

## Contextualization of the *Hudūd* Verse in *Tafsīr An-Nūr*: The *Maqāsid Asy-Syarī'ah* Approach in Indonesia

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**Abstract:** The *hudūd* verses in the Qur'an, such as the prescribed punishment in Islamic law for theft, which includes hand amputation, are often the subject of debate regarding their application in the modern legal system, especially in Indonesia. As a country with a majority Muslim population, Indonesia is faced with a significant challenge to balance the application of sharia with a national legal system influenced by Western laws and local customs. This study analyzes Hasbi Ash-Shiddiqiey's interpretation of the *hudūd* verse in *Tafsīr An-Nūr*. This study examines how Hasbi contextualizes the application of *hudūd* law by considering *maqāsid asy-syarī'ah*, as well as Indonesia's complex and diverse socio-legal conditions. The method used in this study is a qualitative approach with an in-depth analysis of the text of *Tafsīr An-Nūr* through the framework of *maqāsid asy-syarī'ah*. The study results revealed that Hasbi was not fixated on literal interpretation, but rather considered social factors, such as poverty and social justice, in the application of *hudūd*. The contextual approach emphasizes the importance of protecting fundamental rights and people's welfare, thus making *Tafsīr An-Nūr* relevant in Indonesia's pluralistic legal system.

**Keywords:** *Hudūd*; *Maqāsid asy-syarī'ah*; *Tafsīr An-Nūr*; Law

**Abstrak:** Ayat *hudūd* dalam Al-Qur'an seperti hukuman potong tangan bagi pencuri, sering kali menjadi bahan perdebatan dalam hal penerapannya di sistem hukum modern, khususnya di Indonesia. Sebagai negara dengan mayoritas penduduk Muslim, Indonesia dihadapkan pada tantangan besar untuk menyeimbangkan penerapan syariat Islam dengan sistem hukum nasional yang dipengaruhi oleh hukum Barat dan adat lokal. Penelitian ini berfokus pada analisis penafsiran Hasbi Ash-Shiddiqiey terhadap ayat *hudūd* dalam *Tafsīr An-Nūr*. Secara khusus, penelitian ini mengkaji bagaimana Hasbi mengontekstkan penerapan hukum *hudūd* dengan mempertimbangkan *maqāsid asy-syarī'ah*, serta kondisi sosial-hukum Indonesia yang kompleks dan beragam. Metode yang digunakan dalam penelitian ini adalah pendekatan kualitatif dengan analisis mendalam terhadap teks *Tafsīr An-Nūr* melalui kerangka *maqāsid asy-syarī'ah*. Hasil penelitian mengungkapkan bahwa Hasbi tidak terpaku pada penafsiran literal, melainkan mempertimbangkan faktor-faktor sosial, seperti kemiskinan dan keadilan sosial, dalam penerapan *hudūd*. Pendekatan kontekstual menekankan pentingnya perlindungan hak-hak dasar dan kesejahteraan masyarakat, sehingga membuat *Tafsīr An-Nūr* tetap relevan dalam konteks sistem hukum Indonesia yang plural.

**Kata kunci:** *Hudūd*; *Maqāsid asy-syarī'ah*; *Tafsīr An-Nūr*; Hukum



## Introduction

The ḥudūd verses in the Qur'an, which regulate criminal punishments such as cutting off the hands of thieves and stoning adulterers, are often a topic of debate in the context of modern law, especially in Indonesia. Applying *ḥudūd* in the contemporary context sparks discussions on how to uphold the authenticity of law within a modern, pluralistic legal system influenced by Western laws and local customs.<sup>1</sup> As a country with a Muslim majority, Indonesia faces challenges in balancing the demands of implementing Islamic law with a national legal system that is not entirely *syarī'ah* based. In this context, there is a need to interpret *ḥudūd* verses contextually so that they can be applied relevantly.<sup>2</sup> *Tafsīr An-Nūr* by Hasbi Ash-Shiddiqiey is one of the tafsirs that tries to bridge the gap between the texts of the Qur'an and the social conditions of Indonesian society, taking into account the *maqāsid asy-syarī'ah* or the primary purpose of the *syarī'ah* itself, such as justice and the benefit of society.<sup>3</sup>

Research on the application of *maqāsid asy-syarī'ah* in ḥudūd verses has been carried out with various study patterns that focus on the context, interpretation methods, and relevance of the application of Islamic law in modern society. Several previous studies have highlighted how *maqāsid asy-syarī'ah* is used as a framework to understand the essence of justice in *ḥudūd* law, as found in previous research on the importance of *maqāsid* in interpreting sharia laws to remain relevant to social dynamics.<sup>4</sup> Other studies, such as Jasser Auda's theoretical contribution, develop a systemic approach to sharia *maqāsid asy-syarī'ah*, emphasizing that Islamic law must be understood holistically by considering the main objectives of *syarī'ah*, such as justice, benefit, and protection of individual rights.<sup>5</sup> In the context of local interpretation, the study of the works of Indonesian *mufasssir*, such as Hasbi Ash-Shiddiqiey, shows an attempt to link Islamic law with the reality of plural socio-law, as in his study which discusses the renewal of Islamic thought in Indonesia.<sup>6</sup> This research generally underlines the need for a contextual approach to understanding *ḥudūd*, both through *ijtihād* and integration with *maqāsid asy-syarī'ah* values. Thus, this study complements previous studies by highlighting Hasbi's progressive perspective in contextualizing *ḥudūd* verses in Indonesia.

Based on this background, several important questions arise that must be answered. How does Hasbi Ash-Shiddiqiey interpret the verses of *ḥudūd* in *Tafsīr An-*

<sup>1</sup> Fitra Mulyawan and Wendriadi Wendriadi, "Human Rights Review On The Implementation Of Stoning In Indonesia (A Comparative Analysis Study Of Islamic Law And National Law)," *Unes Law Review* 2, no. 2 (February 9, 2020): 155–69, <https://doi.org/10.31933/unesrev.v2i2.111>.

<sup>2</sup> Amilatul Islamiyah and Khoirul Umami, "Study Of Asbabun Nuzul Verse About The Punishment Of Cutting Off The Hand," *TAFAKKUR: Journal of Qur'an Science and Tafsir* 4, no. 2 (June 30, 2024): 206–14, <https://doi.org/10.62359/tafakkur.v4i2.250>.

<sup>3</sup> Nazar Fadli, "Contribution Of Acehnese Scholars To The Development Of Quranic Exegesis In Indonesia: A Study Of Tengku Muhammad Hasbi Ash-Shiddieqy And His Work 'Tafsir An-Nuur,'" *QiST: Journal of Quran and Tafseer Studies* 3, no. 1 (December 5, 2023): 1–22, <https://doi.org/10.23917/qist.v3i1.3381>.

