

Ẓihār and the Protection of Women's Dignity in Tafsir al-Aḥkām: An Analysis of Shaykh Ali al-Shabuni's Thought

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Abstract

This article examines the protection of women's dignity within the regulation of Ẓihār through the interpretation of Shaykh Muhammad Ali al-Shabuni in Rawā'i' al-Bayān Tafsīr Āyāt al-Aḥkām min al-Qur'ān. This study argues that, beyond its juridical structure, Qur'an Surah al-Mujādilah verses 1–4 contain substantive protections for women that are consistent with contemporary feminist principles. This research employs a qualitative method using a descriptive-analytical library research approach, with Rawā'i' al-Bayān as the primary source and Islamic feminist literature and gender theory as secondary sources. Data were collected through documentary studies of the exegetical work and relevant literature, while data analysis employed thematic content analysis to identify the values of women's dignity protection embedded in al-Shabuni's interpretation. The findings demonstrate that although al-Shabuni's interpretation is methodologically grounded in classical jurisprudence, it implicitly affirms three feminist values: the protection of women's bodily dignity and marital status; procedural justice that provides women with an opportunity to raise grievances and have their voices heard; and structural limitations on patriarchal authority within the household. This article concludes that the regulation of Ẓihār should not be understood merely as a punitive mechanism, but rather as an early Qur'anic corrective to the misogynistic practices of the pre-Islamic era (Jāhiliyyah). Accordingly, it provides a textual basis for the reinterpretation of Islamic family law toward a more gender-just framework.

Keywords: Ẓihār and Feminism, Tafsīr al-Aḥkām and Rawā'i' al-Bayān, al-Shabuni

Abstrak

Artikel ini mengkaji perlindungan martabat perempuan dalam regulasi Ẓihār menurut tafsir Syekh Muhammad Ali al-Shabuni dalam kitab Rawai' al-Bayan Tafsir Āyāt al-Aḥkām min al-Qur'an. Penelitian ini berpendapat bahwa di balik struktur yuridisnya, Surat al-Mujādilah ayat 1–4 memuat perlindungan substantif bagi perempuan yang selaras dengan prinsip feminisme kontemporer. Penelitian ini menggunakan metode kualitatif dengan pendekatan kepustakaan (library research) yang bersifat deskriptif-analitis, menjadikan kitab Rawai' al-Bayan

sebagai sumber data primer dan literatur feminisme Islam serta teori gender sebagai sumber data sekunder. Teknik pengumpulan data dilakukan melalui studi dokumentasi atas kitab tafsir dan literatur terkait, sedangkan teknik analisis data menggunakan analisis isi (content analysis) secara tematik untuk mengidentifikasi nilai-nilai perlindungan martabat perempuan yang terkandung dalam penafsiran al-Shabuni. Hasil kajian menunjukkan bahwa penafsiran Al-Shabuni, meskipun secara metodologis bercorak fikih klasik, secara implisit menunjukkan tiga nilai yang selaras dengan prinsip feminisme: perlindungan atas martabat tubuh dan status perkawinan perempuan, keadilan prosedural yang memberi ruang bagi perempuan untuk mengadu dan didengar, serta pembatasan struktural terhadap kuasa patriarkal dalam rumah tangga. Artikel ini menyimpulkan bahwa regulasi Zihār semestinya tidak dibaca sekadar sebagai mekanisme punitif, melainkan sebagai koreksi Qur'ani dini atas misogini jahiliyah yang dapat menjadi basis tekstual bagi reinterpretasi hukum keluarga Islam yang berkeadilan gender.

Kata Kunci: Zihār dan Feminisme, Tafsir Ahkam dan Rawai' al-Bayan, al-Shabuni

A. Introduction

Zihār is one of the forms of marital separation known in pre-Islamic Arab Society, in which a husband uttered a statement likening his wife's back, or more broadly her entire person, to that of his own mother, such as "You are to me like my mother's back". Such a statement rendered the wife unlawful for sexual relations, yet did not constitute an explicit divorce. Consequently, a woman subjected to Zihār was left in a state of uncertainty: She was neither a wife with whom marital relations were permitted nor a divorcee who was free to remarry.¹ This practice has been regarded by some scholars as reflecting an unequal power relationship within the pre-Islamic household, as the husband's words alone were sufficient to determine the woman's marital status without requiring any formal procedure or the wife's consent.

