

## THE URGENCY OF *MAQASIDI'S TAFSIR* IN THE *BAYANI APPROACH* (Study on the Interpretation of Imam Shafi'i and Ibn 'Abbas on Punishment for *Hirabah Perpetrators*)

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### Abstract

This study aims to explain the importance of *maqasidi tafsir* in understanding legal verses and hadiths, including in comparing and choosing interpretations that are contextual and more in line with *maqasid al-syari'ah*. This can be seen in the interpretation of Ibn 'Abbas and Imam Shafi'i regarding the verse explaining the punishment for the perpetrator of *hirabah*. Interestingly, both of them use a language approach (*bayani*) in understanding the verse. This study uses a literature method, by tracing the explanations of scholars about the verses of *hirabah* from various literature based on the consideration of *maqasid al-shari'ah*. The results of the study show that although Ibn 'Abbas and Imam Shafi'i both used the *bayani* approach, the interpretation of Imam Shafi'i is more contextual and considers *maqasid al-Shari'ah*, not only limited to *masalahah*.

**Keywords:** *Tafsir Maqasidi, Hirabah, Bayani*

### A. Introduction

The Qur'an is the most important source of Islamic law. Thus, all activities and deeds of Muslims must be ensured to always be under their guidance, guidance, and radiation. (Zaidan, 2004, p. 405) To realize this, an effort is needed to understand, and know the meanings contained in it. This effort is called *tafsir*, which first of course begins with understanding the meaning contained in each pronunciation and redaction of each verse linguistically (*bayani*). In other words, *tafsir* is initially an effort to understand and explain the meaning of each verse of the Qur'an textually, and this is what distinguishes it from *ta'wil*. (Al-Shabuni, 2003, p. 66)

In fact, the Qur'an was also revealed in the original Arabic.<sup>1</sup> So for people outside the Arabs (*'ajam*), even Arabs need further interpretation in order to know clearly the

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<sup>1</sup> The original Arabic language in question is the Arabic language used by the Arab community when the Qur'an was revealed. Because scholars agree that in the Qur'an there is no sentence arrangement - with its various *uslub* - that is not Arabic. We will only find a few words that are materialized (*isim alam*) such as: the name of a place, the name of a person, the name of an animal, or a number that is pronounced the same as that of non-Arabs, such as Israel, Gabriel, 'Imran, Noah, and Luth. However, they differ on the question of whether in the Qur'an there are words or terms that are pronounced the same as those spoken by non-Arabs other than *isim 'alam*?. In this regard, Qadhi Abu Bakr bin Thayyib and al-Thabari argue that such a thing is not found in the Qur'an, because the Qur'an uses a clear Arabic language. Even if in the Qur'an are found words or terms that are attributed to various languages outside of Arabic, it must be agreed that the various languages in the world basically influence each other. If it is agreed, it should not be surprising to find that there is a certain vocabulary or term used in the conversation of the Arabs, as well as by the Persians, Ethiopians, and others. Some scholars admit that it is found in the Qur'an, but they must also admit that such terms are very few, so it cannot be used as an excuse to change the situation and belief that the

meaning of each verse read, or used as a reference and guide, especially in matters related to law. More than that, some verses of the Qur'an also provide explanations in general (*'am*), global (*ijmali*), absolute, (*mutlaq*), figurative (*majaz*) which can be known in addition to the linguistic approach (*bayani*), as well as explanations of the sunnah, and even other verses in the Qur'an. (Al-Shabuni, 2003, p. 67) The attempt to interpret it is carried out in such a way that it is in order to understand the purpose and purpose of Allah in lowering His shari' at (*qasdu al-syari' di wadh'i al-syari'ah*), which is the first time of course to be understood (*qasdu al-syari' di wadh'i al-syari'ah li al-ifham*), as stated by al-Syatibi in his monumental book "*al-Muwafaqat di Usul a-Shari'ah*". (Al-Syatibi, 2005, p. 49)

Thus, interpretation in order to understand the purpose of shari'a can be interpreted as an effort to understand what *the shari'a* (Allah and the Messenger) wants in the Qur'an and sunnah, both partially (each verse and hadith) and in general (from the whole verse and hadith). In the context of interpretation, the effort to know the will of *Shari'a* by using a method like this is called *tafsir maqasidi*. (Jamal, 2023, p. 72)

