

**COMPARATIVE STUDY ABOUT *QA WÁMAH* IN FAMILY  
BETWEEN MAHMUD SYALTUT AND MUHAMMAD SYAHRUR**

**Thesis**

**By:**

**Ahmada Rivqy Virdausa**

**17210170**



**ISLAMIC FAMILY LAW DEPARTMENT**

**SHARIA FACULTY**

**STATE ISLAMIC UNIVERSITY MAULANA MALIK IBRAHIM**

**MALANG**

**2021**

**COMPARATIVE STUDY ABOUT *QA WÁMAH* IN FAMILY  
BETWEEN MAHMUD SYALTUT AND MUHAMMAD SYAHRUR**

**Thesis**

**By:**

**Ahmada Rivqy Virdausa**

**17210170**



**ISLAMIC FAMILY LAW DEPARTMENT**

**SHARIA FACULTY**

**STATE ISLAMIC UNIVERSITY MAULANA MALIK IBRAHIM**

**MALANG**

**2021**

## STATEMENT OF THE AUTHENTICITY

In the name of Allah SWT,

With consciousness and responsibility toward the development of science, the writer declares that thesis entitled:

### **COMPARATIVE STUDY ABOUT *QAWÁMAH* IN FAMILY BETWEEN MAHMUD SYALTUT AND MUHAMMAD SYAHRUR**

It is truly the writer's original work that can be legally justified. If this thesis is proven result of duplication or plagiarism from another scientific work, it as precondition of degree will be stated legally invalid.

Malang, 27<sup>th</sup> of February 2021

Writer,



Ahmada Rivqy Virdausa  
SID 17210170

## **APPROVAL SHEET**

After reading and correcting thesis of Ahmada Rivqy Virdausa Student ID 17210170, Department of Islamic Family Law, Sharia Faculty of the State Islamic University Maulana Malik Ibrahim of Malang entitled:

**COMPARATIVE STUDY ABOUT *QA WÂMAH* IN FAMILY  
BETWEEN MAHMUD SYALTUT AND MUHAMMAD SYAHRUR**

The supervisor stated that this thesis has met the scientific requirements to be proposed and to be examined on the Assembly Board of Examiners.

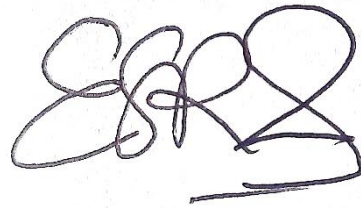
Malang, 04 April 2021

Acknowledged by,

The Head of Islamic  
Family Law Department

Dr. Sudirman, M.A.  
NIP 197708222005011003











Supervisor,



Erik Sabti Rahmawati, MA.  
NIP 197511082009012003

## CONSULTATION PROOF

Name : Ahmada Rivqy Virdausa  
Student Number : 17210170  
Department : Islamic Family Law  
Supervisor : Erik Sabti Rahmawati, MA.  
Thesis Title : COMPARATIVE STUDY ABOUT *QAWÁMAH* IN  
FAMILY BETWEEN MAHMUD SYALTUT AND  
MUHAMMAD SYAHRUR

| No | Day/ Date         | Subject of Consultation        | Signature   |
|----|-------------------|--------------------------------|---|
| 1  | 26 September 2020 | Improvement of Thesis Proposal |    |
| 2  | 8 October 2020    | Thesis Proposal Approval       |   |
| 3  | 3 December 2020   | Chapter II                     |  |
| 4  | 9 March 2021      | Chapter II Approval            |  |
| 5  | 1 March 2021      | Chapter III                    |  |
| 6  | 10 March 2021     | Chapter III Approval           |  |
| 7  | 17 March 2021     | Chapter IV                     |  |
| 8  | 27 March 2021     | Chapter IV Approval            |  |
| 9  | 30 March          | All Chapter Improvement        |  |
| 10 | 1 April 2021      | Thesis Approval                |  |

Malang, 01 April 2021

Acknowledged by:

Head of Islamic Family Law Department

Dr. Sudirman, M.A

NIP 197708222005011003

## LEGITIMATION SHEET

The Thesis Board of Examiners state that Ahmada Rivqy Virdausa SID 17210170,  
Student from Islamic Family Law Department of the Sharia Faculty of State Islamic  
University Maulana Malik Ibrahim of Malang, entitled:

### COMPARATIVE STUDY ABOUT *QAWÁMAH* IN FAMILY BETWEEN MAHMUD SYALTUT AND MUHAMMAD SYAHRUR

Has passed and with grade: A

Malang, July 9, 2021

Dean



Prof. Dr. H. Saifullah, SH., M.Hum  
NIP. 196512052000031001

## MOTTO

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ الصَّلَاةَ  
وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ أُولَئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ

*“The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give zakah and obey Allah and His Messenger. Those - Allah will have mercy upon them. Indeed, Allah is Exalted in Might and Wise”.*

(Al-Taubah: 71)

## ACKNOWLEDGMENT

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

All praise due to Allah SWT, who has given His grace and guidance to the author, so that the author can complete this thesis properly, which title is “Comparative Study About *Qawâmah* In Family Between Mahmud Syaltut And Muhammad Syahrur.” *Shalawat* and greetings are always poured out to Prophet Muhammad SAW, who has taught us guidance (*uswatun hasanah*) to do activity correctly in our life.

From all the teaching, advice, guidance, and helps of service for us to finish this thesis, then with all humility, the writer will express the gratitude which is unequaled to:

1. Prof. Dr. Abdul Haris, M.Ag. as the Rector of the State Islamic University Maulana Malik Ibrahim of Malang.
2. Dr. H. Saifullah, S.H, M.Hum., as the Dean of Syariah Faculty of The State Islamic University Maulana Malik Ibrahim of Malang.
3. Dr. Sudirman, M.A. as the Head of Islamic Family Law Department of Syariah Faculty of the State Islamic University Maulana Malik Ibrahim of Malang
4. Thanks to Ali Kadarisman, M.HI, as my guardian lecturer during studying at Islamic Family Law Department of Syariah Faculty of the State Islamic University Maulana Malik Ibrahim of Malang.
5. Erik Sabti Rahmawati, MA., as my thesis supervisor. Thanks for her time to guide, direct, and motivate me to finish writing this thesis.
6. All lecturers at Syariah Faculty of the State Islamic University of Maulana Malik Ibrahim Malang who have provided learning to all of us. With sincere intentions, may all of their charity be part of worship to get the pleasure of Allah SWT.



7. My beloved family, my mother, father, brother, and sister, who always giving love, material and spiritual support, and inspirations to the author so this thesis can be finished.
8. *Murabbi rûhî*, KH. Abdus Sami' Hasyim, KH. Muhammad Baidhowi Muslich, and also all of my teacher in MI Hidayatullah, Ponpes Darul Huda, Ponpes Anwarul Huda, All of them are parents, teachers, and role models of my life who have always guided me both physically and mentally, and taught me how to navigate the ocean of knowledge and the wisdom in it.
9. My beloved friends in UIN Malang during the study, especially PP All-Ikhlâs, HKI E, ICP 2017 and others who can not be mention one by one, thanks for all the enthusiasm, romance, prayers, jokes, laughter, and stories that have become a beautiful memory that I will never forget forever.

Hopefully, all the knowledge which had been learned during the study in Syariah Faculty of the State Islamic University Maulana Malik Ibrahim of Malang can be useful for the writer's self and the others. The writer realizes that this thesis is still far from perfection. Therefore, the writer hopes for all kinds of suggestions, advice, and constructive criticism from various parties so this thesis can be a better improvement.

Malang, 30<sup>th</sup> of February 2021  
Writer,

Ahmada Rivqy Virdausa  
17210170

## TRANSLITERATION GUIDANCE

### A. General

Transliteration is the transfer of Arabic script into Indonesian (Latin) writing, not Arabic translation into Indonesian. Included in this category are Arabic names from Arabs, while Arabic names from nations other than Arabic are written as the spelling of the national language or as written in the reference book. Writing the title of the book in the footnote and bibliography, still use the provisions of this transliteration.

### B. Consonant

| Arabic | Latin          | Arabic | Latin |
|--------|----------------|--------|-------|
| ا      | Not symbolized | ض      | dl    |
| ب      | b              | ط      | th    |
| ت      | t              | ظ      | dh    |
| ث      | ts             | ع      | ‘     |
| ج      | j              | غ      | gh    |
| ح      | h              | ف      | f     |
| خ      | kh             | ق      | q     |
| د      | d              | ك      | k     |
| ذ      | dz             | ل      | l     |
| ر      | r              | م      | m     |
| ز      | z              | ن      | n     |
| س      | s              | ه      | h     |
| ش      | sy             | و      | w     |
| ص      | sh             | ي      | y     |

Hamzah (ء) which is often symbolized by alif, if it is located at the beginning of a word, then in its transliteration follows the vowel, it is not symbolized, but if it is located in the middle or end of a word, it is symbolized by the comma above (´), turning around with a comma (´) to substitute for the “ع” symbol.

### C. Vocal, Long-pronounce, and Diphthong

Every Arabic writing in the form of Latin fathah vowels is written with “a”, kasrah with “i”, dlommah with “u”, while long readings are each written in the following way;

Vocal (a) long-pronounce = â for example قال becomes qâla

Vocal (i) long-pronounce = î for example قيل becomes qîla

Vocal (u) long-pronounce = û for example دون becomes dûna

Specifically for reading ya’ nisbat, it should not be replaced with “i” but it should still be written by “iy” in order to describe the ya’ nisbat at the end. Likewise, for the diphthong, wawu and ya’ after fathah is written with “aw” and “ay”. Look the following example:

Diphthong (aw) = و for example قول becomes qawlun

Diphthong (ay) = ي for example خير becomes khayrun

### D. Ta’ marbûthah (ة)

*Ta’ marbûthah* is transliterated with “t” if it is in the middle of a sentence, but if *ta’ marbûthah* is at the end of a sentence, it is transliterated using “h” for example الرسالة للمدرسة becomes *al-risalat li al-mudarrisah*, or if it is in the

middle of sentence. Sentences consisting of the composition of *mudlaf* dan *mudlaf ilayh*, then transliterated using *t* which is connected with the next sentence, for example *في رحمة الله* becomes *fī rahmatillâh*.

#### **E. Auxiliary Verb and Lafadh al-Jalâlah**

Auxiliary verb “al” (ال) written with lowercase form, except if it located at the first position, and “al” in lafadh jalâlah which located in the middle of two (*idhafah*) it remove from writing. Look at the following examples:

1. Al-Imâm al-Bukhâriy said ...
2. Al-Bukhâriy in muqaddimah of his book said ...
3. *Masyâ Allâh kâna wa mâ lam yasya' lam yakun.*
4. *Billâh 'azza wa jalla.*

#### **F. Name and Indonesianized Arabic Word**

In principle, every word that comes from Arabic must be written using a transliteration system. If the word is an Indonesian Arabic name or an Indonesianized Arabic language, it does not need to be written using a transliteration system. Consider the following example:

“... Abdurrahman Wahid, the former Indonesian President, and Amin Rais, former Chair of the MPR at the same time, have made an agreement to eradicate nepotism, collusion and corruption from the face of Indonesian earth, one way through intensifying prayers in various government offices, but ...”

Look at the writing of the name “Abdurrahman Wahid”, “Amin Rais” and the word “salat” written using Indonesian language procedures that are tailored

to the writing of his name. Even if these words come from Arabic, they are Indonesian names and are Indonesianized, therefore they are not written by “Abd al-Rahman Wahid”, “Amîn Raîs”, and not written with “shalat”.

## TABLE OF CONTENTS

|                                     |      |
|-------------------------------------|------|
| TITLE SHEET .....                   | i    |
| STATEMENT OF THE AUTHENTICITY ..... | ii   |
| APPROVAL SHEET .....                | iii  |
| CONSULTATION PROOF .....            | iv   |
| LEGITIMATION SHEET .....            | v    |
| MOTTO .....                         | vi   |
| ACKNOWLEDGMENT .....                | vii  |
| TRANSLITERATION GUIDANCE .....      | ix   |
| TABLE OF CONTENTS .....             | xiii |
| ABSTRACT .....                      | xvi  |
| CHAPTER I: INTRODUCTION .....       | 1    |
| A. Research Background .....        | 1    |
| B. Statement of Problem .....       | 5    |
| C. Objective of Research .....      | 5    |
| D. Benefit of Research .....        | 6    |
| E. Operational Definition .....     | 6    |
| F. Previous Research .....          | 6    |
| G. Method of Research .....         | 10   |
| H. Structure of Discussion .....    | 13   |

|  |    |
|--|----|
| CHAPTER II: <i>QAWÂMAH</i> CONCEPT ACCORDING TO CLASSIC AND CONTEMPORARY SCHOLARS.....   | 14 |
| A. Term and Theoretical Basis of <i>Qawâmah</i> .....  | 14 |
| B. <i>Qawâmah</i> Concept According To Classic Scholars .....  | 18 |
| C. <i>Qawâmah</i> Concept According to Contemporary Scholars .....   | 24 |
| CHAPTER III: THE COMPARISON OF MAHMUD SYALTUT AND MUHAMMAD SYAHRUR’S THOUGHT ABOUT <i>QAWÂMAH</i> IN THE FAMILY .....          | 28 |
| A. Social Background and Ijtihad Concept of Mahmud Syaltut.....  | 28 |
| 1. Social Background of Mahmud Syaltut .....   | 28 |
| 2. Ijtihad Concept of Mahmud Syaltut .....   | 32 |
| B. Social Background and Ijtihad Concept of Muhammad Syahrur .....   | 46 |
| 1. Social Background of Muhammad Syahrur .....   | 46 |
| 2. Ijtihad Concept of Muhammad Syahrur .....   | 52 |
| C. The Thought of Mahmud Syaltut and Muhammad Syahrur about <i>Qawâmah</i> in Family.....                                      | 61 |
| 1. Mahmud Syaltut’s Thought About <i>Qawâmah</i> in Family .....   | 61 |
| 2. Muhammad Syahrur’s Thought About <i>Qawâmah</i> in Family.....  | 67 |
| D. Similarities and Differences Between Mahmud Syaltut and Muhammad Syahrur’s Thought About <i>Qawâmah</i> in The Family ..... | 74 |
| 1. Similarities.....   | 74 |

|   |    |
|---|----|
| 2. Differences .....  | 76 |
| E. The Concept of <i>Qawâmah</i> in The Family in Indonesian Society .....  | 80 |
| CHAPTER IV: CLOSING .....   | 86 |
| A. Conclusion .....   | 86 |
| 1. The Thoughts of Mahmud Syaltut and Muhammad Syahrur About<br><i>Qawâmah</i> in The Family .....                            | 86 |
| 2. Similarities and Differences Between Mahmud Syaltut and Muhammad<br>Syahrur’s Thought About <i>Qawâmah</i> in Family ..... | 87 |
| 3. The Concept of <i>Qawâmah</i> in The Family in Indonesian Society .....  | 89 |
| B. Suggestion .....   | 89 |
| BIBLIOGRAPHY .....  | 91 |
| CURRICULUM VITAE .....  | 98 |



## ABSTRAK

Ahmada Rivqy Virdausa, 17210170. **Studi Komparasi Tentang Konsep *Qawâmah* dalam Keluarga antara Mahmud Syaltut dan Muhammad Syahrur.** Skripsi. Jurusan Hukum Keluarga Islam. Fakultas Syari'ah. Universitas Islam Negeri Maulana Malik Ibrahim Malang. Pembimbing: Erik Sabti Rahmawati, M.A.

---

**Kata Kunci:** *Qawâmah*, Komparasi, Mahmud Syaltut, Muhammad Syahrur

Pemahaman mengenai *Qawâmah* atau kepemimpinan suami istri dalam keluarga menjadi salah satu hal yang kontroversial di antara pemikir Islam, termasuk antara pemikir *mutaqaddimîn* dan pemikir kontemporer, di mana pada umumnya pandangan para pemikir kontemporer dipengaruhi oleh isu keadilan gender. Meski begitu, bukan berarti para pemikir hukum Islam masa modern memiliki konsep yang sama. Begitu pula antara Mahmud Syaltut dan Muhammad Syahrur.

Penelitian ini fokus kepada dua tujuan, yaitu: 1) Untuk menjelaskan konsep *Qawâmah* dalam keluarga perspektif Mahmud Syaltut dan Muhammad Syahrur, 2) Untuk mengidentifikasi persamaan dan perbedaan pemikiran Mahmud Syaltut dan Muhammad Syahrur tentang *qawâmah* dalam keluarga.

Penelitian ini merupakan jenis penelitian kepustakaan (*Library Research*) dengan cara menelusuri, mencari, dan menelaah bahan yang berupa buku atau kitab Mahmud Syaltut dan Muhammad Syahrur sebagai data primer, kemudian buku-buku lainnya, jurnal-jurnal, dan sumber lainnya. Pendekatan penelitian menggunakan pendekatan komparatif.

Hasil dari penelitian ini di antaranya: Mahmud Syaltut memahami *qawâmah* sebagai fitrah laki-laki sebagai pemimpin bagi istrinya, sebab kelebihan-kelebihan berupa fisik dan kemampuan yang dianugerahkan kepadanya, sedangkan Muhammad Syahrur memahami *qawâmah* sebagai kedudukan seseorang sebagai pemimpin atau pengayom keluarga yang bisa dimiliki oleh laki-laki maupun perempuan asalkan memiliki karakteristik *qawâm*, dimana karakteristik tersebut bukanlah dari faktor fisik semata; meskipun Mahmud Syaltut dan Muhammad Syahrur memiliki perbedaan dalam memahami *qawâmah*, keduanya sama-sama memiliki pemikiran yang mengangkat derajat wanita, di mana sesungguhnya suami dan istri memiliki posisi dan kedudukan yang setara, juga sama-sama memiliki hak, kewajiban dan tanggungjawab dalam keluarga yang harus dipenuhi satu sama lain, sehingga Mahmud Syaltut dan Muhammad Syahrur memiliki pemikiran kesetaraan antara laki-laki dan perempuan. Mahmud Syaltut terlihat tidak sama sekali meninggalkan corak pemikiran klasik tentang *qawâmah*, disamping terdapat corak pemikiran modern tentang kesetaraan laki-laki dan perempuan dalam konsep pemikiran *qawâmah*-nya, berbeda dengan Muhammad Syahrur dengan pemikirannya yang bebas dari pemikiran klasik. Di dalam masyarakat Indonesia, konsep kepemimpinan dalam keluarga adalah beragam coraknya, namun secara umum konsep kepemimpinan oleh laki-laki lebih mendominasi.

## ABSTRACT

Ahmada Rivqy Virdausa, 17210170. **Comparative Study About *Qawâmah* in Family Between Mahmud Syaltut and Muhammad Syahrur.** Undergraduate Thesis. Department of Islamic Family Law, Sharia Faculty, State Islamic University of Maulana Malik Ibrahim Malang. Supervisor: Erik Sabti Rahmawati, M.A.

---

**Keyword:** *Qawâmah*, Comparative, Mahmud Syaltut, Muhammad Syahrur

Understanding the concept of *Qawâmah* or husband and wife leadership in the family is controversial among Islamic scholars, including *mutaqaddimîn* and contemporary scholars. In general, the thoughts of contemporary scholars are influenced by the issue of gender justice. Even so, it does not mean that modern Islamic law scholars have the same concept, likewise, between Mahmud Syaltut and Muhammad Syahrur.

This study focused on two objectives of research: 1) To explain the thought of Mahmud Syaltut and Muhammad Syahrur about *qawâmah* in the family; 2) To identify the similarities and differences between Mahmud Syaltut and Muhammad Syahrur's thoughts about *qawâmah* in the family.

The type of this research is library research, by tracing, searching, and examining materials in the form of books, including Mahmud Syaltut and Muhammad Syahrur's books as primary data, and other books, journals, and other sources. The research approach uses a comparative approach.

The results of this study include: Mahmud Syaltut understands *qawâmah* as a men's nature as a leader for his wife because of the physical strengths and abilities that are bestowed on him, while Muhammad Syahrur understands *qawâmah* as the position of leader or family protector that can be owned by male or female as long as they have the characteristics of *qawwâm*, where these characteristics are not only from physical factors; Although Mahmud Syaltut and Muhammad Syahrur have differences in understanding the concept of *qawâmah*, both of them have thoughts that elevate the status of women, where husband and wife have an equal position or degree, also rights, obligations, and responsibilities in the family that must be fulfilled with each other so that both of Mahmud Syaltut and Muhammad Syahrur have an idea of equality between men and women. Mahmud Syaltut seemed not to leave the classical thinking pattern about *qawâmah* truly, besides there are modern patterns of male and female equality in Syaltut's *qawâmah* concept. This Syaltut's *qawâmah* concept is different from Muhammad Syahrur's thought which is different from classical thinking. In Indonesian society, the concept of leadership in the family is diverse, but in general, the concept of male leadership is dominant.

## ملخص البحث

أحمد رفقي فردوس، ١٧٢١٠١٧٠، الدراسة المقارنة عن القوامة في الأسرة بين محمود شلتوت و محمد شحرور. البحث الرسالة. قسم الأحوال الشخصية. كلية الشريعة. جامعة الإسلامية الحكومية مولانا مالك إبراهيم مالانج. مشريف: أيريك سابتى رحماواقي, م.أ.

