

“HIJAB AND NIQAB IN MAQASID PERSPECTIVE”

**(An Analysis on The Interpretation of Wasfi Asyur Ali Abu Zayd on
Q.S Al-Ahzāb 59 and An-Nūr 31)**



Submitted to Faculty of Ushuluddin and Humanities in Patrial Fulfillment of the
requirements for the Degree of S-1 of Islamic Theology
On Al-Quran Science and Interpretation Departement

Written by :

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FOR SPECIAL PROGRAM
STATE ISLAMIC UNIVERSITY WALISONGO SEMARANG
2021**

DECLARATION

I declare that this Thesis is my work. I am responsible for the entire content of this Thesis. Other writer's arguments or findings included within it are quoted or cited following ethical standards.

Semarang, 29 April 2021

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THESIS

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the thesis requirement for the Degree of S-1 of the Sciences of Qur'an and Tafseer

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telah dimunaqasahkan oleh Dewan Penguji Skripsi Fakultas Ushuluddin dan Humaniora Universitas Islam Negeri Walisongo Semarang pada tanggal **8 Juni 2021** dan telah diterima serta disahkan sebagai salah satu syarat guna memperoleh gelar Sarjana dalam ilmu ushuluddin dan humaniora.

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5. Dr.H. Sukendar M.Ag, M.A	Pembimbing I

Demikian surat keterangan ini dibuat sebagai **pengesahan resmi skripsi** dan dapat dipergunakan sebagaimana mestinya

Semarang, 22 Juli 2021

an. Dekan

Wakil Bidang Akademik dan Kelembagaan



MOTTO

« إِنَّ اللَّهَ لَا يَنْظُرُ إِلَى صُورِكُمْ وَأَمْوَالِكُمْ وَلَكِنْ يَنْظُرُ إِلَى قُلُوبِكُمْ وَأَعْمَالِكُمْ »

-Trust Allah does not see your appearance and your treasure, but Allah sees your
heart and your deeds-

(H.R Muslim)

DEDICATION

The Thesis is dedicated to :

My dear parents,

H. Harun Rosid, Halimah, Syamsiah (my grand mother), Hj. Nislikhanah, and Sahyan (Alm) my prayer are always be with you. Thanks for your account efforts and support along my life journey, especially in reaching my educational achievements.

*

My Beloved brother, sister, and prominent family.

Thanks for your support every time, in every chance I need help. I wish you all a blessed life.

*

All of my beloved teacher who inspired me to study constantly. The teacher always gives me guidance for every step that I will take.

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*

Everyone who appreciates my work.

TRANSLITERATION

English transliteration system International version¹

1. Single Consonant

Arabic	Written	Arabic	Written
ا	Alif	ض	ḍ
ب	B	ط	ṭ
ت	T	ظ	ẓ
ث	ṯ	ع	'
ج	J	غ	G
ح	ḥ	ف	F
خ	Kh	ق	Q
د	D	ك	K
ذ	Ẓ	ل	L
ر	R	م	M
ز	Z	ن	N
س	S	و	W
ش	Sy	هـ	H
ص	ṣ	ء	'
ي	Y		

¹ The team of compiling the thesis, *Pedoman Penulisan Skripsi Fakultas Ushuluddin dan Humaniora*, (Fakultas Ushuluddin dan Humaniora UIN Walisongo Semarang), p. 98-103.

2. Double Consonant

Double consonant, including *syaddah*, is written double.

For Example, رَبَّكَ is written rabbaka

3. Tā' Marbūtah (ة) at the End of Word

a. Tā' Marbūtah (ة) at the end of the word with sukūn written as h, except Arabic word that is used as Indonesian words, such as salat, zakat, etc.

For Example, فاطمة is written as *Fātimah*.

b. Tā' Marbūtah (ة) followed by ال but read sukun must be written as h.

For Example, مدرسة العالية is written as *madrasah al-'aliyah*.

c. Tā' Marbūtah (ة) followed by ال, but read as unite, must be written as t.

For Example, مدرسة العالية is written as *madrosatul 'aliyah*.

4. Vowel

a. Short Vowel

◌َ	A
◌ِ	I
◌ُ	U

كَلِمَ	<i>Kalama</i>
شَرِبَ	<i>Syariba</i>
كُتِبَ	<i>Kutubun</i>

b. Long Vowel

Long vowel (maddah) written as huruf and stripe (-) above it

نَامَ	<i>Nāma</i>
كَرِيمَ	<i>Karīm</i>
مَحْمُودَ	<i>Mahmūd</i>

c. Double Vowel

Fathah + Ya' Sukūn = بَيْنَ	<i>Baina</i>
-----------------------------	--------------

Fathah =+ Wawu Sukūn = قَوْلَ	<i>Qaula</i>
-------------------------------	--------------

- d. Consecutive Short Vowel in the One Word separated with the Apostophe

أَنْتُمْ	<i>A'antum</i>
----------	----------------

5. Article Alif + Lam (ال)

- a. Followed by huruf Qomariyyah is written as al and separated by a stripe (-)
(-)

القرآن	<i>Al-Qur'an</i>
--------	------------------

- b. Followed by huruf Syamsiyyah is written as natural formula separated with stripe (-)

الشمس	<i>Asy-Syams</i>
-------	------------------

6. Word as Part of Phrase or Sentence

It is written as a natural formula

أهل لِسَنَّة	<i>Ahl as-sunnah</i>
--------------	----------------------

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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ABSTRACT

Tafsir Maqasid is the most effective method to interpret Veil (Hijab and Niqab) verse in the contemporary era. Because classical interpreters support that it is not suitable if applied in countries that impose a system of freedom (the majority of the population is non-Muslim). This study aims to describe, analyze, and apply the interpretation model of Maqasid from Wasfi Asyur Ali Abu Zayd to get the maqasid of the verse on Veil (Hijab and Niqab) that is applied in the present era. The researcher hopes to contribute and give solutions for the problems related to the Hijab and Niqab. This research is qualitative. Data collection was carried out by selecting examples of interpretation the Veil (Hijab and Niqab) verses from classical interpreters such as Ibn Kathir and Al-Qurtubi. After obtaining a point, then it provides a model of contemporary interpretation. The data is analyzed using the Maqasid approach of Washfi Asyur Ali Abu Zayd to answer Muslimah problems related to the Veil (Hijab and Niqab) discrimination. The researcher found from Wasfi Asyur Ali Abu Zayd interpretation not forbidden to loose their veil (Hijab and Niqab) in “emergency” condition. In addition, the Washfi Asyur Ali Abu Zayd interpretation contribute more benefit to safety woman.

Keyword: *Hijab & Niqab, Tafsir Maqasid, Wasfi Asyur Ali Abu Zayd*

CHAPTER I

A. Background

The Al-Qur'an has produced many studies and answers to the problems of Muslims in particular. There has been a study of the interpretation of the Koran with various styles and methods. When viewed with other religious books, the unique phenomenon from the holy Quran. In Indonesia, the journey of interpreting the Koran has been carried out since the 16th century until it arrives by paying attention to the phenomenological, psychological, socio, historical, and symbolic aspects. All contemporary interpretations are slightly different and sometimes even cause debate if analyzed with previous classical commentaries.¹

The geographic, sociological, cultural, and political conditions of the Arab nation greatly influenced the emergence of the Al-Quran and hadith in historical records because the problems of the Arab community were answered

¹ Imam Musbikin, *Istantiq Al-Qur'an*, Madiun : JAYA STAR NINE, 2016 , p.345.

through the gradual decline of the Qur'an so that it could be accepted and adopted slowly. Besides, the Makkah and Medina communities, which were divided into several tribes, took part in the form of text characters that were revealed in the Qur'an.²The development of the methodology of symbolic interpretation and interpretation resulting in "symbolic" lifestyles, traditions, and rituals has invited many responses from academics to be studied more deeply and researched.³

Fashion production can attract consumers easily and quickly, such as a celebrity using Islamic fashion, famous for using the media to attract netizens' attention. Sometimes, the meaning of clothing shifts, especially the meaning of "Veil, *hijab*. and the *niqab* "is also common.⁴Even so, "oblique goals" can still be heard from groups of Muslimah who "dress specifically."Muslimah who wear the Veil (*Hijab* and *Niqab*)are called "Exclusive," "Ukhty," "Youth Hijrah," and "Syar'i," followed by news. The case viral on social media tilted towards negative things. Negative issues such as the phenomenon of Cross *Hijabers* (Veiled Male Community)⁵ so that the assumption that is wearing a Veil (*Hijab* and *Niqab*)is classified as "Extreme," " Fundamental, "Radical " until the " Terrorist "stage.⁶

Islamophobia, according to John Esposito's The Bridge Initiative at the Prince Alwaleed bin Talal Center for Muslim-Christian Understanding at Georgetown University, is prejudice or discrimination against Muslims because of their religion, or religious, national, or ethnic identity associated with Islam. Such as anti-Semitism, racism, and homophobia. Islamophobia describes a mentality and actions that denigrate an entire people class. Jewish-

² Imam Musbikin, *Istantiq Al-Qur'an*, Madiun : JAYA STAR NINE, 2016 , p.300.

³ Imam Musbikin, *Istantiq Al-Qur'an*, Madiun : JAYA STAR NINE, 2016, p.347.

⁴ Melly Maulin Purwaningwulan, Asep Suryana, Uud Wahyudin, Susanne Dida, *"The Existence of Social Media as a Promotional Media in The Hijab Image Revolution in Indonesia"* In *The Library Phylosophy and Practice at Nebraska-Lincoln*, (April 2019), p.13.

⁵ wan Supriyatna. Husna Rahmayunita. *fenomena-cross-hijabers-viral-ini-komentar-mui*. Published 17 Oktober 2019 dari <https://www.suara.com/news/2019/10/17/083850/fenomena-cross-hijabers-viral-ini-komentar-mui> (Accessed 15 April 2021 at 15.06 WIB)

⁶ Fathayatul Husna, *"NIQAB SQUAD JOGJA DAN MUSLIMAH ERA KONTEMPORER DI INDONESIA"* In *The Al-Bayan*, Vol. 24 No. 1 (Januari – Juni 2018) p. 3.

African-Americans and other populations throughout history have faced prejudice and discrimination. Islamophobia is only a reincarnation of this unfortunate trend of bigotry.⁷ Islamophobia is a real movement against followers of Islam around the world. Islamophobia refers to the fear anything related to Islam. Islamophobia is a form prejudice and hostility aimed at Muslims generally generalized by many western countries to Muslim groups. In the context of social stratification, Islamophobia, according to Wolf, enters into a racial nature because of the fear and hatred of Islam.⁸

The lack of objective, comprehensive information, and news or opinion formation from the media that is not balanced with Islamic teachings are the next factors which, according to John L. Esposito, foster an excessive fear of Islam. This is because many people in the West still think that Islam is a religion of violence. Its holy book, the Al-Qur'an, is the source of religion that teaches terror. Likewise, the Prophet Muhammad was an advocate for acts of terror. There has not been a series of films that have led public opinion that the Middle East and whoever comes from it are terrorists. Such as *Innocence of Muslim* (July 2015), *American Sniper* (January 2015), and others.⁹

According to The Polish Institute International Affairs, which cites data from the Eurobarometer, discrimination against Islam is getting worse from year to year. Islamophobia is a serious issue in multiculturalism in France. Recent data states that France (66%) is the country with the highest level of discrimination, followed by Belgium (60%), Sweden (58%), Denmark (54%), the Netherlands (51%), and the United Kingdom (50%). Compared to 2009, there have been significant increases this year in France (66%) and Belgium (60%). That percentage rose 30% in 2011, and almost five times that of 1992.¹⁰

⁷ Farid Hafez, "Schools of Thought in Islamophobia Studies : Prejudice, Racism, and Decoloniality", In *The ISLAMIPHOBIA STUDIES JOURNAL*, Vol. 4, No. 2 (2018), p. 214.

⁸ Hanif Cahyo Adi Kistoro et.al, "Islamophobia in education : Perceptions on the wear Veil (Hijab and Niqab)/ niqab in higher education", In *The Indonesian Journal of Islamic and Muslim Societies*, vol. 10, No. 2, (2020), p. 229.

⁹ Vicky Izza El Rahma , "RADIKALISME, ANTI-AMERIKANISME, DAN ISLAMOFOBIA", In *The Jurnal Keislaman*, Vol. 3, No. 2, p. 139.

¹⁰ Petsy Jessy Ismoyo, "ISLAMOFOBIA DI PRANCIS : DIaSKRIMINASI PEREMPUAN MUSLIM MAGHRIBI", In *The Jurnal Cakrawala*, Vol. 5, No. 2, (2016),p. 227.

Not stopping there, Trump's Republican Party also made Islamophobia a weapon of control in its interests.¹¹

The role of political figures and journalists (media) also exacerbates Muslimah who wear *hijab*. The violence that exposes sexist and racist acts places Woman's bodies as objects judged by the public. This contradicts the "essence" of laicite, which guarantees freedom by distinguishing between religion and the public sphere. The position of the media exacerbates the representation of Muslimah in headscarves by 'giving' a double stigma against discrimination by French society. This seems to dehumanize Muslimah wearing the veil. Discrimination also occurs to Woman considering the subordination of men, 80% of acts of discrimination that occur against Woman in France who wear a headscarf. Physical violence also involves Woman's bodies as victims sexual violence. This phenomenon is followed by discrimination in work due to the wage gap between Woman and men workers. Woman earn 25% less than men in all occupations. Not only wages but also in almost all public spaces: schools, government institutions, police stations, city halls, to supermarkets. Besides, access to health and leisure for Woman wearing headscarves is limited. The problem of prostitution law is also considered to be detrimental to Woman. It is also an indication of discrimination against Woman.¹²

His condition worsened with the spread of ultra-conservative ideas such as the ideology of ISIS. The increasing number of Muslim migrants from the Middle East (Wahabi-Salafi) and the more openness of global information have opened up ultra-conservative ideology and even radicalism in Germany. Although the socio-political conditions in Germany are much more conducive

¹¹ Hatem Bazian, "Islamophobia, Trump's Racism and 2020 Elections!", In *The Islamophobia Studies Journal*, Vol. 5, No. 1, (2019),p. 9.

¹² Petsy Jessy Ismoyo, "ISLAMOFobia Di Prancis : Diskriminasi Perempuan Muslim Maghribi", In *The Jurnal Cakrawala*, Vol. 5, No. 2, (2016),p. 229-230.

than in France and Belgium, Islamic radicalism has also occurred in recent years.¹³

By paying attention to al-manath, a new law/fatwa may be born different from the previous law/fatwa. This case not only because changes in place and time, but also because differences who object the law. Imam al-Ghazali illustrated the change in fatwa / legal provisions due to differences in the figure requesting the fatwa. The illustration is about two questioners who ask how the law is to dive into sea water. A first questioner is a person who can swim, while the second cannot swim. Based on the mufti's knowledge, he permits plunging into the sea on the first questioner, and it is forbidden to go into the sea for the second questioner. This can be made logically, with one question, one problem but different answers and laws, based on the person's condition.¹⁴

From this, the experts say, mufti or mujtahid cannot issue fatwas or enact laws without having the ability to understand two main things. First, to deeply understand the situation in the field by paying attention to it to find evidence, indicators, and signs to understand without being observed any general or special factors related to it. It should also describe future conditions that need to be considered. Anticipating the future situation with a futurological approach is a preamble for applying sharia law in society. Of course, the future state cannot be described without knowing well the present condition. As a result, as written by contemporary scholars as; Mauritania, Sheikh Abdullah bin Bayyah, "A mufti and mujtahid to understand the reality on the ground must ask: What happened ?, Why happened ?, Where did it happen?, When? And how?".

The great scholar Ibn al-Qayyim (1292 H / 1350 AD) more or less emphasized:

¹³ Muhammad Wildan, "Perkembangan Islam di tengah Fenomena Islamofobia di Jerman", In *The Temali : Jurnal Pembangunan Sosial*, Vol. 2, No. 2, (2019), p. 266-267.

¹⁴ M Quraish Shihab, *Islam Yang Saya fahami : Keragaman Itu Rahmat*, Tangerang : Penerbit Lentera Hati, 2018, p. 22-23

"Those who believe by simply quoting what they find in the sheets of books that have different customs, times, places, conditions and indicators of their condition are simply quoting without considering the objective conditions of who was given the fatwa. So the mufti has gone astray and misled. His violation of religion is greater than the offense/lawlessness of those who treat all humans. Based on what he reads in the book, without considering/diagnosing the condition of each patient. The stupid mufti is very, very dangerous to the health of the person he is working with. "

Second, understand the laws of Allah and Rasul SAW from various aspects and illat, and pay attention to maqashid asy-syari'ah and then determine the law. Such is the formula put forward by the experts, they conclude from the experiences of the Prophet and his companions.

As a result, the considerations stated above make a person understand that may be different from the understanding of others, partly because of differences in time, place, and differences in legal objects. Therefore, since the companions time until now, there have been various opinions regarding the details of Islamic teachings. So there are different scholars views in differences conditions community which the thinkers with expressed their views.¹⁵

For those who have not reached a scientific degree so that they cannot perform ijihad, like this researcher too, but if he can compare the opinions of the mujtahids, he is obliged to choose what is the strongest in his opinion. If he cannot compare, he can choose an opinion that reassures his heart to encourage his belief in a mujtahid or choose what is easy from the various opinions. Yes, choosing the easiest one because, as Nabo Saw Aisyah's wife said, "Two alternatives are not presented to the Prophet except choosing the easiest as long as it is not a sin" (Narrated by Bukhari, Muslim, and others). Once researchers understand the description of the M Quraish Shihab, and that is what

¹⁵ M Quraish Shihab, *Islam Yang Saya fahami : Keragaman Itu Rahmat*, Tangerang : Penerbit Lentera Hati, 2018, p. 24-26.

researchers often use in various descriptions of legal issues in the life of the general public.¹⁶

Because of technology industry development, we get many online dakwah based on Instagram, youtube, others. A few dakwah online groups will be "takfiri," someone different practice spiritual activities with their group.¹⁷ The theme—controversial (disagreement) among the scholars regarding the aurat limitations must be covered. As we know, *maqasid* interpretation is the method to explain or thoroughly analyze the meaning of the logical meaning and its purpose to understand the meaning/purpose of a verse, and the surah in the Koran, whether it is al- *maqasid* al-ammah (general purpose) and al-*maqasid* al-juz'iyah (partial purpose).¹⁸

The author's involvement in conducting research using the *Maqasid* interpretation is an effort to improve scientific work through academic research that aims to answer religious and social life problems, which become academic problems because of demands for answers from people experts fields. On the other hand, the *Maqasid* interpretation has its specialities in both academic circles and society. This case because the relationship between the *Maqasid* interpretation and different interpretations is mutually sustainable, and being an independent interpretation method also penetrates the boundaries of other interpretations. Besides that, the *Maqasid* interpretation can stand independently (without the help of other interpretation methods), while different interpretations cannot be separated from the *Maqasid* interpretation. The characteristics and features of the *Maqasid* interpretation are deplorable if the minimal research using this method.¹⁹

¹⁶ M Quraish Shihab, *Islam Yang Saya fahami : Keragaman Itu Rahmat*, Tangerang : Penerbit Lentera Hati, 2018, p. 26-28.

¹⁷ Puji Harianto, "Radikalisme Islam dalam Media Sosial (Konteks; Channel Youtube)" In *The Sosiologi Agama* Vol. 12, No. 2 (July-December 2018) p.310.

¹⁸ Ulya Fikriyati, *Metode Tafsir Maqasid(Memahami Pendekatan Baru Penafsiran Al-Qur'an)* Terj. "Nahwa al-Tafsir al-Maqasidli Al-Qur'an al-Karim writen by Wasfi Asyur Abu Zayd, Jakarta Selatan : PT Qaf Media Kreativa, 2019, p. 20-21.

¹⁹ Ulya Fikriyati, *Metode Tafsir Maqasid(Memahami Pendekatan Baru Penafsiran Al-Qur'an)* Terj. "Nahwa al-Tafsir al-Maqasidli Al-Qur'an al-Karim writen by Wasfi Asyur Abu Zayd, Jakarta Selatan : PT Qaf Media Kreativa, 2019, p. 22.

Besides, the *Maqasid* method to minimize conflicts in social life becomes religious moderation. Let alone war between religious communities because of conflicts and bigotry that originate from "Closed Minded in doing *ijtihad*" to determine the aurat limitation. How to rigidly cover the aurat of a Muslimah often used the benchmarks of a person's distraction²⁰. The precautionary principle in the *maqasid* also avoids the worst impact of interpreting the symbol of clothing as a measure of transgression, turning into an amalgamation of "infidels" to others who disagree with or disagree with one's party because indirectly they feel themselves. Better and holier than others, this is where the deprivation of Allah's prerogative is unconsciously taken away and falls into *shirk* because it is as if able to judge the level of faith in a person's heart.²¹

The verse becomes discussed from the academic problems to the *hijab* interpretation because of different interpretations' pros and cons. Here the author wants to invite Muslims to think openly, muslimah aurat limitation and determining how to dress rigidly. The author invites us to try to look at the problems of the *hijab* on an international scale.²²

Although the writer knows a researcher uses the method of interpretation "which is considered new" by some scholars. Because of the *maqasid* interpretation, which brings the interpretation of renewal, this method is not because this method is newborn, so it is difficult to accept its existence by a group, but the method. This is a method "rarely" used by tafsir scholars in the classical era and then used by tafsir scholars in the modern era such as Wasfi Asyur Abu Zayd, and supported by M Quraish Shihab and KH. Husein Muhammad, the stronger the general view that this interpretation is a new

²⁰ Ulya Fikriyati, *Metode Tafsir Maqasid (Memahami Pendekatan Baru Penafsiran Al-Qur'an)* Terj. "Nahwa al-Tafsir al-Maqasidli Al-Qur'an al-Karim written by Wasfi Asyur Abu Zayd, Jakarta Selatan : PT Qaf Media Kreativa, 2019, p. 186.

²¹ Nadirsyah Hosen, *Saring sebelum Sharing*, Yogyakarta : PT Bentang Pustaka, 2019, p. 301-304.

²² Muhammad Subarkah. *Hijab Kembali Menjadi Polemik di Prancis* . Published Rabu 19 Jun 2019 09:21 WIB From <https://www.republika.co.id/berita/ptbqkf385/hijab-kembali-menjadi-polemik-di-prancis> (Accessed 11 April 2021 at 23.08 WIB)

method interpretation. In Islam, we can be proven by looking at the period of the *maqasid* interpretation because the period of *maqasid* interpretation in its history is divided into three periods: (1) Ta'sis (2) Tadwin and (3) Tajdid.²³

Hijab and *Niqab* are derived from the English, namely *Hijabers* and *Niqaber* (حَجَبَ نِقَابٌ يَحْجُبُ) is an uptake of Arabic, *hijab* means covering while *niqab* is veiled. Cross *Hijabers* and *Niqabers* is a call addressed to a group of men who like to wear the "Cross *Hijabers*" veil. The people have disturbed the virtual world over their presence which has provoked the fear of genuine Muslimah. A group of Muslimah wears the *niqab* called (veil) "*Niqab Squad*" has become a hot topic lately. So that there have been many debates among academics, religious leaders and it has become an international issue.²⁴

The Veil (*Hijab* and *Niqab*) is a word found in the Al-Qur'an which discusses the command to cover one's aurat. It turns out that it results in a different perspective in its application and determination of the ulama's aurat boundaries. Besides that, the Veil (*Hijab* and *Niqab*) is a product of the headscarf used by some Muslimah groups. It has always been a controversial theme among the public among its supporters and opponents.²⁵ Like some of the following propositions and tafsir.