Zihār was a pre-Islamic custom in which a husband separated from his wife without the possibility of reconciliation. As Islam gradually introduced legal regulations, it addressed established social practices, consistent with the fiqh maxim *al-‘ādah muḥakkamah*, which recognizes custom as a consideration in law. However, the Qur'an condemned Zihār as a false analogy between wives and mothers and prescribed *kaffarah* as the legal consequence for husbands who practiced it.

¹ Anwar Hafidzi, "Penolakan Nasab Anak Liḍan dan Dhihar dengan Taḍliq (Analisis Komparatif Naskah Kitab Fiqh al-Islam wa Adillatuhu dengan al-Mughni)," *Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam* 1, no. 2 (Mei 2018): hlm. 77. <https://doi.org/10.30659/jua.v1i2.2419>.

Islam addressed and abolished the pre-Islamic (jahiliyyah) practice of Ẓihār through Q.S al-Mujadilah: 1-4. Although the verses do not prohibit the practice through a simple and direct formulation, they clearly condemn Ẓihār and establish legal consequences for those who commit it. This is consistent with the fiqh maxim al-adah muhakkamah, according to which customary practices prevailing within a society may be taken into consideration in the formulation of law, while aspects that conflict with justice must nevertheless be rectified. The Qur'an explicitly characterizes the utterance of Ẓihār as munkar and false, as stated in Q.S al-Mujadilah: 1-2, which were revealed in response to the complaint of Khawlah bin Tha'labah to the Prophet Muhammad after her husband, Aws ibn al-Ṣāmit, had pronounced Ẓihār against her.²

This episode is significant because the verses were revealed in response to a woman's complaint, thereby positioning a woman's voice and lived experience as the direct occasion (asbab al-nuzul) for the establishment of a legal ruling. Among the works of tafsir al-ahkam that specifically discuss Qur'anic legal verses, Rawā'i' al-Bayān: Tafsir Ayat Ahkam min Qur'an by Shaykh Muhammad Ali al-Shabuni is particularly interesting to examine because it combines classical linguistic methods with a systematic thematic presentation, making it an important reference in contemporary studies of Islamic jurisprudence.³

As with other scholars of tafsir al-ahkam, al-Shabuni discusses the verses concerning Ẓihār by explaining their circumstances of revelation, the legal rulings derived from them, the provisions concerning kaffarah, and the differing opinions of the schools of Islamic jurisprudence. Nevertheless, beneath this normative legal exposition lies a substantive dimension of gender justice, can be understood as a form of protection for women. Previous studies of Ẓihār have predominantly focused on purely jurisprudential aspects, including its validity requirements, ṣighah (form of pronouncement), and the provisions governing kaffarah.⁴ Meanwhile, studies connecting Ẓihār with feminist discourse and the protection of women remain relatively limited, despite the fact that the historical emergence

² *Al-Qur'an dan Terjemahnya*, with Kementrian Agama RI (Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an, 2019). Hlm. 76.

³ "Rawā'iul Bayan Fii Tafsir al-Ahkam," *Himpunan Dai Muda Indonesia*, t.t., diakses 11 Agustus 2026, <https://daimuda.org/download/rawaiul bayan/>.

