

Muhammad Syahrur's Thoughts on Inheritance from the *Maqasid Al-Shari'ah* Perspective and Hermeneutics

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Abstract

Muhammad Syahrur is a phenomenal figure who can present a contemporary reading model packaged with *hudud theory*. Through his *hudud*, inheritance is *hududullah* which has *al-Hadd al-'Ala wa al-Hadd al-'Adna* (maximum and minimum limits). The maximum limit for boys is two girls, and the minimum limit for girls is one boy. The purpose of this article is to assess Muhammad Syahrur's thoughts on inheritance using two approaches, namely *maqasid al-Shari'ah* and hermeneutics. This research is qualitative research with the type of library research (*library research*), using library research aimed at revealing how Muhammad Syahrur thought about inheritance using *maqasid al-Shari'ah* and hermeneutics. Whereas in data collection using library techniques. The data analysis process uses content analysis techniques (content analysis), namely research techniques by looking for the form, structure, as well as regular patterns in the text and make conclusions based on regularity found. This study uses a text-to-context approach, which seeks to reveal and examine in depth Muhammad Syahrur's contemporary reading of the inheritance verse with the *hudud theory*. Results this study concludes that: 1) *Maqasid al-Shari'ah* to be addressed is *maqasid al-Khassah*, because setting a minimum limit for girls is an attempt to reject *darar* (danger), as *Jalbu al-Mashalih wa Dar'u al-Mafasid*, namely when girls contribute more than boys but share less. The existence of *maqasid al-Khassah* because it considers *maslahah al-Khassah* which is aimed at girls when they are more beneficial to the heir than boys. 2) On the hermeneutic plain, Syahrur rereads the inheritance verse which is *hududullah*. If the heirs consist of one son and two daughters, the daughter's share cannot be less than 25% and the son's share cannot be greater than 50%. If girls get 30% and boys 40%, then this division does not come out of *hududullah*.

Keywords: Hermeneutics, Inheritance, Muhammad Syahrur, *Maqasid al-Shari'ah*.

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INTRODUCTION

As The Qur'an the basis of Islamic law is certainly a reference to a particular issue. The problems that occur in society should be contained in the Qur'an. Among the issues that are often discussed until now are inheritance. Inheritance matter and even to cause a family to fall apart and break up. Often and hostile to each other because of inheritance issues. division of inheritance Unfairness, or dissatisfaction of one of the heirs regarding the inheritance, often triggers family disputes. Each other Killing sometimes happens when one heir wants to control the other heirs. Islam has regulated the division of inheritance in detail through *faraid*, starting from who is entitled to the property, how much is obtained, who is hindered, and even changes in the share when there are other heirs who have, the division of inheritance using *faraid* is a, therefore in carrying out. Islamic law. (Sjadzali 1997)

However there are many people who choose not to use *faraid* in inheritance problems. Not people, but even leaders and scholars such as many family heads who take pre-emptive policies (order in advance). During their lifetime they have distributed most of their wealth to children, each of whom gets an equal share regardless of gender as a gift. Thus, if a parent dies, the wealth that should be divided is not as much as it was originally, in fact it has almost been up. This is not only by ordinary people, but also by religious leaders. By taking this path, the public as well as religious leaders have assumed that *faraid* science *not* the best way in terms of inheritance. Changing social conditions, the different needs of the heirs, as well as the changing role of women compared to the early days of Islam, led to religious leaders do not use *faraid* in the distribution inheritance.

Provision the division of inheritance between men and women in the text is determined by a ratio of two to one, i.e., boy gets twice as much share as girls. This is stated in QS. An-Nisa' verse 11. This distribution of is deemed to be insufficient to meet the balance today. Currently women have multiple roles in a family. On the one hand, women act as housewives and on the other hand, women act as the backbone of the family in earning a living. There is an element of division heirs pay less attention to the value of the balance. Syahrur contemporary thinkers emerged to answer these problems, including Muhammad with his boundary theory (Shahrur 2007). Muhammad Syahrur is a phenomenal figure who is creative in describing his technical reasoning for reading the holy texts of Muslims, he is a reformer unique Islamic thought. Most reformers of Islamic thought have does not, he is an Islamic thinker with an engineering background. But he able to reflect on his thoughts to study Islam (Fanani 2008).

