Revisiting Tafsir Hukmi: Unraveling the Legal Interpretation of the Quran and Its Historical Evolution

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ABSTRACT

This paper aims to delve deeper into legal interpretation (Tafsir Hukmi) by examining the history of the emergence of legal approaches in the interpretation of the Quran, defining the scope of the term, exploring debates among scholars, and providing examples of Quranic exegesis books adopting legal approaches. The research methodology used is a literature-based descriptive analysis with a historical and exegetical perspective. The results of the study show that legal interpretation (Tafsir Hukmi) is one of the Quranic interpretation styles that employ legal theories and approaches. This approach has its roots dating back to the time of Prophet Muhammad and continued to evolve with the emergence of the school of jurisprudence (Imam Madzhab) scholars who had varying interpretations of Islamic jurisprudence. The scope of the term "Tafsir Hukmi" encompasses discussions related to the Islamic legal laws in the Quran. Quranic exegesis books following the legal approach can be found within various schools of thought, including Shia Imamiyah, Shia Zaidiyah, Maliki, Hanafi, Hanbali, Shafi'i, and Zahiri.

ABSTRAK

Tulisan ini bertujuan untuk menginvestigasi lebih dalam mengenai tafsir hukmi dengan mengulas sejarah munculnya pendekatan hukum dalam tafsir al-Quran, membatasi cakupan istilah tersebut, mengeksplorasi perdebatan di kalangan ulama, serta memberikan contoh kitab-kitab tafsir yang mengadopsi pendekatan hukum. Metode penelitian yang digunakan adalah analisis deskriptif berbasis literatur dengan pendekatan sejarah dan tafsir. Hasil penelitian menunjukkan bahwa tafsir hukmi adalah salah satu aliran tafsir yang menggunakan teori-teori dan pendekatan hukum. Pendekatan ini memiliki akar sejak masa Nabi Muhammad dan terus berkembang hingga munculnya imam-imam madzhab dengan perbedaan penafsiran hukum syariah. Batasan istilah "tafsir hukmi" mencakup pembahasan mengenai hukum-hukum syariat dalam al-Quran. Kitab-kitab tafsir dengan pendekatan hukum dapat ditemukan dalam berbagai madzhab seperti Syiah Imamiyah, Syiah Zaidiyah, Maliki, Hanafi, Hanbali, Syafi'i, dan Zahiri.

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1.   INTRODUCTION

The Quran, Al-Qur'an al-Karim, is a divine revelation that serves as guidance for understanding Islam and a source of enlightenment for various aspects of life (Nuraini & Zulaiha, 2022). Its language and the messages it conveys are captivating, and its verses contain profound wisdom that touches the hearts of those who read them.

However, a current phenomenon suggests that many people are enamored with the Quran's eloquent recitation but may not delve into its meanings and values.

As intellectual Muslims, scholars have a responsibility to introduce the Quran and convey the messages contained within it in accordance with the development of society. To achieve this, scholars employ various methods, both in presentation and discussion (Shihab, 2002).

Each Quranic commentator *(mufasir)* is influenced by ideology, socio-cultural context, and political circumstances when interpreting the Quran (Warraq, 2010). Furthermore, personal preferences of the mufasir in understanding the Quran in line with their specific areas of expertise lead to a diversity of interpretations, despite the common object of study, which is the Quranic text. Muhammad Quraish Shihab identified six different styles of Quranic interpretation, including linguistic and literary interpretation, philosophical and theological interpretation, scientific interpretation, jurisprudential or legal interpretation, mystical interpretation, and socio-cultural and literary interpretation (Rahman et al., n.d.).

In this paper, the focus of discussion will be on the legal interpretation (Tafsir Hukmi) or interpretations related to Islamic law and jurisprudence. This encompasses exploring the history of the emergence of legal interpretation, defining the scope of legal interpretation, examining debates among scholars about legal interpretation, and providing examples of Quranic exegesis books that adopt a legal approach.

2. RESEARCH METHOD

This research is conducted with the aim of providing a natural and clear depiction of the subject under study (Lune & Berg, 2017). To achieve this, the research utilizes a method of descriptive analysis based on library research or literature study. This method involves gathering data from various literary sources, including books, journals, articles, personal documents, and others (Moeloeng, 2009). The data is collected by reading and noting down relevant information for the purpose of classification, analysis, and research material processing, ultimately leading to the formulation of conclusions and the creation of a research report. This research aims to present a comprehensive overview of the social aspects related to the topic, as it results from the exploration and clarification of a particular phenomenon. The methodology's primary objective is to construct an objective overview of Legal Interpretation (Tafsir Hukmi), covering its history, limitations, scholarly debates surrounding it, and examples of books adopting the legal interpretation approach (Baidan, 2005).

