LEGALIZATION OF ISLAMIC PRINCIPLES
(An Analytical Study of the Maqashidi Interpretation Approach in the Book At-Tahrir wa At-Tanwir by Thahir Ibn 'Asyur)

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Article Info	ABSTRACT
	The Qur'anic Maqasid in the verses that are almost formal in formalising Islamic Shari'a are as follows: Al-Baqarah/2: 208 emphasising the importance of entering the religion of Islam with its universal values that apply to all human beings. Al-Ma'idah/4:60 explains that taghut is a being other than Allah that is worshipped, and that it is important to obey the legitimate leader. Al-Ma'idah/5:44 gives the definition of disbelief as the disobedience of religious believers to the laws of the heavenly religions, while providing benefits to all humanity. Al-Ma'idah/5:45 and 47 indicate that zalim and fasik are terms for followers of any religion who do not follow the legal provisions of their holy book and do not provide benefits. An-Nisa/4:59 explains that ulil amri are leaders who are just, trustworthy and beneficial. Finally, An-Nisa/4:65 states that Muhammad's shari'a is a just Islamic shari'a and ijtihad law based on justice. All these verses represent the moral ideal of the Qur'ān, which aims to fulfil the benefit of mankind and emphasises that the Qur'an is a relevant revelation for all time and place.

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INTRODUCTION

The Qur'an is the main and fundamental source of Islamic teachings structurally. Its function includes guidance for all aspects of human life, including creed, sharia, and morals. Allah SWT revealed the Qur'an as a guide and light of truth, with the aim that Muslims read, understand, live, emulate, and take lessons. In this modern era, Qur'anic scholarship is growing, especially in the study of Maqashid Ash-Shari'ah, which discusses the secrets of Allah SWT in every law. However, the study of the Qur'anic Maqashid still lacks adequate attention. Some academics in Indonesia even consider it the same as Maqashid Ash-Shari'ah, without realising that from Maqashid Al-Qur'an, diverse objectives can be revealed in more detail. Therefore, a deeper understanding of the Qur'anic Maqashid can guide Muslims to a straighter path. [1]

As is known, in order for humanity not to go astray or fall into error, the actions taken must be in accordance with the main sources of Islamic law, namely the Qur'an and Hadith. However, the author does not ignore the importance of other factors such as *ijma, qiyas, 'urf, istishab, and masholihul mursalah.* Therefore, in Islam there is the concept of Islamic Shari'a, which is considered as a way of guidance to save humans from the misguidance and darkness of the world. As Allah SWT states in one of the verses of the Qur'an, the existence of Islamic Shari'a is a guide that guides mankind, both the people of the Prophet Muhammad SAW and the people of the prophets before him, towards the path of salvation, as revealed in the Qur'an surah As-Syura verse 13.

﴿ ۞ شَرَعَ لَكُمْ مِّنَ الدِّيْنِ مَا وَصّٰى بِهٖ نُوْحًا وَّالَّذِيْٓ اَوْحَيْنَآ اِلَيْكَ وَمَا وَصَّيْنَا بِهٖٓ اِبْرٰهِيْمَ وَمُوْسٰى وَعِيْسٰٓى اَنْ اَقِيْمُوا الدِّيْنَ وَلَا تَتَفَرَّقُوْا فِيْهِ كَبُرَ عَلَى الْمُشْرِكِيْنَ مَا تَدْعُوْهُمْ اِلَيْهِ اَللّٰهُ يَجْتَبِيْٓ اِلَيْهِ مَنْ يَّشَآءُ وَيَهْدِيْٓ اِلَيْهِ مَنْ يُّنِيْبُ ﴾

"He (Allah) has prescribed for you the religion which He revealed to Noah and which We revealed to you (Muhammad) and which We revealed to Abraham, Moses and Jesus: establish the religion (of faith and piety) and do not be divided therein. It is hard for the polytheists (to follow) the religion you call them to. Allah chooses whom He wills to the religion of monotheism and guides to His (religion) those who return (to Him)".

This is due to the fact that the basic purpose of Islamic Shari'ah is to deal with the various problems and issues that arise in human life, including religious and social issues.[2] Scholars of tafsir, such as Rashid Ridha, explain that the forms of Islamic Shari'a introduced by the messengers of Allah SWT were different, although they basically had the same objective, which was to unite the people to glorify Allah SWT.[3]

In addition, the Islamic Shari'a brought by the Messengers of Allah SWT is conditional and not fixed, because it must always be in accordance with the meaning contained in the Qur'an and Prophetic Hadith, and must apply in every context of space

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[1] Abdul Mufid, "Maqasid Al-Qur'an Perspektif Muhammad Al-Ghazali," *Ishlah: Jurnal Ilmu Ushuluddin, Adab Dan Dakwah* 2, no. 1 (2020): 65–93.

[2] Priyantoro Widodo and Karnawati Karnawati, "Moderasi Agama Dan Pemahaman Radikalisme Di Indonesia," *PASCA: Jurnal Teologi Dan Pendidikan Agama Kristen* 15, no. 2 (2019): 9–14.

[3] Muhammad Qorib, Akrim Akrim, and Gunawan Gunawan, "Pluralisme Buya Syafii Marif," *Kumpulan Buku Dosen* 1, no. 1 (2019).

and time.[4]   This is related to the evolution and development of human civilisation which continues to change, requiring contextual interpretations of Islamic Sharia that need to be adjusted. This is confirmed by the existence of abrogation, where some Qur'anic verses are abrogated to close the gap between the meaning of one verse and another, known as Nasikh Mansukh.

Regarding the command to punish with the law of Allah SWT, with the threat of being categorised as kafir, zalim, and fasik if they do not comply, there are also verses that contain the meaning of upholding Islamic law implicitly. For example, in verses An-Nisa/4:59 and 65, there are commands to submit and obey leaders who apply Islamic law, as well as the predicate of unbelief for those who do not submit to the law brought by the Prophet Muhammad Saw. These two verses are the main focus of this research.

