

The Application of *Qawā'id al-Ḥisān fī Tafsīr al-Qur'ān* in the Verses of Islamic Family Law and Its Relation to Legislative Regulations in Indonesia

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Abstract

This study aims to analyze the application of Principle Twenty-One (The Qur'an in its guidance corresponds to time and circumstances in its rulings that are based on custom and tradition), Principle Eighteen (Releasing and restricting guidance and misguidance), and Principle Twenty-Six (Qur'anic verses that contain limitations (*qayd*/exceptions/qualifications) cannot have their legal rulings applied unless those conditions or limitations are fulfilled, except in certain verses that are indeed exempted by other evidence) from the work *Qawā'id al-Ḥisān fī Tafsīr al-Qur'ān* in the verses of Islamic family law. The discussion focuses on their relevance to Indonesian positive law. Using a qualitative-normative method with comparative analysis between classical fiqh and national regulations, this study shows that several family law verses, such as QS. al-Baqarah [2]: 229 and 231, contain a *muthlaq-muqayyad* structure that opens space for legal change in accordance with developments in time, place, and social conditions. Principle Twenty-One affirms that Qur'anic guidance in social matters refers back to 'urf, so that the practices of *khulu'*, *ṭalāq*, and the prohibition of *ḍirār* undergo significant adjustment in the present time. Principle Eighteen indicates that verses which appear absolute are often explained by other verses through the mention of legal causes related to human behavior. Principle Twenty-Six affirms that a legal ruling does not apply without the fulfillment of its binding element, except where there is evidence that exempts it. In the Indonesian context, this dynamic is reflected in the transformation of the concept of *khulu'* into a divorce lawsuit, the regulation of *ṭalāq* through court registration, and the criminalization of psychological violence and family neglect as stipulated in the UUPKDRT. This study concludes that the application of these three principles of interpretation affirms the flexibility of Islamic family law and its compatibility with national legal reform.

Keywords: *Qur'anic verses, Principles of interpretation, Islamic family law, Constitution*

Abstrak

Penelitian ini bertujuan menganalisis penerapan kaidah tafsir ke-21 (Al-Qur'an dalam petunjuknya sesuai dengan waktu dan keadaan dalam keputusannya yang didasarkan pada adat dan adat istiadat), kaidah ke-18 (Melepaskan dan membatasi petunjuk dan kesesatan), dan kaidah ke-26 (Ayat-ayat Al-Qur'an yang memuat pembatas (*qayd*/pengecualian/kualifikasi) tidak dapat diberlakukan hukumnya kecuali apabila syarat atau pembatas tersebut terpenuhi, kecuali pada beberapa ayat yang memang dikecualikan oleh dalil lain) dari karya *Qawā'id al-Ḥisān fī Tafsīr al-Qur'ān* dalam ayat-ayat hukum keluarga Islam. Pembahasan akan difokuskan pada bagaimana relevansinya dengan hukum positif Indonesia. Menggunakan metode kualitatif-normatif dengan analisis komparasi antara fikih klasik dan regulasi nasional, penelitian ini menunjukkan bahwa beberapa ayat hukum keluarga, seperti QS. al-Baqarah [2]: 229 dan 231, mengandung struktur *muthlaq-muqayyad* yang membuka ruang perubahan hukum seiring perkembangan zaman, tempat, dan kondisi sosial. Kaidah ke-21 menegaskan bahwa tuntunan al-Qur'an dalam persoalan sosial kembali pada 'urf, sehingga praktik *khulu'*, talak, dan

larangan *dirār* mengalami penyesuaian signifikan pada masa kini. Kaidah ke-18 menunjukkan bahwa ayat-ayat yang tampak mutlak sering kali dijelaskan oleh ayat lain melalui penyebutan sebab-sebab hukum yang berkaitan dengan perilaku manusia. Kaidah ke-26 menegaskan bahwa suatu hukum tidak berlaku tanpa terpenuhi unsur pengikatnya, kecuali jika terdapat dalil yang mengecualikannya. Dalam konteks Indonesia, dinamika tersebut tercermin dalam perubahan konsep *kebulu'* menjadi gugatan cerai, pengaturan talak melalui pencatatan di pengadilan, serta kriminalisasi kekerasan psikis dan penelantaran keluarga sebagaimana diatur dalam UUPKDRT. Penelitian ini menyimpulkan bahwa penerapan tiga kaidah tafsir tersebut menegaskan fleksibilitas hukum keluarga Islam dan kompatibilitasnya dengan pembaruan hukum nasional.

Keywords: *Ayat al-Qur'an, Kaidah tafsir, Hukum keluarga Islam, Undang-Undang Dasar*

Introduction

The Qur'an occupies a fundamental position as the primary source of law in the construction of Islamic family law.¹ Although it contains normative provisions, many family law verses are formulated in a global, elastic format and remain open to social dynamics.² The development of modern society presents new challenges that are not entirely identical to the social realities of classical Arab society, thus requiring a methodological approach capable of bridging text and context.³ In the study of *uṣūl* and *tafsīr*, there are several principles that directly encourage a contextual reading of the verses of legal rulings (*āyāt al-aḥkām*), among them Principle Twenty-One, Principle Eighteen, and Principle Twenty-Six in the book *Qawā'id al-Ḥisān fī Tafsīr al-Qur'ān*. These three principles provide epistemological tools to determine when a provision is absolute, when it is conditional, and when it depends on a changing social structure (*'urf*).

In the context of family law, Principle Twenty-One affirms that certain Qur'anic commands related to social relations revert to societal custom,⁴ so that their practical manifestation changes according to time, place, and circumstances.⁵ Principle Eighteen indicates that verses which appear absolute are often clarified by other verses that mention causes or human behavior as the basis for legal consequences.⁶ Meanwhile, Principle Twenty-Six stipulates that a verse containing a limitation (*qayd*) cannot be applied unless the specified characteristic or condition is fulfilled.

Indonesia, as a country with a plural legal system, serves as a concrete example of how Qur'anic values and family law are contextualized through national legal instruments,

¹ Donald L. Horowitz, "The Qur'an and the Common Law: Islamic Law Reform and the Theory of Legal Change," *The American Journal of Comparative Law* 42, no. 2 (1994): 233–93, <https://doi.org/10.2307/840748>.

² Janet Halley and Kerry Rittich, "Critical Directions in Comparative Family Law: Genealogies and Contemporary Studies of Family Law Exceptionalism," *The American Journal of Comparative Law* 58, no. 4 (2010): 753–75, <https://doi.org/10.5131/ajcl.2010.0001>.

³ Fahmi Ahmad Jawwas and Muhammad Hariyadi, "Formulasi Metode Tafsir Ahkam: Studi Kasus Perubahan Hukum Di Masa Pandemi," *Hikami J. Ilmu Alquran Dan Tafsir* 4, no. 1 (2023).

⁴ 'Abd al-Raḥmān ibn Nāṣir al-Sa'dī, *Al-Qawā'id Al-Ḥisān Fī Tafsīr Al-Qur'ān* (Riyadh: Dār Ibn al-Jawzī, 2000).