⁴ Bayumi Asyji' Zaaidil Mubaarok, "Nilai-Nilai Feminisme Dalam Dhihar (Studi Tafsir Ahkam Ayat Dhihar Kitab Rawai'ul Bayan Karya Syekh Ali As-Shabuni)" (diploma, Universitas Islam Tribakti Lirboyo Kediri, 2024), hlm. 71. <https://repo.uit-lirboyo.ac.id/3057/>.

of the verses concerning Ẓihār was closely connected to the concrete experience of woman seeking to defend her rights.⁵

Therefore, this article seeks to address this gap by formulating two research questions. First, how does Rawā'i' al-Bayān interpret the legal verses and the concept of Ẓihār? Second, what values concerning the protection of women's dignity are contained within this interpretation, and what are their implications? This article seeks to enrich the discourse on tafsir al-ahkam through a gender-sensitive reading, without imposing anachronistic assumptions, but rather by identifying points of convergence between the objectives of the shari'ah (maqāṣid al-shari'ah) concerning the protection of women and principles of gender justice advanced by feminist thought.⁶

This research gap can be understood as a distance between das Sollen and das Sein. Normatively (das Sollen), the Qur'anic regulation of Ẓihār embodies an aspiration to protect women's dignity. Factually (das Sein), however, existing studies of tafsir al-ahkam tend to remain focused on the legal-formal dimensions of Ẓihār without explicitly uncovering its protective dimension. This article is therefore positioned to bridge the gap between the normative ideal embodied in the regulation of Ẓihār and the prevailing focus of existing exegetical studies.

B. Research Methods

This study employs a qualitative research method with a descriptive-analytical approach and utilizes library research as its primary method of data collection. The primary source of data is Rawā'i' al-Bayān: Tafsīr Āyāt al-Aḥkām min al-Qur'ān by Shaykh Muhammad Ali al-Shabuni, particularly his interpretation of Q.S. al-Mujādilah verses 1–4 concerning Ẓihār. Secondary sources include other works of tafsīr al-aḥkām, such as al-Jāmi' li-Aḥkām al-Qur'ān by al-Qurtubī, Tafsīr al-Qur'ān al-‘Aẓīm by Ibn Kathīr, and Tafsīr al-Munīr by Wahbah al-Zuhaylī, as well as literature on Islamic feminism and gender theory, including the works of Amina Wadud, Fatima Mernissi, and Riffat Hassan. Data were collected through documentation and textual examination. The data were subsequently analyzed using content analysis by comparing al-Shabuni's

⁵ Ilzam Hubby Dzikrillah Alfani dkk., "Qur'anic perspective of gender equality: Classical and modern tafsir," *Gender Equality: International Journal of Child and Gender Studies* 11, no. 1 (Maret 2025): hlm. 33. <https://doi.org/10.22373/equality.v11i1.26296>.

⁶ Nurjannah Ismail, Muhammad Firdaus, dan Edi Darmawijaya, "Gender equality in the Qur'an: An Analysis of surah an-Nisa' verses 1 and 34 in the exegesis of al-Tabari and al-Rāzī," *Gender Equality: International Journal of Child and Gender Studies* 10, no. 2 (September 2024): hlm. 224. <https://doi.org/10.22373/equality.v10i2.25932>.

interpretation of the verses concerning Zihār with feminist principles in order to identify points of convergence between the two, particularly in relation to the protection of women's dignity. The descriptive-analytical approach was employed because this study does not merely present al-Shabuni's interpretation at the textual level but also critically examines the underlying values contained within it. Meanwhile, content analysis was employed to ensure that the comparison between the exegetical text and feminist principles was conducted systematically rather than impressionistically, thereby allowing the identified points of convergence to be methodologically justified.

C. Discussion and Research Results

The Concept of Zihār in Islam

Al-Shabuni begins his discussion of the verses concerning Zihār by emphasizing its linguistic meaning, which derives from the word *ẓahr* (back), functioning as a *kināyah* (figurative expression) for the entire body of a woman. He explains that an explicit (*ṣarīḥ*) statement such as "You are to me like my mother's back" is sufficient for an utterance to constitute Zihār, regardless of the speaker's intention. By contrast, an utterance expressed through *kināyah* (allusion) is considered Zihār only when accompanied by the intention to make such a pronouncement.⁷ This explanation is significant because it closes the possibility of linguistic manipulation: a husband cannot evade legal responsibility by claiming that his statement was merely a joke or that he did not intend its apparent meaning when his words explicitly liken his wife to a *maḥram*. Thus, legal responsibility remains attached to the utterance itself rather than solely to the speaker's internal intention, which may be difficult to verify.⁸