---

الكلمات الرئيسية: القوامة، المقارنة، محمود شلتوت، محمد شحرور

كان مفهوم القوامة في حياة الزوجية في الأسرة شأنًا خلافيا بين المفكرين الإسلامية، سواء كان المفكرون المتقدمين والمعاصرين، حيث تتأثر آراء المفكرين المعاصرين بقضية العدالة بين الجنسين. ومع ذلك، فإن هذا لا يعني أن المفكرين المعاصرين لديهم نفس المفهوم. وبالمثل بين محمود شلتوت ومحمد شحرور.

هنا مشكلات البحث وهي: (١) ليعرف مفهوم القوامة في الأسرة بين فكرة محمود شلتوت ومحمد شحرور، (٢) ليعرف وجه التشابه والفرق بين فكرة محمود شلتوت ومحمد شحرور عن القوامة في الأسرة.

هذا البحث هو نوع من البحوث المكتبية (*Library Research*) من خلال تتبع وبحث ودراسة المواد في شكل كتب محمود شلتوت ومحمد شحرور وهذه هي معلومات أولية، ثم كتب ومجلات ومصادر أخرى. نهج هذا البحث نهج مقارن.

نتائج هذه الدراسة هي: فهم محمود شلتوت في القوامة على أنها طبيعة الرجل كقائد لزوجته، وذلك بسبب القوة البدنية والقدرات التي تُمنح له، بينما يفهم محمد شحرور في القوامة على أنها درجة القائد أو حامي الأسرة، وأن القوامة يستطيع أن يملكها الرجال النساء طالما أنهما يجملان بصفات القوام، حيث لا تكون هذه الخصائص ناتجة عن عوامل جسدية فقط؛ على الرغم من وجود اختلافات بين محمود شلتوت ومحمد شحرور في فهم القوامة، إلا أن كلاهما لديهما أفكار ترفع درجة المرأة، حيث يكون للزوج والزوجة في الواقع درجة أو منصب أو مكانة متساوية، كما يتقاسمان الحقوق والواجبات والمسؤوليات في نفس الوقت في الأسرة. يجب أن تتحقق مع بعضها البعض، فلذلك يكون لدى كل منهما فكرة عن المساواة بين الرجل والمرأة. لم يترك محمود شلتوت قط نمط التفكير الكلاسيكي عن القوامة، مع أنه كان من فكرته نمط حديث للمساواة بين الذكور والإناث في مفهومه عن القوامة، كان هذا مختلفا عن محمد شحرور مع أفكاره خالية من التفكير الكلاسيكي. في المجتمع الإندونيسي، يتنوع مفهوم القوامة في الأسرة، ولكن بشكل عام مفهوم القوامة الذكورية هو المعظم.

## CHAPTER I

### INTRODUCTION

#### A. Research Background

The concept of *qawâmah* between husband and wife is controversial among Islamic scholars, including *mutaqaddimîn* and contemporary scholars. In general, the thoughts of contemporary scholars are influenced by gender issues. Even so, it does not mean that modern Islamic legal scholars have the same concept. Mahmud Syaltut and Muhammad Syahrur have different concepts in interpreting *qawâmah* in the family.

The concept of leadership in the family in general always refers to Surat Al-Nisa' verse 34 "*al-rijâlu qawwâmûna ' alâ al-nisâ'*". When referring to the classical scholars' understanding of the verse, such as Ibn Kathir, he interprets this verse that men are the protector and maintainers of women. The man is

responsible for the woman, and he is her maintainer, caretaker, and leader who disciplines her if she deviates. It is because men excel over women and are better than them for certain tasks.<sup>1</sup> The thoughts of other classical scholars are not much different. According to Imam Al-Thabari, the leadership of men over women is due to the excel that Allah has given to men over women in giving dowries, fulfilling livelihoods, and the obligations provided by men (husbands) to women (wives). Al-Thabari explained that the excellence of men is in terms of strength of his mind and physical strength, so that prophecy is also a right for men.<sup>2</sup> Meanwhile, from the perspective of contemporary scholars, for example, in the view of Asghar Ali Engineer, the superiority of men over women is not the excellence based on sex, but rather a functional advantage, because men (husbands) earn a living and spend their wealth on women (wives). The social function carried out by men is the same as the social function carried out by women, namely carrying out domestic tasks in the household.<sup>3</sup> Likewise, other contemporary thinkers, such as Amina Wadud, view that man is *qawwâm* only if he meets the requirements of *qawwâm*, that is, if he can prove his strengths and use his wealth to support women.<sup>4</sup> Seeing examples of differences in thought between classical and contemporary thinkers regarding *qawwâmah*, the

---

<sup>1</sup> Abu Al-Fida Isma'il Ibnu Katsir Al-Dimasyqi, *Tafsîr Ibnu Katsîr* (Beirut: Dâr Al-Kutub Al-'Ilmiyyah, 1998), 256.

<sup>2</sup> Khoirul Anam, "Perempuan Perspektif Tafsir Klasik Dan Kontemporer," *Journal de Jure* 2, no. 2 (2010): 22, <https://doi.org/10.18860/j-fsh.v2i2.2974>.

<sup>3</sup> Ishaq Zamroni, "Diskursus Kepemimpinan Suami Isteri Dalam Keluarga: Pandangan Mufasir Klasik Dan Kontemporer," *Ummul Qura* 4, no. 2 (2014): 28, <http://ejournal.kopertais4.or.id/index.php/qura/issue/view/531>.

<sup>4</sup> Cahya Edi Setyawan, "Pemikiran Kesetaraan Gender Dan Feminisme Amina Wadud Tentang Eksistensi Wanita Dalam Kajian Hukum Keluarga," *Zawiyah: Jurnal Pemikiran Islam* 3, no. 1 (2012): 84, <https://doi.org/10.31332/zjpi.v3i1.710>.

author feels interested in discussing the thoughts of Mahmud Syaltut and Muhammad Syahrur as contemporary scholars, but have different thoughts about *qawâmah*.

The problem that often arises is the men's position as the leader in a family, usually defined as the superiority of men over women, and the husband is described as a person in power and even has a higher dignity than the wife. Such views ultimately lead to injustice towards women's rights, marginalized women, subordination, and violence against women.<sup>5</sup>

The understanding of men as leaders is often based on the verses of the Qur'an Surah Al-Nisâ' verse 34:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ

*“Men are leaders for women because Allah has exaggerated some of them (men) over others (women) and because they (men) have spent part of their wealth.”*<sup>6</sup>

Regarding Surah Al-Nisâ' verse 34, Mahmud Syaltut and Muhammad Syahrur, in their thoughts, tried to explain how the concept of *qawâmah* in that verse, of course, with different thoughts and concept between Mahmud Syaltut and Muhammad Syahrur.

Of course, in family life, husband and wife desire to live as a family in peace and affection. Because the purpose of marriage is to provide peacefulness

---

<sup>5</sup> Faqihuddin Abdul Kodir, *Qirâ'ah Mubâdalah: Tafsir Progresif Untuk Keadilan Gender Dalam Islam* (Yogyakarta: IRCiSoD, 2019), 29.

<sup>6</sup> Translator Team, *Al-Qur'an Dan Terjemahnya* (Jakarta: Almahira, 2016), 84.

and tranquility in life, both male and female, where the Qur'an has also explained in Surah Al-Rûm verse 21:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

*“And of His signs is that He created for you from yourselves mates that you may find tranquillity in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought”*.<sup>7</sup>

The principle of the marriage purpose in the Qur'an has also been stated in the Compilation of Islamic Law. Article 3 of the Compilation of Islamic Law explained that: “The purpose of marriage is to create a *sakînah*, *mawaddah* and *rahmah* household life.” In addition, marriage is a firm contract or *mitsâqan ghalîdzan* to obey Allah's orders and carry out marriage is worship. Following Article 2 of the Compilation of Islamic Law: “Marriage according to Islamic law is a firm contract or *mitsâqan ghalîdzan* to obey Allah's orders and carry out it is worship.”<sup>8</sup> Therefore, there must be justice and the relationship principle between rights and obligations in the life of husband and wife to realize happiness in the family.

A marriage will have consequences in the form of rights and obligations that both husband and wife must fulfill. Therefore, essentially there is nothing more or less in fulfilling rights and obligations between husband and wife. Each

---

<sup>7</sup> Translator Team, 384.

<sup>8</sup> Article 2 Islamic Law Compilation.

of them carries the rights and responsibilities that they must fulfill to realize happiness in the family.<sup>9</sup>

Marriage has wisdom in it, including calming the soul so that feelings of love and affection will arise. The affection and love from each other in the family will create *sakînah*, *mawaddah*, and *rahmah*, so that it takes a sense of mutual understanding and respect between husband and wife if you want to bring that into reality.<sup>10</sup>

## **B. Statement of Problem**

1. What are the thoughts of Mahmud Syaltut and Muhammad Syahrur about *qawâmah* in the family?
2. What are the similarities and differences between Mahmud Syaltut and Muhammad Syahrur's thoughts about *qawâmah* in the family?

## **C. Objective of Research**

1. To explain the thought of Mahmud Syaltut and Muhammad Syahrur about *qawâmah* in the family.
2. To identify the similarities and differences between Mahmud Syaltut and Muhammad Syahrur's thoughts about *qawâmah* in the family.

---

<sup>9</sup> Rustam Dahar Kamadi Apollo Harahap, "Kesetaraan Laki-Laki Dan Perempuan Dalam Hukum Perkawinan Islam," *Sawwa*, no. 2 (2013): 363. <https://doi.org/10.21580-/sa.v8i2.662>.

<sup>10</sup> Ahmad Atabik and Koridatul Mudhiyah, "Pernikahan Dan Hikmahnya Dalam Hukum Islam," *Yudisia*, no. 2 (2014): 314. <http://journal.iainkudus.ac.id/index.php/Yudisia/article/download/703/692>.



#### **D. Benefit of Research**

This research can add to scientific insight related to Islamic law, especially around the Islamic family. Also, this research develops scientific discourses on Islamic law on the subject of marriage and family life, which can be used as information that can be studied and discussed further to develop thoughts about Islamic families. This research can be used as comparative literature on the reality of Islamic family practices that occur in society.

#### **E. Operational Definition**

1. Comparative : Comparing the thoughts of two scholars. In this study, the thoughts that are compared are the thoughts of Mahmud Syaltut and Muhammad Syahrur about *qawâmah* in the family.
2. *Qawâmah* : Characteristics as a leader in the household.

#### **F. Previous Research**

1. Kedudukan Perempuan Dalam Perkawinan (Analisis UU RI No. 1 Tahun 1974 Tentang Posisi Perempuan)

The journal by Saidah from the Parepare State Islamic Institute (STAIN) in 2017 analyzed the position of women in domestic life by looking at several sides, including the Qur'an and Hadith, in which women's status is highly respected. As mentioned in the Hadith, the mother's position is three times higher than the father's, also women in history, where the role of women in the early days of Islam was quite prominent in the development of Islam. Khadijah (Prophet's wife) not only helped to calm the Prophet's

heart, but also supported him materially. Siti Hafsa has been trusted to keep the Usmani Mushaf, and Aisyah narrated many of the Prophet's hadiths from the time of the development of Islam. Also, women in the modern perspective. In addition, it also describes women in fiqh books, especially those written in classical and medieval times, which show the position of women generally is inferior to men. The similarity between this study and the author's research is both raise the problem of position (leadership/*qawâmah*) in the household. Still, the difference is that in the author's research, it is not specifically for women, and also takes the perspective of two figures with different thoughts, and then the writer compares their thoughts.

2. Kepala Keluarga dalam Hukum Keluarga di Indonesia (Tinjauan Perspektif Gender dalam Hukum Agama, Adat dan Hukum Nasional)

The journal written by Wahyuni Retnowulandari, published in *PRIORIS Law Journal* in 2016, raised the pluralism concept of "family head" in religious law, customary law, and national law in Indonesia. Also, the family head concept between CEDAW and several countries in Asia (Korea, Philippines, Thailand). Furthermore, analyzing the better concept of a family head according to the gender perspective in Indonesia. This study used a descriptive normative research approach to describe the actual facts in society regarding the family head concept. The similarity between this journal with this thesis is discussing the leadership in the household,

while the difference is that the author compares Mahmud Syaltut and Muhammad Syahrur with different concepts and thoughts.

3. Pembagian Peran Antara Suami Istri dan Implikasinya Terhadap Keharmonisan Keluarga (Studi kasus di Gampong Lawe Cimanok Kecamatan Kluet Timur Kabupaten Aceh Selatan)

This thesis, written by Elvida Sapitri from UIN Ar-Raniry Darussalam Banda Aceh, Faculty of Da'wah and Communication, analyzed the role of husbands in the family in Gampong Lawe Cimanok and the impacts caused by the malfunctioning roles of husbands and wives. This research used a qualitative approach, which belongs to field research, namely a case study in Gampong Lawe Cimanok, East Kluet District, South Aceh Regency. The method of taking the research object is the purposive sampling technique, and the data collection techniques are observation and interviews. The processing data began by data reduction, data presentation, and then concluding. The similarity of the research is the topic about the position of husband and wife, which produces the concept of relations, rights, and obligations. The differences are in the research method and focus of discussion. This thesis uses normative qualitative, and the topic is the comparison between Mahmud Syaltut and Muhammad Syahrur's thoughts about *qawâmah* in the family.

4. Kedudukan Perempuan dalam Hukum Keluarga Islam di Indonesia (Telaah Kompilasi Hukum Islam Perspektif Kesetaraan Gender)

This journal, written by Asni, discussed the position of women in family law through a review of the rules in the Compilation of Islamic Law as applied law for Religious Courts within the framework of a gender equality perspective. Therefore, this study focused on the concept of gender equality and the concept of women's position in the Islamic Law Compilation. This research is qualitative normative research. The similarity between this journal and this thesis is both discuss the concept of the position of husband and wife in the household, although the research in this journal, in its title, is more focused on the position of women. The difference between this journal and this thesis is this thesis does not focus on the position of women only, but also the position of husband and wife between the thought of Mahmud Syaltut and Muhammad Syahrur.

For the summary, previous studies can be seen in the following table:

| <b>Author</b>          | <b>Title</b>  | <b>Similarity</b>   | <b>Difference</b>   | <b>Type</b> |
|------------------------|---|---|---|-------------|
| Saidah                 | Kedudukan Perempuan Dalam Perkawinan (Analisis UU RI No. 1 Tahun 1974 Tentang Posisi Perempuan) | - Discuss the position in the household<br>- Library research | Analyze the topic of discussion with Law Number 1 of 1974 | Journal     |
| Wahyuni Retnowulandari | Kepala Keluarga dalam Hukum Keluarga di Indonesia (Tinjauan                                     | - Discuss the concept of the leader/head                      | Analyze the problem from the perspective of gender,       | Journal     |

|                |   |   |  |         |
|----------------|---|---|--|---------|
|                | Perspektif Gender dalam Hukum Agama, Adat dan Hukum Nasional)   | of the family<br>- Library research   | religious law, customary law, and national law                               |         |
| Elvida Sapitri | Pembagian Peran Antara Suami Istri dan Implikasinya Terhadap Keharmonisan Keluarga (Studi kasus di Gampong Lawe Cimanok Kecamatan Kluet Timur Kabupaten Aceh Selatan) | Discuss the roles that arise from the position of husband and wife            | - Field research<br>- Analyze the implications related to family harmony     | Thesis  |
| Asni           | Kedudukan Perempuan dalam Hukum Keluarga Islam di Indonesia (Telaah Kompilasi Hukum Islam Perspektif Kesetaraan Gender)   | - Discuss the position of husband or wife in the family<br>- Library research | Only focused on the position of the wife, analyzed from a gender perspective | Journal |

## G. Method of Research

The researcher who will carry out the research needs to understand the research method used. Research methods are needed to find, formulate, analyze and solve problems in the study topic. The research methods used by the authors are as follows:

### 1. Type of Research

The type of this research is library research, by using qualitative methods by searching, tracing, and reviewing data sourced from literature,

both books written by Mahmud Syaltut and Muhammad Syahrur, journals, and the other literature that support and relevant to the topic of research.

## 2. Research Approach

The research approach used in this thesis is the comparative approach, namely by examining and comparing the thought of *qawâmah* in the family between Mahmud Syaltut and Muhammad Syahrur, also the similarities and differences.

## 3. Data Sources

The data sources used by the author are as follows:

- a. Primary data, namely the main data sources used in this study, namely the book of *Al-Islâm Aqîdah wa Syarî'ah, Min Tawjîhât al-Islâm*, and *Tafsîr al-Qur'ân al-Karîm al-Ajzâ' al-'Asyrah al-Ûlâ* by Mahmud Syaltut and the Book of *Nahw Ushûl Jadîdah li al-Fiqh al-Islâmî: Fiqh al-Mar'ah* and *Al-Kitâb wa al-Qur'ân* by Muhammad Syahrur.
- b. Secondary data, namely data that help and support primary data, including books of other ulama or scholars, journals, books, like “*Qirâ'ah Mubâdalah: Tafsir Progresif Untuk Keadilan Gender dalam Islam*” by Faqihuddin Abdul Kodir, “*Perempuan*” by M. Quraish Shihab, “*The Qur'an, Women, and Modern Society*” by Asghar Ali Engineer, and other literature related to this research topic.
- c. Tertiary data, namely data that support primary and secondary data in this study, such as encyclopedias, Arabic and English dictionaries or KBBI.

#### 4. Data Sources Collection

The data collection begins with determining the data, inventorying of data, and reviewing the data.<sup>11</sup> The method of collecting data starts with determining the data first. The author determines references that are generally related to the topic. Then the author conducts an inventorying of data, and then the author examines a study of data.

#### 5. Analysis of Data

##### a. Editing

After the data is collected, the author conducts an examination and ensures the data collected, so the data is not wrong and in accordance with the topic raised in the form of literature about *qawâmah* between Mahmud Syaltut and Muhammad Syahrur in the family.

##### b. Classifying

After checking the data, the next step is classifying the data to conduct research easier. The data collected are classified based on research discussion, namely the *qawâmah* in the family between Mahmud Syaltut and Muhammad Syahrur.

##### c. Verifying

The data is rechecked for its correctness, up-to-date, and suitability with the discussion topic regarding the concept of *qawâmah* between Mahmud Syaltut and Muhammad Syahrur in the family.

---

<sup>11</sup> *Pedoman Penulisan Skripsi Fakultas Syari'ah UIN Maulana Malik Ibrahim Malang* (Malang, 2019), 20.

d. Analyzing

The next step is analyzing the data, namely analyzing the similarities and differences of the concept of *qawâmah* between Mahmud Syaltut and Muhammad Syahrur in the family.

e. Concluding

The next step is concluding the analysis results about the concept of *qawâmah* in the family between Mahmud Syaltut and Muhammad Syahrur.

## H. Structure of Discussion

CHAPTER I is the introduction, namely: background of research, statement problem, research objective, research benefits, operational definitions, previous research, research methods, and structure of discussion.

CHAPTER II is the literature review that describes the term and theoretical basis of *qawâmah*, and also the *qawâmah* concept according to classical scholars and *qawâmah* concept according to contemporary scholars.

CHAPTER III is the discussion result, namely: the social background and ijtihad concept of Mahmud Syaltut and Muhammad Syahrur, the thought of Mahmud Syaltut and Muhammad Syahrur about *qawâmah* in family, the similarities and differences between Mahmud Syaltut and Muhammad Syahrur's thought about *qawâmah* in the family, and the concept of *qawâmah* in the family in Indonesian society.

CHAPTER IV is closing, namely: the conclusions and suggestions.



## CHAPTER II

### *QAWÂMAH* CONCEPT ACCORDING TO CLASSIC AND CONTEMPORARY SCHOLARS

#### A. Term and Theoretical Basis of *Qawâmah*

The family, the smallest of society group consisting of father, mother, and children, will place someone as a leader. In this context, the leader is referred to as the head of the family. As for *Qawâmah*, it is defined as leadership in the family.<sup>12</sup> A leader is someone with his personal skills able to influence the group he leads to move them to strive together to achieve specific goals.<sup>13</sup>

Leadership is the characteristic of the leader in carrying out his duties and obligations, namely characteristic of the leader in carrying out his responsibilities morally and legally for all of the implementations of his

---

<sup>12</sup> Nur Faizah, “Konsep Qiwâmah Dalam Yurisprudensi Islam Perspektif Keadilan Gender,” *Al-Ahwal* 11, no. 1 (2018): 14–15, <https://doi.org/10.14421/ahwal.2018.11102>.

<sup>13</sup> Aspizain Chaniago, *Pemimpin Dan Kepemimpinan* (Jakarta: Lentera Ilmu Cendekia, 2017), 2.

authority that has been delegated to him. So, leadership is more functionally, and it will be distinguished by certain types.<sup>14</sup>

It can be understood that leadership is a concept that summarizes various aspects, including the process of interaction between leaders and people who are led in achieving common goals. Leadership can also be defined as the process or ability to influence, inspire, and direct a person or group's actions through the communication process to achieve the expected goals. People who become leaders must attach themselves to the character of serving, a sense of love and care, that love is manifested in the form of concern for the needs, interests, dreams, and hopes of the people led. Meanwhile, leadership is a process of influencing organized group activities in realizing their goals and achievements.<sup>15</sup>

The conceptual basis of Islamic leadership is normatively derived from the Qur'an and Hadith, which is divided into four main principles.<sup>16</sup>

#### 1. The Principle of Responsibility

In Islam, it has been outlined that every human being is a leader (at least for himself), and for this leadership, he has to take responsibility. This responsibility is the primary substance that a prospective leader must first understand so that the mandate given to him is carried out properly and following what it should be.

