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Khaled Abou El Fadl's Perspective on Hadith Hermeneutics

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Abstract

This article discusses the method of hadith hermeneutics according to Khaled M. Abou El Fadl. El Fadl's academic concern is related to the authoritarianism of fatwas issued by several ulama and fatwa institutions. These fatwas are considered authoritarian and discriminatory towards women, seem rigid, and not adaptable to the times. This authoritarianism phenomenon appears due to methodological errors in understanding legal texts, and the absence of negotiations between the text, the author, and the reader, each of which has problems. Therefore, Khaled offers a hermeneutic method that consists of three things: text competence, meaning determination, and concept of representation in Islam. If these three elements are met, the fatwas of Islamic law produced by the ulama will be authoritative, authoritarian, and discriminatory. This research contributes to academic discourse by offering a nuanced perspective on the hermeneutics of hadith and fatwa production.

Keywords: Khaled Abou El Fadl, Hadith, Hermeneutics.

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INTRODUCTION

In principle, hermeneutics is a science that discusses the theory of interpretation and means interpreting and understanding the meaning of a text (Josef Bleicher 1980: 1-5). Hermeneutics is a science or theory of interpretation to explain texts and their characteristics, both objectively (the grammatical meaning of words and their various historical variations) and subjectively (the author's intent). The authoritative writings

(authoritative texts) or sacred scripture (the texts of the Scriptures) are study materials in hermeneutics (E. Sumaryono 1999:23-24). As a terminology, hermeneutics is also a worldview of its originators, apart from being a theory of interpretation or an analytical tool for studying a text (Komaruddin Hidayat 1996: 146-147). Historically, hermeneutics has been used in the study of authoritative ancient texts, such as scriptures, then applied in the field of theology and reflected philosophically, until finally becoming a method in the social sciences. It is also used in various other fields, such as history, law, literature, to the field of contemporary Islamic studies (F. Budi Hardiman 2003: 36).

In this case, Khaled Abou El-Fadl well-known as a contemporary Muslim hermeneut is present during the rise of religious authoritarianism. He criticizes classical and contemporary fiqh products through his hermeneutic methodologies. According to Abou El-Fadl, the religious orientation of the people always refers to fiqh and it is only used as justification and legitimacy. Fiqh seems subjective, black-and-white, right-wrong, and lawful-haram (Zuhairi Misrawi 2005: 282-300). The movement to maintain the authority of fiqh which is quite massive, for example by bringing up the campaign to close the door of *ijtihad*, clearly orients the people to always submit to the products of religious understanding tens of centuries ago (Zuhairi Misrawi 2005: 282-300). Even more ironic, the interpretative Islamic legal texts were then used as an authoritative-formalistic basis in the formulation of Islamic law (Sahal Mahfudz 1994: 21), even though the texts that were considered authoritative were nothing more than comments (*syarah*) or comments on comment (*basyiyah*) the first text (Fazlur Rahman 1979: 189).

According to Abou El-Fadl, the development of fiqh only revolves around the classical methodology without considering the social aspects that emerged later. Some Muslims view fiqh as a final and standard legal product without considering its epistemological aspects. Some people, groups, or organizations even treat fiqh as the absolute will of God. It is an authoritarian and arbitrary attitude (Khaled M. Abou El-Fadl 2003: 25-34). This is the forerunner to the birth of power-oriented fiqh (authoritarianism) or authoritarian fiqh. In the future, Islamic studies require important steps to empower authoritative fiqh that is humanist, phenomenological, and transformative (Zuhairi Misrawi 2005: 281). This orientation necessitates that the development of the times is an important reference in understanding and interpreting God's teachings more contextually and staying on the right moral channel (Fazlur Rahman 1995: 149).

This article attempts to discuss the phenomenon of authoritarianism carried out by several scholars and fatwa institutions through the thoughts of Abou El-Fadl, particularly in deconstructing fiqh authoritarianism through a hermeneutic approach (Amin Abdullah 2004: xvii).