One of the issues that raises discussions among scholars, in order to understand and conclude the purpose and will of *Shari'a* is the verse about *hirabah*. The scholars pioneered by Ibn 'Abbas are of the opinion that the various forms of punishment for the perpetrators of *hirabah* mentioned in the Qur'an are choices given by *the Shari'a'*, this is understood from the use of "*aw*" which separates one form of punishment from another. (Sabiq, 1420 H, p. 473) However, unlike Ibn 'Abbas, Imam Shafi'i understands that the faidah "*aw*" in the verse is to explain the type of punishment (*tanwi'*), not to give a choice (*superstition*). Consequently, punishment must be selected and carried out in accordance with the order and order (*tartib*) (Sabiq, 1420 H, p. 473; 'Asyur, 1984, p. 185). This conclusion is in line with the rule that is often used among Shafi'iyah, namely: "*start with what Allah begins*".

This difference of opinion is interesting to research, because both use a language approach (*bayani*) in understanding the verse about *hirabah*. Thus, what we want to know is how the *tafsir of maqasidi* can be applied in understanding the verse about *hirabah*.

## B. Discussion

### 1. Tafsir *maqasidi*

In the scientific treasures of tafsir, several methods of tafsir are known: *first*, *tafsir bi al-ma'tsur* (tafsir of verses with verses or verses with hadith), second, *tafsir tahlili* (*mufassir* elaborates on the meaning contained by each *reut*), third *tafsir muqarin* (comparison), *fourth*, *tafsir mawdhu'i* (thematic), (Izzan, 2009, pp. 103-114; Jamal, 2023, p. 65) and *fifth*, is the *tafsir of maqasidi* (interpreting the verse with *the approach of maqasid al-syari'ah*).

Of the four methods of tafsir above, *the tafsir maqasidi* can be considered closer to the *method of tafsir mawdhu'i*. Because the way taken by scholars in formulating the

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Qur'an is in original Arabic, as the language used by the Prophet when communicating with his people. See, Abu 'Abdillah Muhammad bin Ahmad al-Anshari, *Tafsir al-Qurthuby: al-Jami' li Ahkam al-Qur'an*, Juz I, p. 68

general purpose of shari'a (*maqasid al-shari'ah*) which is a guide in *the tafsir of maqasidi* is through *istiqla'i ma'nawi*, namely by collecting various postulates that have the same meaning. (Jamal, 2023, p. 72) So with this method, it can be concluded that the meaning found is the principle, value, or goal desired by *Shari'* a in general.

As for the difference, in the tafsir *maqasidi*, the meaning that you want to know in a verse is not only obtained through the way of collecting verses in a predetermined theme, as is the case with *the tafsir of mawdhu'i*. However, this meaning is obtained by looking at the entire editorial (*siyaq kalam*), which is chosen by *the Shari'a* in conveying its will. (Jamal, 2023, p. 65) Because the meaning of the verse cannot be concluded as the will of *Shari'* (*qasdu al-syari'*), if it is only focused on the meaning contained in each *recitation* independently (independent). More than that, the meaning found must also be ensured to be in line with and must not contradict *maqasid al-syari'ah*.

This method of tafsir *maqasidi* has recently been widely used by contemporary *mufassir* circles. This is in line with the growing and widespread study of *maqasid al-shari'ah*. Especially in order to answer various modern problems that are not directly answered in the Qur'an and the sunnah.

## **2. Bayani approach**

In principle, all scholars agree that it is impossible to interpret the Qur'an without knowing the Arabic discussion. Because the Qur'an was revealed by Allah to humans using Arabic as an intermediary. (Sayf, 2007, p. 18) Arabic itself as a *lingua franca* has its specialties and uniqueness, one of which is due to the complexity and richness of its vocabulary. (Zaenulloh, Syahid, & Hidayanti, 2024, p. 5) In addition, the Qur'an also has a very high language style (*uslub*), both in terms of its regularity and beauty. In fact, this is part of the most prominent miracle of the Qur'an. So that anyone who reads and tries to understand it - including those who master Arabic - will feel amazed and ponder more deeply, due to the beauty of *uslub* and the depth of its meaning. (Sayf, 2007, p. 19)