⁵ Muhammad Yusuf Yahya, "Qaidah Fiqhiyyah 'La Yunkaru Tagayyuru Al Ahkam Bi Tagayyuri Az-Zaman'(Dinamika Perubahan Hukum Sesuai Dengan Perubahan Zaman)," *IBTIKAR: Jurnal Studi Islam Dan Sosial* 1, no. 1 (2024): 24–45.

⁶ 'Abd al-Raḥmān ibn Nāṣir al-Sa'dī, *Al-Qawā'id Al-Ḥisān Fī Tafsīr Al-Qur'ān*.

such as the Marriage Law and the Law on the Elimination of Domestic Violence (UUPKDRT).⁷ This study departs from a deductive framework that Islamic family law possesses a dynamic character, and then tests this thesis through an analysis of key verses and their application within contemporary Indonesian regulations.

Several previous studies have examined themes that intersect with the topic discussed in this research. One of them is the study by Widodo Hami entitled “*Al-Qur’an dan Kearifan Lokal Budaya Jawa: Studi Kaidah Tafsir Kitab Qawā’id al-Ḥisān*.” In that study, Widodo focuses his analysis on Principle Twenty-One in *Qawā’id al-Ḥisān*, by examining its application to Qur’anic verses that command doing good to parents, such as QS al-Baqarah [2]: 83, QS al-Nisā’ [4]: 36, QS al-An‘ām [6]: 151, and QS al-Isrā’ [17]: 23. The orientation of that research places greater emphasis on the dimension of social ethics and its integration with local Javanese cultural wisdom.⁸ In addition, Muhammad Yusuf Yahya, in his article entitled “*Qā’idab Fiqhiyyah ‘Lā Yunkaru Taghayyur al-Aḥkām bi Taghayyur al-Zamān’ (The Dynamics of Legal Change in Accordance with the Change of Time)*,” discusses a fiqh principle that is substantively similar to the interpretive principles that are the focus of this study. Yusuf Yahya emphasizes the flexibility of Islamic law, which may undergo change in accordance with the dynamics of time and the social conditions of society.⁹

This research occupies a distinct position while at the same time complementing the existing discourse. Previous studies have tended to place these principles within the context of normative ethics or within the framework of fiqh maxims that emphasize legal flexibility in general. In contrast, this study specifically examines the application of principles of interpretation in the domain of *al-aḥwāl al-syakhsīyyah*, particularly on issues of Islamic family law, by considering the dynamics of social change and the construction of custom within the context of the modern nation-state. This research is important because it not only expands the application of interpretive principles into a more applicative domain, but also offers a new perspective in reading the relationship between text, law, and social context. Therefore, the novelty of this study lies in its conceptual and methodological effort to reconstruct the application of principles of interpretation in contemporary family law issues, while presenting an academic contribution that bridges the hermeneutical dimension of the Qur’an and the dynamics of Islamic legal practice in contemporary society.

To obtain comprehensive results, this study employs a qualitative research method with the type of *library research*,¹⁰ namely activities carried out systematically to collect, process, and conclude data in order to seek answers to the problems encountered from collected bibliographic materials, such as reference books, previous research findings, articles, and

⁷ Alfitri Alfitri, “Protecting Women from Domestic Violence: Islam, Family Law, and the State in Indonesia,” *Studia Islamica* 27, no. 2 (2020): 273–307, <https://doi.org/10.36712/sdi.v27i2.9408>.

⁸ Widodo Hami, “Al-Qur’an Dan Kearifan Lokal Budaya Jawa: Studi Kaidah Tafsir Kitab Qawaid Al-Hisan,” *Al-Nizām: Indonesian Journal of Research and Community Service* 1, no. 2 (2023): 20–32.

⁹ Yahya, “Qaidah Fiqhiyyah ‘Lā Yunkaru Tagayyuru Al Ahkam Bi Tagayyuri Az-Zaman’ (Dinamika Perubahan Hukum Sesuai Dengan Perubahan Zaman).”

¹⁰ Mestika Zed, *Metode Penelitian Kepustakaan*, (Jakarta: Pustaka Obor, 2008), 3–12

others. The primary data sources refer to Qur'anic verses as well as works of *tafsir* and principles of interpretation, especially *Qawā'id al-Ḥisān fī Tafsīr al-Qur'ān* by Abd al-Rahman al-Sa'di. In addition, normative data are also derived from Indonesian legislation. The data collection technique is conducted by tracing, identifying, and inventorying written sources relevant to the focus of the *library research*.¹¹

The data analysis technique used in this study is descriptive-analytical with a *thematic tafsir* approach.¹² This technique is employed to examine verses by focusing on the theme of the prohibition of *ḍirār* in the husband–wife relationship. The verses are analyzed by linking their historical context, linguistic structure, and normative objectives, and then assimilated with the interpretive principles of *Qawā'id al-Ḥisān*. This technique enables the derivation of the meaning of the verses in a comprehensive and systematic manner,¹³ and is relevant for explaining the transformation of legal meaning from the classical context to the modern context. In addition, this technique also assists in examining positive legal norms, particularly the UUPKDRT, by analyzing the principles, normative structure, and legal sanctions stipulated therein.¹⁴

Results and Discussion

The Twenty-First Principle of Qur'anic Exegesis: On the Timeless Guidance of the Qur'an

Abdurrahman al-Sa'di, in his work *Qawā'id fī Tafsīr al-Qur'ān*, formulates the twenty-first principle as follows:¹⁵

القاعدة الحادية والعشرون: ان الايات التي فيها قيود لا تثبت احكامها الا بوجود تلك القيود الا في ايات يسير

“The instructions of the *Qu'ran* apply throughout all times and situations in its laws which go back to 'urf (customs/habits).”

Allah commands His servants to uphold goodness and prevent wrongdoing. All forms of goodness prescribed in the Qur'an are permanent and do not change under any circumstances or across time, such as the obligations of prayer, almsgiving (*zakat*), fasting, pilgrimage (*hajj*), and other prescribed laws. These obligations applied to earlier communities and remain binding upon subsequent generations until the Day of Judgment. Likewise, the prohibitions set forth in the Qur'an do not change with the passage of time. Acts such as

¹¹ Syed Md. Shahid, “Use of RFID Technology in Libraries: A New Approach to Circulation, Tracking, Inventorying, and Security of Library Materials,” *Library Philosophy and Practice (e-Journal)* 8, no. 1 (2005): 1–9.

¹² Nailil Muna, “Metode Tafsir Mawḍū'i: Studi Komparatif Antara Muhammad Al-Ghazālī Dan Abd Al-Hayy Al-Farmāwī,” *AL ITQAN: Jurnal Studi Al-Qur'an* 4, no. 2 (2018): 127–54.

¹³ Abdul Mustaqim, *Metode Penelitian Al-Qur'an Dan Tafsir* (Yogyakarta: Idea Press, 2014).