The issue of the formalisation of Islamic shari'a that continues to rage until the modern era is not only an effort to fight the dominance of shari'a which is considered to have come from the West, but also as a step to return Islam to its group view as a solution to all challenges that arise. Islamic textuality is considered as an instrument that can provide answers to various problems faced by humanity, anytime and anywhere.

The discourse on the legalisation of Islamic principles is a growing issue in the Islamic world, including in Indonesia. This discussion has emerged since the revolution in Iran and has given rise to two main views, namely from the Fundamentalist group and the Secularism group. The first group believes that Islam is not just a religion, but also a complete legal guide for humans in dealing with various problems.[5]

Formalisation of Islamic Sharia in Indonesia refers to the process of officially adopting and applying Islamic law in the country's legal system. Indonesia, as a country with the largest Muslim majority in the world, has experienced a number of attempts to formalise Islamic Sharia in its history. There are several factors that influence this process, including the political, social and cultural dynamics in Indonesia.

A background analysis of the formalisation of Islamic sharia in Indonesia can begin with an understanding of the history of Islam in this country. Islam has been present in Indonesia since the 13th century through trade routes with the Arabs and Indians. However, Islam officially became the majority religion in Indonesia after the arrival of Arab traders and the spread of Islam by scholars and explorers from the Middle East, such as Sheikh Datuk Kahfi who is believed to have come from Yemen.

Over time, Islam continued to grow in Indonesia and became an integral part of people's lives. However, the formalisation of Islamic law in the context of state law began during the Dutch colonial era. During the colonial period, the Dutch tried to limit the influence of Islam by implementing colonial laws that suppressed Islamic religious activities. However, these efforts were not entirely successful, and Islam continued to flourish under colonialism.

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[4] Solehuddin Harahap, "Siyasah Syari'iyah Dalam Perspektif Islam," *HUKUMAH: Jurnal Hukum Islam* 5, no. 2 (2022): 112–127.

[5] Qadriani Arifuddin and Anwar Sewang, "Ijtihad Umar Bin Khattab Dan Relevansinya Terhadap Hukum Islam Kontemporer," *JISH: Jurnal Ilmu Syariah Dan Hukum* 1, no. 1 (2021): 69–83.

After Indonesian independence, the formalisation of Islamic law became a hot topic of political and social debate. Although Pancasila was adopted as the basis of the state that guarantees freedom of religion, Islamic groups began to emphasise the importance of applying Islamic law in social and political life.

One relevant case study is the implementation of sharia law in Aceh Province. After a series of internal conflicts and separatist movements, the Indonesian government granted special autonomy to Aceh, allowing the province to officially implement sharia law. This is reflected in the establishment of the Qanun Jinayat, which prescribes punishments for violations of Islamic law such as adultery and drinking.[6]

However, the implementation of sharia law in Aceh has also generated a number of controversies and debates, particularly in relation to human rights and minority protection. Some fear that the formalisation of Islamic sharia could threaten the principles of equality and justice in Indonesia.

Overall, the formalisation of Islamic law in Indonesia is the result of complex political, social and cultural dynamics. Although there have been steps towards the formalisation of Islamic sharia, the process is still a subject of ongoing debate in Indonesia.

LITERATURE REVIEW

1. Sahid HM, 2016, Thesis "Legislation of Islamic Law in Indonesia: A Study of Islamic Sharia Formalisation". This research, which uses the approach of religion and state relations, proves that the dynamics of Islamic law formalisation have been rolling since pre-independence, post-independence, and the reform era. This research also highlights the objects of Islamic law that have been achieved until now, namely the marriage law, inheritance law, waqf law, zakat law, economic law, and hajj law. This research does not discuss how, for example, the discourse of enforcing Islamic law is perspected by movements that carry the discourse of enforcing Islamic law in total through the basis of the texts of the Qur'an and the hadith of the Prophet Muhammad Saw. The difference between Sahid HM's thesis and the thesis I researched is that our thesis is based on the opinions of the scholars/mufassirs of the Qur'an. His contribution to our thesis is about the insight of the formalisation of Islamic Shari'a.

2. Ahmad Muhibi, 2018, Thesis "Review of the Formalisation of Islamic Sharia in Banten in the Context of the Nation-State in Indonesia". The essence of this research is that the formalisation of Islamic Sharia in Banten raises polemics, because in the context of the nation-state it is not only inhabited by Muslims, but also non-Muslims. Non-Islamic people do not agree with the implementation of Islamic sharia as a state regulation in the context of Banten. This thesis tries to relate sharia local regulations to the context of the nation-state, within the scope of the Banten region. This research does not explore the meaning of Islamic law in a more analytical way, through any approach, and also not through the Qur'anic approach.

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[6] Milda Fitria, "Praktek Perlawanan Kelompok Kritis Terhadap Pemberlakuan Syariat Islam" (UIN Ar-Raniry, 2024).

From the previous relevant studies that have been presented above, there does not appear to be any research that is the same as what is written in this thesis. This research is the latest research that reveals the interpretation of the verses of the formalisation of Islamic law in the eyes of Maqashid Al-Qur'an in the view of the mufassir Ibn 'Ashur.

METHODS

Research methodology is a scientific method carried out by researchers in order to obtain appropriate or valid data so that they can find goals which can then be developed and can be proven so that they can be used and understood in solving a problem.

1. Type of Research

   This research is qualitative and literature review (Library Research). At the same time it is literal research, research conducted by searching for materials and literature materials in the form of works that have a relationship with the subject to be studied.

