Reading of Jasser Auda's System Theory in the Law Verse on Women and Mosques

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Abstract

So far, there are still differences in interpretation and implementation in various places about women's worship in mosques. This study aims to explain and show the reading of Jasser Auda's system theory in legal verses related to women and mosques. The method used in this study uses the library research method by collecting information and data from Jasser Auda's books and website, previous research results, and various journal articles related to the problem being researched. As a result, the reading of system theory in legal verses about women and mosques through the six features offered, namely. The cognitive element in understanding legal verses related to women and mosques, in Auda's view there are dozens of verses in the Qur'an related to mosques whose content motivates Muslims, both men and women, to often go to mosques to get religious guidance, nur/divine light and knowledge. The element of wholeness (Al-Kulliyyah) Audah in determining the legal provisions about women and mosques is comprehensive, by exploring all verses related to mosques and followed by explanations from the Hadiths of the Prophet. Third, the element of openness (Opennes/al-Infitahiyyah. is carried out by Audah by displaying various opinions about the permissibility or prohibition of visiting the mosque with their respective arguments. Openness in the context of women and mosques also emphasizes that the relevant laws must take into account social and technological conditions.

Keywords: Jasser Auda; Legal Verses; Systems Theory, Women and Mosques.

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Introduction

Women in Islam have the right and obligation to carry out worship, including prayer and fasting. However, there are differences in the interpretation and implementation of this in different places. There are conservative interpretations that limit women's participation in mosques, while others argue that Islamic teachings should encourage women's active participation in mosque life. Practices and views regarding women and mosques vary greatly in various contexts and cultures, depending on the local culture and interpretation, the level of women's participation in this regard may vary. Differences in interpretation can be found in both the Qur'an and the Hadith, where the texts in the Qur'an [1] and the Hadith seem to be opposites, the first is the hadith narrated by Abdullah bin Umar: Do not hinder a woman from going to the mosque, even though her house is the best for her (Hadith Narrated by Abu Dawud) [2], the second hadith narrated by Abdullah R: A woman who prays in her house is more important than praying in a wide field.

In reality, women in many countries have no place at all in mosques or given places in mosques; but are isolated, cramped, neglected, and remote. The condition of Muslim women in Indonesia is much more special than the condition of Muslim women in many countries, although the role of Indonesian Muslim women in mosques still needs support, encouragement, and motivation [3]. Some mosques facilitate special spaces for women to perform prayers in mosques, while others may have a more conservative approach to separating male and female worshippers [4]. A mosque that is friendly to women ideally fulfills several aspects, first, there is a partition or space that separates men and women, second, worship equipment is provided, third, there is access to different mosque doors for the comfort of women's worship, and fourth, there is the availability of a closed ablution place and is different from the place of ablution for men [5]. Muhajir in his research at a mosque said that the facilities and infrastructure were inadequate, and the prayer area was on the second floor, making it difficult to access for elderly women, and pregnant women who were worried that they could endanger themselves and the fetus they were carrying as well as women carrying small children which also had an impact on the safety of the child. In addition, some mosques also do not provide prayer equipment for women who are traveling [5].

Islamic history records that mosques originally served as centers of social, educational, and cultural activities. Women also participate in various activities around the mosque, including gaining religious education and skills. The Prophet paid great attention to the role of mosques for both men and women. Women have the same right to be able to access the mosque to gain the

knowledge conveyed by the Prophet through the maklis ta'lim in it. The Prophet appreciated women by opening a taklim ceremony in a mosque for women[6]. The weakness of traditional Islamic law, according to Jasser Auda, lies in the way (determined) of law that is specificistic, dichotomous, and textual in nature [8]. Particularistic is characterized by sufficiency of only one postulate, dichotomous with binary opposition classifications such as qathâi-dzanni, muthlaqmuqayyad, while textual can be seen from the portion of qawaâid lughawiyah (linguistic rules) which is more than rational rules.