DISCUSSION

1. Biography of Khaled Abou el-Fadl

In reading that orients the discussion to a character, we must know the academic background, curriculum vitae, environmental conditions, etc. This is intended to help us in helping to analyze the thoughts of the character. This time we discuss Kholed Abou el-Fadl, Nadirsyah Hosen appreciates this figure as “an enlightened paragon of liberal Islam” (Nadirsyah Hosen 2004: 24). If we look at his biography, academic journey, and renewal in the study of Islamic law, it is indeed very fitting that the title is assigned to Kholed Abou el-Fadl.

Little Khaled was born to Egyptian parents. He was born in a country located in the Middle East, namely Kuwait (Nasrullah 2008: 163). he was born in 1963 AD. As Arab society in general, Khaled Abou el-Fadl Since childhood has been educated with Islamic religious sciences such as knowledge of Al-Qur'an and its interpretation, Hadith, Arabic grammar, fiqh law, and Sufism since elementary school. The first scientific Rihlah was carried out by Kholed at the age of six, he had studied at the Al-Azhar Madrasa in Egypt. At that time, al-Azhar experienced a period of transition from being moderate to Wahhabi. This influenced the style of Kholed's thinking until he was a teenager, Khaled Abou el-Fadl always *wastiqomah* in promoting and defending this understanding, until one day, he turned one hundred and eighty degrees criticizing this understanding because according to him, this understanding is considered to have denied the freedom of the academic pulpit and arbitrarily (Yusriandi 2010: 413).

When he was young, Khaled Abou el-Fadl studied religion from a religious teacher. As measured by the way he teaches now, the method used by the teacher is a bit old-fashioned. For a year, Khaled Abou el-Fadl was taught only two books, *Riyāḍ as-Sālihīn* and "History of the Life of the Companions of the Prophet". The teacher forbids the young man to read other books, especially controversial books because he

is afraid that he has various thoughts.

By his teacher, Khaled Abou el-Fadl is not only required to practice what he has learned but he is also required to preach, remind others, including his parents if their behavior is not following "original" Islamic teachings. Because he was still young, Khaled Abou el-Fadl did not think long, what the teacher ordered he immediately carried out. Furthermore, he straightened out his parents' religious ways that he considered not following the true teachings of Islam. He did not hesitate to criticize his parents and siblings. Even arguing, it was unavoidable, both sides claimed to be right.

After several arguments, an agreement was finally reached between Khaled Abou el-Fadl and his parents, namely, for comparison, he should recite the Koran to another teacher at the mosque near his house. The teacher is known for his broad knowledge and great tolerance. After meeting and studying with his new teacher, Khaled Abou el-Fadl felt something different from what he had felt before.

In the course of his life, Khaled Abou el-Fadl finally learned from many other fiqh experts who did not immediately point their authoritarian index finger. Therefore, every summer vacation, Khaled Abou el-Fadl took the time to attend al-Qur'an and sharia science classes at Al-Azhar Mosque, Cairo, especially in the class led by Shaykh Muhammad al-Gazali, a prominent figure moderate Islamic thinker from the ranks of the revivalists he admired (Akrimi Matswah 2013: 253).

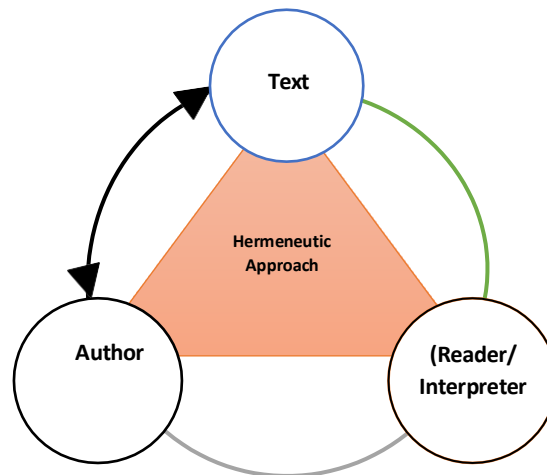
In 1985 Khaled Abou el-Fadl received his degree from Yale University (BA). In 1989, Khaled Abou el-Fadl transferred to the University of Pennsylvania Law School and earned his JD there. In addition, Khaled Abou el-Fadl also received formal training in Islamic jurisprudence in Egypt and Kuwait. Khaled Abou el-Fadl's Ph.D degree was obtained at Princeton University in the field of Islamic studies, and at the same time Khaled Abou el-Fadl studied law at the University of California Los Angeles (UCLA) and it was there that Khaled Abou el-Fadl built and developed his academic career until he was awarded as a professor in Islamic law at UCLA by teaching several subjects, such as Islamic law, immigration, human rights, and national and international security law (Ilham B. Saenong 2002: 33).