Muhammad thinks that the concept of Islamic inheritance which has been studied and developed by Islamic thinkers still leaves problematic problems that must be resolved. Problems that must be resolved are: *First* the concept of inheritance that has been applied by the Muslim community that emerged based on the understanding of fiqh experts in the first centuries of Islam. *The second* application of the concept of inheritance is still based on the teachings contained in books or books of *faraid* and *mawaris* still closely related to the tradition of that was applied by the local culture of Arab society at the time the text was revealed (Shahrur 2000). conditions social the needs of the different heirs, as well as the role of women who have undergone changes compared to the early days of Islam, have caused people not to pay attention to *faraid* in of inheritance. In other words, *id* is considered no longer ideal in dealing with all these changes (Nafis 1997).

Speaking more deeply, Islamic legal thought has become the concern of scholars, Islamic law is only associated with the study of ushul fiqh and *qawa'id al-Fiqhiyah*. In this case, the writer recognizes *maqasid al-Shari'ah* as the purpose of implementing Islamic law is a study to find out the intention behind the implementation of sharia. *Maqasid al-Shari'ah* is an exploration of the meaning of and the goals desired by syara' in enforcing the law for its Every law created by *shari'* must contain benefits for humans, both the world and in the hereafter (Hafidz 2007). Allah as the maker of the shari'ah did not create laws and regulations for his servants without a purpose and purpose, but the laws and regulations were created with a specific purpose and purpose. Shari'ah revealed by Allah basically aims to realize the

benefit of the people as well as to avoid damage, both in this world and in the hereafter. All of them have deep wisdom, namely as a blessing for mankind (Sidiq 2009).

Meanwhile, to reveal the meaning behind the text, hermeneutics is a study that seeks to find out what is the meaning behind the text. The reason why society undergoes social change is that it can be said that the concept of Islamic inheritance distribution which we often know as *faraid* is no longer ideal in terms of inheritance distribution. So, it is necessary to study more fundamentally to find out the intention behind the text of the inheritance verse which has been understood as the concept of dividing inheritance two to one.

The literature reviews that the author has done include: *first*, research conducted by M. Anwar Nawawi entitled "Islamic Inheritance Law in Muhammad Syahrur's Perspective (Critical Study of the Heirs Section)". In his research, he said that, in interpreting the verse of inheritance, Syahrur used the method of semantic linguistic analysis and scientific metaphor which was adopted from the modern exact sciences. This method explains how Syahrur describes the interpretation of the inheritance verses in accordance with the times.

Second, the research conducted by Afif Muamar "Reconstruction of Islamic Inheritance Law (Review of Muhammad Syahrur Thoughts)" (Muamar 2017). In his research, he says that *hudud* has implications for the collapse of the old view that parts of inheritance cannot be changed at all. Syahrur's findings are on the contrary that the parts change and are dynamic. In addition, when he reconstructed Islamic inheritance law, he was carried out by getting out of the entanglement of literal texts of Islamic teachings to find contextual inheritance law.

Third, the research conducted by Muhammad Iqbal entitled "The Theory of Limits in the System of Inheritance Distribution Between Men and Women A Study of Muhammad Syahrur's Thought" (Iqbal, nd). In his research, said that Syahrur used an approach method with mathematical logic. This method is considered in accordance with what is used by Syahrur in *ijtihad*. With the mathematical logic method, Syahrur is able to interpret the inheritance verse in the *hudud*.

Fourth, research conducted by Afif Muamar entitled "Reconstruction of Inheritance Law (A Study of Muhammad Syahrur's Thought)". In his research, Syahrur wants to re-read Islamic inheritance law with contemporary readings. Syahrur also criticized the idea of Islamic inheritance law and then constructed it, both in terms of law and historicity.

Fifth, research conducted by Musda Asmara entitled "Muhammad Syahrur's Theory of Boundaries and Its Relevance to Social Justice" (Asmara, Kurniawan, and Agustian 2020). This study intends to examine the views of one figure related to the concept of two to one in *faraid* science, namely Muhammad Syahrur. In his research, he concluded that the provisions of the inheritance share between boys and girls with a ratio of two to one for the present are considered not to provide an equal share and do not reflect the value of justice.