Jasser Auda was encouraged to contribute something new in the study of Islamic thought called the systems approach. The systems approach is a holistic approach, where an entity is part of an overall system consisting of a number of sub-systems. Thus, this is closely related to the activities of identifying needs, selecting problems, identifying the conditions for solving problems, choosing the most appropriate alternative to solving problems, selecting, determining, and using the right methods and tools, evaluating results and revising some or all of the implemented systems so that they can meet the needs in solving problems better.

Many studies on Jassir Auda's system theory approach have been carried out, including an article entitled System Approach in Islamic Law Theory from Jasser Auda's perspective [7]. Another study entitled Gender equality in women's fiqh from the perspective of maqasid Syariah Jasser Auda [8], which discusses the idea of gender equality (women's fiqh) is analyzed with Jasser Auda's system approach (maslahah) [11]. Another study entitled The Tradition of Prohibition of Ngalor Ngulon Marriage in the Purwoharjo Banyuwangi Area, from the perspective of Jasser Auda's System Theory, contains Islamic law from Auda's perspective is universal, so the Ngalor ngulon marriage tradition in Purwoharjo can be preserved as long as there are no elements of fasid and madharat in the tradition [9]. Based on the background described above, this article will examine the issue of women and mosques from the perspective of Jasser Auda's system theory.

Method

This study is a literature review, sourced from primary data including *Maqashid al-Syari'ah as Philosophy of Islamic a System Approach* [10], *Maqasid Al-Shariah: A Beginner's Guide* [11], *What Does The Quran Say About Women and Mosques?* [12], *Women and Mosques* [3] both in the form of books and Jasser Auda's website. This study is also sourced from secondary data related to Jasser Auda's thoughts, either in the form of comments, analysis, or others either in journal articles, books, and research results. The main data collection technique

carried out in this study. First, reading and recording library materials relevant to the research problem. The records that have been collected are classified, categorized, and coded based on research questions. After selection and sorting, the data are used as a foothold in providing answers to the main problems studied [13].

Furthermore, analysis was carried out using an interpretation method with a socio-historical approach. The interpretation method is used to dive into the main ideas in Jassir Auda's thinking contained in his works, then formulated epistemologically so that a paradigm built by the research subject is found. The socio-historical approach is used to provide a descriptive description of Jassir Auda's profile and the context of the development of her thinking, namely related to her educational background, activities, socio-cultural conditions, and socio-religious roles. The socio-cultural setting, socio-religious basis and scientific genealogy of Jassir Auda are knitted in one building, so that the context of its connection and influence can be found [14].

Jasser Auda: Academic Journey and Expertise in Islamic Law

Jasser Auda was born in 1966 in Cairo. He studied religion, the Qur'an, and Islamic education at the Al-Azhar mosque in Cairo from 1983 to 1992. Jasser Auda is an Egyptian who has lived in the West for several years. In 2008, he obtained a Doctorate in Philosophy of Islamic Law from the University of Wales, UK. He studied systems analysis in 2006, and received his second PhD from the University of Waterloo, Canada.

Jasser Auda is *the Founding Director of the Al-Maqasid Research Centre* in the field of Philosophy of Islamic Law, Al-Furqan Foundation, London, UK. since 2005 [15]. On the sidelines of completing his studies at Cairo University, Jasser Auda attended halaqah at al-Azhar Mosque under the tutelage of Sheikh Isma'il Shadiq al-Adawi between 1984 and 1990 [19]. The scientific fields that he studied at the time of halaqah include: hadith, 'Ulumul Hadith, fiqh of the Shafi'i school and the proposal of fiqh with the comparison of the schools. Even in that time span he had completed the memorization of the Qur'an as many as 30 juz with the narration of Imam Hafas [20].

Auda is a member of many groups, one of which is an Associate Professor at the Faculty of Islamic Studies Qatar (QFIS) with a focus on public policy studies in the Islamic Studies Program. He is a founding member of the International Union of Muslim Scholars, based in Dublin. He is also a member of the Academic Council of the International Institute of Islamic Thought in London, England; and he is also a member of the International Institute of Islamic Thought. Advanced Systems Research (IIAS) in Canada; a member of

the Global Supervisory Board of the Centre for Civilisation Studies (GCSC) in the UK; member of the Executive Board of the Association of Social Muslim Scientists (AMSS) in the UK; and consultants for islamonline.net. Jasser Auda has a multi-disciplinary educational background, she obtained her Ph.D from two universities, namely from the University of Wales; UK with a dissertation on Philosophy of Islamic Law, and the University of Waterloo-Canada with a dissertation on Systems Analysis [11].