---

<sup>14</sup> Anton Athoillah, *Dasar-Dasar Manajemen* (Bandung: Pustaka Setia, 2017), 188.

<sup>15</sup> Maimunah, "Kepemimpinan Dalam Perspektif Islam Dan Dasar Konseptualnya," *Al-Afkar* 5, no. 1 (2017): 60–61, <https://doi.org/10.28944/afkar.v5i1.133>.

<sup>16</sup> Veithzal Rivai, *Kepemimpinan Dan Perilaku Organisasi* (Jakarta: PT Raja Grafindo Persada, 2004), 23.

## 2. Ethical Principles of Justice

To maintaining a balance of interests, the principle of justice must be maintained so that injustice stigmas do not appear. As in Surah Shâd verse 26:

يَدَاوُدُ إِنَّا جَعَلْنَاكَ خَلِيفَةً فِي الْأَرْضِ فَاحْكُم بَيْنَ النَّاسِ بِالْحَقِّ وَلَا تَتَّبِعِ الْهَوَىٰ فَيُضِلَّكَ عَنْ

سَبِيلِ اللَّهِ ۚ إِنَّ الَّذِينَ يَظِلُّونَ عَنْ سَبِيلِ اللَّهِ لَهُمْ عَذَابٌ شَدِيدٌ بِمَا نَسُوا يَوْمَ الْحِسَابِ

[We said], “O David, indeed We have made you a successor upon the earth, so judge between the people in truth and do not follow [your own] desire, as it will lead you astray from the way of Allah.” Indeed, those who go astray from the way of Allah will have a severe punishment for having forgotten the Day of Account”.<sup>17</sup>

## 3. The Principle of Simplicity

Rasulullah emphasized that a leader must serve his people and not ask to be served.

According to the Quraish Shihab, there are four main criteria for Islamic leaders that must be fulfilled, namely:<sup>18</sup>

### 1. *Al-Shiddiq*

*Shiddiq* is genuine and sincere in behaving, speaking, and struggling to carry out duties.

<sup>17</sup> Translator Team, *Al-Qur'an Dan Terjemahnya*, 454.

<sup>18</sup> M. Quraish Shihab, *Menabur Pesan Ilahi: Al-Qur'an Dan Dinamika Masyarakat* (Jakarta: Lentera Hati, 2006), 383.

2. *Al-Amânah*

*Amânah* or belief is a character that makes the leader take good care of what submitted to him, both from God and the people led, to create a sense of security for all parties.

3. *Al-Fathanah*

*Fathanah* or intelligence is an ability of a leader to face and overcome problems, even sudden problems.

4. *Al-Tablîgh*

*Tablîgh*, namely honest and responsible delivery or in other words is ‘openness’.

Likewise, family institutions, which include husbands, wives, and children, also need leaders. Besides, each of these entities also has the responsibility of being a leader for themselves, whether they have a position as a producer (husband), distributor (wife), and consumer (child). However, in this family institution, the man or husband’s position as producer, generally in Indonesian society, is the leader or head of the family. In addition to having a role as a producer, the head of the family also has other roles, namely guiding, educating, and directing the member of his family.<sup>19</sup>

As for leadership in the family, the thoughts of Islamic scholars and thinkers are always inseparable from Surah Al-Nisâ’ verse 34:

---

<sup>19</sup> Muhammad Nur Kholis, “Konsep Kepala Keluarga Antara Laki-Laki Dan Perempuan Dalam Surat An-Nisa (4) Ayat 34,” *ISTINBATH: Jurnal Hukum Islam* 12, no. 2 (2016): 5, <http://e-journal.metrouniv.ac.id/index.php/istinbath/article/view/585>.

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۚ فَالصَّالِحَاتُ قَنَاطٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۗ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ۚ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

*“Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand”.*<sup>20</sup>

## B. *Qawâmah* Concept According To Classic Scholars

The book *Jamî' al-Bayân 'an Ta'wîl al-Qur'ân* written by Al-Thabari is the first commentary book that perfectly examines the interpretation of women. In this book, Al-Thabari has tried to interpret the verses about women by using explanatory assistance from other verses and Hadith. The method used in this women's interpretation is the traditional classical method because Al-Thabari interprets the women's verses partially and atomically and does not relate to existing conditions and situations. It can be seen from the interpretation of Surah Al-Nisa' verse: 34, which according to Al-Tabari, this verse is related to the rules regarding the relationship between husband and wife (family). It means that this verse gives legislation to men that they have more authority than women in their household affairs, including educating their wives to obey him. The

<sup>20</sup> Translator Team, *Al-Qur'an Dan Terjemahnya*, 84.

submission of a wife to her husband is caused by a marriage bond.<sup>21</sup> The scope of the classical tafsir represented by Al-Thabari was still limited to the range of family territories by placing the authority of men higher than women in the affairs of the household.

According to Imam Al-Thabari, the leadership of men over women is due to the advantages that Allah has given to men over women in giving dowries, fulfilling livelihoods, and the obligations provided by men (husbands) to women (wives). On this basis, the husband's orders must be carried out by the wife. Furthermore, al-Thabari explained that the excellence of men is in terms of strength of his mind and physical strength, so that prophecy is also a right for men. With the excellence of mind and physical, leadership in the form of *al-Imâmah al-Kubrâ* (*Khilâfah*) and *al-Imâmah al-Shughrâ* (leader), jihad, *adzan*, *i'tikâf*, witnesses in *hudûd* and *qishâsh*, guardianship in marriage, divorce, reconciliation, are leaned on men.<sup>22</sup>

Muhammad Ali Al-Shabuni, by referring to *Tafsîr al-Kasyâf*, Al-Qurthubi, and al-Alusi, defined the word *qawwâm* as follows: The word *qawwâm* is the *mubalaghah* form of the word '*qâim*', means carrying out an affair, also maintaining and protecting it. So men are the rulers over women as well as the power of a ruler over the people, whether it's by ordering, prohibiting, maintaining, or guarding the people.<sup>23</sup>

---

<sup>21</sup> Anam, "Perempuan Perspektif Tafsir Klasik Dan Kontemporer," 143.

<sup>22</sup> Anam, 22.

<sup>23</sup> Muḥammad 'Alî Al-Shâbûnî, *Rawâi' Al-Bayân Tafsîr Âyât Al-Aḥkâm Min Al-Qur'ân* (Beirut: Dâr al-Fikr, n.d.), 463.

According to Imam Nawawi, the mean of men as leaders for women is the husband has the power to educate his wife, Allah exceeds men over women because men (husbands) give property to women (wives) in marriage, such as dowry and income. The scholars of tafsir say that the priority of men over women can be seen from two aspects, namely from “*haqîqy*” and “*syar’iy*”. First, in the aspect of *haqîqy*, men exceed women in intelligence, ability to doing tough work by their physical strength, writing skills, horse riding skills, having the right to decide divorce and doing *rujû’*, polygamy, and the descent is from the father’s side. Many men become scholars and leaders, take part in warfare, perform Friday prayers, call to prayer, sermon, *i’tikaf*, take part in witness on *hadd*, *qishâsh*, marriage, and obtain more inheritance and ‘*ashâbah*, bear the burden of *diyat*, and become *wali* in marriage. Second, in terms of *syar’iy*, men carry out and fulfill women’s rights following the provisions of *syara’*, such as dowries and living to the wife.<sup>24</sup>

According to Fakhr al-Din al-Raziy, there are two reasons for men’s leadership over women: because it is *haqîqy* (natural) and it is related to religious laws. For the first reason, men’s knowledge and intellect are more potent, and they have more knowledge, and it cannot be denied that their ability is more supportive to carry out tough work. Because of these two things (strength and knowledge), a man gets excellence over women in intellect, determination, strength, writing, horse riding, and archery. The

---

<sup>24</sup> Muhammad Nawawi bin Umar Al-Jawy, ‘*Uqûd Al-Lujjayn* (Surabaya: Al-Hidayah, n.d.), 6-7.

prophets and scholars are from among men, as well as the caliphate and imams. Also, men take part in warfare, perform jihad, call to prayer, sermon, *i'tikâf*, witness in hudud matters, bear *diyat* in intentional or unintentional killings, become *wali* on marriage, have the right to decide divorce and polygamy, also the descent is from the father's side. It all shows the primacy of men over women. The second reason is the men pay the dowry and provide for his wife's needs.<sup>25</sup>

Two things can be concluded from al-Zamasyari's interpretation: first, men's leadership over women is God's giving or automatically because of men's excellence. Second, men's leadership includes all forms of leadership, both domestic and public, concerning religion and worldly. Al-Zamakhsyari said that men as a whole are the leaders over women. It is due to the excellence that God has given men over women. It is also on this basis, according to al-Zamakhsyari, men's leadership is obtained from Allah and not because of competition, control, or coercion. The excellences of men are in intellectual strength, strong will, physical power, the ability to write, ride horses, and archery. Therefore, men were chosen to be prophets, scholars, public leaders (*al-imamâh al-kubrâ*), and domestic leaders (*al-imamâh al-sugrâ*). They also perform jihad, call to prayer, sermon, *i'tikaf*, witnesses in the *hudûd* and *qisâs*, get more shares in inheritance and

---

<sup>25</sup> Fakhr Al-Din Al-Razy, *Al-Tafsîr Al-Kabîr Juz V* (Beirut: Dar Al-Fikr, 1981), 70-71.



'*ashâbah*, become *wali* in marriage, do polygamy, have the right to decide divorce and *rujû'*, and also the descent is from the father's side.<sup>26</sup>

Al-Alusi and al-Biqâ'i stated that men's leadership takes two forms: *wahbiy* (given) and *kasbiy* (effort). The first factor is in the form of the advantages that Allah has given to men (*wahbiy*). It means that whoever he is, whatever his education and whatever level of intelligence, as long as he is male, he automatically has the excellence that Allah has given him. With these advantages or excellences, men deserve to be leaders for women. This view is the opinion of the majority of interpretive scholars. The second leadership factor is because the man/husband provides for the woman/wife (*kasbiy*). The aspects of *kasbiy* and *wahbiy* are different, so the aspects of *kasbiy* must be pursued because not all men/husbands are given by Allah the ability to provide for their wives as long as they do not try to earn sustenance seriously. With these two forms of leadership, the man/husband has the right to become a leader for the woman/wife. Without leadership character in the form of a *kasbiy*, the husband has no right to be the leader of the wife. The advantages that Allah has given to men over women are the power of reason, physical strength, and religion. With these edges, men are chosen to be prophets, domestic leaders (*wulât*), great leaders, and guardians in marriage. At the same time, the edge or excellence that must be

---

<sup>26</sup> Hairul Huda, "Kajian Kepemimpinan Perempuan Dalam Keluarga Perspektif Tafsir," *Musâwa Jurnal Studi Gender Dan Islam* 10, no. 2 (2011): 193, <https://doi.org/10.14421/musawa.2011.102.187-204>.

endeavored (*kasbiy*) by the husband is in the form of giving dowries, clothes, and other things that come from his wealth for the wife.<sup>27</sup>

Based on the interpretation of Al-Alusi and Al-Biq'a'i, it can be concluded that male leadership has two forms, namely *wahbiy* and *kasby*. *Wahbiy* is leadership potential given by God to men in physical strength, power of reason, and religion. But besides that, it must be supported by the aspect of *kasby* (effort), namely the potential in leadership that must be pursued. With these two leadership potentials, men can become leaders over women.<sup>28</sup>

Ahmad Mustafa Al-Maraghi also said that the word *Al-Qiyâm* means leadership; people led act according to the leader's will and choice because the meaning of *Al-Qiyâm* is guidance and supervision in carrying out what the husband has guided and paying attention to all his actions.<sup>29</sup> Ibn Kathir, in his book, explains that men as leaders mean that men are caretakers of women, namely leading women, controlling and educating women if they deviate. The excellence or superiority of men is more than women, where men have superiority over women, so that prophecy is only specific to men, as well as being king. Men have also provided a living, dowry, and other expenses or necessities that are obliged to be provided by men to women. Because men are leaders over women, women are obliged to obey their

---

<sup>27</sup> Hudaya, 193-194.

<sup>28</sup> Hudaya, 193-194.

<sup>29</sup> Ahmad Musthafa Al-Maraghi, *Tafsîr Al-Marâghî Juz IV* (Cairo: Dâr Al-Nasyr, 1946), 27.

husbands in things ordered by God which requires a wife to obey her husband.<sup>30</sup>

### C. *Qawâmah* Concept According to Contemporary Scholars

According to Fazlur Rahman, generally, the Qur'an describes the division of order and the difference of function. Besides that, there is no prohibition in the Qur'an if women gain economic wealth independently. Surah Al-Nisa' verse 34 does not contain a statement of inherent inequality between men and women. Still, it only illustrates that men have a functional advantage over women because men are in charge of earning money and spending it on women's needs. Fazlur Rahman translated *al-rijâlu qawwâmuna 'alâ al-nisâ'* with the meaning of 'man is responsible for women'. The Qur'an itself often speaks of the superiority of some people over others in terms of wealth, power, etc., but it is only purely functionally. It means if a woman becomes economically sufficient and then contributes to the fulfillment of household needs and expenses, the superiority of men will decrease, even he will no longer have superiority over his wife.<sup>31</sup> Regarding the equality of men and women, Fazlur Rahman quotes several verses, including Surah Al-Nisa' verse 124:

وَمَنْ يَعْمَلْ مِنَ الصَّالِحَاتِ مِنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَأُولَٰئِكَ يَدْخُلُونَ الْجَنَّةَ وَلَا يُظْلَمُونَ نَقِيرًا

<sup>30</sup> Al-Dimasyqi, *Tafsîr Ibnu Katsîr*, 256.

<sup>31</sup> Fazlur Rahman, *Major Themes of The Qur'an* (Chicago: The University of Chicago Press, 2009), 33.

*“And whoever does righteous deeds, whether male or female, while being a believer - those will enter Paradise and will not be wronged, [even as much as] the speck on a date seed”.*<sup>32</sup>

According to Asghar Ali Engineer, male superiority is not a gender advantage but a functional advantage because men earn a living and spend their wealth on women (and their families). The social function carried out by men is balanced with the social function carried out by women, namely performing domestic tasks in the household because at that time, women had very low social awareness and domestic work was a woman’s obligation. Meanwhile, men see themselves as superior because of their power and ability to earn a living and spend it on women.<sup>33</sup>

Asghar Ali added that if women’s awareness at that time had grown that the domestic role they performed had to be assessed and rewarded in accordance with the doctrine taught by the Qur’an, not merely an obligation, then the protection and livelihood that men gave them, may no longer be considered as men superior, due to the domestic role that women have. Thus, men must balance it by protecting and providing a living, which Qur’an stated this character as *qawwâm*.<sup>34</sup>

Meanwhile, Aminah Wadud Muhsin, a contemporary Islamic feminist figure, stated that men as leaders over women are not mean that men have

---

<sup>32</sup> Translator Team, *Al-Qur’an Dan Terjemahnya*, 98.

<sup>33</sup> Musdhalifah, “Kepemimpinan Rumah Tangga: Telaah QS. an-Nisa’ 34 Perspektif Ibnu Katsîr Dan Asghar Ali Engineer” (Undergraduate thesis, Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2011), 56, <http://etheses.uin-malang.ac.id/1903/>.

<sup>34</sup> Musdhalifah, 56.

superiority automatically, but men's leadership is only functionally, as long as men meet the criteria stated in the Qur'an, namely being able to prove his strengths and provide a living to his family.<sup>35</sup>

In Aminah Wadud's view, the word *qawwâm* is not sufficient to be understood only as a husband and wife relationship. However, it must be understood in a broader context, namely society as a whole. It's just that Wadud rejects the understanding of the word *qawwâm* based on the superior values of men over women. Wadud offers a new concept: the functionalist concept. This concept describes the functional relationship between men and women in society as a whole. Concretely, this functional relationship can be seen from the responsibilities of each party between men and women. In building a community, it is the responsibility of women to give birth to the nation's next generation (children). This responsibility requires physical strength, stamina, intelligence, and personal commitment. To maintain balance and justice, a man must also have the same responsibility. This responsibility is what the Qur'an mentions with the word *qawwâm*. In this context, the word *qawwâm* is understood by Aminah Wadud Muhsin as "the ability of a man to provide physical protection and material support for women". Therefore, if a man can not fulfill his responsibilities, he does not deserve to be called a *qawwâm* (leader).<sup>36</sup>

---

<sup>35</sup> Muhammad Yusuf, "Penciptaan Dan Hak Kepemimpinan Perempuan Dalam Al-Qur'an," *Al-Fikr* 17, no. 1 (2013): 40, <http://journal.uin-lauddin.ac.id/index.php/alfikr/article/download/2266/2199>.

<sup>36</sup> Irsyadunnas, "Tafsir Ayat-Ayat Gender Ala Amina Wadud Perspektif Hermeneutika Gadamer," *Musawa* 14, no. 2 (2015): 135–36, <https://doi.org/10.14421/musawa.2015.142.123-142>.

Muhammad Abduh did not abandon the view of classical scholars, which physically distinguished between men and women. It means that Muhammad Abduh also physically distinguished between men and women. The difference is that the *fadl* reason by Abduh is not absolute. Because in terms of creation or physicality (*fitriy*), not all men are physically stronger than women, and there may be physically stronger women than men. From the *kasbiy* aspect, this *fadl* aspect can also be obtained by women. Like earning a living, and the ability to work. In modern times, not a few women have aspects of *fadl* (advantages) in *kasbiy* (work). Because the opportunity to get a job in modern times is higher for women than men, and even women's income can be higher than for men.<sup>37</sup>

Thus, people who have more *fadl* are more able to take leadership in the family, and it is in their hands that household decisions and household policies are decided. So that, men are not absolutely a leader but only a form of advice, in other words, in the context of the Surah Al-Nisâ' verse 34, men should be the leader of the household, but it is not an absolute thing. If between the two parties, namely the husband and the wife, one has the greater capacity, his chances of becoming a leader are greater. Furthermore, from Muhammad Abduh's conception of *qawâmah*, the non-absoluteness of male leadership is not only in the context of the family but even in the social and political context (public).<sup>38</sup>

---

<sup>37</sup> Ahmad Zuhri Rangkuti, "Studi Analisis Konsep Muhammad 'Abduh Dan Implikasinya Terhadap Kedudukan Perempuan Dalam Hukum Islam" (Thesis, Institut Agama Islam Negeri Sumatera Utara, 2014), 119, [http://repository.uinsu.ac.id/1448/1/TESES\\_rangkuti.pdf](http://repository.uinsu.ac.id/1448/1/TESES_rangkuti.pdf).

<sup>38</sup> Rangkuti, 119-120.

**CHAPTER III**  
**THE COMPARISON OF MAHMUD SYALTUT AND MUHAMMAD**  
**SYAHRUR'S THOUGHT ABOUT *QAWÂMAH* IN THE FAMILY**

**A. Social Background and Ijtihad Concept of Mahmud Syaltut**

1. Social Background of Mahmud Syaltut

Mahmud Syaltut was born in Maniyah, Bani Mansur, Itai al-Beirud District, Bukhairah Residency, Egypt, on 23 April 1893 and died on 19 December 1963. He was an Islamic scholar and thinker who have an international reputation. As usual for Egyptian children at that time, during his childhood, Mahmud learned to read the Qur'an until he memorized it. When he was a teenager (13 years old), in 1906, he entered a religious education institution, al-Ma'had al-Dini, in Alexandria. He was known as an intelligent student and succeeded in obtaining *al-Syahâdah al-Âlimiyyah*

*al-Nizâmiyyah* (at the level of Master of Arts) from al-Azhar University (1918), and he was noted as the best graduate. He also received the title “Doctor Honoris Causa” from the State Islamic Institute (IAIN) Sunan Kalijaga Yogyakarta (1961), as well as from his own country. His scientific activities began as a teacher at al-Ma’had ad-Dini al-Iskandari in 1919, a year after he obtained *al-syahâdah al-‘Âlimiyyah*. Apart from teaching at al-Iskandari and elsewhere, he also carried out publishing, preaching, and writing activities. His writings are mainly about sharia, Arabic, Tafseer, Hadith, and other Islamic religious sciences. It was at that time that he expressed his various opinions and thoughts about improving al-Azhar University.<sup>39</sup>

After completing his studies, in 1919, he devoted himself to being a teacher at his education institution before. At the same time, there was also the Egyptian people’s revolutionary movement against British colonialism. He joined the struggle in that movement through his pen’s sharpness, oral expertise, and other courage he had. From this struggle that he could contribute, he often had to move from one area to another to protect himself and fight against the invaders.<sup>40</sup>

Mahmud Syaltut was appointed *al-Shaykh* of Al-Azhar in 1958, and Syaltut announced his vision for reform. Mahmud Syaltut tried to prove that sharia law is not an obstacle to modern society but rather a guide in the

---

<sup>39</sup> Islamic Encyclopedia Editorial Council, “Mahmud Syaltut,” in *Ensiklopedi Islam* (Jakarta: PT Ihtiar Baru Van Hoeven, 1977), 342-343.