The similarity of the research that the writer did with the previous research was that they both examined Muhammad Syahrur's thoughts related to inheritance. While the difference is that previous research did not use interdisciplinary research, meaning that it was only limited to research that used one approach called monodisciplinary research, while the research that the researcher would do was interdisciplinary research using two approaches, namely *maqasid al-Shari'ah* and Hermeneutics. Thus, the research that the author has done

has not researched and can produce something new in the world of legal thought, especially Islamic family law.

Based on this problem, the author is very interested in studying more deeply about Muhammad Syahrur's thoughts on inheritance with the *nazariyat al-Hudud* approach which will later be analysed using *maqasid al-Shari'ah* and hermeneutics with a focus on the study of how Muhammad Syahrur thought about inheritance from a *maqasid al-Shari'ah* perspective and how Muhammad Syahrur thought about inheritance from a hermeneutic perspective.

RESEARCH METHODS

The research that the author is using qualitative research methods (*naturalistic inquiry*). In, the method that the author uses is the type of *library research* (Dodi 2015). Library research is a research activity carried out by collecting data from various kinds of *literature* data, as well as other sources that can be used as a basis support in accordance with the discussion studied by the author (Soekanto 2012). Only data related to the subject matter collected can be used by researchers as data (Saebani 2008). After research data is collected, then the writer analyzes the data. Then the analysis that the author uses in analyzing this research is to use *content analysis*. Study technique content is a research technique used for valid reference of data on the basis of (2014).

RESULT AND DISCUSSION

A. Muhammad Syahrur's Thoughts About Inheritance

Muhammad Syahrur a definition of inheritance by the process of transferring assets owned by someone who has died to the recipient (*waratah*) whose number and size of the portion (*fate*) he receives have been determined the will mechanism, if there is no will, then the determination of the beneficiary, the number and size of his share (*hazz*) is determined in the mechanism for the distribution of inheritance.

Muhammad Syahrur developed a theory known as *The Theory of Limit* (*nazariyat al-Hudud* or limit theory). Syahrur's thought departed from the failure of society to realize modernization and the use of products of past legal interpretation to judge contemporary problems, which caused the stagnation of contemporary Islamic thought. Therefore, offers a new method of understanding Islamic law, namely by returning to the original text that was revealed to the Prophet Muhammad by using what is called Syahrur as a new understanding in understanding Allah's messages, the new methods such as linguistic analysis, mathematical analysis, and contemporary interpretation (Esha 2003).

According to Syahrur, division referring to the inheritance verses, it turns out that until still unresolved problems, concept, which is known as two to one between boys and, the existing problem is the addition and of the percentage share of the inheritance and parties who should not receive the inheritance share. In this case, Syahrur has the assumption that the concept of Islamic inheritance distribution or two to one is time to be read in accordance with contemporary readings considering the existing conditions and the needs of society in modernization (Syahrur 2004).

Syahrur uses various methods in studying Islamic inheritance law, as using linguistic or linguistic between variables followers and their modifiers, with this method, Syahrur formulates the limits of Allah, which is termed *the theory of limit* or limit theory. There legal limits for inheritance as follows:

1. Limit First Law Inheritance: *لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ*

limitation is a limitation law that limits allotments or portions for the children of the heir if they consist of a son and two daughters. At the same time these are criteria that can be applied to all cases, where the number of women is twice the number of men.

Number of heirs	Allotment for males	Allotment for females
1 male + 2 females	Half (1/2) for one male	Half (1/2) for two females
2 males + 4 females	Half (1/2) for two boys	Half (1/2) for 4 girls
3 boys 6 girls	Half (1/2) for three boys	Half (1/2) for 6 girls

The division in this case can be formulated with the equation: $F/M = 2$

F: number of women (female)

M: number of men (male)

2. The limit Second Law Inheritance: *فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَيْنِ*

This legal limit rules the inheritance of children if they consist of a man and three women and the rest. One man plus a woman is more than two, then for men it is 1/3 and for women it is 2/3 regardless of their number (above two). This limitation applies to all conditions when the number of women is more than twice the number of women.