In Islamic epistemology, the way to obtain knowledge from the source is; The Qur'an and hadith through this language approach are called the bayani method or approach. (Asri, 2001, p. 1) Similarly, in Islamic law *ijtihad*, there is an *ijtihad* method that emphasizes more on the linguistic aspect (*lughawiyah*), also known as *the bayani method* in addition to *ta'lili* and *istislahi*. (Abubakar, 2012, p. 16) In the epistemology of Islamic law, this *method of bayani* is inevitable. In fact, some people consider *mufassir* closer to the true meaning. Because understanding the verse through *the bayani* method means understanding the Qur'an through knowledge of the Arabic language, as the language chosen by *the Shari'a* in conveying its intentions and will.

However, the understanding of Islamic teachings that prioritizes the linguistic aspect alone has the potential to give birth to legal understandings that tend to be textual, rigid and less contextual. In fact, the needs of life, problems and challenges faced by Muslims continue to increase and change dynamically. The *Maqasidi* method of tafsir is expected to eliminate this gap, because this method seeks to bridge and connect the textual meaning of a verse with its contextual meaning.

### 3. *Hirabah*

In the context of Islamic law, the issue of *hirabah* is one of the interesting issues to discuss. Because in terms of the consequences it causes, *hirabah* can be equated with several types of crimes that fall under the category of *hudud*, namely: crimes whose form and punishment have been described in the Qur'an, such as: stealing (*saraqah*), even killing (*qatlu*). (Sabiq, 1420 H, p. 465)

The Qur'an has also explained the punishment for the perpetrator of *hirabah*, namely: crucifixion, cutting off his hands and feet cross, or being expelled from the country where the perpetrator lives. However, because there are several forms of punishment mentioned in the verse, in addition to the consequences that are also different for various cases of *hirabah*, the scholars ultimately differ in their opinions in understanding and drawing legal conclusions from the verse.

This can be seen in the difference of opinion between Ibn Abbas, one of the *mufasssirs* from the Companions who is known to be more inclined to the use of *ra'yu*, and Imam Shafi'i who is known to be more cautious in the use of *ra'yu* in *ijtihad*. Interestingly, both of them use a linguistic approach (*bayani*) in understanding the verse about *hirabah*.

### 4. Interpretation of the verse of *hirabah*

*Hirabah* is a form of crime whose punishment has been clearly stated in both its form and type in the Qur'an, as follows:

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ ۖ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَن يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِّنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ۚ ذَٰلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ

*It means: "The punishment for those who fight against Allah and His Messenger and wreak havoc on the earth, is only to be killed or crucified, or to have their hands and feet cut off, or to be exiled from their dwellings. This is a disgrace to them in the world, and in the Hereafter they will receive a great punishment." (Q.S. al-Maidah: 33)*

In interpreting the above verses of the best scholars into two groups, namely:

#### a. Interpretation of Ibn 'Abbas

As explained by Sayyid Sabiq, Ibn 'Abbas is of the opinion that the various forms and types of punishment described in surah al-Maidah verse 3 above, are some of the alternative punishments that can be inflicted on the perpetrators of *hirabah*. This means that in the case of *hirabah*, the judge is given the freedom to choose the form and type of punishment that will be imposed on the perpetrator based on the consideration of *maslahah*. Ibn 'Assyria deduced it from the pronunciation "*aw*" used in the above verse, which is commonly used in order to give free choice (*superstition*).

In this case, the only consideration that the judge can use in choosing a more appropriate form and type of punishment is *maslahah*. In other words, if the judge chooses one of the punishments based on the consideration of *maslahah*, then the decision is considered to be in accordance with the intention and will desired by the *Shari'a* in determining the law. (Sabiq, 1420 H, p. 474)

Like Ibn 'Abbas, Ibn Kathir also argued that "*aw*" which means or is to explain the choice, as Allah said in Q.S. al-Maidah: 95, about the punishment for a person who kills a game during *ihram*, namely: a fine is imposed to replace the deliberately killed animal with a livestock that is commensurate with the type, age, and weight of the game he kills. In the haram land, it is determined according to the verdict of two judges or two righteous figures among you as *hadyu*, or pay *kafarat* (ransom) by feeding the poor people equal to the price of the animal substitute slaughtered at the time of *ihram*, or fasting for a few days commensurate with the food spent.