<sup>40</sup> Erman Gani, “Manhaj Fatwa Syekh Mahmud Syaltut Dalam Kitab Al Fatawa,” *Hukum Islam*, no. 1 (2013): 66, <https://doi.org/10.24014/hi.v13i1.966>.



changes brought by modern society. He was earnestly determined to make Al-Azhar achieve greater independence without state control and made serious efforts to get the National Majlis to issue declarations such as the Reform Act, which they instituted in 1961. The Reform Law aimed to integrate Al-Azhar into the broader field of higher education, increasing employment opportunities for students and producing modern scholarships that are knowledgeable in the contemporary world and can serve Muslims. Mahmud Syaltut made a serious effort to portray Islam to the world as a religion of unity, flexibility, and moderation. He strongly condemned sectarianism and promoted tolerance among the Muslim population. Moreover, Mahmud Syaltut is not worried about accepting socialism, and he was very proud of his Egyptian citizenship, and at the same time, he supported Arabism. However, like other prominent figures, some people do not like Syaltut. The post-1960s Arab world is a world with a crisis of religious leadership. Regardless, he was seen by people to this day as a great reformer who made a serious effort to advance Islam during difficult times in the Islamic world.<sup>41</sup>

Even though he was very moderate in making legal decisions, what he said was the result of his thinking and still be based on what is contained in the Qur'an and al-Hadith as the primary source and source of strengthening the legal provision. Although what he said was often different

---

<sup>41</sup> Ahmad Dzulfikar, "Konsep Sabilillah Dalam Pandangan Syekh Mahmud Syaltut Dan Implementasinya Dalam Hukum Islam Kotemporer," *Journal of Islamic Civilization* 2, no. 1 (2020): 44, <https://doi.org/10.33086/jic.v2i1.1428>.

from other scholars, it did not diminish his figure as a *mujtahid* who always invited others to perform *ijtihād*. In the history of *Masâ'yikh* of Al-Azhar, Syaltut is considered a moderate figure of al-Azhar's *Syaikh* in seeing a problem and deciding about a law. So that by his moderation and flexibility in thinking and deciding the law, it is not uncommon for what he says to be contradictory and inconsistent with other al-Azhar scholars, so it is not surprising that he is often considered a controversial figure.<sup>42</sup>

Syaltut is a figure who constantly deals with his world with Islamic scientific, social, and political activities. When he was young, he was known and regarded as a great jurisprudence expert, reformer/community figure, great writer, a great preacher who delivered religious messages in a language that is easy to understand, rational argumentation, and wise thinking. It was proven when in 1937, he was sent by *Majlîs 'Alâ al-Azhâr* to follow *mu'tamar* about *al-Qânûn al-Dauli al-Muqâran* in Lahay Netherlands. In the congress, he, who had presented his thoughts, was considered capable of understanding the existence of the relevance of Islamic sharia in the contemporary context, so that what he said was able to make congress participants amazed by his figure.<sup>43</sup>

So far, the Muslims in Egypt and the Muslim world believed that *Ijtihād* in Islamic law has ended (the door of *Ijtihād* has been closed) with the existence of *madzâhib* that have become role models for Muslims in the

---

<sup>42</sup> Gani, "Manhaj Fatwa Syaikh Mahmud Syaltut Dalam Kitab Al Fatawa," 68.

<sup>43</sup> Gani, 68.

lives. They must submit and follow one of the existing madhabs. Syaltut sees this condition as dangerous and risky for Muslims around the world. Such rigidity of thinking must be corrected because it is an old and rigid way of thinking, and it can kill creativity and the dynamics of Islamic legal thought. Thus, it means that Islamic law has stopped developing and cannot be developed and developed again. According to Mahmud Syaltut, this is a big mistake that must be corrected immediately to correct misunderstanding and revive the broad and flexible thinking of Islamic law.<sup>44</sup>

The Syaltut period was the era of women's discourse in Egypt and the Islamic world in general. Issues of gender equality and women's emancipation have risen to the surface and become part of the social government transformation plan, in line with the domination of modern Western cultural currents in the Muslim world. Therefore, there are many reflections of thoughts on women's problems from various scholars. Syaltut believed in the universality of Islamic teachings as a way of life, so he is very diligent in referring to the Qur'an and Hadith in addressing contemporary issues, including women's discourse.<sup>45</sup>

## 2. Ijtihad Concept of Mahmud Syaltut

In his capacity as an expert in fiqh, the spirit of *ijtihad* and *jihâd* was always in him. Mahmud Syaltut always conditionalized the ongoing developments in finding a law and took opinions considered relevant value

---

<sup>44</sup> Ahmad Badwi, "Kontribusi Syaltut Dalam Reformasi Hukum Islam," *Jurnal Hukum Diktum* 11, no. 1 (2013): 67, <https://doi.org/10.35905/diktum.v11i1.94>.

<sup>45</sup> Mahmud Arif, "Ambivilensi Pemikiran Mahmud Syaltut Tentang Fikih Perempuan," *Al-Manahij* 5, no. 2 (2011): 208, <https://doi.org/10.24090/mnh.v5i2.613>.

to the existing problem. Therefore, what he said was not limited to just one madhab opinion or only one opinion of the imam. Still, his *fatwa* would always be in line with the values of Islamic law, which have immortality, certainty, and universality values that cannot be influenced by place and also cannot change due to the development of the times, the development of civilization, and the development of science.<sup>46</sup>

In his book entitled *Al-Islâm Aqîdah wa Syarî'ah*, Mahmud Syaltut divided the sources of taking Islamic law into three sources, namely the Qur'an, Sunnah, and Ra'y.

a. The Qur'an

Besides the Qur'an is a Prophet Muhammad's miracle, the Qur'an is also a source of guidance, leadership, guideline, and a source of Sharia, as well as a source of law that must be obeyed and guided. The Qur'an contains a strict command from Allah to obey and carry out its contents and laws.<sup>47</sup> The commandment is found in several places in the Qur'an, in Surah Al-Nisâ' verse 105 stated:

إِنَّا أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرَاكَ اللَّهُ ۗ وَلَا تَكُنْ لِلْخَائِنِينَ خَصِيمًا

*“We have sent down the Scripture to you (Prophet) with the truth so that you can judge between people in accordance with what God has shown you. Do not be an advocate for those who betray trust”*.<sup>48</sup>

<sup>46</sup> Badwi, “Kontribusi Syaltut Dalam Reformasi Hukum Islam,” 67.

<sup>47</sup> Mahmud Syaltut, *Al-Islâm 'Aqîdah wa Syarî'ah* (Cairo: Dâr al-Syurûq, 2001), 477.

<sup>48</sup> Translator Team, *Al-Qur'an Dan Terjemahnya*, 95.

The Qur'an contains various problems: *aqîdah*, laws and sharia, ethics, stories and history in ancient times as lessons, wisdom, views and good examples, also contains warnings and threats, guidance for investigating the secrets of the sky and earth angels and contemplating all of God's creation, both its beauty and perfection, so generating faith in the soul, and acknowledging the majesty of Allah based on investigation and argument, not only *taqlîd*.<sup>49</sup>

Sometimes, Qur'an contains verses that discussed various problems in aspects of life, including:

- 1) Worship, such as prayer, fasting, *zakah*, alms, *haji*, *jihad*, oaths, *nadzar*, in these matters, there are approximately 140 verses.
- 2) Households, such as marriage, divorce, *rujû'*, *iddah*, dowry, living, upbringing, breastfeeding, offspring, will, inheritance, in these matters, there are approximately 70 verses.
- 3) Civil law, such as trading, leasing, pawning, debt, and trade, in these matters, there are approximately 70 verses.
- 4) Criminal law, such as murder, theft, disorder, rebellion, adultery, defamation, in these matters, there are approximately 30 verses.
- 5) War, peace, and security, there are approximately 30 verses.
- 6) Statehood, there are verses about deliberation, justice, equality, and the rights and obligations of the government and the people.

---

<sup>49</sup> Syaltut, *Al-Islâm 'Aqîdah wa Syari'ah*, 480-481.

- 7) Verses used as the basis for regulating social and community life, such as the relationship between the wealthy and the poor, the labor relationship with the employer, as in today's times is called social justice.<sup>50</sup>

Mahmud Syaltut, in his book *Al-Islâm Aqîdah and Syarî'ah*, said that the Qur'an does not create new laws regarding existing or growing problems, but the Qur'an often only improves these laws so that it was following the ideals of society or change the existing law so that the objectives of the law can be achieved. It because life problems are same from time to time, people practice *mu'âmalah*, marriage, and inheritance. Even the Arab community, at the time when the Qur'an was revealed, already had laws institutions that resolved problems in society, but the Qur'an revealed to establish traditions or existing regulations, and sometimes the Quran also makes corrections, changes, updates, cancellations, and replacements. It does not mean reducing the holiness of the Qur'an and its wisdom in the field of legislation or its independence in creating laws but Islam itself is a religion that aims to cultivate and regulate human affairs, realize justice, and maintain all matters relating to rights. Islam does not undermine what society has built but examines and considers everything in terms of its benefits and *mudharrah* or harm. Therefore, useful and beneficial things and needed by the community are legalized and stipulated by the Qur'an as sharia.

---

<sup>50</sup> Syaltut, 479-481.

The Qur'an cancels things that are harmful and detrimental to society and property.<sup>51</sup>

There are two general ways of explaining the laws of the Qur'an; first, some verses are arranged in a definite text and have a clear meaning regarding a specific purpose. This verse is not the target of the *mujtahid* because it does not need to be doubted or considered, such as obligatory prayers, fasting, *zakah*, adultery violations, killing, and others. Some of the verses are arranged in the unclear text about what is the mean of that verse. Therefore, these verses eventually contained differences of opinion between the *mujtahidin* and the jurists and became the area of consideration and *ijtihad*. Therefore, these verses automatically gave rise to differences of opinion according to scholar's respective thinking methods, so that the madhab and ideology of thought were born in the Islamic world. The judge or Imam may choose the opinion they want to take and implement it based on considerations of benefit or *maslahah*. Here is the flexibility of legislation in Islam. On the other hand, it provides wisdom; Islamic courts can choose the most appropriate opinion or view to solve the problems of the *ummah* that grow with different cultures and changing times.<sup>52</sup>

Second, the Qur'anic way of explaining laws is different from the law books in general. In law books, commands and prohibitions

---

<sup>51</sup> Syaltut, 481-482.

<sup>52</sup> Syaltut, 486.

generally are explained clearly, without any beauty in language, without being accompanied by subtle invitations, warnings, and threats. The Qur'an compiled laws with the beauty of language that touches souls and feelings, creates admiration and vibrations as well as hopes for the benefits and favors or fortunes that can be obtained if you obey Allah's orders and stay away from Allah's prohibition. Therefore, humans are interested in obeying all of God's commands pure call of their faith, sometimes because they expect rewards and benefits, and stay away from what is forbidden by God because they are afraid of God's punishment and wrath.<sup>53</sup>

Third, the laws in the Qur'an are not arranged separately according to the theme or chapter of a problem. However, the laws are scattered in various places in the Qur'an. Unlike legal books or statutes in general that the laws are put separately in one place, chapter, article, paragraph, according to the theme of a problem. The Qur'an in explaining the laws is like the trees of flowers and fruits that are scattered in every corner of the garden, and anywhere everyone can pick flowers and fruit, based on the color and taste he likes, guided by one goal, namely to take and toward goodness. In realizing general purposes, it cannot be separated from one another. The laws in the Qur'an, which are located and scattered in several places separately, are essentially a

---

<sup>53</sup> Syaltut, 486.



general entity that cannot be separated in implementing it and cannot be implemented only partially and leaving some of the others.<sup>54</sup>

Fourth, in many matters, the laws in the Qur'an are not explained specifically, and the laws do not cover all aspects of the problem. The Qur'an only describes the laws generally and regarding its essence. Sometimes it only hints at the objectives of the Sharia and its basic principles, so it provides an opportunity for the *mujtahid* to take understanding and conclusions based on the main principles and purpose of the sharia. Sometimes, the Sunnah gives an explanation of Qur'anic verses, which are *mujmal* or global, and determines laws that are not specified in the Qur'an. Apart from that, sometimes detailed issues do not open up to differences in opinion and understanding in it, such as *aqidah* and worship issues, because it does not need to change according to time and place. The wisdom of the Qur'an's explanation of the laws, which is not in detail, is that these laws can meet the needs of the people along with changing times and places, following the benefit or *maslahah* and still based on the main principles and purpose of the Sharia.<sup>55</sup>

b. Sunnah

All things narrated from Prophet Muhammad are often considered as sharia or religion but actually is not like that because many of the actions of Prophet Muhammad are his position as a human being

---

<sup>54</sup> Syaltut, 486-487.

<sup>55</sup> Syaltut, 488.

habits and life experiences.<sup>56</sup> All the Hadiths can be divided into several groups:<sup>57</sup>

- 1) Hadith explains issues surrounding the interests of human life, such as eating and drinking, sleeping, walking, visiting, reconciling two people through the usual methods, providing help, and bargaining in buying and selling.
- 2) Hadith explains personal or social experiences and habits, such as agricultural affairs, medicine, and clothing matters.
- 3) Hadith explains leadership and human resource processing issues related to certain circumstances, such as tactics and war strategies, dividing and deploying troops in a war, interceptions, back and forth, choosing a place of army centralization, etc.

The Hadiths of the Prophet, which included into the three groups of that division, are not included in the Sharia, which have to do with demands to be carried out or demands to stay away from it because these problems are only ordinary human affairs, where the attitude of the Prophet Muhammad regarding this issue is not considered law (*tasyrî*) or source of law (*mashâdiru tasyrî*).<sup>58</sup>

- 4) Hadith conveyed in terms of *tablîgh* (conveying Allah's message) as the Messenger of Allah, such as clarifying problems mentioned in the Quran globally, emphasizing the general (*takhshîshul 'âmm*),

---

<sup>56</sup> Syaltut, 501.

<sup>57</sup> Syaltut, 499.

<sup>58</sup> Syaltut, 500.

limiting broad term (*Taqyîd*), or explaining matters concerning worship, halal and haram, faith and morals or other issues related to these matters.

The Hadith included in this section is *Tasyrî' 'âmm* until the Day of Judgment. Everyone should do everything ordered to do, and if it is prohibited, it should be abandoned immediately.<sup>59</sup>

- 5) The Hadiths conveyed by Prophet Muhammad as the imam and head of general government of the Islamic *ummah*, such as sending the army, determining the direction of state financial expenditure (*baitul mâl*), appointing a guardian and court judges, dividing the spoils of war, making agreements and other matters related to Rasulullah's functions as head of government and taking care of the interests of the people. These things are not considered general law, so people should not act on it without the Imam's permission and should not do it independently.
- 6) Hadith conveyed jurisdiction and judiciary, where Prophet Muhammad is a *qâdliyy* or court judge who has the right to investigate and decide cases based on evidence and oath. These laws are not considered general law. People may not act arbitrarily against the laws established by a judge, and people are obliged to act or

---

<sup>59</sup> Syaltut, 500.

implement the decisions that a judge has established. The Prophet has the right to impose a verdict because of his position as a judge.<sup>60</sup>

As for the Hadiths about affairs of sharia, the first is the issue of the faith which has been confirmed in Islam, namely about Allah, messengers, revelations, and hereafter. Second, a matter of character and morals. Actually, there are many things related to wisdom, advice, and morals in the Quran and hadith. All of it is needed for human perfection and purely humanity. The Hadith functions to repeat, warn and explain what is explained in the Qur'an. Third, laws related to daily charities or worship, such as methods or rules of worship or prayer, regulate *mu'âmalah* affairs, regulate property rights and legal issues between humans, and settle cases in court.<sup>61</sup>

c. *Ra'y* and *Nadzor*

In Islamic society, there are two sources of law and legislation; the first is the Qur'an as the primary source, and the second is the Hadith as a source of explanation. After the death of the Prophet Muhammad, the *shahâbah* faced a broader and more developed life. Likewise, until the present era, where new problems have arisen and conditions are different from the past, new problems have emerged from previous problems. All of these new growing and developing problems require legal enactment. The Muslims, of course, first look for laws regarding

---

<sup>60</sup> Syaltut, 501.

<sup>61</sup> Syaltut, 501.

this new issue in the Quran. If the problems are not found, they will investigate the memorization of people they trust regarding the Prophet's explanation and opinions. If the law is not found in the Hadith, the problems will be investigated and discussed based on guidance from the objectives of the Sharia and also refer to the general principles that have occupied the position of a source of law in establishing law.<sup>62</sup>

*Ra'y* becomes the basis for establishing law (*tasyrî'*) based on the following arguments:

- 1) The Qur'an established the principle of deliberation (*syûra*), which means that the Qur'an recognized the opinions taken in deliberation.

Allah's Word in Surah Al-Syûrâ verse 38:

وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَىٰ بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنْفِقُونَ

*“And those who have responded to their lord and established prayer and whose affair is (determined by) consultation among themselves, and from what We have provided them, they spend”*.<sup>63</sup>

- 2) Regarding disputed problems, Qur'an ordered to return it to *ulil amri*, where they are endowed with wisdom and understanding methods of taking the law. Allah's Word in Surah Al-Nisâ' verse 83:

---

<sup>62</sup> Syaltut, 542.

<sup>63</sup> Translator Team, *Al-Qur'an Dan Terjemahnya*, 847.

وَإِذَا جَاءَهُمْ أَمْرٌ مِنَ الْأَمْنِ أَوْ الْخَوْفِ أَذَاعُوا بِهِ وَلَوْ رَدُّوهُ إِلَى الرَّسُولِ وَإِلَى أُولِي الْأَمْرِ مِنْهُمْ لَعَلِمَهُ الَّذِينَ يَسْتَنْبِطُونَهُ مِنْهُمْ وَلَوْلَا فَضْلُ اللَّهِ عَلَيْكُمْ وَرَحْمَتُهُ لَاتَّبَعْتُمُ الشَّيْطَانَ إِلَّا قَلِيلًا

“And when there comes to them information about (public) security or fear, they spread it around. But if they had referred it back to the Messenger or to those of authority among them, then the ones who [can] draw correct conclusions from it would have known about it. And if not for the favor of Allah upon you and His mercy, you would have followed Satan, except for a few”.<sup>64</sup>

- 3) There was the Prophet’s agreement to the sahabah who were sent to distant areas to perform ijhtihad and use opinion (*ra’y*) in deciding issues that have no legal basis in the Qur’an and sunnah. As in the Hadith of the Prophet Muhammad where Mu’adz bin Jabal was sent to Yemen:

أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَمَّا أَرَادَ أَنْ يَبْعَثَ مُعَاذًا إِلَى الْيَمَنِ قَالَ: «كَيْفَ تَقْضِي إِذَا عَرَضَ لَكَ قَضَاءٌ؟»، قَالَ: أَقْضِي بِكِتَابِ اللَّهِ، قَالَ: «فَإِنْ لَمْ تَجِدْ فِي كِتَابِ اللَّهِ؟»، قَالَ: فَبِسُنَّةِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: «فَإِنْ لَمْ تَجِدْ فِي سُنَّةِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَلَا فِي كِتَابِ اللَّهِ؟» قَالَ: أَجْتَهِدُ رَأْيِي، وَلَا أَلُو فَضْرَبَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ صَدْرَهُ، وَقَالَ: «الْحَمْدُ لِلَّهِ الَّذِي وَفَّقَ رَسُولَ اللَّهِ لِمَا يُرْضِي رَسُولَ اللَّهِ»

“That is when Rasulallah saw sent Mu’adz to Yemen, he asked: "How do you solve a problem if you are presented with a problem?". Muadz replied, “I solve it with the Book of Allah (Qur’an)”. Rasulallah asked again, “If you do not find it in the Book of Allah?”.

<sup>64</sup> Translator Team, 91.

Muadz replied, “With the Sunnah of the Prophet Muhammad”. Again, the Prophet asked, “If you don’t find it in the Sunnah?” He replied, “I do ijtihad, and I do not act arbitrarily”. Then Rasulullah patted his chest and said, “Praise be to Allah who has instructed the Messenger of Rasulullah with something (decision) that the Messenger of Allah is pleased with”.<sup>65</sup>

At the time of the Caliph Abu Bakr and Umar, the field of dissent was still very narrow, limited to countable problems, and mostly on personal problems. Opinion or *ra’y* is divided into two forms, namely the collective opinion (*ra’y jamâ’iy*), which is obtained through deliberation, the second is the individual opinion (*ra’y fardiy*) which is obtained from freedom of thought.<sup>66</sup>

After the time of the Caliphs of Abu Bakr and Umar bin Khattab, the field dissent was wider, whether it was individual or collective opinion, especially after a rebellion occurred which resulted in the killing of the third Caliph, Uthman bin Affan, which resulted in the split of the Muslims into several groups and causing differences in the area of law. The correct meaning of *ijma’* is shown at the time of the Caliph Abu Bakr and Umar, both *ijma’* individually and collectively. The *ijma’* is sourced from the opinion of *ulil amri*, people experts in thinking and doing ijtihad, and they agree on a single opinion on the problems presented to them.<sup>67</sup>

---

<sup>65</sup> Abi Dawud Sulaiman bin Al-Asy’at Al-Azdy Al-Sijistani, *Sunân Abî Dâwud Juz 3* (Beirut: Al-Maktabah Al-’Ishriyyah, n.d.), 303.