¹⁴ Peter Mahmud Marzuki, “Pengantar Ilmu Hukum. Cetakan Kedua,” *Jakarta: Kencana*, 2009.

¹⁵ Abdurrahman al-Sa'di, *Qawā'id al-Ḥisān li Tafsīr al-Qur'ān*, (Beirut: Maktabah al-Rashīd, 1999), 72

associating partners with God (*shirk*), unlawful killing, adultery, and consuming intoxicants remain forbidden at all times and in all places.¹⁶

Based on the aforementioned principle, it can be understood that the goodness commanded by Allah is aligned with the prevailing customs and considerations of public benefit (*maṣlahah*) within a particular locality. For example, Allah commands His servants to treat their parents with kindness in speech, actions, and attitudes; however, the Qur'an does not specify in detail the exact forms that such kindness must take.¹⁷ This indicates that the command is intended to encompass all recognized forms of goodness as practiced within different societies and regions across the world. In practice, expressions of filial piety may vary from one locality to another, depending on cultural norms and social customs.¹⁸ Therefore, honoring one's parents remains an obligatory duty, yet its concrete manifestation should correspond to the recognized standards of goodness within a given society. This is in line with the statement in QS. al-Nisā' [4]: 19.

وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ

"And get along with them appropriately"

And in another verse:

وَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ

"And women have rights that are balanced with obligations in a *ma'ruf* manner" (QS. al-Baqarah [2]: 228).

Based on the verse above, Allah commands husbands and wives to fulfill their respective rights within marriage through good and honorable conduct (*mu'āsharah bi al-ma'ruf*). In *Tafsir al-Munir*, Wahbah al-Zuhaili discusses this portion of the verse within the framework of spousal rights and obligations. He explains that marriage establishes reciprocal rights, whereby a wife is entitled to rights equivalent to those of her husband, and each party is responsible for fulfilling them. The practical manifestation of this principle lies in maintaining good relations, avoiding harm, and upholding piety toward Allah in matters concerning one's spouse. This understanding is reflected in the example of Ibn Abbas, who adorned himself for his wife just as she adorned herself for him.¹⁹ The notion of good marital conduct is contextualized according to the customs and social norms of a given society.

¹⁶ Muhammad Yusuf Yahya, "Qaidah Fiqhiyyah 'La Yunkaru Tagayyuru al-Ahkām bi Tagayyuri az-Zaman' (Dinamika Perubahan Hukum Sesuai Dengan Perubahan Zaman)," *IBTIKAR: Jurnal Studi Islam dan Sosial* 1, no. 1 (13 Juni 2024): 24–45. Diunduh 18 Nov. 2025

¹⁷ Mohamed Hamed et al., "Quran Commands and Their Role in Developing the Moral Aspect," *International Journal of Academic Research in Business and Social Sciences* 13, no. 5 (2023): 2603–12, <https://doi.org/10.6007/IJARBS/v13-i5/17326>.

¹⁸ Abdul karim bin Muhammad bin Abdul Karim Abul Qasim Ar-rofi'i al-qizwaini, *Al-Azīz Syarah Al-Wajīz Ma'rufbiyyarh Al-Kabir* (Beirut: Darul Kitāb al-'Alamiah, Beirut, 1997).

¹⁹ Wahbah al-Zuhaili, *Tafsir Al-Munir: Aqidah, Syariah, Dan Manhaj*, Cet. 1 (Jakarta: Gema Insani, 2013).

Consequently, what constitutes proper spousal interaction in Indonesia may differ from practices in other countries such as Arab Saudi, Amerika Serikat, and others.²⁰

A similar incident also occurred during the time of the Companions. Umar bin Khattab narrated as recorded by Muhammad al-Bukhari, that the Quraysh of Mecca had initially been accustomed to exercising authority over their wives. However, after interacting with the Ansar in Medina, they observed that women had adopted the customs of the Ansar women, who were more open in expressing their opinions. Umar recounted that he once raised his voice to his wife, and she responded by arguing back. He did not accept her reaction, but she replied that even the wives of the Prophet engaged in discussion with him and at times expressed disagreement, and some of them would refrain from speaking to him until nightfall. This surprised Umar and caused him concern about the consequences of such behavior. He then went to Hafsa bint Umar—his daughter and a wife of Muhammad and asked whether any of the Prophet’s wives had ever remained upset with him for a day and a night. Hafsa replied that this had indeed occurred.²¹

This statement indicates that the notion of proper or ma’rūf conduct between husband and wife varies according to the cultural norms and customs of particular times and places. The experience of Umar bin Khattab serves as a concrete illustration of the application of the twenty-first principle formulated by Abd al-Rahman al-Sa'di, as mentioned above. Al-Sa’di provides another example demonstrating that the implementation of Islamic law may differ in accordance with time, place, and specific circumstances, as reflected in QS. al-A’rāf [7]: 31, as follows:

وَكُلُوا وَاشْرَبُوا وَلَا تُسْرِفُوا ۗ إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ

“Eat and drink, and do not be excessive. Indeed, Allah does not like those who are excessive.”

And there is QS. al-A’raf [7]: 26:

يٰۤاٰدَمُ قَدْ اَنْزَلْنَا عَلَيْكَ لِبَاسًا يُّوْرِي سَوْءَتِكَمْ وَرِيْشًا

“O son of Adam, indeed We have sent down to you clothes to cover your nakedness and beautiful clothes to adorn”.

These two verses indicate that Allah commands human beings to fulfill their basic needs such as eating, drinking, and clothing themselves. However, the Qur’an does not specify the form, type, or model of food, drink, or clothing that must be used. The exegetes explain that this general provision demonstrates the flexibility of Islamic law in responding to different social and cultural conditions of society, as long as it remains within the boundaries of permissibility (halal), does not exceed the principle of moderation (*lā tusrifū*), and fulfills the obligation of covering one’s ‘awrah.

²⁰ Hami, “Al-Qur’an Dan Kearifan Lokal Budaya Jawa: Studi Kaidah Tafsir Kitab Qawaid Al-Hisan.”

²¹ Ismi Lathifatul Hilmi, “Mu’asyarah Bil Ma’ruf Sebagai Asas Perkawinan (Kajian Qs. Al-Nisa: 19 Dan Qs. Al-Baqarah: 228),” *Misykat Al-Anwar Jurnal Kajian Islam Dan Masyarakat* 6, no. 2 (2023): 155–74.