2. Hermeneutical Studies of Khalid Abou el-Fadl

The study of legal hermeneutics can be considered to be relatively new. The

study of Abou El-Fadl's Hermeneutics is analytical-normative (Supriatmoko 2010: 279-280). Abou El-Fadl still pays attention to and studies classical Islamic traditions and believes in the authenticity of the Qur'an as a revelation of God and in the prophethood of Muhammad. According to Abou El-Fadl, that authoritarian interpretation methodology (authoritarianism hermeneutics) will crystallize the integrity of Islamic texts. In addition, authoritarian studies can only dim and erode the substance of Islam contained in the Qur'an and hadith because they are considered to have abused or corrupted honesty in Islamic texts. Therefore, Abou El-Fadl invites to interpret and uphold the authority of the text and limit the authoritarianism of the reader (Khaled M. Abou El-Fadl 2001: 146). Unlike Betti, he has a broader opinion. Whereas according to him, hermeneutics is a general theory of interpretation that functions as a general methodology for the humanities (*geisteswissenschaften*). (Hendri Hermawan A. 2017: 114)

Khalid tends to use inter and multidisciplinary legal hermeneutic interpretation studies, involving various approaches, such as including linguistic studies, interpretative social sciences, and literary criticism, as well as standard Islamic sciences, such as *musthalâh al-badîts*, *ushul fiqh*, interpretation, and ideology. They are then combined with contemporary humanities (Amin Abdullah 2004: xvii). In this case, the position of legal hermeneutics has a high urgency in interpreting fiqh texts or legal texts, namely this study will attempt to place normative-formalistic religious texts into a relative meaning when faced with social problems. Thus, in this position, hermeneutics can draw fundamental messages in Islamic law (Zaitunah Subhan 2004: 55). It means that fiqh has text and context content. This must be taken into account considering that Islamic law is an effort to capture heavenly messages derived from the texts of the Qur'an and Hadith, so that there will be a relationship between the inner esoteric meanings and the outward exoteric meanings of fiqh texts. Herein lies Abou El-Fadl's hermeneutical approach that acts as an analytical interpretation tool to produce more applicable, authoritative, productive, democratic, and comprehensive fiqh.



Capture 1.

The example chart above shows how problematic authoritarianism is. It can be seen in the chart of merging, dissolving, and at the same time blurring between the text and the author of the text so that authoritarianism occurs. The direction of the arrow from the text to the author of the text is a symbol of domination, authoritarianism, and the position of an interpreter seems to occupy the position of the author, so this is where the attitude of authoritarianism emerges. Thus, when the interpretation process of the text that should be interpretive is blocked, the interpreter or reader who does the interpretation has entered the domain of arbitrary action, as if that was the intent of the text maker (Khaled M. Abou El-Fadl 2004: 204-211). It is because a reader who tries to close the text tightly in the lap of a certain meaning or force a single interpretation then this action has a high risk of violating the integrity of the text. The fundamental problem, in this case, is having the problem of conjunctions between hadith texts, reviewers, and writers. In this case, when someone wants to read, understand and position the text in a balanced and proportional way. Next, you have to pay attention to the two entities above (Hilmy Firdausy 2016: 42).