3. RESULTS AND DISCUSSION

3.1. The History of the Emergence of Legal Interpretation (Tafsir Hukmi)

Ahmad Izzan, as cited by Ahmadi Husain and Muh. Ilham Usman, explains that within the development of Quranic interpretation, the existence of legal interpretation (Tafsir Hukmi) is quite ancient, as it emerged simultaneously with the inception of Quranic exegesis itself (Izzan, 2011). As mentioned earlier, during the time of the Prophet and his companions, legal interpretation in the context of Islamic jurisprudence (fiqh) was already present. The predominant approach among the companions in interpreting the Quran was inclined towards a legal perspective. This is evident in the interpretations provided by the companions who were also jurists (fuqaha) themselves, including figures like Umar bin Khattab, Ibn Mas'ud, Ali bin Abi Thalib, and others. According to Abdullah Abu al-Su'ud Badr, this is quite logical, considering that the needs of that era necessitated the development of a method to interpret the Quran from a legal perspective (Gaffar, 2021).

Muhammad Husain al-Dhahabi, in his work "al-Tafsir wa al-Mufassirun," explains that the history of legal interpretation can be mapped out into three periods (Nugraha & Basyiruddin, 2022). These periods include the first era of legal interpretation during the time of the Prophet Muhammad until the early emergence of various Islamic jurisprudential schools (mazhabs). The second period is characterized by legal interpretation during the initial appearance of these jurisprudential schools. The third period relates to legal interpretation in the aftermath of the fanaticism surrounding these schools.

3.2. Legal Interpretation During the Time of the Prophet Muhammad and the Early Emergence of Jurisprudential Schools

The Quran, along with various jurisprudential rulings related to the welfare of humanity in both worldly and spiritual matters, was revealed during the time of the Prophet. The Islamic community, with its proficiency in the Arabic language, had the ability to comprehend the Quran's verses, their usage, and the jurisprudential laws

contained within. Whenever there was a verse that was not fully understood, the companions of the Prophet would directly seek clarification from the Prophet himself.

After the passing of the Prophet Muhammad, the companions faced numerous complex issues that demanded accurate legal rulings. In such situations, their first point of reference was the Quran. They meticulously examined each Quranic verse, allowing their intellect and hearts to ponder its meanings. If possible, they applied the verses to address the prevailing issues. When Quranic verses alone were insufficient, they would turn to the Hadith (sayings and actions of the Prophet) for further guidance. If a satisfactory resolution was still not found, they would engage in independent reasoning (ijtihad) by applying general principles derived from the Quran and Hadith. This process led to the formulation of legal judgments required for the Islamic community at that time (Az-Zahabi, 2003).

However, differences in the companions' interpretations of legal verses did exist. They sometimes reached a consensus on legal conclusions, while other times, they held differing views on the interpretation of specific verses, resulting in various opinions regarding the legal rulings. An example of such a difference occurred between Umar bin Khattab and Ali bin Abi Thalib regarding the 'iddah (waiting period) for a pregnant woman when her husband passed away (Shihab, 2006).

These differences in understanding among the companions were due to variations in their interpretations of the Quranic text, as well as differences in the external sources and contexts they considered. Nevertheless, despite these disagreements, their common goal was to seek the truth. If a companion realized their interpretation was incorrect, they readily accepted the correct view.

3.3. Legal Interpretation During the Early Emergence of Jurisprudential Schools

The situation remained relatively similar in the era following the companions of the Prophet until the emergence of the imams of jurisprudential schools. New challenges arose that had not been encountered in the previous generation, necessitating legal judgments. Each imam, using the Quran, the Sunnah (the Prophet's practices and traditions), and other legal sources, analyzed the issues they faced. Subsequently, they employed their knowledge to issue legal rulings. Sometimes they concurred, and sometimes they had different opinions. However, in these cases, their objective was to discover the truth. It was not uncommon for an imam to retract their opinion when it became evident that another imam's view was more accurate. Imam Shafi'i, for example, expressed, "If you find a sahih (authentic) hadith, it is my opinion." He also acknowledged the importance of Abu Hanifa's jurisprudence, stating, "People need the jurisprudence of Abu Hanifa." (Mardjudo, 2006).