(59) O Prophet, tell your wives and daughters and the Woman of the believers to bring down over themselves [part] of their outer garments (The *jilbāb*, which is defined as a cloak covering the head and reaching to the ground, thereby protecting the woman's entire body). That is more suitable than known (As chaste-believing Woman.) and not being abused. And ever is Allāh Forgiving and Merciful (Or "and Allāh was Forgiving and Merciful" of what occurred before this injunction or before knowledge of it.)²⁶

²³ Zaenal Hamam, A. Halil Thahir STAIN, "MENAKAR SEJARAH TAFSIR MAQĀSIDI" In The *QOF* Vol. 2 No. 1 (January 2018) p. 5-8.

²⁴ M Quraish Shihab, *Jilbab Pakaian Wanita Muslimah : Pandangan Ulama Masa Lalu dan Cendekiawan Kontemporer.*, Tangerang : Penerbit Lentera Hati, 2018, p. Viii.

²⁵ Lisa Aisyah Rasyid, Rosdaliana Bukido, "PROBLEMTIKA HUKUM CADAR DALAM ISLAM: SEBUAH TINJAUAN NORMATIF-HISTORIS" In The *Ilmiah Al-Syir'ah* Vol. 16 No. 1 (2018) p. 74.

²⁶ https://quranenc.com/id/browse/english_saheeh/Q.S Al-Ahzab : 59 (Accessed 15 April 2021 at 04.20 WIB)

(31) And tell the believing Woman to reduce [some] their vision (Looking only at what is lawful and averting their eyes from what is unlawful). And guard their private parts and not expose their adornment (Both natural beauty, such as hair or body shape, and that with which a woman beautifies herself of clothing, etc.) except that which [necessarily] appears thereof (the outer garments or whatever might appear out of necessity, such as a part of the face or the hands).²⁷

Ibn Kathir's interpretation: "That is so that they are easier to be recognized." If they did, they would be known as free believers, not slave girls. As-Saydi said that some wicked people, when night falls, go to the streets where Woman come out to fulfil their needs. Those wicked people deliberately look at the Woman passing by. If they see a woman wearing a veil, they will say that she is a free woman. So they hold back and do not disturb him. Moreover, if they see a woman who is not veiled, they say that she is a slave, disturbing her.²⁸

Then for Q.S An-Nur verse 31, Allah Almighty ordered Woman who believe to submit their views and no longer make the habits of ignorant Woman and the habits of idolatrous Woman. This verse comes down with a narrative at Asma's bin Martsad, who lived in Bani Harithah. At that time, the woman entered his house without covering his feet. So that part of his legs could be seen, as well as over his chest. Asma 'said, "This is bad." So Allah Most High revealed this verse. Based on this verse, scholars agree that Woman are haram to view the opposite sex with lust. Besides that, Allah Most High instructed them to lower the Veil (*Hijab* and *Niqab*) to cover the chest, neck, and shoulders. They are also considered to keep their aurat from adultery.²⁹

²⁷ https://quranenc.com/id/browse/english_saheeh/Q.S An-Nur : 31 (Accessed 15 April 2021 at 04.20 WIB)

²⁸ CV. Jabal Raudhatul jannah / *MUFASSIR (AL-QUR'AN, TERJEMAH, TAFSIR)*, Penerbit Al-Quran Hilal 2010, p. 172

²⁹ CV. Jabal Raudhatul jannah / *MUFASSIR (AL-QUR'AN, TERJEMAH, TAFSIR)*, Penerbit Al-Quran Hilal 2010, p. 143.

Niqab comes from Arabic, which means cloth to cover a woman's face. The *niqab* is part of the face-covering, known as a Veil (*Hijab* and *Niqab*) when paired with a Veil (*Hijab* and *Niqab*) worn by Muslimah in Indonesia. There are two kinds of a *niqab*, namely the *niqab* attached directly to the Veil (*Hijab* and *Niqab*) and the *niqab* separate from the veil. The *niqab* connected with a Veil (*Hijab* and *Niqab*) is better known as a Veil (*Hijab* and *Niqab*) that functions to cover a woman's face made of dark but thin transparent material, a kind of mosquito net so that when used to cover the eyes, it can still penetrate the view. When used to cover the nose, it also does not prevent the user from breathing. There are various kinds of *niqab* models. Likewise, some are entirely black and plain with the colors, like the characteristics used in Arab countries. Some are colorful with the current fashion following the times to still exist even though they use a veil.³⁰

The observe to analyze from text and context Veil (*Hijab* and *Niqab*) verses of the Koran regarding the veil, which is also trending as "*hijabers* and *niqabers*" and the limitations of Woman's aurat, some scholars limit the aurat of the whole body except the face and palms, which refer to (Q.S. an-Nūr Verse 31). Some order to cover the whole body without any parts exposed referring to (Q.S. Al-Ahzāb Verse 59)³¹, as well as the spirit of a group of Muslimah whose argument is to revitalize the "sunnah of the prophet" by using a *niqab* or Veil (*Hijab* and *Niqab*) on their faces.

In recent years, both internationally and in Indonesia, the *hijab* and *hijab* as Muslim clothing have become the hottest political issues and have entered state policy space. Dimension, the supreme leader of al-Azhar Sayyid Muhammad Tantawi, gets severely stabbed by many Muslims due to his statement that the French government is free to take policies better for society. Even though veiling was obligatory for a Muslimah. On the other hand, the French Government is criticized by Muslims who view the *hijab* as a religious

³⁰ Fadlolan Musyafa, *Jilbab Yes, Niqab No*, Yogyakarta : Penerbit Pustaka Ilmu, 2019, p. 2.

³¹ M Quraish Shihab, *Jilbab Pakaian Wanita Muslimah : Pandangan Ulama Masa Lalu dan Cendekiawan Kontemporer*, Tangerang : Penerbit Lentera Hati, 2018, p. 63.

obligation and do not consider it obligatory, even in non-Muslim circles. Their reason, partly because the policy violates human rights.³²

National Commission For Woman (Komnas Perempuan) has recorded this development from year to year, since 2017, then in 2018, the ban on veiling at UIN Sunan Kalijaga Yogyakarta went viral in the media³³, so that it skyrocketed into public discussion among prominent figures³⁴. In its annual record of monitoring public policies in the regions, Komnas Perempuan found dozens of policies regulating Indonesian society's clothing, especially Woman. In his analysis, Muslim clothing rules are driven by the desire to win the battle for political power. The headscarf/*hijab* is considered an issue that attracts politicians from all political parties. They use Muslimah's identity in Indonesia for imaging and looking for party followers themselves, with a good reason for most of the Muslim community's guidance. The entry of the Veil (*Hijab* and *Niqab*) issue into politics in the public sphere of constitutional order is undoubtedly a serious issue and contains discrimination because one has to sacrifice.³⁵

Therefore, to answer the academic problems, mainly Al-Qur'an and Tafsir's students, to improve research results using the knife "Tafsir *Maqasidi*." The writer hopes to understand the interpretation of the *hijab* verse, which is applied in wearing everyday life clothes. However, it also seems sensitive to social, religious, and political issues. Then it adds to Islamophobia by the international community if the user of the *hijab* verse interpretation is too stiff. Then the author wants to continue the research with the title "*Hijab and Niqab in Maqasid Perspective*" (An Analyze on The Interpretation of Wasfi Asyur Abu Zayd on Q.S Al-Ahzab 59 and An-Nur 31).

³²M Quraish Shihab, *Jilbab Pakaian Wanita Muslimah : Pandangan Ulama Masa Lalu dan Cendekiawan Kontemporer.*, Tangerang : Penerbit Lentera Hati, 2018, p. ix.

³³ CNN Indonesia. 2018. *Kontroversi Pelarangan Cadar di UIN Sunan Kalijaga*. Published 7 Maret 2018 From Channel Youtube CNN Indonesia (Accessed 15 April 2021 at 17. 52 WIB)

³⁴ Talk Show Tv One. 2018. *Cadar, Perintah Agama atau Budaya? - Apa Kabar Indonesia Malam*. Published 7 Maret 2018 dari Channel Youtube Talk Show TV One (Accessed 15 April 2021 at 17. 53 WIB)

³⁵ Husein Muhammad , *Jilbab dan Aurat*, CV. Aksarasatu, 2019, p. 3-4.

B. Research Problem

1. How does the *Maqasid* interpretation of Wasfi Asyur Abu Zayd work in interpreting the Veil (*Hijab* and *Niqab*) verses?
2. What are the results and the contribution (changes) made by the *maqasid* interpretation on the Veil (*Hijab* and *Niqab*) verses on global society?

C. Research Objectives and Benefits

The *objectives* of this study are as follows:

1. To understand the *Maqasid* interpretation of Wasfi Asyur Ali Abu Zayd in interpreting the Veil (*Hijab* and *Niqab*) verses.
2. To know the contribution (changes) made by the *maqasid* interpretation on the Veil (*Hijab* and *Niqab*) verses on global society.

The benefits of this research are as follows:

1. To enrich the *Maqasid* research and bridge further researchers as an alternative method in the contemporary era.
2. Provide an understanding of the differences between the headscarf, *hijab*, *niqab*, and veil.
3. Responding to public unrest who sees contradictions between religious groups in deciding the boundaries of aurat and dress styles seem rigid.
4. Provide answers to issues that can lead to social disparities between pro and contra Veil (*Hijab* and *Niqab*) groups.
5. Contributing to global issues preaching by minimizing Islamophobia due to rigid interpretations has an extreme impact on followers (religious moderation).

D. Literatur Riview

To obtain *maqasid* from the Veil (*Hijab* and *Niqab*) verses of Q.S An-Nur 31 and Q.S Al-Ahzab 59, the researcher conducted a literature review

through Wasfi Asyur Ali Abu Zayd's interpretation analyzed it to find "novelty aspects" in the interpretation of the *hijab* verse. The steps are as follows:

1. The researcher uses the interpretation of the *hijab* verse from the Book of Tafsir Ibn Kasir and Tafsir Al-Qurtubi to explain the function of the past veil, then uses the Tafsir Al-Misbah, "Jilbab Pakaian Wanita Muslimah" by M Quraish Shihab to carry out a contemporary approach and its *maqasid*, equipped with commentary listed in KH Husein Muhammad latest book entitled "Jilbab dan Aurat," along with the fatwa in "Jilbab Yes *Niqab* No" by KH Fadlolan Musyafa "to research history and matters related to the veil.
2. The research from Ahmad Dalihan on Syarif Hidayatullah State Islamic University of Jakarta at 2020, the title is "Al-Quran dan Cadar : Studi Kasus Komunitas *Niqab* Squad Jakarta" , the result from the thesis only to describe or to explain the motivation muslimah use cadar in Jakarta from following their friends, community, Youtube and Husband. But the author become complement in Ahmad Dalihan thesis.
3. The research from Brilliant Putri Pratiwi on Sunan Ampel State Islamic University of Surabaya at 2019, the title is "Kontroversi Pemakaian Cadar" (Studi Tafsir Surah Al-Ahzab 59 According to Riffat Hasan and Maryam Jameelah Perspective), the result from the thesis explain Riffat Hasan and Maryam agree to the cadar for modesty clothes, but Riffat Hasan dont oblige muslimah use cadar and Maryam Jameela oblige all of muslimah use cadar. Here, the author will be refute Maryam Jameelah perspective by *Maqasid* Interpretation of Wasfi asyur Ali Abu Zayd.
4. The research from Ika Yupita Sari on Raden Intan State Islamic University of Lampung at 2019, the title is "Budaya Jilbab Mahasiswa Fakultas Ushuluddin dan Studi Agama UIN Raden Insan Lampung" (Kajian Living Quran), the result from thesis explain about specification *hijab* include 3 various : (1) Syar'i, muslimah use big clothes and cadar (2) Standard muslimah use standard clothes and cadar for example like classic santri in

the islamic boarding (3) General is fashionable student who following to the trend of *hijab*.

Based on the previous reseach data, We can look the difference between the author's research and previous research is the interpretation method used along with the research background. The author uses the *maqasid* method of interpretation of Wasfi Asyur Ali Abu Zayd to respond to the phenomenon of Muslim women who are victims of inflammatory discrimination in other parts of the world. So, the research that the author is doing is not a result of plagiarism but a new research that remains based on previous research data.

E. Research Methodology

1. Type of Research

This research is library research because the material is from the library or written in the form of books, articles, journals and other documents that are relevant to the subject and sub-problems in the study.

2. Data Source

Based on previous information, this research is library research, then the data collection method that author uses in this study is five main books and the other books, namely collecting data or documents related to research that is classified into two, namely:

1. Primary Data Primary data is the data source that the author makes as the main reference in discussing and examining this problem, such as the book Metode Tafsir *Maqasid* (Memahami Pendekatan Baru Penafsiran Al-Qur'an) written by Profesor Wasfi Asyur Ali Abu Zayd, Tafsir Al-Misbah, Tafsir Al-Lubab, Jilbab Pakaian Wanita Muslimah, written by Quraish Shihab , the last the book Jilbab dan Aurat written by Husein Muhammad.
2. Secondary Data Secondary data is the source of data used as a complementary source of this study. The secondary data includes

verses of the Quran, books, articles, scientific works that are relevant to the discussion.

3. Technique of collecting data

The data that the author has collected selected and used as primary and secondary references, such as the Book of the Metode Tafsir *Maqasid* (Memahami Pendekatan Baru Penafsiran Al-Quran) written by Profesor Wasfi Asyur Ali Abu Zayd, the Book of Jilbab Pakaian Wanita Muslimah by Professor M Quraish Shihab (the first Mufassir in Indonesia) as well as his book of commentaries, Jilbab dan Aurat book by Dr. (H.C.) K.H Husein Muhammad, Jilbab Yes *Niqab* No written by Dr KH. Fadlolan Musyafa 'Lc. M.A. Second refrence from some journals, theses, articles, news, dictionaries, television news reports, and others. All related to this research will be mapped according to the topic of discussion. Then analyzed using the interpretation of *Maqasid* Dr. Wasfi Asyur Ali Abu Zayd supported by M Quraish Shihab and KH Husein Muhammad, which is aligned with complex society now.

4. Data analysis techniques

After collecting some of the data, the author will divide the method into two stages, namely:

- a) The descriptive method describes the meaning or story implied in the *hijab* verse, then explains it with the previous interpretation of the Veil (*Hijab* and *Niqab*) verse. The reasons emerge that it is permissible to use the Veil (*Hijab* and *Niqab*) or not use the Veil (*Hijab* and *Niqab*) with certain conditions.
- b) The analytical method is a method that analyzes the similarities and differences from the interpretation of the classical ulama's *hijab* verse to the contemporary interpretation, the last using *Maqasid* interpreted method (Combination Conclusif and Mufassir Experiment Methode) from Dr. Wasfi Asyur Abu Zayd to raise the meaning and answer to the problem of the *hijab* in a global society.

F. Writing Systematics

To make it easier for researchers and readers to understand this research, the author will describe the writing systematics, which the authors will explain as follows:

CHAPTER I, namely the introduction, background, and brief history of the development of the *Maqasid* interpretation, then the definition of the headscarf, *hijab*, *niqab*, veil, and briefly the workings of the *Maqasid* interpretation in the *hijab* verse, ends with the researcher's hypothesis the benefits this research for the global society.

CHAPTER II, namely introducing and explaining the history of *Maqasid* Interpretation ,the history of the Veil (*Hijab* and *Niqab*)and general interpretation contemporary mufassir on Veil (*Hijab* and *Niqab*) verses.

CHAPTER III, to explain Wasfi Asyur Ali Abu Zayd Biography and his approach on *maqasid* interpretation.

CHAPTER IV, to explain the final result of *maqasid* interpretation on Q.S Al-Ahzab 59 , An-Nur 31 and its benefit with contribution on global society.

CHAPTER V, the conclusion from the first until the fourth chapter in the thesis talking about *maqasid* interpretation of veil (*Hijab* and *Niqab*) Verses.

CHAPTER II

The History of Tafsir *Maqasid* and The History of The Veil

A. History of Tafsir *Maqasid*

The word of Tafsir *Maqasid* combines the two words "Tafsir" and "*Maqasid*". To know explanation to get a complete, precise, and perfect meaning wrapping of the words tafsir and *maqasid*. The Word Tafsir has the meaning as an explanation or the appearance of meaning. Ahmad Ibn Faris (d. 395 H), a linguist, explained in his book al-Maqayis fi al-Lughah that words consisting of three letters fa-sin-ra 'contain the meaning of openness and clarity. Hence the Word fasara (فسر) is similar to safara (سفر). It's just that the first includes the meaning of displaying meaning that can be reached by reason, while the second, namely safara, shows things that are material and sensory. If you characterize a woman with safrah, she reveals what parts of her body should be covered.

The author chooses the meaning conveyed by al-Zarqani and Az-Zarkasyi. Al-Zarqani defines the following interpretation:

علم يبحث فيه عن القرآن الكريم من حيث دلالاته على مراد الله تعالى بقدر الطاقة البشرية

"The knowledge discusses the Koran from the point of view, of what it is based on the intentions of Allah SWT with the level of human ability."

Meanwhile, Az-Zarkasyi defines it as follows:

علم يعرف فهم كتاب الله تعالى المنزل على محمد صلى الله عليه وسلم وبيان معانه واستخراج أحكامه و حكمه

"Knowledge to understand the Kitabullah that was sent down to the Prophet Muhammad, explaining its meaning and issuing laws or wisdom from it."¹

The Word tafsir (تفسير), which is taken from the Word fasara (فسر), contains the meaning of the seriousness of opening or repetitively making efforts to open.

So it means seriousness and re-venturing of efforts to open what is closed / to explain what is impossible/difficult from the meaning of something, including vocabulary.

Experts put forward various formulations about the meaning of "Tafsir al-Qur'an." One of the short but quite encompassing definitions is Explaining the purpose of God's words according to human capabilities. According to the abilities ' inclinations interpreter, the interpretation/explanation is born from the interpreter's earnest and repeated efforts to make istinbath / interesting and find meanings in the Koran verses and explain what is absurd/vague from these verses.

Several things need to be underlined from the above definition:

First, the interpreter must earnestly and repeatedly strive to find the correct meaning and can be justified. The Koran interpretation should not be

¹ M. Ainur Rifqi , and A. Halil Thahir , *"Tafsir Maqasid; Building Interpretation Paradigm Based On Mashlahah"*, dalam *Millah : Jurnal Studi Agama* , Vol.18, No. 2, (2019), p. 339-340.

carried out without a basis / just an estimate because what is interpreted is the Word of Allah. It can have a significant impact on human life and ukhrowi.

Second, the interpreter is not only tasked with explaining the meaning he understands, but he should also try to solve the absurdity/ambiguity of the meaning of lafadz or the content of the sentence in verse. But do not force the solution. Let him be in his disguise for the person concerned, maybe even throughout his generation. One day, Isha Allah will be revealed today from the many problems that have not been shown in the past.

Third, interpretation is the result of human efforts according to their abilities and tendencies. There will inevitably be ratings of the work interpretation, in-depth description or sometimes, the breadth or narrowness, and the style of interpretation. Such as legal or philosophical features, language. Science, and so on. Each of them drew from the Qur'an and offered what he had accumulated. Even though they vary, they may be all true.²

Thus, the authors conclude from several interpretive definitions from several points of view of the tafsir figures that tafsir is a discipline that seeks to reveal, explain, and become answers derived from the Al-Qur'an. Thus, Abu Zayd emphasized that interpretation (exegesis, commentary) means more explanation and clarification.³

لون من ألوان التفسير يبحث في الكشف عن المعاني والغايات التي يدور حولها القرآن كلياً أو جزئياً مع بيان كيفية الإفادة منها في تحقيق مصلحة العباد

The meaning of *maqasid* itself is the plural form of maqshad, from the root word (قصد), which means "to mean" or "towards something." Meanwhile, in terms, the goal, Shari stipulating Islamic laws to benefit His servants. Concerning the science of tafsir, this maqashid can mean maqashid Al-Qur'an

² M Quraish Shihab, *Kaidah Tafsir : Syarat , Ketentuan, dan Aturan yang Patut Anda Ketahui dalam Memahami Ayat-Ayat Al-Qur'an*, Tangerang : penerbit Lentera Hati, 2013, p. 9-10.

³ Imam Musbikin, *Istanthiq Al-Qur'an*, Madiun : JAYA STAR NINE, 2016, p. 79.

is the basis of maqashid al-shari'ah as goals to be realized in the stipulation syari'at for the benefit of servants.⁴

The meaning of "general" in the definition is al-*maqasid* al-'ammah (general purpose) of the Al-Quran Al-Karim. The general maqashid Koran are objectives that appear in the text of the Qur'an itself and are expressed by the majority of scholars'. Details about this available *maqasid* will be explained in the following discussion. What is meant by "partial" is al-*maqasid* al-juz'iyyah (partial purpose) which may only be devoted to the theme, surah, a specific group of verses, or even those contained in one verse or one lafadz along with the explanation of the meaning.

While maqashid, according to Ibn Ashour in Jasser Auda, comes from Arabic, namely maqashid, which is the plural form of maqshad, which means purpose, objective, principle, intention, goal, final goal. According to several Islamic legal theorists, maqashid is an alternative statement for mashalih or benefits.⁵

The section "explaining how to use it" is included in the definition to emphasize that the *Maqasid* Interpretation is not an interpretation. *Maqasid* Interpretation is an attempt to explain the steps to ground the guidance/guidance of the Qur'an in contemporary reality. This interpretation should also touch all social circles, including individuals, families, communities, countries, people, and humans as a whole.

In this book, the meaning of the Word ru'yah is to see something clearly from all sides and dimensions. A perspective will be known parts of something, its aspects, and its limitations. The meaning of ta'sis cannot be separated from the meaning of the language, namely the origin of something, the root, and the beginning. Based on this, what is meant by ru'yah ta'sisiyyah is the initial view. A picture explains something and makes it visible by describing its signs, the boundaries of its dimensions, and voicing its genealogy. In the context of our

⁴ M. Ainur Rifqi, and A. Halil Thahir, "*Tafsir Maqasidi; Building Interpretation Paradigm Based on Mashlahah*", In *The Millah : Jurnal Studi Agama*, Vol. 18, No. 2, (2019) p. 340.

⁵ Umayyah, "*Tafsir Maqasid: Metode Alternatif Dalam Penafsiran Al-Qur'an*", In *The Diya al-Afkar*, Vol.4 No.01, (2016), p. 40.

current discussion, the basic vision in question is to explain the basics and rules of the *Maqasid* Interpretation of the Al-Qur'an.

In this discussion, the focus is on explaining the genealogical aspects of the *Maqasid* Interpretation by exploring the links between the *Maqasid* interpretation and other interpretations, detailing the various interpretations of the *maqasidi*, focusing their directions, describing how to use them, determining the rules, and describing their purpose and benefits. All of this is expected to become a guideline implementing *maqashidi* interpretations and a reference for *maqashidi* mufassirs.

