



QiST: Journal of Quran and Tafseer Studies

ISSN (Online): 2828-2779

Received: 04-07-2024, Revised: 12-10-2024

Accepted: 17-10-2024, Published: 18-10-2024

DOI: 10.23917/qist.v3i3.5737

Contextual Interpretation (Study of Epistemology, History, Variety of Books and Examples of Interpretation)

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Abstract

In the last few decades, interpretation with a contextual approach has begun to occupy a central position in the paradigm of interpreting the Qur'an. This is because the classical method of interpreting the Qur'an which is static and more textual is considered no longer compatible in responding to the reality of the era which is developing very complexly. This paper utilizes the library research method to examine the epistemological reasoning of contextual interpretation. The results of this study found that contextual interpretation is a form of approach in interpreting the Qur'an which starts from the argument that every text has a context that binds the meaning behind it. Thus, the meaning of a text of revelation (God's message) will only be found if an interpreter has a deep understanding of its context, then translated and elaborated based on the reality faced. In a different expression, contextual interpretation cannot be separated from the understanding of three horizons, namely between text, context, and contextualization.

Keywords: *The Qur'an; interpretation; contextualization.*

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Introduction

In the tradition of Islamic scholarship, in this case the tradition of interpreting the texts of the Qur'an, it is known that there are various books of interpretation that have been successfully formulated, of course these books have their own characteristics and traits according to the tendencies of the interpreters of the texts of the Qur'an, whether with a *fiqh*, literary, theological, Sufi style, and there are still various other styles and methods[1]. However, one thing that needs to be underlined is that, despite the various styles and methods used in the process of interpreting the texts of the Qur'an, the main goal that is to be achieved in the interpretation process is how to make the texts of the Qur'an, which are the words of God, comprehensively understood by humans (as the word of God in the revelation of the verses of the Qur'an) from all dimensions of human life and how the texts of the Qur'an as the word of God can position themselves as guidance and always be proactive in answering the problems of the people[2].

It must be admitted that the products of interpretation initiated by pre-modern scholars have received many negative responses from scientists and activists who fight for equality in the social sphere. In addition, not a few of these activists argue that the Qur'an is only a support for studying certain communities that existed during the prophetic period, in other words, the position of the Qur'an is only limited to "historical documents"[3]. This then spurred contemporary thinkers to formulate an idea related to the method of interpreting the texts of the Qur'an which could answer the questions that arose from the concerns behind it, one of which was the emergence of the epistemological reasoning of contextual interpretation, namely the process of interpreting the verses of the Qur'an which are relevant to the development and reality of the people.

Method

In the interests of maintaining data validity and facilitating research, a research method is needed. This paper is compiled using the library research method, which is a research model that uses various literature, books, documents, books, and scientific articles and journals as references and data sources, both literature that is directly related or indirectly related to the main theme in this paper.

Result and Discussion

Definition and Epistemology of Contextual Interpretation

According to Abdullah Saeed, interpretation with a contextual approach is an interpretation that views the Qur'an as a source of practical guidance that must be applied differently in different situations and is not viewed as a rigid legal package[4]. In a different expression, interpretation with a contextual approach can be understood as an approach in an effort to explore the meaning of the text of the Qur'an which starts from an understanding of the context that includes the revelation which is then elaborated by translating the message and meaning contained in the revelation into contemporary reality[5].

In this regard, proponents of contextual interpretation argue that scholars are required to be aware of the differences in social, political, and cultural contexts in the era of revelation and the social settings in which interpretation occurs today[6]. The contextual approach requires a broader scope in interpreting the Qur'an and questions the products of interpretation and legal formulation in previous periods[7]. This is because there is a difference between the reality that occurred in the past and the reality that occurs today[8].

Interpretation with a contextual approach is certainly different from textual interpretation that has existed since the pre-modern era. If contextual interpretation is more about searching for meaning and messages contained in a revelation and is more reformist, textual interpretation relies more on referential theories and focuses more on linguistic descriptions compared to social analysis that surrounds a revelation[9]. In other words, textual interpretation is more static when compared to contextual interpretation[7].