<sup>4</sup> Miszairi Sitiris, "Analisis Pemberhentian Hukum Ḥudūd Kerana Pemeliharaan Maqasid Al-Shari'ah," *AZKA International Journal of Zakat & Social Finance*, February 22, 2021, 45–70, <https://doi.org/10.51377/azjaf.vol1no2.29>.

<sup>5</sup> Khusniati Rofiah, "Teori Sistem Sebagai Filosofi Dan Metodologi Analisis Hukum Islam Yang Berorientasi Maqashid Al- Syariah (Telaah Atas Pemikiran Jasser Auda)," *Istinbath* 15, no. 1 (December 31, 2018), <https://doi.org/10.20414/ijhi.v15i1.138>.

<sup>6</sup> Fadli, "Contribution Of Acehnese Scholars To The Development Of Quranic Exegesis In Indonesia: A Study Of Tengku Muhammad Hasbi Ash-Shiddieqy And His Work 'Tafsir An-Nuur.'"

*Nūr*? Does Hasbi adhere to a literal approach to understanding Islamic criminal punishment, or does he adopt a more contextual approach? How does Hasbi utilize the principles of *maqāsid asy-syarī'ah* in adapting the verses of *ḥudūd* to the national legal system influenced by Western and customary law in Indonesia? The formulation of this problem is the core of this research, focusing on exploring more deeply how Hasbi's interpretation provides a solution to the tension between *syarī'ah* texts and the reality of modern law in Indonesia.

This study aims to analyze Hasbi Ash-Shiddiqey's interpretation of *ḥudūd* verses in *Tafsīr An-Nūr*, especially in the context of how he adapts sharia texts to modern socio-legal conditions in Indonesia. This study also aims to explain how *Tafsīr An-Nūr* contextualizes *ḥudūd* verses to be relevant to the national legal system that is not entirely based on Islamic law. Thus, this research is expected to provide more in-depth insights into how Islamic law can be applied appropriately and relevant in a pluralistic society like Indonesia without ignoring the core values of sharia itself.

The research method used in this study is a qualitative approach with a text analysis method on *Tafsīr An-Nūr*. This study will use the *maqāsid asy-syarī'ah* framework to assess how Hasbi Ash-Shiddiqey interprets and contextualizes *ḥudūd* verses. The *maqāsid asy-syarī'ah* framework will help us understand how Hasbi balances applying Islamic sharia with the demands of justice and the benefit of modern society. This research will also use secondary data, including the study of Hasbi's thoughts, literature on local interpretations, and references related to Islamic law and its application in Indonesia.

## Results and Discussion

### 1. Overview

#### a. Brief Biography of Hasbi Ash-Shiddiqey's

Hasbi Ash-Shiddiqey, also known as Prof. Dr. T.M. Hasbi Ash-Shiddiqey, was born on March 10, 1904, in Lhokseumawe, Aceh, and died in Jakarta on December 9, 1975.<sup>7</sup> He is one of the great Indonesian scholars who played an important role in reforming Islamic law in Indonesia. Hasbi was an Indonesian scholar who was an expert in several scientific fields such as Fiqh, *Uṣul Fiqh*, Tafsir, Hadith, and Kalam.<sup>8</sup> However, he was better known as a mujtahid (expert in Islamic law) who prioritizes a contextual approach to understanding and applying Islamic law. He was not only active as an academic but also as a prolific writer who wrote down his Islamic ideas. His writings cover a wide range of disciplines. According to records, his books amounted to 73 titles (142 volumes). Most of his works are about Fiqh (36 titles); other fields are hadith (8 titles), tafsir (6 titles), and tawhid/kalam science (5 titles), while the rest are general themes.<sup>9</sup>

<sup>7</sup> Hasbi Ash-Shiddiqey, *Tafsir Al-Qur'anul Majid An-Nur*, ed. Nourouzzaman Shiddiqi and Fuad Hasbi Ash-Shiddiqey, Kedua (Jakarta: PT. Pustaka Rizki Putra, 2000) Jilid 1, hal. xvii.

<sup>8</sup> Masnun Tahir, "Pemikiran T. M. Hasbi Ash-Shiddiqey: Sumber Hukum Islam Dan Relevansinya Dengan Pemikiran Hukum Islam Di Indonesia," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 1, no. 1 (September 26, 2016): 117–52, <https://doi.org/10.14421/ahwal.2008.01106>.

<sup>9</sup> The following are some of Hasbi Ash-Shiddiqey's works, in the field of Tafsir and the Science of the Qur'an: *Tafsir Al-Qur'anul Majid An-Nur*, *The Sciences of the Qur'an*, *History and Introduction to the Science of the Qur'an/Tafsir*, and *Tafsir Al-Bayan*. In the field of hadith: *The Pearl of Hadith (Volumes I-VIII)*, *History and Introduction to Hadith Science*, *Essentials of Hadith Dirayah (I-II)*, and *Collection of Legal Hadiths (I-X)*. In the field of fiqh: *Islamic Fiqh Laws*, *Introduction to Fiqh*, *Introduction to Islamic Law*, *Introduction to Muamalah Fiqh*, *Mawaris Fiqh*, *Prayer Guidelines*, *Zakat Guidelines*, *Fasting Guidelines*, *Hajj Guidelines*, *Islamic Justice and Procedural Law*, *Interaction of*

One of his most famous works is Tafsir An-Nur, a tafsir written in Indonesian to help Muslims understand the Qur'an in the context of Indonesian socio-law. Hasbi Ash-Shiddiqey's thinking is often considered progressive because he dared to criticize the rigid application of Islamic law and prefers a dynamic and relevant approach to the times.<sup>10</sup>

Regarding his life history, Hasbi was born into a deeply religious family: his father, Tgk. Muhammad was a prominent scholar in Aceh who educated Hasbi in a very Islamic environment since childhood. Hasbi's formal education began at a Dayah (Islamic boarding school) in Aceh, where he studied religious sciences such as Fiqh, tafsir, and hadith. After completing his primary education in Aceh, Hasbi continued his education in various places, including Mecca, where he studied from various prominent scholars. His study experience abroad, especially in Mecca, greatly influenced Hasbi's thinking and scientific approach to understanding Islam. After returning to Indonesia, Hasbi became active in the academic world and became one of the lecturers at IAIN Sunan Kalijaga, Yogyakarta. This is where Hasbi began to be known as a reformer of Islamic law because he introduced the concept of ijtihad and contextual interpretation adapted to the social situation of Indonesian society.<sup>11</sup>