Ibn Kathir, in *Tafsir al-Qur'an al-Azim*, explains that the prohibition of excessiveness in the verse includes going beyond proper limits in consumption, both in terms of quantity and in the manner of obtaining it.²² Meanwhile, Wahbah al-Zuhaili affirms that the command to dress in verse 26 is general in nature and encompasses all forms of clothing that serve the function of covering the 'awrah and preserving dignity, without restriction to a particular model, since human customs and traditions differ from one place and time to another.²³

In line with the objective of the principle articulated by Abd al-Rahman al-Sa'di, Yusuf al-Qaradawi—as cited by Jawwas and Hariyadi—asserts in his work that every era possesses its own distinct problems, contextual realities, and emerging needs. Events or longstanding issues may reappear in new circumstances that alter their nature, form, and impact.²⁴ Consequently, legal rulings and fatwas issued by earlier scholars may no longer remain fully relevant. Such conditions necessitate revision or reformulation of legal opinions due to changes in time, place, customs, and social circumstances.²⁵ In the contemporary period, the need for *ijtihad* is even greater than in previous eras, given the profound transformations in social life following the Industrial Revolution, technological advancement, and the expansion of international material relations.²⁶

Similarly, Ibn Qayyim al-Jawziyyah identifies five principal factors underlying legal change in Islamic law: time, place, circumstances, intentions, and custom. Regarding custom, he maintains that legal transformation may correspond with shifts in prevailing traditions, as reflected in the legal maxim *al-'adah muhakkamah* (custom is legally authoritative).²⁷ Nevertheless, not all legal changes derived from reinterpretations of tradition are acceptable, since some may be artificially imposed and thereby undermine the essential message of the Qur'an and the Prophetic tradition.²⁸

Fundamentally, the twenty-first principle formulated by Abd al-Rahman al-Sa'di in *Qawā'id al-Ḥisān fī Tafsīr al-Qur'ān* demonstrates that the Sharī'ah as articulated in the Qur'an possesses an inherent flexibility to address contemporary issues in accordance with their respective contexts, while remaining grounded in the five foundational principles of legal change: time, place, circumstances, intentions, and custom.²⁹

²² 'Imāduddīn Abū al-Fidā' Ismā'il bin Umar Ibnu Kathīr Al-Dimishqī, *Tafsīr Al-Qur'ān Al-Azīm* (Beirut: Dār al-Kutub al-Ilmiyah, 1998), Juz 3, 291.

²³ Wahbah Al-Zuhaili, *Al-Tafsīr Al-Munīr Fī Al-Aqīdah Wa Al-Shari'ah Wa Al-Manhaj* (Beirut: Dār al-Fikr, 2009), Juz 8, 190.

²⁴ Jawwas and Hariyadi, "Formulasi Metode Tafsir Ahkam: Studi Kasus Perubahan Hukum Di Masa Pandemi."

²⁵ Yūsuf al-Qaradāwī, *Madkhal Li Dirāsāt Al-Sharī'ah Al-Islāmiyyah*, 2nd ed. (Kairo: Maktabah Wahbah, 1993).

²⁶ Yusuf al-Qardawi, *Ijtihad Kontemporer: Kode Etik Dan Berbagai Penyimpangan Terjemahan Al-Ijtihad Al-Muāsirah Baina Al-Indibāt Wa Al-Infirāt*, ed. Abu Barzani, 1st ed. (surabaya: Penerbit Risalah Gusti, 1996).

²⁷ Ibn Qayyim al-Jawziyyah, *I'lam Al-Muwaqqi'in 'an Rabb Al-'Alamin*, jilid III (Beirut: Dār al-Fikr, n.d.).

²⁸ Ali Abubakar, "Integrasi Tradisi Dan Penafsiran Al-Quran Serta Perubahan Hukum: Kajian Sosiologi Hukum," *Jurnal Ilmu Sosial Dan Ilmu Politik Malikussaleh (JSPM)* 4, no. 1 (2023): 162–81.

²⁹ Al Nafiz et al., "Kaidah-Kaidah Fikih Yang Berkaitan Dengan Perubahan Dan Pembaharuan Hukum," *AL-MUSTAQBAL: Jurnal Agama Islam* 2, no. 2 (2025): 141–50.

The Eighteenth and Twenty-Sixth Principles of Qur'anic Exegesis: Concerning *Iṭlāq* and *Taqyīd*

The eighteenth principle in *Qawā'id al-Ḥisān fī Tafsīr al-Qur'an* is as follows:

اطلاق الهداية والاضلال وتقييدها

"Releasing and limiting guidance and error".³⁰

In numerous verses, Allah affirms that guidance and misguidance are subject to His will; He guides whom He wills and allows to go astray whom He wills.³¹ Nevertheless, other verses also mention factors related to human response and conduct that serve as causes for receiving guidance or falling into misguidance.³² A similar pattern appears in matters of forgiveness and punishment, as well as the expansion and restriction of provision, all of which are addressed throughout the Qur'an. When Allah declares that He guides, leads astray, forgives, punishes, bestows mercy, grants abundance, or withholds provision from whom He wills, this underscores the perfection of His oneness (*tawḥīd*) and His exclusive authority in creation and governance. All treasures of bounty lie in His hand; He gives and withholds, abases and elevates. Consequently, human beings are required to acknowledge this sovereignty, to place their hope solely in Him in seeking benefit and warding off harm, and not to direct their supplication to anyone besides Him. As stated in a sacred hadith: *"O My servants, all of you are astray except those whom I guide; so seek guidance from Me, and I shall guide you."*³³

In several other verses, Allah explains the causes underlying the attainment of guidance and the occurrence of misguidance, so that human beings may recognize the paths leading to each and thus pursue what is beneficial while avoiding what is harmful. Among these is His statement in QS. al-Layl [92]: 5–10, which affirms that generosity, piety, and affirmation of truth lead to ease, whereas miserliness, self-sufficiency, and denial of truth lead to hardship. This passage indicates that faith and obedience are causes of guidance, while their opposites result in misguidance.

Similarly, QS. al-Mā'idah [5]: 16 states that Allah guides through the Book those who seek His pleasure. QS. al-Baqarah [2]: 26 explains that the Qur'an becomes a means of guidance for many and a cause of misguidance for others, yet it leads astray only the defiantly disobedient. QS. al-A'rāf [7]: 30 affirms that one group is guided while another is led astray because they take Satan as a protector instead of Allah. Collectively, these verses emphasize that guidance is connected to the pursuit of truth and obedience, whereas misguidance is associated with turning away and aligning with falsehood.³⁴

³⁰ 'Abd al-Raḥmān ibn Nāṣir al-Sa'dī, *Al-Qawā'id Al-Ḥisān Fī Tafsīr Al-Qur'ān*, 57.

³¹ Fakhruddin Al-Razī, *"Tafsīr Al-Fakhr Al-Razī"* (Beirut: Darul Al-Fikr, 1981), 108.

³² Al-Razī, 215-220.

³³ 'Abd al-Raḥmān ibn Nāṣir al-Sa'dī, *Al-Qawā'id Al-Ḥisān Fī Tafsīr Al-Qur'ān*.

³⁴ 'Abd al-Raḥmān ibn Nāṣir al-Sa'dī.