<sup>66</sup> Syaltut, *Al-Islâm ‘Aqîdah wa Syari’ah*, 544.

<sup>67</sup> Syaltut, 544-545.

*Ijma'* theoretically must be in the form of a consensus by the *mujtahid* in one opinion regarding the problems discussed. However, sometimes *Ijma'* theoretically is very difficult or even impossible, because the thoughts of each *mujtahid* or scholars are different, both from innate intelligence and skills, differences in the method of investigation, also there are differences in the atmosphere of the circumstances and places that surround each *mujtahid* so that a consensus is impossible. So, *ijma'* can be understood in another sense, namely the consensus of most *ulama* or *mujtahid* groups, and it is not known that there are *ulama* has denied it.<sup>68</sup>

*Ijma'* sometimes can be canceled with the newest *ijma'*. One of the principles of *ijma'* is the views or opinions following the benefit or *maslahah*. Of course, it will vary in every time, place, and condition. Therefore, after the first *mujtahid* period, the *mujtahid* would have had different views due to changing circumstances or conditions. Then the second *mujtahid* could review the old problems discussed, which were now in a new situation. Thus, the second *ijma'* is considered to replace the first *ijma'* and the second *ijma'* is a legal basis that must be followed. Individual *Ijtihad* is not considered a basis that obliges the law because it only for the *mujtahid* itself. He must not follow others, and other people are not obliged to follow him.<sup>69</sup>

---

<sup>68</sup> Syaltut, 545-546.

<sup>69</sup> Syaltut, 546.



In conclusion, Islam recognizes both individual and collective *ijtihad* rights. It opens the widest door for *mujtahid* to choose the best laws to regulate the affairs of the Islamic community, based on the development of the conditions and changing times, provided that *ijtihad* or the law does not be in contradiction with the clear and firm of sharia's primary purpose of the principles (*qath'i*). Also, the law or *ijtihad* contains benefits (*maslahah*) and justice. This principle is the basis for Islamic law to develop life, eternal and in harmony with every situation, place, and time.<sup>70</sup>

## **B. Social Background and Ijtihad Concept of Muhammad Syahrur**

### **1. Social Background of Muhammad Syahrur**

Muhammad Syahrur was born in 1938 in Sahiliyah, Damascus, and Muhammad Syahrur was the fifth child of a Sunni dye. Her parents did not decide to send her to a boarding house (*Kuttab*) or a local religious school (*madrasah*), but her parents sent her to primary and secondary schools in al-Midan, on the outskirts of the southern city of Damascus, which is outside the walls of the old city.<sup>71</sup> Shahrur's childhood was spent in a liberal atmosphere, where his father taught him that practical and moral implications are the measurement of goodness in a religion, not spiritual efficacy. Syahrur obtained his *Tsanâwiyyah* diploma from the Abdurrahman

---

<sup>70</sup> Syaltut, 547.

<sup>71</sup> Andreas Christmann, "The Form Is Permanent, but The Content Moves: The Qur'anic Text and Its Interpretation(s) in Mohamad Shahrour's 'Al-Kitâb wa Al-Qur'ân,'" *Welt Des Islams* 43, no. 2 (2003): 145, <https://doi.org/10.1163/157006003766956694>.

al-Kawâkib school in 1957. These times coincided with the politically unstable situation in the Syrian Arab Republic after gaining independence in 1947. Directly and indirectly, Syahrur was affected by the political turmoil between 1946 and 1956, where Syria had twenty different cabinets and four different constitutions, administrative stability, ten coups between 1949 and 1970, and ideological crisis.<sup>72</sup> On a scholarship from the Damascus government, he went to the USSR to study Civil Engineering (*Handasah Madâniyyah*) in Moscow. In this country, Syahrur became acquainted with and admired the thought of Marxism, even though he did not admit to being a follower of this ideology. He also admitted a great debt of gratitude to the figure of Hegel-especially his dialectic-and Alfred North Whitehead. He achieved a diploma in these studies in 1964.<sup>73</sup>

Syahrur returned to Syria in 1964, and he worked as a lecturer of the Faculty of Engineering at the University of Damascus. In 1967 he conducted research at Imperial College London, England. However, when there was a tragedy known as the “June War” in 1967 between Syria and Israel, diplomatic relations between Syria and Britain were severed. Then, Syahrur decided to go to Dublin, Ireland, as a delegate from the University of Damascus to attend the Masters and Doctoral program at Ireland National University in the study of Foundation Engineering and Soil Mechanics. He received his doctorate in 1972 after his Master of Science degree in 1969.

---

<sup>72</sup> Muhammad Shahrur, *The Qur'an, Morality & Critical Reason: The Essential Muhammad Syahrur*, ed. Andreas Christmann (Boston: Brill, 2009), xix.

<sup>73</sup> Moh. Khasan, *Rekonstruksi Fiqh Perempuan: Telaah Terhadap Pemikiran Muhammad Syahrur* (Semarang: AFKI Media, 2009), 23.

Syahrur actively teaches at the Faculty of Civil Engineering, Damascus University, in Soil Mechanics and Geology, and he has become an Engineering consultant. In 1982-1983, Syahrur was turned back by the university to become an expert at as-Sa'ud Consult in Saudi Arabia. Besides, he opened an Engineering Consultancy (*Dâr al-Istisyârât al-Handasah*) in Damascus with some of his friends in the faculty. In 1995, Syahrur was also an honorary participant in public debates about Islam in Lebanon and Morocco.<sup>74</sup>

In July 1920, France colonized Syria until 1946. This occupation aroused the spirit of Arab nationalism as an ideology of opposition to foreign powers. This ideology was able to unite Syrians from various backgrounds and religions to unite against European forces. European cultural influences also began to enter Syria, with the appearance of nightclubs, casinos, gambling, and alcohol. Even the women started to dare to appear European-style and appear in social positions. With the end of the French colonial period in Syria, secular thinking in Syria became increasingly prominent. It can be seen from the majority reform of laws are adopted from the secular Egyptian law. Subsequently, in 1953 there was a renewal in the family law. Nonetheless, *al-Ikhwân al-Muslimîn* also developed in Syria, which criticized the dominant secular tendency.<sup>75</sup>

---

<sup>74</sup> Peter Clark, "The Syahrur Phenomenon: A Liberal Islamic Voice from Syria," *Islam and Christian-Muslim Relations* 7, no. 3 (1996): 341, <https://doi.org/10.1080/09596419608721095>.

<sup>75</sup> Nur Lailatul Musyafa'ah, "Pemikiran Fikih Wanita Muhammad Shahrur," *Al-Qanun*, no. 1 (2010): 138, <http://jurnalfsh.uinsby.ac.id/index.php/qanun/article/download/172/158>.

Like other Middle Eastern countries, Syria is also facing the problem of modernity, especially clashes between religious and the Western modernism movement. Besides Syria being invaded by France, this problem arose because it was also an impact of Turkish modernism, where Syria was once the territory of the Umayyah dynasty. This problem eventually resulted in the emergence of figures such as Jamaluddin al-Qasimy (1866-1914) and Thahir al-Jaza'iry (1852-1920), who attempted to promote religious reform in Syria.<sup>76</sup> The reform of al-Qasimy, a former student of Muhammad Abduh, was oriented towards the fortification of Muslims from secular *tanzîmat* tendencies and Islamic intellectual awakening from orthodoxy. For this reason, Muslims must be able to mix rationality, progress, and modernity within the framework of religion. In this case, al-Qasimy proclaimed to re-find the original Islamic meaning in al-Qur'an and as-Sunnah while emphasizing *ijtihad*. Thahir al-Jaza'iry and his friends later continued the idea of al-Qasimy, and the view was more aimed at advancing the education sector.<sup>77</sup>

From the above reason, it will be seen that the intellectual climate in Syria is one step ahead of other Arab Muslim countries which still apply Islamic law rigidly, especially in terms of freedom of expression. The growth of thought in Syria is more real and promising than in other Arab countries. So that is why people with "liberal" mainstreams like Muhammad

---

<sup>76</sup> David Commins, "Religious Reformers and Arabists in Damascus, 1885-1914," *International Journal of Middle East Studies*, no. 18 (1986): 409, <https://doi.org/10.1017/S0020743800030762>.

<sup>77</sup> Khasan, *Rekonstruksi Fiqh Perempuan*, 22.

Syahrur can freely live in Syria after giving his creative ideas, which are considered haram and unlawful by other Muslim countries.<sup>78</sup>

It seems that Syahrur's attention to the engineering sector did not prevent him from exploring other disciplines such as philosophy, especially after he met with Dr. Ja'far Dakk Al-Bâb, a study partner in Syria at the University of Damascus. This meeting was very meaningful for his thought which was later embodied in a monumental and "controversial" work, namely *Al-Kitâb wa al-Qur'ân: Qirâ'ah Mu'âshirah*, 1990.<sup>79</sup>

In Islamic studies, Syahrur studied self-taught. He has no formal study experience or obtained a certificate in Islamic science, so other scholars often attacked him as a person who had no authority in the area of Islamic studies. Because Syahrur was considered a foreigner in Islamic sciences, his opportunity to appear in religious pulpits, recitation in mosques, Islamic journals, or television programs, was very limited. As a result, Syahrur was faced with only one choice: writing a book to spread his thought and sometimes defend himself from his attackers. He also used compact discs as a new medium to spread his thought. Syahrur is a staunch thinker. On his own, he had to face various criticisms and threats directed at him because of his very bold thought. About 15 books were written to attack his thoughts, including *Nahw Fiqh Jadîd*, *Mujarrad Tanjîm*, and *Tahâfut al-Qirâ'ah al-Mu'âshirah*.<sup>80</sup>

---

<sup>78</sup> Khasan, 22.

<sup>79</sup> Khasan, 24.

<sup>80</sup> Muhyar Fanani, *Fiqh Madani: Konstruksi Hukum Islam Di Dunia Modern* (Yogyakarta: LKiS, 2009), 34-35.

In his first book, *Al-Kitâb wa Al-Qur'ân: Qirâ'ah Mu'âshirah*, Syahrur discussed his completely new findings of the basic concepts of religion, such as the differences between *Al-Kitâb*, *Al-Qur'ân*, and *A-dzîkr*, the difference between *al-nubuwwah* and *al-risâlah*, the difference between *al-inzâl*, *at-tanzîl*, miracles of *Al-Qur'an*, and *at-ta'wîl*. This first book also discussed new conceptions of *Umm Al-Kitâb*, *al-Sunnah*, and fiqh, complemented by contemporary examples of fiqh on women's issues in Islam. Syahrur also presented his studies' results on themes that caught his attention, like the human lust concept and the stories of the prophets in the Qur'an. In his second book, *Dirâsah Islâmiyyah Mu'âshirah fi al-Dawlah wa al-Mujtamâ'*, Syahrur presented his studies' results between 1990-1994. This 375-page book discussed the conception of family, people, nationalism, nation, revolution, freedom, democracy, deliberation, the state, totalitarianism and its consequences, and jihad. His third book, *Al-Islâm wa al-Imân: Mandhûmah al-Qiyâm*, resulted from Syahrur's study between 1994-1996. This 375-page book discussed new conceptions of faith and Islam and its pillars, good deeds, ethical systems, and politics. The fourth book, *Nahw Ushûl Jadîdah li al-Fiqh al-Islâmiy*, as reflected in its title, presented a new theoretical framework of Islamic fiqh in overcoming the acute crisis being experienced by Islamic fiqh. This 383-page book, the result of Syahrur's study between 1996-2000, discussed several fiqh issues

that have been widely discussed, such as issues of will, inheritance, polygamy, family responsibility, and women's clothing.<sup>81</sup>

## 2. Ijtihad Concept of Muhammad Syahrur

In understanding the ijthihad concept of Muhammad Syahrur's, it cannot be separated from Muhammad Syahrur's understanding of the source of Islamic law:

### a. Qur'an

Islam basically revolves around two main things: the nature and legislation of the Qur'an. The Qur'an, as Allah's revelation, can be proven by several methods. The first method used by Syahrur is comparison. By comparing the Qur'an with existing historical documents (*turâts*), the Qur'an, according to Syahrur, has the following advantages: First, in the aspect of its content, the Qur'an has an absolute dimension because it is a revelation from Allah. Second, as a guide for humans, the Qur'an has a relativism of understanding. Third, because human thinking is tied to language, the Qur'an as a guide is conveyed through human language, although in the next phase, it turns out that it contains the divine absolutes character in the context of content and at the same time it contains human relativism in the context of understanding its contents.<sup>82</sup>

---

<sup>81</sup> Fanani, 38-39.

<sup>82</sup> Muhammad Syahrur, *Al-Kitâb wa Al-Qur'ân: Qirâ'ah Mu'âshirah* (Damascus: Al-Ahâly, n.d.), 46-47.

As for Shahrur's explanation of the legislation of the Qur'an, there are verses included in the category of *Umm al-Kitâb*. In the category of *Umm al-Kitâb*, here are *hudûd verses*, namely verses that explain the limitations of the provisions of Allah's law in which there are provisions regarding worship, wills of goodness, general teachings, and temporary verses. In the context of the legislative function of the Qur'an, these *hudûd* verses have a very important position because these verses contain the legislative principle of Islamic law (*tasyrî'*). According to Syahrur, these verses only contain the principles of establishing the law, not the law itself. It means that the results of *ijtihad* decision must be within the boundaries of predetermined principles or be as stated in verse. Therefore, according to Syahrur, the opinion says: "ijtihad no longer applies to legal cases that have been explained in the Qur'an", cannot be justified.<sup>83</sup>

Muhammad Syahrur's Qur'anic legislation concept is similar to Fazlur Rahman's concept. The legislation of the Qur'an is aimed at moral principles, that is, towards the creation of social justice, and is not purely intended for legislation. Fazlur Rahman tried to prove his thesis with several Qur'anic legislation regarding inheritance, marriage, usury, *zakah*, slavery, polygamy, divorce, and so on, as the moral policies of the Qur'an that aim to elevate the position of "second class society", namely women, orphans, the poor and slaves, and towards the

---

<sup>83</sup> Syahrur, 581.



realization of conditions of social justice and the essential equality of human dignity. The difference between Syahrur and Rahman is that Rahman used the context and sociological background of the Arab community during the revelation as a means of finding moral wisdom in the verses of the Qur'an, while Syahrur remained consistent with a linguistic approach combined with logic.<sup>84</sup>

According to Syahrur, the concept of Qur'anic legislation is identical to the concept of *maslahah* as *al-maqâshid al-tasyrî'*. This concept is clearly seen in his frame of mind that Islam is *shâlih li kulli zamân wa makân*. It can even be said that because of the linguistic approach used by Syahrur, Syahrur's concept is more identical with the concept of the *ushûl fiqh* scholars than the Fazlur Rahman's concept. *Ushûl fiqh* scholars are oriented towards legal texts while Syahrur is also more oriented towards the verse's text which contains legal provisions (*hudûd*) as the starting point of his thought rather than the context of the socio-historical background of the Qur'an because according to the *ushûl fiqh* scholars, the legal provisions in the Qur'an have automatically enforced the benefits which are called *al-maslahah al-mu'tabarah*. There should be no *maslahah* that contradicts the text of the verse, except for *al-maslahah al-mursalah*, in which there is no *harfiyyah* legal provision in the Qur'an.<sup>85</sup>

---

<sup>84</sup> Khasan, *Rekonstruksi Fiqh Perempuan*, 59.

<sup>85</sup> Khasan, 60-61.

There is a difference between Muhammad Syahrur and *ushul fiqh* scholars in interpreting legal texts. According to *ushul fiqh* scholars, existing legal texts must be interpreted literally as it is to give rise to the ‘*ainiyyah*’ law product, while according to Syahrur, the law texts must be interpreted as *hudûdiyyah* texts which only contain the limitations of Allah’s provisions for humans.<sup>86</sup>

b. Sunnah

Muhammad Syahrur concluded that *al-Sunnah al-Nabawiyyah* is the Prophet’s life both as a prophet and as an ordinary human who lived in that time. However, Syahrur still acknowledged that the Prophet had one side of life that came from revelation so that essentially the Prophet could not be doubted. On the other hand, as an ordinary human, the Prophet lived in the 7th century AD in the Arabian Peninsula, which had its own historical, political, and cultural background.<sup>87</sup> In his book, *Al-Kitâb wa Al-Qur’ân*, Syahrur defined Sunnah as a *manhâj* or method to applying the law in the Qur’an easily without going out from the boundaries set by Allah in *hudûd* matters or making boundaries culturally and temporally in other cases outside the law by considering the realities of space and time.<sup>88</sup>

With this definition, according to Syahrur, everything that the Prophet did in the 7th century in Arabia was an alternative example of

---

<sup>86</sup> Khasan. 61.

<sup>87</sup> Khasan. 62.

<sup>88</sup> Syahrur, *Al-Kitâb wa Al-Qur’ân*, 550.

the application of Islamic law that humans first practiced, but not the only one and not the last. The Prophet's practice or tradition must be understood as something that must be done to maintain the continuity of the message and prophecy of the Prophet until the Day of Judgment. Then, aware of his status as the last prophet, the Prophet Muhammad's message is *hudûdiyyah* equipped with the ability to perform *ijtihād* in order to realize humanist Islamic law in the corridor of Allah's provisions.<sup>89</sup>

Furthermore, Muhammad Syahrur divided *al-Sunnah* into two divisions, namely *al-sunnah al-risâlah* and *al-sunnah al-Nubuwwah*. *As-sunnah al-Nubuwwah* contains knowledge, while *al-sunnah al-risâlah* contains law, worship, morality, and religious teachings, so the obedience of a human being is only required to *al-sunnah al-risâlah* as shown in the redaction of the verse "*wa athî'u ar-rasûl*". The separation of the content of *al-sunnah al-risâlah* into law, worship, morality, and religious teachings has implications for differentiating the human obedience to the Prophet into two kinds, namely eternally obedience and obedience that is only required when the Prophet is still alive.<sup>90</sup> The first kind of obedience applies to all the Prophet's commands relating to law, worship, and morals, while the second model of obedience applies to the *sunnah*, which contains the Prophet's daily customs and local legal

---

<sup>89</sup> Syahrur, 549.

<sup>90</sup> Syahrur, 550.

provisions. Syahrur carried out the categorization of the sunnah to build the next thesis that all of the Prophet's words and actions, which were related to matters not been regulated in the Qur'an, must be understood as conditional local laws which were not the same and congruent with Allah's provisions (*hudûd*). It means that the Prophet's decision to enforce the law is always inseparable from the objective conditions underlying it as a solution to the various problems that arise at that time so that the decision does not last forever. The Hadiths that contain social relations during the time of the Prophet are nothing more than historical documents that do not have any influence on people today.<sup>91</sup>

Besides the logical approach as above, to strengthen his thesis, Syahrur also uses a linguistic approach. According to him, Allah never gave any human, including the Prophet, the right to make provisions (*hudûd*) of the sharia that are valid for eternity. It is based on Surat Al-Nisa' verse 14, where the *dlamîr* "hu" in that verse refers to Allah alone, not to both Allah and His Messenger. Thus, it becomes increasingly clear that what is meant by as-Sunnah, according to Syahrur, is the Prophet's *ijtihad* in the context of implementing Allah's law in the Qur'an, including provisions (*hudûd*), worship, and morality following the objective conditions he lives, both in the form of implementing the

---

<sup>91</sup> Syahrur, 553.

provisions (*hudûd*) for cases that have been regulated in the Qur'an or applying of local law for cases where there is no text (*nash*).<sup>92</sup>

c. Ijma'

Shahrur's thought about *ijma'* is contradictory to most scholars who call it the consensus of the *ulama* or the majority of jurists. According to Syahrur, this understanding is wrong because their consensus does not necessarily correlate with the current phenomenon. On the other hand, it is difficult or almost impossible for a consensus to occur between the *mujtahid* on a particular issue in today's pluralistic conditions. Besides, until now, *mujtahid* has only been defined as people who occupy religious knowledge, even though it is impossible for a problem to be answered by *ulama* alone.<sup>93</sup> So Syahrur defined *ijma'* as the *ulama* majority consensus to accept *tasyri'* which is related to their condition.<sup>94</sup> Syahrur argued that *ijma'* is the consensus of the *ulama* or *mujtahid* who live in the present assembly of representatives or parliament, not the consensus of people who have died, like the *ijma'* of the *sahabah*, because people who lived in the current time had a better understanding of the problems and how to solve it. Thus, Syahrur does not need *shahâbah's ijma'* because *sahabah's ijma'* is valid only during the *shahâbah* period. If there is an *ijma'* of *shahâbah* that matches the

---

<sup>92</sup> Syahrur, 553.

<sup>93</sup> Fanani, *Fiqh Madani*, 214-215.