Therefore, Abou El-Fadl wants to eradicate this kind of interpretation model by carrying out an authoritative hermeneutic theory using negotiation. This is carried out to balance the roles of the author, the text, and the interpreter in determining the meaning of a text, without dominating and denying the other party in an interpretation (Khaled M. Abou El-Fadl 2003: 46-48).

Abou El-Fadl formulated his thoughts and explained academically related to the processes and procedures of the hermeneutic approach which in this case is known as the hermeneutical circle which has 3 elements; the text, the maker, and the reader.

The three hermeneutical elements, structurally, refer to the "triadic structure" that is very important in compiling interpretive activities. The triadic structure is: first, sign, message, or text; second, a person (mediator) whose function is to translate, interpret, and reveal the meaning of the text; and third, the audience or readers (Ilham B. Saenong 2000: 33). Interpretive activity is a process that is also "triadic". It means that interpretive activities have an interconnected triangle between the text (text), the interpreter (reader), and the author (author). This activity in general interpretation theory is called the hermeneutic circle. This interpretation activity is also carried out by Abou El-Fadl while reading and criticizing religious fatwas that tend to be authoritarian, despotic, and even out of the concept of moral ideals in Islamic law.

After formulating the hermeneutic circle, Abou El-Fadl formulated three authoritative discourses in Islamic law, namely those related to Competence, Determination of Meaning, and Representatives. Thus, if the three discourses are carried out, they will produce an authoritative, egalitarian, humanist, and contextual interpretation and legal product. In this regard, Abou El-Fadl developed the concept of authority in Islamic law (Khaled Abou el-Fadl Tt: 16). He dismantled authoritarianism in the interpretation of religious texts without any arbitrary attitude to monopolize the meaning and intent of the text, and also did not make claims acting in the name of God.

The authority held by the interpreter of religious texts, according to Abou El-Fadl, has at least a persuasive authority, namely the authority of a "special representative" (*fuqaha*), and not a coercive (coercive) or authoritarian authority. He gave a strict *fariq* between "authoritative" and "authoritarian" in Islamic legal discourse. Abou el-Fadl through his authoritative hermeneutic approach tries to produce a discourse that is critical of the anatomy of an authoritarian interpretation of Islamic law, identifies the anatomy of the discourse of "text authority", and proposes that the authority of the text is a fundamental thing in limiting the "authoritarianism" of the reader. In Hermeneutics, there is a belief in the existence of an interpretation that can analyze how the hadith was raised and some of the content included in the text. It also tries to regenerate the substance that is following the situation and conditions when the hadith is studied or understood. Understanding

or interpretation of the text then becomes an activity of reconstructing and reproducing the meaning of the hadith contextually (Hasan Su'aidi 2017: 45).

3. Negotiation of Text, Author, and Reader

Abou El-Fadl provides a set of methods. Thus, the interpreter is not trapped in authoritarianism. The methodological tools are exclusionary reasoning, perseverance morality, and self-control by being *ibtiyath* in determining meaning, so that what is produced is truly following the will of God and the Prophet. This methodological tool is intended to complement the five moral principles offered by Abou El-Fadl, such as honesty, sincerity, thoroughness, rationality, and self-control (Supriatmoko 2010: 283).

3.1. Honesty

Logically, mankind assumes that in all matters, God's representatives must be honest and trustworthy to be representatives in understanding God's commands. This honest and trustworthy attitude indicates the absence of pretense, not intentionally hiding God's commands, lying or deceiving, but by explaining all God's commands that he has understood. This prerequisite requires two things; the absence of an attitude of pretending to understand something that is not known, and on the other hand there must be a frank attitude regarding his competence in understanding God's commands. God's representatives should avoid pretending to understand napa that is not known and be honest about the extent of their knowledge and abilities in understanding a divine commandment.

3.2. Diligence

Logically, human beings assume that God's representatives have put forth all rational efforts in understanding and finding relevant commands related to a problem or series of issues, not based on lust, pride, or self-interest. On this plain, maximizing rational efforts in investigating, studying, and analyzing existing orders, especially those that are relevant to certain issues.