Furthermore, QS. ash-Shaff [61]: 5 and QS. al-An‘ām [6]: 110 indicate that deviation from truth results in the turning away of hearts. Allah also mentions the causes for forgiveness and mercy, as in QS. Ṭāhā [20]: 82, which affirms that forgiveness is granted to those who repent, believe, perform righteous deeds, and remain steadfast. Divine mercy is described as near to those who are mindful of Allah, give zakat, believe in His signs, and follow the Messenger. Conversely, punishment results from denial and turning away from the truth.³⁵

Regarding provision, Allah identifies piety, obedience, lawful effort, and frequent remembrance and seeking forgiveness as causes of abundance.³⁶ QS. al-Ṭalāq [65]: 2–3 affirms that whoever fears Allah will be granted a way out and provision from unexpected sources. QS. Nūḥ [71]: 10–11 likewise indicates that seeking forgiveness results in rainfall and expanded sustenance. Altogether, these verses demonstrate that repentance and obedience attract divine forgiveness and provision, while their opposites lead to hardship and deprivation. These examples confirm that the principle is firmly grounded in the consistent language and guidance of the Qur’an.³⁷

Conceptually, this principle demonstrates that the Qur’an employs two approaches in explaining guidance, misguidance, forgiveness, mercy, and provision. *First*, it presents them in absolute terms (*ithlāq*), affirming that all of them are subject to Allah’s will and authority: He guides whom He wills, leads astray whom He wills, forgives whom He wills, and expands or restricts provision according to His will. This pattern emphasizes the aspect of *tawḥīd al-rubūbiyyah* and Allah’s absolute sovereignty over the governance of the universe.

Second, the Qur’an also clarifies the dimension of causality (*asbāb*), namely the factors that lead to the realization of guidance, misguidance, forgiveness, mercy, and provision. Guidance is associated with piety, generosity, sincerity of faith, commitment to following Allah’s pleasure, and avoiding the dominance of Satan. Conversely, misguidance is linked to deviation from the truth, rebellion, denial of Allah’s signs, and loyalty to those who oppose Him. Divine mercy is connected to piety, faith, migration (*hijrah*), striving (*jihād*), obedience, and adherence to the Messenger. Provision is related to piety, proper effort, patience, and the practice of seeking forgiveness (*istighfār*). Meanwhile, punishment fundamentally stems from two principal causes: denial of the truth and turning away from obedience.³⁸

Meanwhile, the Twenty-Sixth Tafsīr Principle from *Qawā‘id al-Ḥisān fī Tafsīr al-Qur’ān* is as follows:

الاصل : ان الايات التي فيها قيود لا تثبت احكامها الا بوجود تلك القيود الا في ايات يسيرة

³⁵ Ibn Jarīr Al-Ṭabarī, *Jāmi‘ al-Bayān an Ta’wīl Ay Al-Qur’ān* (Beirut: Dār Al-Fikr, 2001), 62-67.

³⁶ Qudsia Firdous et al., “Forgiveness In The Quran : A Path To Spiritual And Emotional Well-Being,” *Kurdish Studies* 12, no. 4 (2024): 417–23, <https://doi.org/10.53555/ks.v12i4.2969>.

³⁷ Al-Ṭabarī, 70-72.

³⁸ Reni Febriani, “Implementasi Kaidah *Mutlaq* Dan Muqayyad Dalam Menafsirkan Al-Qur’an,” *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 2 (2025): 1256–66.

“Verses of the Qur’an that contain a qualifier (qayd), exception, or specification cannot be legally applied unless the stated condition or limitation is fulfilled, except in certain cases that are excluded by other textual evidence.”³⁹

This principle constitutes a subtle rule within the methodology of Qur’anic exegesis. When Allah establishes a ruling in His Book concerning a particular matter and then attaches to it a qualifier or a condition, the applicability of that ruling is intrinsically linked to the attribute or circumstance mentioned. Accordingly, the ruling cannot be detached from the qualifying element that accompanies it.

Such instances are numerous throughout the Qur’an. The purpose of articulating this rule is to clarify verses that are regarded as exceptions to this general principle—namely, verses which some exegetes interpret by stating that “the qualifier is not intended.” Expressions of this kind require careful consideration, for every word in the Book of Allah is undoubtedly intended and carries a specific wisdom or benefit. Each expression contains a function, whether explicit or implicit.⁴⁰ What the exegetes mean by the phrase “not intended” is that the qualifier does not affect the establishment of the ruling itself, not that it is devoid of meaning.

In presenting the rulings of the Sharī‘ah, whether foundational or subsidiary, Allah also mentions the highest or ideal condition that clarifies their meaning to His servants. This serves to make manifest the beauty of a command when it is obligatory to perform, and the reprehensibility of a prohibition when it must be avoided.⁴¹

An example of a *qayd ghayr murād* can be found in Allah’s statement in QS. al-Mu’minūn [23]: 117, as follows:

وَمَنْ يَدْعُ مَعَ اللَّهِ إِلَهًا آخَرَ لَا بُرْهَانَ لَهُ بِهِ

“Whoever worships a deity besides Allah without possessing any proof whatsoever for it.”

This verse outwardly contains a qualifying element (*qayd*) in its wording. However, this qualifier cannot serve as a basis for applying the principle of *mafḥūm*, particularly *mafḥūm al-mukhālafah*. This is because the qualifier is categorized as *qayd ghayr murād*, meaning that it is not intended to restrict the applicability of the ruling but rather to emphasize the evil of shirk and the condition of its perpetrators. Shirk has absolutely no foundation, whether textual (*sharī‘ī*) or rational, and its adherents possess no argument to justify their actions. The expression functions as a form of denunciation (*tashnī‘*) and disparagement toward the polytheists, as they merely follow their desires and commit wrongdoing.⁴² In *Tafsīr al-Munīr*, Wahbah al-Zuhaili states that this verse constitutes a severe reproach and threat beyond

³⁹ ‘Abd al-Raḥmān ibn Nāṣir al-Sa’dī, *Al-Qawā’id Al-Ḥisān Fi Tafsīr Al-Qur’ān*, 89.

⁴⁰ Barbara Stowasser, “The Qur’an and Its Meaning,” *The Arab Studies Journal* 3, no. 1 (1995): 4–8; Richard C. Martin, “Understanding the Qur’an in Text and Context Author,” *History of Religions* 21, no. 4 (1982): 361–84.

⁴¹ ‘Abd al-Raḥmān ibn Nāṣir al-Sa’dī, *Al-Qawā’id Al-Ḥisān Fi Tafsīr Al-Qur’ān*.

⁴² ‘Abd al-Raḥmān ibn Nāṣir al-Sa’dī.

imagination or description, and it serves as the concluding statement of QS. al-Mu'minūn as a condemnation of the disbelievers who refuse to believe.⁴³

The two principles above both concern the concepts of *muthlaq* and *muqayyad*. The first principle explains that every absolute expression (*muthlaq*) has an associated qualifier (*muqayyad*), which generally takes the form of a condition or attribute that must be fulfilled in order to attain the intended benefit of the absolute statement. The second principle clarifies that certain Qur'anic expressions are structurally composed of *muthlaq* and *muqayyad* elements; however, exegetes describe some of these qualifiers as *qayd ghayr murād*. This does not mean that the qualifier is unintended by Allah, but rather that the ruling of disbelief or other legal rulings does not depend upon that qualifier. The qualifier is included solely to underscore the wickedness, reprehensibility, or absurdity of a particular act. The most frequently quoted example is Allah's words in QS. QS. al-Mu'minūn [23]: 117 above.