The same can be seen in the words of Allah Q.S. al-Baqarah: 196, about *kafarat fidyah* for a person who shaves his hair because he is sick while he is in a state of *ihram*, namely: by choosing one of fasting, or giving alms or sacrificing. Likewise, the word of Allah which explains *kafarat* for those who break the oath also uses the word "*aw*" which means or which means to give a choice, namely: to feed 10 poor people from the food that you (usually) give to your family, or to give clothes to them, or to free the servants of the *sahaya*. Whoever is unable to do so, then fasts for three days. (Sabiq, 1420 H, p. 473)

b. Interpretation of Imam Shafi'i

In contrast to Ibn Abbas, Imam Shafi'i is of the opinion that the various forms of punishment mentioned in the Qur'an are alternatives to punishment that have been determined based on order or hierarchy. That is, the punishment for the perpetrators *of hirabah* described in the Qur'an starts from being crucified, then killed, having their hands and feet cut off crosswise, and finally being exiled, is in accordance with the magnitude or size of the impact caused. So he concluded that the appropriate punishment for the perpetrators *of hirabah* is in accordance with the weight of the crime committed. (Sabiq, 1420 H, p. 473)

This means that *the perpetrator* must be sentenced to the most severe punishment, namely: crucifixion. Meanwhile, *the punishment* for the perpetrator is murdered. As for *the hirabah* that results in the loss of property, the punishment for the perpetrator is to have his hands and feet cut off crosswise. While *hirabah* only results in the emergence of unrest and loss of security in the midst of society, the punishment is enough to exile or expel the perpetrator from the country where he lives. (Sabiq, 1420 H, p. 473)

The interesting thing about the various forms *of hirabah* and what may or has been done is that there is one characteristic that distinguishes it from ordinary murder or theft, namely: it causes fear and chaos in the midst of society. Because what is the main characteristic of *hirabah*: the crime is committed openly and in the open. Crimes like this for the perpetrators are clearly high risk, so careful planning and preparation are needed. Thus, *hirabah* is a crime of planning, because it is carried out consciously and with full consideration regarding the time, place and method. More than that, it results in the emergence of fear and chaos in the midst of society, even a form of defiance and resistance to Allah and His Messenger.

The perpetrators mentioned in the Qur'an are those who go beyond the limit. This verse was revealed in order to remove the punishment that the Prophet had decided against the people of 'Urainah. Because their deeds illustrate the nature of people who do

not know themselves, do not know how to thank the Prophet and those who have helped him. After receiving their complaints, being helped and saved until they recovered from their illness and got out of the difficulties of life, they actually tried to control the property of the person who had helped and saved them by killing them. Even more than that, they decided to quit Islam, and all of that was done openly. Their actions indicate defiance and resistance.

These perpetrators are declared to be those who fight against Allah, because they have fought against the one who makes Allah angry if they fight him, namely the Prophet. They are considered to have fought the Prophet for committing acts against the law set by the Prophet and his power. The people of 'Urainah had robbed the Prophet's camels which were prepared for the war forces of the Muslims. They have been allowed to benefit from the camels, but they do not take good care of them because of their denial of the Messenger of Allah and the teachings he preached. The decision of the Prophet to punish the people of 'Urainah by cutting off their hands and feet, gouging out their eyes and leaving them until they die, even in the narration it is said that they were sunbathed until they were thirsty and died is a case-like thing. ('Asyur, 1984, p. 180) The severe punishment was imposed due to their hatred of Islam which was openly and openly displayed. The descent of the verse of *hirabah*, is in order to explain that the punishment for the perpetrators of *hirabah* is in accordance with what has been explained in the verse, no more and no less. This is understood from the pronunciation of "*innama*" whose function provides limitations. ('Asyur, 1984, pp. 181-182)

Ibn 'Assyria explained that the *hirabah* carried out by the three 'Ukul and the four 'Urainah, ('Asyur, 1984, p. 180) contains two great evils, namely: disobedience and resistance to Allah and His Messenger, as well as causing damage and chaos in the community by committing murder and robbery. In this verse there is the letter "*waw*" which is the letter '*athaf*' which combines two things; namely the act of fighting Allah and His Messenger, and doing damage on the earth. Since the first form of evil and its consequences are lighter, it is understood that their real intention is to commit disobedience and resistance to Allah and His Messenger, not just to cause damage and chaos in the midst of society. ('Asyur, 1984, p. 182)

c. Similarities and differences in the interpretation of Ibn 'Abbas and Imam Shafi'i

