

## Contextual Interpretation Of Asghar Ali Engineer : Efforts To Reconstruct Nash On The Women Position In Primordial Society

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### Abstract

*This study aims to describe how Asghar Ali Engineer reconstructed the position of women in the traditions of primordial society through a contextual reinterpretation of the texts of the Qur'an. This research is of the library (Library Research) type, involving examination and review of data originating from library sources. There are two sources of data: primary data taken from written works by Asghar Ali Engineer, and secondary data obtained from books and journal articles that are aligned with the theme of women's liberation. The results of this study indicate a typology of Asghar Ali Engineer's thought in viewing women, which differs significantly from other thinkers. This distinction arises for two reasons: firstly, he addresses the issues of perspectives that have evolved in the Islamic world regarding women, not solely from a fiqh standpoint but also encompassing philosophical, anthropological, sociological, and historical aspects. Secondly, he presents his writings within the context of the socio-cultural challenges encountered by the Islamic world in modern times. Asghar Ali Engineer argues that Islamic teachings aim to establish a balanced life between men and women, despite historical dominance of the male role that has perpetuated doctrines of inequality between genders.*

**Keywords:** *Contextual Interpretation, Asghar Ali Engineer, Reconstruct Nash, Women Position, Primordial Society*

### INTRODUCTION

Gender equality is still being debated today, as long as there is still discussion between the sexes, the study of gender equality related to it is still worthy of discussion. Many women fight for equal rights with men, this problem is caused by the deprivation of women's rights and opportunities in the name of religion and culture. In the history of Arab countries, before Islam's arrival, women's position was fragile and women usually occupied a secondary position in society (Engineer, 2007). From a socio-economic perspective, women's status at

that time was not free, that is, women could not participate, while empowerment allowed them to demonstrate their qualifications and skills as women. On the other hand, the position of women is humiliated, humiliated, and even treated harshly. In Arab culture, before the arrival of Islam, this was a normal phenomenon (Masruri, 2012). One of the argumentative factors for this phenomenon is the powerlessness of society to reconstruct the patriarchal culture that imprisoned them for thousands of years, resulting in male power subordinating women (Effendy, 2014).

In the history of mankind, Rasulullah SAW was the initiator of freedom from all injustices in the Arab region, including the cruelty and marginalization of women. For decades, women may feel alive again when Islamic teachings are practiced, but after the death of the Prophet SAW and several centuries later, this is not the Islamic spirit that is maintained (Negara, 2022). This situation is exacerbated by the general opinion in many countries around the world that Islam places women in second place. This can be seen in several Muslim countries with strong patriarchal cultures such as Saudi Arabia, Afghanistan, Iraq, etc. Where women in these countries face discrimination in several areas such as driving bans, dating and nothing. to travel before she got her husband's permission. As a result of this phenomenon, Islam is understood as a religion that teaches discrimination against women (Hasnan Nahar, 2021). If Islam is still considered a *Rahmatan lil Alamin* then the teachings or interpretations of the Qur'an which are saturated and discriminatory must be revised. Until now, women's hard efforts to fight for their rights and justice continue to fail. Among the obstacles that strengthen it is the presence of provocative religious views. These directional statements are often used to interpret, weigh, and create understanding that often arises from contextual statements made by Islamic thinkers in the 'frozen' Middle Ages (Shihab, 2007).

Asghar Ali Engineer is one of the Islamic figures who concentrates on discussing gender equality. He is an Islamic feminist figure from India (Nurmila, 2021). According to him, in Islam, there is a notion of gender equality due to superiority based on gender, not functional excellence. In the Qur'an, the superiority of men in earning a living is due to: First, at that time, women's social awareness was very low and domestic (household) work was considered an obligation for women. Both men consider themselves in charge of earning a living and spending it on women (Rosnaeni, 2021). Historically, men have dominated all community activities throughout the ages. The position of women is still lower than men.

From this condition arises the doctrine of inequality between men and women so that they are not fit to hold power, and are considered not to have more abilities than men do. Men must be leaders and determine the future of women and then dominate them, while women are limited to the domestic sphere. Therefore, Asghar Ali has a thought based on liberation. He also practices this thought in all sections, including one in the liberation of women who demand justice for men (Ridho, 2021).