Thus, *Maqasid* Interpretation can be defined as a variety and flow of interpretation. among the various streams of interpretation that attempt to uncover the logical meanings and diverse goals that revolve around the Koran, both general and partial, by explaining the benefits. 'atnya to realize the benefits of humans that may not have been found in previous commentaries. This cannot be denied because the change of time from classical to contemporary has indeed found different religious problems than before, demanding that the commentators enact a law according to the present context even though it may conflict with the previous law.⁶

1. The Conclusif Method

The conclusive method is a method for obtaining the *Maqasid* Interpretation of a verse by collecting the verses in one theme (discussion), then examining what they have gathered from existing examples to conclude from the existing examples. To make a general conclusion through a process of research and analysis. This applies to all levels and varieties of *maqasid* Al-Qur'an, which includes general *maqasid*, special *maqasid*, and detailed *maqasid* of the verses of the Al-Qur'an. All of that is built on a conclusive method and all its rules by analyzing words and their meanings and their use and understanding.

⁶ Ulya Fikriyati , *METODE TAFSIR MAQASID: Memahami Pendekatan Baru Penafsiran Al-Quran*, terj. *Nahwa al-Tafsir al-Maqasidli al-Qur'an al-Karim Ru'yah Ta'sisiyyah lil Manhaj Jadid fi Tafsir al-Qur'an* writen by Wasfi Asyur Abu Zayd, Jakarta Selatan : PT QAF Media Kreativa, 2019,p.20-22.

After observing the collection of verses produced by the inductive method, a researcher can deduce things that are impossible to achieve except by collecting various verses and making correct observations. This can be added to by conducting inductive processes on various qiraat (reading models) of the verses that have been collected. Moreover, add to the collection of narrations that explain the law's stipulation in the verses discussed, the specificity, or the limitation on it. This will be an important step in the interaction process with the Qur'an and also the prophetic traditions.

Ibn Hazm said that one should not take part of the Qur'anic text and throw away the other part. Nor is it permissible to separate the law of a verse from its explanation, as it is not permissible for someone who states "There is no God but Allah," then is declared an infidel by cutting off his words in the section "There is no God." Instead, we should put all the utterances together, then establish the law of the complete speech. The same applies to the Qur'an. If there are verses from the Al-Qur'an that come down and are global, then there are hadiths that interpret these verses, then the two must be unified. All of them must be juxtaposed and partially combined with some of the others.

Ibn al-Qayyim has explained that this discussion is a special topic in understanding the Qur'an, and no one has paid attention to it except for a few scholars. Sometimes, the mind doesn't feel the connection between this and that. Al-Syatibi considered that this skill was only possessed by priests who had deep knowledge. He described Islamic law with a genius image. Islamic law is analogous to a human being who has perfect body organs. A human being cannot be called a human who has perfect body organs. A human being is not called a whole human, so he can think. Humans do not think using only their hands, feet, the head alone and not by the tongue alone.

On the other hand, humans use all the parts of their bodies that make them worthy of being called humans. Sharia is not required to judge

a case, except after all its nature is known, not from arbitrary arguments that come from it. If someone who is stupid mentions an argument, then that argument is considered imagination and not essential. If the hand is asked to speak, the speaking hand is imagination and does not happen. It is known from the fact that the human hand is not completely human, and the hand that speaks is an impossibility. Experts describe Islamic law as a complete entity. Some of the Shari'a serve as others, like all human body organs, to describe something effectively. Meanwhile, the followers of syubuhath pick up any argument haphazardly and in a hurry. It is not uncommon for them to contradict the general and partial laws of the Shari'a itself.⁷

2. Experimental Method

Experimental Methods, The experts of the Qur'an are an important method in exposing the *maqasid* of the Qur'an. Although it is not free from the possibility of error, and it is not as strong as the previous methods, this method is still very acceptable, taking into account the experience and level of scholarship of the scholars of the Qur'an. The Qur'an scholars are people who spend their years researching and scrutinizing the words of Allah, the words of the Prophet, and focusing their attention on the Shari'a laws and the instructions therein. These experts, in particular, have the expertise and professionalism to convey the results of their inductive research and what they have produced regarding the *maqasid* al-Qur'an. They have the full right for us to be heard and followed suit.

Izzudin Ibn Abd al-Salam expressed this very well: 'Anyone who pays close attention to *maqasid* syara' about promoting mashlahat and avoiding damage will arrive at a belief, and this knowledge of *maslahat* should not be ignored. The damage is also not allowed to be approached. Even though the scholars have no agreement, there is also no religious text

⁷ Ulya Fikriyati, *METODE TAFSIR MAQASID: Memahami Pendekatan Baru Penafsiran Al-Qur'an* terj. Nahwa al-Tafsir al-Maqasidli al-Qur'an al-Karim Ru'yah Ta'sisiyyah li Manhaj Jadid fi Tafsir al-Qur'an written by Wasfi Asyur Abu Zayd, Jakarta Selatan : PT QAF Media Kreativa, P. 103-107.

or specific analogy about it, the understanding of syara 'obliges it. The analogy is like people accustomed to mingling with the masters of goodness, wisdom, and reason and understanding what things they like, and they hate everything. If he was faced with good or damage that he had never known before, what would his friends think about the shown case? So based on his habits in behavior and the tradition of goodness he has, he will like goodness and hate damage.

Whoever lives with the Qur'an, carries out its instructions, calls on him, and jihadists in his way will undoubtedly know about the Qur'an, its secret meanings, and conclusions of its goals that no one else has. A person who is close to the Qur'an will have general and general abilities that enable him to determine whether the Qur'an wants this, or means such and such, or shows that the view of the Qur'an on this theme is aimed at achieving mutual benefit targets.⁸

This ability was born due to a long interaction with the Al-Qur'an, associating with it and cultivating it. The jurists and mujtahids have the same ability to deduce sharia laws because of their long interaction with the Shari'a, its rules, its rules, its sources and references, its science of ushul, and fiqh, the opinions of the scholars regarding their agreement or disagreement. And other matters related to the Shari'a.⁹

Thus, it seems that the two steps and the method did not come out with the original methodology, which the Koran must examine in terms of its socio-historical context. Because the Qur'an is a response to the socio-moral situations of Arabia at the time of the Prophet. Like The Quran contents came down to provide answers to questions or problems occurred

⁸ Ulya Fikriyati, *METODE TAFSIR MAQASID: Memahami Pendekatan Baru Penafsiran Al-Qur'an terj. Nahwa al-Tafsir al-Maqasidli al-Qur'an al-Karim Ru'yah Ta'sisiyyah li Manhaj Jadid fi Tafsir al-Qur'an* written by Wasfi Asyur Abu Zayd, Jakarta Selatan : PT QAF Media Kreativa,P. 107-110.

⁹ Ulya Fikriyati, *METODE TAFSIR MAQASID: Memahami Pendekatan Baru Penafsiran Al-Qur'an terj. Nahwa al-Tafsir al-Maqasidli al-Qur'an al-Karim Ru'yah Ta'sisiyyah li Manhaj Jadid fi Tafsir Al-Quran* written by Wasfi Asyur Abu Zayd, Jakarta Selatan : PT QAF Media Kreativa, 2020, p. 103-110.

at that time, either specific or general. But the answers were accompanied by reason and logic. According to the traditional commentators, the verses of the Koran were revealed, or the reasons for the decline of the verses.

Furthermore, it will function as correcting the results of the first moment, namely understanding and interpretation. If the results of the first understanding fail to apply to current conditions correctly or fail to understand the Al-Qur'an. Because it is impossible, something could and has been realized. In a specific order in the past, cannot be realized present context, of course, by "taking into account the differences in the specifics of the present situation." In this case, it does not change or violate general principles and values from the past and present.

Rahman calls *ijtihad*, namely "the effort to understand the meaning from a text or precedent in the past has a rule, and change the rule by expanding, or limiting or modifying it in such a way. So that a new situation can be covered therein with a new solution. Let's look at the pattern of *ijtihad* practiced by Rahman. It seems that it can be traced from the *ijtihad* pattern that was practiced by the Caliph Umar bin Khattab, which Rahman also described in his book *Islamic Methodology in History*. But perhaps what distinguishes it is the situation and conditions he faces. Compare also with the book entitled *Ijtihad Umar bin Khattab (Study of Changes in Law in Islam)*, by Dr. Amin Abdullah.¹⁰

The contemporary scholars explain the difference free Woman and servants in terms of dress and *aurat* during prayer or prayer is a fact that cannot be denied. It can indeed be used as a basis for stating that an assessment of what is considered vulnerable or not vulnerable to a woman's body (*aurat*) is related to the reason and customs of a society. Seeing the body parts of female or male slaves in the past gave rise to sexual arousal due to their low social status, so that the exposed parts of

¹⁰ Jazim Hamidi, Rosyidatul Fadlillah, dan Ali Manshur, *METODOLOGI TAFSIR FAZLUR RAHMAN : Terhadap Ayat-Ayat Hukum dan Sosial*, Malang : Universitas Brawijaya Press (UB Press), 2013, p. 48-52.

their bodies were not vulnerable, and because of this, they were permitted. Its needs to be remembered although in principle the ulama justify making customs a consideration in establishing law. This does not mean that religion gives up control to customs as a consideration in establishing law. But does not mean that religion gives up control over adat—habits without the control of religious principles and general norms.

Regarding 'illat and customs, there are several contemporary scholars and scholars who use it to understand the texts of the al-Qur'an and Sunnah, including in terms of Woman's aurat. One of them is Muhammad Sa'id al-Asymawi in the *Haqiqat al-Hijab wa Hujjiyat al-Hadith*, a polemic al-Asymawi and Muhammad Sayyid Thanthawi when the latter was Mufti of Egypt.

The levels of *Maqasid* Interpretation, according to Ali Hasbullah, are divided into three levels, namely:

- a. Al-Maqashid Al-Daruriyah (inevitability) is the need that must exist or is called primary needs. If this level need is not met, the humanity safety will be threatened both in this world and in the hereafter. Consists of
 - a) Hifzh al-Din (protection of religion)
 - b) Hifzh al-Nafs (protection of body and soul)
 - c) Hifzh al-Mal (protection of property)
 - d) Hifzh al-'Aql (protection of reason)
 - e) Hifzh al-Nasl (protection of heredity)
 - f) Hifzh al-'Ird (protection of honor)

According to Jasser Auda, the levels of necessity are a basic human need. According to Maslow, human needs shift from basic physical needs and security towards love and self-esteem to self-actualization.

- b. Al-Maqashid Al-Hajiyah (Needs), namely secondary needs. If this need is not met, human safety will not be threatened, but he will experience difficulties.

- c. Al-Maqashid Tahsiiniyah (completeness), namely tertiary needs, needs that do not threaten the existence of any of the five main things and do not cause difficulties if their needs are not met, only as a complement to everyday life.¹¹

Genealogically, the design of the *maqasid* interpretation of thought is neither new nor the result of the invention of contemporary scholars, because in the classical ushul fiqh tradition, the term *Maqasid* has been found in books written by classical ushul fiqh scholars. However, it is still summarized and scattered in the form of qiyas. . As at the time of friends, according to Salam Madkur in Duski Ibrahim, that the ijtihaad of the friends has three forms, namely: (1) interpreting the texts, (2) using the al-qiyas method, and (3) using masalah mursalah and istihsan.¹²

The history of the *Maqasid* interpretation follows the development of the science of tafsir as well, Halil Thahir took a reference from al-Dzahabi, grouping it into three periods, namely:

The first period, marhalah ta'sis, is the period of the apostles and companions, during the time of the prophet friend Umar bin Khattab who emphasized maqashid thinking. The thought of Umar bin Khattab r.a regarding the collection of Al-Qur'an manuscripts, for example, was initially opposed by Abu Bakr and Zaid bin Thabit (senior friends). However, after Umar delivered his maqashid, finally his ushul was accepted. A further example is when Umar's friends impose triple divorce in one assembly, but only one divorce is punished, while the second and third divorce only reinforces one divorce. This is documented in a history of the Imam Muslim, namely:

¹¹ Umayyah, "*Tafsir Maqasid: Metode Alternatif Dalam Penafsiran Al-Qur'an*", In the *Diya al-Afkar*, Vol.4 No.01, (2016), p. 40.

¹² Umayyah, "*Tafsir Maqasid: Metode Alternatif Dalam Penafsiran Al-Qur'an*", In the *Diya al-Afkar*, Vol.4 No.01, (2016), p. 42.

حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَ مُحَمَّدُ بْنُ رَافِعٍ - وَاللَّفْظُ الْإِنِّ رَافِعٍ - قَالَ إِسْحَاقُ أَخْبَرَنَا وَ
 قَالَ ابْنُ رَافِعٍ حَدَّثَنَا عَبْدُ الرَّزَّاقِ أَخْبَرَنَا مَعْمَرٌ عَنِ ابْنِ طَاوُسٍ عَنِ أَبِيهِ عَنِ ابْنِ عَبَّاسٍ قَالَ
 كَانَ الطَّلَاقُ عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَ سَلَّمَ - وَأَبِي بَكْرٍ وَسُنَّتَيْنِ مِنْ خِلَافَةِ
 عُمَرَ طَلَاقُ الثَّلَاثِ وَاحِدَةٌ فَقَالَ عُمَرُ بْنُ الْخَطَّابِ إِنَّ النَّاسَ قَدْ اسْتَعَجَلُوا فِي أَمْرِ قَدْ كَانَتْ
 لَهُمْ فِيهِ أَنَاةٌ فَلَوْ أَمْضَيْنَاهُ عَلَيْهِمْ فَأَمْضَاهُ عَلَيْهِمْ.

San'ani considered the hadith above as an effort by Umar r.a to be based on *maslahah*, namely that the people's honesty was flawed (dishonest) like the previous society. Therefore, Umar obeyed the law of talak which was pronounced three times (triple talak), and was only subjected to one talak, while the second and third positions of talak were only reinforcing the first divorce (ta'kid). Al-San'ani said:

أن هذا الحديث ورد في صورة خاصة هي قول المطلق أنت طالق أنت طالق وذلك أنه كان في عصر النبو وما بعده وكان حال الناس محمولاً على السلامة والصدق فيقبل قول من ادعى أن اللفظ الثاني تأكيد لا تأسيس طلاق آخر ويصدق في دعواه فلما رأى عمر تغير أحوال الناس وغلبة الدعاوى الباطلة رأى من المصلحة أن يجري المتكلم على ظاهر قوله ولا يصدق في دعوى ضميره وهذا الجواب ارتضاه القرطبي قال النووي هو أصح الأجوبة

Al-San'ani explained that the *umar* thought was an emryo of *Maqasid* Interpretation, which had correlated the problem of al-shari'ah and *maslahat* al-mukhatab. These two frequencies of text and context are brought together so that the benefit, which is Shari'a's main principle, can be realized.

Second period, marhalah ta'shil, namely the tabi'in period.

The third period, the marhalah tadwin, was the period that began with the Umayyah dynasty. In this period, the problem, which was the maqashid al-shari'ah, had begun to formulate his theory. In this case, the problem seen as maqashid may contradict the texts. Mayangsari and Noor corroborated this interpretation. If maslahah contradicts the verse qot'i al-dilalah, then the jumhur scholars (except al-Thufi) agree to prioritize the passage. However, if the conflict occurs with the dhanni al-dilalah verse, various opinions will emerge as follows:

Ath-Thufi: "Mashlahah" (not others) is the Shari'a so that if the text is contrary to "maslahah," then maslahah is prioritized ('ala sabil al-takhsis) or in other words, "truth is dzati" (الحق ذاتي)

Al-Ghazali: Sharia (not others) is "mashlahah" so the mashlahah theory is taken induction from the nas or in other words, the authority of truth lies in (belonging to) the nas (الحق ملكي)

Ash-Shatibi: Mashlahah and Sharia are one unity. So that if the verse is contrary to the mashlahah, which is qot'i al-dalalah, then the verse takes precedence. If the verse is contrary to the mashlahah, dhanni al-dalalah, then the mashlahah takes precedence.

From the description above, the authors summarize the conclusion that it was divided into three characters with characteristic interpretations in the Schedule time. (1) The textual group was initiated by Abu Hamid Al-Ghazali, (2) the contextualist group pioneered by al-Thufi, (3) Then the last one is the middle group led by al-Shatibi. The view that if mashlahah contradicts the text, then mashlahah takes precedence, not rejecting the text, but ending the text, which is amm and that only in domains other than worship. Because in the case of worship applies the rule of "al-aslu fi al-'ibadati al-tawqif '(the original law in matters of worship is according to syara').

The fourth period, marhalah tajdid namely the contemporary period interpreters, in this period has different interpretations from the

classical period, the difference is seen when the *maqasid* of sharia in the classical period as "protection and presevation" was changed by Jasser Auda into a new concept, namely "development and rights", an idea. This case controversial with jurists such as the example of "Hifdz Ad-Din" (in al-ghazali and al-shatibi terminology) has roots in punishment for acts of riddah, transformed into the concept of "freedom of faiths" (freedom/belief/belief) because the law on riddah is contrary to human rights (Human Rights) and the verse of the Koran "لا أكره في الدين". In the example in Indonesia, it can be found in verses and hadiths about the punishment for adultery ghairu muhsan, or hadiths that kill people leaving Islam, because of differences in state laws that are contrary to Islamic law, the decision taken is to prioritize mashlahah over texts.

إذا تعارض النص والمصلحة قدم المصلحة على سبيل التخصيص

If it is the opposite between nas and maslahah, then the maslahah takes precedence utilizing specialization.¹³

Imam al-Ghazali does not allow understanding the Qur'an with a reason as long as there are passages in the Al-Qur'an and hadiths that do not conflict, but if there are none, then for him use reason. This is because he sees that the Qur'an is broad and spacious for those who understand it. Imam Ghazali opened the door to a broad understanding of the Qur'an based on:

1. Al-Quran contains all religious knowledge, both through signs, some are mujmal and some are detailed. So, it is necessary to deepen with sight of the mind as long as it does not conflict with the text

¹³ M. Ainur Rifqi, and A. Halil Thahir, "Tafsir Maqasidi; Building Interpretation Paradigm Based on Mashlahah", In *The Millah : Jurnal Studi Agama*, Vol. 18, No. 2, (2019) p. 6-11.

2. The Qur'an contains information about the nature of Allah, work, the essence of holiness and His good names. This needs to be explained with reason to deepen it, to avoid mixing with new things.
3. There is a verse that instructs us to think and observe the contents of the Al-Qur'an.
4. Al-Qur'an in its pengibaratan shows the need for in-depth research and understanding.
5. The Prophet once told Ibn Abbas to understand the Qur'an deeply.

Then al-Ghazali emphasized his opinion about the permissibility of interpretation with the following terms:

First, the interpretation of salaf scholars in understanding the Al-Qur'an through the Prophet's words is good, but also through strong and correct sanad, according to al-Ghazali, this can be done in some verses of the Quran Al-Qur'an and not in all verses. Al-Ghazali believed that the Messenger of Allah had explained the Qur'an perfectly, but it did not reach us except in part. Because of that, we have the right to carry out ijihad to understand some of what has not reached us.

Second, the companions understand the Koran with the words of the messenger of Allah. Still, they also try with reason if they do not get it from the messenger of Allah, our obligation to follow them in all matters, but that does not mean prohibiting us from doing ijihad with limited human ability to understand Al -Qur'an.

Third, The friends as well as the Tabi'in have disagreed in interpreting the Al-Qur'an. whereas their disputes could not be combined. So their differing opinions cannot possibly be obtained from the Messenger of Allah. If one hears from the apostle, he will challenge the others who did not hear from the apostle. Therefore we can conclude that they have done something that was not obtained from the Prophet, which means they interpret and understand some verses of the Al-Qur'an by interpreting and understanding part of the verses of the Al-Qur'an with their ijihad capabilities. It also means that those who are given superior

knowledge of language, sunnah, Islamic principles are allowed to interpret the Al-Qur'an with reason. From time to time those who use the traditions will certainly choose which one is stronger and relevant to the problem, thus they are expected to conclude with reason. Thus, in understanding the Qur'an in this way, they will be more stable; Where they can draw correct conclusions, which are not true, which conclusions are correct, and which are not. That is the opinion of the friends who differ from each other. This will not happen if the involvement of reason in interpreting the verse is not allowed.

Then Al-Ghazali stated his prohibition to interpret the Al-Qur'an with reason in two problems:

First, if someone going to interpret certain verses has other dreams that are not following the contents of the verse. Because they will be led by their desires to what they want, forcing them to interpret the verses according to their wishes, even though they know that the contents of the verses are different from what they want. It happens to depend on the quality of the person (good and bad) one's morals.

Second, the interpretation of the Al-Qur'an is hasty. They only see the zahir lafadz, without looking at the naqli argument, they don't want to reconcile one verse and another. Besides, they do not know the Islamic code of ethics specifies some secret Arabic sentences. Deeply about the way of taking istimbat from the Al-Qur'an, both in terms of mutlaq and muqayyad, general and specific ones. They do not know the location of idhmar (substitution) and khadf (abolition). Do not know taqdim (prioritize) and ta'khir (end) and the secret to the beauty of the miracles of the Qur'an.

Thus Al-Ghazali expressly expresses the problem of interpretation with ijtihaad and explains the situation. Many scholars who follow it, the commentators interpret it only using naqli to understand the Al-Qur'an in this context it can be said that interpreting the Qur'an based on the explanation of the hadiths only. Meanwhile, a good way of interpretation

according to Al-Ghazali is to listen directly to the explanation of the Qur'an from the Prophet, in this case relying on the correct naqli argumentation is also accurate and strong in sanad. While linguistic meaning needs to be based on reason, the main point, even though it rests on reason but does not contradict naqli's argument and is related to the nature of the world. A friend of Abu Darda expressed this:

لا يفقه الرجل حتى يجعل للقرآن و جوها .

"It is not someone who understands unless he opens various directions (understanding) of the Al-Qur'an."

Meanwhile, Ibn Taymiyyah has another opinion, in which he argues that the best interpretation according to him is divided into three groups, namely: (1) Interpretation of the Koran with the Koran, (2) Interpretation of the Koran with the Hadith of the Prophet, this is if there is no explanation in the Qur'an, (3) Interpretation of the Koran by the words of the companions because they have been given a lot of knowledge and especially for their scholars such as the four Imams of Khulafaur Rashidin, Imam- the imam who was instructed and a friend of Ibn Abdullah ibn Mas'ud; while the last one is the interpretation of the tabi'in. Interpretation uses reason to like the ijtihaad of scholars who are not tabi'in, Ibn Taymiyyah firmly says it is haram. This is based on the hadith of the Prophet Muhammad:

حدثنا مؤمل , حدثنا سفيان , حدثنا عبد الأعلى , عن سعيد بن جبيرة عن ابن عباس

قال : قال رسول الله : من قال في القرآن بغير علم فليتبوأ مقعده من النار .

Narrated by Muammal Sufyan and Abdul A'la al-Tsa'labi from Sa'id ibn Jabir from ibn Abbas, he said: The Messenger of Allah said: "Whoever says in the Qur'an without knowledge, he will enjoy his seat. above hellfire".