This verse affirms that whoever invokes or worships a deity besides Allah is definitively categorized as a polytheist, and in reality can never possess any valid proof for such an act.⁴⁴ Thus, the phrase “*lā burhāna labu bib*” is not intended as a condition that limits the ruling of disbelief, but rather serves as a rhetorical emphasis highlighting the falsehood and corruption inherent in shirk itself. In principle, shirk never has any legitimate foundation, whether from the perspective of revealed (*shar'ī*) evidence or rational consideration.

The Application of the Twenty-First, Eighteenth, and Twenty-Sixth Tafsīr Principles in the Verses of Family Law

The application of the Twenty-First, Eighteenth, and Twenty-Sixth Tafsīr Principles can be examined within the context of Qur'anic family law verses, particularly in relation to *kbulu'* in QS. al-Baqarah [2]: 229. One dimension of Islamic family law whose legal implementation may vary according to time, place, circumstances, and conditions concerns the issues of divorce (*ṭalāq*) and *kbulu'*. The rulings pertaining to divorce and *kbulu'* are discussed in several verses, including those in QS. al-Baqarah, QS. al-Nisā', and QS. al-Ṭalāq. Nevertheless, the present discussion focuses specifically on QS. al-Baqarah verse 229 as a representative case for analyzing the application of these three tafsīr principles.

الطَّلَاقُ مَرَّتَيْنِ فَاِمْسَاكِ بِمَعْرُوفٍ اَوْ تَسْرِخِ بِاِحْسَانٍ وَلَا يَحِلُّ لَكُمْ اَنْ تَاْخُذُوْا مِمَّا اٰتَيْتُمُوْهُنَّ شَيْئًا اِلَّا اَنْ يَّخَافَا اَلَّا يُقِيْمَا حُدُوْدَ اللّٰهِ فَاِنْ خِفْتُمْ اَلَّا يُقِيْمَا حُدُوْدَ اللّٰهِ فَلَا جُنَاحَ عَلَيْهِمَا فَيَمَّا افْتَدَتْ بِهٖ تِلْكَ حُدُوْدِ اللّٰهِ فَلَا تَعْتَدُوْهَا وَمَنْ يَّتَعَدَّ حُدُوْدَ اللّٰهِ فَاُولٰٓئِكَ هُمُ الظّٰلِمُوْنَ

“Divorce (which can be referred) is two times. (After that the husband can) withhold (reconcile) in a proper manner or release (divorce) amicably. It is not lawful for you to take back anything (dowry) that you have given them, unless both (husband and wife) fear that they will not be able to carry out

⁴³ Wahbah al-Zuhailī, *Tafsir Al-Munir: Aqidah, Syariah, Dan Manhaj*.

⁴⁴ Rouqayyah Madineh Darabi, Alireza Radbin, and Ahmad Amiri Bonab, “Examining the Instances of the Criteria of the Phrase ‘besides Allah’ in the Holy Quran,” *International Journal of Advanced Research in Humanities and Law (IJREL)* 2, no. 2 (2025): 58–68, <https://doi.org/10.63053/ijrel.59>.

the limits of Allah's (determination). If you (guardians) fear that they will not be able to carry out the limits (determination) of Allah, then there is no sin on either of them for the payment (must) be given (by the wife) to redeem herself. These are the limits (determination) of Allah, do not transgress them. Whoever transgresses the limits (determination) of Allah, they are the wrongdoers."

The *asbab al-nuzul* of this verse, as explained in *Tafsir al-Munir* by Wahbah al-Zuhaili, relates to the practice in pre-Islamic society where there was no limitation on the number of divorces. A man could divorce his wife and then take her back repeatedly without restriction. In some instances, the relationship continued normally; however, in other cases, divorce was used as a means to cause harm. A husband would revoke the divorce before the waiting period ('iddah) expired and then divorce her again, repeating this act multiple times to satisfy his anger. Islam came to rectify this deviation and to establish a just regulation.⁴⁵

Meanwhile, Ibn Kathir states in his exegesis that this noble verse elevated the status of women from the practices prevalent in the early period of Islam. At that time, a husband retained the right to reconcile with his wife even if he had divorced her a hundred times, as long as she remained within her waiting period. Since this practice was detrimental to women, Allah limited divorce to three pronouncements. Reconciliation is permitted after the first and second divorces, whereas the third divorce results in a complete and final separation.⁴⁶

In the subsequent part of the verse, it states as follows:

وَلَا يَحِلُّ لَكُمْ أَنْ تَأْخُذُوا بِمَا آتَيْتُمُوهُنَّ شَيْئًا إِلَّا أَنْ يَخَافَا أَلَّا يُقِيمَا حُدُودَ اللَّهِ

"It is not lawful for you to take back anything from what you have given them, unless both fear that they cannot maintain the limits set by Allah" (QS. al-Baqarah [2]: 229).

The majority of early (*Salaf*) and later (*Khalaf*) scholars maintain that *kbulu'* is not permissible unless discord and conflict originate from the wife. In such circumstances, the husband may accept compensation from the wife in exchange for releasing her from the marital bond. They argue that the legitimacy of *kbulu'* is confined to the situation described in the verse and does not extend beyond it without supporting evidence.⁴⁷

This view is attributed to scholars such as Ibn Abbas, Tawus ibn Kaysan, Ibrahim al-Nakha'i, Ata ibn Abi Rabah, al-Hasan al-Basri, and the majority of jurists. Furthermore, Malik ibn Anas and al-Awza'i held that if a husband takes compensation in a manner that harms the wife, the compensation must be returned and the divorce counts as a revocable divorce (*ṭalāq raj'i*). Based on the explanation of Ibn Kathir, it may be understood that the absolute expression in this verse—particularly concerning the prohibition of reclaiming the dower—contains a qualifying element (*qayd*). The exception applies when the condition is fulfilled, namely the mutual fear that the couple cannot uphold the limits prescribed by Allah within their marriage.⁴⁸

⁴⁵ Wahbah al-Zuhaili, *Tafsir Al-Munir: Aqidah, Syariat, Dan Manhaj*.

⁴⁶ Ismā'īl ibn 'Umar ibn Kathīr, *Tafsir Al-Qur'an Al-'Azim* (Beirut: Dār al-Fikr, 1999).

⁴⁷ Ismā'īl ibn 'Umar ibn Kathīr.

⁴⁸ Ismā'īl ibn 'Umar ibn Kathīr.