The socio-political conditions of Indonesia during Hasbi's lifetime greatly influenced his thinking, especially regarding the interpretation of Islamic law. In the early 20th century, Indonesia was undergoing a transition from the colonial period to independence, with various political and social dynamics that affected people's lives.<sup>12</sup> Hasbi lived when Indonesia had just become independent and was looking for a form of legal system that best suited local social and political realities. In the debate between the formal application of Islamic law and the Dutch colonial heritage legal system, Hasbi chose a moderate and contextual approach.<sup>13</sup> He argued that the application of Islamic law must be adjusted to existing social and legal conditions. This thinking is greatly influenced by the *maqāsid asy-syarī'ah*, which emphasizes the primary goal of sharia, namely justice, benefit, and protection of society.<sup>14</sup>

### **b. Background of Writing Tafsīr An-Nūr**

The complete name was *Tafsīr Qur'an al-Majīd An-Nūr*. It was carried out by Hasbi Ash-Shiddiqey in 1952 and completed in 1961. The main motive for writing *Tafsīr An-Nūr* was born from the urgent need for interpretation relevant to Indonesia's social and legal context.<sup>15</sup> At that time, Indonesian people were faced with the challenge

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*Islamic Fiqh with Sharia of Other Religions (Intergroup Law), Worship Lectures, and the Death Penalty in Islamic Sharia*. In the general field: *Al-Islam (Volumes I-II)*.

<sup>10</sup> Emi Yasir and Shafwan Bendadeh, "Urf Sebagai Metode Istinbath Hukum ISLAM (Pemikiran Hasbi Ash-Shiddieqy Dengan Fiqh Indonesiannya)," *SYARIAH: Journal of Islamic Law* 3, no. 2 (December 7, 2021): 14, <https://doi.org/10.22373/sy.v3i2.308>.

<sup>11</sup> Hasbi Ash-Shiddieqy, *Tafsir Al-Qur'anul Majid An-Nur*, ed. Nourouzzaman Shiddiqi and Fuad Hasbi Ash-Shiddieqy, Kedua (Jakarta: PT. Pustaka Rizki Putra, 2000) Jilid 1, hal. xvii.

<sup>12</sup> Iffatul Bayyinah, "Madzhab Tafsir Nusantara: Analisis Tafsir Al Quran Al Majid Al Nur Karya M. Hasbi Ash-Shiddieqy," *Jurnal Ilmu Agama: Mengkaji Doktrin, Pemikiran, Dan Fenomena Agama* 21, no. 2 (December 31, 2020): 263–75, <https://doi.org/10.19109/jia.v21i2.7421>.

<sup>13</sup> Jamal Jamal and Fahad Muhanna Salem Al Ahmadi, "Renewal of the Epistemology of Fiqh by Hasbi Ash-Shiddieqy and Its Implementation in Minority Muslim Communities," *Peradaban Journal of Law and Society* 2, no. 2 (December 10, 2023): 117–29, <https://doi.org/10.59001/pjls.v2i2.81>.

<sup>14</sup> Hasbi Ash-Shiddieqy, *Tafsir Al-Qur'anul Majid An-Nur*, ed. Nourouzzaman Shiddiqi and Fuad Hasbi Ash-Shiddieqy, Kedua (Jakarta: PT. Pustaka Rizki Putra, 2000) Jilid 2, hal. 1076-179.

<sup>15</sup> S Sudariyah, "Konstruksi Tafsir Al-Qur'anul Majid An-Nur Karya M Hasbi Ash-Shiddieqy," *SHAHIH: Journal of Islamicate Multidisciplinary* 3, no. 1 (June 10, 2018): 93–106, <https://doi.org/10.22515/shahih.v3i1.1282>.

of understanding the texts of the Qur'an in daily life, especially in terms of the application of Islamic law. Most existing interpretations still use Arabic or classical Malay, which is difficult for the public to understand. In addition, these interpretations often focus on literal and textual interpretations without considering Indonesian society's socio-political and cultural conditions.<sup>16</sup> Hasbi realizes that Indonesia, as a country with the largest Muslim population, needs an interpretation that not only reviews the literal meaning of the Qur'anic text but can contextualize Islamic law to be relevant to the national legal system. Therefore, through *Tafsīr An-Nūr*, Hasbi strives to present an interpretation that is easy to understand and to the needs of Indonesian socio-law.<sup>17</sup>

The writing of *Tafsīr An-Nūr* is also inseparable from the historical context at that time, where Indonesia had just become independent and was trying to form a national legal system that accommodated various elements, such as Islamic law, customary law, and Western law inherited from the Dutch colonial period.<sup>18</sup> At that time, there was a fierce debate between those who wanted the formal application of Islamic law in the national legal system and those who preferred the secular legal system.<sup>19</sup> In this situation, Hasbi sees the importance of interpretation that can bridge between Islamic sharia and Indonesia's plural social reality. *Tafsīr An-Nūr* is one of the efforts to guide Indonesian Muslims in understanding the Qur'an, especially in terms of law, without ignoring the socio-political conditions and the needs of modern society.<sup>20</sup>

The socio-political situation of Indonesia during the writing of *Tafsīr An-Nūr* greatly influenced Hasbi's approach to writing this tafsir. As a newly independent country, Indonesia is finding the most appropriate legal identity to be implemented.<sup>21</sup> Hasbi realizes that the application of Islamic law in Indonesia cannot be carried out rigidly without considering the plurality of society and the influence of Western law that has been embedded for a long time. In *Tafsīr An-Nūr*, Hasbi seeks to harmonize the texts of the Qur'an with Indonesia's developing socio-political conditions.<sup>22</sup> He used the *maqāsid asy-syarī'ah* approach to interpret legal verses, including *ḥudūd* verses, with the aim that Islamic law could be applied fairly and proportionately, according to the needs of the Indonesian people at that time.<sup>23</sup>

### c. Methods and Patterns of *Tafsīr An-Nūr*

The author researches the method of tafsir used by Hasbi Ash-Shiddiqiey in *Tafsīr An-Nūr* using the *ijmali* or global method. In *Tafsīr An-Nūr* the interpretation is

<sup>16</sup> Islah Gusmian, "Tafsir Al-Qur'an Di Indonesia: Sejarah Dan Dinamika," *Nun: Jurnal Studi Alquran Dan Tafsir Di Nusantara*, 2015, <https://api.semanticscholar.org/CorpusID:165854796>.