In another hadith narrated by Imam Tirmidhi, from Abdullah ibn Humaid as follows:

حدثنا عبد ابن محمد , حدثني حبان بن هلال , قال : حدثنا سهيل أخو حزم القطعي , قال : حدثنا أبو عمران الجوني عن جندب قال : قال رسول الله صلى الله عليه و سلام : من قال القرآن برأيه فأصاب فقد أخطأ.

Thus the hadith scholars have revealed more than what the author has listed above, so Ibn Taymiyyah then explained: Whoever says in the Qur'an with reason, then he has been burdened with things that are not known to him. And according to him that they had passed through gates which God did not command. Even though they understand the Qur'an for a reason, it is correct. They still have made mistakes. Because they are not going the way, they should. Ibn Taymiyyah considered them like a fool who punishes something with ignorance so that he will be in hell fire. Even though they punish righteously, they have been guilty, even though the guilt rate is lower and those who punish for ignorance and wrong judgment.¹⁴

The use of the term maqashid as a theory of Islamic law was introduced by Imam al-Haramain al-Juwainy and then developed by his student, al-Ghazali. The next Islamic legal theorist who specifically discussed maqashid syar'iyah was Izzudin ibn Abd al-Salam from among the syafi'iyah. And the discussion was systematically and carried out by al-Syatibi from the Malikiyah circles in his book al-Muwafaqat. And then maqashid al-syar'iyah matured and became an independent discipline through the hands of Ibn Asyur. The maqashidi interpretation is then formulated into an independent scientific term by contemporary scholars from this historical series. It has the greatest possibility of becoming the most dynamic interpretation compared to other types of interpretation.¹⁵

¹⁴ Suparman Syukur, *Pemahaman Al-Qur'an Ortodoksi sampai Rasionalisasi*, Semarang : PT. Pustaka Riki Putra, 2013, p. 89-97.

¹⁵ M. Ainur Rifqi, and A. Halil Thahir, "Tafsir Maqasidi; Building Interpretation Paradigm Based on Mashlahah", In *The Millah : Jurnal Studi Agama*, Vol. 18, No. 2, (2019) p. 342-343.

In the modern era, it is complicated for a reformist commentator only based on traditional interpretations. Because he is not always able to answer the problems of reality that have undergone changes and developments in the times, a renewal of interpretation of the Qur'an is born, namely the effort done by Muslim scholars to adapt the teachings of the Koran to the guidance of the times. They realized that the era they faced was different from the era afterward, so they automatically forced them to make a paradigm shift in thinking and understanding of the Al-Qur'an to be understood by the people of their time. Modern interpreters in interpreting the verses of the Koran always have a starting point with reformers in Islam, both in terms of scientific knowledge, social issues or language and literary developments, such as Tafsir Al-Manar by Rosyid Ridho and Muhammad Abduh, Tafsir Al-Jawahir by Tanthawi and Tafsir Al-Bayan Fi Al-Tafsir by Binthus Al-Syathi '.

The problems regarding the interpretation of the holy verses of the Koran by classical and contemporary commentators are quite diverse because of the variety of interpretations and methodologies used by the interpreters themselves. On the other hand, the scope academic community that has studied the science of interpretation has done much research. The results of the interpretations of classical to contemporary scholars are clear. Then the textual interpreters group is followed by contextual interpreters. The results of their interpretation often reap many pros and cons, especially in the interpretation of "Global Issues" "Sensitive Issues". At the beginning of the Islamic era, the new interpretation methodology was divided into bil matsur and bil ro'yi methods.

According to Abd Al-Hayy Al-Farmawi's opinion, four other methods of interpretation were born from these two methods, such as (1) the Tahlili method, namely the method of interpretation, which explains the meaning of the contents of the Al-Quran from all its aspects. There are several examples of interpretations that have a tendency to the tahlili method, such as tafsir bil matsur, tafsir bil ra'yi, tafsir falsafi, tafsir shufi,

tafsir ilmi, and tafsir adabi ijtima'iy. (2) The Ijmali method is a method of interpretation that interprets verses with global meanings. (3) The Muqaran method is a method of interpretation that interprets the Koran verses and compares them with previous interpretations of the interpreters. (4) The Maudhui method is a method of interpretation by compiling all the verses of the Al-Qur'an, which talk about one theme and lead to one meaning and purpose.¹⁶

On the other hand, the diversity attention commentators in researching the Al-Qur'an also gave birth to various schools that interact with the Qur'an and cannot be separated from the interpretations of the commentators. There are bil matusur, ra'yi, sectarian interpretation, linguistic interpretation, rhetorical interpretation, scientific interpretation, philosophical interpretation, and others. Each of these schools gives birth to many interpretations. Not infrequently, one school can produce dozens of commentary books. This proves that discussing the Al-Qur'an both in literature and content from year to year has progressed and increased rapidly. This is one sign that Allah sent down the Al-Quran and its features to be decorated with values. It has become a book for the earth's inhabitants in every space and time from generation to generation, from the Prophet's time to the present.

An interpreter needs to know the various *maqasid* Al-Qur'an. By knowing the various *maqasid* Al-Qur'an that exist, it is hoped that a commentator can focus his attention throughout the intellectual effort to interpret the Al-Qur'an on the main objectives which become the spirit of the Qur'an.

B. General View on *Aurat*, *Jilbab*, *Hijab* and *Niqab*

¹⁶ Jazim Hamidi, Rosyidatul Fadlilah, dan Ali Manshur, *Metodologi Tafsir Fazlur Rahman (Tafsir Ayat-Ayat Hukum dan Sosial)*, Malang : Universitas Brawijaya Press, 2013, p. 3-4.

The Word Aurat (عورة) is taken from Arabic which means (blemishes, defects, wrong, disgrace),¹⁷ means a gap or deficiency or something that is humiliating or something that is seen as bad from human limbs, and causes embarrassment. when viewed. In the Al-Qur'an lafadz aurat is mentioned four times in the plural form (plural). The single form is mentioned in Surat al-Ahzab (33) verse 13, while the plural form is mentioned in Q.S an-Nur (24) verses 31 and 58.

The parts of the body that cannot be seen are usually called aurat. The Word is agreed by scholars to be taken from Arabic (aurat) from the Word ('awara) means feeling lost. When associated with the eye, the Word means lost sight of the potential (blind) but usually it is only used for the one-sided blind. When replaced by a sentence, it means speech that is empty of truth or baseless or speech that is bad and provokes the anger of the listener. From the above meanings, the word aurat is understood in the sense of something bad or something that should be watched because it is empty or vulnerable and can cause danger and shame. The Qur'an uses this last meaning when it records the utterances of hypocrites who are reluctant to leave their hometowns for the battlefield. They argue as read in Q.S Al-Ahzab verse 13, namely:

(إِنَّ بُيُوتَنَا عَوْرَةٌ)

"Our houses are so vulnerable that they can be threatened, and because of that, we cannot leave them."

In Q.S an-Nur verse 58, there are three times which are aurat here in the sense of being vulnerable so that anyone, including children, must ask permission before meeting someone at that time. These are the times according to the verse an-Nur.

Before dawn prayers, when it is time to wake up to sleep, daily clothes are not yet worn. Second, when you take off your (outer) clothes in the middle

¹⁷ Ma'ani dictionary (Arabic-Indonesian Translation), <https://www.almaany.com/id/dict/ar-id/>. (Accesed on 19 April 2021 at 17.23)

of the day (because you will lie down and rest). Third, after the evening prayer '(until all night, humans are getting ready to sleep or are asleep). The three are prone to disturbing one's privacy, so that special permission is needed so that everyone can feel safe from other people's interference.¹⁸

The Word aurat in Q.S al-Ahzab (33) verse 13 is defined by most interpreting scholars with a gap that is open to the enemy or a gap that allows other people (enemies) to take the opportunity to attack. Meanwhile, aurat in Q.S an-Nur (24) verses 31 and 58 is defined as something from a member of the human body that causes embarrassment when viewed or is seen as bad to show.

Al-Qur'an does not define the boundaries of the aurat (parts of the body that cannot be seen because it is prone to stimulation) clearly and in detail. There would be no debate of opinion among Muslims, including their scholars, from ancient times to the present if there were definite provisions and clear boundaries.

Through the hadiths of the Prophet, the scholars tried to find the limits of the aurat. However, as we have learned in both fiqh and Tafseer books. Starting from the classical to the contemporary period, it is not uncommon to find differences of opinion regarding the validity of a hadith. It can also emerge differences in interpretation regarding religious texts that are agreed upon as valid. If we refer to the opinion of previous scholars, we will find that they distinguish between male and female aurat , the free person and a slave aurat. They also differentiate between Woman's aurat in prayer and outside the prayer and Muslimah and non-Muslimah.

Of course, each has its arguments and reasons. In this context, it is necessary to underline that there are various considerations of logic, customs, and considerations of vulnerability to lust in these different views in addition to religious texts.

¹⁸ M Quraish Shihab, *Jilbab Pakaian Wanita Muslimah Pandangan Ulama Masa Lalu dan Cendekiawan Kontemporer*, Tangerang : Penerbit Lentera Hati, 2018, p. 51-52.

All right, first, the author describes past scholars who are still adhered to, the majority of scholars. The first part will present the verses used as the basis for establishing a woman's aurat. The second part describes the many hadiths which are used as the basis for this determination. Then, in the third part, before the author closes this thesis, the writer wants to invite the reader to read a new perspective or perspective (new method) that is looser than the views of previous scholars. Thinking is not suggesting applying it to each individual, because according to the writing of Al-Qurtubi, wearing a Veil (*Hijab* and *Niqab*) by showing the face and palms is a form of caution for the user.¹⁹

In the fiqh discipline, the lafadz aurat discussed has the meaning that it is bad / shameful if it is shown, and if it is left open, it might cause sexual slander. For this reason, the consensus of the opinion of fiqh scholars states that aurat must be closed from the view of people with clothes that are not transparent to view and do not form body curves. The discussion of aurat in classical fiqh books is contained in the chapter regarding the requirements for prayer. This is because covering the aurat of most fiqh is one of the legal requirements for prayer. Abu Hanifah and syafi'i said that covering the aurat is included in the obligations of prayer (*furudhus shalat*).

In contrast, Imam Malik said that covering the aurat in prayer aialah sunnah (*sunanush shalat*). This difference is due to differences in receptions in understanding the command to decorate oneself when worshipping Q.S Al-A'raf (7): 31. For those who see this command as an obligation, then covering the aurat in worship is obligatory. Meanwhile, it is not obligatory for those who do not understand this to cover their aurat in worship.

Regarding the limits of the limbs considered aurat, the view of fiqh distinguishes between Woman and men. For male aurat, although there are differences, most scholars believe that men should cover the limbs between the

¹⁹ M Quraish Shihab, *Jilbab Pakaian Wanita Muslimah : Pandangan Ulama Masa Lalu dan Cendekiawan Kontemporer*, Tangerang : Penerbit Lentera Hati, 2018, p. 60.

navel and the knees of the feet. For female aurat, scholars' fiqh also differed, but Woman are more closed than men.

When viewed from fiqh, Woman's awrah is divided into two types: the aurat of Free Woman (al-hurrah) and the aurat of slave Woman or slaves (al-amah). The limits of a free woman's aurat differ from those of a slave. The shafi'i school initiated by Al-Khatib asy-Syribini and An-Nawawi auart Free Woman cover the entire body except for the face and palms (upper / lauar and lower / deep) the wrists. Al-Muzani added that the soles of the feet are also not part of the aurat that must be covered.

Imam al-Miarghinani from the Hanafi school said the aurat of an independent woman are all body members, except for the face and palms of the hands. But the most accurate opinion (ashah) in the school of thought is that the soles of the feet are also not part of the aurat that must be closed. Abu Yusuf tolerated almost half of his calf. For him, Woman's arms are also not part of the aurat that must be covered.

In the Maliki school of thought, there are also two opinions; an opinion that says the face and palms of a free woman are not aurat and an opinion that adds to the soles of the feet, not aurat. But Imam Muhammad bin Abdullah al-Maghribi said that if a woman is worried about slander, she must cover her face and palms of her hands.

Meanwhile, in the Hanbali school, a free woman's aurat are the entire body without exception, only for prayer. For certain purposes, Woman are allowed to open their faces and palms. However, some Hanbali scholars still require covering all members of the body, including during prayer times. Abu Bakr al-Harith said all members of the body of a free woman are aurat that must be covered, including her nails.

Asy-Syawkani in Nayl al-Awthar concluded the differences of scholars regarding the limits of the aurat of Free Woman:

"(Ulama) have different (opinions) regarding the aurat limitation of free Woman; some say his whole body is aurat except the face and hands. Al-Hadi said this, Al-Qasim, in one of his two opinions, Ash-Shafi in one of his

several opinions, Abu Hanifah in one of the two narrations from him and Malik. Some say (his aurat are his entire body, except the face, the palms hands) and the soles feet to the place of the anklets. Al-Qasim is saying in one Word, Abu Hanifah in one narration, Ats-Tsauri and Abdul Abbas. Some say that his aurat are his entire body without exception. Some said this of the Asy-Syafi'i students, and Ahmad also narrated it. "

Meanwhile, regarding the limits of female servant aurat, there are also several opinions. An-Nawawi said there were three opinions; First, some of Imam Syafi'i's students said that his aurat were like men (the limbs between the center and the knees of the feet only). Second, Imam ath-Tabari that her aurat are the same as Free Woman, except that the head is not included in the aurat. Third, the aurat are apart from the limbs required to be opened while working (khidmah), that is, apart from the entire head, neck, and arms.

The limitations of Woman's aurat that are often debated fall into the realm of reason because Woman have at least two main points of attraction for them. First, something that is already attached to him, not extra. Body shape, skin colour, eyes, nose, ears, etc., are things that stick to a person. Second, something that is added to specific places on the female body. Bracelets, rings, necklaces, and the like are decorations for the sake of showing beauty and beauty. What is attached can be beautified and beautified by making additions. Since a long time ago, people have known henna to color parts of the nails of the hands and feet, powder to adjust skin colour, and tattoos. The more advanced science and technology, the more advanced the new beauty tools and equipment.²⁰

Other classical fiqh books also wrote not much different from these three opinions. A small number of scholars say that a woman who is a slave, if she is married to someone, or belongs to one person, then her aurat are the same as a free woman.

²⁰ M Quraish Shihab, *Perempuan* , Tangerang : Penerbit Lentera Hati, 2018, p. 64-65.

Ibn Hazm azh-Zhahiri also argues that the limits of the aurat of servant Woman and Free Woman are the same in any situation, namely the whole body except the face and palms because the shara 'text is authoritative to distinguish between free Woman and slave Woman. However, in the view of most fiqh scholars, servant Woman or servants are more open than free Woman, even among them, there is a tendency to equate servant Woman as men. That means there is no limit to the same aurat for all Woman. Of course, a series of legal foundations serve as a reference and basis, both from authoritative syara texts and from the logic ('Illat) of laws relating to the determination of the limits of the aurat.²¹

Jilbab comes from Arabic (جَلَابِيَّةٌ), which means long brackets.²² While the *hijab*, according to fiqh scholars, comes from Arabic (حِجَابٌ), which means the robe that covers the whole body. There are differences in Arabic terms and culture after being used as terms outside the Arab nation. Like Asian people like Southeast Asia, people generally interpret the *hijab* as a "veil" worn by most Muslimah in Indonesia. Usually, the head scarf is worn to cover the head and then stick it out to the chest, leaving the face visible to the extent that the female hair grows. The *hijab* model itself has a variety of models according to the trend, some are thin, some are a bit thick, some are standard, and some are jumbo, as well as the motifs, some are plain, some are full of decoration. Regardless of the type and style, the headscarf aims to cover a woman's head, extending to the limit of facial hair growth and stopping under a woman's chest.²³

According to Fadwa El Guindi, the English term "veil" (like it European variants, such as voile in French) is commonly used to refer to Middle Eastern and South Asian woman's traditional head, face, or body cover. As a

²¹ Husein Muhammad, *FIQIH PREMPUAN : Refleksi Kiai atas Tafsir Wacana Agama dan Gender*, Yogyakarta: IRCiSoD, 2019, p. 123-129.

²² Ma'ani dictionary (Arabic-Indonesian), <https://www.almaany.com/id/dict/ar-id/>. (Accessed on 20 April 2021 at 16.00)

²³ Fadlolan Musyafa, *Jilbab Yes Niqab No*, Yogyakarta : Penerbit Pustaka Ilmu, 2019, p. 1-2.

noun, “veil” derives, through Middle English and Old North French, from Latin *vela*, the plural of *velum*. The dictionary meaning assigned to it is “a covering”, in the sense of “to cover with” or “to conceal or disguise”. Some of these related Arabic terms are *burqu’*, *abayah*, *tarhah*, *burnus*, *jilbab*, *hayik*, *milayah*, *gallabiyah*, *dishdasha*, *garghus*, *gina’*, *mungub*, *lithma*, *yashmik*, *habarah*, *izar*, *charshaf*, *chador*, *sufur*, *khimar*, *sitara* and *niqab*.²⁴

On the other hand, a famous pioneer of *Maqasid* Interpretation in Indonesia (a pioneer of feminism) said that the *hijab* comes from the verb "Jalaba," which means covering something above something else not to be seen. The commentators from various generations have described the Veil (*Hijab* and *Niqab*) in different ways, knowledge, and experience. Ibn Abbas and Abidah al-Salmani defined the Veil (*Hijab* and *Niqab*) as Woman's clothing covering the face and the whole body except for one eye.

In the interpretation of Ahkam al-Qur'an, Ibn al-Arabi states that scholars debate the meaning of this Word. But the point is the cloth covering the body. There are at least two opinions. First, she covers her head with the cloth (veil) on top of her veil. Second, she covers her face with the cloth to not be visible except for her left eye.

If viewed from the *asbabun nuzul al-ahzab*, verse 59 is familiar to scholars discussing the *hijab*. We can assume the Veil (*Hijab* and *Niqab*) verse was revealed as a differentiator between the *aurat* of Free Woman and slave Woman. Not a differentiator between Muslimah and non-Muslimah. These characteristics are placed on the head cloth or Veil (*Hijab* and *Niqab*) or by covering the body.²⁵

Hijab comes from Arabic (يَحْجُبُ - حَجَبٌ), which means to cover, cover, hide, make invisible, obstruct, block, block, limit, and separate.²⁶ The word

²⁴ Sukendar, *REPRESENTATION OF THE VEIL (HIJAB AND NIQAB) IN INDONESIA*, Thesis Master Degree Woman Studies Departement. The Faculty Of Social Science FLINDERS UNIVERSITY ADELAIDE SOUTH AUSTRALIA, 2005, p.8-9.

²⁵ Husein Muhammad, *Jilbab dan Aurat*, Aksara Satu, 2020, p. 13-20.

²⁶ Ma'ani Online Dictionary (Arabic-Indonesian), <https://www.almaany.com/id/dict/ar-id/>. (Accessed 21 April 2021, at 15.05)

hijab means something that hinders the other two. A person who blocks others from the meeting he wants to meet is *dinami hajib*. This Word also means a closing. The Ministry of Religious Affairs team, which compiled the Qur'an and its translation, translated the Word as a veil. In further development, a woman who covers herself or her entire body with clothes is called *mutahajjibah*.

The special-purpose *hijab* hides from view. Noer and Tambak (2016), in Islam, Woman must maintain their innocence and honour by covering their *aurat* using a *hijab*. Guindi (1999) defines the *hijab* as referring to the Islamic clothing style, but some understand it as a head covering. Others interpret it as clothing covering from the toe to the hair. The benefit is in addition to maintaining the beauty and honour of a woman. It can also guard against the views of men who are not *mahram*.²⁷

Hijab in Q.S Al-Ahzab verse 53, which is related to the meaning of the cover, curtain, barrier, separation, and barrier in the Prophet's house to separate the space for men from Woman, so that they do not look at each other. This definition refers to *asbabun nuzul*, the background for the revelation of this verse. Ath-Tabari, the great commentator mentioned several backgrounds for the revelation of this verse as follows; apart from the incident at the Prophet's house, the friends gathered at the Prophet's house to attend the *walimah* Zainab bint Jahsy. They chatted there. The Prophet seemed uncomfortable when he needed Zainab. Some commentators claim that the revelation of this verse was related to the suggestion of Umar bin Khattab. To the Prophet, Umar said: "O Prophet, they gather at your house and meet your wives, there are people who are good, and some are not good (*al-fajir*). It is better if you put the *hijab* on, then this verse will come down.

Then the jurisprudence experts changed and expanded the meaning of "*hijab*," originally a room divider into clothes worn by a Muslimah. That does

²⁷ Indah Purnamasari, dan desi Nurwidawati , " FAKTOR-FAKTOR YANG MEMBENTUK MOTIVASI BERHIJAB PADA MAHASISWI PSIKOLOGI UNIVERSITAS NEGERI SURABAYA", In The *Jurnal Penelitian Psikologi*, Vol. 05, No. 03, p. 1.

not only apply to the wives of the Prophet but all Muslimah. The reason is not to cause interference with sexual nuances and in the framework of "purifying the heart." This theory is referred to as "Al-'Ibrah bi 'Umum al-Lafdz La bi Khushush al-Sabab" (which are used are general words, not the case for which the text was revealed).²⁸

Ijmak scholars view that the entire body of a woman is genital, even though her face and hands understand the Word *hijab* in the meaning of the veil. However, they concluded that the goal was the covering of their entire body. Because the Veil (*Hijab* and *Niqab*) covers and blocks the sight of something that is behind it. The expert commentator al-jashash, for example, wrote, "This verse shows that Allah has allowed asking them (the wives of the Prophet) from behind the Veil (*Hijab* and *Niqab*) regarding something that is needed or to ask a question that requires an answer. Woman are all aurat and their forms. So, they should not open them unless there is an emergency or need to give a testimony or because of a disease in their body (in the context of treatment).

The limitations of aurat is dzanni in the Qur'an, and the traditions narrated by the companions also have not found a patent point as the final limit. Because he was instructed to stretch women's clothes in a certain direction, it was a part of the body that easily stimulated the lust of the opposite sex at that time. However, in the current context, these boundaries have different phenomena in various countries.

In Arabic, the whole body is aurat because of the arid geographical location, and the lust men in Arab countries are more extreme than in Indonesia. Likewise, the limitation body parts that can stimulate lust in Indonesia are different from western and European countries, which have always used a free system. Open clothing is a common thing to do. In Indonesia, wearing shoulder-length shirts and knee-length skirts can attract attention, in Europe wearing only half-thigh pants is also a common thing.

²⁸ Husein Muhammad, *Jilbab dan Aurat*, Aksara Satu, 2020, p. 9-10.

Therefore, the presence of *maqasid* interpretations to produce new meanings so that they are used by Muslim women in parts of the world where the majority are adherents of the free system become a reference for protecting themselves and their mental condition when threatened. When we talk about the verse coming to protect women. Then removing the *hijab* but still wearing modest clothes that are not conspicuous. So it creates lust that may threaten the chastity of women needs to be reconsidered from a contextualist point of view that upholds the protection of women's self and soul.