In the epistemology of contextual interpretation, there are several things that need to be considered:

a. Processing text

The text referred to in this case is revelation, or in general can be called "God's message." The main thing that needs to be established before processing the text is an understanding of the concept of revelation in which there is a hierarchy based on its level. *The first stage*, namely the stage when the revelation process is still at the supernatural level (from the tablet of the *mahfuzh* to Gabriel). At this stage, revelation is still abstract and absolute[10]. *Second*, the stage of revelation where revelation is pronounced in a human context and spoken in Arabic and adjusted to diverse and pluralistic socio-historical conditions. From here, the word of God becomes part of the norms, customs and habits of the community around the Prophet. *Third*, revelation begins to occupy a part in human life (actualization of revelation occurs)[11]. *Fourth*, the meaning of revelation is elaborated based on the context of the times faced[7].

Next, namely understanding the linguistic elements of the text, in this case understanding Arabic[12],[13]. By understanding the language of the Qur'an, an interpreter can understand the meaning, wisdom, and laws contained in the Qur'an. In processing the text, as mentioned by Fahrudin Faiz, there are three models of text interpretation as follows:

First, morphological interpretation, which explains the form of words (nouns, verbs, and articles). *Second*, syntactic interpretation, which focuses on the literal meaning and figurative meaning, terms with one meaning or multiple meanings, vague and clear meanings, apparent and invisible meanings, and general and specific meanings. *Third*, lexicological interpretation, which is an interpretation that starts from the argument that every word has three types of meaning, etymological meaning, which is the meaning of the word in the world (which guarantees revelation as a reality), so that with this etymological meaning, metaphysical, theoretical, and formal interpretations can be prevented from appearing[14]. Next is the ordinary meaning, which is the meaning that binds revelation to the context of word use in a society, or in a space and time, this meaning is what makes revelation appropriate to a specific situation[15]. The last meaning is a new meaning that arises from a revelation, this new meaning is not contained in the etymological meaning or the ordinary meaning[13].

b. Considering the Context

Quoting from Aksin Wijaya, the Qur'an in the form of the Uthmani Mushaf no longer functions as something alive as it did in the early days of revelation. He borrowed Ali bin Abi Thalib's statement: "... Now it has become a dead text". In other words, the values contained in the Qur'an can live if humans always bring it to life, namely by exploring its meaning through the process of interpretation[2][16]. However, in the interpretation process, especially in contextual interpretation, there is one thing that is no less important and cannot be left out in the process, namely understanding the context, because basically the interpretation process (in this case the epistemological reasoning of contextual interpretation) does not stop at the content of the text, but also requires an understanding of the historical setting of a text[13].

As in various literature, especially in linguistics, every text is always bound by context, be it linguistic context, situational context, cultural context, and so on. The urgency of understanding the context in formulating an interpretation is that most of the contents of the Qur'an are bound by religious conditions, customs, and worldviews or world views of the place where the Qur'an was revealed. In the treasury of Qur'anic interpretation, the branch of science that studies the socio-historical conditions of the text is called *asbâbun nuzûl*[13].

c. Contextualization: Attempts to reproduce meaning

According to Abdullah Saeed,[7] in contextual interpretation, there is a hierarchy of values in the Qur'an that needs to be understood before contextualizing the text of the Qur'an. *First*, obligatory values, namely verses that are mandatory and absolute, namely the text includes verses from the Mecca and Medina periods, such as verses regarding the pillars of faith, the pillars of Islam, and the issue of halal and haram[17]. *Second*, fundamental values, namely values that are repeatedly emphasized in the Qur'an and become the main concept of the revelation along with the essential things behind it, such as the values of justice and welfare, or *kulliyat al-khams* contained in *maqâshid al-syarî'ah*[7].

Third, protectional values (protection values), these protection values are values that are within the scope of fundamental values, and are steps that need to be taken to realize fundamental values[7]. For example, if the protection of property rights is a fundamental value, then the prohibition of stealing and its punishment are included in the values of protection[18]. *Fourth*, implementational values (implementational values) are legal measures of protection values, for example the punishment of cutting off a hand or imprisonment for perpetrators of theft[7]. The last value is instructional values, namely a number of instructions, directions, and advice that are specific in the Qur'an that relate to various situations, conditions, and specific contexts[19]. For example, the command to practice polygamy in certain conditions or the prohibition against making Jews as friends.[18]

Based on the hierarchy of values that have been described above, according to Abdullah Saeed, there are three values that are not within the scope of the contextual approach, namely obligatory, fundamental, and protective values. Contextual interpretation only highlights the last two value hierarchies mentioned, namely implementational and instructional values[20]. This is because these three values depend on the role of humans and will continue to require *ijtihad* in their application, in accordance with the flow of developments in the era and the context faced by humans[21].