Number of heirs	Allotment for men	Ration for women
2 men + 5 women	1/3 for 2 people	2/3 for 5 people
1 man 7 women	1/3 for 1 person	2/3 for 7 people

We note that the male side in “male is equal to two female parts” (*لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ*). In basically this equal distribution is very natural, because the law of first limitation

can only be applied to cases that have been ordained by Allah and cannot be applied to other cases.

If we force apply a constraint on an inappropriate area, then we will get lost and get stuck in the real problem we have been warned by Allah for away from it with saying: "Allah explains (this law) to you, so that you do not go astray. And Allah knows all things: (Surat an-Nisa': 176).

3. The third limit of inheritance law: وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ

This third legal limit limits the inheritance of children in conditions when the number of male parties is equal to the number of girls, formulated by the equation:

$$F/M = 2$$

F : number of women (female)

M : number of male (male)

Number of heirs	Ration for men	Ration for women
1 man + 1 woman	1/2 for 1 person	1/2 for 1 person
2 men + 2 women	1/2 for 2 people	1/2 for 2 people
3 men -men + 3 women	for 3 people	for 3 people

We note that men do not partake on the principle of “one share of men is equal to two parts of women”. The settlement of this kind of case is also a natural thing, so we must not apply the Law of Limitation to other Limits that are not the area of the sentence. Besides, it is impossible for us to solve both cases simultaneously based on these two different legal principles.

The three things are the three limitations of the law Allah regarding the division of inheritance and do not go the of the inheritance verses. We can understand that the problems that confuse fiqh experts are: *first*, the problem *radd* and *awl*, *second* problem of male superiority m and m girls cannot become *hajib* (barriers of the receiving inheritance), *third*, the problem of the number of women above two (اثنان), fourth, problematic 1/3 and of the rest of the property, to whom and where go.

All of the above are problems of prejudice that grew as a result of a misunderstanding which stipulates that inheritance laws are laws handed down to inheritors of children consisting of one sex (*halat al-Infirad*), and problems that arise From the application of one model of inheritance law to another model of law, it is

necessary to that all the laws of inheritance division above are set in the condition of the joining two sex types, male and female.

Is dies leaving his three daughters behind, in no need to be bound by the inheritance verses in Surat an-Nisa' and no other provisions are needed. Because in cases, property is enough to be divided equally among the three of them. In this condition when the heirs are only of one gender, there is no need for a revelation of the Qur'an. However fiqh experts from patriarchal, neopotic (*asha'in*), and tribal (*qobaliyah*) societies consider that law كُنَّ نِسَاءً اُتْنَيْنِ applies to the cases mentioned above, but when applying it, they give 2/3 of the property to the three daughters and leaving a share of 1/3 that they do not know is entitled to the father.

Likewise, is also in the case when a boy only leaves one daughter. According to Syahrur, the daughter has the right to take all the property, just as if what is left is a boy in the case the heirs consist of only one sex (*halat al-Infirah*), there is no difference in the distribution of assets between men and women. However, fiqh experts consider that this case is included in the scope of. So that when they this of the property to the only daughter, then of the property remains that do not know who is receive it.

In, context that men are the maximum limit and cannot be added, women's is the minimum limit, so under certain conditions a woman has the potential to have more shares. The theory of limits that he forward is intended to state that the verses of the Qur'an are always relevant in every situation condition. Muhammad Syahrur thought that the basis for calculating in inheritance law is girl group, while the group of men only as follower variables whose parts can vary according to the number of group woman who inherits with him. In other words, if the female variable is alone, then the male variable gets half or of the property. However, if the female variable consists of two people, then the variable of a man is proportional to the variable of two women. Then if the female variable is more than two, then the male variable gets 1/3 and the female variable gets 2/3 (whatever their number is).

B. Analysis of Muhammad Syahrur's Thoughts About Inheritance Judging from *Maqasid al-Shari'ah*

Speaking more deeply, Islamic legal thought has become the concern of scholars, Islamic law is only associated with the study of ushul fiqh and *qawa'id al-Fiqhiyah*. Scholars *usuliyyin* is considered an expert in ushul fiqh. the first to emphasize the importance of understanding *maqasid al-Shari'ah* in establishing a law. Likewise, with al-Sya'ibi who uses the theory of induction to see where the *maslahah* of the shari'ah is called *istiqla'*. In terms of Islamic law, *istiqla'* (induction) is a method of drawing general conclusions generated by specific facts used by fiqh experts to establish a law (Abu Ishaq al-Sya'ibi, 2003).