<sup>17</sup> Hasbi Ash-Shiddieqy, *Tafsir Al-Qur'anul Majid An-Nur*, Jilid 1, hal. xi-xii.

<sup>18</sup> Rifa Roifa, Rosihon Anwar, and Dadang Darmawan, "Perkembangan Tafsir Di Indonesia (Pra Kemerdekaan 1900-1945)," *Al-Bayan: Jurnal Studi Ilmu Al-Qur'an Dan Tafsir* 2, no. 1 (June 27, 2017): 21–36, <https://doi.org/10.15575/al-bayan.v2i1.1806>.

<sup>19</sup> Lukman Syamsuddin, Achmad Abu Bakar, and Mardan Mardan, "Sejarah Perkembangan Tafsir Alquran Pasca Kemerdekaan Dan Kontemporer," *Rausyan Fikr: Jurnal Studi Ilmu Ushuluddin Dan Filsafat* 17, no. 2 (December 29, 2021): 257–76, <https://doi.org/10.24239/rsy.v17i2.822>.

<sup>20</sup> Hasbi Ash-Shiddieqy, *Tafsir Al-Qur'anul Majid An-Nur*, Jilid 1, hal. xi-xii.

<sup>21</sup> Fazida Safitri, "Gelora Tafsir Al-Qur'an Di Indonesia Pasca Kemerdekaan (Era Orde Lama Dan Orde Baru)," *Lathaif: Literasi Tafsir, Hadis Dan Filologi* 3, no. 1 (June 30, 2024): 52, <https://doi.org/10.31958/lathaif.v3i1.10933>.

<sup>22</sup> Mukhammad Asy'ari, "Epistemologi Tafsir Al-Nur Karya M. Hasbi Ash-Shiddieqy Dalam Memahami Al-Quran," *Ta'wiluna: Jurnal Ilmu Al-Qur'an, Tafsir Dan Pemikiran Islam*, 2021, <https://api.semanticscholar.org/CorpusID:244971389>.

<sup>23</sup> A M Ismatulloh, "Penafsiran M. Hasbi Ash-Shiddieqi Terhadap Ayat-Ayat Hukum Dalam Tafsir An-Nur," 2014, <https://api.semanticscholar.org/CorpusID:194284010>.

carried out concisely but thoroughly, where the verses of the Qur'an are explained in a whole unit without too much detail. However, there is also an opinion that Tafsir An-Nur uses the tahlili method because Hasbi often explains each element in the verses that are interpreted in a more detailed and systematic way.<sup>24</sup> This *tahlili* approach can be seen from how Hasbi not only explains the literal meaning of the verses but also associates them with *asbāb an-nuzūl* (the reasons for the descent of the verses) and rationality (the connection between the verses). This interpretation includes all thirty juz of the Qur'an, which indicates the completeness and depth of the interpretation compiled by Hasbi.<sup>25</sup> Thus, even though Tafsir An-Nur looks simple and concise on the one hand, it still provides a deep and systematic explanation of the content of the verses of the Qur'an.

The pattern of interpretation used by Hasbi Ash-Shiddiqey in *Tafsīr An-Nūr* has also been the subject of debate among academics. Some scholars state that this interpretation uses a pattern of *adabi al-ijtimā'i*,<sup>26</sup> That is an approach that emphasizes literary values and a thorough understanding of the verses of the Qur'an. This approach tries to relate the meaning of the verse to the existing socio-cultural context so that readers can more easily understand the message the Qur'an conveys. On the other hand, some scholars mention that *Tafsīr An-Nūr* has a *fiqh* style because Hasbi often pays special attention to issues of Islamic law (Fiqh) in his interpretation.<sup>27</sup> This can be seen from how Hasbi interprets the legal verses by providing a detailed explanation of the implications of the law in the context of the daily life of Muslims in Indonesia. These two styles, both *al-adabi al-ijtimā'i* and *fiqh*, complement each other in *Tafsīr An-Nūr*, making it an interpretation that pays attention to not only the spiritual aspect but also the legal aspect of the verses of the Qur'an.

In addition, the contextual approach is one of the characteristics of *Tafsīr An-Nūr* that distinguishes it from other interpretations. Hasbi realizes that the verses of the Qur'an must be understood in the context of the times and places where Muslims are located.<sup>28</sup> Therefore, he uses a contextual approach to bridge the text of the Qur'an with modern social realities. In his interpretation, Hasbi not only adheres to the text literally but also pays attention to the social, cultural, and legal conditions that apply in Indonesia. This approach is essential considering that Indonesia with a pluralistic society in terms of religion, culture, and legal system.<sup>29</sup> Using a contextual approach, *Tafsīr An-Nūr* seeks to provide relevant solutions for Indonesian Muslims to carry out Islamic law without ignoring the existing social reality.

Hasbi also emphasizes a socio-legal approach that pays attention to Indonesia's local context and social conditions. In *Tafsīr An-Nūr*, Hasbi often associates legal verses with the social situation of Indonesian society, which at that time was developing

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<sup>24</sup> Muhammad Anwar Idris, "Pemetaan Kajian Tafsir Al-Qur'an Di Indonesia: Studi Atas Tafsir An-Nur Karya T.M Hasbi Ash-Shiddiqey," 2020, <https://api.semanticscholar.org/CorpusID:225776694>.

<sup>25</sup> M. Abdurrahman Wahid, "Corak dan Metodologi Tafsir Alquran Al-Majid An-Nur Karya Hasbi Ash-Shiddiqey," *Rausyan Fikr: Jurnal Studi Ilmu Ushuluddin Dan Filsafat* 14, no. 2 (January 26, 2019): 395–426, <https://doi.org/10.24239/rsy.v14i2.361>.

<sup>26</sup> Wahid.

<sup>27</sup> Bayyinah, "Madzhab Tafsir Nusantara: Analisis Tafsir Al Quran Al Majid Al Nur Karya M. Hasbi Ash-Shiddiqey."

<sup>28</sup> Mkhai hanif yuli edi z Hanif, "Pendekatan Tekstual; Kontekstual dan Hermenuetika Dalam Penafsiran Al-Qur'an," *Al Muhafidz: Jurnal Ilmu Al-Qur'an Dan Tafsir* 3, no. 2 (September 4, 2023): 103–16, <https://doi.org/10.57163/almuhafidz.v3i2.69>.