Seeing the conditions above, the author further wants to reveal how Asghar Ali Engineer positioned women according to the idea of liberation in his thinking. This research wants to discuss more deeply regarding gender justice, especially related the position of women in Islam with the hope that their rights and obligations can be known. Even though there have been many studies related to gender equity, there are still spaces where women are treated discriminatively. This is what underlies this writing, with reasons; Gender justice in Islam needs to be studied in more depth with the aim that Muslims understand and are aware that there is no superior position between men and women; and one of the goals of Islam is present on earth to bring a message of justice.

This type of research is library research that study and examines information from literary sources, whether in the form of books, journal articles, essays, magazines, and other matters related to the thinking of Asghar Ali Engineer. and literature on the position of women in Islam that can help this research provide clear information. Clarity on how Ashgar Ali Engineers views the position of women in Islam. Two approaches are used in this article. First, a historical approach is used to gain clarity and study how socio-cultural backgrounds, both external and internal, influence Asghar Ali Engineer's construction of thought. Second, a philosophical approach is used to analyze the foundations and thoughts of Engineer Asghar Ali regarding the status of women in relation to the importance of women's equality, especially in muslim society

## **DISCUSSION**

### **Asghar Ali Engineer Biography**

Asghar Ali was born in Bohra, precisely in the Slumber area of Rajasthan India, on March 10, 1939 to be exact, from the pair of Shaykh Qurban Husen and Maryam (Baidowi, 2011). His father was an employee or amil who managed zakat in a mosque at that time

(Santoso, 2012). Besides working as an amil sheikh Qurban as well as a scholar and religious leader who is in Bohra, he is also an educated Muslim scholar. At first he showed an exclusive attitude towards his beliefs, but since his father often had dialogues and discussions with other religious leaders such as Hindu-Buddhist, then his attitude changed to be open and inclusive of other religious beliefs (Irsyadunnas, 2014).

Asghar Ali learned the Qur'an and its interpretations, Hadith, Fiqh, and Arabic from his father, then he developed and pursued it on his own. Besides that, Asghar also studied with Shaykh Hatim, Shaykh Qadi Numan, Shaykh Muayyad Shirazi, Shaykh Hamiduddin Kirmani, Shaykh Hatim ar-Razi, Shaykh Jafar Mansur al-Yaman and others (Santoso, 2012). In the academic field, Asghar Ali earned an engineer in civil engineering with a B.Sc.Eng degree. in 1962 AD from Vikram University. For about 20 years he worked for the Bombay Municipal Corporation in the city of Bombay, India. However, because of his strong religious calling, he left his job and chose to fight for the rights of minority communities, especially the defense of women, thus making him a leader of the Islamic reformist movement in India (Esha, dan Muhammad In'am, 2010).

In his activities, Asghar was a preacher, also a leader of the Ismaili Shia sect, Daudi Bohras in India. To be recognized as a da'i is very, very difficult. There are 4 types of qualifications as a condition that must be possessed by a preacher, namely (1) educational qualifications (2) administrative qualifications (3) theoretical and moral qualifications, and (4) personality and family qualifications. A da'i must have the qualifications to be able to appear as a defender of oppressed people and fight against injustice. This qualification is very interesting as one of the qualification requirements as a da'i. Besides, there is a balance between reflection and action in the struggle. Asghar is very persistent in fighting for oppressed people and voicing liberation. The themes that become the spirit of his every move and work are human rights, women's rights, defense of oppressed people, environmental rehabilitation and so on. Because of that, he is involved a lot and even leads an organization that pays a lot of attention to social advocacy efforts (Amin, 2009).

As a progressive and revolutionary activist, Engineer expresses his ideas in text form which is then translated into his activities. The first step that Engineers take is to form an institution as a means not only for disseminating their brilliant ideas but also as a forum for social movements that promote peace and harmony. Two institutions have been formed by

the Engineer, namely the Institute of Islamic Studies (IIS) founded in Mumbai in 1980, and the Center for Study of Society and Secularism (CSSS) founded in 1983. Of the two institutions, which are still active by updating activities is CSSS. Meanwhile, IIS is no longer active or vacuum and only contains information about the institution. The CSSS Institute was founded with the main objective of spreading the spirit of secularism and social peace and communal harmony. In addition, what is more important is that CSSS seeks to organize between inter-faith dialogue and inter-faith dialogue and justice. In the context of Indonesian Muslim social movements, there are several institutions that are similar to this CSSS institution. Among these institutions is the Wahid Institute, which disseminates the thoughts of Gus Dur (Abdurrahman Wahid), which was formed by young Nahdhatul Ulama (NU) youths to carry out humanitarian social movements and pluralism. In line with that, Syafi'i Ma'arif as a Muhammadiyah figure also founded an institution that has a vision and mission in favor of human values through social movements, the institution is called the Ma'arif Institute. Even the Indonesian Muslim intellectual, Nurcholis Majid also founded the Paramadina institution which was designed as an Islamic educational institution and more than that it became an institution that focuses on developing multiculturalism and pluralism (Muhaemin, 2018).

