QANUN IN GENDER AND HUMAN RIGHTS PERSPECTIVES: An Indonesian Study

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Abstract

Islam brings noble and ideal teachings sourced from God with the concept of the Qur'an and the example of implementation by the messenger of Allah in particular in raising the rank of women who have historically been marginalized to equal degrees and even seem more glorified. The ideal Islamic concept of gender is refracted because of two things: first, understanding of textual and dogmatic sources of law. Second, the acquisition of Muslims from the preachers who seemed patriarchal and and seemed to marginalize women in terms of material, so that returning the Muslims to gender bias in the era of ignorance before the arrival of patriarchal Islam and marginalizing women.

Laws made by the Indonesian government from the center to the level of village regulations are deemed not to prosper women, instead they seem unfriendly to women. This can be seen from the indicators used by the law that are symbolic and exploit the body of women, such as the obligation to cover the genitals, the obligation to veil, work in a closed area, so that the reconstruction of Islamic law is prosperous and just. Reconstruction of Islamic legal thought can use several principles as follows: Maqashid al-Shari'ah Principle, Principles of Fiqh Relativity, Thematic Interpretation Principles, Principles of Benefit (al- Maslahat), Principles of Equality and Gender Justice (al-Musawah al-Jinsiyah), Principles Plurality (al-Ta`addudiyyah), Principles of Nationality (al-Muwathanah) ,, Principles of Human Rights Enforcement (Iqamat al-Huquq al-Insaniyah), Principles of Democracy (al- Dimuqrathiyyah)

Keyword: Islamic Law, Reconstruction of Thought, Gender, Human Rignt, Maslahat

INTRODUCTION

Islamic teachings are patterned into basic and non-basic teachings. The basic teachings are the teachings contained in the Al-Qur`an and mutawatir Sunnah which are believed to have come from Allah and His Messenger. Conversely, non-basic teachings are teachings in the form of the results of human ijtihad in the form of interpretations, interpretations or the thoughts of scholars who explain the basic teachings and their implementation in real life. The basic teachings are always absolute, eternal and unchanging. On the other hand, the second teaching is ijtihadi, relative, not eternal and can change along with the demands of the dynamics of society, as well as the development of science and technology. Most of the Islamic teachings that pertain to gender relations, such as marriage, inheritance, family relations, dress ethics, leadership fall into the second category, non-basic teachings, so they are more ijtihadi in nature. For this reason, it is necessary to re-read and reconstruct the results of ijtihad or old interpretations which are considered to be gender biased and biased towards patriarchal values. New interpretations of religious texts are urgently needed to rediscover essential and universal Islamic messages, such as messages of equality, brotherhood, freedom, equality and justice, including gender equality and justice. The Qur'an was revealed in a society that is not devoid of culture. Because of this, the content has a human dimension, as well as a divine one. In the context of gender relations, the Qur'an contains a set of values that provide the basis for equality and equality of men and women. The difference between humans lies only in the quality of piety.

Normatively, the Qur'an describes the ideal figure of a woman as a person who has independence in various fields of life, especially independence in politics (al-istiqlal al-siyasah), like the figure of Ratu Bulqis. The Qur'an refers to him as the leader of a superpower kingdom ('arsyun 'azhim) known as the kingdom of Saba' (Q.S. al-Mumtahanah, 60:12 and al-Naml, 27:23.). In fact, the Qur'an encourages women to have the courage to tell the truth (Q.S. al-Taubah, 9:71), even if they have to oppose public opinion (QS. al-Tahrim, 66:12), and dare to carry out movements " opposition" to a tyrannical government. Women must be independent in making personal choices (al-istiqlal al-syakhshi) which are believed to be true even though they are different from the views of their husbands QS. al-Tahrim, 66:11. In short, in the guarantee of the Qur'an, women freely enter all sectors of life in the public sphere, such as politics, economics and social affairs. There are two reasons for religious understanding of gender bias. First, Muslims understand religion more dogmatically, not based on critical and reasoning. Gender relations are seen as something that is given, not socially constructed and ahistorical. Second, Muslims acquire religious knowledge through preachers' lectures, not based on critical and in-depth studies of the sources of the Qur'an and Sunnah. The Prophet made radical changes to the position and position of women. The Messenger of Allah changed the position and position of women from objects that were humiliated and harassed into subjects that were respected and heeded. Both are God's creations, both human beings, both have the potential to become khalifah fi al-ardh (manager of life on earth), and also have the same potential to become fasa fi al-ardh (destroyer on earth). Therefore, the task of humans is fastabiqul khairat (competing to do their best) in order to hope for the pleasure of Allah SWT[1].