<sup>94</sup> Asriaty, "Menyoal Pemikiran Hukum Islam Muhammad Shahrur," *Istinbath* 13, no. 2 (2014): 224, <https://media.neliti.com/media/publications/41841-ID-menyoyal-pemikiran-hukum-islam-muhammad-shahrur.pdf>.

problem currently being faced, it can be followed, but if not matches the problem currently being faced, there is no need to force it.<sup>95</sup> The legality of this *ijma'* then will become a coercive force for the implementation of the agreed law. With this definition, according to Syahrur, the existence of a legislative body, autonomous law enforcement institutions, and freedom of thought are absolute necessities and an inseparable part of the Islamic government system. In other words, *ijma'* is a democracy in *tasyrî'* and freedom of opinion within the boundaries determined by Allah.<sup>96</sup>

d. *Qiyâs*

In terms of *qiyâs*, Syahrur has a conception according to his paradigm, namely the historical-scientific paradigm. It seems that Syahrur agrees with Abû Sulaymân, who said that the classical model of *qiyas* always assumed that the society in the Prophet's era was an ideal society, so that *qiyâs* was basically looking for similarities between the early society and the new reality.<sup>97</sup> According to Syahrur, this kind of *qiyas* is false and deviant *qiyâs* because someone will do *qiyas* to something real (*syâhid*) to something unreal (*ghâ'ib*). It is impossible for someone in modern society to do *qiyas* to the society in which the prophet lived.<sup>98</sup> According to Syahrur, real *qiyas* is *qiyas syâhid* to

---

<sup>95</sup> Muhammad Syahrur, *Nahw Ushûl Jadîdah Li Al-Fiqh Al-Islâmî: Fiqh Al-Mar'ah* (Damascus: Al-Ahâly, 2000), 64.

<sup>96</sup> Khasan, *Rekonstruksi Fiqh Perempuan*, 70.

<sup>97</sup> Abdul Hamid A. Abu Sulayman, *Towards an Islamic Theory of International Relations: New Directions for Methodology and Thought* (Virginia: IIIT, 1993), 74-75.

<sup>98</sup> Syahrur, *Nahw Ushûl Jadîdah*, 63-64.

*syâhid* in the scope of Allah's *hudûd*. The first *syâhid* is objective material evidence, while the second *syâhid* is a human being who will be subject to the law.<sup>99</sup> In other words, *qiyâs*, according to Syahrur, is the submission of objective material evidence so that a law can be imposed on a legal problem facing. A more practical definition of *qiyâs* is the submission of scientific arguments and evidence by scientists of the natural, social, statistical, and economic sciences for *ijtihad* (in *nash*) so that there is compatibility between *ijtihad* and legal cases that occur.<sup>100</sup> Syahrur argued that most of the verses of the law were revealed in Medina, whereas the Prophet lived in Medina for only ten years. A ten-year period is not sufficient to provide an example of all possible application of all law verses to the reality of society while these verses are revealed for people all over the world until the Day of Judgment comes.<sup>101</sup>

According to Syahrur, *qiyâs* is the application of current product legal rules to today's society (*al-qiyâs al-haqîqiy fahuwa qiyâs al-syâhid 'alâ al-syâhid dlamana al-hudûd*). This understanding of *qiyas* is the opposite of the meaning of *qiyas* that salaf scholars delivered. Therefore, Syahrur rejected *qiyas* between modern society and people who lived

---

<sup>99</sup> Syahrur, *Al-Kitâb wa Al-Qur'ân*, 581-582.

<sup>100</sup> Syahrur, *Nahw Ushûl Jadîdah*, 193.

<sup>101</sup> Syahrur, 463.

during the Prophet's time. The reality that occurs in society is often similar but cannot be equated.<sup>102</sup>

### C. The Thought of Mahmud Syaltut and Muhammad Syahrur about *Qawâmah* in Family

#### 1. Mahmud Syaltut's Thought About *Qawâmah* in Family

Various thought on the concept of *qawâmah* in the family generally are always based on the interpretation of Surat Al-Nisa' verse 34:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۚ فَالصَّالِحَاتُ قَنَاطٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۗ وَاللَّيِّئَاتِ ۙ فَتَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ۚ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

“Men are in charge of women by (right of) what Allah has given one over the other and what they spend (for maintenance) from their wealth. So righteous women are devoutly obedient, guarding in (the husband's) absence what Allah would have them guard. But those (wives) from whom you fear arrogance - (first) advise them; (then if they persist), forsake them in bed; and (finally), strike them. But if they obey you (once more), seek no means against them. Indeed, Allah is ever Exalted and Grand”.<sup>103</sup>

The definition of *qawâmah* based on this verse, according to Mahmud Syaltut, is meaning “leader”. So that in the context of this verse, *qawwâmûna* means man (husband) is the leader for his wife and family, so that he is responsible for leading, protecting, and fulfilling the needs of his wife and her children.<sup>104</sup>

<sup>102</sup> Khasan, *Rekonstruksi Fiqh Perempuan*, 69.

<sup>103</sup> Translator Team, *Al-Qur'an Dan Terjemahnya*, 84.

<sup>104</sup> Syaltut, *Al-Islâm 'Aqîdah wa Syarî'ah*. 157.



In this verse, Mahmud Syaltut explains that the verse describes the position or degree that Allah has set, namely the position of men over women. This degree or position is the degree of men to guide, nurture, guard and protect, as a natural strength (*thabi'iy*) that characterizes men and distinguishes men from women. With this ability, he is obliged to work on getting wealth or property, which becomes a source of income to fulfill his wife and family's rights.<sup>105</sup> The degree of the husband is not a degree that enslaves and humiliates women, because, between husband and wife, both of them must be good and fair to each other in fulfilling each other's rights and obligations, as in Surah Al-Baqarah verse 228:

وَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ

*“Wives have (rights) similar to their (obligations), according to what is recognized to be fair, and husband have a degree (of right) over them”*.<sup>106</sup>

The advantage of men's degree over women is not a degree of power or coercion, but this advantage lies in the degree of household leadership arising from the existence of a marriage contract and the interest of living together as husband and wife.<sup>107</sup>

Based on Surat Al-Nisa' verse 34 above, there are two things that men carry. First, in verse *بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ*, namely with the

<sup>105</sup> Mahmud Syaltut, *Tafsîr Al-Qur'ân Al-Karîm: Al-Ajzâ' Al-'Asyrah Al-Ûlâ* (Cairo: Dâr Al-Syurûq, 2004), 141.

<sup>106</sup> Translator Team, *Al-Qur'an Dan Terjemahnya*, 36.

<sup>107</sup> Syaltut, *Al-Islâm 'Aqîdah wa Syarî'ah*, 157.

physical strength that has been bestowed on men, men are burdened to do all kinds of heavy and difficult work. That is a clear sign that men's advantages over women are the strength of the limbs or the body over some of the other bodies. Second, in verse *وَمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ*, men assume the obligation to ensure household needs, including food, clothing and anything that brings happiness to children and families.<sup>108</sup> It is like the opinion of the *mufassir*, who generally emphasize the obligations and responsibilities of husbands to provide for their wives' needs. It is understandable considering the social context of the Arab community at the last time, where generally the wife did not have access to work professionally, so the necessities of life were entirely dependent on the husband.<sup>109</sup>

One of the things that must exist in domestic life is *ihsan* (good behavior), where good behavior arises from both husband and wife reciprocally. Islam has established a reciprocal relationship in the good behavior of husband and wife, and this is the influence of the universal principle that Islam has recognized regarding the freedom of every man and woman in all their responsibilities. Therefore, family responsibility is borne not only on the husband or just on the wife. Each husband and wife have rights and responsibilities as well as freedom. The relationship between responsibility and freedom between husband and wife is the equality of both

---

<sup>108</sup> Syaltut, 157.

<sup>109</sup> Lajnah Pentashihan Mushaf Al-Quran, *Kedudukan Dan Peran Perempuan: Tafsir Al-Qur'an Tematik* (Jakarta: Aku Bisa, 2012), 172.

before Allah in obtaining reward and good deeds and obedience, as well as receiving torture for evil deeds.<sup>110</sup> As Allah says in Surah Al-Nisâ' verse 124:

وَمَنْ يَعْمَلْ مِنَ الصَّالِحَاتِ مِنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَأُولَٰئِكَ يَدْخُلُونَ الْجَنَّةَ وَلَا يُظْلَمُونَ نَقِيرًا

*“And whoever does righteous deeds, whether male or female, while being a believer, those will enter Paradise and will not be wronged, (even as much as) the speck on a date seed”.*<sup>111</sup>

Husbands who lead the family and behave arbitrarily, rule freely without limits, force, and leave their wives without the slightest concern, are husbands who contradict the Islamic concept in the life of husband and wife.<sup>112</sup>

Mahmud Syaltut based his thought on equality between husband and wife by quoting Surah Âli Imrân verse 195:

فَاسْتَجَابَ لَهُمْ رَبُّهُمْ أَنِّي لَا أُضِيعُ عَمَلَ عَامِلٍ مِّنْكُمْ مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ ۖ بَعْضُكُمْ مِّنْ بَعْضٍ

*“And their Lord responded to them, “Never will I allow to be lost the work of (any) worker among you, whether male or female; you are of one another”.*<sup>113</sup>

The Word *ba'dlukum min ba'dlin* is a statement that Allah has elevated the position of women and made them equal to men. The Qur'an has also limited the arbitrariness of men over women. The equality between husband and wife is more clearly expressed in Surah Al-Nisâ' verse 32,

<sup>110</sup> Syaltut, *Al-Islâm 'Aqîdah wa Syari'ah*, 160-161.

<sup>111</sup> Translator Team, *Al-Qur'an Dan Terjemahnya*, 19.

<sup>112</sup> Syaltut, *Al-Islâm 'Aqîdah wa Syari'ah*, 159.

<sup>113</sup> Translator Team, *Al-Qur'an Dan Terjemahnya*, 76.

where both the husband or wife gets a share or the reward for their effort.<sup>114</sup> Naturally, the character between men and women is almost the same. Allah has bestowed sufficient potential and ability for women to assume responsibility, as Allah also bestowed on men and made both men and women able to carry out general and specific activities. So that the sharia also places both of them in one framework. Men and women can sell and buy, marry, violate and be punished, sue and witness.<sup>115</sup>

One of the results of human equality between men and women is the opportunity for women to study and work. So, at this time, we can see many women who become doctors, literary experts, devout Sufism experts, and various other fields of work that men also do.<sup>116</sup>

Women as wives and mothers of children have an urgent and fundamental right in their household life, namely the right to obtain a welfare guarantee, which in fiqh terminology is known as *nafaqah*. This is related to the role of women or wives as reproductive actors (pregnant, giving birth, breastfeeding/caring for children), which cannot be transferred to men as husbands. Also, there are still household duties (managing the household, serving the husband) that are the wife's responsibility. The wife's right to get a living and welfare guarantee from the husband, besides normatively stated in the text (Qur'an and Hadith), also because the wife has a prominent role and responsibility in reproduction and household

---

<sup>114</sup> Syaltut, *Al-Islâm 'Aqîdah wa Syarî'ah*, 224.

<sup>115</sup> Mahmud Syaltut, *Min Taujîhât Al-Islâm* (Cairo: Dâr al-Syurûq, 2004)., 167.

<sup>116</sup> Syaltut, *Al-Islâm 'Aqîdah wa Syarî'ah*, 234.

management. Thus it is unfair if women as wives are also burdened with living financing problems (for the needs of food, house, clothing, health, and so on), so it is proper for husbands to be burdened with this responsibility.<sup>117</sup> According to the Quraish Shihab, equality, togetherness, and partnership between husband and wife are shown in Surah Ali Imran verse 195, in the sentence “*ba’dlukum min ba’dl*”, where this verse also shows that men or husbands, without a partner, are imperfect (because he is only partially), until they unite and cooperate with their partners (women) to become perfect. Also, women are imperfect until they unite and cooperate with their partners to become perfect.<sup>118</sup>

Quraish Shihab argues that it cannot be denied that there are differences between men and women, especially from a physical point of view. Thus, due to differences, the similarities in certain areas are not entirely the same. However, these differences do not diminish women’s position or result in male supremacy. The differences between men and women are designed by Allah to create the perfection of both sides because each cannot stand alone in achieving perfection without the involvement of the other.<sup>119</sup> Allah created man and woman with certain traits and tendencies that cannot produce tranquility and perfection except by combining these tendencies. Allah makes them *mawaddah* and *rahmah*, namely, bestowing them the potential they must develop so that *mawaddah* and *rahmah* appear

---

<sup>117</sup> Harahap, “Kesetaraan Laki-Laki Dan Perempuan Dalam Hukum Perkawinan Islam,” 366-367.

<sup>118</sup> M. Quraish Shihab, *Perempuan* (Tangerang: Lentera Hati, 2018), 165.

<sup>119</sup> Shihab, 6-8.

in their marriage life.<sup>120</sup> Quraish Shihab interprets the verse “*bi mâ fadldlalallâhu ba’dlahum ‘alâ ba’dl’*”, that is each man and woman has special features. But the men’s special features are more supportive to the task of leadership than the women’s special features. On the other hand, the special features that women have are more supportive of their duties as givers of peacefulness and calmness to men and are more supportive of their function in educating and raising their children.<sup>121</sup>

## 2. Muhammad Syahrur’s Thought About *Qawâmah* in Family

The definition of *al-qiwâmah* in a general understanding is found in surah Al-Nisa’ verse 34. If it is said “*qama ‘alâ al-amri*”, it means do the best (*ahsanahu*). *Qawâmah* in surah Al-Nisa’ verse 34 means that men are the leaders for women. In this verse, it is as if Allah linked “*al-qiwâmah*” with different qualities, which become perfect with maturity, namely when a *dzakar* becomes a *rajul* (adult male), and an *untsâ* becomes *imra’ah* (adult female).<sup>122</sup>

Muhammad Syahrur had a different understanding of *qawâmah*. There are two aspects in the criteria of *Qawâmah*, which are stated in Surah Al-Nisâ’ verse 34. The first aspect is found in Allah’s word: *بِمَا فَضَّلَ اللَّهُ* وَمِمَّا أَنْفَقُوا, and the second aspect is found in Allah’s word: *بَعْضُهُمْ عَلَى بَعْضٍ*

<sup>120</sup> Shihab, 158.

<sup>121</sup> M. Quraish Shihab, *Tafsir Al-Mishbah: Pesan, Kesan, Dan Keserasian Al-Qur’an* (Tangerang: Lentera Hati, 2016), 514.

<sup>122</sup> Syahrur, *Nahw Ushûl Jadîdah Li Al-Fiqh Al-Islâmy*, 319.

مِنْ أَمْوَالِهِمْ. Syahrur rejects the interpretation that male leadership is based on physical factors, namely that men are naturally the women's leaders.<sup>123</sup>

Most scholars understand the word of Allah: بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ,

with the understanding that Allah give superiority to men over women with men's knowledge, mind, and power. Syahrur rejected this kind of understanding, by arguing that if Allah willed what they say, Allah should have said: الذُّكُورُ قَوَّامُونَ عَلَى الْإِنَاثِ, but in reality, Allah did not say that.<sup>124</sup>

The meaning of *al-rijâl* is men who have toughness and leader's character so that it is not merely mean male by gender. A little different, according to Abu Hayyan, the word *rajul* means strength, maturity, toughness. Therefore, some *mufasssir* say that from the verse, it is as if there is a hidden sentence: *Al-rijâlu qawwâmûna 'alâ al-nisâ' in kânû rijâlan.*<sup>125</sup>

The word *al-rijâl* is the plural form of the word *al-rajul*, while the word *al-nisâ'* is the plural form of the word *imra'ah*. Muhammad Syahrur argues that the meaning of the word of Allah “*bi mâ fadldlalallâhu ba'dlahum 'alâ ba'dlin*” includes both men and women at the same time. Besides, there are women who have advantages over men in various fields and ages. From here, Syahrur understands that the phrase *ba'dlahum 'alâ ba'dlin* includes both men and women, so that the verse above means:

<sup>123</sup> Syahrur, 319.

<sup>124</sup> Syahrur, 320.

<sup>125</sup> Abu Hayyan Muhammad, *Tafsîr Al-Bahr Al-Muhîth* (Beirut: Dar Al-Fikr, 1999), 622.

because Allah gives superiority to some men and women over some other men and women.<sup>126</sup> This meaning is very clear in Allah’s word in Surah Al-Isra’ verse 21:

أَنْظُرْ كَيْفَ فَضَّلْنَا بَعْضَهُمْ عَلَى بَعْضٍ وَلَآخِرَةُ أَكْبَرُ دَرَجَاتٍ وَأَكْبَرُ تَفْضِيلًا

“Look how We have favored (in provision) some of them over others. But the Hereafter is greater in degrees (of difference) and greater in distinction”.<sup>127</sup>

This verse abolishes the characteristic of the natural advantages (the factor of creation) and firmly establishes the edges based on good management, wisdom, and different levels of culture and consciousness among humans. So, some men have advantages over some women. Likewise, some women have advantages over some men.<sup>128</sup>

The second aspect of *qawâmah* is the aspect of property or wealth, in the word of Allah: *wa bi mâ anfaqu min amwâlihîm*. An owner of the property or wealth certainly has leadership (*al-qiwâmah*) regardless of the skills and level of consciousness and culture. Power or leadership in the economic field is evident in individuals, families, and developed countries and has not related to culture and skills.<sup>129</sup>

It is true that Allah gives advantages to men over women with muscular strengths, and this advantage is the main axis in seeking living by

<sup>126</sup> Syahrur, *Nahw Ushûl Jadîdah Li Al-Fiqh Al-Islâmy*, 320.

<sup>127</sup> Translator Team, *Al-Qur’an Dan Terjemahnya*, 284.

<sup>128</sup> Syahrur, *Nahw Ushûl Jadîdah Li Al-Fiqh Al-Islâmy*, 320.

<sup>129</sup> Syahrur, 320.



hunting, farming, or trading, all of which require muscle strength. However, the development of engineering and infrastructure has outperformed these physical edges or reduced it to the lowest limit.<sup>130</sup>

The family needs norms that can regulate all things, guide its members and guide the household ship in the mids of the waves of life. Men have power in wealth, education, character, and leadership abilities, so do women. There is no doubt that the goodness of the family and society will be achieved if leadership is in the hands of people who have advantages or edges, whether they are male or female. This is the meaning of Surah Al-Nisa' verse 34 above, when Allah's word begun with the leadership of men over women: *ar-rijâlu qawwâmûna' alâ an-nisâ'i*, then the verse is continued with a sign of equality between men and women, and about the edges that Allah bestows on some men and women over others, then Allah ends His word with a description of the leadership of women over men: *fa al-shâlihâtu qânitâtun hâfidhâtun li al-ghaybi bi mâ hafizallâhu*. The word *al-hâfizat* means women who are proper to lead because leadership is the main theme in this verse.<sup>131</sup>

The superiority of men over women has been mentioned, along with the reasons for their superiority. In addition, some women are superior to men. In the Quran, superior women are righteous women (*shâlihah*).<sup>132</sup> The

---

<sup>130</sup> Syahrur, 322.

<sup>131</sup> Syahrur, 322.

<sup>132</sup> Syahrur, 271.

criteria for women who are suitable to lead are contained in the continuation of the verse:

فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ

“So righteous women are devoutly obedient, guarding in [the husband’s] absence what Allah would have them guard”.<sup>133</sup>

Based on this verse, among the characteristics of righteous women (*shâlihah*) who play the role of *qawâmah* are:<sup>134</sup>

a. *Qânitât*

*Qânitât* (*al-qunût*) means calm and consistency that is continuously maintained. This can be seen also in Surah Al-Baqarah verse 238:

حَافِظُوا عَلَى الصَّلَوَاتِ وَالصَّلَاةِ الْوُسْطَىٰ وَقُومُوا لِلَّهِ قَانِتِينَ

“Maintain with care the [obligatory] prayers and [in particular] the middle prayer and stand before Allah, devoutly obedient”.<sup>135</sup>

Also in Surah Al-Tahrim verse 12:

وَمَرْيَمَ ابْنَتَ عِمْرَانَ الَّتِي أَحْصَنَتْ فَرْجَهَا فَنفَخْنَا فِيهِ مِن رُّوحِنَا وَصَدَّقَتْ بِكَلِمَاتِ رَبِّهَا وَكُتِبَ عَلَيْهَا مِن الْقَانِتِينَ

“And [the example of] Mary, the daughter of Imran, who guarded her chastity, so We blew into [her garment] through Our angel, and she believed in the words of her Lord and His scriptures and was of the devoutly obedient.”<sup>136</sup>

<sup>133</sup> Translator Team, *Al-Qur’an Dan Terjemahnya*, 84.

<sup>134</sup> Syahrur, *Nahw Ushûl Jadîdah Li Al-Fiqh Al-Islâmy*, 271.

<sup>135</sup> Translator Team, *Al-Qur’an Dan Terjemahnya*, 39.

<sup>136</sup> Translator Team, 561.

b. *Hâfidzât*

*Hâfidzât* means keeping secret things that are ordered by Allah to be kept. *Shâlihah* women must keep the secrets of their husbands and households that are ordered by Allah to be kept. He must not make these secret matters the subject of public discussion. Likewise, devout men (*mu'min*) should not spit secret things that are on their wife and family.