### **Interpretation Methodology Nash Asghar Ali Engineer**

The reference to Muslims in every movement of their activities is based on the Qur'an as the source. The messages contained in the Qur'an have a universal nature and to make it easier to understand, it requires interpretation to help understand the Qur'an as a source of law, a way of social life, and the Qur'an as a moral guide. On this subject, it is impossible to deny that in the end there are many different views regarding the interpretation of verses using various different methods carried out individually or in groups (Negara, 2022). Asghar Ali Engineer views the Qur'an as writings that can be interpreted by various methods. Therefore, he argues that the Qur'an is not a closed holy book, but an open holy book so that it can be interpreted with conditions that can be accounted for. The openness and stability of interpretation are intended to find the suitability of the meaning contained in the contents of the Qur'an. It is this kind of spirit that makes the scriptures feel alive and significant according to the times (Hairus Salim, 2010).

In understanding verses, Ashgar Ali uses a contextual interpretation approach by using three ways of interpreting the Qur'an (Athmainnah, 2014), namely: First, an understanding of two aspects of the Qur'an, normative and contextual. The normative perspective talks about the value system and fundamental issues contained in the Qur'an, for example, justice, equity and fairness. In addition, there are also many verses of the Qur'an with a contextual style which are the answers to the problems at that time. That is, there are verses that react to the events of the times, so that it can be said that there are interpretations of these verses that are not in accordance with today's times and some are even contrary to Kors'a rules. The purpose of distinguishing between normative and contextual verses is to know and understand the difference between what Allah wills and what emerges from the reality when the Qur'an was revealed. Therefore, the Qur'an not only contains the commands of Allah, but the Qur'an is also the answer to the problems of the growing ummah. In this case, Engineer Asghar Ali calls it an ideological-pragmatic approach (Irsyadunnas, 2017) .

Second, the interpretation of the Qur'an is based on different viewpoints, both according to expertise and social environment. Therefore there is no authentic interpretation of the Qur'an that is not influenced by social conditions, therefore it cannot be denied that there are differences in interpretation in one verse, according to Asghar Ali such an interpretation is humane while divine nature is just that message found in the Qur'an. Because interpretation is human, it can be wrong or inaccurate when applied to different times and locations. Therefore, to overcome this problem, new interpretations are needed.

Third, understand that the messages in each verse are common meaning and figurative. So that there are often differences in the interpretation of one verse with the interpretation of another verse, this is due to differences in the background and methods used. Furthermore, Asghar Ali said that there are values or principles that can lead to an interpretation of the verse including; Justice, perspective, virtue, and truth (Assegaf et al., 1994). Asghar then combined this way of interpreting the Qur'an with a social analysis of the historical and social conditions at that time (Kurniandi, 2024). Like liberation theologians, the social analysis he uses is classical, or what he calls historical materialism. Asghar unequivocally states that his method is Marxist: "I try to understand social development from the point of view of historical materialism because this method is very interesting and

convincing." He uses this analysis by considering cultural, psychological, and social factors (Engineer, 2009).

### **Female Perspective Asghar Ali Engineer**

Islam places women in the same position as men. This similarity can be seen from three things, namely: first, from the nature of humanity. second, Islam teaches that both women and men get the same reward for the good deeds they do. Third, Islam does not tolerate unfair treatment and differences between human beings (Rosnaeni, 2021). The cause of the emergence of gender-biased interpretations of the Qur'an is that the understanding of the notions of gender and sex in defining roles is often not appropriate. The method of interpretation used still refers to a textual, not contextual, approach. Generally, the mufasir are male. Many of them are given the impression that al-Qur'an favours men and supports the patriarchal system. It is influenced by the israiliyat story widespread in the Middle East Region (Ni'mah & Nurani, 2022). The concept of women's justice in Islam perspective Asghar Ali Engineer can be seen in his thoughts which are summarized on several themes, namely: Asghar criticism of women's justice, women's leadership, women's testimony, inheritance of women, women in marriage, and women and divorce. From these themes have shown about the various criticisms made by Asghar in order to defend women's justice, it can be understood that Asghar rejects various legal foundations that normatively degrade women (Jannah & Sumbulah, 2024).