Unfortunately, the noble teachings introduced by the Apostle did not last long. Muslims after the death of the Prophet returned to practice the previous tradition of ignorance, as well as later adopting feudal culture and patriarchal values that lived in areas where Muslims developed their political power, such as Persia, Byzantium, India, Egypt to Southeast Asia, including Indonesia.

Reconstruction of Islamic thought about women began to be known since the end of the 19th century. This effort went hand in hand with the emergence of modern Islamic thought promoted by Muslim intellectuals, such as: Rif'ah Badawi al-Tahtawi (1801-1873), Muhammad 'Abduh (1849-1905)[2]. Qasim Amin (1863-1908), Tahir al-Haddad (1899-1935), Fazlur Rahman (1919-1988), Ashgar Ali

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[1] Qasim Amin., *Tahrir Al-Mar'ah* (Kairo: Dar al-Ma'arif, 1979).
[2] Muhamad Rasyid Rida, 'Tafsir Al-Manar', in *Jilid 5* (Beirut: Dar al-Fikr).

Engineer, Fatimah Mernissi, Amina Wadud Muhsin and Riffat Hassan all voiced the importance of reconstructing Islamic thinking about women so that women's groups can enjoy their rights as human beings. For the Indonesian context, Harun Nasution, Abdurrahman Wahid, Nurcholish Madjid, and Munawir Syadzali [3].The three figures mentioned earlier opposed the treatment of discrimination, violence and exploitation of women.

The reconstruction of Islamic thinking about women in various Islamic countries has led to the birth of new family laws since the early 20th century[4]. Starting from Turkey, which in 1917 reformed the marriage law by making the Qanun Qarar al-Huquq al-'A'ilah al-'Usmaniyyah or the Ottoman Law of Family Rights. About the absolute prohibition of polygamy. It is interesting to note that until 1996 there were only five countries in the Middle East which had not renewed their family law, namely the United Arab Emirates, Saudi Arabia, Qatar, Bahrain and Oman [5]. After Türkiye, followed by Tunisia to reform the family law. First, the case of child adoption stipulates that adopted children have the same rights and obligations as biological children [6]. Second, the necessity of divorce in court. Third, the absolute prohibition of polygamy[7]. then Syria [8],related to age requirements for marriage, engagement, polygamy, divorce, will, and inheritance [9]. Syrian and Jordanian law stipulate that if the age difference between them is too great, the courts can prohibit the marriage, unless special permission is given by the court.

Renewal of Egyptian family law, among others related to issues of polygamy, obligatory wills, inheritance, and child rearing. In addition, Egyptian family law also provides threats to people who provide false confessions to registrars about the marital status or address of his wife or wives, or divorced wives[10]. Renewal of Family Law in Jordan is related to the age limit for marriage, marriage agreements, interfaith marriages, registration of marriages, divorces, and obligatory wills. The most prominent is the issue of registration of marriages. This is regulated in the 1976 law article 17. This article explains that the groom is obliged to bring a qadhi or his representative to the wedding ceremony. If the marriage takes place without registration, then the person holding the wedding ceremony, the bride and groom, and the witnesses can be subject to punishment based on the Jordanian Penal Code and a fine of more than 100 dinars. [11].

There are at least two things that need to be noted from the efforts to reform family law. First, the spirit of reforming Islamic law in the field of family law in general is to improve the status and position of women and protect children's rights. Second, the renewal of Islamic law in various Islamic countries always leads to the birth of new family laws whose material seems friendly to women[12].

From the problems above, the problem in this research is how is the formalization of Islamic law in Indonesia and what are the principles that are used as a reference in making laws?

RESEARCH METHODE

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[3] Azyumardi Azra, *Pencairan Ketegangan Ideologis, Dalam , Menteri-Menteri Agama RI: Biografi Sosial-Politik, Kerjasama INIS, PPIM, Dan Litbang Departemen Agama* (Jakarta, 1998).

[4] Aisyah Abd Al-Rahman Bint Asy-Syati', *Al-Qur'an Wa Tafsir Ashr* (Kairo: Dar al Ma'arif., 1970).