2. Data Source

   The data sources in this research are divided into two, namely primary data and secondary data. The primary data used in this research are the verses of the Qur'an that are considered to formalise Islamic law and their interpretations, namely in Tafsir At-Tahrir Wa At-Tanwir by Ibn 'Ashur and other interpretations, whether classical, middle or modern. To find out that the verses are interpreted as verses of the formalisation of Islamic law, the author uses the interpretations of Islamic groups that support the formalisation of Islamic law, in understanding these verses, such as in Tafsir Al-Wa'ie by Rokmat S. Labib and the interpretations of other groups that have the same understanding. The author also uses the book Maqashid Al-Syari'ah by Thahir Ibn 'Asyhur to collect data related to the conception of maqashid Al-Qur'an and Maqashid As-Syari'ah.

   While secondary data is in the form of books in the form of journals related to the formalisation of Islamic law, interpretations of the Qur'an, websites, magazines, newspapers, seminar results, procedings and so on that are still related to this research.

3. Data Collection Technique

   The author in this research collects data with documentation techniques. Then after collecting the data, the new author sorts and classifies the data according to the discussion to be studied.

4. Data Analysis Technique

   The data analysis technique that the author will use is the deductive-analysis technique, which is an analytical process that departs from general knowledge which is used to assess something special. The author departs from the discussion of the conclusions of the figures and then the author conducts research in the books of tafsir, what the mufassirs explain the Maqashid Al-Qur'an, then the author narrows the research to only two figures, namely Muhammad Thahir Ibn 'Assyria from the book of tafsir written by the author to conduct research on how istinbath or

conclusions in Maqashid Al-Qur'an, in this thesis will specifically examine the verses that are considered to formalise Islamic Sharia by referring to the book made by Thahir Ibn 'Assyria with the Maqashidi Tafsir approach.

RESULTS AND DISCUSSION

1. Biography of Muhammad Thahir Ibn Ashur and Profile of Tafsir At-Tahrir Wa At-Tanwir

Ibn 'Assyria, Shaykh al-Imām and leader of the muftis, was born in al-Marasiy, Tunisia, in Jumadil al-'Ula in 1296 AH (September 1879 AD). His full name is Muhammad al-Thahir bin Muhammad al-Thahir bin Muhammad bin Muhammad al-Syazilli bin 'Abd al-Qadr Ibn 'Ashur. His family had strong roots in knowledge and lineage, even boasting descendants of the Ahlul-Bait of the Prophet Muhammad.

He grew up in the care of his grandfather, a prime minister and 'scholar', and was supported by parents who wanted him to follow in his grandfather's footsteps in scholarship. After completing his education at al-Zaituniyyah University, Ibn 'Assyria gained various positions in the field of religion and showed dedication without material orientation.

Ibn 'Assyria's significant role in driving nationalism in Tunisia was realised through the struggle with Shaykh Muhammad Khadr Husain. Both, insightful figures and strong faith, contributed to the jihad and got a strategic place. Ibn 'Assyria became a great Shaykh in Tunisia, while Shaykh Muhammad Khadr Husain in Egypt. Despite the challenges faced by the invaders and their minions, Ibn 'Assyria and Muhammad Khadr Husain continued to carry out their holy mission. Ibn 'Assyria once served as a Judge and Mufti, but political conditions led him to unite with the rulers around Islamic insights.

Ibn 'Assyria was dismissed from the post of Shaykh of Islam, as he was no longer wanted by the judges. Nevertheless, he did not give up and spent his time at home reading, writing, and enjoying the books in his library. For a long time, he had the desire to write a comprehensive Qur'anic commentary for the benefit of the world and religion, but was burdened by his involvement in defending his country. Despite being removed from his position, Ibn 'Assyria remained firm in his principles without abandoning the struggle.

Shaykh Muhammad al-Kadr Husain as Ibn 'Assyria's friend in studying and struggling said that Ibn 'Assyria had eloquence of speech, wide calm, special knowledge, strong mind, clean heart, broad knowledge in Arabic literature and the most beautiful is his amazement at his character no less than his intelligence in science.

Al-'Alamah Muhammad al-Basyr al-Ibrahim commented that Ibn 'Ashur was a scholar among the 'Ulama who was reckoned in history because of his greatness, Ibn 'Ashur was an Imam who was as knowledgeable as the ocean, able to be independent in reasoning.

Dr Al-Habib bin al-Kaijah considered that Ibn 'Assyria is one of the privileges of this world and the last one I saw, there is no other from him in Africa or a quarter in Morocco or the state of Tinur or even the Islamic world, his efforts in completing his tafsir work without being bored and writing other works from his youth until his death.

Ibn 'Assyria, a contemporary scholar of Tunisian origin, has achieved fame as an impressive scholar of Qur'anic exegesis. His monumental work, "At-Tahrir wa At-Tanwir," is a testament to his ability to interpret and convey the Qur'ānic message in a contextually relevant manner. Although he is not the only tafsir expert in the world, his uniqueness has made him beloved by scholars and Qur'ānic enthusiasts.

Ibn 'Ashur's tafsir, entitled "Tarir al-Ma'na as-Sadid wa Tanwir al-'Aqli al-Jadid min Tafsir al Kitab al-Majid," is better known as "At-Tahrir wa At-Tanwir." This work was recognised for its quality and continues to be appreciated today. Ibn 'Assyria himself wrote an introduction to his work, explaining his motivation for writing this tafsir as his highest achievement in fulfilling his ideals.

In the muqaddimah of his work, Ibn 'Assyria not only discusses the basics of interpretation, but also provides a general insight into the mufasir's interaction with the vocabulary, meaning, structure and system of the Qur'ān. In particular, he emphasises the importance of tafsir as a science and provides a moderate view of its approach.

Ibn 'Assyria rejects the scholarly tradition of uncritically quoting the opinions of previous scholars. He emphasised the importance of making unique contributions to interpretation, rather than simply repeating them without offering new insights. His works cover a wide range of topics, including asbabun nuzul, qira'at, stories in the Qur'an, and the i'jaz of the Qur'an.

Ibn 'Assyria's tafsir begins with an explanation of Surah Al-Fatihah, with a special focus on the "Basmalah". His method is structured, following the order of the surahs in the Qur'ānic mushaf with the tahliliy method. His Muqaddimah is recognised as one of the best parts of his work, providing an in-depth overview of the foundations of interpretation.