In Islam, the position of women occupies a secondary position. Asghar Ali tries to provide access to justice for Muslim women. He considers that religion cannot be practiced using classical discourse alone, which often positions religion as something absolute about the truth of life and places it in something sacred and understood in a doctrinal way, so that it seems stiff and dry (Hidayat, 2018). Asghar Ali argues that the Al-Quran has normatively placed equality of men and women or gender equality. This is because, in understanding the Qur'an there are two very important aspects that must be considered, namely normative aspects and contextual aspects. The normative aspect is related to the value system and basic principles contained in the Qur'an, in the form of togetherness, equality and justice. Meanwhile, the contextual aspect is related to the verses that were revealed aimed at responding to certain social problems according to that time. As time went on, these verses

could have other meanings, or maybe they could be deleted, for example verses related to slavery. Gender equality in the Qur'an is explained (Umar, 1999) for example in Q.S. Al-Israa': 70,

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِمَّنْ خَلَقْنَا تَفْضِيلًا

English Sahih Internasional from Kemenag Verses:

*And We have certainly honored the children of Adam and carried them on the land and sea and provided for them of the good things and preferred them over much of what We have created, with [definite] preference.*

and Q.S. al-Ahzab: 35,

إِنَّ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ وَالْقَانِتِينَ وَالْقَانِتَاتِ وَالصَّادِقِينَ وَالصَّادِقَاتِ وَالصَّابِرِينَ وَالصَّابِرَاتِ وَالْخَشِيعِينَ وَالْخَشِيعَاتِ وَالْمُتَصَدِّقِينَ وَالْمُتَصَدِّقَاتِ وَالصَّائِمِينَ وَالصَّائِمَاتِ وَالْحَافِظِينَ فُرُوجَهُمْ وَالْحَافِظَاتِ وَالذَّاكِرِينَ اللَّهَ كَثِيرًا وَالذَّاكِرَاتِ أَعَدَّ اللَّهُ لَهُمْ مَغْفِرَةً وَأَجْرًا عَظِيمًا

English Sahih Internasional form Kemenag verses:

*Indeed, the Muslim men and Muslim women, the believing men and believing women, the obedient men and obedient women, the truthful men and truthful women, the patient men and patient women, the humble men and humble women, the charitable men and charitable women, the fasting men and fasting women, the men who guard their private parts and the women who do so, and the men who remember Allah often and the women who do so - for them Allah has prepared forgiveness and a great reward.*

Asghar Ali Engineer has offered various disassembly of discourse in his writings. As an example of inequality, he presents his opinion related to the position of women in the family, inheritance, testimony, and polygamy. The purpose of all these discussions is to create a balance of life between men and women. For example, in inheritance rights, girls get half of what men get. In this case Asghar Ali Engineer argues that girls who get half of what men get does not mean that those who receive less are considered to be of lower rank, because the concept of inheritance is very different from equality between men and women (Engineer, 2000). According to Engineer Asghar Ali, the issue related to women that has become a debatable issue in Islamic theology is witnessing for women (Engineer, 2000). In al-Quran surah al-Baqarah: 282, fiqh experts discuss in general the rule of witnesses, that is, a male witness is equal in value to two female witnesses, therefore men are considered



superior to women. In this case Asghar Ali Engineer is of the opinion that this verse is related to financial problems. Women at that time did not have sufficient experience in financial matters, therefore the Qur'an recommended the presence of two female witnesses. As for the purpose, if there is forgetfulness (due to lack of experience), then one of the two of them can remind the other.