According to Abdullah Saeed, in contextualization efforts, there are two main tasks that need to be done, namely identifying the basic messages of a text that can be understood by looking at its context at that time, then translating the message and applying it to the current context[22]. In this case, the universal messages contained in a text are referred to as the connecting context. It should be noted that the context in Abdullah Saeed's view can be divided into two, *the first* is the macro context (socio-cultural conditions that include cultural, political, economic, and other conditions)[23]. *The second* is the context of specific events that occurred when the revelation was revealed, in Abdullah Saeed's terms it is called the micro context, or what is known in the Islamic scientific treasury *asbâb al-nuzûl*[24].

Contextual Tafsir Books

Looking at the epistemology that has been explained in the previous discussion, definitively the contextualization of verses can be depicted from the main ideas of Abdullah Saeed. Implementational values and instructional values are crucial points in the idea of contextualization of verses[25]. Saeed specifically mentions modernist figures who poured the idea of contextualization of verses into their tafsir, including: Fazlur Rahman, Amina Wadud, Muhammad Shahrur, Muhammad Arkoun, and Khaled Abou El Fadl[26].

However, if we look at a glimpse of history, efforts to contextualize the verses of the Qur'an have been made since the time of the Prophet Muhammad Saw., where the Prophet Saw. used context (*as-siyâq*) to avoid misunderstandings in a listener (*as-sâmi'*), for example the story of Aisyah r.a. who was confused about the context of the verse in Q.S. Al-Mu'minun [23]:60.[27]

وَالَّذِينَ يُؤْتُونَ مَا آتَوْا وَقُلُوبُهُمْ وَجَلَةٌ أَنَّهُمْ إِلَىٰ رَبِّهِمْ رَاجِعُونَ^{٢٧}

“And those who dispense their charity with their hearts full of fear because they will return to their Lord” [28]

According to Aisha r.a., people who are worried “*wa qulûbuhum wajilatun*” when facing Allah SWT. are people who commit sins by stealing and drinking alcohol. Then the Prophet Muhammad Saw. explained that the context of the verse is not as Aisha r.a. understood. The verse explains the worries of people who diligently pray, fast, and give alms, but Allah SWT[29]. rejects their deeds. The Prophet Saw. explained the context of the verse using the context of the next verse “*ulâika yusâri'ûna fi al-khairât*” that Allah SWT will not reject, and will hasten goodness to them[30].

أُولَٰئِكَ يُسَارِعُونَ فِي الْخَيْرَاتِ وَهُمْ لَهَا سَابِقُونَ

“It is these who hasten in every good work and these who are foremost in them.” [28]

This interpretation also looks at how the second Caliph Umar Ibn Khattab r.a. responded to the command to give zakat to anyone who is entitled to receive alms (zakat) in Q.S. AT-Taubah [9]: 60.

إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَرَمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ

“Alms are for the poor and the needy and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to truth); for those in bondage and in debt; in the cause of Allah; and for the wayfarer: (thus is it) ordained by Allah and Allah is full of knowledge and wisdom” [28].

During the time of the Prophet Saw. until the first caliph, Abu Bakr r.a. The people referred to as “*muallafatu qulubuhum*” in the verse above are non-Muslim citizens or infidels who are soft-hearted by not attacking and fighting,

and even showing defense and assistance to the Muslim country (Muslim people), then they are entitled to receive[31].

Then, during the reign of the second caliph, Umar Ibn Khattab r.a., the giving of zakat to "*muallafatu qulûbuhum*" was abolished. The caliph's consideration in this case was the change in the socio-cultural context. The Islamic state during the time of Umar Ibn Khattab r.a. was strong and no longer needed their support[32]. Umar Ibn Khattab argued that the Qur'an had given their share when Islam was still weak and their loyalty was still needed in Islam. If the reason (cause) has been lost, then the right to receive zakat for non-Muslims has also been removed[31].