Thus, Surah Al-Nisâ' verse 34 contains an explanation of the characteristics that must be possessed by women who are gifted with leadership rights due to Allah's grace given to them in the form of wealth, education, or intellectual level. These characteristics are obeying and guarding the husband's disgrace. If she has these qualities, she is proper to lead. However, if the woman does not have these characteristics, she has gone out of the line of eligibility as a leader, where in verse above, it is called by *nusyûz*, namely getting out of humility and protecting her husband's disgrace.<sup>137</sup>

Then, the verse above continues with the steps that should be taken when *nusyuz* and behavior deviate from leadership traits occur, that is:

فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ

“Advise them; (then if they persist), forsake them in bed; and (finally), strike them”.<sup>138</sup>

<sup>137</sup> Syahrur, *Nahw Ushûl Jadîdah Li Al-Fiqh Al-Islâmy*, 322.

<sup>138</sup> Translator Team, *Al-Qur'an Dan Terjemahnya*, 84.

Then, if the dispute continues, *tahkîm* is carried out. According to Syahrur, *nusyûz* was not related to ethical violations and insubordination, which required her to be given the education and hand blows, as stated by as-Suyuti and other scholars. However, that verse means she leaves the line of leadership with love and affection, namely being authoritarian and arbitrary. So there are actions that must be taken to the *nusyûz* women who have the right of leadership, whether she is a wife, sister, daughter, or mother. First, advise them, then forsake them in bed, then the third way is “*idribûhunna*”, which means blocking his power by withdrawing leadership rights from her. The phrase “*idribûhunna*” does not mean hitting, slapping, or anything else, but based on Arabic, the word *al-dlarb* also means giving an example, migrating, strict discipline.<sup>139</sup>

Amina Wadud, a contemporary Islamic feminist figure, has a similar opinion to Muhammad Syahrur. According to Amina Wadud, men’s *qawâmah* is determined by the conditions described after the word “*bi*” (*bi mâ fadldlalallâhu*), where the first condition is men have edges or they can prove their edges, and the second conditions is men support women using men’s wealth. If a man does not meet both requirements, he is not a leader for women.<sup>140</sup>

There is an emotional connection between men and women. This relationship is a relationship of affection, love, loyalty, and commitment

---

<sup>139</sup> Syahrur, *Nahw Ushûl Jadîdah Li Al-Fiqh Al-Islâmy*, 322-323.

<sup>140</sup> Setyawan, “Pemikiran Kesetaraan Gender Dan Feminisme Amina Wadud Tentang Eksistensi Wanita Dalam Kajian Hukum Keluarga,” 84.

between husband and wife. In this case, the position of a husband is as “*libâs*” for a wife. Likewise, wives are “*libâs*” for husbands. The term “*al-libâs*” comes from the word “*labisa*” which in Arabic means participation and intervention (taking care of each other). This understanding is implied in the word of Allah in Surah Al-Baqarah verse 187: “*It has been made permissible for you the night preceding fasting to go to your wives (for sexual relations). They are clothing for you and you are clothing for them (hunna libâsun lakum wa antum libâsun lahunna)*”. The relationship of love and affection is a complementary relationship between men and women. Both of them share the same potential feelings and tendencies, one not being more special than the other.<sup>141</sup>

#### **D. Similarities and Differences Between Mahmud Syaltut and Muhammad Syahrur’s Thought About *Qawâmah* in The Family**

The concept of *qawâmah* from the perspective of Mahmud Syaltut and Muhammad Syahrur has similarities and differences. Here are the similarities and differences:

##### **1. Similarities**

The similarities between Mahmud Syaltut and Muhammad Syahrur thought in *qawâmah* are: in the concept of *qawâmah*, Mahmud Syaltut and Muhammad Syahrur both emphasize the principle of equality of degree and justice between husband and wife, where husband and wife have the same position and degree. The wife’s position is not lower than the husband’s

---

<sup>141</sup> Syahrur, *Al-Kitâb wa Al-Qur’ân*, 628.

position, vice versa. Likewise, Muhammad Syahrur argued that husband and wife have the same position. Neither husband nor wife has a higher or lower position than the other. Thus, Mahmud Syaltut and Muhammad Syahrur both reject the superiority of men or husbands in the family, where the husband can have the right to force his desire and oppress others.

The second similarity is that Mahmud Syaltut and Muhammad Syahrur both have the thought that both husband and wife have rights and obligations that are borne by both of them, including the obligation to manage and maintain the integrity of family life. Although Mahmud Syaltut said that a husband is *qawâmah* over his wife and family, husbands have rights that must be fulfilled, and wives have rights that must be fulfilled. For example, the wife's right to get a living and affection, care, happiness, and peacefulness in life, and the husband also has such rights. Thus, both husband and wife have obligations and responsibilities toward their families. In addition, Mahmud Syaltut and Muhammad Syahrur both have the opinion that both husband and wife have the same right to do work, so Mahmud Syaltut and Muhammad Syahrur reject the argument of people or scholars who argue that working outside the home is not a wife's life, where the wife should only do work inside the house, and only the husband works outside the home. Mahmud Syaltut and Muhammad Syahrur argued that working outside the home is the men's and women's right, especially if the work meets family needs. But of course, with the limitations that the work is good and does not cause harm and immorality. So the wife who does

work outside the home is not a bad or forbidden thing, as is the case nowadays, many women work as teachers or lecturers, doctors, or other professions.

The thought of Mahmud Syaltut and Muhammad Syahrur about equality between men and women is similar to the thoughts of some modern Islamic scholars, such as Asghar Ali Engineer. Asghar Ali Engineer, in his book, said that women are equal to men in all matters. Also, both of them will be rewarded equally for their good deeds, and there will not be any difference between them.<sup>142</sup>

The main point is both Mahmud Syaltut and Muhammad Syahrur have thought of the principle of equality between men and women. Mahmud Syaltut and Muhammad Syahrur oppose conservative thinking that positions women as second class, both in the public sector and in the family environment. Mahmud Syaltut and Muhammad Syahrur argue that women also have rights as men have. Therefore, both husband and wife have an equal degree and position, not superior to either one or inferior to either one.

## 2. Differences

Although Mahmud Syaltut and Muhammad Syahrur have several similarities, there are differences in their thoughts.

The first difference is Mahmud Syaltut argued that *qawâmah* belongs to a man as a husband, also from Surah Al-Nisâ' verse 34, it has

---

<sup>142</sup> Asghar Ali Engineer, *The Qur'an, Women and Modern Society* (New Delhi: New Dawn Press, 2005), 47.

been stated. Also, the *qawâmah* is a privilege or advantage naturally owned by men as a husband. Husband or man has a strong physique and greater ability and strength to working hard to earn a living for his family. So that from his *qawâmah*, a husband bears tough and difficult work because he is endowed with a strong physique. Also, a husband has an obligation to provide for the needs of his wife and family. Nevertheless, men's leadership as a husband in the family does not mean that the husband has the right to be arbitrary towards his wife and family. It is because the husband's leadership is to protect his wife and family.

Meanwhile, according to Muhammad Syahrur, *qawâmah* is a degree or position that men and women can own. There are criteria to achieve the position of *qawâmah*, such as good management, ability to lead, wisdom, knowledge, etc. so that if women fulfill these criteria, she is *qawâmah*. Vice versa, if men do not meet the requirements of *qawâmah*, men are not included in the category of *qawâmah*. In the Quran, the superior women are righteous women (*shâlihah*), namely women who have two characters: *Qânitât* (calm and consistency that is continuously maintained), and *Hâfidzât* (keeping secret things that are ordered by Allah to be kept). The word *al-rijâl* does not merely mean male by gender but means men with toughness as leader's traits, so they deserve to be leaders or become *qawwâm*. Therefore, both men and women can become leaders as long as they have the leadership traits that Muhammad Syahrur meant. Asghar Ali Engineer argues that the word "*Qawwâm*" is translated as "someone who



must fully care for women”, so the emphasis is on the duty of men to guard or take care of women.<sup>143</sup>

Men as leaders over women are not meant to give superiority to men automatically, but only functionally, as long as men meet the criteria stated in the Qur’an, namely being able to prove their advantages and provide a living to their families. Three criteria must be met by men, namely intellectual, managerial, and financial abilities. Meanwhile, according to Riffat Hassan, Surah Al-Nisâ’ verse 34 was interpreted as an economic term that denotes “the person who provides the living”. Surah Al-Nisâ’ verse 34, according to Riffat Hassan, discusses the division of functions, namely when women have the primary responsibility and carry out their duties as child careers, so men must be the breadwinners during that time.<sup>144</sup>

In the context of gender relations between men and women regarding family relationships, Muhammad Syahrur has thought that if a wife succeeds in pursuing a career that allows her to earn a large income to support her family, the wife can become a leader and play a role as “*qawâmah*” in the family economy. Meanwhile, the husband is still the leader in matters requiring physical strength because of his physical superiority.<sup>145</sup>

---

<sup>143</sup> Engineer, 48.

<sup>144</sup> Yusuf, “Penciptaan Dan Hak Kepemimpinan Perempuan Dalam Al-Qur’an,” 48.

<sup>145</sup> Rohmatul Izad, “Kesetaraan Gender Dalam Islam: Perspektif Hermeneutika Muhammad Syahrur,” *Hermeneutik: Jurnal Ilmu Al-Qur’an Dan Tafsir* 12, no. 2 (2018): 25, <https://doi.org/10.1234/hermeneutik.v13i1.6076>.

In conclusion, Mahmud Syaltut's understanding of the verse about *qawâmah* is more based on the textual element. However, Mahmud Syaltut still considers an equal position or degree between men and women. Even though men naturally are leaders, male leadership over women does not demean the position of women as wives. Still, both husband and wife have the same position and degree. Meanwhile, Muhammad Syahrur understood the verse about *qawâmah* by using contextual understanding and hermeneutics. Muhammad Syahrur argues that the leadership of men or husbands over women is on condition that men have the characteristics or criteria as leaders and can provide a living for their wives and families. However, *qawâmah* is not limited to the husband because the wife who has *qawâmah* criteria is *qawwâm* over men who do not have the ability to lead, such as earning a living.

Mahmud Syaltut, in his thoughts about *qawâmah*, was seen that he did not completely abandon the thought of classical scholars in general about *qawâmah*, namely acknowledging that men naturally are leaders for women because of the advantages they have. Besides that, Mahmud Syaltut has the same thoughts as modern thinkers about the concept of equality between men and women. The dualism of Mahmud Syaltut's thoughts between classical and contemporary thought could be caused by the background of his life, which since his childhood he living in religious families, educational backgrounds in *madrasah* with the thought of classical ulama, as well as his life in Al-Azhar as a scholar and *syaikh al-azhâr*, so

the thought of classical scholars still underlies his thoughts while the modern side of his thoughts is due to the development of modern or contemporary issues in his time, especially regarding justice and gender equality. Muhammad Syahrur, with his different thoughts, could be caused by the background of life and education that was unlike Mahmud Syaltut. Muhammad Syahrur studied at a non-religious school that did not learn religious lessons in intense even until his highest education period, but he studied about Islamic studies self-taught, and also influenced by his critical thinking, which is very strong with the influence of modern thought.

#### **E. The Concept of *Qawâmah* in The Family in Indonesian Society**

Because the majority of Indonesian people are Muslims, then the interpretation of the verse on leadership is certainly not without consequences, but provides an unwritten rule but is deeply rooted in every Indonesian community about the family concept that husbands earn a living and wives are not breadwinners. This family concept gave birth to a new perspective that men are in the public sphere while women are in the private sphere (serving their husbands, nurturing, educating, and caring for children).<sup>146</sup>

Basically, the concept of the head of the family in Indonesia is plural, especially in indigenous or traditional society, where there are differences in the

---

<sup>146</sup> Masthuriyah Sa'dan, "Posisi Perempuan Kepala Keluarga Dalam Kontestasi Tafsir & Negosiasi Realita Masyarakat Nelayan Madura: Kajian Muhammad Syahrur," *Jurnal Studi Ilmu-Ilmu Al-Qur'an Dan Hadis* 18, no. 2 (2017): 88, <https://doi.org/10.14421/qh.2017.1802-04>.

concept of the head of the family in various tribes and cultures. But besides that, the concept of patriarchy still dominates Indonesian families.<sup>147</sup>

Regarding the concept of leadership in the family in Indonesian society, it seems that Mahmud Syaltut's thought about *qawâmah* or male leadership in the family is the same as the concept of leadership in the family in the Islamic Law Compilation in Indonesia. The position of husband and wife in the Compilation of Islamic law is contained in Article 79: (1) "The husband is the head of the family, and the wife is a housewife"; (2) "The rights and degree of the wife are balanced with the rights and the degree of the husband in household life and social life together in the community"; (3) each side has the right to take legal action".<sup>148</sup> In this article, it is explained that in household life, where the rights and degree are equal, both men and women have the right to take legal actions as long as it is not detrimental to each other. This is under the principle of marriage, which explains that the rights and obligations of each side, namely husband and wife, are balanced. Islamic Law Compilation divides household duties, namely the husband as the head of the family while the wife is the housewife.<sup>149</sup>

The role affirmation in verse (1) above is considered by certain groups, especially feminists or women's empowerment activists, as the standardization

---

<sup>147</sup> Wahyuni Retnowulandari, "Kepala Keluarga Dalam Hukum Keluarga Di Indonesia: Tinjauan Perspektif Gender Dalam Hukum Agama, Adat, Dan Hukum Nasional," *Jurnal Hukum Prioris* 5, no. 3 (2016): 244, <https://media.neliti.com/media/publications/82097-ID-kepala-keluarga-dalam-hukum-keluarga-di.pdf>.

<sup>148</sup> Article 79 verse 1-3 Compilation of Islamic Law.

<sup>149</sup> Islamiyati, "Tinjauan Yuridis Tentang Relasi Suami Istri Menurut KHI Inpres No. 1/1991," *Masalah-Masalah Hukum*, no. 3 (2013): 371, <https://doi.org/10.14710/mmh.42.3.2013.369-375>.

of the patriarchal structure by strengthening the role of motherhood as a legitimate value regulating the role of women in the family. However, according to Daud Ali, the article's statement above should not be considered a reduction in the position of the wives because it is only a statement of the division of work and responsibility. This formulation should not also mean that the wife is not allowed to do activities outside the home, as long as she does not forget her function as a housewife. It is because remembering according to nature, the most suitable person to take care of household matters is the mother.<sup>150</sup>

In Indonesia, the responsibility for fulfilling a living is also borne by the husband, so that the husband is obliged to work and earn a living to meet the needs of his family. This is in line with Article 80 paragraph 4 of the Compilation of Islamic Law which states that:

According to husband's income, he bears:<sup>151</sup>

- a. livelihood, clothing, and a place to live for the wife;
- b. household, treatment, and medical cost for wife and children;
- c. education costs for children.

Based on these things, it is clear and common in Indonesian society, it can even be said that it has become the view of Indonesian society in general, even in families where both husband and wife work together. However, when viewed from the perspective of Muhammad Syahrur, the wife as a woman holds the leadership in the family in some cases in the family in Indonesia, such as

---

<sup>150</sup> Asni, "Kedudukan Perempuan Dalam Hukum Keluarga Islam Di Indonesia: Telaah Kompilasi Hukum Islam Perspektif Kesetaraan Gender," *Al-'Adl* 1, no. 2 (2008): 14, <https://doi.org/10.31332/aladl.v1i2.836>.

<sup>151</sup> Article 80 verse 4 Islamic Law Compilation.

husbands who are unable to meet their needs and work because of illness, widowhood, or so on.

Women and men are social beings who always interact from a social relationship. If we change social relations, we change the categories of women and men. Furthermore, it will affect the workload. In a patrilineal society, the burden of men is more dominant than that of women. And every community will be influenced by geographical objective conditions, which will determine the local socio-cultural system.<sup>152</sup>

It is true, in Indonesia, in the community and state or government sectors, there is no longer a barrier between men and women, namely women and men both have the right to become leaders in the government sector or work such as being president or director, because women in the public sector today get equal rights and space with men.

Besides having a certain role in the household, women also have a role in society and the government, where they have the same rights and opportunities as men.

In the current era in Indonesian society, jobs in the public sector are no longer dominated by men. Even in the government, business, banking, and economic sectors, many women as wives dominate in it, and finally, the woman helps in meeting the economic needs of her family. However, Indonesian society is dominated by the view that men are naturally the leaders of their

---

<sup>152</sup> Nurliana, "Pergantian Peran Pemimpin Dalam Rumah Tangga Di Era Milineal Perspektif Hukum Islam," *Al-Mutharahah* 16, no. 1 (2019): 132, <https://ojs.diniyah.ac.id/index.php/Al-Mutharahah/article/view/17>.

families. This is in accordance with what has been explained in the compilation of Islamic law as a reflection of the family pattern in Indonesian society.

In the past, women in Indonesia tended to have limited access to public work, so that the public sector was dominated by men. In the millennial era, along with the development of science and technology, women and their wives have entered and worked in the public sphere, so that the main tasks that should be at home, caring for and educating their children, and guarding their husband's property in the household have instead shifted to a housemaid, or even the role of the wife is transferred to her husband. So that the wife no longer takes control of household life but takes over the husband's role as breadwinner and fulfills household needs.<sup>153</sup>

Equality between husband and wife in the household is equality in the aspect of maintaining the integrity of the household and complementing each other between the two, as well as meeting the needs from different roles. Sometimes the wife works to support the family's economic needs, or the wife works because of career demands because the wife has special expertise in certain fields, so that there is a cooperation between husband and wife in meeting household needs. So, the role of the wife is still considered as a companion to the husband, not as a leader in the household.<sup>154</sup> This is what happens in Indonesian society, that women remain a companion to their husbands in fulfilling and helping each other to meet family needs.

---

<sup>153</sup> Nurliana, 127.

<sup>154</sup> Nurliana, 139.

Considering that the majority of Indonesian people are Muslim and make the text of the Qur'an and Hadith the main benchmark and reference in making decisions, an approach and analysis are needed in studying the text of the Qur'an and Hadith. The formula which states that Islamic teachings are *shahih li kulli zaman wa makan* actually prioritizes the flexibility and elasticity of Islamic teachings, not strict and rigid orthodoxy, which emphasizes forward-looking (progressive) and not backward (regressive). The process of standardizing Islamic teachings, which is usually called dynamics, must indeed go hand in hand, along with the pace of change in society with its various challenges.<sup>155</sup>

---

<sup>155</sup> Sa'dan, "Posisi Perempuan Kepala Keluarga Dalam Kontestasi Tafsir & Negosiasi Realita Masyarakat Nelayan Madura: Kajian Muhammad Syahrur," 88.



## CHAPTER IV

### CLOSING

#### A. Conclusion

After discussing the thought of Mahmud Syaltut and Muhammad Syahrur about *qawâmah* in the family and the similarities and differences in thoughts between them, it can be concluded as follows:

##### 1. The Thoughts of Mahmud Syaltut and Muhammad Syahrur About *Qawâmah* in The Family

Mahmud Syaltut understood that *qawâmah* is the natural position of the husband as a man, namely the leader of his wife. His understanding is based on the interpretation of Surah Al-Nisa' verse 34, which is more understood by Syaltut from the text's point of view, namely that men are women's leaders. The husband's *qawâmah* is due to his characteristics gifted by Allah in the form of a strong physical ability to working hard, so

he leads the family and bears the obligation to earn a living to meet his wife and family's needs. The husband's position as a leader means that the husband must protect, safeguard, and fulfill the family's needs. The position of husband and wife is balanced; both have equal rights and responsibilities.

According to Muhammad Syahrur, *qawâmah* can be owned by both husband and wife. It is based on Surah Al-Nisa' verse 34 "*ba'dluhum 'alâ ba'dl'*", which means that Allah gives advantages to some men over some women and gives advantages to some women over some men. Husband and wife must fulfill two aspects to achieve the position of *qawâmah*. The first aspect is they must have the advantages or edges on wisdom, good management, leadership ability, and the second aspect is they have the power of wealth.

## 2. Similarities and Differences Between Mahmud Syaltut and Muhammad Syahrur's Thought About *Qawâmah* in Family

### a. Similarities

- 1) Both Mahmud Syaltut and Muhammad Syahrur have the principle of equal position between husband and wife; whether leadership is in the hands of husband or wife, it does not elevate and demean each other's positions.
- 2) Both husband and wife has equal rights, obligations, and responsibilities. They are obliged to fulfill each other's rights to create a *sakînah*, *mawaddah*, and *rahmah* family. Also, the right to working outside the home, the wife has this right. The difference in

their task in the family is just a form of division of functions in a family which must certainly be divided equally.

b. Differences

- 1) According to Mahmud Syaltut, *qawâmah* is owned by men because of their natural advantages. Meanwhile, according to Syahrur, *qawâmah* can be owned by both men and women. This difference is due to the different interpretations of Surat Al-Nisâ' verse 34: "*Ba'dlahum 'ala ba'dl'*". Syaltut understood this verse that Allah gives bounties to men over women. In contrast, Syahrur understood this verse that Allah gives bounties to some men over some women, so that Allah also gives bounties to some women over some men.
- 2) According to Mahmud Syaltut, the *qawâmah* of men is due to men's physical advantages over women. Men are endowed with a strong physique and the ability to work hard to earn a living for their families. Meanwhile, according to Syahrur, *qawâmah* is not determined by physical factors but determined by wisdom, good management, and leadership abilities. Superior women are righteous women, namely women who have two characters: *Qânitât* (calm and consistency that is continuously maintained), and *Hâfidzât* (keeping secret things that are ordered by Allah to be kept).
- 3) Mahmud Syaltut did not completely abandon the thought of classical scholars in general about *qawâmah*, namely acknowledging that men naturally are leaders for women. Besides that, Mahmud Syaltut

has the same thoughts as modern thinkers about the concept of equality between men and women. The dualism of Mahmud Syaltut's thoughts between classical and contemporary thought could be caused by the background of his life. Syaltut lived in religious families, his educational background in *madrrasah* that emphasize the thought of classical ulama, and his career in Al-Azhar as a scholar and *syaikh al-azhâr*. Muhammad Syahrur has a different social and educational experience. He studied Islamic studies self-taught, and his thought influenced by his critical thinking, which is very strong with the influence of modern thinking.