3.3. Self-control

Humanity logically expects that God's representatives have a genuine and controlling attitude of humility in presenting God's will in the world. This attitude is usually well represented in the theological language *wa Allah a'lam bi al-Sawaab* or *wa Allah a'lam bi muraadib* which

means that Allah knows best. Going beyond this phrase the important area to be conveyed is that humans must practice courage to prevent and not seize the power or authority of God. A representative of God must recognize the limits of his role and must include the necessary statements to remind himself and others of the nature of his role. They should refrain from concluding an issue if the evidence is insufficient.

3.4. Comprehensiveness

Logically, mankind assumes that God's representative has tried to thoroughly investigate God's commandments and hopes that God's representative has considered all relevant commandments, making continuous efforts to find all relevant commandments and not relinquishing his responsibility to investigate or find plots. certain evidence. This prerequisite is intended to consider all relevant orders, strive to continuously find relevant orders, and do not let go of the responsibility to investigate and find certain lines of evidence (Ulya 2017: 93-94).

3.5. Reasonableness

Logically, people assume that God's representatives have made efforts to interpret and analyze God's commands rationally. According to Khaled Abou el-Fadl, rational means placing something under certain conditions that are considered true in general. Reality and meaning are formulated in and by various communities. Therefore, choosing a formula must be based on an introduction to the interpretation community and the meaning community so that certain formulas can be understood by certain communities. Thus, the interpretation and analysis of God's commandments must be carried out rationally. Closing the scope of the meaning of the text or opening the text without restrictions is a form of arbitrary action and violates the prerequisites of rationality.

According to Abou El-Fadl, the interpretation process is not just an effort to understand words or expressions but is also a way of applying or applying that meaning, which is termed the process of *itsbatul* meaning, to determine competence and authenticity in Islamic legal discourse (Khaled Abou el-Fadl Tt: 47-50). According to him, the authority of the text is open to discourse, debate, and disagreement. Therefore, to build this openness, Abou El-Fadl tries to position the relation of text, author, and reader proportionally. Thus, there is no authoritarianism of interpretation in the discourse and construction of Islamic law. Based on Abou, the nature of communication in the 3

hermeneutic elements is dynamic, participatory interaction, dialogue, and negotiation of texts. It is emphasized that an autonomous text is not a problem as long as the interpreter or reader does not act authoritarianism.

In the construction of a text, the existence of a text can't be separated from the existence of its author. Abou El-Fadl argues, the author of the Qur'an is eternal, namely God, who of course is not willing if authoritarian actions rob His domain (Nunik Mardiana Pambudy & Dahono Fitrianto 2005: 12). Thus, in this case, it is considered to have a high urgency that Abou El-Fadl's hermeneutical theory about the relation of text, author, and the reader is very fundamental. Hence, the continuity of these three elements can have its meaning and role in interpreting activities so that they are mutually related and know each other. sitting position and portion.

4. Competence, Meaning Determination, and Representation

In addition to carrying out the negotiation process in dismantling legal authoritarian discourse, Abou El-Fadl also offers three main points as the keys to opening an authoritative discourse in Islamic law (Kholid Abou el-Fadl 2004: 128-130). Those three things are:

4.1. Competence

Competence becomes very important to achieve something authoritative, namely by considering a text that claims to truly represent the voice of God and the Prophet. In the context of the competence of the Qur'an, Abou El-Fadl uses faith-based assumptions means that Al-Qur'an is truly the word of God that is eternal and its purity is preserved. As for the competence as-Sunnah, he considered the validity of the hadith. If a hadith is not authentic, then it is considered inauthentic (Kholid Abou el-Fadl 2004: 128-130).

4.2. Meaning Determination

While the determination of meaning is an act of determining the meaning of a text. In this case, the deepest meaning contained in the text is also attempted to be revealed by the reader. In revealing the meaning of this text, the readers are sometimes right, but they can also be wrong. Therefore, it is necessary to have an interaction between the author, the text, and the reader in addition to the need for a

balanced negotiation between the three so as not to create an authoritarian and despotic interpretive act in deciding a law (Kholid Abou el-Fadl 2004: 130).