Likewise, we can see the contextual interpretation of the attitude of the fourth caliph, Ali Ibn Abi Thalib r.a. when a question was asked about the attitude of a believer towards an infidel, considering the An-Nisa' [4]: 141.

الَّذِينَ يَتَّبِعُونَ بِكُم مِّنَ اللَّهِ فَإِنْ كَانَ لَكُمْ فَتْحٌ مِّنَ اللَّهِ قَالُوا أَلَمْ نَكُنْ مَّعَكُمْ وَإِنْ كَانَ لِلْكَافِرِينَ نَصِيبٌ قَالُوا أَلَمْ نَسْتَحِذْكُمْ عَلَيْهِمْ وَنَمْنَعُكُم مِّنَ الْمُؤْمِنِينَ ۖ فَاللَّهُ يَحْكُمُ بَيْنَكُمْ يَوْمَ الْقِيَمَةِ ۖ وَلَنْ يَجْعَلَ اللَّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلًا ۚ

"These are) the ones who wait and watch about you: if ye do gain a victory from Allah they say: "Were we not with you?" But if the unbelievers gain a success they say (to them): "Did we not gain an advantage over you and did we not guard you from the believers?" But Allah will judge betwixt you on the Day of Judgment. And never will Allah grant to the unbelievers a way (to triumph) over the believers." [28].

Ali bin Abi Thalib answered the question with the answer "approach him... approach him!!!" in another narration so that the questioner would lower his voice, because Allah SWT has promised this on the Day of Resurrection[33]. The important message is that Ali bin Abi Thalib r.a. wanted to invite believers to be able to act moderately in human relations with harmony and peace.

Thus, the history of contextual interpretation of the Qur'an has occurred in the early days of Islam, from the time of the Prophet Muhammad SAW. until now. However, as a separate discipline in the interpretation of the Qur'an, the contextual interpretation approach was born in the modern era. This is in line with the opinions of Abdul Mun'im, ad-Dzahabi, as-Syarqawi, and Syukron Affani, who argue that the era of the revival of interpretation is the era of modernity (*al-'Ashru al-Hadîst*) which has the characteristics of a method that is adjusted to the context of the development of modern science in revealing the meaning of verses in order to solve human problems[34].

Some of the tafsir books that the author categorizes as part of the tafsir books that use a contextual approach are as follows:

a. *Tafsîr al-Qur'ân al-Karîm and Tafsîr al-Mannâr*

During the revival of interpretation, contextualization of verses was carried out by famous interpreters, namely Muhammad Abduh and Rasyid Ridha in their books *Tafsîr al-Qur'ân al-Karîm* and *Tafsîr al-Mannâr*, which are known as pioneers of the revival of the methodology of interpreting the Qur'an[35]. This is in line with Munawir Sjadzali's view in the paradigm of the reactualization of Islamic law contained in the book "*Ijtihad dalam Sorotan*" and "*Bunga Rampai Wawasan Islam Dewasa ini*"[36].

In the book, Munawir Sjadzali is of the view that Muhammad Abduh has invited adults to better understand the interpretation of the Qur'an by adjusting it to the context and intellectual level of society which may differ due to developments in the era[37]. Muhammad Abduh recommends that the Qur'an be studied directly and understood in accordance with a contextual approach that takes into account the conditions of the revelation of verses, linguistic aspects, the history of the culture of society when the text of the Qur'an was revealed, and the history of the development of the culture of society in general[38].

In the book *Bunga Rampai Wawasan Islam Dewasa ini*, Munawir Sjadzali quotes a little of Muhammad Abduh's opinion in a paper entitled *al-Islâh ad-Dîniy* which states that humans must be able to free their minds from the shackles of *taqlîdu al-A'ma* and dare to understand religion using reason[39]. Munawir Sjadzali also quoted Rasyid Ridha's opinion which stated that legal products born from the Qur'an are intended for the welfare of humanity, while human welfare and interests always develop over time, so it is very possible to adapt the law to the conditions or context of local society[39].

An example of contextual interpretation can be seen in the interpretation of Q.S. An-Nisa' [4]: 34 about the leadership of a man over a woman, "*ar-Rijâlu qawwâmûna 'ala an-Nisâ'*".