[5] Dawoud El. Alami and Doreen Hinchcliffe, *Islamic Marriage and Divorce Laws of the Arab World* (London: Kluwer Law International, 1996).

[6] Tahir Mahmood., *Personal Law in Islamic Countries* (New Delhi: Time Press, 1987).

[7] Mahmood.

[8] Don Peretz, *The Middle East Today* (New York: Praeger, 1983).

[9] Mahmood.

[10] Alami and Hinchcliffe.

[11] Mahmood.

[12] Nursyahbani Katjasungkana and Mumtahanan, *Kasus-Kasus Hukum Kekerasan Terhadap Perempuan* (Jakarta: LBH APIK, 2002).

The research method is "a scientific activity based on certain methods, systematics and ideas that aim to study one or several legal phenomena by means of analysis". The approach method used by the author is normative juridical, which means that the writer in conducting research and discussing issues uses secondary legal sources which are then emphasized and based on applicable legal materials. The type of research used is descriptive research, which is research that is intended to provide as accurate data as possible about humans, conditions or other phenomena in society.

RESULT AND DISCUSSION

Formalization of Islamic Sharia in Indonesia

The majority of Indonesia's population is Muslim, but the country's founding fathers agreed to determine a state ideology based on Pancasila, not Islam. In its development, although Indonesia is a nation-state, not a religious-state, throughout its history this nation has been unable to escape the influence of Islamic teachings, especially in the legal aspect. The implementation of Islamic law in Indonesia is formally manifested in various forms of legislation and government policies, both at the central and regional levels[13].

Since the enactment of the regional autonomy policy (otoda) in 2001, local governments have seemed to be competing to implement Islamic law in various policies, starting from the provincial level to village regulations (perdes). after seven years of the implementation of autoda, instead of bringing prosperity to the world, it has made society, especially women, marginalized and far from prosperous. The regional policy product is strictly oriented towards Islamic moral teachings so that it deserves to be called the Islamic Sharia Regional Regulation. Among the regional regulations are as follows. West Sumatra: W Sumatra Province Regional Regulation No 11/2001 concerning eradication and prevention of immorality. Solok Regency Regional Regulation No 10/2001 concerning the obligation to read the Koran for students and brides. Solok District Regulation No. 6/2002 on Muslim women's clothing. Regional Regulation of Padang Pariaman Regency No. 2/2004 concerning prevention, prosecution and eradication of immorality. Mayor of Padang Instruction dated March 7 2005 regarding the use of Muslimah clothing. Regional Regulation No. 3/2003 regarding the obligation to read the Quran in Padang. Perda in West Pasaman concerning Muslim dress code at school.

South Sulawesi: Perda on Al-Qur'an education (province), Perda No 6/2005 on Muslimah dress and reading and writing the Qur'an (Enrekang), Perda on Muslimah dress and additional hours of religious lessons (Gowa), Perda No 15/2005 on eradicating Al-Qur'an illiteracy (Maros), local regulations on Muslim women's clothing (Sinjai), local regulations on Muslim women's clothing, reading and writing of the Qur'an for students and prospective brides, and zakat (Bulukumba), local regulations on Muslim clothing (Takalar). East Java: Perda No 7/2002 on the prohibition of prostitution (Gresik), Perda No 15/2002 on the distribution of alcoholic beverages (Gresik), Perda No 18/2001 on the circulation of liquor (Pamekasan), Perda No 14/2001 on handling prostitution (Jember). West Java: Circular on improving the quality of faith and piety (Tasikmalaya), Regional Regulation No. 6/2000 on decency (Garut), circular on Muslim women's clothing (Cianjur). Banten: Perda No 8/2005 on the prohibition of prostitution (Tangerang).

Among the regional regulations that marginalize women and do not respect cultural diversity and freedom of religion in society are as follows. Pamekasan Regent Circular Letter, East Java Number 450 of 2002 concerning the obligation to wear the headscarf for government employees; Circular of the Regent of Maros, South Sulawesi, dated October 21, 2002 concerning the

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13 J.N.D. Anderson, *Law Reform in the Muslim World* (London: The Athlone Press, 1976).