The scholars agree that the entire body of a woman is aurat, even though the face and palms of the hands understand the above verse generally applies to all Muslimah. Their reasons include the following:

1. The reality at the time of the Prophet Muhammad shows that it was not only the Prophet's wives who wore the *hijab* to cover their entire bodies. But also other Muslimah.
2. The prohibition of entering the Prophet's house without permission does not mean that the prohibition is only for the Prophet's house but everyone's house. Even though the editorial orders to use the *hijab* to the Prophet's wives, it applies to all Muslimah.
3. The Word means "it is purer for your hearts and their hearts." Purity of heart, of course, is required not only of the Prophet's wives but all Muslims.²⁹

Then *Niqab*, in Indonesia, the *niqab* is better known as the veil. The *niqab* is taken from the word "*Niqabun*" in Arabic, which means veil.³⁰ Cloth to cover Woman's faces. The *niqab* cloth has two styles when used in everyday life. First, the *niqab* is attached to her Veil (*Hijab* and *Niqab*)(a pair of veils). Second, the *niqab* is separated from the headscarf so that a woman can create various styles of *niqab* that she wants to wear at random. The *niqab* is a thin

²⁹ M Quraish Shihab, *Jilbab Pakaian Wanita Muslimah : Pandangan Ulama Masa Lalu dan Cendekiawan Kontemporer.*, Tangerang : Penerbit Lentera Hati, 2018, p. 69-70.

³⁰ Ma'ani Online Dictionary (Arabic-Indonesian), <https://www.almaany.com/id/dict/ar-id/>. (Accesed on 22 April 2021 , at 00.19)

piece of cloth like a mosquito net that functions to cover a woman's face except for the eyes because the material is thin so that the user can still breathe freely. Some are black. Some are colourful, so they still follow the current trend even when wearing the *niqab*. In the Al-Qur'an, no verse has a *niqab* vocabulary. It's just the function of the *niqab* can be interpreted as the Veil (*Hijab* and *Niqab*) in the verses of the Al-Qur'an.

The *niqab* is identical to that used by Muslimah from Arab countries because the geographical location of the desert is very hot, so Muslimah in Arabia use the *Niqab* to protect their faces.³¹ Meanwhile, according to Farzaneh Milani, Fathonah, the Word *niqab* comes from the Parsi language, namely chador, which means tent, something used to cover up. Whereas in the Iranian language, chador means a piece of clothing that wraps a woman's body from toe to head. Mahmud Hamdi Zuqzuq also said that the *hijab*, the *Niqab*, is also used to cover something from another perspective. In this case, it only shows the eyes. Then Maududi expands the meaning of the *Niqab*, covering the face as we know it and covering all parts of a woman's body.³²

C. Contemporary Mufassir View on Interpretation of Q.S Al-Ahzab 59 and Q.S an-Nur 31

The Tafsir Al-Misbah written by M Quraish Shihab explains Ibn Assyria understands the word veil, a smaller garment than a robe but more significant than a Veil (*Hijab* and *Niqab*) or face covering. The woman's verse on top of her head extends the veil's two sides through the cheeks to the entire shoulder and back. However, this verse's intended purpose is "to make them more easily recognized so that they are not disturbed." In this verse, Allah does not order a Muslimah to wear the headscarf because the editorial staff in verse is not "They should wear the veil" but "Let them stretch out her veil." The

³¹ Fadlolan Musyafa, *Jilbab Yes Niqab No*, Yogyakarta : Penerbit Pustaka Ilmu, 2019, p. 2-3.

³² Nurul Afifah , "*Cadar Dan Ruang Kontestasi Penafsiran Otoritatif*", In *The Religia Jurnal-Jurnal Ilmu Keislaman*, Vol. 22, No. 1, (2019), p. 20.

illustrates that Muslimah were already wearing the Veil (*Hijab* and *Niqab*) at that time, but how to use it was not by the verse command.³³

In M Quraish Shihab's work entitled *Jilbab Pakaian Wanita Muslimah*, it is explained in detail the aurat definition, aurat limitations from classical until contemporary scholars. Around the debate between fiqh scholars and interpretive scholars about the obligation to Veil (*Hijab* and *Niqab*) and the limitations of veiling, which are sometimes considered rigid in context. Certain. In this book, a breakthrough is found, which is more complete than the interpretation of the Veil (*Hijab* and *Niqab*) verse in the tafsir al-Misbah itself. He said that the Al-Qur'an ordered a Muslimah to wear a Veil (*Hijab* and *Niqab*) to be an identity and protect herself from interference from the opposite sex because it could stimulate lust. In the present context, he also provides several interpretations which, according to researchers, the limitations of aurat here are more lenient than the previous scholars. In the book, he is also allowed to open the Veil (*Hijab* and *Niqab*) for certain reasons. According to him, the interpretation of the *hijab* is different from the interpretation of the *hijab* in Indonesia before. So it is often controversial because he did not decide with certainty the limits of better aurat. In this book, the researcher says that the interpretation of the Veil (*Hijab* and *Niqab*) verse is a *maqasid* interpretation. The interpretation results refer to the purpose or purpose of the verse being revealed without forcing a group to use it as one of its types.³⁴

In the book *Jilbab dan Aurat* by Dr. (H.C.) KH Husein Muhammad explained the information from asbabun nuzul of QS Al-Ahzab verse 59. Only for the identity of an independent Muslimah, they are showing her identity as a protector to be disturbed by men around her because she considered Muslimah to be slaves based on their characteristics, which looks the same. Ibn Jarir at-Tabari, the great exegetical teacher, concluded this verse as a

³³ M Quraish Shihab, *Tafsir Al-Misbah (Pesan, Kesan dan Keserasian Al-Qur'an)*, Tangerang : Penerbit Lentera Hati, 2017, Vol. 10, p. 534.

³⁴ Melia Ilham, *KONSEP BUSANA MUSLIMAH MENURUT TAFSIR AL-MISHBAH*, Thesis S1 Bimbingan dan Konseling Islam. Fakultas Dakwah dan Komunikasi UIN Ar-Raniry Banda Aceh, 2017, p. 26-34.

prohibition to resemble a slave dress because Umar once beat a slave woman wearing a headscarf, rebuking: "Do you want to be like a free woman, O slave girl?". If seen from its historical anthropology, it is only natural that the desert (Middle East) inhabitants wear completely closed clothes. The factor is geographical location is scorching, arid, dry, and dusty. Muslims and Muslimah do not only wear these closed clothes, but non-Muslims also wear the same clothes so as not to injure themselves due to the scorching sun. In this case, the information implied that the Veil (*Hijab* and *Niqab*) is not a religious order but Arab cultural products even before covering their aurat.³⁵

Then, for Q.S. an-Nur verse 31, Ibn Rushd and al-Shawkani said that all the scholars' opinions regarding the aurat limitation refer to verse 31 of this Surah an-Nur. Differences of opinion emerge inevitably due to differences in interpreting phrase *illa ma Zahara minha* (except for what is usually visible/overt). In this verse, Women are advised not to open their aurat (*zinat*) unless they are usually open (*ma dzahara minha*), which means the hands' face and palms.³⁶ Besides, it is followed by a hadith that strengthens it, which reads as follows.

"From Ayesha that Asma bint Abu Bakr entered the house of the Prophet, she wore thin clothes, (seeing this the Prophet turned his face and said: "O Asma! When the woman has reached (age), menstruation (adulthood) no longer deserves to show his body except for this. "The Prophet gestured his hand by showing his face and palms." (H. The narration of Abu Dawud). According to Abu Dawud hadith, the narrator of this hadith has a disability because its sanad (eye the chain of sources) was cut. The nurse, Khalid bin Durayk, did not meet Siti 'Aisyah RA in person. This situation caused this hadith to be *dho'if* (weak). Khalid himself, besides not meeting Siti directly.³⁷

The interpretation of the *maqasid* verse of K.H's headscarf Husein Muhammad is not much different from Prof. Dr. M Quraish Shihab. Their aim

³⁵ Husein Muhammad, *Jilbab dan Aurat*, CV. Aksarasatu, 2020, p. 18-21.

³⁶ Husein Muhammad, *Jilbab dan Aurat*, CV. Aksarasatu, 2020, p. 56-57.

³⁷ Husein Muhammad, *Jilbab dan Aurat*, CV. Aksarasatu, 2020, p. 60.

is the same as trying to reveal the content and purpose of lowering the Veil (*Hijab* and *Niqab*)verse. This interpretation does not force the reader to choose one of the laws used as a guide in covering one's aurat. Both only emphasize that the Qur'an revealed the Veil (*Hijab* and *Niqab*)verse as an identity and protector for Woman. Meanwhile, there are different views from classical to contemporary fiqh scholars and tasfir scholars for the boundaries. Both of them only recommend that Muslimah choose one of the arguments as a guide and dare to be accountable for that decision in the social community and between servants and God. It is not uncommon for these two interpretations to be controversial because they are considered too "loose." According to the researcher, this is normal because the "jilbab" tradition in various regions has its characteristics and background. Therefore, it is difficult for those who have "not open thoughts" to accept this interpretation. The similarities in the interpretation of the verse on the *hijab* K.H Husein Muhammad and M Quraish Shihab lie in not forbidding a Muslimah who does not wear the Veil (*Hijab* and *Niqab*)(removing her veil) for further discussion researcher will describe it in the next chapter.

CHAPTER III

Wasfi Asyur Ali Abu Zayd Biography and His Approach on Tafsir *Maqasid*

A. Biography of Wasfi Asyur Ali Abu Zayd

Wasfi Asyur Ali Abu Zayd is a Hafidz of the Quran with a history from Hafs 'an 'Ashim. He was born in Egypt on 11 June 1395 H. He studied at the undergraduate level at the Department of Arabic and Islamic Sciences, Faculty of Dar al-Ulum, Cairo University 1997. Then, he continued his master's studies at the Department of al-Fiqh wa al-Usul, Faculty of Dar al-Ulum, Cairo University 2005 with Cumlaude predicate. Thesis Title: *Nazariyyat al-Jabr fi al-Fiqh al-Islami Dirasah Ta'siliyyah Tatbiqiyyah*. News about his thesis was published during the exam and book launching in Egyptian newspapers. Furthermore, he completed his doctoral studies at the Faculty of Dar al-Ulum, Cairo University, in 2011 with Summa Cumlaude. Dissertation title: *Al-Maqasid al-Juz'iyyah wa Atsaraha fi al-Istidlal al-Fiqhi Dirasah Ta'siliyyah Tatbiqiyyah*. His open trial was published in various Egyptian mass media. Finally, he earned an Associate Professor degree in Usul al-Fiqh and *Maqasid al-Syariah* at the University of Tripoli Lebanon and a full professor title at the Makkah al-Mukarramah Open University.

In addition, he received an official diploma in the field of hadith and Mustalah al-Hadith which includes Sahih al-Bukhari, Sahih Muslim, Musnad al-Darimi, al-Arab'un al-Nawawiyyah, Ma la Yasi' al-Muhaddist Jahlah, Alfiyat al -Hadith by al-'Iraqi, al-Manzumah al-Bayquniyyah, Syarh al-Manzumah al-Bayquniyyah written by al-Zarqani, Alfiyat al-Hadist by al-Suyuti, Qasidah Gharami Sahih, Syarh Qasidah Gharami Sahih milk ibn 'Abd al-Hadi, al-Arba'in fi Fadail al-Sahabah, al-Arba'in fi Fadail Ali al-Bayt, and so on. Then, he got a diploma in the field of sharia science from Yusuf al-Qardawi and several diplomas from other books.

Wasfi Asyur Ali Abu Zayd was awarded as a prolific writer version of the Kuwaiti Ministry of Waqf (2004) and was popularized in *Al-Wa'y al-Islami*

wa al-'Alami Lil al-Wasatiyah Magazine. Then, delivered scientific orations at various international conferences in Asia, Africa, and Europe from 2008-2011.

In the course of his career, he has a wealth of experience, including as a member of the selection of scientific works on the improvement of professorship programs at several universities, a member of the editorial board of several international scientific journals, and a lecturer in Islamic Sharia Sciences at several universities. Then he became a speaker in various training and scientific conferences in Usul Fiqh, the principles of Fiqh, *maqasid Shari'a*, and Islamic da'wah in various countries. In charge of several scientific studies on television programs, member of the Indian Association of Fiqh Scholars, Supervisory Board of International Muslim Scholars Association, Executive and Supervisory Council of Ahlus Sunnah Scholars Association, Research Council of International Muslim Scholars Association. Chairman of the Scientific Division of the Ahlus Sunnah Ulama Association, member of the al-Muslim al Mu'asi' magazine, the journal Mukhbir al-Dirasat al-Aqdiyyah wa Muqaranat al-Adyan, Al-Jazair Islamic University. Member of the Board of the al-Qardawi Student Association, Committee on the Encyclopedia of Fiqh Majlis al-A'la li Syu'un al-Islamiyah Egypt (2012-2013), Committee for Usul Fiqh and *Maqasid Sharia* Majlis al-A'la li Syu'un al-Islamiyyah Egypt (2012-2013), the Advisory Council of the Association of Muslim Scholars, and the Selection Board of Professors for Quality Improvement Research. Lastly, as a resource for Islamonline. net, member of the Egyptian Philosophical Association (2006-present), Authorized Researcher at the International Center for Moderation (2006-2012), Director of the Unit "al-Ta'sil al-Syar'i" at the International Center For Moderation (2009), member of the Union Arabic Electronic Media, Executive Council of the Turkish branch of the Ulama Association, Advisor at the Center for Cadrement of Ulama (2012-2013) and (2015-present), Participant in the cadre of lecturers of Fiqh Principles at the Center for the Study of Islamic Fiqh in Jeddah, member of the Supervisory Board of the International Ulama Cadrection Academy, Organizing committee for Mudawwanat al-Usrah, Kingdom of Saudi Arabia, organizing committee

for Mawsu'ah al-Fiqh al-Ibadi initiated by the Ministry of Endowments and Islamic Affairs in the Sultanate of Oman, as resource persons on various studies of Fiqh, Da'wah, and Akidah at www.islamonline.net and www.islamtoday.net. As well as providing introductions to more than fifteen books written by professors and researchers.

Like a productive scholar who has many works, Wasfi Asyur Ali Abu Zayd also has various writings such as; *Nazariyyah al-Jabr fi al-Fiqh al-Islami Raised Ta'siliyyah Tatbiqiyyah* (Thesis), Cairo: Dar al-Salam, 2007. *Al-Hurriyah al-Diniyyah wa Maqasidiha fi al-Islam*, Cairo: Dar al-Salam, 2008 *Fi Zilal Sayyid Qutb Lamhat min Hayatih wa A'malih wa Manhajih al-Tafsiri*, Cairo: Dar Sawt al-Qalam al-'Arabi, 2009. *Musyarakat al-Mar'ah fi al-'Amal al-'Am* (al-Ta'rifat, al-Dawabit, al-*Maqasid*, al-Syubuhah, al-Tahaddiyat, Namadzij li al-Musyarakah, al-Majalat, al-Adwar al-Mu'inah, Cairo: Syirkah Manarat, 2010. *Muhawalat al-Tajdidiyyah al-Mu'asirah fi Usul al-Fiqh Dirasah Tahliliyyah*, Cairo: Dar Sawt al-Qalam al-'Arabi, 2009. *Ri'ayat al-Maqasid fi Manhaj al-Qardawi*, Cairo: Dar al-Basair, 2011. *Sentence fi Sina'at al-Da'iyah al-Faqih*, Kuwait: Wizarat al-Awqaf al-Kuwaytiyyah al-Markaz al-'Alami li al-Wasatiyyah, 2011. *Manhaj al-Shaykh Muhammad al-Ghazali fi Tanawul Masa'il al-'Aqidah*, Cairo: Dar al-Basyir li al-Tsaqafah wa al-'Ulum, 2015. *Ahammiyat al-Qur'an fi Hayat al-Muslim*, www.al-meshkat.com, 1431 H. *Usul al-Ta'amul ma'a al-Qur'an al-Karim*, www.al-meshkat.com, 1431 H. *Al-Jihad fi Sabilillah Maqasid wa Atsar*, www.alukah.net, 2015 *Ma'alim al-Wasatiyyah fi al-Wiqayah min al-'Unuf wa al-Tatarruf*, www.saa'id.net, 1435 H. *Al-Qardawi al-Imam al-Tsa'ir Dirasah Tahliliyyah Ushuliyyah fi Ma'alim Ijtihadih li al-Tsawrah al-Misriyyah*, America: Dar Sultan li al-Nasyr wa al-Tawzi', 2011. *Maqasid al-Ahkam al-Fiqhiyyah Tarikhuha wa Wada'ifuha al-Tarbawiyyah wa al-Da'wiyyah*, Kuwait: Wizarat al-Awqaf al-Kuwaytiyyah, 2012. *Al-Wihdah al-Wataniyyah fi al-Islam: Mafhumuha, Dawabituha, Maqasiduha*, Cairo: Dar al-*Maqasid* li al-Nasyr wa al-Tawzi', 2015. *Hifz al-Usrah Maqasadah Syar'iyyan Qira'ah fi al-Tadabir al-Syar'iyyah li Iqamatiha wa Istimrariha*, Cairo : Dar al-*Maqasid* li al-Nasyr wa al-Tawzi', 2015. Al-

Maqasid al-Juz'iyah Dawabituha, Hujjiyatuha, Waza'ifha , Atsaruha fi al-Istidlal al-Fiqhi, Dissertation, Cairo: Dar al-*Maqasid* li al-Nasyr wa al-Tawzi', 2015. Al-Ara' al-Usuliyah li al-Duktur Muhammad Imarah Qira'ah Tahliliyyah Naqdiyyah, Islamabad: Journal of al-Dirasat al-Islamiyah, Islamic University of Islamabad Pakistan, 2013. Al-Tafsir al-*Maqasid*li Suwar al-Qur'an al -Karim fi Zilal Al-Quran anmudzajan, www.saaid.net. Ahkam al-Shari'ah bayn al-Ta'abbud wa al-Ta'lil Qira'ah Usuliyah fi Tahqiq Aqwal al-'Ulama, Cairo: Dar al-*Maqasid* li al-Nasyr wa al-Tawzi', 2015. Al- Takwin al-'Ilmi li al-'Allamah Muhammad al-Tahrir ibn Asyur Rawafiduh wa Atsaruh fi Takwin al-'Aqliyyah al-'Ilmiyyah al-Mujadidah, Tunis: Proceedings in the Scientific conference on al-Tahir ibn Asyur, 2014. Al- Quwwah al-Siyasiyyah al-Syar'iyyah Anasiruha, *Maqasid*uha, Oman: Proceedings on the development of the sciences of Fiqh in the Scientific Conference themed Al-Fiqh al-Islami al-Musyarak al-Insani, 2014. Muqaddimah Ushuliyyah fi Dabt al-'Amal al -Tsawri wa Tarsyidih, Istanbul : Al-Ma'had al-Misri li al-Dirasat, 2016. Nahwa al-Tafsir al-*Maqasid*li Al-Quran al-Karim Ru'yah Ta'sisiyyah li Manhaj Jadid fi Tafsir al-Qur'an 'an (The existing book is used as the main reference by the researcher). Ru'ya *Maqasidiyyah* fi Ahdast 'Asriyyah, vol. I, Cairo : Dar al-*Maqasid* li al-Tiba'ah ea al-Nasyr wa al-Tawzi', 2016. Mi'awiyat al-Syaykh al-Imam Muhammad al-Ghazali, joint book, Cairo: Dar al-*Maqasid* li al-Tiba'ah al-Nasyr wa al-Tawzi', 2017.

B. Wasfi Asyur Ali Abu Zayd Approach on Tafsir *Maqasid*

Starting from charity, perspective, and struggles that live always start from the needs of the people above and cannot be separated from it. This is the opinion of the Imams as stated in their fatwas and ijtiḥad throughout the ages. The history of our scholars and imams has preserved various ijtiḥad and fatwas of the high priests such as Izzudin ibn 'Abd al-Salim, Ibn Asyur, al-Dardir, al-Kharasyi, al-Khadr Husayn, and others.

Islamic fiqh, as well as various ijtiḥad through reading the Qur'an, cannot be said to be alive and effective unless it is born from the anxiety of the

people, departing from reality, discussing creed, sharia, and civilization for the sake of the future. From here, attention to the reality of the people, their problems, and their needs in various lives is the main requirement that must be met by a *Maqasid* commentator, *Maqasid* fiqh, or *Maqasid* ijthadi. Whatever his specialty, an expert if disconnected from human reality and his problems is enough for him to live between books and papers. His words will not emit light, just as what he writes does not imply light.

The rules of *Maqasid* Interpretation are;

1. Inferred from the correct process.
2. Meet the requirements of *Maqasid* commentators.
3. Prioritizing the *Maqasid* Textual and Original from the Qur'an, which includes:
 - 1) Improve beliefs and teach the true faith.
 - 2) Educate morals and morals.
 - 3) Tasyri' in detail and globally is the law.
 - 4) Organize the people.
 - 5) Stories and News about the Ancient People.
 - 6) Teach science.
 - 7) Reprimand, warning, as well as good news.
 - 8) Miracles of the Qur'an as proof of the truth of the Messenger of Allah.
 - 9) The Shari'a of the Qur'an is valid forever.
 - 10) Cultivate the tradition of exploration, research, and extraction of *maqasid* among scholars.

The ninth and tenth points are arguments added by Ibn Asyur.

4. Prioritizing the General *Maqasid* of the Qur'an.
5. Proving the harmony between sentences, verses, suras, and the Qur'an as a whole.

Because this study discusses the *hijab*, the interpretation used includes thematic *maqasid*. Thematic *maqasid* that are discussed in specific *maqasid* can only be found in some parts of the Qur'an. Not all surahs or verses contain

the thematic *maqasid*. Specific *maqasid* are limited to certain parts of the Qur'an. We can divide this particular *maqasid* into two, namely:

1. Special *Maqasid* related to the language field of the Qur'an

This discussion is related to certain parts of Shari'a law or what is related to it. Al-Quran has various fields of discussion: faith, ethics, worship, social interaction, marriage, divorce, inheritance, law, internal and external politics, education, world society, etc.

The ideal way to discuss the specific *maqasid* of each field is to collect all the verses related to the subject. Once collected, it must be researched and analyzed. After that, we will find new varieties, characters, parts, conditions, rules, rules, benefits, or influences related to the field being studied. In-depth study, analysis, and tadabbur on these matters will bestow knowledge about the *maqasid* of the Qur'an according to the fields discussed. The Qur'an has written this clearly, but sometimes it can only be concluded through research and in-depth study of the various conditions, rules, and rules designed to achieve it.

Let's make the ethical field in the concept of dressing a Muslim woman called the *hijab* as an example of discussion. We will find that the Koran tries to protect and glorify a Muslim woman through the command to cover her genitals. Because the verse had not been revealed at the time, a Muslim woman was often harassed, and her innocence was threatened due to the appearance of their nakedness resembling that of a female slave who was allowed to disturb her.¹

2. Special *Maqasid* related to Themes from existing themes

¹ Ulya Fikriyati, *METODE TAFSIR MAQASID: Memahami Pendekatan Baru Penafsiran Al-Qur'an terj. Nahwa al-Tafsir al-Maqasidli al-Qur'an al-Karim Ru'yah Ta'sisiyyah li Manhaj Jadid fi Tafsir Al-Quran* written by Wasfi Asyur Abu Zayd, Jakarta Selatan : PT QAF Media Kreativa, 2020, p. 34-36.