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۚ فَالصَّالِحَاتُ قَنَاطٌ لِلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۚ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ۚ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

"Men are the protectors and maintainers of women because Allah has given the one more (strength) than the other and because they support them from their means. Therefore the righteous women are devoutly obedient and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct admonish them (first) (next) refuse to share their beds (and last) beat them (lightly); but if they return to obedience seek not against them means (of annoyance): for Allah is Most High Great (above you all)"[28].

According to Abduh and Rasyid Ridha, the verse was revealed due to the socio-cultural conditions of society, where men are responsible for the protection,

protection, sufficiency, and education of women in the household. The term *qawwâm* does not mean oppression or discrediting all actions of women that must be in accordance with the wishes of men, on the contrary *qawwâm* is manifested in the form of direction, advice, and protection for women[40]. With protection, sufficiency, direction, guidance, and advice, the status of women is honored and becomes equal to men which in the time of ignorance women did not get.[41] Abduh and Ridha likened men to heads and women to bodies that are not to be proud of and burden each other. The superiority (leadership) of men is limited and not in all aspects, it is proven that many women are superior in knowledge and work[41]. So, contextually, the function of this verse according to Rasyid Ridha is the equality of men and women, while the term *qawwâm* is a responsibility that is inherent in the husband in household relationships and not in all aspects of life.

b. *At-Tafsîr al-Marâghî*

Apart from Abduh and Rasyid Ridha, according to Munawir Sjadzali, another commentator who considers context in terms of interpreting verses of the Qur'an is Musthofa Al-Maraghi in his book *at-Tafsîr al-Maraghi* which places more emphasis on contextualization in terms of law[39]. Contextual interpretation is seen in Al-Maraghi's interpretation of the law on the distribution of inheritance rights in Q.S. An-Nisa' [4]: 7 and 11.

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ
أَوْ كَثُرٌ ۚ نَّصِيبًا مِّمَّا قَرَضُوا

"From what is left by parents and those nearest related there is a share for men and a share for women whether the property be small or large a determinate share." [28]

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ ۚ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ ۚ وَإِنْ
كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ ۚ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ ۚ فَإِنْ لَمْ يَكُنْ لَهُ
وَلَدٌ وَوَرِثَتْهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ ۚ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ ۚ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ
أَبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفَعًا ۚ فَرِيضَةٌ مِنَ اللَّهِ ۚ إِنْ اللَّهُ كَانَ عَلِيمًا حَكِيمًا

"Allah (thus) directs you as regards your children's (inheritance): to the male a portion equal to that of two females: if only daughters two or more their share is two-thirds of the inheritance; if only one her share is a half. For parents a sixth share of the inheritance to each if the deceased left children; if no children and the parents are the (only) heirs the mother has a third; if the deceased left brothers (or sisters) the mother has a sixth. (The distribution in all cases is) after the payment of legacies and debts. Ye know not whether your parents or your children are nearest to you in benefit. These are settled portions ordained by Allah and Allah is All-Knowing All-Wise" [28].

The verses “*li ar-Rijâli nasibun mimma tarak..... wa li an-Nisâ’ nasibun mimma tarak...*” and “*lidzakari mistlu haddi untsayain*” according to Al-Maraghi, socio-historically, these verses break the culture of ignorance that discredits orphans, women, and small children in the distribution of inheritance. According to Al-Maraghi, the distribution of inheritance according to the rights of the three groups is a sharia command, both for men and women[42]. As for the words “*lidzakari mistlu haddi untsayain*” according to Al-Maraghi, there is an aspect that underlies men getting half of what women get, socio-culturally men have the responsibility of providing for their families, while women are provided for by their husbands[42].

So contextually looking at the correlation of the two verses above, al-Maraghi believes that the distribution of inheritance rights is actually the same (1:1 or 1:2 or 2:1) for both men and women. The difference is the burden of responsibility and basic needs for inheritance. not on the gender aspect (not the biological aspect).

c. *Tafsir Al-Azhar*

Another author of the Tafsir book who includes the paradigm of contextualization of verses in his tafsir is Hamka in *Tafsir al-Azhar*. This is in line with Hamka's innovation in dialoguing texts with the socio-cultural context and culture of society[43]. This is in line with the thoughts of Abdul Mustaqim who marks the contextualization of verses with the universality of the text which transcends the time and place in which humans experience it[44].