<sup>29</sup> Ash-Shiddiqey, *Tafsir Al-Qur'anul Majid An-Nur*, hal. xi-xii.

towards a plural national legal system.<sup>30</sup> Hasbi understands that applying Islamic law in Indonesia cannot be done rigidly, because Indonesian society consists of various cultural and religious backgrounds. Therefore, he prioritizes the principles of justice and benefits in interpreting legal verses, including *hudūd* verses. This socio-legal approach makes *Tafsīr An-Nūr* an interpretation that talks about religious norms and how those norms can be applied proportionately in Indonesia's complex social and legal system.<sup>31</sup>

#### d. Systematics of Writing *Tafsīr An-Nūr*

*Tafsīr An-Nūr*'s presentation order is determined by the *Muṣḥaf*, meaning verse after verse and surah after surah. The presentation system is as follows:<sup>32</sup>

- 1) Before starting the interpretation, Hasbi briefly explained the Surah to be interpreted. When he interpreted Surah al-Fatihah for example, he explained the relationship or reasonableness of the Surah with other Surahs, the number of verses, the content of the Surah including legal issues, worship, *mu'āmalah*, Hajj, and Umrah, as well as the type of Surah and the reason for its derivation.
- 2) Mentioning one verse, two verses, or three verses that Allah SWT said to bring a meaning according to the order of *muṣḥaf*. In addition to mentioning the verse, the author translates the meaning of the verse into Indonesian in an easy-to-understand way, paying attention to the meanings that each pronunciation wants. In translating verses into Indonesian, the author is guided by Tafsir Abu Su'ud, Tafsir Shiddieqy Hasan Khan, and Tafsir al-Qasimy. So, the translation of the pronunciation is based on the interpretation given by the three interpretations.
- 3) Interpret the verses by pointing to the essence of the essence. For example, in the 2nd verse of Surah al-Baqarah

﴿ذَٰلِكَ الْكِتَابُ لَا رَيْبَ فِيهِ هُدًى لِّلْمُتَّقِينَ﴾

*"This is the Book; in it is guidance sure, without doubt, to those who fear Allah"*

After Hasbi translated the verse, he explained some of the words that are the subject of the discussion, as seen below: Written book: an illustration or picture that shows a certain meaning or meaning. In this particular circumstance, what is meant by "al-Kitāb" is the Qur'an, while "*Zālikal Kitābu*" is a book that shows that the Prophet SAW was only given the command to compile the Qur'an, not other books. Although the Qur'an was not yet fully composed when the fragments were discovered, this did not eliminate the belief that the Qur'an would have been written in its entirety.

*Hudan*: The Qur'an is interpreted as pointing in the right direction. The Qur'an serves as a roadmap for devout Muslims, providing them with the help and direction (taufik) they need to follow Allah's guidance. On the other hand, the Qur'an only serves as a way finder for those who are not religious.

<sup>30</sup> Asy'ari, "Epistemologi Tafsir Al-Nur Karya M. Hasbi Ash-Shiddieqy Dalam Memahami Al-Quran."

<sup>31</sup> Ismatulloh, "Penafsiran M. Hasbi Ash-Shiddieqi Terhadap Ayat-Ayat Hukum Dalam Tafsir An-Nur."

<sup>32</sup> Hasbi Ash-Shiddieqy, *Tafsir Al-Qur'anul Majid An-Nur*, ed. Nourouzzaman Shiddiqi and Fuad Hasbi Ash-Shiddieqy, Kedua (Jakarta: PT. Pustaka Rizki Putra, 2000) Jilid 2, hal. xii.

*Al-muttaqīn*: They are those who seek the pleasure of Allah, have a high soul, accept guidance, and are willing to receive the light of truth by obeying His commands and avoiding His prohibitions; they usually protect themselves from His punishment; both in this world and in the afterlife.

- 4) Understanding how the surahs are connected is crucial in understanding the Qur'an. For example, Surah al-Fatihah frames the basics of the Qur'anic discourse, and Surah al-Baqarah explains a part of the issue's core. This also applies to the relationship between verses. When explaining a verse with a hadith on a particular topic, footnotes are sometimes used with an editorial "relating to that verse" in this process. It is also important to understand *asbab al-nuzul* if there is a sahih narration that hadith experts acknowledge.
- 5) The final step is to summarize the important aspects that are the essence of the verse or surah that has been translated after interpreting the fragment.

#### e. Source of Interpretation of *Tafsīr An-Nūr*

In *Tafsīr An-Nūr*, Hasbi Ash-Shiddiqiey uses a combination of the method of tafsir bi al-ra'yi and tafsir bi al-ma'tsur.<sup>33</sup> *Tafsir bi al-ra'yi* relies on logical reasoning and mufasssir's ijtihad in understanding the meaning of Qur'anic verses, especially when society's social and cultural context demands a more flexible and relevant interpretation. Hasbi uses this approach to answer contemporary challenges in Indonesia's legal and social system so that his interpretation can be applied in a modern context without abandoning the essence of Islamic law.<sup>34</sup>

On the other hand, *Tafsīr An-Nūr* also does not ignore *tafsir bi al-ma'tsur*, an interpretation based on the narration of the Prophet, companions, and classical scholars. Hasbi refers to the classical interpretations and the sahih hadiths in explaining the *asbab al-nuzul* and established verse. He tries to explain the verses that have the same meaning as those being interpreted. In this field, Hasbi adheres to the Tafsir al-Imam Ibn Katsir, which is commonly known as Tafsir Ibn Katsir is a tafsir that interprets verses with verses.<sup>35</sup> By combining these two methods, *Tafsīr An-Nūr* becomes a comprehensive tafsir, covering both traditional and contemporary approaches and providing a deep and relevant understanding for Indonesian Muslims.

Based on the information or literature that Hasbi received, some people read it immediately and call this *Tafsīr An-Nūr*, a complete translation of the Arabic Tafsir written by *mutaqaddimin* scholars or modern scholars. Based on the news he received, this tafsir is a translation of *Tafsīr al-Marāghy*. Perhaps this is intended to reduce the reader's interest in this Tafsir. So Hasbi, in the introduction of *Tafsīr An-Nūr*, states that:<sup>36</sup>

- 1) Hasbi, in compiling this tafsir, is guided by many *mufasssir*, namely: tafsir books that are a guide for tafsir writers, both the book of *tafsir bil ma'tsur*, the books of *tafsir bil ma'qul* and the books of tafsir that explain the description of the master tafsir, especially 'Umdatut Tafsir 'anil Hafizh Ibn Katsir, Tafsir al-Manar, Tafsir al-Qasimy, Tafsir al-Maraghy, and at-Tafsir al-Wadhih.