This is known as thematic interpretation. Tafsir specializes in its study on one theme in a particular sura or discusses a specific topic through all the verses of the Qur'an that have thematic relevance. One example is the study of Jews in the Koran, Parabels in the Koran, etc. Any of these themes use the step of collecting all the verses of the Qur'an, then interpreting them scientifically based on the themes discussed. The results of this study are recorded separately or become part of a whole book that includes several simple languages in the form of analytical interpretations. A researcher who uses this method will focus on the themes and topics he wants and can find out the perspective of the Qur'an on the theme easily.

From observing all the verses collected, studying them, spreading them, cataloging them, and analyzing them, then the *maqasid* al-Qur'an from these themes can be concluded easily. When the Quran tells us about it, it explains the character of the Jews and their characteristics. The goal is that we know their properties and treat them according to these characteristics. Do not let us feel safe from their tactics, nor believe in their promises or feel safe beside them. Do not deal with them except on strong and binding terms of justice and some other *maqasid* that can be added. The study of a theme from all its aspects will open the perspective of the Koran on that theme. Thus, it will be clear *maqasid* Al-Qura'an and the targets to be achieved through observation or tadabur on all aspects and sides.

From the interaction process with the Qur'an, it can be concluded that there are several benefits of knowing its special *maqasid*. These benefits are related to the thematic aspects of the Qur'an as well as other themes, including:

1. Summarizing the views of the Qur'an around a certain theme according to its *maqasid*.
2. Adjusting the implementation of general and specific matters related to the topics discussed with the *maqasid* of each field of the Qur'an.
3. Understand parts of the theme of the discussion of the Koran or other fields according to the content of the *maqasid* of the Koran.

4. Reflecting *maqasid* from the theme of the discussion of the Koran or other fields in the practice of fiqh both in the realm of understanding or *ijtihad* on new things.
5. Implement and straighten these fields or themes in academic and practical life following the guidance of the *maqasid*. *Maqasid* from each field and theme must be the standard used to weigh the application of law in everyday life.
6. Utilize the *maqasid* of each theme and discussion in the process of legalizing contemporary laws or to facilitate their application. Knowing the *maqasid* of the Quran has an undeniable positive value. one as the guardian of the standard of truth and its provisions in theory and practice.²

CHAPTER IV

² Ulya Fikriyati, *METODE TAFSIR MAQASID: Memahami Pendekatan Baru Penafsiran Al-Qur'an terj. Nahwa al-Tafsir al-Maqasidli al-Qur'an al-Karim Ru'yah Ta'sisiyyah li Manhaj Jadid fi Tafsir Al-Quran* written by Wasfi Asyur Abu Zayd, Jakarta Selatan : PT QAF Media Kreativa, 2020, p. 34-36.

**Maqasid Interpretation on Q.S Al-Ahzab 59 , An-Nur 31 and Its
Contribution on Global Society**

A. Interpretation Analysis on Q.S Al-Ahzab 59

يَتَأْتِيهَا النَّبِيُّ قُلٌّ لِأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ
جَلْبِيبِهِنَّ ذَلِكَ أَدْنَى أَنْ يُعْرَفْنَ فَلَا يُؤْذِينَ ۗ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا ﴿٥٩﴾

"O Prophet! Tell your wives, daughters, and Woman of the believers that they will stretch out over themselves their veils. It makes them easier to know so that they are not disturbed, and indeed Allah is All-Forgiving and Most Merciful. " (Q.S al-Ahzab verse 59).

The researcher explains his view of why Muslimah declare the whole body as aurat so that they can explore the meaning of the Veil (*Hijab* and *Niqab*) described by her.

The first Hadith reads:

عَنْ ابْنِ مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : الْمَرْأَةُ عَوْرَةٌ فَإِذَا خَرَجَتْ
اسْتَشْرَفَهَا الشَّيْطَانُ (رواه الترمذي و قال حسن غريب)

From Ibn Mas'ud that the Prophet SAW said; "A woman is aurat, so when she comes out (home), the devil appears and widened her eyes and meant badly to her" (H.R Tirmidhi and he judged it hasan Garib)

Imam Tirmidzi explained that the above Hadith received the title of Hasan because of a rawi defect in the field of dhobit and gharib, which is not narrated except through someone must Worried. In short, the Hadith above, if judged as authentic, does not show that the whole body is aurat. Because the word woman is aurat, certain parts of the body or movements are prone to causing stimulation. This Hadith also cannot be used as an excuse to prohibit Woman from leaving the house. At most, it is only a warning that Woman cover their aurat properly and behave politely following religious guidance, especially when they leave the house, not to stimulate the presence and interference of human or demonic demons. Genie. Dozens of hadiths show

that many Woman were allowed to leave the house to do various positive activities at the Prophet's time.

The second Hadith is:

عن أم المؤمنين عاؤشة رضي الله عنها قالت : كَانَ الرُّكْبَانُ يَمْشُونَ بِنَا وَ نَحْنُ مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَ سَلَّمَ مُحْرِمَةً , فَأَذَّ حَادُوا بِنَا سَدَلَتْ إِحْدَانَا حِلْبَانَهَا مِنْ رَأْسِهَا عَلَى وَجْهِهَا , فَأَذَّ جَاوِزُونَا كَشَفْنَا (رواه أحمد و أبو داود و ابن ماجه و غيرهم)

From Umm al-Mukminin "Aisyah ra. He said: The camel/horse riders passed by us, while at that time we were with Rasulullah Saw and we were in a state of ihram, so when they passed in front of us stretched out a Veil (*Hijab* and *Niqab*) from their head above (to cover) each other's faces, and when they had gone through us, we opened it (our faces)". (H.R Ahmad, Abu Daud, Ibn Majah, and others).

This Hadith is considered dha'if by followers of the school of thought, which excludes faces and hands because, in its sanad, Yazid Ibn Abi Ziyad is considered a weak narrator by many scholars. This Hadith is also considered to have originated from Mujahid, who received it from Aisyah r.a. At the same time, Mujahid never met and was not during Aisyah r.a. Besides that, the contradicts hadith content above other hadiths, which are also stated by supporters of the ideology that states that all parts of Woman are aurat, namely the third Hadith mentioned below.

The third Hadith is:

عن ابن عمر رضي الله عنه أن النبي قال : لَا تَنْتَقِبُ الْمَرْأَةُ الْمُحْرِمَةُ وَ لَا تَلْبَسُ الْقُمَّارِينَ (رواه أحمد و البخاري و النسائي)

It is from Ibn 'Umar that the Holy Prophet said: "It is not (justified) that a woman who is doing ihram wears a Veil (*Hijab* and *Niqab*)(face covering) and does not wear gloves" (Narrated by Ahmad, Bukhari, and an-Nasai)

This Hadith, which contradicts the second Hadith above, is used because the Prophet's prohibition shows that at that time, Muslimah wore the Veil (*Hijab* and *Niqab*) in their daily lives. This argument is rejected by stating in

the hadith text. There is nothing to show that all Woman were veiled at that time. The case can prove by the number of the other traditions used as a basis for many Woman who did not wear the veil. On the other hand, even if they are veiled, they can do it not based on religious obligations but their own will, and there is nothing wrong with a veiled woman. On the other hand, many hadiths are the pioneers of those who declare the veil, but these three hadiths are the most popular and interpreted by previous scholars.¹

Above, the researcher has explained some of M Quraish Shihab views then wants to present the group's argument that excludes faces and palms. The scholars who excluded the face and palms of the female body parts as aurat also presented some hadiths. This is the most important of them.

The first hadiths are:

عن عائشة رضي الله عنها : أَنَّ أَسْمَاءَ بِنْتَ أَبِي بَكْرٍ دَخَلَتْ عَلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَعَلَيْهَا ثِيَابٌ رِفَاقٌ , فَأَعْرَضَ عَنْهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَقَالَ : يَا أَسْمَاءُ إِنَّ الْمَرْأَةَ إِذَا بَلَغَتِ الْحَيْضَ لَمْ يَصْلُحْ أَنْ يُرَى مِنْهَا إِلَّا هَذَا وَهَذَا (وَأَشَارَ إِلَى وَجْهِهِ وَكَفَّيْهِ) (رواه ابو داود , و قال هذا مرسل خالد بن دريك لم يدرك عائشة , و رواه أيضا البيهقي)

From Aisyah r.a said; that Asma daughter Abu Bakr came to see the Messenger of Allah wearing thin (transparent) clothes, Rasulullah Saw turned away reluctant to see her and said: "O Asma, actually a woman when she has menstruation, it is no longer natural to be seen from her except this and this." pointing to the face and the palms of his hands) (Narrated by Abu Daud and al-Baihaqi).

The Hadith has a narrative composition subject to a long discussion and the acceptance and rejection of scholars. Some scholars say that the entire body of Woman is aurat without exception. The above Hadith cannot be used as an argument because Abu Daud himself, who narrated it, considered this hadith

¹ M Quraish Shihab, *Jilbab Pakaian Wanita Muslimah : Pandangan Ulama Masa Lalu dan Cendekiawan Kontemporer*, Tangerang : Penerbit Lentera Hati, 2018, p. 118-117.

mursal because Khalid Ibn Duraik, who in his sanad mentioned the wife's name of the Prophet Aisyah. ra as the source, even though Khalid did not know Aisyah personally, not even during her time with him. This means that the Hadith is mursal.

According to many scholars, the mursal Hadith cannot be used as evidence. In this context, the Imam Muslim hadith expert stated: "Hadith which is historical in our opinion and the opinion of historical scholars cannot be used as evidence (religious argumentation). Apart from Khalid Ibn Duraik, the names of other narrators are also problematic because of the views of many scholars. For example, Sa'id Ibn Basyir, some judge him as dha'if. Apart from the problematic narrator, the content of the Hadith is also doubted by some scholars because they think that Asma, the son of Abu Bakr, who has a clear lineage and diversity, dares to meet the Prophet wearing thin clothes that's what Muhammad Isma'il al-Muqadam said.²

Second Hadith:

..... أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : لَا يَحِلُّ لِمَرْءَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ إِذْ عَرَّكَتْ أَنْ تُظْهَرَ إِلَّا وَجْهَهَا وَيَدَيْهَا إِلَى هَهُنَا (وَقَبْضَ نِصْفِ الذِّرَاعِ)

The Holy Prophet said: "It is not lawful for a woman who believes in Allah and the Day After and has menstruation to show except her face and hands until here (then she held half of his hand)."

In another narration, the word (Laa Yahillu), which means not lawful, is replaced by (Laa Yashlihu) unnatural. In another narration reads:

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ : حَرَجْتُ لِابْنِ أَخِي عَبْدِ اللَّهِ ابْنِ الطُّفَيْلِ مَرْبِئَةً فَكَرِهَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقُلْتُ إِنَّهُ ابْنُ أَخِي يَا رَسُولَ اللَّهِ ! فَقَالَ : إِذْ عَرَّكَتِ الْمَرْأَةَ لَمْ يَحِلَّ لَهَا أَنْ تُظْهَرَ إِلَّا وَجْهَهَا أَوْ مَادُونِ هَذَا (وَقَبْضَ عَلَى ذِرَاعِ نَفْسِهِ)

² M Quraish Shihab, *Jilbab Pakaian Wanita Muslimah : Pandangan Ulama Masa Lalu dan Cendekiawan Kontemporer*, Tangerang : Penerbit Lentera Hati, 2018, p.114-120.

From Aisyah, R.A said: "I went to visit my brother's son (from my mother), Abdullah Ibn ath-Thufail, in a state of decoration; when the Prophet was not happy, so I said, "O Messenger of Allah, he is my brother's son." So the Prophet SAW said: "When a girl has menstruation, it is not lawful for her to show except her face, and what is other than this (then she holds her hand)."

In another narration, he left between his fist and palm as well as one fist. According to Albani, the Hadith allows showing half of the hand is considered by Abu al-A'la al-Maududi as a hadith can be practised. However, according to the Pakistani cleric. The permission to reveal a face, palms is according to custom. While permission to reveal upand to half hand is needed. According to him, the prohibition on showing the body except for the face and half the hands uses Laa Yashluh (unnatural). In contrast, the prohibition on showing it except for the face and palms uses the word la yahillu.

M Quraish Shihab explained the argument distinguishes between the two words has little impact. If only interpreted as "if there is a need", the meaning without the Hadith even more than showing half a hand can be justified if there is a need. Hasn't agreed on a rule which states (الحاجة بمنزلة الضرورة) (emergency level needs), while (الضرورات تبيح المحظورات) (emergency can justify what is haram). This is certainly within its limits. Therefore, it is natural for someone to say that if the Hadith is valid, he can have a meaning more than just explaining that it is permissible to open half of the hand, even though it is not in a state of necessity.

The ulama's argument that the entire body of a woman is aurat, the above hadiths have weaknesses in their sequence. One of the narrators was named al-Husain, whose real name was Sunaid Ibn Daud al-Mashishi. According to the hadith expert adz-Dzahabi, "He is a hafidz, has interpretation, but there are hadiths that are not authentic." However, the hadith expert Abu Hatim evaluates it honestly, whereas an-Nasa'i is a hadith scholar and a fairly strict judge, judging him not tsiqah. That is, his history cannot be justified. Likewise with another narrator, namely Ibn Juraij, who is considered by many scholars

as a person who often "narrates the hadith without paying attention to who the source is."

Nasiharuddin al-Albani, as the author points out above, only strengthens the first Hadith, which excludes the face and palms. Meanwhile, he weakened the second Hadith, which allowed the opening of half of his hand. The second Hadith which is used as the basis for the possibility of showing the face and palms of a woman is the hadith of Abdullah Ibn Abbas r.a:

أُرْدِفَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْفَضْلُ بْنُ الْعَبَّاسِ رَضِيَ اللَّهُ عَنْهُمَا يَوْمَ النَّحْرِ حَلْفُهُ عَلَى عَجْزِ راحِلَتِهِ وَكَانَ الْفَضْلُ رَجُلًا وَضِيئًا فَوَقَفَ النَّبِيُّ لِلنَّاسِ يُفْتِيهِمْ , وَأَقْبَلَتْ امْرَأَةٌ مِنْ حَثَمٍ وَضِيئَةً تَسْتَفِي رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَطَفِقَ الْفَضْلُ يَنْظُرُ إِلَيْهَا وَأَعْجَبَهُ حُسْنُهَا فَالْتَفَتَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَالْفَضْلُ يَنْظُرُ إِلَيْهَا , فَأَخْلَفَ بِيَدِهِ فَأَخَذَ بِذَقَنِ الْفَضْلِ فَعَدَّلَ وَجْهَهُ عَنِ النَّظَرِ إِلَيْهَا فَقَالَتْ يَا رَسُولَ اللَّهِ , إِنَّ فَرِيضَةَ اللَّهِ فِي الْحَجِّ عَلَى عِبَادِهِ , أَدْرَكَتْ أَبِي شَيْحًا كَبِيرًا لَا يَسْتَطِيعُ أَنْ يَسْتَوِيَ عَلَى الرَّحْلَةِ , فَهَلْ يَقْضِي عَنْهُ أَنْ أَحُجَّ عَنْهُ ؟ قَالَ : نَعَمْ (أَخْرَجَهُ الْبُخَارِيُّ وَ مُسْلِمٌ وَ أَبُو دَاوُدَ وَ النَّسَائِيُّ وَ غَيْرُهُمْ)

Rasulullah saw a ride on al-Fadl, the son of al-Abbas (ra), on the day of the Nahr (Eid Hajj) behind his vehicle (camel). Al-Fadhl is a radiant (dashing) man. The Prophet (saw) stood up and gave fatwas to the public. Then a woman from the tribe of Khats'am, radiant (beautiful) and asked the Prophet. Al-Fadl (continuously) looked at her, and the beauty of the woman was amazing, so the Prophet turned his head while al-Fadl looked at him (that woman), then the Prophet turned away with his hand al-Fadl's chin, so he turned al-Fadl's face from his view. to that woman. Then the woman said: "Verily, the obligation that Allah has set upon His servants is Hajj, but I found my father unable to sit on the vehicle, so can I serve him? The Prophet replied: "Yes." (H.R Bukhari, Muslim, Abu Daud, an-Nasai, and others)

The Hadith shows that parts of a woman's body can be seen / should not be covered. According to many scholars, is his face and hands. However, this understanding is rejected by religious scholars who state that the entire body is

aurat. They said the above Hadith could not be used as evidence (reason) to state that it is permissible to open the face and palms for several reasons:

1. Isn't the attitude and actions of the Prophet by using his hands turning the face of al-Fadl, indicating that there is a prohibition on showing the face of a woman? If indeed this was allowed, then, of course, Rasul Saw would not have hindered al-Fadhl r.a
2. The Hadith does not explicitly state that the woman shows her face and hands. The hadiths only describe the woman as wadhi'ah (serial), which is beautiful. Before this incident, al-Fadl had seen her and knew her beauty, or maybe at that time. Her Veil (*Hijab* and *Niqab*) was opened by chance. Her face could be seen, and it could also be her beauty was known from the shape of her body or fingers.
3. Even if it is stated that a woman's face is open, it is because she is in a state of ihram, while a woman who is in a state of ihram may open her face if there is no man, it is not her mahram who is watching.³

If analyzed from the hadiths of the companions, tabi'in, and tabi 'tabi'in, it is not uncommon for limited human reason to conclude that Muslimah wore the Veil (*Hijab* and *Niqab*) during the Prophet's time. Some used the Veil (*Hijab* and *Niqab*) so that their face was not visible. Some did not wear the veil, so visible face and palms. Regardless of whether the Hadith is authentic or not, in essence, Muslimah wore a Veil (*Hijab* and *Niqab*) with their faces and palms showing because that was the standard of Muslim clothing at that time. It did not escape that some were veiled because they did not matter at that time. So it is believed that the Veil (*Hijab* and *Niqab*) recorded in religious orders has also become a cultural demand.

Professor and Chair Department of Islamic Sharia, Darul 'Ulum Faculty of Cairo University, named Muhammad al-Beltaji, said: "In Egypt, the Veil (*Hijab* and *Niqab*) was worn by advanced and wealthy and middle-class

³ M Quraish Shihab, *Jilbab Pakaian Wanita Muslimah : Panadangan Ulama Masa Lalu dan Cendekiawan Kontemporer*, Tangerang : Penerbit Lentera Hati, 2018, p. 123-128.

Woman until the early twentieth century, while Woman who worked on plantations, likewise the urban poor, do not wear them and appear with open faces. At that time, the Veil (*Hijab* and *Niqab*) was one way of appearing that gave the impression of wealth and high social position until one of the poets changed the verses that described the determination of Woman to wear it even though the prophets allowed Woman to reveal their faces. Al-Baltaji then quoted the poem of Hafizh Ibrahim (1872-1932 AD), which described the attitudes of Egyptian Woman at that time:

فَلَوْ حَضَرَتْ فِي مِصْرَ حَوَاءُ أُمَّنَا # يَلُوحُ مَحْيَا هَا لَنَا وَ نُرَاقِبُهُ

و خَلَفَهُمَا عِيسَى وَمُوسَى وَ أَحْمَدُ # وَجَيْشٌ مِنَ الْأَمَلَاكِ مَا جِئَتْ مَوَاكِبُهُ

وَقَالُوا لَنَا : رَفْعُ الْحِجَابِ مُحَلَّلٌ # لَقُلْنَا لَهُمْ : حَقٌّ , وَلَكِنْ نُجَانِبُهُ

If our mother came to Egypt, Eve,,, her face would appear before us,,,,,,,,,

And we watched ... And his hand led Maryam, who also opened her face ...

Shaking our hands, which he saw and admonished

And behind them, there are Isa, Musa and Muhammad ...

There was also an army of angels surging in presence

Then they all said: "To remove the Veil (Hijab and Niqab) is lawful"

.....

We also replied: "That's true, but we avoided it"

The above verse describes the ability to open the face cover at that time, and it is clear that the Woman there who cover their faces are not compulsion from religious advice but personal will.

In the book *al-Fiqh al-Islami wa Adillatuhu* by Dr. Wahbah az-Zuhaili, aurat is summarized as follows: The scholars agree that aurat and rectum are aurat. Simultaneously, men's navels are not aurat, while men's navels are not aurat. The male aurat are between the navel and the knees. The female aurat in prayer are other the face and the palms of the hands (plus the legs in the Hanafi school of thought). Scholars have different opinions about the male knee. The majority of scholars state that men's knees are not aurat but should be closed, at least part of it and part of the navel because what is above the knee and below the navel cannot be closed, at least part of it and part of the navel cannot be closed unless partially closed. Of both.

Aurat of Muslimah in front of relatives who are mahram and Muslimah is between the navel and the knee. This is according to the syafi'i and Hanafi schools of thought. According to the Maliki school of thought, the entire body except for the face, neck, head, hands, feet, and calves.

The aurat of the little girl are also in dispute. In the Hanafi school, children aged four and under do not have their aurat seen and held by their whole bodies. When he entered the age of five to ten years, his aurat and anus were around it. When he was ten years old, his aurat were the same as adult female aurat. The view of scholars with Islamic schools of thought is stricter. Small children, even though they are not yet mature, that is, they have not been said to be intelligent, their aurat are with the aurat of both adult men and Woman. According to some scholars, a woman's awrah towards a man who is not her mahram is her entire body, including her face and palms. Many scholars loosen up a little so that they think that the face and palms are not aurat.

From the description above, we find some tightening and concessions provided by scholars apart from the four schools of thought. For example, some argue that half a hand is not aurat. The case more or less the previous priest

view who interpreted the aurat of Woman and men, both in prayer and outside of prayer.⁴

A simple description of the legal basis for limiting Woman's aurat from the previous chapters shows the reader that the authoritative syara '(religion) text, Al-Qur'an and the Prophet's Hadiths do not clearly and explicitly mention the boundaries of Woman's aurat. Realities provide ample opportunities for the scholars of the madzhab to interpret them according to their respective capacities and tendencies, which cannot be separated from their struggles with the realities of life that occur and develop around them in their respective times.

What is interesting is that they also mention the exclusion (takhshish) of female servants in their view that they are much more open, even though they are not based on a single syara 'statement, either from the Qur'an or the hadiths. In other words, the text which mentions the entire female body as aurat is limited to certain groups of Woman.

In the view of the fiqh scholars , these limitations and exceptions may refer to Woman's social status and function at that time, whether she was a free person or a slave. In the social construction of the Islamic community, if she was a free woman, they were generally ordered to stay outside and were advised not to work outside the home. Because they don't go out of the house and don't hang out with people in public spaces.

However, if he is a servant, he has the freedom to work, both in the domestic space and in the public space, because they are socially constructed to serve, serve, work and do whatever is needed by their masters/masters. With the reasons above, it can be logged that free Woman should be more closed than Woman. It is the reality of social construction like that which seems to provide inspiration and the background for the various opinions of the scholars above with different perspectives and analyzes. The Scholars who argue the face, palms of the hands and arms (dzira '), as well as the legs to the calves of

⁴ M Quraish Shihab, *Jilbab Pakaian Wanita Muslimah : Pandangan Ulama Masa Lalu dan Cendekiawan Kontemporer*, Tangerang : Penerbit Lentera Hati, 2018, p. 144-150.

an independent woman may be open, maybe for reasons of certain needs or needs (li al-hajah) and allowed by her husband (for the wife).