This spirit of mutual respect, appreciation, and readiness to accept the truth was prevalent among the early scholars. Such practices were part of the tradition established by the early generations of companions and their followers.

3.4. Legal Interpretation Following the Emergence of Blind Taqlid and Fanaticism

After the era of the jurisprudential imams, a new generation emerged, characterized by a significant degree of blind taqlid (uncritical adherence) to these imams and a high degree of fanaticism for their respective schools of thought. Some followers went as far as to treat the words of their imams as equivalent to Islamic legal texts (Hasan, 2021). They exerted every effort to promote their respective jurisprudential schools and to undermine the views of other schools. As a result, they sometimes interpreted Quranic verses related to legal matters to align with their school's position. If this was not possible, they portrayed the verses as unsuitable for supporting any other school's position. When there was no room for interpretation or adjustment, some turned to the theories of abrogation (naskh) and specification (takhsis), among others, to resolve the discrepancies. For instance, Abdullah al-Karkhi, a staunch Hanafi, claimed, "Any verse or hadith that contradicts our companions' opinion should be considered subject to interpretation (ta'wil) or abrogation (mansukh)." (Khallaf, 1994).

Alongside the fanatical approach, there were also adherents of the jurisprudential schools who maintained a conscious (inshof) position. They looked at the opinions of the imams through a more impartial lens, focusing on the evidence (dalil) and striving to reach the ultimate truth. These individuals played a vital role in ensuring the harmony and flexibility of legal interpretation within their respective schools (Taufiq & Suryana, 2020).

3.5. Limitations of Legal Interpretation

The emergence of legal interpretation represents a method for understanding the meanings of Quranic verses, particularly those related to legal matters and Islamic jurisprudence. The orientation of legal interpretation, often referred to as fiqhi interpretation, entails examining and analyzing Islamic legal rulings found within the Quran. Its epistemological approach encompasses various methods, including reasoning (ijtihad), alongside explicit textual evidence from the Quran and Hadith (Khallaf, 1996).

In practice, legal interpretation cannot be detached from the divergence of opinions in the understanding, determination, and application of legal rulings. This divergence is particularly pronounced due to the emergence of jurisprudential schools and the high degree of fanaticism associated with them. Consequently, the parameters of this legal interpretation differ across various Islamic jurisprudential schools (Mustaqim, 2011).

The categorization of legal interpretation is challenging, as it requires specific criteria for each categorization. However, an analysis of legal interpretation books within jurisprudential schools provides a primary avenue for categorizing this type of interpretation and its relevance to these schools. Below is a selection of legal interpretation books corresponding to different jurisprudential schools (Az-Zahabi, 2003):

Legal Interpretation in the Twelver Shia School (Shia Imamiyah Isna 'Asyariah):
a. "Ayat al-Ahkam" by Muhammad ibn Sa'id al-Kalbi (d. 146 H).
b. "Tafsir al-Khamsimi'at" by Muqatil ibn Sulaiman al-Khurasani al-Balkhi (d. 15 H).
c. "Tafsir Ayat al-Ahkam" by Hisyam Ibn Muhammad Ibn Sa'ib al-Kalbi al-Khufi (d. 206 H).
d. "Ahkam al-Ahkam" by 'Abad Ibn Abbas al-Thaqilani.
e. "Syarh Ayat al-Ahkam" by Ismail ibn A'bad.
f. "Al Ibanah 'an Ma'ani al-Qira'at" by Makki ibn Abi Thalib al-Qaysi (473 H/1045 CE).
g. "Fiqh al-Qur'an fi Ayat al-Ahkam" by Quthb al-Din al-Rawandi.
h. "Tafsir al-Ayat al-Ahkam" by Muhammad ibn Husein al-Baihaqi al-Hisyaburi (576 H).
i. "Kanz al-Irfan fi al-Fiqh al-Qur'an" by Fadhil Niqbad ibn A'bdullah al-Suyuri al-Asadi al-Hilli (826 H).

Legal Interpretation in the Zaidi Shia School (Zaidiyah):
a. "Syarh Ayat al-Ahkam" by Yahya ibn Hamzah al-Yamani (749 H).
b. "Ayat al-Ahkam" by Ahmad ibn Yahya al-Yamani.
c. "Syarh Ayat al-Ahkam" by Muhammad ibn Yahya Sha'di al-Yamani.
d. "Ayat al-Ahkam" by Husain al-Amri al-Yamani (1380).

