

Analysis of Ethico Legal Texts and Abdullah Saeed's Hierarchy of Values in Dealing with Ethico Legal Texts

Muhammad Ash-Shiddiqy^{1,*} and Intan Diana Fitriyati²

Email: Muhammadashshiddiqy@uinsaizu.ac.id

¹Muhammad Ash-shiddiqy, UIN Saizu, Purwokerto

²Intan Diana, UIN Saizu, Purwokerto

Abstract

This paper discusses ethico-legal texts and Abdullah Saeed's hierarchy of values in dealing with ethico-legal texts. This paper uses an approach to the literature of the book *Interpreting The Qur'an: Towards a Contemporary Approach* by Abdullah Saeed. Ethico-legal texts include texts of legal orders, punishments for crimes, belief systems, worship practices, and universal values (kulliyat al khams) such as the maintenance of religion, reason, soul, lineage and property. Interpreting legal-ethical texts according to Abdullah Saeed is a difficult thing because it requires consideration not only of the linguistic aspects of the text but also the socio-historical dimensions. Where the socio-historical interpretation can at the same time reveal the ethical dimensions of the text. The content is often ignored by the commentators and the legal orientation dominates over them. The text or verse is translated directly from the normative-ethical message of the verse. The legal text in the Qur'an is conveyed in detail, except for those relating to verses of worship. To help interpret the ethico-legal text, Saeed formulates what starts with a hierarchy of values which includes obligatory values, fundamental values, protective values, and implementation values. implementation values) and instructional values (instructional values).

Keywords: Linguistik, Ethico-legal text, hierarchy of values

1. Introduction

The first generation of Muslims enjoyed a higher degree of freedom in interpreting the Qur'an. Major figures such as the second caliph, Umar Ibn Al-Khattab, abandoned the text of the Qur'an in favor of what was considered "true" at the time. This freedom is largely unaccompanied by the methodology, principles and procedures for interpreting the Qur'an. This means that Muslims were initially relatively free to relate the text to the prevailing conditions. Early Muslims, starting with their companions and their successors, depended heavily on intuitive exploration of texts that reflected what the Qur'an meant to them and how they responded to it. Thus, we see the emergence of the so-called "Proto-contextualists".

For example in the field of zakat, one of the pillars of Islam, Muslim jurists consider decisions related to zakat, which cannot be changed. However, Umar took a more pragmatic approach. For example, Q.9:60 stipulates that zakat recipients should fall into eight categories, one of which is those whose hearts will be reconciled. The Qur'an includes a number of tribal chiefs whose political support for the Prophet Muhammad and Islam was considered important in early Islam. These leaders were given a fixed share of the proceeds of zakat, a practice that existed at the time of the Prophet and the reign of Abu Bakr (r. 11-13/632-634), the first caliph. However, Umar refused to give zakat to the tribal chiefs, saying that Islam no longer needed their support. This is a clear departure from the Qur'anic commandments, but Umar's argument that the purpose behind the Qur'anic injunctions counts most; when the state changes, there is no need to apply the command literally. Many of the decisions of Umar, his companions and other prominent figures of later generations can be traced to early Islamic law and hadith literature.

The theoretical basis for this proto-contextual interpretation can also be found in the maqasid al-shariah literature (intentions and objectives of sharia). In fact, maqasid, its development is in the field of law rather than interpretation. It emerged as a response to literalism that dominated legal interpretation in the post-formative period of Islamic law (after the first/seventh and second/eighth centuries). Whereas, in the twenty-first century, the maqasid tradition is considered by some Muslims as a panacea for the problem of adapting the ethico-legal content of the Qur'an in modern times, a closer look at the maqasid literature shows that it is inseparable from alternative methodologies to deal with the problem. literalism in law or interpretation. The views of prominent figures such as Ghazali or Syatibi, are too restrictive to be considered as the basis for a liberal interpretation of the Qur'an. Few scholars, such as Tufi, see the possibility of liberating interpretations from literalism. He argues that *maslahah* (public interest) should be the basis for ethico-legal interpretation of the contents of the Qur'an. Tufi's radical approach is not popular enough to form the basis for any real legal redefinition, or to provide a proposed methodology for interpreting texts. It is an approach that is too isolated and radical to be accepted by scholars accustomed to the tradition of safe proposals (principles of jurisprudence). In the twentieth century, Muhammad al-Tahir b. Ashur tried to expand the maqasid tradition adopted by several scholars related to the Islamization of the Knowledge Movement initiated by Ismail al-Faruqi.