In classical practice, *khulu'* referred to the wife's payment of compensation to the husband in order for him to pronounce divorce, as the right of divorce was entirely vested in the husband. Thus, if a wife felt burdened in her marital life, she could ransom herself in order to be divorced. However, in Indonesia—the country with the largest Muslim population in the world—the regulation of *khulu'* has undergone reformulation.⁴⁹ Under national law, namely Law No. 1 of 1974⁵⁰ on Marriage and the Compilation of Islamic Law (KHI), divorce may occur either through *ṭalāq* or through a judicial petition for divorce. Article 114 of the KHI states: “The dissolution of marriage due to divorce may occur either through *ṭalāq* or based on a divorce petition.”⁵¹

The provision of this article demonstrates that men and women possess equal legal standing in terminating a marital relationship before the state. Whereas in the classical conception *khulu'* was understood as compensation derived from the dower received by the wife in exchange for a divorce pronounced by the husband, the changing circumstances of time, place, and social conditions in Indonesia have led to a reformulation of this concept. *Khulu'* is no longer confined to the notion of ransom, but is functionally aligned with *ṭalāq*, meaning that a wife also holds the legal right to initiate and obtain divorce through judicial proceedings.⁵²

One of the family law verses whose practical application may adapt in accordance with changes in time, place, circumstances, and conditions is QS. al-Baqarah [2]: 231, which states as follows:

وَإِذَا طَلَّقْتُمُ النِّسَاءَ فَبَلَغْنَ أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ سَرِّحُوهُنَّ بِمَعْرُوفٍ ۚ وَلَا تُمْسِكُوهُنَّ ضِرَارًا لِّتَعْتَدُوا ۚ وَمَنْ يَفْعَلْ ذَلِكَ فَقَدْ ظَلَمَ نَفْسَهُ ۚ وَلَا تَتَّخِذُوا آيَاتِ اللَّهِ هُزُوًا ۚ وَادْكُرُوا نِعْمَتَ اللَّهِ عَلَيْكُمْ وَمَا أَنْزَلَ عَلَيْكُمْ مِنَ الْكِتَابِ وَالْحِكْمَةِ لِيُعْظِمَكُمْ بِهِ ۚ وَاتَّقُوا اللَّهَ ۚ وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ

“If you reject your wives and they are nearing the end of their *iddah*, then reconcile them in a virtuous manner, or divorce them in a virtuous manner (also). Do not refer them to harm, because by doing so you will wrong them. Whoever does this, he has indeed done injustice to himself. Do not make the laws of Allah a game, and remember Allah's favor upon you, and what Allah has sent down to you, namely the Book and the Hikmah (As Sunnah). Allah teaches you with what He has revealed. And fear Allah and know that Allah is All-Knowing of everything.”

Ibn Kathir explains that through this verse Allah commands husbands, when they divorce their wives while still retaining the right of revocation (*rujū*), to treat them properly. When the waiting period (*iddah*) is near its end and there remains an opportunity for reconciliation, the husband has two options: either to take her back in a proper manner, with

⁴⁹ Ibn Qudāmah. *Al-Mughnī*, (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1997), 453–460

⁵⁰ “Undang-Undang (UU) Nomor 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan,” Pub. L. No. 16 TAHUN 2019 (n.d.).

⁵¹ Kementerian Agama Republik Indonesia, *Kompilasi Hukum Islam Di Indonesia* (Jakarta: Kementerian Agama RI Direktorat Jendral Bimbingan Masyarakat Islam Direktorat Bina Kua Keluarga Sakinah, 2018).

⁵² Syarifuddin, “Reformasi Hukum Keluarga Di Indonesia,” *JHMI*, 8, no. no.2 (2020): 201–18.

the intention of maintaining a good marital relationship and with witnesses present, or to release her by allowing the waiting period to expire in a dignified way, free from hostility, insults, or disputes.⁵³

Furthermore, scholars such as Ibn Abbas, Mujahid ibn Jabr, Masruq ibn al-Ajda, Al-Hasan al-Basri, Qatadah ibn Di'amah, Ad-Dahhak ibn Muzahim, Ar-Rabi ibn Anas, and Muqatil ibn Hayyan reported that in earlier times a man would divorce his wife and, when her waiting period was nearly over, take her back solely to harm her so that she would not be freed from his control. He would then divorce her again, and this cycle would be repeated to prolong her waiting period.⁵⁴ Allah subsequently prohibited such conduct and warned those who engaged in it through His statement:

وَمَنْ يَفْعَلْ ذَلِكَ فَقَدْ ظَلَمَ نَفْسَهُ

"Whoever does so has indeed wronged himself" (QS. al-Baqarah [2]: 231).

QS. al-Baqarah [2]: 231 affirms the prohibition against a husband *"retaining his wife in order to cause harm,"*⁵⁵ a practice that in the early period of Islam often occurred in the form of suspending a woman's marital status (*mu'allaqah*), delaying divorce out of vengeance, or preventing her from living a normal social life. Such acts represent manipulative and domineering behavior that render women victims of male authority. This demonstrates that the Qur'an had already introduced the principle of women's protection from the outset, namely the prohibition of placing a wife in an uncertain, harmful, or intentionally abusive position.⁵⁶

In the modern context, the meaning of *"retaining in order to cause harm"* bears direct relevance to the categorization of psychological violence as regulated in Article 5 letter (b) and Article 9 of Indonesia's Law on the Elimination of Domestic Violence (UUPKDRT). These provisions classify acts such as intimidation, excessive control, humiliation, social restriction, and mental pressure as punishable forms of violence. When a husband deliberately suspends his wife's marital status, delays clarity in the relationship, or refuses to proceed with divorce without the intention of maintaining the marriage, such conduct is substantively equivalent to the concept of *dirar* (harm) prohibited in the verse. Thus, the moral principle of the Qur'an is actualized within positive legal norms that protect women both preventively and repressively.⁵⁷

The prohibition in this paragraph is also closely related to forms of economic violence as regulated in Article 5 letter (d) and Article 9 of the Domestic Violence Law.

⁵³ Ismā'īl ibn 'Umar ibn Kathīr, *Tafsīr Al-Qur'ān Al-'Azīm*.

⁵⁴ Ismā'īl ibn 'Umar ibn Kathīr.

⁵⁵ Sayyid Sabiq, "Fiqh Sunnah Jilid III, Terj.," *Abu Aulia Dan Abu Syaqqina*, Jakarta: Republika Penerbit PT Pusaka Abdi Bangsa, 2018. Juz II, hlm 277-288

⁵⁶ Amina Wadud, "Islam Beyond Patriarchy Through Gender Inclusive Qur'anic Analysis," *Wanted: Equality and Justice in the Muslim Family*, 2009, 95–112.

⁵⁷ Lia Yuliana, "Kekerasan Rumah Tangga Terhadap Anak Dalam Prespektif Islam," 2008.

1. Article 5: Everyone is prohibited from committing domestic violence against someone within their household, through: physical violence; psychological violence; sexual violence; or domestic neglect.
2. Article 9: (1) Everyone is prohibited from neglecting someone within their household, even though, according to the law applicable to them or because of an agreement or contract, they are obliged to provide for, care for, or maintain that person.⁵⁸

This analysis asserts that the prohibition of *ḍirār* (causing harm to one's wife) in QS. al-Baqarah [2]: 231 should not be narrowly understood as limited to the practice of retaining a wife at the end of her waiting period (*'iddah*). Through the application of Tafsīr Principles Twenty-One, Eighteen, and Twenty-Six in *Qawā'id al-Ḥisān*, the verse demonstrates normative flexibility and responsiveness to social transformation, including new forms of oppression within modern domestic relations such as psychological violence and economic neglect, which are now regulated under legislation on the elimination of domestic violence.