Basically, maqa the purpose of shari'ah or *sid al-Shari'ah* Shatibi which: states *al-Mensyari'atkan* law aims to realize the benefit of his servants both in the world and in the hereafter simultaneously.

If we look at the statement of al-Sya'ibi, it can be understood that the content of shari'ah is benefit for the people. In other words, the Shari'ah is made with the aim of creating benefit, and there is no law that is prescribed except that there is benefit in it. The basic emphasis of *maqasid al-Shari'ah* is broadly based on the content of shari'ah which shows that

God's laws contain benefits, both in terms of attracting or realizing benefits or rejecting or avoiding damage.

Likewise with Muhammad Syahrur, with his limit theory he reconstructed Islamic inheritance. Syahrur considered that in Islamic inheritance there are still problems that need to be resolved, where the problem is focused on the female share which is less than the male share. It is often found that Muslims in dividing their inheritance not use the concept of Islamic inheritance, this is due to the difference in the share between men. While, not all sons a full contribution to the heir, while many find that girls contribute more to the heir. The problem that exists is that if sons are given more inheritance based on the concept of Islamic inheritance distribution, then many problems will arise.

In this case, Syahrur offers a very applicable theory for reading inheritance verses, namely *nazariyat al-Hudud* (limit theory or limit theory). The boundary theory consists of *al-Hadd al-'Ala* (maximum) and *al-Hadd al-'Adna* (minimum). The boundary theory related to the discussion of inheritance is the third part, namely *al-Hadd al-'Ala wa al-'Adna* who has the position of the maximum and minimum limit existing simultaneously, which applies to the inheritance law contained in the QS. an-Nisa' verses 11, 12 and 176 (Ministry of Religion RI, 2010).

Thus the *maqasid* to be addressed in Syahrur's reading of inheritance is *maqasid al-Khassah*, because it only applies to certain individuals who not all individuals experience it, as expressed by Abdul Majid Najari who in his expression is:

المقاصد الخاصة وهي تلك المقاصد الشرعية التي تشمل ما تتضمنه الخاصة من المجتمع، أو الأفراد المعينين منه

Maqasid al-Khassah, namely *maqasid al-Shari'ah* which contains *maslahah* in a special society, or certain individuals from society (Najari 2006).

The existence of this is to reject *darar* (danger), as the *Jalbu al-Mashalih wa Dar'u al-Mafasid* which is to bring benefit and prevent damage. Thus, *the maslahah* to be achieved is *maslahah al-Khassah*, as follows:

ومصلحة خاصة وهي ما فيه نفع الآحاد باعتبار صدور الأفعال من أحادهم ليحصل بإصلاحهم صلاح المجتمع المركب منهم، فالالتفات فيه ابتداء إلى الأفراد

Maslahah al-Khassah is something in which there is *maslahah* by considering the beginning of individual behavior which with kindness can produce goodness for the community by seeing the beginning *maslahah* coming from the individual.

Thus, Muhammad Syahrur's thoughts on inheritance with the *nazariyat al-Hudud* (boundary theory) which consists of *al-Hadd al-'Ala wa al-'Adna* who has the position of the maximum and minimum limits exist simultaneously as an alternative or an offer of thought so that the community or Muslims do not go outside the limits of Allah's law and in order to reject *darar* (danger) and bring *maslahah*.

C. Analysis of Muhammad Syahrur's Thoughts on Inheritance in terms of Hermeneutics

If hermeneutics is drawn within the entity of contemporary Islamic studies, surely in it we will find many very urgent relevance. The Qur'an, for example, as a normative text that was revealed 14 centuries ago, is of course in dire need of productive dialogues. Moreover, if we realize how the reality of the contemporary world today necessitates new phenomena, which are clearly not all covered by the normative treasures produced by the generation of commentators several centuries ago.