More importantly, in this modern era, what dominates the interpretation efforts of Muslims who are interested in linking the Qur'an to contemporary needs, is the identification of the right action. Are all the ethico-legal commands in the Qur'an relevant today? Or has something lost its relevance? With regard to right action, What is the degree of duty for the believer? Is the obligation to do good, recommended or only allowed? Given that this book will discuss the values of the Qur'an not the Sunnah.

2. Research Methods

This paper uses a qualitative approach, which will analyze Abdullah Saeed's book entitled "Interpreting The Qur'an: Toward a Contemporary Approach". Saeed is a contemporary figure oriented towards progressive *ijtihad*. Progressive *ijtihad* believes in the need for reform of Islamic law and basic changes at the methodological level.

3. Results and Discussion

3.1. Text Ethico-Legal

One of the stumbling blocks for interpretation based on maqasid is clear instructions in the Qur'an, such as clearly spelled out rules or laws. The proposed methodology, in general, does not allow the reinterpretation of such texts. For example, when the Qur'an says, male or female thieves will have their hands amputated. This is considered a clear rule that does not allow for reinterpretation. According to the method of proposal, such a text must be followed literally, regardless of changes in time, place, and circumstances. This creates an unsolvable problem. If the interpretive effort is to accommodate maqasid, then decisions related to clear instructions may have to be changed in line with the maqasid of that ruling. But the necessity of following the text negates such modification. Maqasid is thus often reduced to a form of empty rhetoric as far as ethico-legal texts are concerned.

In the modern period, extended proto-contextual interpretations of early Islamic history have been advocated, albeit indirectly and under a different label, by Fazlur Rahman, which may characterize this approach. His contribution to the development of alternative methods of interpreting ethico-legal texts in the Qur'an is to try to relate the text to its context, both revelation and Muslims today. Rahman opposed the traditional approach to interpretation prevalent among jurists and classical commentators, who often interpreted the Qur'an in fragments and did not seek to understand it and the Prophet's message holistically. That is, with the background of the Arab community who have a world view, institutional values and certain cultures.

Although Rahman seems to argue for developing a hierarchy of values related to the ethico-legal content of the Qur'an and its interpretation, he does not explicitly state that such a hierarchy is essential for alternative interpretive methodologies. However, he answered questions about values (or what he called "general principles"). In fact, he refers to some values, for example justice as being higher than the specific rules given in the Qur'an, an example of which is the verse that allows a man to marry a woman. However, Rahman does not provide a specific set of ideas for developing this hierarchy of values other than stating that one must first derive general principles from specific rules in the Qur'an and Sunnah by giving full consideration to their socio-historical context. . Rahman then goes on to argue that on this basis Muslims should develop what he calls a unified and comprehensive socio-moral theory. It is on the basis of this theory that one is then expected to interpret the ethico-legal content of the sacred text. In doing so, Rahman suggests the essence of a method that Saeed calls "Contextualist".

For Rahman, the first and most important step in this methodology is to come up with general principles through two basic movements; therefore, his method is known as the "Multiple Movement Theory". In the first movement, the socio-historical context of the Qur'an is considered in exploring certain Qur'anic cases to arrive at general principles such as justice or injustice. Rahman did not speak of any of the principles. Instead, he was interested in a general set of principles that would later govern certain cases. In the second movement, these general principles were used as the basis for formulating rules and laws relevant to modern times. In formulating such rules and laws, one must really understand certain conditions in modern times. The importance of Rahman's Double Movement methodology is that it takes into account the conditions of the revelation era and modern conditions, and connects the text to the needs of the community.