Legal Interpretation in the Hanafi School (Hanafi Madhhab):
a. "Ahkam al-Qur'an" by Ali ibn Hajar Sa'di al-Azdi al-Thahawisani (d. 244 H).
b. "Ayat al-Ahakam" by Ali ibn Musa (350 H).
c. "Ahkam al-Qur'an" by Ahmad ibn Muhammad al-Azdi al-Thahawi al-Misri (d. 370 H).
d. "Syahr Ahkam Al-Qur'an" by Ahmad ibn Muhammad al-Razi al-Jashshash (d. 370 H).
e. "Mukhtashar Ahkam al-Qur'an" by Makki ibn Abi Thalib al-Qaysi al-Qayrwani (437 H).
f. "Anwar al-Qur'an fi Ahkam al-Qur'an" by Muhammad Kafi ibn Hasan al-Basandi al-Iqhishari (1025 H).
g. "Anwar al-Qur'an fi Ahkam al-Qur'an" by Muhammad Syams al-Din al-Harawi al-Bukhari (1119 CE).
h. "Ahkam al-Qur'an" by Ismail Haqqi (1127 H).

Legal Interpretation in the Maliki School (Maliki Madhhab):
a. "Ahkam al-Qur'an" by Ahmad ibn Mudhal (240 H).
b. "Ahkam al-Qur'an" by Muhammad ibn Abdullah (Ibn Hakam) (268 H).
c. "Ayat Ahkam" by Ismail ibn Ishaq al-Azdi (282 H).
d. "Ayat al-Ahkam" by al-Qhasim ibn Ashbag al-Qurthuby al-Andalusy (304 H).
e. "Ahkam al-Qur'an" by Muhammad Tamimi (305 CE).
f. "Ahkam al-Qur'an" by Musa ibn al-Abdur Rahman (306 CE).

Legal Interpretation in the Shafi'i School (Shafi'i Madhhab):
a. "Ahkam al-Qur'an" by Al-Kiya al-Haras (d. 6 H).
b. "Al-Qaul al-Wajiz fi Ahkam al-Kitab al-Aziz" by Syihabuddin al-Halabi.
c. "Ahkam al-Kitab al-Mubin" by Abdullah Mahmud al-Syanfaki (9th century CE).
d. "Iklil fi Istinbath al-Tanzil" by Jalaluddin al-Syuyuthy (10th century CE).
e. "Ahkam al-Qur'an" by Muhammad ibn Idris al-Shafi'i (204 H).

f.   "Ahkam al-Qur'an" by Ibrahim ibn Khalid (Abu Tur al-Kalbi).
g.   Legal Interpretation in the Hanbali School (Hanbali Madhhab):
h.   "Ayat al-Ahkma" by Qadi Abu Ya'la al-Kabir (458 H).
i.   "Ayat al-Ahkam" by Abu Bakar al-Dimasyqi al-Razi (751 CE).
Legal Interpretation in the Zahiri School (Zahiri Madhhab):
a.   "Ahkam al-Qur'an" by Dawud ibn Ali al-Dhahiry al-Isfani.
b.   "Ahkam al-Qur'an" by Abdullah ibn Ahmad (Ibn al-Muflis).

4.   CONCLUSIONS

In the realm of Islam, the concept of Legal Interpretation (Tafsir Hukmi) dates back to the time of the Prophet Muhammad. During his era, verses containing legal rulings were explained directly by the Prophet, and this practice continued beyond his lifetime. Legal interpretation has persisted through the emergence of jurisprudential schools and the rise of fanaticism within them.

The term "Tafsir Hukmi" pertains to the discussion of legal matters and Islamic jurisprudence within the Quran. In practice, legal interpretation is closely associated with the divergence of opinions in interpreting, determining, and implementing legal rulings. The emergence of jurisprudential schools, such as Hanafi, Maliki, Shafi'i, and Hanbali, along with the fanaticism surrounding them, has further intensified these variations.

The legacy of Legal Interpretation can be found in various legal interpretation books specific to different jurisprudential schools. These books are the primary source of legal interpretation in each school and reflect the distinct approach and methodology of each school. From the Twelver Shia school to the Zaidi Shia school, and from the Hanafi to the Maliki, Shafi'i, and Hanbali schools, each has its own set of legal interpretation books that define its approach to Tafsir Hukmi.

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