Ali Abdel Mon'im in the preface to *Al-Maqasid for Beginners* [14] which he translated tells about Jasser Auda. He describes his figure by combining the Arabic adage "*Ismun*" "*Ala Al-Musamma*" (a name that matches the bearer). The name Jaser means "the link between two distant edges", and "Audah" means "return". Therefore, the name as a whole means "the reconnecting between distant edges." The edges of the boundary are intended: 1) Between the Islamic perspective and the scientific perspective; 2) Interdisciplinary edge pairs (science); and 3) Edge pairs between goals 4) Edge pairs between authors and readers; sect of Islam; Muslims and their past; Muslims and people around the world; and 8) The border pairing between Muslim intellectual imagery and story [11]. Jasser Auda is the director and founder of the Maqashid Research Center and Islamic Legal Philosophy in London, England. He has also been a guest lecturer in many countries. In addition, he received nine awards [11].

Jasser Auda's System Theory

Although Jasser Auda is known as a figure of Islamic jurisprudence, he also contributes to the study of the Qur'an [21]. Auda not only criticized the conservative tradition of thought, she also took action in formulating theories as a development of studies in Islam. The theory brought by him is *maqāsid al-syarīah* using a systems philosophy approach.

Systems theory is Auda's criticism of the analysis used by modernism and postmodernism by presenting strong arguments. The analysis with the *causa legis* operational approach embraced by modernists as a certainty, and the operational approach of irrationality used by the postmodernist group for Auda has shortcomings that cannot be re-actualized, so he offers a solution in the form of a system approach as a new philosophy in analyzing human experience, especially in Islam [21]. Definitively, a system is a set of interrelated elements forming a single and integrated unit to carry out various functions[7]. With this definition, Auda seeks to integrate a wide range of knowledge relevant to the general disciplines of Islamic law, philosophy, and systems as her approach. Thus, the concepts contained in systems theory, which include *cognitions, holism or wholeness, multidimensionality, openness,* and *purposefulness of*

systems, can be used as analytical knives in criticizing studies in Islamic thought.

1. *Cognitive nature*. What is meant by *cognitive nature* is the disposition of knowledge that builds the Islamic legal system. Islamic law is determined based on the knowledge of a faqih of texts that are the source of legal reference. To dismantle the validation of all cognition (knowledge of texts), Auda emphasizes the importance of separating texts (al-Qur'an and as-sunnah) from people's understanding of texts [10]. So there must be a change in claims to Fiqh and tafsir, from divine knowledge to human cognition. Because fiqh and tafsir are the result of ijtihad, a person's interpretation of the text to reveal the meaning contained in it. This sorting will lead to a paradigm shift, that the verses of the Qur'an are revelations, while one's interpretation of the Qur'an is not a revelation. So that there is no longer legitimacy for the truth itself, because all forms of one's interpretation of the text are only subjective [18].

2. *Wholeness*. Jasser Auda states that every cause-and-effect relationship should be seen as part of the overall picture. The relationship between the parts plays a certain function in a system. The interrelationships are built comprehensively and dynamically, not just a collection of static parts. Jasser Auda argues that holistic principles and ways of thinking are important to be revived in fiqh proposals because they can play a role in contemporary renewal [10]. Through this way of thinking, a holistic understanding will be obtained so that it can be used as permanent principles in Islamic law. According to Amin Abdullah, incorporating a holistic and systematic thinking pattern into the basics of understanding Islamic law is able to develop a thinking horizon from the original only based on the logic of cause-and-effect language (*illah*) to a more holistic thinking horizon, which is a mindset that is able to consider, reach and include other things that are not or have not been thought of outside the cause-and-effect thinking process [22],[23]. In this holistic principle, Auda essentially suggests caution in the use of "single" postulates both in the Qur'an and Hadith and suggests that in studying Islamic law, derlu applies holistic principles using thematic interpretation [17].