For example, the dialogue formed in Hamka's interpretation regarding the morning punishment (sanction) for adultery perpetrators in Q.S. An-Nur [24]: 2; “*az-zâniatu wa az-Zâni fajlidû kulla wâhidin min humâ miatu jaldah*”.

الزَّانِيَةُ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَلْيَشْهَدْ عَذَابَهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ

“The woman and the man guilty of adultery or fornication flog each of them with a hundred stripes: let not compassion move you in their case in a matter prescribed by Allah if ye believe in Allah and the Last Day: and let a party of the Believers witness their punishment.”[28].

Textually, the verse clearly explains that the punishment for adultery (*zinā*) is stoning (*rajam*) or quite a beating for unmarried adulterers. Related to the interpretation of this verse, Hamka draws this law on the reality of western law which has contaminated many criminal laws. In western criminal law, severe punishment for adultery is imposed because there are elements of rape and mutual dislike, when adultery is based on liking, the law is void.

Looking at the reality, Hamka provides 2 solutions regarding adultery, *first*, don't approach adultery by seclusion. *Second*, polygamy is an emergency

exit[45]. Looking at Hamka's dialectic regarding the law of adultery, Hamka emphasizes strict law (Islamic law) and is witnessed by many people as a deterrent and lesson, but Hamka does not deny or negate the law that applies according to the time and place.

Example of Contextual Interpretation: Contextual Study of Law for Thieves in Indonesia

In discussing examples in this contextual interpretation, the author will analyze the legal provisions for thieves in Indonesia using Abdullah Saeed's theoretical approach, while still referring to three contextual interpreter figures, namely Muhammad Rasyid Ridha, Musthofa Al-Maraghi and Hamka[46]. The contemporary approach is one of Abdullah Saeed's basic theories in analyzing the contextualization of verses which is divided into four stages, including the following:

First, a broad introduction to the text, in this case, the author provides examples in the chapter on the laws that apply to both male and female thieves as stated in Q.S. Al-Maidah [5]: 38.

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جَزَاءُ بِمَا كَسَبَا نَكَالًا مِّنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ

“As to the thief male or female cut off his or her hands: a punishment by way of example from Allah for their crime: and Allah is Exalted in Power.” [28]

Second, analysis of the verse without linking it to the state of society when the verse was revealed,[47] pure analysis of written text. This type of analysis includes linguistic aspects, literary context, literary form, similar verses, and precedent aspects.

Linguistically, Q.S. Al-Maidah [5]: 38 provides an important message about a warning in the form of punishment for thieves in the form of cutting off their hands.

Linguistic Aspect Analysis			
Term	Abduh & Rasyid Ridho	Al-Maraghi	Hamka
<i>as-Sâriqu</i> <i>as-Sâriqatu</i>	A person who hides his bad deeds which result in moral damage.[41]	Thieves are either male or female.[42]	Male/ female thieves, burglars and pickpockets.[45]

Table 1

Literary Context Analysis			
No.	Name of Surah, Verse, Surah Order	Function of Verse	Place of Revelation

			<i>of the Verses</i>
1	Q.S. Al-Maidah [5]: 38, the order of the 112 th surah, after Q.S. Al-Fath [48] (<i>ba'da as-Shulhu al-hudaibiyah</i>).[48]	<p>Abduh & Ridha: Establishing legal limits on perpetrators of damage, prohibiting theft, and guaranteeing the security of human property.[41]</p> <p>Al-Maraghi: The punishment of cutting off hands for male/female thieves determined by judges, rulers and leaders as well as guarantees of security for property and life.[42]</p> <p>Hamka: The punishment for thieves is a frightening threat from Allah SWT. (cutting off hands).[45]</p>	Madaniyah

Table 2

Forms of literary analysis from Abdullah Saeed's perspective		
No.	Surah & Verse Names	Substantial Angle
1	Q.S. Al-Maidah [5]: 38	Ethical-Legal Verses (Norms)[26]

Table 3

Third, paralleling the text with the state of the first object when the text was revealed[47]. This includes five stages, namely: *first*, analysis of the worldview and socio-historical context (politics, law, culture, economy) that emerged when the text was revealed. *Second*, determining the nature of the text message (law, theology, or ethics)[49]. *Third*, exploration of the text message in detail (general or specific). *Fourth*, determining the urgency of parallelizing the text when connected to more complex problems. *Fifth*, evaluating the results of the interpretation, understanding, and application of the text carried out by the first object.