The introduction written by Ibn 'Ashur is an important part of his tafsir. In this introduction, he explains his motivation, the issues to be addressed in his tafsir, and gives a name to his tafsir. This introduction provides an easy-to-understand view and helps readers understand the purpose and vision of Ibn 'Assyria in compiling his work.

In addition to tafsir, Ibn 'Assyria also touches on other aspects in his works, including the cause of the revelation of a verse (asbabun nuzul), various qira'ah, the number of verses, surahs, the order and names of the Qur'an, and the i'jaz of the Qur'an. His in-depth thinking and interpretation resulted in valuable contributions to Islamic science. Despite being dismissed from the position of Shaykh of Islam, Ibn 'Assyria remained firm in his principles and continued to write vigorously until the end of his life.

Thus, it can be interpreted that Ibn 'Assyria was not only a tafsir expert, but also an accomplished thinker and writer who provided a valuable legacy for the understanding of the Qur'an and Islamic science in general. His work is not only appreciated in the Tunisian context, but also recognised globally as a major contribution to the world of Qur'ānic interpretation.

2. Contextualising Verses on the Legalisation of Islamic Principles in the Present Time

a. Introduction to Islam for Muslims with its Universal Values and Universal Values for All Humans

The verse discussed here is believed to be an argument for the legalisation of Islamic principles in religion and state. The word *"as-silmi"* is considered to be an indicator of the necessity to convert to Islam and apply Islamic law in total.[7] Ibn 'Assyria relates it to other verses in Al-Baqarah that highlight those who amazed the Prophet Muhammad and who sacrificed themselves to seek Allah's pleasure**.**

Ibn 'Assyria understands the *"believers"* in this verse as two groups, those who amazed the Prophet and those who sacrificed themselves for Allah. This includes Jewish converts to Islam, such as Abdullah ibn Salam, who still retained the customs of the Jewish tradition. This verse is interpreted as Allah's command for them to truly embrace Islam and abandon their old customs.**[8]**

Ibn 'Assyria gives several meanings to the word *"as-silmi,"* including peace, renunciation of war, and salvation from pain, harm, and malice. In his maqashidi tafsir, he identifies this verse as emphasising the ultimate benefit, where peace is synonymous with benefit in Islam.[9]

The interpretation of *"as-silmi"* as peace is in line with Islam's mission as a religion of peace. Ibn 'Ashur asserts that believers must prioritise peace so as not to resemble the people of ignorance who are fond of fighting for the sake of their own interests or groups.[10]

Furthermore, Ibn 'Ashur interprets *"as-silmi"* as salvation, which includes being saved from pain, danger, and malice. This illustrates that believers should not commit acts that cause pain, harm, or malice to others.[11]

The meaning of peace and safety in *"as-silmi"* is also supported by Abduh and Yusuf Al-Qaradhawi. They emphasise that peace should be perceived proportionally, without intimidation, and provide fair legal effects to all parties.**[12]** Ibn 'Ashur also interpreted "*as-silmi"* as asking for peace and piety. He asserts that these meanings exist in Islam, and 'Umar Ibn 'Ala supports Islam as a religion that carries these meanings. However, Ibn 'Assyria also interprets "*as-silmi"* as peace, salvation and obedience in itself, not limited to Islam.[13]

Ibn 'Assyria concludes that these meanings should be present in Islam, and by using the phrase *"Alladzina Amanu,"* he asserts that Islam can carry these meanings,

[7] Fahmi Subhan Hasani et al., *Skismatika Agama Di Masyarakat* (Prodi S2 Studi Agama-Agama UIN Sunan Gunung Djati Bandung, 2020).

[8] Yusuf Qardhawi, *Islam Jalan Tengah: Menjauhi Sikap Berlebihan Dalam Beragam* (Mizan Pustaka, 2020).

[9] Jamal Ma'mur Asmani, *Jihad Keilmuan Dan Kebangsaan Pesantren* (IRCiSoD, 2022).

[10] Mochamad Hasan Mutawakkil, "Nilai-Nilai Pendidikan Moderasi Beragama Untuk Mewujudkan Toleransi Umat Beragama Dalam Perspektif Emha Ainun Nadjib" (Universitas Islam Negeri Maulana Malik Ibrahim, 2021).

[11] Anri Saputra, Mela Rospita, and Vivik Shofiah, "Qalbu Dalam Kajian Psikologi Islam," *Al-Fikra: Jurnal Ilmiah Keislaman* 18, no. 1 (2019): 37–51.

[12] Bama Andika Putra and M I R SIP, *Buku Ajar Studi Konflik Dan Perdamaian Internasional* (Deepublish, 2021).

[13] Mutawakkil, "Nilai-Nilai Pendidikan Moderasi Beragama Untuk Mewujudkan Toleransi Umat Beragama Dalam Perspektif Emha Ainun Nadjib."

including peace, salvation, asking for congratulations, and piety. However, he also points out that *"as-silmi"* can be interpreted as peace from war, both between Muslims and with nonMuslims .Overall, Ibn 'Assyria not only interprets *"as-silmi" as* a religious identity, but also as a Qur'anic instruction for religious people to prioritise humanity with an attitude of peace, without war, and prioritising the value of piety.[14]

Surah Al-Baqarah verse 208 emphasises the importance of entering Islam with all one's heart and determination. The concept of Qur'a nic Maqashid, which is the purpose and wisdom principles of the Qur'a n, can provide a deeper understanding of this verse in the context of its universal values. Verse 208 of Surah Al-Baqarah can be related to Qur'a nic Maqashid through several views:

a. The Universal Virtue of Sincerity: This verse emphasises the importance of entering Islam with sincere and genuine intentions. In the context of Qur'anic Maqashid, the universal value of sincerity and integrity of heart can be interpreted as a moral principle that applies to all human beings, regardless of religious or cultural background. Sincerity is a universal value that forms the ethical foundation for every individual in living life.