### 3. The Concept of *Qawâmah* in The Family in Indonesian Society

The concept of leadership in the family in Indonesia is plural, especially in indigenous or traditional society, where there are differences in the concept of leadership in the family in various tribes and cultures, but the concept of patriarchy still dominates. In general, women's opportunities to work in the public sector are the same as men's, and sometimes women dominate. Although husband and wife both work for the family, in general, the leadership in the family is still held by men, except in certain circumstances where women have to take control of the leadership in the family.

## **B. Suggestion**

1. People certainly have different patterns of thought about *qawâmah* or leadership in the family. However, love, affection, cooperation,

complementarity, and care between husband and wife are the most important keys to creating a family that is *sakînah*, *mawaddah*, and *rahmah*.

2. A family certainly requires a leader to guide the journey of the household ship. Both husband and wife have joint duties and responsibilities in building and maintaining their households. Also, deliberation is essential to resolving difficult problems because both husband and wife have the same rights in the family.

## BIBLIOGRAPHY

### Al-Qur'an

Translator Team. *Al-Qur'an Dan Terjemahnya*. Jakarta: Almahira, 2016.

### Books

Athoillah, Anton. *Dasar-Dasar Manajemen*. Bandung: Pustaka Setia, 2017.

Chaniago, Aspizain. *Pemimpin Dan Kepemimpinan*. Jakarta: Lentera Ilmu Cendekia, 2017.

Cleveland, William L. Dan Martin Bunton. *A History of The Modern Middle East*. Philadelphia: Westview Press, 2009.

Al-Dimasyqi, Abu Al-Fida Isma'il Ibnu Katsir. *Tafsîr Ibnu Katsîr*. Beirut: Dâr Al-Kutub Al-'Ilmiyyah, 1998.

Engineer, Asghar Ali. *The Qur'an, Women and Modern Society*. New Delhi: New Dawn Press, 2005.

Faisol, Muhammad. *Hermeneutika Gender: Perempuan dalam Tafsir Bahr al-Muhith*. Malang: UIN-Maliki Press, 2011.

Fanani, Muhyar. *Fiqh Madani: Konstruksi Hukum Islam Di Dunia Modern*. Yogyakarta: LKiS, 2009.

Islamic Encyclopedia Editorial Council. "Mahmud Syaltut." In *Ensiklopedi Islam*, 342–43. Jakarta: PT Ichtiar Baru Van Hoeven, 1977.

Al-Jawy, Muhammad Nawawi bin Umar. *'Uqûd Al-Lujjayn*. Surabaya: Al-Hidayah, n.d.

Khasan, Moh. *Rekonstruksi Fiqh Perempuan: Telaah Terhadap Pemikiran Muhammad Syahrur*. Semarang: AFKI Media, 2009.

Kipfer, Barbara Ann (ed.). *Roget's 21<sup>st</sup> Century Thesaurus*. New York: Bantam Dell, 2005.

Kodir, Faqihuddin Abdul. *Qirâ'ah Mubâdalah: Tafsir Progresif Untuk Keadilan Gender Dalam Islam*. Yogyakarta: IRCiSoD, 2019.

Lajnah Pentashihan Mushaf Al-Quran. *Kedudukan Dan Peran Perempuan: Tafsir Al-Qur'an Tematik*. Jakarta: Aku Bisa, 2012.

- Al-Maraghi, Ahmad Musthafa. *Tafsîr Al-Marâghî Juz IV*. Cairo: Dâr Al-Nasyr, 1946.
- Muhammad, Abu Hayyan. *Tafsîr Al-Bahr Al-Muhîth*. Beirut: Dar Al-Fikr, 1999.
- Pedoman Penulisan Skripsi Fakultas Syari'ah UIN Maulana Malik Ibrahim Malang*. Malang, 2019.
- Rahman, Fazlur. *Major Themes of The Qur'an*. Chicago: The University of Chicago Press, 2009.
- Al-Razy, Fakhr Al-Din. *Al-Tafsîr Al-Kabîr Juz V*. Beirut: Dar Al-Fikr, 1981.
- Rivai, Veithzal. *Kepemimpinan Dan Perilaku Organisasi*. Jakarta: PT Raja Grafindo Persada, 2004.
- Al-Shâbûnî, Muḥammad 'Alî. *Rawâi' Al-Bayân Tafsîr Âyât Al-Aḥkâm Min Al-Qur'ân*. Beirut: Dâr al-Fikr, n.d.
- Shahrur, Muhammad. *The Qur'an, Morality & Critical Reason: The Essential Muhammad Syahrur*. Edited by Andreas Christmann. Boston: Brill, 2009.
- Shihab, M. Quraish. *Menabur Pesan Ilahi: Al-Qur'an Dan Dinamika Masyarakat*. Jakarta: Lentera Hati, 2006.
- . *Perempuan*. Tangerang: Lentera Hati, 2018.
- . *Tafsir Al-Mishbah: Pesan, Kesan, Dan Keserasian Al-Qur'an*. Tangerang: Lentera Hati, 2016.
- Al-Sijjistani, Abi Dawud Sulaiman bin Al-Asy'at Al-Azdy. *Sunân Abî Dâwud Juz 3*. Beirut: Al-Maktabah Al-'Ishriyyah, n.d.
- Sulayman, Abdul Hamid A. Abu. *Towards an Islamic Theory of International Relations: New Directions for Methodology and Thought*. Virginia: IIIT, 1993.
- Syahrur, Muhammad. *Al-Kitâb Wa Al-Qur'ân: Qirâ'ah Mu'âshirah*. Damascus: Al-Ahâly, n.d.
- . *Nahw Ushûl Jadîdah Li Al-Fiqh Al-Islâmy: Fiqh Al-Mar'ah*. Damascus: Al-Ahâly, 2000.
- Syaltut, Mahmud. *Al-Islâm 'Aqîdah Wa Syarî'Ah*. Cairo: Dâr al-Syurûq, 2001.
- . *Min Taujihât Al-Islâm*. Cairo: Dâr al-Syurûq, 2004.
- . *Tafsîr Al-Qur'ân Al-Karîm: Al-Ajzâ' Al-'Asyrah Al-Ûlâ*. Cairo: Dâr Al-

Syurûq, 2004.

### Journals

Anam, Khoirul. "Perempuan Perspektif Tafsir Klasik Dan Kontemporer." *Journal de Jure* 2, no. 2 (2010): 22. <https://doi.org/10.18860/j-fsh.v2i2.2974>.

Andi, Azhari, dkk. "Reinterpretasi Sunnah (Studi Pemikiran Muhammad Syahrur terhadap Sunnah)", *Jurnal Living Hadis*, no. 1 (Mei, 2016). <https://doi.org/10.14421/livinghadis.2016.1069>

Anshori. "Kepemimpinan Laki-Laki dan Perempuan dalam Islam", *Al-Turas*, no. 3 (September, 2006). <https://doi.org/10.15408/bat.v12i3.4234>

Arfa, Faisar Ananda dan Muhammad Syahril, "Hermeneutika Muhammad Shahrūr dan Implikasinya terhadap Istinbāt al-Aḥkām dalam Persoalan Wanita", *Ahkam*, no. 1 (Januari, 2013). <http://repository.uinsu.ac.id/id/eprint/283>.

Arif, Mahmud. "Ambivilensi Pemikiran Mahmud Syaltut Tentang Fiqh Perempuan." *Al-Manahij* 5, no. 2 (2011): 208. <https://doi.org/10.24090/mnh.v5i2.613>.

Arsal. "Metode Ijtihad Muhammad Syahrur (Analisis Kritis Terhadap Penggunaan Metode Ushul Fiqh Dan Fiqh)", *Al-Hurriyah*, no. 2 (Juli-Desember, 2014). <https://ejournal.iainbukittinggi.ac.id/index.php/alhurriyah/article/download/614/358>

Asni. "Kedudukan Perempuan Dalam Hukum Keluarga Islam Di Indonesia: Telaah Kompilasi Hukum Islam Perspektif Kesetaraan Gender." *Al-'Adl* 1, no. 2 (2008): 14. <https://doi.org/10.31332/aladl.v1i2.836>.

Asriaty. "Menyoal Pemikiran Hukum Islam Muhammad Shahrur." *Istinbath* 13, no. 2 (2014): 224. <https://media.neliti.com/media/publications/41841-ID-menyoyal-pemikiran-hukum-islam-muhammad-shahrur.pdf>.

Atabik, Ahmad, and Koridatul Mudhiiah. "Pernikahan Dan Hikmahnya Dalam Hukum Islam." *Yudisia*, no. 2 (2014). <http://journal.iainkudus.ac.id/index.php/Yudisia/article/download/703/692>.

Badwi, Ahmad. "Kontribusi Syaltut Dalam Reformasi Hukum Islam." *Jurnal Hukum Diktum* 11, no. 1 (2013): 67. <https://doi.org/10.35905/diktum.v11i1.94>.

Christmann, Andreas. "The Form Is Permanent, but The Content Moves: The Qur'anic Text and Its Interpretation(s) in Mohamad Shahrour's 'Al-Kitāb Wa Al-Qur'Ān.'" *Welt Des Islams* 43, no. 2 (2003): 145. <https://doi.org/10.1163/157006003766956694>.



- Clark, Peter. "The Syahrur Phenomenon: A Liberal Islamic Voice from Syria." *Islam and Christian-Muslim Relations* 7, no. 3 (1996): 341. <https://doi.org/10.1080/09596419608721095>.
- Commins, David. "Religious Reformers and Arabists in Damascus, 1885-1914." *International Journal of Middle East Studies*, no. 18 (1986): 409. <https://doi.org/10.1017/S0020743800030762>.
- Dzulfikar, Ahmad. "Konsep Sabilillah Dalam Pandangan Syekh Mahmud Syaltut Dan Implementasinya Dalam Hukum Islam Kontemporer." *Journal of Islamic Civilization* 2, no. 1 (2020): 44. <https://doi.org/10.33086/jic.v2i1.1428>.
- Faizah, Nur. "Konsep Qiwamah Dalam Yurisprudensi Islam Perspektif Keadilan Gender." *Al-Ahwal* 11, no. 1 (2018): 14–15. <https://doi.org/10.14421/ahwal.2018.11102>.
- Gani, Erman. "Manhaj Fatwa Syekh Mahmud Syaltut Dalam Kitab Al Fatawa." *Hukum Islam XIII*, no. 1 (2013): 5. <https://doi.org/10.24014/hi.v13i1.966>.
- Harahap, Rustam Dahar Kamadi Apollo. "Kesetaraan Laki-Laki Dan Perempuan Dalam Hukum Perkawinan Islam." *Sawwa*, no. 2 (2013): 366–67. <https://doi.org/10.21580-/sa.v8i2.662>.
- Hudaya, Hairul. "Kajian Kepemimpinan Perempuan Dalam Keluarga Perspektif Tafsir." *Musawa Jurnal Studi Gender Dan Islam* 10, no. 2 (2011): 193–94. <https://doi.org/10.14421/musawa.2011.102.187-204>.
- Irsyadunnas. "Tafsir Ayat-Ayat Gender Ala Amina Wadud Perspektif Hermeneutika Gadamer." *Musawa* 14, no. 2 (2015): 135–36. <https://doi.org/10.14421/musawa.2015.142.123-142>.
- Islamiyati. "Tinjauan Yuridis Tentang Relasi Suami Istri Menurut KHI Inpres No. 1/1991." *Masalah-Masalah Hukum*, no. 3 (2013): 371. <https://doi.org/10.14710/mmh.42.3.2013.369-375>.
- Izad, Rohmatul. "Kesetaraan Gender Dalam Islam: Perspektif Hermeneutika Muhammad Syahrur." *Hermeneutik: Jurnal Ilmu Al-Qur'an Dan Tafsir* 12, no. 2 (2018): 25. <https://doi.org/10.1234/hermeneutik.v13i1.6076>.
- Kholis, Muhammad Nur. "Konsep Kepala Keluarga Antara Laki-Laki Dan Perempuan Dalam Surat An-Nisa (4) Ayat 34." *ISTINBATH: Jurnal Hukum Islam* 12, no. 2 (2016): 5. <http://e-journal.metrouniv.ac.id/index.php/istinbath/article/view/585>.
- Maimun. "Kontroversi Wanita Menjadi Pemimpin: Kajian Analisis Metodologis", *ASAS*, No. 1 (2012). <https://doi.org/10.24042/asas.v4i1.1668>

- Maimunah. "Kepemimpinan Dalam Perspektif Islam Dan Dasar Konseptualnya." *Al-Afkar* 5, no. 1 (2017): 60–61. <https://doi.org/10.28944/afkar.v5i1.133>.
- Muhazir. "As-Sunnah Sebagai Sumber Hukum Islam: Refleksi Terhadap Hermeneutika Muhammad Syahrur", *At-Tafkir*, no. 2 (Desember, 2018). <https://doi.org/10.32505/at.v11i2.739>
- Mujahidin, Anwar. "Subyektivitas Dan Obyektivitas Dalam Studi Al-Qur`An (Menimbang Pemikiran Paul Ricoeur dan Muhammad Syahrur)", *Kalam: Jurnal Studi Agama dan Pemikiran Islam*, no. 2 (Desember, 2012). <https://doi.org/10.24042/klm.v6i2.410>
- Musyafa'ah, Nur Lailatul. "Pemikiran Fikih Wanita Muhammad Shahrur." *Al-Qanun*, no. 1 (2010): 138. <http://jurnalfsh.uinsby.ac.id/index.php/qanun/article/download/172/158>.
- Napitupulu, Dedi Sahputra, dkk. "Kepemimpinan Perempuan dalam Islam", *Al-Muaddib*, no. 1 (2020). <http://dx.doi.org/10.31604/muaddib.v5i1.119-133>.
- Nurliana. "Pergantian Peran Pemimpin Dalam Rumah Tangga Di Era Milenial Perspektif Hukum Islam." *Al-Mutharahah* 16, no. 1 (2019): 132. <https://ojs.diniyah.ac.id/index.php/Al-Mutharahah/article/view/17>.
- Ramli, Moh. Anuar dan Rahimin Affandi Abdul Rahim. "Kepimpinan Perempuan Menurut Perspektif Islam: Satu Sorotan", *Jurnal Pengajian Melayu*, no. 7 (2010). [http://www.myjurnal.my/filebank/published\\_article/23738/Article\\_7.pdf](http://www.myjurnal.my/filebank/published_article/23738/Article_7.pdf)
- Retnowulandari, Wahyuni. "Kepala Keluarga Dalam Hukum Keluarga Di Indonesia: Tinjauan Perspektif Gender Dalam Hukum Agama, Adat, Dan Hukum Nasional." *Jurnal Hukum Prioris* 5, no. 3 (2016): 244. <https://media.neliti.com/media/publications/82097-ID-kepala-keluarga-dalam-hukum-keluarga-di.pdf>.
- Sa'dan, Masthuriyah. "Posisi Perempuan Kepala Keluarga Dalam Kontestasi Tafsir & Negosiasi Realita Masyarakat Nelayan Madura: Kajian Muhammad Syahrur." *Jurnal Studi Ilmu-Ilmu Al-Qur'an Dan Hadis* 18, no. 2 (2017): 88. <https://doi.org/10.14421/qh.2017.1802-04>.
- Setyawan, Cahya Edi. "Pemikiran Kesetaraan Gender Dan Feminisme Amina Wadud Tentang Eksistensi Wanita Dalam Kajian Hukum Keluarga." *Zawiyah: Jurnal Pemikiran Islam* 3, no. 1 (2012): 84. <https://doi.org/10.31332/zjpi.v3i1.710>.
- Suhada. "Kesetaraan Gender: Posisi Kepemimpinan Perempuan dalam Islam", *Mumtaz*, no. 1 (2019). <https://doi.org/10.36671/mumtaz.v3i2.39>

- Supriyanto, John. “Pergeseran Paradigma Tafsir Ala Linguis (Studi atas Kitab Qira’ah Mu’ashirah Karya Muhammad Syahrur)”, *Jurnal Studi Agama*, no. 2 (2018). <https://doi.org/10.19109/jsa.v2i2.3054>
- Taufik, Rokhman. “Kepemimpinan Keluarga dalam Al-Qur’an (Kajian Surat Al-Nisa’ [4]: 34)”, *Muwazah*, no. 2 (Desember, 2013). <http://e-journal.iainpekalongan.ac.id/index.php/Muwazah/article/view/342>
- Ulfiyanti, Nur Shofa. “Pemikiran Muhammad Syahrur (Pembacaan Syahrur Terhadap Teks-Teks Keagamaan)”, *Et-Tijarie*, 1 (2018). <https://journal.trunojoyo.ac.id/ettijarie/article/download/4597/3208>
- Yusuf, Muhammad. “Penciptaan Dan Hak Kepemimpinan Perempuan Dalam Al-Qur’an.” *Al-Fikr* 17, no. 1 (2013): 40. <http://journal.uin-lauddin.ac.id/index.php/alfikr/article/download/2266/2199>.
- Zamroni, Ishaq. “Diskursus Kepemimpinan Suami Isteri Dalam Keluarga: Pandangan Mufasir Klasik Dan Kontemporer.” *Ummul Qura* 4, no. 2 (2014): 10–32. <http://ejournal.kopertais4.or.id/index.php/qura/issue/view/531>.
- Zebiri, Katharine Patricia. “Mahmud Shaltut (d. 1963): Modern Muslim Scholar and Reformer”, Doctoral Dissertation, University of London, 1988. <https://doi.org/10.25501/SOAS.00028450>
- Zebiri, Kate. “Shayikh Mahmud Shaltut: Between Tradition and Modernity”, *Journal of Islamic Studies*, 2 (1991). <https://www.jstor.org/stable/26196556>
- Zulfikar, Ahmad. “Konsep Sabilillah dalam Pandangan Syekh Mahmud Syaltut dan Implementasinya dalam Hukum Islam Kontemporer”, *Journal of Islamic Civilization*, 1 (April, 2020), 44. <https://doi.org/10.33086/jic.v2i1.1428>

### **Thesis and Desertation**

- Musdhalifah. “Kepemimpinan Rumah Tangga: Telaah QS. an-Nisa’ 34 Perspektif Ibnu Katsîr Dan Asghar Ali Engineer”, Undergraduate Thesis, Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2011. <http://etheses.uin-malang.ac.id/1903/>.
- Rangkuti, Ahmad Zuhri. “Studi Analisis Konsep Muhammad ‘Abduh Dan Implikasinya Terhadap Kedudukan Perempuan Dalam Hukum Islam”, Thesis, Institut Agama Islam Negeri Sumatera Utara, 2014. [http://repository.uinsu.ac.id/1448/1/TEISIS\\_rangkuti.pdf](http://repository.uinsu.ac.id/1448/1/TEISIS_rangkuti.pdf).
- Zebiri, Katharine Patricia. “Mahmud Shaltut (d. 1963): Modern Muslim Scholar and Reformer”, Doctoral Dissertation, University of London, 1988. <https://doi.org/10.25501/SOAS.00028450>

**Regulation**

Islamic Law Compilation

**Website**

Anonim. "Definition of *scholar noun* from the Oxford Advanced American Dictionary," *Oxford Learner's Dictionaries*, diakses 1 April 2021, [https://www.oxfordlearnersdictionaries.com/definition/american\\_english/scholar](https://www.oxfordlearnersdictionaries.com/definition/american_english/scholar)

## CURRICULUM VITAE

### Personal Details:

Name : Ahmada Rivqy Virdausa  
Date of Birth : 24<sup>th</sup> of January 2000  
Adress : Polim Regency, Pacul, Bojonegoro  
Phone : 085331678030  
e-mail : [rivqy.virdausa@gmail.com](mailto:rivqy.virdausa@gmail.com)



### Formal Education Background:

2005-2011 : Elementary School Hidayatullah Atambua  
2011-2014 : Islamic Junior High School Darul Huda Mayak Ponorogo  
2014-2017 : Islamic Senior High School Darul Huda Mayak Ponorogo

### Non-formal Education Background:

2011-2017 : Ponpes Darul Huda Mayak Tonatan Ponorogo  
2017-2018 : Ma'had Sunan Ampel Al-'Aly UIN Malang  
2018-2021 : Ponpes Anwarul Huda Karangbesuki Sukun Malang