From a socio-historical perspective (*asbâbu an-nuzûl*), this verse refers to a hadith narrated by Abdullah bin Amr in Musnad Ahmad no. hadith: 6657, which tells the story of a woman (Fatima bintu Al-Aswad) during the time of the Prophet Muhammad. who stole and his people wanted to redeem five hundred dinars. The Prophet's decision was that he still punished him by cutting off his right hand[50].

The nature of the text message, refers to the three interpretations of Q.S. Al-Maidah [5]: 38, where this verse falls into the category of legal nature that applies to those who steal from both men and women with the limitations that have been set. In the interpretations of *Al-Mannâr*, *Al-Marâghî* and *al-Azhâr*, the limitations of the punishment of cutting off hands have been mentioned. The

narrations of Hasan Basri and Dawud ad-Dzahiri explain that cutting off hands applies to all types of theft. Likewise, the narration from Abu Hurairah explains that cutting off hands is for thieves of eggs and camels[51]. The narrations from the early scholars (*salaf*) and later scholars (*khalaf*) emphasize that cutting off hands applies to thieves of a quarter of a dinar (a quarter of the weight of gold) or three dirhams of silver. The narrations from Aisyah r.a., Imam Ahmad and as-Syaikhhan state that cutting off hands is for those who steal a quarter of a dinar and above[41].

Meanwhile, in the *Sahîhaini* (book of sahih al-Bukhari hadith no. 6411 and sahih Muslim hadith no. 1686) from Ibn Umar it is mentioned that the Messenger of Allah Saw. cut off the hand of a thief of a shield worth three dirhams[52].

This is different from the opinion of the *Hanafiyah* School which imposes the punishment of cutting off the hand with a stolen amount of more than ten dirhams, in a condition where the goods are protected. Al-Maraghi added that the punishment of cutting off the hand applies when there is clear and obvious evidence, and the punishment will be imposed when the thief gets forgiveness from the one, he stole before the problem reaches the judge[53], [54], [55], [56], [57]. This is in accordance with Hamka in his interpretation. Likewise, it is also explained in the interpretation of *al-Mannâr* that the stolen property must be returned in full.

In terms of text message exploration, according to Rasyid Ridha, this verse is specific, its law enforcement is only carried out in Islamic countries whose laws refer to the principles of sharia law. Punishment is enforced because of actions that disrupt the security of life, property, and honor and are not subject to the sharia law that has been enforced[58]. The determination of legal products is carried out by judges to decide on the basis of legal provisions through ijtihad and not on their lusts, the laws that are determined are very likely to change due to differences in time and place[42].

Rasyid Ridha, Al-Maraghi, and Hamka tried to parallelize Q.S. Al-Maidah [5]: 38 with a more complex problem in Q.S. Al-Maidah [5]: 33, namely with those who cause damage on earth whose punishment is being killed, crucified, having their hands and feet cut off in return, or being exiled from the country where they live[45].

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ

“The punishment of those who wage war against Allah and His Apostle and strive with might and main for mischief through the land is: execution or crucifixion of the cutting off of hands and feet from opposite sides or exile from the land: that is their disgrace in this world and a heavy punishment is theirs in the Hereafter”[28].

This verse concerns Allah SWT's explanation of *hirābah*, which is an open act of violence to take property, kill, and cause fear, such as robbery and terrorism.

The verse above in the interpretation of *al-Mannâr* shows the level of punishment imposed on the perpetrators of destruction, each action has consequences of punishment that is commensurate[59]. A judge must be wise in deciding the punishment according to his actions by means of *ijtihad*. This is in agreement with Hamka, where the judge must carry out *ijtihad* and not arbitrarily arrest and sentence[45].

If we look at the interpretation aspect above, in terms of its implementation it is good to do, because the punishments that have been determined are held to maintain the public interest which has an impact on the emergence of a sense of security for both life and property[60]. However, if we look further, this verse is an Etico-Legal (Norm) verse that is likely not ready to be accepted in the reality of life that is developing, so it is very necessary for the judge's *ijtihad* to be able to determine the appropriate law according to applicable law[61]. According to Saeed, the legal product (cutting off the hand) was considered effective in its time (7th century Arabia) which could provide a deterrent effect and it could change according to the legal product that is developing[26].