3. *Openness*. In system theory, it is stated that a living system, then it must be an open system. Even a seemingly dead system is essentially an open system. The openness of a system depends on its ability to achieve its goals under various conditions. This condition affects the achievement of a goal in a system. Conditions are the influencing environment. An open system is a system that always interacts with the conditions/environment that is outside it. By adopting such a system theory, Jasser Auda said that the Islamic legal system is an open system. The principle of openness is important for Islamic law. The opinion that the door of ijtihad is closed will only make Islamic law

static. In fact, ijtihad is an urgent matter in fiqh, so that legal experts are able to develop certain mechanisms and methods to deal with a new problem[10]. Likewise, in the study of interpretation, the interpretation of the ulama on the verse using their respective cognition is an open system area [18]. Therefore, openness needs to be carried out through an openness mechanism by changing cognitive culture and openness to philosophical thinking [20].

(4) *Interrelated*. The fourth characteristic of the system is that it has a hierarchical structure, where a system is built and a smaller subsystem is built under it. Interlation Relationships determine the goals and functions to be achieved. The attempt to divide the whole system into small parts is a process of sorting between differences and similarities among the many parts that exist. The smallest part is a representation of the large part, and vice versa.

The hierarchical-interrelated feature (*al-harakīriyyah al-mu"tamadah tabaduliyyan; interrelated hierarchy*), at least provides improvements to the two dimensions of Maqasid Sharia. First, improving Maqasid's coverage. Jasser tries to divide the Maqasid hierarchy into 3 categories, namely: First; *Maqasid al-'Ammah (General Maqasid)* is a Maqasid that encompasses all the benefits contained in the behavior of tasyri' which are universal such as justice, equality, tolerance, convenience, including the aspect of *Dharuriyyat* in the Classical Maqasid. Second; *Maqasid Khassah (Specific Maqasid)* is Maqasid related to maslahah in certain matters, for example, it is not allowed to hurt women in the scope of the family, and it is not allowed to deceive in trade in any way. Third; *Maqasid Juz'iyyah (Parcial Maqasid)* is the most core Maqasid in a legal event. This maslahah is also called wisdom or secret. An example of this Maqasid is the need for honesty and a strong memory in testimony. In modern criminal cases, one fair witness may be enough and there should not be two witnesses as long as the person concerned is able to show an honest attitude and valid data. The three categories of maqasid as-shari'ah must be seen holistically, not separate and hierarchical as in the classical maqasid theory [7].

(5) *Multi dimentionality*. A system is not a single thing. However, it consists of several parts that are interrelated with each other. Inside the system there is a coherent structure. Because a system is made up of quite complex parts, it has a spectrum of dimensions that is not singular. Islamic law can be analogized like a system. Islamic law is a system that has various dimensions. This principle is used by Jasser Auda to criticize the root of binary *opposition in* Islamic law. According to him, the dichotomy between qat'iy and danniy has been so dominant in the methodology of determining Islamic law, that the terms *qat'iyyu aldilalah, qat'iyyu as-subut, qat'iyyu al-mantiq have* emerged.

The binary opposition paradigm must be eliminated to avoid methodological reduction, as well as reconcile some of the contradictory postulates by prioritizing the aspect of maqasid (the main purpose of the law). For example, the differences in the postulates in the Sunnah about worship that arise should be seen from the side of *maqasid li taysir*; the differences in the hadith relating to 'urf should be seen from the perspective *of maqasid* from the *universality of law*; and the existence of naskh should be seen as a gradual determination of law[18], or by selecting texts based on priority scales by taking into account existing social conditions and not considering one text to be contradictory to another [17].