Another reason is not being troublesome or difficult to move (daf'an al-haraj wa al-musyaqqah). The same reason is also used as their basis for arguing that the head, neck, arms, legs, and even the entire body of the slave girl, apart from the body parts between the center and the knees, are not aurat and therefore, these parts are left visible / exposed.⁵

Hanafi school perspective, Muhammad bin 'Abd al-Wahid al-Siwasi (w.681 H) in the book Syarh Fath al-Qadir conveyed various views of scholars in his school's internal regarding Woman's arms. He said many scholars' obliged to close it. Some said it was not aurat and not obliged to be closed. Others argued that it was obligatory to close, only when praying, that it was not obligatory when it was not (outside) prayer. They argue that the arm is a part of the body that needs to be opened when helping others and working.

Ibn Qudamah, in the book of al-Mughni, said:

و قال بعض أصحابنا : " الْمَرْأَةُ كُلُّهَا عَوْرَةٌ , لِأَنَّه قَدْ رُوِيَ فِي حَدِيثٍ عَنْ أَبِي صَالِي اللَّهِ عَلَيْهِ وَسَلَّمَ : الْمَرْأَةُ عَوْرَةٌ , رواه الترمذي . و قال : حديث حسن صحيح , لَكِنْ رَخَّصَ لَهَا فِي كَشْفِ وَجْهِهَا وَكَفِّئِهَا لِمَا فِي تَعْطِئِهِ مِنَ الْمَشَقَّةِ "

"Some of our scholars say: That (the body) of Woman is entirely aurat. Because there is a hadith narrated from the Prophet SAW: that Woman are aurat. Al-Turmudzi narrated this. He said: this is Hasan Sahih's Hadith. But she (woman) is allowed to open her face (face) and palms because closing the member is troublesome (difficult).

Al-Marghinani said in the book of al-Hidayah:

⁵ Husein Muhammad, *Jilbab dan Aurat*, CV. AKSARASATU, 2020, p . 73-78.

وَمَا كَانَ عَوْرَةً مِنَ الرَّجُلِ فَهُوَ عَوْرَةٌ مِنَ الْأَمَنَةِ وَبَطْنُهَا وَظَهْرُهَا عَوْرَةٌ وَمَا سِوَى ذَلِكَ مِنْ
 بَدَنِهَا لَيْسَ بِعَوْرَةٍ , لِقَوْلِ عُمَرَ رَضِيَ اللَّهُ عَنْهُ : أَلْقِ عَنْكَ الْحِمَارَ يَا دَفَّارُ أَتَتَشَبَّهُنَّ بِالْحَرَائِرِ ؟
 وَلَا تَخْرُجْ لِحَاجَةِ مَوْلَاهَا فِي ثِيَابِ مِهْنَتِهَا عَادَةً فَاعْتَبِرْ حَلَّهَا بِدَوَاتِ الْمَحَارِمِ فِي جَمِيعِ
 الرِّجَالِ دَفْعًا لِلْحَرَجِ .

"What is the limit of male aurat is also the limit of the female servant's aurat (al-amah), the stomach and back are the aurat because Umar once said:" Take off the cover of your head, O Daffar (name of a slave girl). Do you want to resemble a free woman? "Also because he usually goes out for the needs of his master in his work clothes, then (in terms of aurat) he is considered a blood family (mahram) for all men, to reject difficulties⁶.

The contemporary scholar, Muhammad 'Ali al-Shabuni, justified the opinion of the majority of scholars regarding the nakedness of female servants. He said: "Servant Woman as working Woman who often leave the house, and go back and forth to the market to serve and fulfil all the needs of their employers. If ordered to dress completely closed when leaving the house, it is troublesome (haraj) and burdensome (masyaqqah). It is different from free Woman who are ordered to remain indoors and not leave the house except for urgent needs. So, he does not have the hassle or objection as experienced by the slave girl".

B. Interpretation of Q.S an-Nur 31

وَقُلْ لِلْمُؤْمِنَاتِ يَعْضُضْنَ مِنْ أَبْصَرِهِنَّ وَيَحْفَظْنَ فُرُجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا
 وَلِيَضْرِبْنَ بِخُمُرِهِنَّ عَلَى جُيُوبِهِنَّ

And say to the Woman of the faith: "Let them hold their gaze, and take care of their aurat, and let them not show their ornaments except what is visible from them and let them cover their veils over their chests." (Q.S an-Nur verse 31)

⁶ Husein Muhammad, *Jilbab dan Aurat*, CV. AKSARASATU, 2020, p.78-83.

This verse mentions the number of excluded men. They are female mahrams (close relatives), men who have no desire (ghoir uli al-Irbah) and men who are not yet mature. In front of these mahrams or men, Woman's aurat are more open. This could be because they are not traditionally the ones who would threaten or endanger the sexuality of the woman.

From the various views of the juris prudence experts above, it is clear that religious texts that talk about Woman's aurat do not stand in an empty room without any grounding on the existing reality, and develop around the above interpreters or scholars. The term 'for the sake of need' (talbiyat al-hajah) and rejecting 'objection' (daf'an al-haraj) are expressions related to real human life / society.

The conditions are very relative, differ from one time to another, and from one place to another. So the opinions of scholars about aurat in this perspective are contextual. Suppose we can understand and agree that 'objection / difficulty' and 'need / need' are aspects that constitute a substantial reason in interpreting genital texts. In that case, the issue of aurat is not a universal religious terminology.

In other words, the boundaries regarding it are not determined by religious texts. In this case, the word aurat is the same as other words such as disgrace and shame, as is the word "fair", "polite", or "polite". These words are not very relative and contextual socio-cultural terminology. That is, they vary from one place to another and from time to time.

The order to cover one's aurat is indeed a part of religious provisions (syar'i text). The extent to which the limitations of aurat are very much determined based on considerations of social norms (society), and humanity is not single and very complex. For this reason, in determining the limits of aurat, certain social conditions and mechanisms are needed for both men and Woman, which are more accommodating and responsive to all values and traditions that develop in society.

In this case, considering "*khawf al-fitnah*" (concern about arousing male sexual attractiveness) needs to be considered and carried out in a changing

social and cultural context. We don't need to imagine the possibility of a social situation that justifies Woman's nudity in the public sphere. Even in an advanced, free, secular and anti-religious society, the social situation there still maintains modesty in dress.

If we wish that you Woman dress in a more closed manner, then, of course, it is legal, and it doesn't matter. However, for this purpose, persuasive methods are needed, through moral education, to create traditions that respect Woman and do not involve state intervention.

The most important thing to consider in this issue is how we can create social spaces and certain regulatory mechanisms so that the human body, especially Woman, is not exploited for cheap and low biological interests and desires.

Is it possible for protection for Woman to be carried out, or a formula made without limiting their rights to expression and self-actualization in the social space? The other most important thing and the most fundamental is how we can create, at the same time, socialize individual and social perspectives and the background of a person's identity, including gender, and not humiliate or insult him, let alone commit sexual harassment.

This method is more basic so that Woman can still live their lives, anywhere and anytime, without having to be haunted by anxiety and fear, against the eyes of an uncivilized male bitch. From the first chapter to the jilbab verse interpretation by KH Husein Muhammad, the description above is clear. Now, the researcher wants to add a groundbreaking argument as a new argument. Many people rarely discuss this case and can be considered for those who are too 'fanatical' in religion. So too 'rigid' in limiting boundaries Woman's aurat, then blaming those who are not in line with the opinion of their group. This is like a light for a group of minority Woman who are threatened with their lives in a free country or a country that might threaten her if she is too

passionate about the attributes considered symbols of religiousness/obedience Muslimah.⁷

Happy hair fashion is a topic where a woman can take off her *hijab* when she has difficulty. Sukainah is the beloved daughter of Imam Husein bin Ali, grandson of Imam Ali bin Abi Talib and Siti Fatimah, and a great-grandson of the Prophet. Born in 669 AD in Medina, he was one of those who accompanied his father, Karbala. He and Sayyid Ali bin Husein al-Sajjad, watched with their eyes when Yazid bin Muawiyah's army slaughtered their father. He has also been detained.

The name sukainah was very popular in the Arab-Islamic world at that time. She became a broad public topic of conversation because of her beautiful face and beautifully combed hair. According to historical records, she often left her beautiful hair open. In other words, she often doesn't wear a head scarf or headscarf/*hijab*.

قال صاحب الأغاني في وصف ذلك : >> كَانَتْ سُكَيْنَةُ أَحْسَنَ النَّاسِ شَعْرًا وَكَانَتْ تُصَوِّفُ

جَمِّهَا تَصْنِيفًا لَمْ يَرَ أَحْسَنَ مِنْهُ حَتَّى عُرِفَ ذَلِكَ وَكَانَتْ الْجَمَّةُ تُسَمَّى [السُّكَيْنِيَّةَ] وَكَانَ عُمَرُ

بْنُ عَبْدِ الْعَزِيزِ إِذْ وَجَدَ رَجُلًا يُصَوِّفُ جَمَّتَهُ السُّكَيْنِيَّةَ جَلَدَهُ وَحَلَّقَهُ <<

"Abu al-Faraj al-Ishfani, the author of the book " Al-Aghani, "an encyclopedia of literature, stories, and poetry, wrote:" Sukainah is the woman with the most beautiful hair. She combed and smoothed her hair so well. There was no woman with hair as beautiful as her. So that it became a separate fashion for the Woman of her era, which was called the "joyous fashion". Umar bin Abdul Aziz punished the man who combed his hair in the Sukainah style by cutting it".

Ridha Kahalah, the author of "A'lam al-Nisa", Encyclopedia of Woman Ulama in the Arab-Islamic World, writes the same thing. Sukainah bin al-Husein is also popular because of his intelligence and broad knowledge, deep

⁷ Husein Muhammad, *Jilbab dan Aurat*, CV. AKSARASATU, 2020, p.83-90.

because it covers many disciplines. Among other things, interpretation, Hadith and literature.

Ahmad Syauqi, the famous poet king of the Nile, wrote a beautiful poem:

هَذَا رَسُولَ اللَّهِ أَمْ يَنْقُصُ ...
 حَقُّوقُ الْمُؤْمِنَاتِ
 الْعِلْمُ كَانَ شَرِيعَةً
 لِنِسَائِهِ الْمُتَّقِهَاتِ
 رُضْنَ التِّجَارَةَ وَالسِّيَاسَةَ ..
 وَالشُّؤُونََ الْأَحْرِيَاتِ
 كَانَتْ سُكَيْنَةُ تَمَلَأُ الدُّنْيَا
 وَ تَهْزُهُ بِالرُّوَاةِ
 رَوَتْ الْحَدِيثَ وَفَسَّرَتْ ...
 أَيُّ الْكِتَابِ الْبَيِّنَاتِ

Look...

Rasulullah never took away the rights of Woman who believed

Science became an intelligent way of life for the Prophet's family

They trade and are political activists

And various other activities

Look, Sukainah

Its name rises to spread its fragrance in all corners of the earth

He taught the words of the Prophet

And interpret the scriptures

He often met and discussed literature, prose, and poetry with literary scholars of his time at home. Among others: Jarir, Farazdaq, Jamil Butsainah. In his house, there is a room for public recitation and a literary salon. Men and Woman, as well as the general public, attend the recitation. The great-grandson of the Prophet Muhammad died in Medina, 681 AD, and was buried in Baqi. There is another narration saying that he died in Damascus and was buried in Bab al-Shagir. In essence, there is no limit to the same, single, and agreed aurat. A series of legal bases serve as a reference and basis, both from authoritative religious texts (syara '); Al-Qur'an and Hadith, and the logic ('illat) of law.

The role of the three points in the previous chapter urged researchers to re-examine the *maqasid* interpretation of the *hijab* verse, initially aimed at the identity of free Woman so that that identity protects them. The reverse social phenomenon occurs in Muslimah in countries that are not dominated by Muslim communities. This is an academic problem in response to problems in society. Therefore, as a researcher in interpretation, the researcher wants to reinterpret the *Maqasid* Interpretation, especially on the *hijab* verses, instructing Muslimah to wear certain clothes. With this role, the researcher is tasked with reinterpreting the foundations of the previous interpretation (M Quraish Shihab and K.H Husein Muhammad) according to what the respondent understands. This is used to reconstruct people's understanding of verses and hadiths to understand their mindset in practicing verses and hadiths.

After a comprehensive reconstruction, we can easily reinterpret the verses and hadiths as intended by previous scholars. The interpretation of verses and hadiths according to classical, contemporary scholars and subsequent researchers may differ from the general public or differ from the written text. This is where *maqasid's* interpretation is an alternative to differences in religious texts with social phenomena in the field.

As a researcher of *maqasid* interpretation, we should not impose or guess the interpretation of the Al-Qur'an or hadith. Everything is obtained through

empirical research activities based on facts and realities in the field. Here the principles of empiricism and emic are upheld in interpretive research.

In research for the benefit of the ummah, we can reinterpret reset patterns or understandings like what we can live in society as part of social change. Whereas in the context of research on the *maqasid* interpretation of the Veil (*Hijab* and *Niqab*)verse, reinterpretation is an effort to reveal the purpose or purpose of the ayar being revealed and what attitudes are carried out by Muslimah when social phenomena are different from what is meant in Al-Qur'an. There can also be seen the aspects and forms of social changes that occur in society.⁸

In this chapter, the researcher reveals the *maqasid* interpretation of the *hijab* verse for Muslimah wearing the headscarf in various parts of the world who are victims of Islamic discrimination, such as in France and others. The method used combines conclusive methods and experimental methods of Al-Quran experts by Washfi Asyur Ali Abu Zayd and the argument supported by M Quraish Shihab and K.H Husein Muhammad.

Analyzed from the *maqasid* Surah, Q.S an-Nur, which consists of 64 verses, is surah madaniyah. The scholars agree on this. The name an-Nur has been known since the time of the Prophet. It is reported that the Holy Prophet ordered: "Teach Surah An-Nur to your family." The name is so because one of its verses speaks very beautifully and impressively about nur, namely the divine guidance light (verse 35).

The description of this Surah concerns fostering social life and the need for a clean relationship between community members, especially between men and Woman. This can be seen clearly after paying attention to the issues raised in this chapter. Among others :

1. A legal sanction for adultery and the requirements for the implementation of that sanction is met

⁸ Ahmad Ubaydi Hasbillah, *ILMU LIVING QUR'AN-HADIS : Ontologi, Epistimologi, dan Aksiologi*, Banten : Unit Penerbitan Wakaf Darus-Sunnah, 2019, p. 340.

2. Legal texts against those who accuse someone of adultery without evidence.
3. Guidelines on maintaining morals in social relationships, among others, concern attitudes towards negative issues and the need to limit views of the opposite sex.
4. Encouragement to carry out marriage for those who can afford it.
5. A description of the requirements for obtaining power and stability in social life.
6. Description of children's education and social procedures, as well as household life.
7. Description of the obligation to participate in positive activities, as well as respect for the Prophet.

It can be concluded that the main *maqasid* of this Surah is the birth of a strong, clean society, which is reflected in the implementation of the guidance of this Surah. From here, it seems that this Surah is called Surah An-Nur, which is the light that illuminates all aspects of life, all of which originate from the Divine Nur who illuminates all of nature.⁹

Al-Asymawi, who is a former Chief Justice of Egypt, expressed his opinion about the meaning of Q.S an-Nur [24]: 31 as follows:

And say to the Woman of the faith: *"They should hold their gaze, and take care of their aurat and do not show their ornaments except what is visible from them and let them cover their veils over their chests"*

The word (khumur) is the plural form of the word (khimar), a long headgear. Since ancient times, Woman use the headgear. It's just that some of them don't use it to cover it but let it wrap around their backs. Now, this verse commands them to cover their chests with that long veil. This means that the Veil (*Hijab* and *Niqab*) is placed on the head because it has functioned this way from the beginning, then it is stretched down so that it covers the chest.

⁹ M Quraish Shihab, *AL-LUBAB : Makna , Tujuan, dan Pelajaran dari Surah-Surah Al-Quran*, Tangerang : Penerbit Lentera Hati, 2012, p. 581-582

The word (juyub) is the plural form of (jayab), a hole in the neck of a shirt used to insert the head to wear a shirt meant by a neck to chest. From this jayab, part of the chest can often be seen.

Al-Biqai got the impression from the use of the word (dharaba), which usually means hitting or putting something quickly and seriously on his word:

(وَلْيَضْرِبْنَ بِخُمُرِهِنَّ) that the wearing of the Veil (*Hijab* and *Niqab*) should be put really to cover it. Some scholars understand the letter ba in the word bikhumurihinna to function as al-illshaq, namely participation and attachment. This emphasizes that the Veil (*Hijab* and *Niqab*) does not separate from the body parts that must be closed. Then, (إِلَّا مَا ظَهَرَ مِنْهَا) which aims to cover the head except beside the face, the palms of the hands, as well as the feet and hair.

The word illa in it is disputed by scholars, some argue that illa is istisna which means excluding the sentence after it. The legal experts from Egypt wrote and quoted the interpretation of al-Qurtubi was revealed: The Woman of the Prophet's time covered their heads with a Veil (*Hijab* and *Niqab*) that was extended towards their backs so that the upper part of the chest and neck was left open. Thus, the above verse instructs believing Woman to stretch out their veils (towards the front) to cover the holes of the clothes (where the head enters on the veil) to cover their chests.

Thus, the word al-Asymawi 'illat, the legal stipulation in this verse, is an alteration of the custom which was too valid at the time of that verse, namely when Woman put their headscarves down chests stand out. Therefore, the above verse aims (orders) to cover the breast as a substitute for its openness, not to designate certain clothes. According to him, it may also be continued that al-Asymawi 'illat the provision of law in this verse (and this, according to him, is stronger) is to manifest the distinction between Woman believers and non-believers (who at that time opened their breasts). The commands here are similar to the hadiths of the Prophet, which were addressed to men:

"Shave the mustache and remove the beard (let him grow)"

It is clear that the *maqasid* verse, the context of the verse, and the hadith is only a differentiator (identity), this means that the legal provisions in each of the above orders are temporary, related to the period when desired, the existence of separation and not an eternal legal provision. Thus wrote Sa'id al-Asymawi.¹⁰

When we analyze the *maqasid* Q.S al-Ahzab, which consists of 73 verses. The scholars agreed that he was Madaniyah. Did he descend at the end of the V Hijri year, which is the year of the Ghazwah? The battle of Ahzab is also called the Khandaq battle because at that time, at the suggestion of a friend of the Prophet Salman al-Farisy ra, Prophet, together with his companions, dug a trench (khandaq), north of the city of Medina. The place at that time was strongly suspected to be the direction of attack by the polytheists. There is no other name in this collection of verses except al-Ahzab, which has been better known since the Prophet's time. The naming was born from the description of this Surah, stating the condition of the many polytheist tribes and the Jewish group of Bani Quraizah, under the leadership of the Quraish tribe in Mecca to attack the Prophet and the Muslims in Medina.

It can be concluded that this Surah talks about the Prophet Muhammad, his struggles, and family, especially his life in society since the battle of Badr in the 2nd year of H to embody the Hudaibiyah agreement (6th year H). One proof of the theme through its verses, the call "*Yaa Ayyuhan Nabi*" (15 times), "*Rasul*" (13 times), then found the words "*Syahid*," "*Mubasyir*," "*Nadzir*," "*Da'iyah Ila Allah*" and "*Siraj (an) Munira*." This Surah contains *maqasid* showing the doubt of the Prophet Muhamamd so that humankind will exalt, respect, and imitate Him.¹¹

Furthermore, in the interpretation of the *Maqasid*verse on the *hijab*, M Quraish Shihab explains that al-Asymawi describes his understanding of verse 59 of Surah al-Ahzab [33]:

¹⁰ M Quraish Shihab, *Jilbab Pakaian Wanita Muslimah : Pandangan Ulama Masa Lalu dan Cendekiawan Kontemporer*, Tangerang : Penerbit Lentera Hati, 2018, P. 193-195.

¹¹ M Quraish Shihab, *AL-LUBAB : Makna , Tujuan, dan Pelajaran dari Surah-Surah Al-Quran*, Tangerang : Penerbit Lentera Hati, 2012, P. 203-204.

"O Prophet! Tell your wives, daughters, and Woman of the believers that they will stretch out over themselves their veils. It makes them easier to know so that they are not disturbed, and indeed Allah is All-Forgiving and Most Merciful. " (Q.S al-Ahzab verse 59).

When describing his opinion on the above verse, al-Asymawi quotes again from the interpretation of al-Qurtubi. This verse is related to the habits of Arab Woman at the time of the decline of the Qur'an, namely at-tabadddzul (paying less attention to modesty/fairness in dress and behavior). They opened their faces like slave Woman.

Thus, the 'illat of law in this verse, or the purpose of stretching out the veil, is so that free Woman can be recognized and distinguished from Woman who are servants and Woman who are not honorable so that there will be no confusion with them, this is to maintain the clothes of free Woman.¹²

It should be underlined that what was called 'illat by al-asymawi' was not recognized by the former Egyptian Mufti as 'illat, but only as wisdom. Indeed, Islamic jurists distinguish between the two terms. They said many conditions must be met to name something 'illat. One of them is that it is in the form of something clear and measurable because the law is stipulated and because there is no law being lifted (no longer valid). However, if something can be measured, then it is only called hikmah, not 'illat.

If we state that the reason for the revelation of the verse that commands the stretching out of the Veil (*Hijab* and *Niqab*) is to distinguish between Free Woman and slaves, as previously said, it is indeed 'illat. But unfortunately, not many scholars support this opinion, except wisdom, so no common ground can be found.

In the context of respectable dress, some contemporary scholars conclude that the maximum that can be exposed from a woman's body is a tight neck, half her arms, and half a calf. This is, among other things, because in addition to using a hadith that allows half the hand to be seen, they also understand that

¹² M Quraish Shihab, *AL-LUBAB : Makna , Tujuan, dan Pelajaran dari Surah-Surah Al-Quran*, Tangerang : Penerbit Lentera Hati, 2012, P. 196-198.

God's emphasis on wearing a Veil (*Hijab* and *Niqab*) is not covering the head (hair) but covering the chest. On the other hand, showing half-calf has become common and no longer irritates the general public.

Returning to Sa'id al-Asymawi, who was very enthusiastic about stating that it was not obligatory to veil, the former Supreme Court Justice added that the designated verses (as an argument for the obligation to wear the *hijab* or headscarf) do not contain qath'i (certain) legal provisions regarding the necessity of Woman. Believers to wear certain clothes absolutely and for all time. Because if there is a qath'i argument that says this ruling, there must be no difference in opinion among the scholars in determining the limits of Woman's aurat that must be covered.¹³

Furthermore, Sa'id al-Asymawi linked his opinion above with the hadith of the Prophet, which was narrated through 'Aisyah ra that the Prophet Muhammad SAW said, "It is not lawful for a woman to believe in Allah and the Later Days if she has grown up visible from her except her face and secondly. his hands are up here". (Then he was holding the middle of his wrist), as well as another narration which is also through 'Aisyah ra that Asma' is the daughter of Abu Bakr. (one time) entered to meet the Prophet. Then he said to him, "O Asma when a woman has reached her menstrual period, it is not good (natural) to be seen from her except this (while gesturing her face and palms).