The validity of Zihār depends on its four essential elements (*arkān*). The first is *muẓāhir*, namely the husband who possesses the legal capacity to divorce his wife. The second is *muẓāhar minhu*, namely the lawful wife of the person making the pronouncement. The third is *al-mushabbah bih*, namely a woman who is permanently prohibited (*maḥram*) to the husband, whether due to blood relationship (*nasab*), foster relationship (*raḍāʿ*), or marital relationship, and who

⁷ Adrianto Anto, "Esensi Zihar Menurut Hukum Islam," *QONUN: Jurnal Hukum Islam dan Perundang-undangan* 8, no. 1 (Juni 2024): hlm. 133. <https://doi.org/10.21093/qj.v8i1.8088>.

⁸ "Rawa'iul Bayan Fii Tafsir al-Ahkam."

becomes the object of comparison with his wife. The fourth is *ṣīghah*, namely the wording or formula of 'Ẓihār.⁹

The concept of Ẓihār in classical Islamic jurisprudence is rooted in the pre-Islamic divorce system, where husbands held dominant authority over marital status. Al-Shabuni identifies the essential element of Ẓihār as the *ṣīghah*, through which a wife is likened to a woman permanently prohibited to the husband. Unlike ordinary divorce, Ẓihār prohibits marital relations without dissolving the marriage. Jurists distinguish between explicit Ẓihār (*ṣarīḥ*), where the wording itself determines the legal effect, and allusive Ẓihār (*kināyah*), where intention is decisive. This distinction demonstrates Islamic law's caution in imposing serious legal consequences on women rather than granting husbands unrestricted unilateral authority.¹⁰

The Interpretation of Shaykh Muhammad Ali al-Shabuni on the Verses Concerning Ẓihār

In interpreting the circumstances of revelation (*asbāb al-nuzūl*) of Q.S. al-Mujādilah verses 1–2, al-Shabuni describes the story of Khawlah bint Tha'labah, who was subjected to 'Ẓihār by her husband, Aws ibn al-Ṣāmit. She subsequently brought her complaint directly to the Prophet Muhammad and engaged in a dialogue (*mujādilah*) with him, until Allah revealed the verses affirming that He had heard the woman's complaint. Al-Shabuni emphasizes that the statement that Allah "heard" the woman's complaint is placed at the beginning of the surah, a rhetorical position that demonstrates the highest form of legitimacy granted to a woman's right to be heard and to obtain a legal resolution, rather than being left to bear the unilateral consequences of her husband's utterance.

Al-Shabuni also explains that the Qur'an characterizes the utterance of 'Ẓihār as *munkar* and falsehood (*zūr*), because, in reality, a wife is not the husband's biological mother, while a mother is the woman who gave birth to him.¹¹ Furthermore, al-Shabuni explains the provisions governing the *kaffārah* of 'Ẓihār in a sequential order (*murattab*): freeing a slave; if this is not possible, fasting for two consecutive months; and if this is still not possible, feeding sixty

⁹ Nuraida Khoirun Nisa, "Bentuk-Bentuk Perceraian Dalam Kitab Fiqh 4 Madzhab," *SAMAWA: Jurnal Hukum Keluarga Islam* 2, no. 2 (Agustus 2022): hlm. 45. <https://doi.org/10.53948/samawa.v2i2.50>.

¹⁰ Afifur Rochman Sya'rani, "Muslim Women Against Feminism: The Family Love Alliance (*Aliansi Cinta Keluarga*) and Its Impact on Women's and Sexual Rights in Contemporary Indonesia," *TRaNS: Trans -Regional and -National Studies of Southeast Asia* 12, no. 2 (November 2024): hlm. 156. <https://doi.org/10.1017/trn.2023.6>.