3.2. Value Hierarchy

By incorporating proto-contextualist interpretation precedents from the early Islamic period, some aspects of the maqasid tradition, and Rahman's values-based approach to the Qur'an, it is possible to develop a hierarchy of values that will allow us to guide the interpretation of ethico-legal texts. Although there are various levels of values in the Qur'an, which also includes aesthetics and epistemology, the main concern here is the ethical value of "right action". There are many reasons why right action is taken as a guiding principle in reading texts and relating them to the lives of Muslims. The Qur'an regards right action as the basis of religion. It states, "there is no compulsion in religion". What is right and what is wrong is clear in the Qur'an. From the beginning of the revelation of the Qur'an to the conclusion of the Prophet's mission, values related to right action are a recurring theme in the Qur'an. Thus, a moral continuum was formed during the revelation period (610-632 AD). A clear message from the Qur'an is the insistence that its followers should do what is right and actively refrain from doing what is wrong, or in the Qur'anic terms, they should do good and forbid evil.

Based on the Qur'an and other sources, Saeed has identified a large number of values associated with right action. After experimenting with various classifications, the author adopted it as a fairly representative list of categories that includes most of the values of right action, which do not violate the fundamental beliefs of the Qur'an. They are in order of importance as follows; mandatory, fundamental, protective, implementative and instructional. In developing this hierarchy of values, Saeed considered the essential beliefs in Islam, the six pillars of faith, the five pillars of Islam, and what is clearly prohibited and permitted in the Qur'an, such as the prohibition of killing or stealing, or the permissibility of consuming certain foods. In developing the categories, Saeed also considers what is unanimously accepted in the Muslim tradition. Most also rely on ideas developed in Islamic jurisprudence regarding the five categories of human action. Therefore, the author will identify the criteria as the basis for ascertaining the level of importance that must be attached to each value category.

The first level is obligatory values. These basic values are affirmed throughout the verses of the Koran. Even Muslims with different backgrounds will consider these values part of the core of Islam. The values of obligation according to Saeed are divided into: values related to the belief system of Muslims (pillars of faith), basic worship practices in the Koran (prayer, zakat, fasting, and hajj), halal-haram issues in the Koran which are stated in the Qur'an. explicitly and not bound by context. The values as mentioned above according to Saeed are eternal and universal, not bound by context.

Second, Fundamental values (fundamental values). Fundamental values for Saeed are basic values, namely basic human values. Fundamental values are values that are repeated and emphasized by the Koran. This repetition and emphasis, according to Saeed, is an indicator that these values are the foundation of the teachings of the Koran. According to Saeed, based on the survey, the Koran describes basic human values, such as protection of the rights to life, family and property rights.

According to Saeed, in the contemporary era, these fundamental values must be developed using the same methodology, namely an inductive study of the text by considering the evolving context. According to him, fundamental values need to be in dialogue with the moral consciousness of the contemporary era.

Third, the value of protection (protection values). Protective values are values that provide legal support for fundamental values. Saeed gave an example of property protection (hifdz mal) as a fundamental value. Without legal support, this fundamental value is difficult to apply. The existence of protective values becomes necessary in providing support for the application of fundamental values, therefore universality can be extended to protective values.

Fourth, implementation values (implementational values). Implementable values are specific measures that are used to implement protective values in society. Saeed gave an example that the protective value of "no stealing"

must be implemented with a certain measure. In this case the Qur'an mentions cutting off the hand. According to Saeed, the Koran mentions cutting off hands because it was adapted to the culture at that time where Arab society only recognized corporal punishment and social punishment.

Even punishment (punishment) in several verses in the Koran according to Saeed is not the main thing and the goal. The indicator is the existence of options and alternative solutions to problems, namely by remission or forgiveness of the perpetrators of the crime. What is prioritized by the Koran according to Saeed is actually preventive action and if a crime occurs, punishment is a medium to deter the perpetrators.