(6) *Purposefulness*. Every system has an output. This output is called the purpose generated from the system network. In systems theory, goals are divided into goals and purposes. A system will produce an purpose if it is able to produce the goal itself in different ways and in the same way, or to produce various goals and in various situations. While a system will produce a goal if it is only in a constant situation; and more mechanistic; It can only give birth to one goal. In this context, Maqasid is in the sense of purpose (al-gayah). Maqasid al-shari'ah is not monolithic and mechanistic, but it can vary according to the situation and conditions. Jasser Auda places Maqasid Syariah as a fundamental principle and fundamental methodology in the reform of contemporary Islamic law that he echoes. Considering that the effectiveness of a system is measured based on the level of achievement of its goals, the effectiveness of the Islamic legal system is assessed based on the level of achievement of its Sharia Maqasid. In other words, the extent of the problem solving for a particular problem: whether it is more effective, more effective, and brings greater benefits to the ummah and humanity [21].

Women's Worship in the Mosque

1.   Women and Mosques in the Qur'an

One of the applications of system theory features in the study of the Qur'an is the thematic methodology and the completion *of ta'arud baina al-adillah*. The resulting implication is to interpret the verse in its entirety without partially negating the verse, and negating the verses that are considered *by the naskh* with the reason, each verse has its own maqāṣid. In Jasser Auda's view, there are dozens of verses in the Qur'an related to mosques whose content motivates Muslims, both men and women, to often go to mosques to get religious guidance, nur/divine light and knowledge [3]. Including:

قُلْ أَمَرَ رَبِّي بِالْقِسْطِ ۖ وَأَقِيمُواْ وُجُوهَكُمْ عِندَ كُلِّ مَسْجِدٍ وَٱدْعُوهُ مُخْلِصِينَ لَهُ ٱلدِّينَ ۚ كَمَا بَدَأَكُمْ تَعُودُونَ

Say: "My Lord commands to do justice." and (say): "Straighten your face in every prayer and worship Allah by bowing your obedience to Him. as he created you in the beginning (so you will return to Him)" (QS. al-A'raf (7): 29).

يَابَنِي اَدَمَ خُذُوازِيْنَتَكُمْ عِنْدَ كُلِ مَسْجِدٍ وَكُلُوا وَاشْرَبُوا وَلَا تُسْرِفُوا اِنَهُ لَا يُحِبُ الْمُسْرِفِيْنَ

O son of Adam, wear your beautiful clothes in every mosque, eat and drink, and do not overdo it. Indeed, Allah does not like those who excesses (QS. al-A'raf (7): 31).

اِنَّمَايَعْمُرُمَسَاجِدَاللهِ مَنْ اَمَنَ بِاللهِ وَالْيَوْمِ الْأَخِرِ وَاقَامَ الصَلَوةَ وءاتَى الزَّكَوةَ وَلَمْ يَخْشَ اِلَا اللهَ فَعَسَى اَنْ

يَكُونُوا مِنَ الْمُهْتَدِينَ

Only those who prosper the mosques of Allah are those who believe in Allah and the Last Day, and continue to pray and declare zakat and are not afraid (of anyone) but Allah, so they are the expected ones who are among those who are guided (QS. al-Taubah (9): 18).

Other verses about motivation to go to the mosque can also be found in (QS. al-Jinn (72): 18), (QS. al-Hajj (22): 26), (QS. al-Isra' (17): 1), (QS. al-Maidah (5): 97), (QS. Ali Imran (3): 96).[26]

Another word used by the Qur'an that motivates Muslims to refer to visitors and residents of the mosque both for men and women with the word *rijal*. Namely in (QS. al-Nur (24): 36-37) and (QS. al-Taubah (9): 108). Auda mentioned that the word *rijal* in everyday language is commonly used to refer to men, rather than women. However, in the higher level of Arabic, which is the language of the Qur'an, the word *rijal* contains the meaning of male and female[12, p. 18]. As evidence, Auda said that the word *rijal* contains the meaning of man and woman, which we find in (QS. al-A'raf (7): 48) and (QS. al-Ahzab (33): 23). In these two verses and other verses, the word *rijal* clearly refers to men and women and no scholar has ever taken issue with it. Even the Qur'an clearly prohibits preventing people from visiting mosques, with the word of Allah[13].