Fourth, paralleling the text with the current context, it refers to its socio-cultural context which reviews the aspects of similarities and differences. Starting from the Etico-Legal (Norm) verse, it is necessary to examine the location of the similarities in the socio-cultural context as well as the location of the differences. Before discussing the points of similarities and differences in the socio-cultural context, the Qur'an in its meaning is expected to exist that is able to penetrate space, time and era.

The Ethico-Legal verse in Q.S. Al-Maidah [5]: 38, if viewed from a mature perspective in terms of HAM (Human Rights), falls into the category of dehumanize verses, especially in Indonesia which already has legal regulations in positive laws and the context of the reality of plurality in Indonesia, where the law is not only based on Islamic law but also on law which can accommodate different religions[62].

Therefore, it was previously emphasized in the interpretation of *al-Mannâr* that the punishment of cutting off hands can only be enforced in Islamic countries that have made sharia law the basis for determining a punishment[63]. If we look at the aspect of similarity contained in the verse, then the interpretations of *al-Mannâr*, *al-Marâghî* and *al-Azhâr* state that the function of the verse above is enforced as a threat, to provide a deterrent effect, and to create a conducive situation for life and property[64].

While the difference lies in the legal product, in a country that adheres to sharia law as the legal basis, thieves will be punished by cutting off their hands. On the other hand, Indonesia, which is also the largest Islamic country, but the aspect of the reality of plurality that cannot be denied, will use its own legal product that is able to embrace religious relations so that its legal product is considered to have an inclusive content that is far from the word division.

Imprisonment for thieves is considered to have found a common ground (deterrent effect) in the contents of the above verse, so that in Article 362 of the Criminal Code and Article 476 of Law 1/2023, thieves are sentenced to five years in prison and a fine in the form of cash[65]. So, in general, through a series of contemporary approaches (contextual interpretation), the legal determination of perpetrators of theft functions as a deterrent effect as a threat to perpetrators of crime, and the legal provisions can be adjusted to the conditions of the time and place.

Conclusion

The process of extracting the meaning of a text without considering its context will only reduce the main meaning that is intended to be conveyed in a text. The sacred text in the Ottoman manuscript, for example, the caliph Ali bin Abi Thalib issued a statement "... now it has become a dead text". Whereas the *mafûmu al-mukhâlafah* of the verses contained in the Ottoman manuscript can be brought to life by interpreting the verses, the interpretation process will achieve the integrity of its meaning by understanding its context, or what is more commonly known as the contextualization of the verses.

In fact, contextualization of verses has been applied since the time of the revelation of the Qur'an. The Prophet himself understood some of the text of the verses by using the context of the verses, both the verses before and after. This habit continued during the time of the companions and *Tabi'in*, even until now. However, massive contextualization of verses began to be applied in the books of interpretation written by the figures of the exegetes of the awakening period (*al-'ashru an-nahdoh*), initiated and formulated by the figures of contemporary exegetes Fazlur Rahman and Abdullah Saeed.

The contextualization of verses can be seen in the books written by commentators Muhammad Abduh, Muhammad Rasyid Ridha, Musthofa al-Maraghi, and Hamka. The interpretations of these commentators try to interpret the verses using a literary approach that is in accordance with the culture and conditions that are developing. Contextualization by contemporary commentators is realized as an effort to answer the problems of increasingly advanced developments and efforts to prove the relevance of the Qur'an in various contexts of space and time. One concrete example of contextual

interpretation can be seen from the *ijtihad* regarding prison sentences and cash fines for thieves in Indonesia, which is a product of the interpretation of verse 38 of Surah al-Maidah.

Author Contributions

Kerwanto: Conceptualization, Methodology, Writing – review & editing, Supervision, Project administration. **Muhammad Aulal Fikri Al-Hasani:** Methodology, Writing – review & editing, Investigation. **Muhammad Miftah Hamdani:** Conceptualization, Methodology, Writing – review & editing, Investigation.

Acknowledgement

We extend our gratitude to Editorial Team for their insightful tips and to anonymous reviewers whose valuable feedbacks have significantly contributed to this paper.

Conflict of Interest

The authors declare no conflicts of interest.

Funding

This research did not receive any financial support.

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