The issue of women which is also in the spotlight of Asghar Ali Engineer is polygamy. The issue of polygamy is a controversial issue originating from religion. Polygamy or marrying more than one wife legally or religiously is permitted. This provision is contained in the Qur'an Surah al-Nisaa': 3. According to Asghar Ali, to understand this verse one must pay attention to the following and/or previous verses related to whether there is continuity or not. If viewed from a social perspective, then the verses Regarding polygamy, are not the general permission of the male head to carry out more than one marriage at will. However, polygamy is permitted for the purpose of ensuring justice for orphans or women with widow status. This implies, if these aims and objectives do not exist, then polygamy will not appear at all. Furthermore Asghar Ali argues that if certain conditions have been met and men are allowed to practice polygamy, fair treatment of all wives cannot be ignored. just like that (Engineer, 2000). According to Ashgar, the Qur'an Surah al-Nisaa': 3, concerning polygamy of tolerance should be interpreted in the light of chapter 1 concerning justice for orphans. This understanding then shows, Asghar further argues, that polygamy tolerance is contextual in Islam. Thus, it is possible that its implementation in Muslim countries is strictly limited as long as the context in which Muslims live needs it (Harries, 2017).

Talking about women, the Qur'an explicitly recognizes women as legal entities and the Qur'an also gives them rights in marriage, divorce, property, and inheritance. Therefore, the Qur'an indicates that women should be treated equally. According to Engineer Asghar Ali, this issue is discussed in the letter at-Taubah verse 71. In this verse, in the eyes of God, women and men have the same status. This was further strengthened by the revelation of sura al-Ahzab verse 35. Asghar Ali Engineer further stated that women not only have the right to earn income, but also what they have worked for becomes their own. These results cannot be shared with her husband except with the desire of the woman herself (Engineer, 2007). Regarding the position of women in the family, Engineer Asghar Ali also criticized the orthodox Mufassirin who discriminated against his wife's life in his family. This criticism

was made because the mufasirin always hide in the interpretation of the word qawwam. Asghar Ali Engineer himself sees qawam as a man's obligation to take care of women (Engineer, 2007).

## **The Main Discussion**

### **Text Reinterpretation: Efforts to Reconstruct Women's Traditions in Islam**

The existence of inhumane treatment of women or rampant hatred of women gave rise to a new term, misogynist. The term misogynist comes from the English word Misogyny which means hatred of women. Whereas in the popular scientific dictionary, there are three expressions, namely (1) Misogyny which means hating women, (2) Misogyny means feelings of hatred towards women, and (3) Misogynistic which means men who hate women. However, terminology is also used to mean the doctrine of a school of thought that in essence discredits and degrades women (Muhtadin, 2019).

This misogynist term is one of the objects of Asghar Ali's Islamic theology of liberation. In several traditions wrapped in religion, there is always a tendency to look at women with one eye. Even so, Asghar Ali Engineer's views regarding women are relatively the same as most other Islamic figures in solving women's problems. However, the Engineer, who looks critical and without compromise, looks at humans objectively, does not see engineering (theologically) to restrain people. It is in this position that Asghar excels compared to other Muslim (Nurmila, 2011).

The philosophical foundation put forward by Asghar is that all people are equal, independent and rational beings who strive for equality and justice. Therefore, of course, we always fight against all forms of oppression, discrimination and injustice in all relationships. Studying the revolutionary values in the Scriptures and the fighting spirit of the Prophets, especially the Prophet Muhammad, promoting Islamic values as a source of fundamental philosophy Asghar stated that all people are equal, independent and rational. A creature that fights for equality and justice. Therefore, of course, we always fight against all forms of oppression, discrimination and injustice in all relationships. Studying the revolutionary values in the Holy Scriptures and the fighting spirit of the Prophets, especially the Prophet Muhammad in defending Islamic values as a fixed source.

### ***Iddah***

Asghar's disagreement with the interpretation of surah al-Baqarah verse 241 :

وَالْمُطَلَّاتِ مَتَاعًا بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ

regarding ex-wife benefits lies, upon careful examination, on the model of interpretation he developed (Rizal, 2019). There is nothing in this verse that limits the time a person can support himself, nor is there anything that prevents a person from providing maintenance to his ex-wife after the iddah period. The Qur'an does not say implicitly or directly that a divorced wife must be raised by her parents or relatives, on the contrary it is the husband's obligation to care for his wives. Since marriage is a contract agreement, men and women have been given equal rights, therefore, this agreement cannot be cancelled by a single party (men) as they wish without thinking back and giving an opportunity to refer back. If a husband commits an evil act against his wife, then the subsistence shall be extended beyond the deadline. It is consistent with the Quran's Surah al-Thalaq verse 1 and the concept of justice and morality (Negara, 2022).