obligation to wear the headscarf for government employees; The Sinjai regional regulation, which was made based on an agreement between the DPRD, the community, and the Sinjai regional government, requires headscarves for government employees; Perda Gowa, South Sulawesi which was made based on custom and community agreement regarding the obligation of headscarves for government employees. Similar regulations were also found in the Cianjur, Indramayu, West Pasaman areas. In the latter area, it is mandatory for female students to wear a baju kuning and a headscarf. Similar regional regulations were also found in the circular letter from the Regent of Tasikmalaya, No. 451/SE/04/Sos/2001; Local Regulation of Solok, West Sumatra, 2000; The Mayor of Padang's Instruction, Number 451.422/Binsos-III/2005, dated March 7 contains an order that Muslims must wear the headscarf and Islamic clothing and advises non-Muslims to wear them. There were also a number of regional regulations whose contents did not discredit women at first glance, but in their implementation made women the main target, such as Qanun Aceh Province number 14 of 2003 concerning Khalwat; Regional Regulation of Bandar Lampung City, number 15 of 2002 concerning the Prohibition of Acts of Prostitution and Immorality; Regional Regulation of Lahat Regency, number 3 of 2002 concerning the Prohibition of Prostitution and Social Impairment; Mataram City Regional Regulation on the Prevention of Immorality, number 12 of 2003; Kupang Municipality Regional Regulation, number 39 of 1999 concerning Controlling Prostitution Places[14].

Unfortunately, the Islamic indicators that are displayed are more focused on things that are highly symbolic, such as headscarves, Arabic writing, displaying Al-Qur'an calligraphy, saving funds in Sharia Banks and so on. Supposedly, the displayed Islamic indicators refer more to substantial matters, such as public services in the form of providing clean water facilities; free education, especially for neglected children; cheap hospital services for people with malnutrition, the elderly, the poor, and the disabled, as well as protecting residents, especially vulnerable groups, from all forms of discrimination, violence and exploitation so that they can also enjoy a more prosperous, just and prosperous life.

Analysis of legal cases reveals that gender inequality in the field of law is found in three legal aspects at once [15], namely in legal material (content of law), legal culture (culture of law) and its legal structure (structure of law). In terms of structure, gender inequality is characterized by low gender sensitivity within law enforcement, especially among police, prosecutors and judges. Then, in terms of legal culture, it is also still heavily influenced by patriarchal values which then gain strong legitimacy from religious interpretations. It is not surprising then that religion is accused of being one of the elements that perpetuates patriarchal culture and perpetuates inequality in gender relations in the field of law.

Regional regulations that contain restrictions on women's sovereignty and also have the potential to generate violent behavior against women must be sued and revised because they violate the basic principles of the Indonesian state, namely Pancasila and the 1945 Constitution (4th Amendment to the 1945 Constitution, articles 28c, 28 d , 28h, and 28 I clearly state the rights of every citizen, including women, to develop themselves as human beings with dignity, the right to equal opportunities in government and the right to be free from all forms of discriminatory treatment). In addition, this policy product clearly denies human rights (HAM) as described in Law Number 7 of 1984 concerning Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women, Law Number 39 of 1999 concerning Human Rights and Law Number 12 of 2005 concerning Ratification of the International Covenant concerning Civil and Political Rights. The regional regulation is contrary to Law Number 10 of 2004 concerning the Formation of Legislation, in particular article 3 which requires that all legislation

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[14] Kantor Menteri Negara Pemberdayaan Perempuan RI, *Fakta, Data Dan Informasi Kesenjangan Gender Di Indonesia* (Jakarta: Kantor Menteri Negara Pemberdayaan Perempuan RI, 2002).
[15] Katjasungkana and Mumtahanan.

must refer to the basic provisions in the state constitution. Meanwhile, Law number 32 of 2004 concerning Regional Government also requires that regional regulations comply with 10 principles, including the principles of nationality, archipelago, diversity, the principle of certainty-equality in law and the principle of justice.

If the orientation of government administrators, both at the central and regional levels, is to uphold public morality, then the relevant public policies or regional regulations are formulated as follows: Policies on eradicating corruption which harm the interests of many people and have caused serious injustice and depravity in society; eradication of illiteracy; eradication of infectious diseases and other dangerous diseases; eradicating drugs and controlling the spread of HIV/Aids. Likewise eliminating all forms of pornography, eradicating trafficking (trafficking in humans, especially children and women); and elimination of all forms of violence.