<sup>33</sup> Ismatulloh, "Penafsiran M. Hasbi Ash-Shiddieqi Terhadap Ayat-Ayat Hukum Dalam Tafsir An-Nur"; Idris, "Pemetaan Kajian Tafsir Al-Qur'an Di Indonesia: Studi Atas Tafsir An-Nur Karya T.M Hasbi Ash-Shiddieqy."

<sup>34</sup> Sudariyah, "Konstruksi Tafsir Al-Qur'anul Majid An-Nur Karya M Hasbi Ash-Shiddieqy."

<sup>35</sup> Hasbi Ash-Shiddieqy, *Tafsir Al-Qur'anul Majid An-Nur*, Jilid 1, hal. xv.

<sup>36</sup> Hasbi Ash-Shiddieqy, *Tafsir Al-Qur'anul Majid An-Nur*, ed. Nourouzzaman Shiddiqi and Fuad Hasbi Ash-Shiddieqy, Kedua (Jakarta: PT. Pustaka Rizki Putra, 2000) Jilid 1, hal. xv-xvi.



- 2) In interpreting verses, Hasbi first put forward verses that will be interpreted in several verses, sometimes one or more. In this case, Hasbi is generally guided by *Tafsir al-Manar*, sometimes referring to *Tafsir al-Maraghy* and sometimes to *Tafsir al-Wadhih*. Hasbi groups these verses into several numbers. Each amount is interpreted individually. In dividing verses into numbers, Hasbi is guided by *Tafsir al-Maraghy*, *Tafsir al-Manar*, and other interpretations.
- 3) In translating verses into Indonesian, Hasbi is guided by Tafsir Abu Su'ud, Tafsir Shiddieqy Hasan Khan, and Tafsir al-Qasimy. So, the pronunciation translation is based on the interpretation given by the three interpretations.
- 4) Regarding the material of tafsir, Hasbi has several books on Tafsir that he considers. The material of Tafsir an-Nur is mainly quoted from al-Maraghy which summarizes the description of Tafsir al-Manar. The verses and hadiths that Hasbi quoted in Tafsir an-Nur are found in the master tafsirs and tafsirs that take from those parent tafsirs, such as al-Maraghy. Therefore, al-Maraghy, in compiling his tafsir, is guided by the master tafsir, so before Hasbi quotes, he first compares what was written by al-Maraghy, al-Qasimy with the tafsirs presented by the master tafsir book.

With Hasbi's statement, it may be clear that his effort was not just plagiarism, but to present it to readers who do not know Arabic; conclusions or essences of interpretation that are concluded and extracted from the parent books. Perhaps the assumption that Tafsir an-Nur only translates from Tafsir al-Maraghi is that most of Hasbi's interpretation is guided by Tafsir al-Maraghi, not just translating textually.

## 2. Analysis

### a. Contextualization of the Interpretation of the *Ḥudūd* Verses in *Tafsīr An-Nūr*

Hasbi Ash-Shiddiqey in *Tafsīr An-Nūr* interprets *ḥudūd* verses, such as the punishment of cutting off the hand for the thief<sup>37</sup>, by considering the essence of justice contained in the law. Textually, this verse commands the cutting of hands as a punishment for thieves. Still, Hasbi emphasizes that this interpretation cannot be understood literally without considering the community's social, economic, and cultural conditions. According to Hasbi, *ḥudūd* punishment, including cutting off the hand, is a severe form of punishment, and its application requires an ideal situation where the community has been freed from poverty and injustice.<sup>38</sup> In other words, this punishment can only be applied if no reason can mitigate the perpetrator's wrongdoing, such as poverty that forces someone to steal. This interpretation shows that Hasbi adheres to the text and pays attention to social reality.

Furthermore, Hasbi related the interpretation of *ḥudūd* verses to the principle of *maqāsid asy-syarī'ah*, which is the primary purpose of sharia which includes the protection of religion, soul, intellect, descendants, and property. In this context, Hasbi argues that the main purpose of *ḥudūd* law is not to punish repressively, but to prevent crime and maintain social stability.<sup>39</sup> Therefore, Hasbi emphasized that the implementation of *ḥudūd* must be carried out carefully not to cause greater injustice. He rejected the arbitrary application of *ḥudūd* law without considering the socio-economic conditions of the community. For example, in the case of theft due to hunger

<sup>37</sup> Surah Al-Maidah/5: 38-40

<sup>38</sup> Hasbi Ash-Shiddieqy, *Tafsir Al-Qur'anul Majid An-Nur*, ed. Nourouzzaman Shiddiqi and Fuad Hasbi Ash-Shiddieqy, Kedua (Jakarta: PT. Pustaka Rizki Putra, 2000) Jilid 2, hal. 1077.

<sup>39</sup> Hasbi Ash-Shiddieqy, *Tafsir Al-Qur'anul Majid An-Nur*, Jilid 2, hal. 1078-1079.

or poverty, Hasbi believes that the punishment of cutting off the hand should not be applied outright because it is contrary to the principle of justice in Islam.

Hasbi's interpretation of *Tafsīr An-Nūr* also shows the law's flexibility in Islam. He realized that in modern society, such as in Indonesia, the national legal system must be able to accommodate various values and norms, including Islamic values.<sup>40</sup> Therefore, Hasbi argued that applying *ḥudūd* punishment, such as cutting off the hand, should be adjusted to the prevailing legal system in Indonesia, which prioritizes rehabilitation and prevention over harsh physical punishment. With this approach, Hasbi seeks to strike a balance between the sanctity of sharia and the needs of contemporary socio-law, making his interpretation of *ḥudūd* verses more relevant and acceptable in the pluralistic context of Indonesia.<sup>41</sup>

Based on Hasbi Ash-Shiddiqiey's interpretation above, he seeks to adapt the interpretation of *ḥudūd* verses to the Indonesian national legal system, which combines Islamic law, Western law, and local customs. Hasbi realizes that Indonesia, as a legally and culturally plural country, cannot apply Islamic law textually without considering the broader context.<sup>42</sup> Western law, inherited from the colonial era, has influenced Indonesia's judicial system and criminal law, while local customs have become an integral part of people's lives in various regions. Hasbi argues that although *ḥudūd* is part of Islamic law, its application cannot be made automatically without considering local social and cultural conditions. In *Tafsīr An-Nur*, Hasbi accepts the essence of the *ḥudūd* punishment. Still, he emphasizes that the application of the punishment must be adjusted to the legal and social realities in Indonesia.<sup>43</sup> For example, in the case of amputation of hands for thieves, Hasbi emphasized that this punishment must be considered in the context of the modern justice system, which prioritizes fair legal process and protection of individual rights.