As a method of interpretation, hermeneutics does not only look at the text, but tries to explore its literal meaning. More than that, hermeneutics tries to explore the meaning behind the text. In other words, as a method of interpretation, hermeneutics pays attention to three main components in interpreting efforts, namely text, context, then makes efforts to contextualize (Hidayat 1996).

1. texts

and the development of hermeneutics show the chronology of human understanding of text interpretation. Although there are various definitions of hermeneutics, it refers to a theory of, whether what is interpreted is a biblical text or something that is treated as a text. As with whatever form of reading, understanding, and interpretation a person takes on texts or a reality that is treated as text, it can be said that the reading, understanding, and knowledge forms of hermeneutics (Howard 2000).

Furthermore, Syahrur also emphasized his assumption that the Qur'an, as a revelation to mankind, was sent down to be understood. Allah has given instructions for humans to reveal the secrets of His message (Budiman 1999). In the context of the interpretation of the Qur'an, this unit of text is equated with the meaning of the verse. This methodical technique emerged from the concept of the Koran *yufassiru ba'duhu ba'dan* (some verses of the Koran interpret other verses) and were applied more systematically in the 20th century. Furthermore, Syahrur put this method as one of the main principles in hermeneutics by initiating the boundary theory (*nazariyat al-Hudud*) as a contemporary reading.

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In this case Muhammad Syahrur saw the text in the holy book al-Qur'an in QS. an-Nisa verses 11, 12, and 176 have problems. There is something to be revealed in the text. The text is the foundation of Muslims regarding the division of inheritance with the provisions of 2:1. According to Syahrur's contemporary reading, these provisions need to be interpreted according to the times. Syahrur assesses that the text has its own meaning that needs to be revealed in a contemporary reading.

2. Context

One of the interpretation of the Qur'an in the contemporary era is that it is contextual and oriented to the spirit of the Qur'an. Commentators try to see what lies behind the text of the Qur'an (Fadl (el) 2004). Therefore, commentators do not just accept is contained in the text literally but try to see more about what the text really wants to achieve. This means that what contemporary commentators want to address is the intention behind the text, not just the literal meaning of the text, meanings can always be produced from the interpretation of (Zaid 1994).

Muhammad Syahrur agreed that of the Qur'an must be contextual and be able to be a solution to the problems faced by the Muslim community (Baidlowi 1994). This principle is based on his ontological view which believes that the Qur'an is *a holy book li kulli zaman wa makan*. In this case Syahrur uses his limit theory (*nazariyat al-Hudud*) to read the Koran in a contemporary way. With this theory, the verse of the Qur'an will be understood as a limitation of Allah's laws by considering the minimum limit (*al-Hadd al-'Adna*) and the (*al-Hadd al-'Ala*) (Mustaqim 2011).

A mujtahid or is given the space to perform ijtihad creatively and dynamically in line with the times and places with the condition that the ijtihad is still in *has* playing soccer where the players are required to be creative and agile dribbling the ball so that the goal is against the opponent's goal. However, these players must remain on the soccer field and must not go outside the limits that have been determined.

In contemporary reality, Syahrur sees the phenomenon of stagnation of thought in the Arab-Islamic world, thereby awakening his awareness of contemporary thought for evaluation. The core problem that has been the axis of debate since 1967, which was the defeat of the Arab world by Israel until the contemporary era in 1990 until now, can be mapped into two problems, namely: *first*, the attitude towards tradition (*al-turats*), namely the material and thought products left behind by previous generation to the next generation. This product plays a fundamental role for the new generation in the formation of character, reason and daily behavior. Tradition is understood as the result of human creation and the product of human conscious creativity in successive historical episodes. *Second*, the attitude towards modernity, namely human interaction with material products and contemporary thought created by humans (Boulatta 1990).

Thus, tradition and modernity are two interrelated concepts. Both are separated by a time dimension that moves continuously. The problem that arises from these two things is if a statement was realized in the form of a text ten years ago, then the text is included in the sense of tradition, while there is no choice for humans to interact with their traditions ten years in the future because they are stuck in the written text. ten years ago (Latif 2000).