For this reason, many Islamic groups have responded to the rejection of Islamic Sharia. For example, Muslim youth groups in Makassar, Banjarmasin and Mataram are currently researching and advocating for these regional regulations with a religious dimension. Criticism of many parties against these regional regulations is now starting to show results. The Central Government through the Ministry of Home Affairs recently sent a letter to all governors to take an inventory of the regional regulations in their respective regions and will evaluate them. The central and regional governments should also be consistent in taking a firm stand against civil groups that use violence, including moralists who impose their moral attitudes on different groups.

All of the previous explanations led to the conclusion: First, the implementation of Islamic law must be preceded by efforts to build preconditions through increasing the welfare and level of education of the community so that cultural accommodation of change is built. Second, the implementation of Islamic sharia requires efforts to reconstruct sharia by taking into account the social problems faced and existing laws.

What are the principles that serve as a reference in making laws?

Here are some principles in law making

a. Maqashid al-Syari`ah principle

Understanding of the Al-Qur'an and Hadith is not solely based on the literal meaning of the text, but rather on the non-literal or contextual meaning of the text by referring to the true purpose of shari'a (maqashid al-shari`ah). The basic goals of Shari'a are clearly implemented in the values of justice (al-`adl), benefit (al-mashlahah), wisdom (al-hikmah), equality (al-musawah), compassion (al-rahmah), pluralism (al- -ta`addudiyah), and human rights (al-huquq al-insaniyah).[16]

Imam Al-Ghazali formulated five basic principles of human rights which he called al-huquq al-khamsah. The five human rights referred to are the right to life, the right to freedom of opinion and expression, the right to freedom of religion, the right to property, and the right to reproduction. Ibn al-Qayyim al-Jawziyah argues that Islamic Shari'a was built for the benefit of humans and universal humanitarian goals. These principles must be a reference in making laws and must also be an inspiration for every law maker. Deviation from these principles means violating the ideals of Islamic law itself [17]. A similar view was expressed by a number of scholars who were very authoritative in the field of fiqh, such as Fakhruddin al-Razi (d. 606 H); Izzuddin ibn Abdissalam (d. 660 H0; Najmuddin al-Tufi (d. 716 H); Ibn Taimiyah (d. 728 H.); Abu Ishaq

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[16] Abdul Wahab Khalaf, *Ilmu Ushul Al-Fiqih* (Jakarta: Majelis Dakwah Islam, 1997).

[17] Ibnu al-Qayyim Al-Jawziyah, 'I`lan Al- Muwaqqiin an Rabb Al-Alamin', in *Juz III* (Beirut: Dar al-Jil.).

al-Syatibi (d. 790 H.); and Muhammad ibn Tahir al-Asyur (d. 1393 H.). A no less emphatic statement was made by Ibn Rushd: that benefit is the root of various Shari'ahs ordained by God [18].In fact, Izzuddin ibn Abdissalam came to the conclusion that all religious provisions were fully directed to fulfill human benefit [19]

b. The Principle of Relativity of Fiqh

Although the Qur'an is eternal truth, its interpretation is not eternal. Interpretation is always relative. It should be understood that a faqih or mufassir, no matter how objective he is, will find it difficult to escape the influence of culture, laws and traditions that developed at the time or environment in which he lives. For this reason, fiqh opinions in a gender-biased society will certainly produce fiqh books that contain religious views that are not friendly to women (missogyny).

c. Principles of Thematic Interpretation

The thematic interpretation method is built on a theory which believes that the entire content of the Qur'an is an integral whole. One part of the Qur'an explains another part (Al-Qur'an yufassiru ba'duhu ba'dan/ tafsir bi al-ma`tsur). The pattern of thematic interpretation uses three approaches. First, emphasizing the importance of understanding the meaning of the language of the words of the Qur'an (the lexical meaning of any Qur'anic word). Delivering mufassir to understand the purpose of meaning (al-ma'na al-murad) in accordance with the asbab nuzul verse. Second, investigate and select all verses related to the theme discussed, so that an objective interpretation is produced, not a subjective interpretation. Third, in order to understand the words, sentences and language structures of the Al-Qur'an there must be awareness to acknowledge the existence of religious texts which were revealed in a particular or special context (as-siyaq al-khas) and which were revealed in a more general context (as-siyaq al-am) [20]. In other words, an interpretation must be done with a textual and contextual approach at the same time.

d. The Principle of Benefit (al-Maslahat)

Islamic Shari'at (law) has no other purpose except to realize universal humanitarian benefit (jalb al-mashâlih) and reject all forms of mafsadatan (dar`u al-mafâsid). Ibn al-Qayyim al-Jawziyah concluded that Islamic shari'ah was built for the benefit of humans and universal humanitarian goals, namely benefit (al-mashlahat), justice (al-'adl), mercy (al-rahmat), and wisdom (al-wisdom).