b. Acceptance of Multiculturalism: Wholeheartedly embracing Islam refers to a deep commitment to religious beliefs and values. In the context of the Qur'a nic Maqashid, this can mean that cultural and religious diversity is respected and recognised. The Qur'a nic Maqashid supports universal values that encourage respect for differences and the promotion of peace among different human communities.

c. Respect for Humanity: Islamic values that a Muslim holds dear, such as honesty, compassion, justice and humanity, are in line with the Qur'anic Maqashid goals. Entering Islam with an understanding of these values encourages individuals to contribute positively to society, creating a better environment for all humans, regardless of religious or ethnic differences.

d. The Importance of Knowledge and Education: This verse also contains the message that before entering the religion of Islam, one must have a good understanding of its teachings and principles. In the context of the Qur'anic Maqashid, this emphasises the importance of education and knowledge as universal goals, which transcend religious or cultural boundaries. Education is a means to build a better and developed society.[15]

Thus, verse 208 of Surah Al-Baqarah can be seen as a call to enter Islam with a deep understanding of its universal values, such as sincerity, respect for differences, respect for humanity and the importance of knowledge. These values are in line with the Qur'anic Maqashid principles that underline moral and social goals that apply to all human beings, regardless of their religion or culture.

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[14] Dudung Abdul Rohman, *Moderasi Beragama Dalam Bingkai Keislaman Di Indonesia* (Lekkas, 2021).

[15] Kadarusman Kadarusman, "Development Of Moderate Islamic Law," *Jurnal Ilmiah Pesantren* 8, no. 1 (2023).

b. *Taghut is a Form other than Allah that is worshipped and the act of disobeying a legitimate Leader.*

يَٰٓأَيُّهَا الَّذِينَ اَمَنُوْٓا اَطِيْعُوا اللهَ وَاَطِيْعُوا الرَّسُوْلَ وَاُولِى الْاَمْرِ مِنْكُمْ فَاِنْ تَنَازَعْتُمْ فِيْ شَيْءٍ فَرُدُّوْهُ اِلَى اللهِ وَالرَّسُوْلِ اِنْ كُنْتُمْ تُؤْمِنُوْنَ بِاللهِ وَالْيَوْمِ الْاٰخِرِ ذٰلِكَ خَيْرٌ وَّاَحْسَنُ تَأْوِيْلًا (النسآء/٤ : ٥٩)

اَلَمْ تَرَ اِلَى الَّذِيْنَ يَزْعُمُوْنَ اَنَّهُمْ اٰمَنُوْا بِمَآ اُنْزِلَ اِلَيْكَ وَمَآ اُنْزِلَ مِنْ قَبْلِكَ يُرِيْدُوْنَ اَنْ يَّتَحَاكَمُوْٓا اِلَى الطَّاغُوْتِ وَقَدْ اُمِرُوْٓا اَنْ يَّكْفُرُوْا بِهٖ ۗ وَيُرِيْدُ الشَّيْطٰنُ اَنْ يُّضِلَّهُمْ ضَلٰلًا ۢ بَعِيْدًا (النسآء/٤ : ٦٠)

فَلَا وَرَبِّكَ لَا يُؤْمِنُوْنَ حَتّٰى يُحَكِّمُوْكَ فِيْمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوْا فِيْٓ اَنْفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوْا تَسْلِيْمًا (النسآء/٤ : ٦٥)

    This verse is regarded as an argument for the formalisation of Islamic law, emphasising the need for all people to obey the laws of Allah, the Messenger of Allah, and leaders who apply Islamic law in total. Ibn 'Assyria relates it to the conflict between Abdullah bin Huzafah and *Ahlul Halli wal Aqdi* in a *Sariyyah* war, and the revelation of the verse gives the message that disputes should be returned to Allah, His Messenger, or *ulil amri*. [16]

    The concept of maqashidi interpretation, Ibn 'Assyria categorises this verse as a verse with the side of maslahat hakiki, emphasising that ulil amri, as leaders, should provide things that are beneficial to the people. Because the nuzul of this verse is considered as information and stories for the people to be a driving force in increasing obedience to Allah, the Messenger, and the leader.[17]

    Ibn 'Assyria interprets ulil amri as a just and trustworthy leader, emphasising that this type of leader can take many forms such as a king, sultan, president or prime minister, what matters is the justice and trustworthiness they show when leading. This opinion is in line with the principles of leadership in Islam.[18]

    In the context of Ibn 'Assyria's understanding, ulil amri is not a leader who totally formalises certain religious laws in the law of a country. Instead, he emphasises fairness and trustworthiness as a description of an ulil amri who is equal to Allah and His Messenger. Ulil amri is regarded as a person on whom the people rely or deal with, with a role as a role model or example in security and trustworthiness.

    Ibn 'Assyrian emphasises that the return of a matter to Allah in this verse indicates the high dignity of Allah in all matters of the people, and the affirmation of the Messenger

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[16] Wilta Mauliah, "Konsep Ulil Amri Dalam Surat Al-Nisā'[4] Ayat59 Dan 83 Perspektif Wahbah Al-ZuḥailīDalam Tafsīr Al-Munīr" (UIN Ar-Raniry Banda Aceh, 2023).

[17] Mauliah.

[18] Ali Geno Berutu, *Formalisasi Syariat Islam Aceh Dalam Tatanan Politik Nasional* (Pena Persada, 2020).

applies as long as the Messenger is alive. Obedience to ulil amri is required of leaders who provide benefit and justice in the community.[19]

The message that can be taken from Ibn 'Ashur's interpretation is the importance of obedience of the people to a just and trustworthy leader, with the criteria of a leader who can provide benefits to the community. Ulil amri is considered as a leader who has the authority and becomes the mediator in solving the problems of the people. Ibn 'Ashur's overall interpretation emphasises the principles of maslahat and justice as the main purpose of the revelation of the Qur'an.[20]

Ibn 'Assyria's analysis of surah An-Nisa/4:60 discusses the meaning of taghut as something that does not implement Islamic law. He relates it to the dispute between hypocrites and Jews in the past. Ibn 'Assyria emphasises a contextual understanding of the verse and does not generalise taghut as something followed other than Allah globally.[21]

Ibn 'Assyria highlights that taghut can mean a worshipped statue or idol. In the historical context, he details that the dispute involved hypocrites who complained to Ka'ab Ibn Asyraf and Jews who brought their issue to the Prophet. Furthermore, he states that the meaning of taghut is a worshipped statue and emphasises its relevance to the reality at the time of the verse's revelation.