3. Contextualization

In line with the need and challenges for an interpretive method that is contextual in nature, in the world of interpretation a method appears which is considered quite representative and comprehensive for processing texts and is very intensive in working on contextualization. This is because it has developed in a philosophical plain complete with reflection and systematic analysis. It is not surprising that this method of interpretation is

considered to have a high value of accuracy and validity when processing text. This method is known as hermeneutics.

Muhammad Syahrur to read the inheritance verse is to do contextualization. The contextualization that he builds is by using the boundary theory (*nazariyat al-Hudud*). With this theory, Syahrur wants the inheritance verse to be read with contemporary readings within certain limits. The existence of these limits so that Muslims do not get out of the laws of Allah (*hududullah*). *Nazariyat al-Hudud* is built based on contemporary readings to prove that the Qur'an is *a holy book li kulli zaman wa makan*.

In this case, Syahrur was brave and critical in re-reading the inheritance verses. Syahrur did a rereading based on the times and social realities. Thus, the inheritance verse in QS. an-Nisa verse 11 occupies the third limitation of *hududullah*, namely the minimum and maximum limits when the two are related. QS. An-Nisa verse 11 states that the share of men is equal to the share of two women, and if there are more than two daughters, then their share is 2/3 of the inheritance. And if there is only one daughter then their share is (Shahrur 1992).

The percentage allocation for each party is determined based on the objective conditions that exist in the community itself. According to Syahrur, this example explains freedom of movement (*hanifiyah*) within the limits (*istiqamah*) that have been determined by law. These limits are determined by each community according to their needs. According to Syahrur, law should not be treated as the literal application of texts that been handed down centuries ago in modern world. If this kind of literal application is accepted, it is certain that Islam will lose its character of flexibility and flexibility (*hanifiyah*).

Similarities and differences between *maqasid al-Shari'ah* and hermeneutics on inheritance in Muhammad Syahrur's thought

1. Similarities

Basically, *maqasid al-Shari'ah* and hermeneutics are both studies that try to reveal the intent or purpose behind the text of the inheritance verse. Likewise with Muhammad Syahrur who tried to reveal what the meaning behind the inheritance verse is, so that the inheritance verse which is known as the concept of two to one inheritance division does not seem to discriminate against women and favor men or often referred to as patriarchy.

2. Differences

- a. *Maqasid al-Shari'ah* is the goal of the revelation of the Shari'ah. Shari'ah was revealed with the aim of benefiting His servants both in this world and in the hereafter. Thus, with the revelation of the Shari'ah of inheritance, according to Muhammad Syahrur, the Shari'ah of inheritance is the benefit of His servants, and if there is still a problem, then it is not said to be *maslahah*.
- b. *Hermeneutics* is a study that seeks to reveal the meaning behind the text. The text that Syahrur wants to reveal is the inheritance verse. According to him, QS. An-Nisa verse 11 which reads *لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ* states that the share of the son is equal to the share of two daughters, and if there are more than two daughters then the share of the son is 2/3, and if there is only one child girls, then their share is.

CONCLUSION

Based on the description above, it can be concluded in two points, namely as follows: *First*, according to *maqasid al-Shari'ah* thoughts on inheritance are *maqasid al-Khassah* by considering the existence of *darar* (danger) as *Jalbu al-Mashalih wa Dar'u al-Mafasid* rule, if it is the daughter who contributes more to the heir but is given less inheritance based on the Islamic inheritance division concept. To reject *darar*, Syahrur read the inheritance verse with the *nazariyat al-Hudud* (limit theory or limit theory). With *hudud*, Syahrur stipulates the inheritance share of daughters with *al-Hadd al-'Adna* (minimum), while sons *al-Hadd al-'Ala* (maximum). So that girls can get more than their share provided it doesn't exceed that of boys, with the aim of not getting out of God's laws.

Second, according to hermeneutics, Syahrur tries to reveal the meaning behind the text with contemporary reading (*qiro'ah mu'asiroh*). In his reading, Syahrur uses a functional paradigm approach to reveal the text of the inheritance verse. According to Syahrur, the text in QS. An-Nisa verse 11 which reads *لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ* states that the share of the son is equal to the share of two daughters, and if there are more than two daughters then the share of the son is 2/3, and if there is only one child girls, then their share is 1/2.

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