e. Principles of Gender Equality and Justice (al-Musawah al-Jinsiyah)

Biological differences between men and women do not need to be questioned. Because of their nature, women have to give birth, breastfeed, care for children, and so on. A new problem arises when these gender differences give rise to unfair social treatment between men and women. For example, women are positioned as beings who are only allowed to work in the domestic world and not in the public world because the public world is a special area for men. Women do not have the authority to become leaders at the family or community level. Herein lies the importance of proportionally separating sex and gender. From a gender perspective, the relationship between men and women must be placed in the context of equality and justice.

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[18] Ibnu Rusyd, *Fashl Al-Maqal Fi Taqrir Ma Baina Al-Syariat Wa Al- Hikmah Min Al-Ittishal Aw Wujuh Al-Nadhar Al-`Aqli Wa Hudud Al- Ta`wil* (Beirut: Dirasah al-Wihdah al- Arabiyah, 1999).

[19] Izzuddin ibn Abdissalam, *Qawaid Al- Ahkam Fi Mashalih Al-An`am* (Kairo: Dar al-Jil).

[20] Quraish Shihab, 'Penetapan Hukum Islam Secara Tekstual Dan Kontekstual: Tinjauan Mufassir', in *Dialog. No. 35 Th. XVI. Februari*, 1992.

Islam has very emphatically said that men and women have the same degree. The difference between them is only the level of piety.

f. plurality principle (al-Ta`addudiyyah)

Indonesia is a very plural country, not only in terms of ethnicity, race, culture and language but also religion. Thus, pluralism in Indonesia cannot be avoided. Diversity has infiltrated and is involved in various spaces of life. Not only within the scope of a large family such as state society, even within the family sphere, plurality can also take place. Facing this plurality, what is needed is a method and mechanism that can be taken in responding to this plurality. Antipathy towards plurality, apart from not being an appropriate action, will also have a counter-productive impact on a peaceful order of human life.

g. The Principle of Nationality (al-Muwathanah)

Indonesia was built not by a single religious community, what unites all Indonesian citizens is not on a religious basis, but on the basis of nationality (muwâthanah). Indonesian independence is the result of the hard work of all citizens of the nation, not only the Islamic community but also non-Muslims, not only the Javanese but also the people outside Java. With this reasoning, Indonesia does not recognize second-class citizens. Indonesian non-Muslims cannot be said to be dhimmi or ahl al-dzimmah in the sense of political fiqh.

h. Principles of Upholding Human Rights (Iqamat al-Huquq al-Insaniyah)

Human rights are rights that humans have because they are given by God. Thus, human rights will automatically be owned by every human being born on this earth. In Islam, there are a number of human rights that must be fulfilled, both by oneself and the state. Each is the right to life (hifdz al-nafs aw al-hayat), the right to freedom of religion (hifdz al-dîn), the right to freedom of thought (hifdz al-'aql), the right to property (hifdz al-mâl), the right to defend good name (hifdz al-'irdh), and the right to have lineage (hifdz al-nasl).

i. Principles of Democracy (al-Dimuqratiyah)

Democracy as an idea that believes in the principles of freedom, equality and human sovereignty to make decisions regarding public affairs, can be said to be fundamentally parallel to the basic principles of Islamic teachings. A number of concepts of Islamic teachings which are seen as being in line with the principles of democracy are; first, al-musâwah (egalitarianism). Second, al-hurriyah (independence). Third, al-ukhuwwah (brotherhood). Fourth, al-'adalah (justice). Fifth, al-syura (deliberation).

CONCLUSION

Islamic Sharia on women in society in general transcends understanding of the texts of the scriptures which are independent of their historical and anthropological context. Thus, according to Syatibi and Nasr Hamid Abu Zaid, Muslims who read religious texts place more emphasis on talwin than takwil, which is very much dissolved in textual understanding, so that they ignore the consideration of maslahah which is the basic goal of sending down sharia (maqashidal-syariah), Muslims should realize that the Qur'an is a text that must be read by considering its contextual aspects (socio-historical and socio-political). Reading the Qur'an textually and contextually will lead to an appreciation of universal Islamic moral messages such as justice, equal rights, respect for humanity, love and freedom.

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