وَمَنْ أَظْلَمُ مِمَّن مَّنَعَ مَسَٰجِدَ ٱللَّهِ أَن يُذْكَرَ فِيهَا ٱسْمُهُ وَسَعَىٰ فِى خَرَابِهَآ ۚ أُوْلَٰئِكَ مَا كَانَ لَهُمْ أَن يَدْخُلُوهَآ إِلَّا خَآئِفِينَ ۚ لَهُمْ فِى ٱلدُّنْيَا خِزْيٌ وَلَهُمْ فِى ٱلْءَاخِرَةِ عَذَابٌ عَظِيمٌ

And who is more persecuted than the one who prevents the mention of Allah's name in His mosques, and seeks to tear it down? they should not enter into it except out of fear (of Allah). They in this world will be humiliated and in the Hereafter they will be severely tormented.

In addition to the evidence from the Qur'an, Auda mentions the Arabic dictionary that women are legally designated by the word *rijal*. For example among the usages mentioned in Mukhtar al-Shihah, the classical Arabic dictionary under the entry R J l (root word *rijal* in Arabic) is as follows;

Niswatun rijal (here, the word *rijal* is used as an adjective for women) and a woman can be called *rajulah* (the singular form of feminism) *mufrad muannats* of the word *rijal...* It is also narrated that Sayyidah Aisyah RA is known as a rajulah (expert) regarding her opinions [12].

1. Women's Ability to Worship in Mosques

On https://www.jasserauda.net/portal/?lang=en website we can find various books and articles written by Jasser Auda. One of his books is titled *Are Women Welcome To Mosqoue*?[27] Jasser Auda said that there is a hadith that allows women to come to the mosque and also a hadith that prohibits women from visiting the mosque [3]. Among the hadiths that mention the ability of women to visit mosques is a hadith narrated by al-Thabarani: Bilal ibn Abdullah ibn Umaribn al-Khaththab narrated to me that one day his father, Abdullah ibn Umar said; Indeed, I heard the Prophet PBUH say:

لاَ تَمْنَعُوا النِسَاءَ حُظُوظِهِنِ مِنَ الْمَسْجِذِ

Do not prevent the women servants of Allah from getting their share in the mosques.

Bilal said: ―For myself, I will forbid my wives, but whoever wants to allow his wives to go out of the house, let him do so‖ Then the father, Abdullah ibn Umar, turned to Bilal, and said, "May Allah bless you!" May Allah curse you! You have listened to me that the Prophet PBUH ordered that women should not be prevented, while you actually commented the opposite‖. Then Abdullah ibn Umar RA wept and left the place in a state of anger. Another hadith states that Abdullah ibn Umar raised his hand and slapped Bilal‖.

Auda also mentioned a similar hadith narrated by al-Tirmidhi: "We were with Ibn Umar RA, when he said: The Messenger of Allah said;

ائذَنوا لِلنِسَاءِ اِلَى الْمَّسَاجِذِ

"Allow women to go to mosques at night"

Then his son (Bilal) said: By Allah we will not allow them to do so, because they may cause slander. Ibn Umar RA said: ―I said that the Messenger of Allah said this and that, while you said: ―We will not allow them [28].

In Auda's view, the reaction of Abdullah ibn Umar RA, the narrator of the quoted hadith, clearly shows the prohibition of preventing women from

visiting mosques, as it is contrary to the orders of the Prophet PBUH. But Bilal, his own son, wanted to avoid what he called fitnah (negative things), and applied a method that would later be known as —blocking the means‖ or cutting off the roots (sad adz dzara''i). This is a consequentialist logic in prohibiting something that is lawful in order to prevent something that violates the law (haram; invalid) [22].