4.3. Representative

In addition to competence and determination of meaning, the concept of representation is also something important to pay attention to. Regarding this representation, we all agree that absolute sovereignty belongs only to God, but on the other hand, Islam also recognizes the concept of the human caliphate as the representative of God. However, the delegation of God's authority to humans often opens up space for the emergence of authoritarianism. To avoid this, Abou El-Fadl provides several standards as prerequisites for those he calls special representatives of God. Abou El-Fadl provides five prerequisites that must be met by a reader who feels like a representative of God. Thus, he is worthy of being an authority (Kholid Abou el-Fadl 2004: 98).

The five prerequisites mentioned above are: first, honesty. It is the attitude of not pretending to understand what he doesn't know and being honest about the extent of his knowledge and ability in understanding God's will. Second, seriousness, namely a hard and careful effort in reading and understanding the text because it is in contact with the rights of others. He must also avoid attitudes that can harm the rights of others. The greater the offense against others, the greater the accountability to God. Third, comprehensive, namely an effort to thoroughly investigate God's will and consider all relevant texts. Fourth, rationality is the effort to interpret and analyze the text rationally and responsibly. Fifth is self-control. It is a proper level of humility in explaining God's will.

Of the five prerequisites, a representative of God must have vigilance to avoid deviations from the role of God. Thus, a reader must recognize the limits of the role he is entitled to. If a special representative does not have the above requirements, it will be easy to carry out authoritarian understanding and actions in the name of God. According to Abou El-Fadl, the reader's arbitrary attitude in interpreting and understanding the text means that he has raped the text (Kholid Abou el-Fadl 2004: 51). In this regard, Abou El-Fadl strongly emphasizes the importance of the formulation and decision-making mechanism of the Islamic law that is free from authoritarian

attitudes and imposes the meaning of the text. (Kholid Abou el-Fadl 2004: 58).

5. Basic Assumptions as the Basis of Legal Methodology

Besides the negotiation process, competence, meaning determination, and representation, Abou El-Fadl also explained another important issue, namely the issue of evidence that underlies legal conclusions. The proof is related to the "basic assumptions" in the interpretation community. Four basic assumptions serve as the basis for building legal analysis.

First, value-based assumptions are built on normative values that are considered fundamental by a legal system. For example is the values in the difference *dharûriyât*, *hâjjiyât*, and *tahsinât*. Second, methodological-based assumptions are related to the means or steps needed to achieve the normative goals of the law. The third is reason-based assumptions. It is assumptions that are based on pieces of evidence that are cumulative, as a result of an objective process of considering various evidences rationally and comprehensively, not the result of personal ethical, existential, or metaphysical experiences. Fourth is faith-based assumptions, namely assumptions that are built by continuing to believe that the Qur'an is authentic. This assumption does not stem from the claim that it is derived from God's command but stems from the dynamic between man (vice) and God. This faith-based assumption is built on basic or basic understandings about the characteristics of God's message and its purposes. This is where Abou El-Fadl's hermeneutics was built to address the phenomenon of Islamic law which has an authoritarian face towards authoritative Islamic law.

6. Application Theory of Hermeneutics Khaled Abou el-Fadl

After formulating the hermeneutic theory, Abou El Fadl then applied the theory to examine the phenomenon of interpretation that existed and developed in Islamic society. In this case, he made the CRLQ (Council for Scientific Research and Legal Opinion) fatwas the object of his study, especially fatwas concerning women's problems, such as the issue of headscarves and women's genitalia, the issue of obedience to husbands, women as sources of slander, the command to prostrate to the husband, and the husband's sexual services.