According to him again, "If you look closely, the two hadiths above are included in the hadiths, not part of the hadiths that were agreed upon, namely those that are mut Worried or famous. In authentic judgment, the hadiths of the ahad function as guidance, advice, and support. They do not function to establish laws, nor can they invalidate a law. The two contradictory hadiths support this. The first hadith he holds the middle of his hand, while the second holds the wrist. The first hadith uses halal-haram editorial. Then it uses ashlah or fair editorial. The two editors have different meanings. The law of halal haram is a category of sharia law. At the same time, reasonableness is included

¹³ M Quraish Shihab, *Jilbab Pakaian Wanita Muslimah : Pandangan Ulama Masa Lalu dan Cendekiawan Kontemporer*, Tangerang : Penerbit Lentera Hati, 2018, P. 200-203

in afdhal (more important), and it is natural in certain societal conditions which certainly cannot be generalized between Arab and European Muslimah, and so on.¹⁴

He also denied Muhammad Sayyid Thantawi's accusations by reaffirming the above opinions, specifically talking about Woman's hair and headscarves. In the case of the veil, he commented on the thantawi opinion, which stated that he (al-Asymawi) ignored interpretation (زَنَّتُهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا) which means that they should not show their jewelry except what is visible from it (QS an-Nur verse 31), he emphasized that The verse forbids believing Woman from showing their decorations except what is visible from them. However, legal experts differ on the meaning (مَا ظَهَرَ مِنْهَا) which means what appears from it.

According to the M Quraish Shihab, what al-Asymawi said has aspects of truth that deserve attention. The difference in opinion of previous scholars was born because of disagreement with the hadiths that explain the limits of the aurat. This is because the quality of the hadith is problematic. This, at the same time, shows that the legal provisions regarding tolerable limits are dzanni in nature, namely allegations, which may be judged unilaterally strong, may also be weak according to the other party. If the verse of the al-Qur'an came down with a definite limit of aurat, then there would be no debates that would arise among the scholars or their experts.¹⁵

Moreover, the editorials of the verse are "*stretch out*," not "*wear*," as if explaining that this verse was indeed revealed earlier, the *hijab* is an Arabic cultural tradition because of its arid geographical location, and in another history, it also says Veil (*Hijab* and *Niqab*) is used only among pre-era aristocratic descendants. The Prophet to oppose the "tabo menstrual tradition,"

¹⁴ M Quraish Shihab, *Jilbab Pakaian Wanita Muslimah : Pandangan Ulama Masa Lalu dan Cendekiawan Kontemporer*, Tangerang : Penerbit Lentera Hati, 2018, P. 205-206

¹⁵ M Quraish Shihab, *Jilbab Pakaian Wanita Muslimah : Pandangan Ulama Masa Lalu dan Cendekiawan Kontemporer*, Tangerang : Penerbit Lentera Hati, 2018, P. 211-213

where menstruating or menstruating, is exiled from general civilization because it is believed that a menstruating person is carrying blood "*tabo* " *taboo*" means leaning towards a negative impact. So, the people and the rulers protect their families who are chlamydial Woman by wearing a headscarf and Veil (*Hijab* and *Niqab*) to remain in their own homes and are not included or isolated elsewhere. Only certain people can do it because their social influence can go against tradition with the existing power.¹⁶

Because the Veil (*Hijab* and *Niqab*) was already worn before the derivation of this verse, this is documented by the menstrual tabo tradition. Jewish and Christian Woman in the Arab region also wear it. In the following period, the use of the *hijab* began to be used by people in the archipelago. Alimatul Qitbiyah in *Hijab* in Indonesia: History and Controversy says an aristocratic Muslimah first wore the *hijab* from Makassar, South Sulawesi, in the 17th century.

Nevertheless, citing research conducted by Jean Gelman Taylor, Alimatul wrote no images of the *hijab* in Acehnese Woman's photos from 1880 - 1890. Only a few Indonesian heroes wore the *hijab* in the past. Many of the Muslim heroines don't even wear it. This shows that wearing the *hijab* is a personal choice, not a religious cry. Until 1970, the popular head covering for Woman in the archipelago was the veil, a long thin cloth covering the head with the shoulders, with the neck still visible.

Meanwhile, the *hijab* was only known in 1980. This dress style was influenced by the anti-Western Iranian Revolution to enter Indonesia and encouraged Islamic activists to show their Islamic identity, one of which was the headscarf. The *hijab* became increasingly popular when the New Order regime banned its use in public schools through SK 052 / C / Kep / D.

Post-reformation, when interpretations of Islamic identity became more diverse and gained space before the public, commercialization also entered the veil. As part of a fashion, the *hijab* style and Muslim clothing are growing

¹⁶ Husein Muhamamd, *Jilbab dan Aurat*, CV. AKSARASATU, 2020, P. 117-122.

rapidly, from the rectangular headscarf to the veiled Muslim dress burka. Islamic identity meets capitalism to produce a quite lucrative market niche. Moreover, Indonesia is a country with the largest number of Muslims in the world.

The use of *hijab* for Muslimah, with its various variations, is thus a community culture. It is constantly changing from one room to another, from one time to another. From one situation to another. The Veil (*Hijab* and *Niqab*) operates in a variety of contexts. From its appearance in the mythological era, it became very ideological to become a commodity.

Abu Hurairah r.a said Rasulullah SAW said, "*Verily Allah does not look at your appearance, not at your property, but He sees your heart and your deeds.*" (Saheeh Muslim, no. 6708).

Islam and purity a person cannot be measured from the style of dress, whether he dominates the *hijab* or not, what kind of *hijab* is used, the brand of *hijab*, or at what price. Wearing the *hijab* is not part of religious teachings, but a rather Islamic culture as an expression of the situation and conditions of the era. Every person and every culture can interpret it differently, and that's okay.¹⁷

Meanwhile, the sharia propositions that are dzanni in nature according to the rules of the M Quraish Shihab interpretation are divided into two types: First, dzanni arguments but contrary to definite sharia principles, or those that do not have the support of a definite religious basis. This is unacceptable because it contradicts definite sharia principles, so how can it be used as an argument to reinforce the provisions of the shari'a. Second, it does not have the support of sharia principles, but at the same time, it does not find anything contrary to sharia principles. This kind of thing can be considered.¹⁸

Likewise, the problem is with Muslimah who wear *hijab* affected by Islamophobic discrimination in France and Germany. The Veil (*Hijab* and

¹⁷ Husein Muhamamd, *Jilbab dan Aurat*, CV. AKSARASATU, 2020 P. 132-136.

¹⁸ M Quraish Shihab, *Kaidah Tafsir : Syarat, Ketentuan, dan Aturan yang Patut Anda Ketahui dalam Memahami Ayat-Ayat Al-Qur'an*, Tangerang : Penerbit Lentera Hati, 2013, P. 166-167.

Niqab)verse, which initially became the distinguishing identity of free Muslimah and servants, has a purpose for the benefit of Muslimah, such as avoiding the turmoil of lust (sexual harassment) itself is inversely proportional to the social phenomenon in the context of the present era, especially those living in countries upholding "freedom."

In this case, the researcher proposes research on interpreting the *Maqasid* verse of the *hijab* as a successor to the interpretation with a new face that helps those oppressed out there. As the researchers have explained above, some data on discrimination continues to rise from education, economy, politics, freedom, and risking their own lives due to the identity they use.

The question arises, what is the law if a Muslimah takes off her headscarf, while still wearing closed clothes (but not wearing a veil) to continue their life? When viewed from the previous classical interpretation, the average commentator does not allow it, but this is different after the researcher followed the *Maqasid* Interpretation of the M Quraish Shihab and K.H Husein Muhammad above.

The demands of the Shari'a in both forms (guidance to work and guidance to leave), regarding whether it changes or does not change, is divided into two forms:

First, demands that are forever unchanging. For example, regarding worship, for example, prayer, fasting, pilgrimage, and others. Regarding prohibitions, for example, adultery, liquor, carcass, pork, and others of the like. These issues do not change in law from time to time, country to country, or group to group, but they still apply to early and late generations.

This first form is not what this rule means.

Second, the demands have to do with human traditions and customs. These laws vary from time to time, from country to country, and from situation to situation.

This form of demand allows humans to make certain traditions, customs, benefits at a certain time as legal considerations. This is the problem this rule denotes.

For example, the word of Allah:

وَقُلْ لِلْمُؤْمِنَاتِ يَعْضُضْنَ مِنْ أَبْصَرِهِنَّ وَيَحْفَظْنَ فُرُجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا
وَلِيُضْرِبْنَ بِخُمُرِهِنَّ عَلَى جُيُوبِهِنَّ

And say to the Woman of the faith: "Let them hold their gaze, and take care of their aurat, and let them not show their ornaments except what is visible from them and let them cover their veils over their chests." (Surah an-Nur verse 31)

These two verses do not define the visible boundaries and the asbabun nuzul as a response when a man harasses a free Muslimah because she is considered a slave. So the main goal is as an identifier (identity) that protects the honor of Woman.

However, in the real phenomenon in Germany and France, Muslimah who wear the *hijab* are being harassed (life-threatening). With all the debates of previous scholars about the limits of aurat with hadiths that show the limits of aurat are very doubtful, but in other parts of the country, Muslimah are threatened with life because of the veil, so researchers are trying to re-analyze the *Maqasid* Interpretation of the *hijab* verse so that it does not cause other damage.

This is supported by an interpretation rule which reads:

يَجْرِي الْقُرْآنُ فِي إِرْشَادَاتِهِ مَعَ الزَّمَانِ وَالْمَكَانِ وَالْأَحْوَالِ فِي أَحْكَامِهِ الرَّاجِعَةِ لِلْعُرْفِ وَالْعَوَائِدِ .

"The Qur'an adapts its messages to the time, place, and local conditions regarding laws relating to traditions and customs" (Rule 206)¹⁹

If the *hijab* as a Muslimah identity aims to protect oneself, then what if the opposite happens? This is the problem that Muslimah find in countries that are opposite to Islam. In ushul fiqh, this problem is answered in the word "maslahah" (the form of isim mashdar and means the same as al-shulhu, which means a benefit, enjoyment, or something that will lead to enjoyment.

¹⁹ Salman Harun et.al, *Kaidah-Kaidah Tafsir : Bekal Mendasar untuk Memahami Makna Al-Qur'an dan Mengurangi Kesalahan Pemahaman*, Jakarta : Penerbit QAF, 2017, P. 858-859.

Previously the researcher had explained at a glance about *maslahah* on the terms want to briefly repeat what is *maslahah mursalah* as an argument to remove the Veil (*Hijab* and *Niqab*) for the safety of Muslimah's souls in other countries.

Experts define *maslahah* with several versions as follows:

أَمَّا الْمَصْلَحَةُ فَهِيَ عِبَارَةٌ فِي الْأَصْلِ عَنِ جَلْبِ مَنْفَعَةٍ أَوْ دَفْعِ مَضَرَّةٍ

"Maslahah is achieving benefits or rejecting mistake."

أَنَّ الْمَصْلَحَةَ عِبَارَةٌ عَنِ الْمَنْفَعَةِ الَّتِي قَصَدَهَا الشَّارِعُ الْحَكِيمُ لِعِبَادِهِ فِي حِفْظِ دِينِهِمْ وَنَفْسِهِمْ وَعَقُولِهِمْ
وَنَسْلِهِمْ

"Maslahah is a form of beneficial action, which has been ordered by syar'i (Allah), to His servants, to maintain their religion, soul, mind, descent, and their property".

الْمَصْلَحَةُ هِيَ الْمُحَافَظَةُ عَلَى مَقْصُودِ الشَّارِعِ بِدَفْعِ الْمَفَاسِدِ عَنِ الْخَلْقِ

"Maslahah is maintaining the goal of syara" by rejecting everything that can destroy beings. "

So, *maslahah mursalah* benefit has no basis as an argument and has no basis as an argument to justify it. In other words, the *maslahah* is indulged by *syara* 'in the form of no explicit acknowledgment or annulment. The benefit whose existence is not touched by *syara* 'is ignored. Because in this case, the truth that has been kept quiet could be because the omnipotence does not happen much in real life, so it can only be found if traced first.²⁰

In Woman who are victims of sexual violence, their educational, economic, psychological, and social mental discrimination because of using the headscarf as an identity is threatened. Removing the Veil (*Hijab* and

²⁰ Ma'shum Zein, *Menguasai Ilmu Ushul Fiqh : Apa dan Bagaimana Hukum Islam dari Sumber-Sumbernya*, Yogyakarta : PUSTAKA PESANTREN, 2013, P. 160-161

Niqab) by replacing it with something else but having the same function is included in the category of "Maslahah Dlaruriyah," where maslahah is related to upholding or the interests of religion and the world, where without its arrival, it will cause defects or blemishes. This is the main basis for several other maslahah.

This is the analysis that the researcher found, after combining the interpretation of the Veil (*Hijab* and *Niqab*) verse, which regulates the limits of the aurat of Muslimah in general, from classical to contemporary, starting from the one method with the *Maqasid* method of interpretation of Wasfi Asyur Ali Abu Zayd supported by M Quraish Shihab and K.H Husein Muhammad.

According to the researcher's analysis, the *Maqasid* verse of the Veil (*Hijab* and *Niqab*) is divided into two parts, namely (1) The identity that distinguishes free Woman and servants (2) Maintaining the honor of Woman to avoid male fluctuations that could damage them. However, in other contexts, as stated in the book M Quraish Shihab, in terms of aurat, which is dzanni (alleged) because it is not qath'i (absolute determination) so that it is still justified by the rules of interpretation and the rules of ushul fiqh to change the provisions for the benefit. The people.

Initially, veiling was agreed upon for identity and protection. It was not forbidden to remove the Veil (*Hijab* and *Niqab*) by replacing it with other types of clothing or like (wigs), which covered the head, while the body parts could be covered with a slightly loose shirt so as not to cause stimulation. In the context of European states, showing calves is not new, so if for the sake of falsehood, Muslimah in Europe wear long clothes to the knees, for example, then continue with long pants, neck wearing a scarf, covered with other objects (other than a veil), it can still be excused because the lives of those who are threatened by the *hijab* in their environment. Because the hadith that explains the limits of aurat is still being debated, while the documentary traces say that the great-grandson of the Prophet (sukainah) was also not veiled, but there was no warning against it, it can be concluded that replacing the Veil (*Hijab* and *Niqab*) with another aims to protect, even the Veil (*Hijab* and *Niqab*) is

endangering someone's life, so in an emergency this action is justified by the ushul fiqh approach.

Regarding the legal provisions through this *mashlahah mursalah*, according to Imam shafi'i, Hanbali, some Malikiyah, and al-Dhahiry groups, *mashlahah* cannot be used as evidence, evidence for the *intinbathil* of sha'i law. The second opinion is that some of the Malikiyah group, Syafi'iyah with good standing, can use it as evidence that they have all the requirements determined by Islamic jurists. And that provision is applied to guide the people to the benefit.²¹

If the reader asks, which opinion is the most correct and more accurate to follow? , the answer needs to be underlined that all scholars agree to state that apart from the Messenger of Allah, all are potentially wrong in their opinions. "Our opinion is right but contains the possibility of being wrong. Opinions that differ from ours are wrong but contain the possibility of being right." If the scholars agree with it, but for certain conditions, especially in the headscarf case, the researcher recommends taking a "safe" path by rejecting damage.²²

C. The Contribution of Tafsir *Maqasid Wasfi Asyur Ali Abu Zayd* on Global Society

The Tafsir *Maqasid* benefit not only like a law or Syariah in classical interpretation. But also for alternative interpretation, if there are many problems related to the practice from classical interpretation. Especially, For Woman as object of sexual violence, education, economic, psychology, and social mental victims. Removing the Veil (*Hijab* and *Niqab*) by replacing it with something else but having the same function is included in the category of "Mashlahah Dlaruriyah," where *maslahah* is related to upholding or the

²¹ Ma'shum Zein, *Menguasai Ilmu Ushul Fiqh : Apa dan Bagaimana Hukum Islam dari Sumber-Sumbernya*, Yogyakarta : PUSTAKA PESANTREN, 2013, P. 166

²² M Quraish Shihab, *Islam yang Saya Anut : Dasar-dasar Ajaran Islam* , Tangerang : Penerbit Lentera Hati, 2018, p. 21

interests of religion and the world, where without its arrival, it will cause defects or blemishes. This is the main basis for several other *maslahah*.

There is five contribution *maqasid* interpretation on global society include:

1) Hifzh al-Din (protection of religion) (حفظ الدين), because discrimination

occurs to Muslimah wearing the veil, the effect of a western view on Islam known as "Islamophobia" (their fear of Islam). This fear is increasing due to the circulation of negative issues that Islam is a terrorist religion. Its adherents are very strict in enforcing the law, then endangering people who do not embrace Islam. So, removing the headscarf by replacing it with the wig (artificial hair) as a head covering and hair (replacing the veil) can break arguments that have become a doctrine of discrimination for them and save thousands of other lives. In addition, the Veil (*Hijab* and *Niqab*) is ordered as an identity to protect them from harm as adoption of religious purposes. Thus, victims of discrimination can still live in peace and also carry out Q.S al-Baqoroh verse 21 (يا أيها الناس اعبدوا ربكم الذآ خلقكم)

2) Hifzh al-Nafs (protection of body and soul) (حفظ النفس), as an

organizational response to attacks on Muslims in France. Apart from attacking openly, it also includes physical violence (being ostracized or bullied by the surrounding), even to the point of murder, etc. Q.S al-An'am verse 51 (و لا تقتلوا النفس التي ما حرّم الله با الحق)

3) Hifz an-Nasl (حفظ النسل) as a response to victims of discrimination such as

sexual violence, to produce children, but instead are oppressed by the government. Given the dangers of pregnancy due to rape for the fetus and mother, here scholars are at odds in responding to it, even rarely found in previous classical books. If abortion is not a psychological and mental burden on the mother throughout the ages, on the other hand, the prohibition

on killing babies is justified. Following his book K.H Husein Muhammad, we quote the rule "idza ta'aradha al-mafsadatan ru'iya a'zhamuhuma dhararan" (when faced with two dangers or badness, then what must be guarded or protected is the worst). This debate may not end but is still supported by Q.S an-Nur verse 2 (الزانية و الزاني فجلدوا كل واحد منهما مائة جلدة) (ولا تأخذوا بهما رأفة) Which, in essence, prohibits adultery (avoiding it, even though rape is compulsory, it still enters into adultery).

- 4) Hifzh al-'Aql (protection of reason) (حفظ العقل), if in the Al-Qur'an explains it with the prohibition of consuming intoxicating things. In this context, its maintenance by receiving the right to learn properly and correctly. Because influential circles can only do proper education for Muslimah in France, it is different from ordinary people. So this is where the role of maintaining reason is needed.
- 5) Hifzh al-Mal (protection of property) (حفظ المال), a response to Muslimah who wear a headscarf, who are threatened with their jobs and livelihoods (their economy) due to Islamophobic discrimination. This has the support of Allah's industry which orders people to work during the day and rest at night (Q.S al-Qasas verse 73)²³

From the analysis of the descriptions and explanations in the previous chapters, the researchers found several advantages and disadvantages in the method of interpretation of the *maqasid* Washfi Asyur Ali Abu Zayd, including:

The advantages include : (1) Reproduction and development of a commentary research center in the field of *maqasid* interpretation so that the study can be carried forward to the next generation. (2) Fulfilling the purpose

²³ Ma'shum Zein, *Menguasai Ilmu Ushul Fiqh : Apa dan Bagaimana Hukum Islam dari Sumber-Sumbernya*, Yogyakarta : PUSTAKA PESANTREN, 2013, P. 163-164.

of the *maqasid* interpretation requirements as protection of five things that allow legal changes to occur such as property, self, life, descent, and religion of a Muslim woman who is threatened with becoming a victim of extreme-scale discrimination. (3) Minimizing the understanding of Islamophobia has a radical impact on discrimination against Muslims on an international scale. (4) Spreading moderate Islamic teachings that are flexible in setting the law when in an emergency. (5) Enriching progressive Islamic works through research with nuanced interpretations of *maqasid*.

Disadvantages include : (1) Diversion of the meaning of the content of the Qur'an cannot be avoided if researchers are not observant in analyzing the use of *maqasid* interpretation knives for a law. (2) Opinions considered new by some scholars are prone to attack by argumentation, resulting in two pro and contra camps. (3) If the researcher is not careful, the interpretation results can be considered liberal from a legal perspective in Indonesia. (4) Dynamic Subjective nature. (5) Causing culture shock for followers who are accustomed to using textual

CHAPTER V

A. Conclusion

From the analysis of the descriptions and explanations in the previous chapters, the *maqasid* Washfi Asyur Ali Abu Zayd interpretation can be concluded :

Firstly, the conclusif *maqasid* interpretation method understands the function, sosio, historis background from the Veil (*Hijab* and *Niqab*) verses. Besides, the experimental qur'anic scholars method guides the most effective apply or practice using the Veil (*Hijab* and *Niqab*)for Muslimah. The *maqasid* surah an-Nur and al-Ahzab similarity, namely an-Nur, aims to enlighten the

people of the Prophet Muhammad at that time. How to socialize, social manners, and regulating relations of the opposite sex. So as not to tarnish their nature. The aims to create an "identity" of a good and well-ordered Muslim community. So that the muru'ah is maintained, there will be a prosperous life by the name an-Nur (light). In Addition, the *maqasid* surah al-ahzab is a combination of the Prophet's stories who waged war and his strategy. However, it also explicitly contains a meaning similar to that of an-Nur to create a social order that follows the Prophet Muhammad (noble man), imitating him to become a respectable human being himself.

Secondly, the benefit *maqasid* interpretation by Wasfi Asyur Abu Ali Abu Zayd on global society include : (1) Hifzh al-Din (protection of religion) (2) Hifzh al-Nafs (protection of body and soul) (3) Hifzh al-Mal (protection of property) (4) Hifzh al-'Aql (protection of reason) (5) Hifzh al-Nasl (protection of heredity). Then, the interpretation Q.S Al-Ahzab 59 and An-Nur 31 to be able respond social phenomena, especially the Muslimah as islamophobia discrimination victims.

B. Advice

Researchers understand that the interpretation of the *hijab* verse has always been a topic of endless discussion from year to year. Likewise, some scholars are sometimes a Bit stiff in interpreting it. Especially it isn't easy to accept a new method of interpretation if the results contradict previous interpretations. On the other hand, as a researcher who studies the field of interpretation, he is encouraged to enrich the research results of *maqasid*, especially if the problem is a worldwide issue. Especially to the point of consuming casualties or other damage.

The researcher understands very well that with researchers' limited ability, it is better if the next researcher finds more references from this research because there are not many interpretations of *maqasidi*. There are still many hot themes that occur in social life. Let follow researchers focus on studies. Interpretation to be more sensitive to the environment and find solutions for

the benefit of the people, by not enforcing laws that seem "a bit stiff", which in every country does not necessarily have the same effect on the people who live it. Thank you, wassalammu'alaikum.

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