options must be measured through quantity and quality standards. For the first marriage the wife can be a woman who is a virgin or a widow, but in the second, third, and/or fourth marriage, the wife must be a widow who already has orphans. Quantity determines quality. This is in accordance with its main purpose, namely the protection and protection of orphans. Therefore, polygamy can be applied if it qualifies: the second and/or subsequent wife is widowed and has orphans, and the man (husband) can do justice to his children and the children brought by the widow.
2. Polygamy is more likely to ensure a child's well-being and happiness than childcare or adoption. Because children can live in a complete family. Through polygamy, *Syahrur* believes there are several benefits, namely: (1) having a man by the side of a widow will be able to keep and nurture her from falling into heinous acts that can ultimately affect her child's life (2) providing a safe haven for orphans where they grow up and are educated in it, and (3) the presence of the mother by their children's side

Credit author statement

Udin Saprudin: Conceptualization, Methodology, Writing - review & editing, Supervision, Project administration. **Junaedi:** Methodology, Writing - review & editing, Investigation. **Kerwanto:** Conceptualization, Methodology, **Dito Anurogo:** Writing - review & editing, Investigation.

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