Ibn 'Ashur rejects the view that includes state attributes such as Pancasila or national symbols as taghut. For him, taghut is everything, whether human, statue, attitude, which is deified other than Allah SWT. Its meaning returns to the concept of worship and deification. In the context of the maqashid of the Qur'an, Ibn 'Assur emphasises the improvement of belief in faith and guides to the correct belief. This verse is also considered to provide information about previous people to avoid worshiping taghut.

In the modern context, Ibn 'Assyria's analysis shows that taghut can include disobedience to a leader who has become a collective agreement. This idea is supported by Yudi Latif, who states that in the Indonesian context, all citizens should submit to leaders who make Pancasila the collective agreement of the state.[22]

Ibn 'Assyria focuses on the original and pure meaning of taghut, avoiding supposition and ensuring authentic understanding. His analysis bases the meaning of taghut on the reality of the Qur'an, distancing himself from thinking outside the text.

The conclusion of this analysis is that Ibn 'Assyria proposes an understanding that is contextual, realistic, and returns to the original meaning of the Qur'an. Taghut is interpreted as something that is worshipped and deified other than Allah, with an

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[19] Mauliah, "Konsep Ulil Amri Dalam Surat Al-Nisā'[4] Ayat59 Dan 83 Perspektif Wahbah Al-ZuḥailīDalam Tafsīr Al-Munīr."

[20] Mauliah.

[21] RESTY FAUZIAH, "Pengaruh Penerapan Model Pembelajaran Meaningful Instructional Design Terhadap Kemampuan Pemahaman Konsep Matematis Berdasarkan Self Regulated Siswa SMP/Mts" (Universitas Islam Negeri Sultan Syarif Kasim Riau, 2019).

[22] Made Oka Cahyadi Wiguna, "Pentingnya Prinsip Kebijaksaanaan Berdasarkan Pancasila Dalam Kehidupan Hukum Dan Demokrasi Indonesia," *Jurnal Ilmiah Kebijakan Hukum* 15, no. 1 (2021): 133–148.

emphasis on understanding in accordance with the historical context and social conditions when the verse was revealed.

Furthermore, Ibn 'Assyria also interprets the 65th verse of surah An-Nisa/4 as justification for the formalisation of Islamic law. This verse is interpreted as a consequence for the people to formalise Islamic law in the form of khilafah. The nuzul of this verse is related to the dispute between the hypocrites and the Jews, who rejected the Prophet's decision, resulting in the label of taghut worshipers for those who are reluctant to follow the provisions of Allah.[23]

Ibn 'Ashur emphasises the context of the Qur'a nic maqashid, where this verse is a reminder of the importance of sharia in life. The verse is also regarded as a command to submit to the law brought by the Prophet Muhammad. This law is understood not only as written provisions, but also any law in the world that does not provide justice.[24] According to Ibn 'Assyria, a judge who applies Islamic law should be followed, while those who do not should be rejected.

Ibn 'Assyria's analysis reflects a universal moral message of submission to religious provisions that are just and applicable to all.[25] This message applies not only to Muslims but also to people of other religions who must submit to laws that provide justice. Ibn 'Assyrian interpretation leads to the Qur'a nic ideal of creating universal justice.

Ibn 'Assyria asserts that the Prophet's sharia in this verse includes both shar'i and takwini laws that have become the rule of a region. The message is to submit to the religious law that must be just and provide justice. Ibn 'Assyria's interpretation is authentic, not influenced by presumptions or assumptions of educational background, giving rise to a pure understanding of the Qur'an. In conclusion, Ibn 'Assyria's interpretation of this verse shows that the consequences of formalising Islamic law are more universal and reflect the values of justice. His analysis creates an authentic and relevant understanding of the Qur'an for all people.

c. *Kafir is a religious adherent's disobedience to the Shari'ah of the heavenly religions, accompanied by an attitude of causing harm on earth*

اِنَّآ اَنْزَلْنَا التَّوْرٰىةَ فِيْهَا هُدًى وَّنُوْرٌ يَحْكُمُ بِهَا النَّبِيُّوْنَ الَّذِيْنَ اَسْلَمُوْا لِلَّذِيْنَ هَادُوْا وَالرَّبَّانِيُّوْنَ وَالْاَحْبَارُ بِمَا اسْتُحْفِظُوْا مِنْ كِتٰبِ اللّٰهِ وَكَانُوْا عَلَيْهِ شُهَدَاۤءَۚ فَلَا تَخْشَوُا النَّاسَ وَاخْشَوْنِ وَلَا تَشْتَرُوْا بِاٰيٰتِيْ ثَمَنًا قَلِيْلًاۗ وَمَنْ لَّمْ يَحْكُمْ بِمَآ اَنْزَلَ اللّٰهُ فَاُولٰۤئِكَ هُمُ الْكٰفِرُوْنَ (المآئدة/٥: ٤٤)

One of the Qur'anic verses used as an argument for the formalisation of Islamic sharia is surah Al-Ma'idah/5: 44, which is interpreted by Rokhmat S. Labib as an

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[23] M Yusuf Wibisono, Tatang Zakaria, and R F Bhanu Viktorahadi, *Persepsi Dan Praktik Toleransi Beragama Di Kalangan Mahasiswa Muslim Dan Non-Muslim* (Prodi S2 Studi Agama-Agama UIN Sunan Gunung Djati Bandung, 2022).