Based on Auda's analysis of various thoughts about the worship of women by going to the mosque, they generally ignore the clarity of the hadith and the reaction of Abdullah ibn Umar RA, and rely on one or two of the following hadiths to support their views:

The first hadith, Sayyidah Aisha RA said:

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لَوْ رَسُولُ اللهِ صَلَّىٰ اللهِ عَلَيْهِ وَسَلَمَ رَأَئٖ مَا اَحْدَثَ النِسَاءَ لَمَنَعَهُنَ الْمَسْجِدَ كَمَا مُنِعَتْ نِسَاءُ بَنِي اِسْرَائِيْلَ

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If the Prophet had known the innovations allowed by women, he would have prevented them from going to the mosque, just as the women of the Children of Israel were prevented (from their places of worship).

The second hadith is narrated by 'Abdullah ibn Suwayd Al-Ansary, from his paternal aunt, the wife of Abu Humayd As-Sa'idy, that he approached the Prophet (PBUH) and said, "O Messenger of Allah (PBUH), I want to pray with you! He (SAW) replied,

<div dir="rtl">

وَصَلَاتُكَ فِي دَارِكَ خَيْرُ مِنْ صَلَاتِكَ فِي مَسْجِدِ قَوْمِكَ

</div>

"Your prayer in your house is better than your prayer in your mosque (in congregation)

Then her nephew narrated, Um Humaid ordered that a prayer place be prepared for her in the farthest and darkest part of her house, and she used to pray there until she died. From some of the explanations of the narration mentioned above, besides the fact that there are other narrations conveyed by Audah, he emphasized that taking the opinion of Sayyidah Aisha as a general method is an extreme interpretation that will not be approved by prominent scholars [23].

According to Audah there are other narrators of the same story, namely al-Thabarani, al-Baihaqi, Ibn Abi Shaibah and Ibn Abi Ashim who give more explanations. Their (authentic) addition explains that the context of the hadith is a dispute between Um Humaid and Abu Humaid al-Sa'di, her husband. The dispute is related to the regular presence of Um Humaid at the congregational prayers at the mosque of the Prophet PBUH. In these narrations, it is stated that Um Humaid visited the Prophet PBUH with a group of women and said, O

Messenger of Allah, we want to pray in congregation with you, but our husband prevented us from coming to the mosque.

Auda quoted an explanation from Ibn majah, that Abu Humaid al-Sa'di came from the tribe of al-Khazraj in Medina. They used to live far away from the Prophet PBUH's mosque, outside the borders of Medina at that time and they had their own fields, the Banu Sa'adah Hall (Saqifah Bani Sa'adah) and their own mosque, where the Prophet PBUH had visited once and prayed in it. Therefore, the Prophet only intended to resolve the domestic dispute between Um Humaid and Abu Humaid regarding the distance that Um Humaid had to travel by walking five times a day to pray in congregation behind the Prophet PBUH in his mosque. Basically, the Prophet PBUH advised Um Humaid to fulfill her husband's request, for the sake of his children and family and pray in his tribal mosque or in his own home [23].

In Audah's view there is no evidence that the Prophet intended to change the standard rules for women to visit the mosque or even the special reward for praying in the Prophet's Mosque which he mentioned in several other hadiths, for people who visit the Prophet's Mosque, both men and women. This is the only possible interpretation that can resolve conflicts between different hadiths. The basic rule of fiqh states that applying all the nash is better than ignoring one of the nash.

On the other hand, in the current context, restrictions and obstacles that prevent women from visiting mosques must be removed, not the other way around. Women should be encouraged to go to the mosque, not only as a right, but also because it leads to many good causes, including remembering Allah, gaining knowledge, meeting other Muslim women who visit the mosque frequently, and participating in public activities, which are sure to benefit her, her religion, her family and her society. Auda ended her discussion by highlighting the opinion of Abdul Halim Abu Syuqqah 64 in commenting on Sayyidah Aisyah RA's opinion with a call to open the facilities, instead of blocking the facilities related to women in the mosque

2. There Are No Restrictions on Menstruating Women to Worship in the Mosque

In Auda's understanding, the House of Allah (mosque) is never "forbidden" for believers, both men and women at any time. Scholars differ in opinion about the permissibility of entering the mosque for menstruating women.