Asghar tries to contextualize ex-wife allowances during the 'iddah period which are still being recorded by Muslims and also the creation of Islamic law, he also tries to reconstruct these provisions through socio-historical research when the verse was revealed. have found. and then interpreted according to the social, economic context. The basic point that must be emphasized is why Asghar objected to the rule that the payment of alimony is made as a general rule only during the iddah period. The verse is contextual and temporal, and the mistakes of the jurists in interpreting the verse are disproportionate to their overall reasoning so that the position of women is far from any kind of justice, and textually these provisions are gender specific, so they must be interpreted with an updated world view.

### ***Mawaris***

It is often said that daughters get half of what sons get in terms of inheritance. According to Engineer Asghar Ali, if girls get half of what boys get, it doesn't mean those who get less are looked down upon because heredity is very different from equality between men and women. Asghar also explained that the division is very dependent on the socio-economic structure and gender function in society. It is a well-known principle of Islamic

law, taken from the Qur'an, that a wife must provide for her husband even though he has a lot of wealth. She is not obliged to spend her wealth and has the right to demand maintenance from her husband. Except during the marriage she received every mahapa as a dowry and her husband was forced to give it out of love. However, if he is unable to marry and his parents are aware of this, they can make a special contribution for him in the will, because the Qur'an requires the heir to make contributions to the weakest member of the family.

This condition does not discriminate against women. Because apart from the inheritance portion, the daughter then receives additional assets from her husband after marriage in the form of a dowry or dowry. Although otherwise she has no obligation to support herself and her children because everything is the responsibility of her husband. So it is clear that Islam does not ignore women in terms of inheritance, on the contrary Islam is very concerned about women. The rules for dividing inheritance in Islam are not as rigid as they should be, Islam offers heirs the possibility to divide inheritance according to the principle of kinship or peace.

In fact, according to Asghar, a woman's property rights are absolute so that if she is rich and her husband is poor, the husband still has to take care of it and she is not obliged to spend her wealth or income to support it. themselves and their children. It is a well-known principle of Islamic law, taken from the Qur'an, that a wife must provide for her husband even though he has a lot of wealth. The only condition for successful implementation of the Qur'anic provision is that the Shari'ah as formulated by the early jurists should not be treated as final and, wherever necessary, should be reinterpreted or even reformulated in the true Qur'anic spirit in view of the changed conditions and new consciousness of women (Yulistyaputri & Sabila, 2021).

### ***Syahadah***

It has become a topic of discussion in the Islamic faith, especially the reading of verses from the Qur'an in chapter al-Baqarah verse 282,

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَايَنْتُمْ بِدِينٍ إِلَىٰ آجَلٍ مَّسْمًىٰ فَآكْتُبُوهُ ۖ وَلْيَكْتُب بَيْنَكُمْ كَاتِبٌ بِالْعَدْلِ وَلَا يُأْب كَاتِبٌ أَنْ يَكْتُبَ كَمَا عَلَّمَهُ اللَّهُ فَلْيَكْتُبْ وَلْيَمْلِلِ الَّذِي عَلَيْهِ الْحَقُّ وَلْيَتَّقِ اللَّهَ رَبَّهُ ۗ وَلَا يَبْخَسَ مِنْهُ شَيْئًا فَإِنْ كَانَ الَّذِي

عَلَيْهِ الْحَقُّ سَفِيحًا أَوْ ضَعِيفًا أَوْ لَا يَسْتَطِيعُ أَنْ يُمِلَّ هُوَ فَلْيَمْلِكْ وَلِيهِ بِالْعَدْلِ وَاسْتَشْهِدُوا شَهِيدَيْنِ مِنْ رِجَالِكُمْ فَإِنْ لَمْ يَكُونَا رَجُلَيْنِ فَرَجُلٌ وَامْرَأَتَانِ مِمَّنْ تَرْضَوْنَ مِنَ الشُّهَدَاءِ أَنْ تَضِلَّ إِحْدَاهُمَا فَتُذَكِّرَ إِحْدَاهُمَا الْأُخْرَى وَلَا يَأْتِ الشُّهَدَاءُ إِذَا مَا دُعُوا وَلَا تَسْمَعُوا أَنْ تَكْتُبُوهُ صَغِيرًا أَوْ كَبِيرًا إِلَىٰ آجَلِهِ ۚ ذَلِكُمْ أَقْسَطُ عِنْدَ اللَّهِ وَأَقْوَمُ لِلشَّهَادَةِ وَأَدْنَىٰ أَلَّا تَرْتَابُوا إِلَّا أَنْ تَكُونَ تِجَارَةً حَاضِرَةً تُدِيرُوهَا بَيْنَكُمْ فَلَيْسَ عَلَيْكُمْ جُنَاحٌ أَلَّا تَكْتُبُوهَا وَأَشْهَدُوا إِذَا تَبَايَعْتُمْ وَلَا يُضَارَّ كَاتِبٌ وَلَا شَهِيدٌ وَإِنْ تَفَعَّلُوا فَإِنَّهُ ۚ فَسَوْفَ يَكُمُ الْعَذَابُ وَاللَّهُ يَعْلَمُ مَا اللَّهُ ۗ وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ

English Sahih Internasional from Kemenag Verses

*O you who have believed, when you contract a debt for a specified term, write it down. And let a scribe write [it] between you in justice. Let no scribe refuse to write as Allah has taught him. So let him write and let the one who has the obligation dictate. And let him fear Allah, his Lord, and not leave anything out of it. But if the one who has the obligation is of limited understanding or weak or unable to dictate himself, then let his guardian dictate in justice. **And bring to witness two witnesses from among your men. And if there are not two men [available], then a man and two women from those whom you accept as witnesses - so that if one of the women errs, then the other can remind her.** And let not the witnesses refuse when they are called upon. And do not be [too] weary to write it, whether it is small or large, for its [specified] term. That is more just in the sight of Allah and stronger as evidence and more likely to prevent doubt between you, except when it is an immediate transaction which you conduct among yourselves. For [then] there is no blame upon you if you do not write it. And take witnesses when you conclude a contract. Let no scribe be harmed or any witness. For if you do so, indeed, it is [grave] disobedience in you. And fear Allah. And Allah teaches you. And Allah is Knowing of all things.*

Asghar stated that the condition that two women can be replaced by one male witness does not reflect anything. the moral or intellectual capacities of women. According to Engineer Asghar Ali, the most important thing to note is that although two female witnesses are recommended instead of one male witness, only one of them will testify, the other's role is only to remember if the other. someone is not safe. Thus Muhammad Asad said: the provision that two women can be replaced by one male witness does not give any reflection of the moral and intellectual abilities of women. This is clearly related to the fact that women are less familiar with the procedures of business procedures than men, and therefore more likely to make mistakes in this regard. Muhammad Abduh, a prominent Egyptian theologian, also holds a similar view. It should be noted that this expression is an expression of an initial nature and not a compulsory commandment of the Qur'an. It is fair to the debtor and also the borrower and advocates a contract properly written and supported by two worthy witnesses (Jannah & Sumbulah, 2024).

According to Asghar, if the Qur'an says that it takes two women to be equal to a man, then the Qur'an treats women equally wherever the question of evidence arises. However, this is not the case. There are seven other verses in the Qur'an about testimony; al-Baqarah: 282, an-Nisa': 15, al-Maida: 106, an-Nur: 4 and 13 and at-Talaq:2. However, none of these verses require the replacement of one male witness by two female witnesses. The engineer explained that a woman's testimony is worth half as much as a man's is a special exception in business dealings. And the verse must be classified as a contextual verse and not a normative verse. So if a woman who witnesses is smart and experienced in business, she can be considered as a man.

### ***Thalaq***

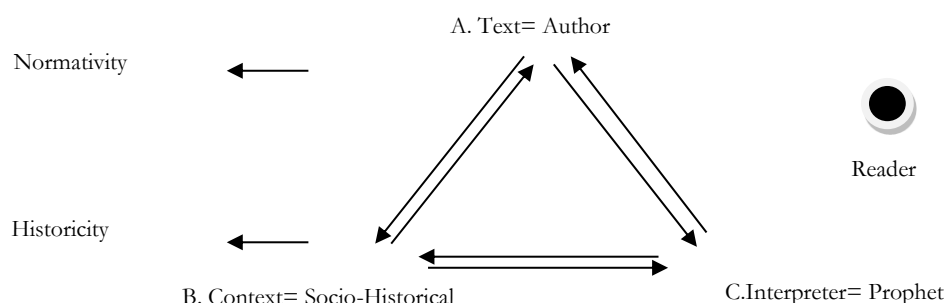
Regarding the verse about divorce (al-Baqarah verse 237; 239; 229; Al-Talaq verse 1), Asghar explained; First, not all divorces are encouraged. The Qur'an says that even if there is a breach between husband and wife, efforts should be made to rectify it by appointing investigators from both sides. If they can't reconcile, their divorce is not a sin. Second, the Qur'an recommends that a man who divorces his wife does not take back what has been given to him, even if it is a pile of gold. This applies when the marriage involves sexual relations.