[24] H Zainuddin Ali, *Hukum Islam: Pengantar Ilmu Hukum Islam Di Indonesia* (Sinar Grafika, 2022).

[25] Abdul Chalim, "Memposisikan Islam Sebagai Agama Moralitas," *Qolamuna: Jurnal Studi Islam* 5, no. 1 (2019): 1–15.

obligation to apply Islamic sharia law in all aspects of life, including in the realm of government. Non-compliance will be considered an act of disbelief.

Ibn 'Ashur emphasises the context of this verse in relation to the laws of the Torah that the Children of Israel did not follow.[26] For him, disobeying these laws, such as not applying the law of stoning from the Torah, is considered an act of disbelief. This opinion is supported by Fatih Zaghut, who states that the label of disbelief can also be applied to followers of other religions who do not adhere to their religious scriptures.

Ibn 'Assyria also asserts that the status of disbelief applies to those who refuse to submit to the laws of Allah or abandon the laws brought by the Messenger. The legal context in this verse, according to him, is specific to the Jews. However, he also states that a person can be considered a disbeliever if he is in a country that applies Islamic sharia law, but does not abide by it - although this is only considered a disbeliever in sin, not a disbeliever in the context of faith.[27]

Ibn 'Ashur interprets this verse as a reminder for Muslims to obey the laws contained in the Qur'an. This interpretation shows that the verse originally had the meaning of *al-ma'na al-'urfî*, because the concept of maslahah in the verse can be understood in the tradition of the Jews who follow the Torah law. Ibn 'Assyria classifies this verse as a warning and threat to Jews who refuse to submit to the laws of Allah that have been revealed in the Torah.

Ibn Rushd, as Ibn 'Assyria explains, states that disbelief is disobedience to religious commands and the suppression of truths. In this context, a person who does not obey God's law, but does good and does not cause conflict in the community, is not considered a kafir or sinner. This understanding reflects the Indonesian context, which uses the positive law of the 1945 Constitution as the basis of state law.[28]

Ibn 'Assyria also notes that the context of the nuzul verse highlights the observance of the Jews to the Torah law, signalling the prohibition of imposing religion on others. Although in the modern context, this interpretation reflects adherence to each other's religions by respecting the choices of religious believers. Adherence to religious law becomes the benchmark for tolerance, with Ibn 'Assyria cautioning Muslims to continue to follow Islamic law, but with consideration of maslahah that does not cause chaos.

Ibn 'Ashur's approach is supported by Ar-Razi, who states that the verse applies to all mankind, not just to one particular religion. This also confirms that someone who has not practised the laws of his religion, but believes in them, is not considered a disbeliever.[29] Sayyid Quthb and Al-Baidhawi add that the verse explains about the Prophet's previous shari'a that can be practised by Muslims.

[26] Andriani Andriani, "Bani Israil Sebagai Kunci Untuk Memahami Era Post-Modern," *Jurnal Sosiologi Agama* 13, no. 1 (2019): 151–180.

[27] Muchlis Muhammad Hanafi, "Konsep Ḥākimiyyah: Menimbang Ayat Suci Dan Ayat Konstitusi Dalam Negara Demokrasi," *SUHUF* 15, no. 1 (2022): 1–19.

[28] Ali Muhtarom, Sahlul Fuad, and Tsabit Latif, *Moderasi Beragama: Konsep, Nilai, Dan Strategi Pengembangannya Di Pesantren* (Yayasan Talibuana Nusantara, 2020).

[29] Hanafi, "Konsep Ḥākimiyyah: Menimbang Ayat Suci Dan Ayat Konstitusi Dalam Negara Demokrasi."

In conclusion, Ibn 'Assyria interprets the verse contextually, underlining that the Qur'ān was revealed to bring goodness among the people. Although the verse initially highlights the Jewish people's adherence to Torah law, this understanding can be applied as a principle of tolerance towards each other's religions. While the moral ideal reflects adherence to religious law, Ibn 'Assyria warns that Muslims should consider Islamic law with an eye to maslahah (good) that does not lead to chaos

d. *The label of Zalim and Fasik (unjust and wicked) is given to those of any religion who do not obey Allah's provisions in the Holy Book and do not bring about any benefit.*

وَكَتَبْنَا عَلَيْهِمْ فِيهَا اَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْاَنْفَ بِالْاَنْفِ وَالْاُذُنَ بِالْاُذُنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوْحَ قِصَاصٌ فَمَنْ تَصَدَّقَ بِهٖ فَهُوَ كَفَّارَةٌ لَهٗ ۚ وَمَنْ لَّمْ يَحْكُمْ بِمَآ اَنْزَلَ اللهُ فَاُولٰۤىِٕكَ هُمُ الظّٰلِمُوْنَ ٤٥ (المآئدة/٥: ٤٥)

وَلْيَحْكُمْ اَهْلُ الْاِنْجِيْلِ بِمَآ اَنْزَلَ اللهُ فِيْهِ ۚ وَمَنْ لَّمْ يَحْكُمْ بِمَآ اَنْزَلَ اللهُ فَاُولٰۤىِٕكَ هُمُ الْفٰسِقُوْنَ ٤٧ (المآئدة/٥: ٤٧)

These two verses 45 and 47 are also used as justification by some Islamic groups, who argue that they are evidence of the obligation to implement Islamic sharia in its entirety in the Islamic governmental structure, particularly in the khilafah islamiyyah system. They consider anyone who rejects these guidelines to be unjust and wicked.[30]

These verses remain closely related to the previous verse which discusses the laws of God in the Torah that the Jews disregard. More specifically, this verse discusses one of God's laws in the Torah, namely the law of *qishas,* which the Jews ignored in its implementation, not as an explanation of Islamic law. In Ibn 'Assyria's interpretation, this verse is considered an emphasis on maslahat urfiyyah, because the value of maslahat in the verse cannot be understood directly with common sense, but must be seen from the tradition of the Jews who are reluctant to follow God's laws in the Torah, even though these laws clearly provide maslahat for themselves. Support for this interpretation comes from Shaykh An-Nakhjawi, who states that the context of the verse is specific to the Jews who like to change the laws and provisions in the Torah.[31]

According to Ibn 'Assyria, the context of this verse confirms that the law of *qishas* has existed since the time of Prophet Moses. This also proves that the law of Allah has benefits as well as strengthening its existence, because the affirmation of one sharia (Prophet Moses) which is renewed by another sharia (Prophet Muhammad SAW) is a strong confirmation of the existence of the law. In other words, this verse in the Qur'an confirms the obligation and benefits of the law of qishas in the Torah.