Quoting Yusuf Al-Qaradhawi's opinion, he stated:

The jurists are very opposed to staying/entering the mosque for women who are menstruating and those who are junub[1] without performing ablution, as Allah SWT said,

O you who believe, do not pray while you are drunk, so that you understand what you are saying, and you are in a state of confusion, except when it is just passing by, until you take a bath. And if you are sick or on a pilgrimage or come from a place of defecation or you have touched a woman, then you have no water. So make your thumb with good (holy) soil; Sweep your face and your hands. Indeed, Allah is the Most Forgiving and Forgiving

Auda also mentioned that the jurists of Hambali punished a menstruating person to stay in the mosque if he had performed ablution according to a hadith narrated by Sa'id bin Mansur and al-Atsram from Atha'ibn Yasar that he said: "I saw some companions of the Prophet in a state of hadas, while they were silent in the mosque after performing ablution."

System Theory in Legal Verses on Women and Mosques

A system is a set of interrelated elements forming a single and integrated unit to carry out various functions. With this definition, Auda seeks to integrate a wide range of knowledge relevant to the general disciplines of Islamic studies, philosophy, and systems as her approach. There are six features of Jasser Auda's optimized system, which include cognitions, holism or wholeness, multidimensionality, openness, and purposefulness of systems, which can be used as an analysis knife. It is hoped that with this system theory approach, Islamic law (in this case the issue of women and mosques) can be understood in a more dynamic, comprehensive, and relevant way to the needs of the times. The theory is based on a system framework that sees the issue as an interconnected network, where each part does not stand alone but interacts with each other in the system.

The cognitive element in understanding legal verses related to women and mosques, Auda mentioned several verses that explain the recommendation to come to the mosque. In Jasser Auda's view, there are dozens of verses in the Qur'an related to mosques whose content motivates Muslims, both men and women, to often go to the mosque to get religious guidance, nur/divine light

and knowledge. This shows that Auda's opinion about the motivation to worship at the mosque applies to everyone, both men and women, based on the texts of the Qur'an and Hadith.

The element of *wholeness (Al-Kulliyyah)*, which is the whole in using the postulates of revelation used by Jasser Audah in determining the legal provisions about women and mosques by digging up all the verses related to the mosque, followed by explanations from the Hadiths of the Prophet, and linguistic explanations of the meaning of rijal in verses about women and mosques include both men and women.

The element of openness (*Opennes/al-Infitahiyyah*. A living system is an open system. This principle is carried out by Audah by displaying various opinions about the permissibility or encouragement to visit the mosque and opinions about the prohibition of visiting the mosque with their respective arguments.

The element of *interrelated-hierarchy* can be found in the opinion of the Hadith narrated by Ibn Hibban and Ahmad about um Humaid. Did the Prophet say that women's prayers at home are better than in mosques? In answering this question, Auda said that the Prophet only intended to resolve the domestic dispute between Um Humaid and Abu Humaid regarding the distance that Um Humaid had to travel by walking five times a day to pray in congregation behind the Prophet PBUH in his mosque.

Conclusion

Jasser Auda is a contemporary thinker known for her system-based maqashid shari'ah approach. In his frame of mind, he uses systems theory to look at shari'ah issues including women's issues and mosques. Systems theory proposes that Islamic law should not be viewed as partial or rigid, but rather a dynamic, layered, and interconnected system with the six features it offers. With the principle of six features in the system theory, Auda offers a comprehensive perspective on women's issues and mosques. Auda understands the postulates that regulate the presence of women in mosques not partially, but as part of a system that supports maqashid sharia. The argument that women are prohibited from going to mosques is seen as a response to specific needs (such as security), not a universal rule. If the restriction is no longer relevant (for example, security reasons that have been resolved), then the restriction is not in line with maqashid. The presence of women in mosques is not only related to individual worship but must also be understood through various dimensions, including spiritual, social, psychological, educational and cultural dimensions. This means that the presence of women in mosques is not

only about the right to worship, but also about their right to learn, contribute to the community, and be involved in social activities.

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Conflict of Interest

The authors declare no conflicts of interest.

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