In reviewing the CRLO fatwas, Abou El-Fadl used the methodological tools he had formulated, particularly regarding the issue of competence and meaning determination. In terms of competence or authenticity of hadith, Abou El Fadl uses a classical hadith criticism methodology (*mushthalâh al-hadîts*), namely criticism of hadith narrators (*rijâl al-hadîts*) and criticism of transmission or series of hadith narrators (*naqd as-sanad*). However, the most important thing according to him is to know the socio-historical background of hadith by using editorial criticism/*matan hadith* (*naqd al- matn*) (Kholid Abou el-Fadl 2004: 301-384).

According to Abou El-Fadl, the fatwas issued by CRLO did not consider competence and determination of meaning and also violated the five requirements of special representatives, namely honesty, sincerity, thoroughness, rationality, and self-control. In addition, in giving fatwas, they also pay less attention to basic assumptions, such as values-based assumptions, methodology, reason, and imam-based assumptions. Whereas the four assumptions according to Abou El-Fadl should not be abandoned in making a legal decision.

These CRLO legal experts are considered by Abou El-Fadl to have failed in interpreting authoritative texts that talk about women. They use problematic hadiths - both *matan* and *sanad* - and violate the five prerequisites as special representatives, while also using problematic basic assumptions (Kholid Abou el-Fadl 2004: 385).

The word *qanwamun*, for example, is understood, interpreted, and used as evidence and even legitimacy by CRLO that a husband has the right to order and discipline his wife is "obligated to obey" the husband's orders in a concept called obedience. This fatwa, according to Abou El-Fadl, is an authoritarian act in the interpretation of the text. This verse is even often associated with the permissibility of a husband hitting his wife if the wife makes a mistake.

Other issues criticized by Abou El Fadl against the CRLO fatwas were fatwas that seemed to demean women, such as the issue of the wife's obedience to her husband, the command to prostrate to her husband, equating women with donkeys, dogs, and demons, and women as sources of worship. slander. The CLRO fatwas considered by Abou El- Fadl to be far from the correct methodological framework, such as competence, meaning determination, representation, and also far from standard basic

assumptions, such as assumptions based on values, methodology, reason, and faith. (Kholid Abou el-Fadl 2004: 301).

Therefore, this interpretation of the CRLO version is considered by Abou El-Fadl as degrading and oppressing women and is contrary to value-based assumptions and also does not use strong methodological-based assumptions, resulting in an attitude of authoritarianism. From this phenomenon, due to gender-biased interpretations, feminism movements emerged (Budhy Munawar-Rachman 2001: 405). In principle, Islam was born intended to lay new social foundations that are anti-discrimination, anti-violence, and anti- authoritarianism in various matters such as social, cultural, political, religious, intellectual, and so on. This is the main priority in applying hermeneutics to religious texts, especially fiqh texts that tend to be gender-biased (gender differences) and gender inequalities (Mansour Fakihi 1996: 3). Reality shows that there are several religious texts in Islamic law—both from the Qur'an and hadith—which tend to legitimize interpretations that demean and place women subordinating under men, who are seen as superior. This indeed in the end leaves various unresolved problems and even the impact sometimes leads to authoritarianism and gender bias in Islam.

Abou El-Fadl's theory can deal with the tendency of ambiguous texts, biased texts, and authoritarian texts. This is where the location and function of hermeneutics in the dynamics of religious discourse thinking is always developing. Abou El-Fadl's theory turns out to be able to bring understanding to move from textual (normative) to contextual, from authoritarian to authoritative, subjective to objective, and from ideological to productive. Thus, hermeneutics can draw Islamic fundamental messages. Abou El-Fadl is patient enough to discuss them one by one, using hermeneutics as his analytical knife for the theory of authority in Islamic legal discourse. Therefore, the model of Abou El-Fadl's legal hermeneutic approach can contribute to the development of knowledge, especially to the study of contemporary Islamic law. First, enriching the methodology and knowledge of the study of Islamic law, especially regarding the resolution of the problem of authoritarianism in legal interpretation. Second, to contribute to the development of contemporary Islamic law by providing a new epistemological basis as a legal hermeneutic methodology to avoid arbitrariness in giving legal fatwas, both for legislators, lawmakers, legal practitioners, or fatwa institutions, such as the MUI. NU's *bahtsul masâ'il*, and Muhammadiyah's *tarjih majlis*, to avoid authoritarian fiqh into

authoritative and humane fiqh.