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[30] Ahmad Shofiyuddin Ichsan and Fitria Fathurrahman, "Reviewing the Islamic Education Curriculum in the Perspective of the Khilafah State System (Study of Al Syakhsiyah Al Islamiyah by Taqiyyuddin An Nabhani)," *AL-FURQAN* 8, no. 1 (2019): 1–14.

[31] Misbah Hudri, "Pembacaan Kontekstual Ayat 'Berhukum Dengan Hukum Allah'(Narasi Kontra NKRI Bersyariah)," *Nun: Jurnal Studi Alquran Dan Tafsir Di Nusantara* 6, no. 2 (2020): 163–184.

Like the previous verses, this verse also warns and threatens the Jews to abide by the revealed laws of Allah, such as the law of qishas. It also responds to Jewish groups who oppose the laws already recorded in the Qur'a n. Ibn 'Ashur sees it as the concept of providing the story or information about the previous people for the current people, as a lesson to obey the laws in the holy book. This verse also serves as advice, warning, threat, and good news for humans to remain obedient to the provisions of their religion.

Ibn 'Assyria also emphasises that the essence of qishas law is basically not burdensome for someone, but can provide benefits. The law of qishas has a deterrent effect on those who deliberately commit bad acts. Ibn 'Assyria emphasises the benefit rather than the law of qishas itself. This is in accordance with the concept of maqashid AlQur'an which asserts that the purpose of the Al-Qur'an was revealed is to provide benefits and solutions in society. This understanding is also in line with Ibn 'Assyria's efforts to provide interpretations that are relevant to the conditions of society, as well as providing a message for every religious believer to improve their beliefs in accordance with the teachings of their religion.

The verse also conveys the message that every religious community should obey their own religious laws that do not conflict with the laws of Allah SWT. This interpretation can be seen from the context of the nuzul verse which shows the disobedience of the Jews to the Torah. Ibn 'Ashur's analysis reflects that obedience can be interpreted as religious adherence to the laws of their religion that provide maslahat. In this context, the labels of wicked and unjust, as well as kafir, cannot be interpreted as the disobedience of certain religious adherents to the textual laws in the Qur'an or Hadith or disobedience by formalising Islamic law in the constitution in the form of khilafah islamiyyah, as some Muslims believe. Ibn 'Assyria sees this phenomenon as the authentic meaning of the punishment in the Torah, where those who disobey it are considered unjust and wicked.

In the present context, Ibn 'Ashur's consistency in responding to who is considered unjust can be applied to all religious people, as long as they do not obey God's provisions in their respective religious scriptures. This concept is in line with Al-Jazi, who states that each Prophet and his people are given their own sharia that must be followed. The essence of what Ibn 'Assyria wants, as stated by Al-Jazi, is the obligation of obedience for religious believers to their respective religious laws.

In the context of the formalisation of Islamic law, the Qur'anic Maqashid in the verse cannot be used as an argument to formalise Islamic law in a diverse society. In its original context, the Qur'anic Maqashid reflects the disobedience of a Jew to the provisions of the Torah, not the disobedience of humanity to the provisions of the text of the Qur'an and Hadith. Reflectively, however, the Qur'a nic Maqashid in this verse can be interpreted as the obedience that all religious believers must adhere to the provisions of Allah SWT in their respective religious scriptures. Therefore, the labels of unjust and wicked can apply to any believer who is not obedient to the provisions of Allah Swt in all holy books and cannot provide benefits on earth.

CONCLUSIONS

The Qur'ān has complex implications for verses that are considered to formalise Islamic Shari'a. Although some verses appear rigid and formal in guiding Islamic law, the Qur'ān provides ample room for interpretation and contains flexible principles. Thoughtful interpretation must take into account the context and the broader objective of *Maqasid Ash-Shari'ah*, which is human benefit and justice. The Qur'anic messages emphasise the importance of maintaining a balance between the strictness of the law and the mercy and benefit of mankind. Therefore, in order to apply Islamic law in a just and relevant manner, Islamic scholars and ulema are expected to understand the Qur'ān carefully, benefit from the Maqasid As-Shari'ah framework and explore the wisdom behind formal verses that reflect the goal of bringing good to mankind.

The Qur'anic Maqasid in the verses that are almost formal in formalising Islamic Shari'a are as follows: Al-Baqarah/2: 208 emphasises the importance of embracing Islam with its universal values that apply to all human beings. Al-Ma'idah/4:60 explains that taghut is a being other than Allah that is worshipped, and that it is important to obey the legitimate leader. Al-Ma'idah/5:44 gives the definition of disbelief as the disobedience of religious adherents to the laws of the heavenly religions, while providing benefits to all humanity. Al-Ma'idah/5:45 and 47 indicate that zalim and fasik are terms for followers of any religion who do not follow the legal provisions of their holy book and do not provide benefits. An-Nisa/4:59 explains that ulil amri are leaders who are just, trustworthy and beneficial. Finally, An-Nisa/4:65 states that Muhammad's shari'a is a just Islamic shari'a and ijtihad law based on justice. All these verses represent the moral ideal of the Qur'ān, which aims to fulfil the interests of mankind and emphasises that the Qur'ān is a relevant revelation *for all time and place.*

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