Tafsīr Principle Twenty-One affirms the universality of Qur'anic guidance in matters of *mu'āmalāt* and personal status (*aḥwāl al-shakhsīyyah*), while the operational formulation of its rulings may interact with local custom (*'urf*).⁵⁹ In the context of QS. al-Baqarah [2]: 231, the prohibition against retaining a wife to cause harm in classical Arab society manifested in the practice of suspending a woman's marital status so that she could not remarry. In contemporary society, however, such harmful conduct is no longer confined to manipulation of the waiting period but appears in the form of psychological domination, neglect of financial maintenance, and control over economic resources.⁶⁰

The Law on the Elimination of Domestic Violence institutionalizes this social reality by classifying domestic neglect as a criminal offense. Accordingly, the expansion of the prohibition of *ḍirār* from the specific context of *'iddah* to the broader framework of domestic relations reflects the application of Principle Twenty-One, whereby the normative value of the Qur'an is preserved while its legal formulation is adapted to the evolving social conditions of Indonesian society.⁶¹ Tafsīr Principle Eighteen explains that Qur'anic verses expressed in general or absolute terms (*iṭlāq*) are often clarified by other verses through references to causes related to human conduct.⁶² The prohibition of *ḍirār* in QS. al-Baqarah [2]: 231 appears textually general; however, exegetical explanations by scholars such as Ibn Kathir indicate that the prohibition is directly connected to the husband's intentional conduct and deliberate act of harming his wife.⁶³

⁵⁸ “Undang-Undang (UU) Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga,” Pub. L. No. Nomor 23 Tahun 2004 (2004). Lembaran Negara Republik Indonesia Tahun 2004 Nomor 9.

⁵⁹ ‘Abd al-Raḥmān ibn Nāṣir al-Sa’dī, *Al-Qawā'id Al-Ḥisān Fi Tafsīr Al-Qur'ān*.

⁶⁰ Zygmunt Bauman, “The Social Manipulation of Morality: Moralizing Actors, Adiaphorizing Action,” *Theory, Culture & Society* 8, no. 1 (1991), <https://doi.org/10.1177/026327691008001007>.

⁶¹ Hami, “Al-Qur'an Dan Kearifan Lokal Budaya Jawa: Studi Kaidah Tafsir Kitab Qawaid Al-Hisan.”

⁶² ‘Abd al-Raḥmān ibn Nāṣir al-Sa’dī, *Al-Qawā'id Al-Ḥisān Fi Tafsīr Al-Qur'ān*.

⁶³ Ismā'il ibn 'Umar ibn Kathīr, *Tafsīr Al-Qur'ān Al-'Azīm*, 614.

This principle corresponds with the structure of criminal liability under Indonesia's Law on the Elimination of Domestic Violence (UUPKDRT), which requires the elements of intent and a concrete act in cases of domestic neglect.⁶⁴ Accordingly, Principle Eighteen bridges the theological reasoning of the Qur'an with modern legal accountability, whereby legal consequences are not attached merely to marital status but to specific conduct that produces harm. Principle Twenty-Six affirms that verses containing a qualifying restriction (*qayd*) apply only when the binding condition or attribute is fulfilled, unless another proof indicates otherwise.⁶⁵ In QS. al-Baqarah [2]: 231, the element of *ḍirār* functions as the qualifying condition determining the applicability of the prohibition. Thus, the prohibition is not symbolic in nature but becomes operative when intentional harm is demonstrably present.

This principle parallels the evidentiary mechanism stipulated in Article 49 of the UUPKDRT, which requires proof of neglect or economic violence before criminal sanctions—whether imprisonment or fines—may be imposed.⁶⁶ In this respect, Principle Twenty-Six provides a hermeneutical justification that the criminalization of domestic neglect does not constitute an excessive legal expansion, but rather represents the operationalization of the Qur'anic qualifying condition within the framework of positive law. Theoretically, QS. al-Baqarah [2]: 231 possesses an emancipatory value insofar as it restricts the husband's absolute authority within a patriarchal structure and affirms women as legal subjects entitled to protection. The Law on the Elimination of Domestic Violence (UUPKDRT) institutionalizes this value through a gender-responsive approach that acknowledges women's vulnerability and provides preventive, repressive, and rehabilitative legal instruments. This integration demonstrates that Islamic family law does not forfeit its normative identity when incorporated into national law; rather, it attains its practical form of implementation.

Accordingly, this study concludes that the application of Tafsir Principles Twenty-One, Eighteen, and Twenty-Six of *Qawā'id al-Ḥisān* methodologically clarifies how the Qur'anic prohibition of *ḍirār* is transformed into criminal and administrative norms within the UUPKDRT. This transformation proceeds in accordance with social change and evolving norms while remaining consistent with the principles of legal change articulated by Ibn Qayyim al-Jauziyah, namely considerations of time, place, circumstances, motives, and custom.

Conclusion

This study demonstrates that the application of Principles Twenty-One, Eighteen, and Twenty-Six of *Qawā'id al-Ḥisān* offers a more proportionate understanding of the flexibility inherent in Qur'anic verses on family law. Principle Twenty-One underscores that

⁶⁴ Yuliana, "Kekerasan Rumah Tangga Terhadap Anak Dalam Prespektif Islam."

⁶⁵ 'Abd al-Raḥmān ibn Nāṣir al-Sa'dī, *Al-Qawā'id Al-Ḥisān Fī Tafsīr Al-Qur'ān*.

⁶⁶ Febriani, "Implementasi Kaidah *Mutlaq* Dan Muqayyad Dalam Menafsirkan Al-Qur'an."

certain Qur'anic provisions in the sphere of social relations refer to *'urf* (custom), thereby allowing practices such as *khulu'*, divorce administration, and the prohibition of *qirār* to evolve in accordance with societal dynamics. Principle Eighteen shows that verses formulated in absolute terms are frequently clarified by other verses through references to the causes underlying human conduct, preventing rigid application. Principle Twenty-Six further explains that legal rulings connected to specific limitations cannot be enforced unless the stipulated conditions or attributes are fulfilled. Within the framework of Indonesian positive law, this dynamism is reflected in the transformation of *khulu'* into a judicial divorce claim, the regulation of divorce through mandatory court registration, and the incorporation of women's protection principles through the UUPKDRT (Law on the Elimination of Domestic Violence), which addresses psychological violence, economic abuse, and domestic neglect. Accordingly, this study concludes that Islamic family law possesses a significant adaptive capacity, and that these three interpretive principles function as a methodological foundation bridging the Qur'anic text with societal needs and the contemporary legal system.

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