If we look at the similarities between the interpretation of Ibn Abbas and Imam Shafi'i, namely from the linguistic aspect (*bayani*) both understand that the pronunciation of "*aw*" used in the verse *hirabah* indicates that there is a choice (*superstition*), in the sense that it does not have to be applied to all. It's just that the two differ in understanding whether the choice is absolute (*mutlaq*), or limited by certain conditions and limitations (*muqayyad*). Ibn Abbas argued that the choice was *mutlaq*. The judge may choose one form of punishment that is considered more beneficial. Meanwhile, Imam Shafi'i explained that the "*aw*" explains the type and form of punishment based on the weight of the crime. So that in its application it must be chosen according to the order and order that has been mentioned in the Qur'an; that is, they were crucified, killed, their hands and

feet cross-cut, or they were exiled from their land. The first order represents *the hierarchy* with the highest weight of evil, and so on.

Both Ibn Abbas and Imam Shafi'i, in addition to using a linguistic approach, both basically also consider the aspect of benefits that they want to achieve and realize through various forms of punishment mentioned in the Qur'an. However, Ibn 'Abbas seems to give more flexibility to the judge in determining the choice that is considered *beneficial*. Meanwhile, Imam Shafi'i seemed to be more cautious, and seemed to provide guidance to the judge in choosing which type and form of punishment was more *beneficial* based on the consequences caused. The magnitude or smallness of these consequences then becomes a benchmark to determine the weight of crime. *Hirabah* which has an impact on the loss of soul (*al-nafs*), property (*al-mal*), and causes chaos in society (*al-mujtama'*), can be concluded to be contrary to the three goals of shari'a (*maqasid al-syari'ah*), namely: *hifzu al-naf*, *hifzu al-mal*, and *hifzu al-mujtma'*.

### C. Conclusion

Ibn Abbas and Imam Shafi'i in interpreting the verse of *hirabah*, in addition to considering the linguistic aspect, also considered *maslahah* which is the general purpose of the derivation of the sharia. However, if it is associated with the formulation of *maqasid al-shari'ah* compiled by scholars after the two, namely: *hifzu al-din*, *hifzu al-nafs*, *hifzu al-'aql*, *hifzu al-nasl*, *hifzu al-mal*, and *hifzu al-mujtama'*, Imam Shafi'i seems to consider more the details or values of the *maslahah* that he wants to realize. He concluded that the order of punishment for *the perpetrators of hirabah* mentioned in the Qur'an can be applied in a hierarchical manner according to the large, small, or many and few values that are violated and want to be realized through punishment for the perpetrators. According to him, the word "*aw*" used by the Qur'an in the verse of *hirabah* aims to divide the types (*tanwi'*) of punishment, not to provide a choice as Ibn Abbas thinks.

If the interpretation of the two is seen from the perspective of *maqasid a-Shari'ah* which has developed today, the interpretation of Imam Shafi'i is more in line with the steps of *maqasidi tafsir*, namely: capturing what is the will and purpose of Shari'a through the redaction of the verse (*siyaq kalam*) that He chooses and uses in the verse of *hirabah* as a whole, and paying attention to its conformity with the formulation or various purposes of the Shari'a (*maqasid al-syari'ah*). So that the meaning that is ultimately chosen is the meaning that is believed to be more in line with the will and purpose of *Shari'a* in lowering the *Shari'a*.

Thus, *the tafsir of maqasidi* is not intended to understand the Qur'an textually (*lafzhi*), or freely which is called free translation (*tahriri*). Because in *the tafsir of maqasidi*, the tafsir is directed to find the will and purpose of the shari' (*qasdu al-syari'*) behind the syatu of the text of the verse or from the entire editorial (*siyaq al-kalam*). The purpose inferred by *this mufasssir* should not be contrary to the general purpose of shari'a (*maqasid al-syari'ah*). This is based on the belief that the purpose of shari'a (*maqasid al-shari'ah*) is universal (*'ammah*) because it is understood from the majority of verses of the Qur'an and hadith, so it is impossible and/or contrary to partial verses (*khassah*).



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