According to Asghar Ali Engineer, the legal experts have approved a divorce that is still exclusively in the area of men. In fact, there is no such clear statement in the Qur'an. Thus only conclusions, not sacred rules, were interpreted by medieval QS scholars. Al-Baqarah 2: 237 According to him, there are some verses of the Qur'an about divorce that according to Asghar is not relevant to the current context, only at the time of the Prophet. The purpose of this study is to describe the methodology of asghar in interpreting the verses about the divorce. Besides, from the explanation Asghar Ali Engineer has described, he has actually used the method he built, the theology of liberation, which this time focuses on the theme of gender equality. The concept he built could be destroyed by a model of liberative-sociological normative interpretation (Fauzi, 2019).

There are still many women's issues that are studied in detail by Asghar with his reconstruction of the position of women. The things that Asghar does in his interpretation of the verse are gender in nature and prioritize content over legality. This makes Asghar a

group of liberal Islamic thinkers (Aziz & Wahyudi, 2018). The hermeneutic theory used is different from the belief that the Qur'an carries a discourse of justice which means a vision of gender equality. Asghar's method seems very simple. However, his explanation of the differences between normative and contextual verses is very important. With this distinction, humans can distinguish between core values which are the basic spirit of the Qur'an and contextual values that are interrelated. according to space and time, so that it can be applied.

If the author is allowed to make metaphors, at least the graph below can illustrate the flow of thought of Asghar Ali's Hermeneutics of the figure:



**Figure** Flow of Thought of Asghar Ali's Hermeneutics of the Figure:

Based on **figure** above shows that, the reader is outside the circle of thinking of Asghar's model of text interpretation. According to the author, if a person is faced with any phenomenon in his life, he will enter a building of ways of thinking, which can be started from doors A, B, or C. This means that the reader will read the phenomenon from the study of the current context (C) even when he has entered in the building it will intersect with other aspects, namely the text and the Prophet or interpreter. This also implies that when someone has read the text, he must also address the current context he is facing, and of course also consider how the text was implemented at the time of the Prophet. So a triangular building, according to the contextual interpretation above, is not a triangle with partitioned building spaces, so that the three aspects do not meet each other, as if a building with the possibility of entering can go through different doors, but inside all aspects will meet and greet each other. On the other hand, the interpretation of empirical facts or written texts always depends on a priori. Everyone has some kind of worldview (a priori). So, a pure interpretation of the Scriptures is impossible. Interpretation is always influenced by socio-cultural situations that cannot be avoided by anyone.

Asghar understands that there are statements in the Qur'an that are normative and contextual. They say what God wants and what the empirical reality is. The Qur'an refers to the goal of "must be this and must have that" but also takes empirical reality "as it is". There is a dialectic between the two so that a concrete human being accepts the demands of the scriptures in concrete circumstances, and these demands are not always in the form of abstract ideas. At the same time, the transcendent norm is also presented in such a way that it will be implemented in the future, or at least attempts will be made to approach it, when concrete conditions for the acceptance of the norm will be more favorable.

## **CONCLUSION**

Asghar Ali Engineer's typology of thinking about women is very different from other thinkers. This is due to two reasons: First, he discusses the problem of the image of women developing in the Islamic world from an approach perspective that is not only limited to fiqh issues but also includes philosophical, anthropological, sociological, and historical aspects. Second, because he presents his writings from the perspective of the socio-cultural challenges faced by the Islamic world in modern times. The goal of Islamic teachings is to create a balanced life between men and women. Although historically the role of men has been more dominant, this has given rise to the doctrine of injustice between men and women. The dominance of the male role is justified by biblical norms which are interpreted by men to assert their power. The Qur'an and As-Sunnah offer respect to all people, including men and women. This is based on the text which states that the religious and social status of women is the same as that of men. Thus, it is clear that Asghar Ali Engineer's thoughts deviate from concern, namely the misery of women, which continues to be a concern in Islam.

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