Hasbi also emphasized that the principles of justice and community protection must be the primary foundation in implementing *ḥudūd* in Indonesia.<sup>44</sup> In his view, the main purpose of *ḥudūd* law is not to punish repressively, but to prevent crime and maintain social order. Hasbi adopted the principle of *maqāsid asy-syarī'ah*, which emphasizes that Islamic sharia aims to protect five main things: religion, soul, intellect, heredity, and property.<sup>45</sup> Therefore, the application of *ḥudūd* must be seen in a broader framework to realize benefits and protect the community from damage. In the Indonesian context, Hasbi argues that applying *ḥudūd* law, such as cutting off the hand, should not be done without considering the socio-economic situation of the community. Especially when poverty and social injustice are still significant problems, the application of severe corporal punishment can cause even greater injustice.

After seeing Hasbi Ash-Shiddiqiey's interpretation in *Tafsīr An-Nūr* seeks to adapt the interpretation of *ḥudūd* verses to the Indonesian national legal system, which is influenced by Western law and local customs. He rejected the rigid application of *ḥudūd* and emphasized the importance of considering the social, cultural, and legal conditions that apply in Indonesia. Hasbi uses the principle of *maqāsid asy-syarī'ah* to emphasize that Islamic law, including *ḥudūd*, aims to protect society and realize

<sup>40</sup> Ismatulloh, "Penafsiran M. Hasbi Ash-Shiddieqi Terhadap Ayat-Ayat Hukum Dalam Tafsir An-Nur."

<sup>41</sup> Hasbi Ash-Shiddieqy, *Tafsir Al-Qur'anul Majid An-Nur*, Jilid 2, hal. 1077.

<sup>42</sup> Hanif, "Pendekatan Tekstual; Kontekstual Dan Hermenutika Dalam Penafsiran Al-Qur'an."

<sup>43</sup> Hasbi Ash-Shiddieqy, *Tafsir Al-Qur'anul Majid An-Nur*, Jilid 2, hal. 1077.

<sup>44</sup> tahir, "Pemikiran T. M. Hasbi Ash-Shiddieqy: Sumber Hukum Islam Dan Relevansinya Dengan Pemikiran Hukum Islam Di Indonesia."

<sup>45</sup> Hasbi Ash-Shiddieqy, *Tafsir Al-Qur'anul Majid An-Nur*, Jilid 2, hal. 1077-1079.

justice.<sup>46</sup> Therefore, the application of severe corporal punishment, such as amputation, must be adapted to socio-economic realities and focused on the purpose of prevention and rehabilitation, not solely punishment. The principles of justice and community protection are the primary foundation for Hasbi, which supports a more humane and contextual approach to the application of Islamic law in Indonesia so that the law can be applied more proportionately and relevantly.

## **b. The Application of *Maqāsid Asy-Syarī'ah* in *Tafsīr An-Nūr***

### **1) *Maqāsid Asy-Syarī'ah* as the Basis of Tafsir**

Hasbi Ash-Shiddiqey in *Tafsīr An-Nūr* expressly uses the principle of *maqāsid asy-syarī'ah* as a basis for interpreting the verses of the Qur'an, especially those related to *ḥudūd* (criminal punishment in Islam).<sup>47</sup> One of the main principles of *maqāsid asy-syarī'ah* is the benefit, which is an effort to achieve benefits and avoid losses for the ummah.<sup>48</sup> In the context of *ḥudūd* verses, such as the punishment of cutting off the hands of thieves, Hasbi emphasized that the purpose of applying the law must be to protect the community and prevent social damage, not merely to provide harsh punishments.<sup>49</sup> Therefore, Hasbi argues that implementing *ḥudūd* must always consider what is best for society as a whole. If the social situation does not support the literal application of *ḥudūd*, for example, when extreme poverty is the leading cause of theft, the law must be reviewed to create more significant benefits.

In the interpretation of *ḥudūd*, Hasbi also emphasized the importance of justice as a principle of *maqāsid asy-syarī'ah*. For him, justice is the core of every Islamic law, including *ḥudūd* law. Thus, the punishment of cutting off the hands of thieves or other harsh punishments must be applied fairly and should not be done arbitrarily. Hasbi reminded us that applying *ḥudūd* law without paying attention to the socio-economic conditions of the community can cause greater injustice.<sup>50</sup> For example, if someone steals out of starvation, then the punishment of cutting off the hand could be considered unfair because it does not consider the social context that led to the crime. In *Tafsīr An-Nūr*, Hasbi repeatedly emphasized that justice in the application of *ḥudūd* law must be the top priority, and every punishment must be adjusted to the situation and conditions of society.

In addition to benefits and justice, Hasbi also uses *maqāsid asy-syarī'ah* to emphasize social welfare as the purpose of interpreting *ḥudūd* verses.<sup>51</sup> In his view, Islamic law, including *ḥudūd*, must function to maintain order and build a prosperous society. Applying *ḥudūd* that does not pay attention to the community's welfare will cause more significant damage. Therefore, Hasbi in *Tafsīr An-Nūr* interprets the verses of *ḥudūd* with a more flexible and contextual approach, where the primary purpose of the law is to maintain social stability and protect the public interest. By using the principle of *maqāsid asy-syarī'ah*, Hasbi tries to present an interpretation relevant to Indonesia's socio-legal conditions, so that Islamic law can be applied fairly and beneficially, without ignoring the primary purpose of sharia.

<sup>46</sup> Hasbi Ash-Shiddieqy, *Tafsir Al-Qur'anul Majid An-Nur*, Jilid 2, hal. 1077-1079.

<sup>47</sup> Bayyinah, "Madzhab Tafsir Nusantara: Analisis Tafsir Al Quran Al Majid Al Nur Karya M. Hasbi Ash-Shiddieqy."

<sup>48</sup> Rifaki Asy'ari, "Mashlahah Dalam Maqasid Syari'ah," *Ta'wiluna: Jurnal Ilmu Al-Qur'an, Tafsir Dan Pemikiran Islam* 3, no. 1 (April 28, 2022): 1-13, <https://doi.org/10.58401/takwiluna.v3i1.593>.

<sup>49</sup> Hasbi Ash-Shiddieqy, *Tafsir Al-Qur'anul Majid An-Nur*, Jilid 2, hal. 1078-1079.

<sup>50</sup> Hasbi Ash-Shiddieqy, *Tafsir Al-Qur'anul Majid An-Nur*, Jilid 2, hal. 1077-1079.

<sup>51</sup> Hasbi Ash-Shiddieqy, *Tafsir Al-Qur'anul Majid An-Nur*, Jilid 2, hal. 1079.