If we look at some of the examples presented by Khaled Abou el-Fadl in his book, it is very clear that Khaled Abou el-Fadl still dwells on the competence level of hadith. He gave very many examples of misogynistic hadiths and criticized the authenticity of these hadiths. Do they have the feasibility as a legal basis or not? Do these traditions represent the voice of the prophet as the author? Khaled Abou el-Fadl in his book does not touch the problem of meaning and representation, as if he forgot the methodological solution, he wanted to offer so that Islamic law is not authoritarian. He is like returning to the epistemology of classical scholars who are busy discussing and reviewing the validity of the hadith, so that if the validity is tested, the hadith is worthy to be enforced and used as a legal footing, on the other hand, if the hadith fails at the level of competence. Furthermore, the hadith is simply passed, as if -as if the hadith never existed. In fact, in reality, these hadiths, although sometimes incompetent, have a wide impact and influence on society.

From Khaled Abou el-Fadl's efforts to understand the Prophet's hadith contextually, it can be seen that he was more or less influenced by his former teacher while in Egypt, namely Muhammad al-Gazali, author of the book *Al-Sunnah al-Nabawiyah baina Ahl al-Fiqh wa Ahl al-Hadith* (Sunnah of the Prophet: Between the Experts of Jurisprudence and Experts of Hadith). However, Khaled Abou el-Fadl was braver than al-Gazali. Khaled, like other modern thinkers such as Fatimah Mernessi, dared to question the authority of the companions of the prophet, the companions of the prophet in Khaled Abou el-Fadl's view are also human. They can be wrong and they can be right. There is a possibility that they are honest and there is a possibility that they are lying. Therefore, in Khaled Abou el-Fadl's view, the history of the Companions also needs to be studied and researched, then the *al-jarh wa al-ta'dil* method is applied to them, like the other narrators. Khaled Abou el-Fadl's idea is different from the views of classical scholars and modern orthodox scholars who view that the companions are all *'udul* (competent, honest). There is no need to examine their honesty and piety.

CONCLUSION

Abou El-Fadl's legal hermeneutic thinking is inseparable from three things: competence, determination of meaning, and representation referred to as general representative and special representative. The hermeneutics built by Abou El-Fadl stems from his academic anxiety in fighting against religious authoritarianism, especially in contemporary Islamic law discourse. Abou El-Fadl provides authoritative standards for special representatives (legal experts), consisting of five categories: honesty, sincerity, thoroughness, rationality (reasonableness), and self-restraint (self-restraint) so that the reading results are more authoritative and correct, representing the voice of God. In addition, there are four basic assumptions according to Abou El-Fadl that should not be abandoned in making a decision on Islamic law: values-based assumptions, methodology, reason, and imam-based assumptions. All of Abou El-Fadl's frameworks have contributed greatly to the development of methodology in contemporary Islamic studies. Furthermore, from several tools of Abou El-Fadl's hermeneutic thinking, he applied it to gender discourse with the object of his research being CRLO (Council for Scientific Research and Legal Opinion).

The authoritative hermeneutic theory offered by Abou El-Fadl is an interesting, relatively new, and even challenging scientific work to every reader. According to Abou El-Fadl, dynamic interaction, participatory, negotiating process, dialogue, and fusion of horizon which then gave birth to five prerequisites for special representatives are very important to be applied to contemporary Islamic studies in general and Islamic law (Islamic Jurisprudence) in particular.

This research contributes to academic discourse by offering a nuanced perspective on the hermeneutics of hadith and fatwa production. It highlights the importance of integrating interpretive methodologies that are context-sensitive and uphold justice. Future research is recommended to explore the practical application of this method in different legal and social contexts, as well as its impact on addressing gender-related issues in Islamic law.

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