Fifth, instructional values (Instructional Values). Instructive value refers to specific instructions/commands, suggestions, advice from the Koran related to certain issues, events, conditions and contexts. Most of the contents of the Koran according to Saeed contain instructive value. The more an instructive value is mentioned in high frequency in the Qur'an, the more the value is significant and universally applicable.

Abdullah Saeed explained that in building the hierarchy of values, he considered various things. Among them are, first, essential Islamic beliefs and practices such as the pillars of faith, including belief in God Almighty. Second, the pillars of Islam such as the five daily prayers. Third, everything that is accepted and prohibited expressly in the Qur'an. Fourth, the values agreed upon by the scholars as far as their significance and application are considered. In this understanding, these values form the essence of religion and maintain its universal characteristics.

Thus, the hierarchy of values will help efforts to interpret the Koran. The values formulated will maintain the significance and sustainability in the contextual interpretation of the ethical legal verses. At the same time, this approach allows the interpreter to consider changing emphasis, shifting meaning, and eliminating a number of context-dependent laws and practices so as to produce decisions that are beneficial to all parties.

4. Conclusion

The ethico-legal text is an important text in the Qur'an because it has a major influence on the daily life of Muslims. Ethico-legal texts include texts of legal orders, punishments for crimes, belief systems, worship practices, and universal values (kulliyat al khams) such as the maintenance of religion, reason, soul, lineage and property. Interpreting ethico-legal texts according to Abdullah Saeed is difficult because it requires consideration not only of the linguistic aspects of the text but also the socio-historical dimensions. Where the socio-historical interpretation can at the same time reveal the ethical dimensions of the text. Ethical content is often ignored by commentators and legal orientation dominates their interpretation. The text or verse is understood literally apart from the normative-ethical message of the verse. The legal text in the Qur'an is very limited in nature and is conveyed in no detail, except those relating to verses of worship. To help interpret the ethico-legal text, Saeed formulated what he called a value hierarchy which includes obligatory values, fundamental values, protective values, and implementation values. implementation values) and instructional values.

References

- Kholily, Aavi Lailaa Pandangan Abdullah Saeed Pada Konsep Nasikh Mansukh jurnal NunVol 4 No 1 2018.
- Pangastuti, Berlian Puji. (2021). Ayat-Ayat *Ethico-Legal* dan Cara Abdullah Saeed Menafsirkan Al-Qur'an.
- Saeed, Abdullah, *Interpreting the Qur'an: Towards a Contemporary Approach*, London and New York: Routledge, 2006
- Saeed, Abdullah. (1981). *Interpreting Al-Qur'an: Towards Contemporary Approach*. New York: Macmillan Publishing.
- Suriansah, Eka, Suherman Melacak Pemikiran al-Qur'an Abdullah Saeed Jurnal Kajian IsamVol 2 No 1 2011.
- Saenong, Ilham B., Hermeneutika Pembebasan Hasan Hanafi: Metodologi Tafsir al-Qur'an menurut Hasan Hanafi, Bandung: Mizan, 2002.
- Shihab, Quraish, Tafsir al-Mishbah: Pesan, Kesan dan Keserasian alQur'an Vol. 2, Jakarta: Lentera Hati, 2002.
- Subhan, Zaitunah, Tafsir Kebencian: Studi Bias Gender dalam Tafsir alQur'an, Yogyakarta: LKiS, 1999.
- Syamsuddin, Sahiron, "Tipologi dan Proyeksi Pemikiran Tafsir Kontemporer: Studi atas Ide Dasar Hermeneutika alQur'an", makalah disampaikan dalam diskusi ilmiah dosen tetap UIN Sunan Kalijaga, tanggal 29 Agustus 2008, tidak dipublikasikan Taji-Farouki, Suha (ed.), *Modern Muslim Intellectuals & the Qur'an*. Oxford: Oxford University Press, 2004.

Wadud, Amina, Qur'an menurut Perempuan: Membaca Kembali Kitab Suci dengan Semangat Keadilan, terj. Abdullah Ali, Jakarta: Serambi, 2013.