## 2) The Relevance of *Maqāsid Asy-Syarī'ah* in Indonesia

The principles of *maqāsid asy-syarī'ah* are extremely helpful in making Islamic law, especially *ḥudūd*, more adaptive and relevant in Indonesia's diverse socio-political context. *Maqāsid asy-syarī'ah* focuses on the primary purpose of law: to achieve benefits and prevent damage.<sup>52</sup> In a plural and complex Indonesian society, the literal application of Islamic law can pose a significant challenge, especially since Indonesia has a legal system influenced by Western, customary, and Islamic law. In this case, the principle of *maqāsid asy-syarī'ah* allows flexibility in the interpretation and application of law so that Islamic law can be integrated with the values of justice, humanity, and welfare recognized in the national legal system.<sup>53</sup> Hasbi Ash-Shiddiqiey, through *Tafsīr An-Nūr*, uses *shariamaqāsid* to adjust the application of *ḥudūd* law to remain relevant to the legal and social reality in Indonesia.

One of the ways that *maqāsid asy-syarī'ah* is relevant in Indonesia is by emphasizing that Islamic law must protect the public interest and maintain social stability.<sup>54</sup> In the context of *ḥudūd*, such as the punishment of cutting off the hands of thieves, *maqāsid asy-syarī'ah* teaches that the primary purpose of this punishment is to prevent crime and maintain public safety. However, suppose the punishment that is applied causes greater injustice or social damage. In that case, the principle of *maqāsid asy-syarī'ah* allows adjustments so that the law does not harm society. In Indonesia, where poverty and social inequality are still major problems, the application of *ḥudūd* punishment, such as cutting off the hand, must be adapted to socio-economic conditions.<sup>55</sup> The principle of sharia *maqāsid* in this case, supports a more proportionate and fair application of the law, considering the community's situation.

Furthermore, the principle of *maqāsid asy-syarī'ah* is also relevant in harmonizing Islamic law with Indonesia's plural national legal system. Indonesia's legal system is a blend of various sources of law, including Islamic law, customary law, and Western colonial law.<sup>56</sup> In this context, applying *ḥudūd* law that is too strict without paying attention to the plurality aspect of law can cause conflicts with the existing legal system. Hasbi, through the *maqāsid asy-syarī'ah* approach, seeks to bridge between sharia norms and the modern legal system that applies in Indonesia. He argued that Islamic law can be used flexibly if the principles of justice, benefit, and welfare remain the primary foundation. Thus, *maqāsid asy-syarī'ah* allows Islamic law to be dynamic and adaptive to socio-political changes in Indonesia.

The principle of *maqāsid asy-syarī'ah* is also relevant in maintaining a balance between individual rights and the public interest in Indonesia. In a legal system that recognizes human rights and social justice, applying harsh *ḥudūd* laws without regard

<sup>52</sup> Zul Anwar Ajim Harahap, "Eksistensi Maqāshid Al-Syarī'ah Dalam Pembaruan Hukum Pidana Di Indonesia," *Istinbath* 16, no. 1 (June 1, 2017): 22–64, <https://doi.org/10.20414/ijhi.v16i1.17>.

<sup>53</sup> arif Fikri, "Fleksibilitas Hukum Islam Dalam Perubahan Sosial," 2019, <https://api.semanticscholar.org/CorpusID:213269148>.

<sup>54</sup> Achmad Tohari, "Religious Moderation in the Perspective of Maqasid Syariah Jasser Auda," *MODERATIO: Jurnal Moderasi Beragama* 4, no. 1 (May 30, 2024): 52, <https://doi.org/10.32332/moderatio.v4i1.9037>.

<sup>55</sup> Fathuddin Abdi, "Keluwesannya Hukum Pidana Islam Dalam Jarimah Ḥudūd (Pendekatan Pada Jarimah Ḥudūd Pencurian)," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 14, no. 02 (December 1, 2018): 369–92, <https://doi.org/10.30631/al-risalah.v14i02.456>.

<sup>56</sup> Zaka Firma Aditya, "Romantisme Sistem Hukum Di Indonesia : Kajian Atas Kontribusi Hukum Adat Dan Hukum Islam Terhadap Pembangunan Hukum Di Indonesia," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 8, no. 1 (May 15, 2019): 37, <https://doi.org/10.33331/rechtsvinding.v8i1.305>.

to individual rights can trigger violations of the principles identified in national law.<sup>57</sup> *Maqāsid asy-syarī'ah* emphasizes that Islamic law must provide justice for all parties, both for the perpetrators of crimes and for the affected communities.<sup>58</sup> Therefore, Hasbi, through *Tafsīr An-Nūr*, uses sharia maqāsidmaqasid to emphasize the importance of rehabilitation and recovery for criminals rather than simply giving severe physical punishment. With this approach, Islamic law, especially *hudūd*, can be applied more humanely and relevant in the context of a pluralistic Indonesian society.

## Conclusion

Hasbi Ash-Shiddiqiey's interpretation of *hudūd* verses in *Tafsīr An-Nūr* demonstrates an endeavor to contextualize Islamic law pertinent to Indonesia's contemporary legal framework. Hasbi reads the verses of *hudūd* both literally and in consideration of the social realities and diversity of Indonesian law, which amalgamates Islamic law, Western law, and indigenous customs. His methodology underscores that the use of *hudūd* must be tailored to socio-economic circumstances and should not result in injustice. Consequently, Hasbi aims to reconcile the disparities between the sharia principles in the Qur'an and the contemporary legal framework that emphasizes social justice and community safeguarding.

Hasbi's use of *maqāsid asy-syarī'ah* as a framework of interpretation also illustrates that Islamic law can be applied flexibly by paying regard to social needs. *Maqāsid asy-syarī'ah*, which emphasizes on benefit, justice, and welfare, permits Hasbi to read *hudūd* passages more dynamically and adaptively to the challenges of the times. Islamic law, in Hasbi's perspective, functions not merely to punish but to protect society and sustain social stability. This approach indicates that Islamic sharia is not rigid but may be used in a useful way in the context of Indonesia's pluralistic and modern society.

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<sup>57</sup> Christian Immanuel Situmorang et al., "Pentingnya Hukum Yang Tegas Dalam Mempertahankan Hak Asasi Manusia: Perspektif Konstitusi," *Journal Customary Law* 1, no. 2 (May 8, 2024): 13, <https://doi.org/10.47134/jcl.v1i2.2427>.

<sup>58</sup> Tohari, "Religious Moderation in the Perspective of Maqasid Syariah Jasser Auda."

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