¹¹ "Rawa'iul Bayan Fii Tafsir al-Ahkam."

poor people. The fulfillment of the prescribed kaffārah is a prerequisite before the husband may resume marital relations with his wife.¹²

Ẓihār itself reflects an unequal relationship in which a husband could potentially manipulate his wife by making a declaration of Ẓihār at will. This practice was detrimental to women because once a husband uttered the statement, "You are to me like my mother," marital relations between the husband and wife became prohibited. The revelation of the verses concerning Ẓihār established a legal framework that elevated the status of women by recognizing that the wife, like the husband, possesses rights as a servant of Allah. On this basis, this study examines the values of advocacy and protection for women contained in the verses concerning Ẓihār.

Al-Shabuni's reading of the story of Khawlah bint Tha'labah demonstrates that the Qur'an did not merely respond to an individual complaint but also established the basis for a mechanism of procedural justice: a woman was given the opportunity to be heard (*mujādilah*) before a legal ruling was established. This aspect corresponds with the principle of due process, which is also emphasized in contemporary feminist discourse, particularly the recognition of women's right to voice their experiences and participate in legal processes that directly affect them.¹³ Furthermore, the obligation of kaffārah imposed upon the husband demonstrates that the *sharī'ah* places the burden of responsibility upon the person who uttered the declaration of Ẓihār, rather than upon the wife who was subjected to it. Structurally, this limits the arbitrary exercise of the husband's authority within the household.¹⁴

Protection of Women's Dignity in al-Shabuni Interpretation

The first value relevant to feminist principles that can be identified is the recognition of women's agency and legal voice. Feminism, in its most general sense, is a movement that advocates for women's experiences and interests to be taken into consideration within social, legal, and theological structures that male

¹² Nisa, "Bentuk-Bentuk Perceraian Dalam Kitab Fiqh 4 Madzhab."

¹³ Zulpiana Zulpiana, Hamnah Hamnah, dan Maulana Maulana, "Penafsiran Amina Wadud Perspektif Kesetaraan Gender Terhadap Al-Qur'an Surah Al-Nisa' Ayat 34," *Borneo: Journal of Islamic Studies* 4, no. 2 (Juni 2024): hlm. 84. <https://doi.org/10.37567/borneo.v4i2.2782>.

¹⁴ Rahmat Hamid dkk., "Gender Equality in the Qur'an: A Thematic and Critical Interpretation of Women-Related Verses," *AL-MAIYYAH: Media Transformasi Gender dalam Paradigma Sosial Keagamaan* 18, no. 1 (Juni 2025): hlm. 36. <https://doi.org/10.35905/almaiyyah.v18i1.13412>.

perspectives have historically dominated.¹⁵ The story of Khawlah bint Ta'labah, who directly engaged in dialogue with the Prophet and brought her grievance before Allah, as emphasized by al-Shabuni, positions the experience of a wife's suffering as the cause for the revelation of a legal verse. This corresponds to the feminist principle that women's experiences constitute a legitimate source of knowledge for constructing justice, as emphasized by Amina Wadud, who criticizes Qur'anic interpretations that disregard women's perspectives and experiences.¹⁶

The second value relevant to feminist principles is the restriction of the husband's unilateral authority over the wife's body and marital status. Before the revelation of the verses concerning Zihār, a husband could leave his wife's marital status suspended merely through words, without facing any consequences himself, while the wife was left to endure uncertainty indefinitely.¹⁷ By making kaffārah a prerequisite for resuming marital relations, al-Shabuni demonstrates that the Qur'an transforms a previously one-sided power relationship into one in which the husband bears concrete consequences for his utterance. This provision is consistent with Fatima Mernissi's critique of family-law structures that grant men unilateral authority to speak about women's bodies and marital status without an equivalent mechanism of accountability.¹⁸

The third value relevant to feminist principles is the affirmation of women's dignity and equality of status through the theological rejection of equating a wife with one's mother. Such an analogy, as interpreted by al-Shabuni, is condemned by the Qur'an as munkar because, both factually and legally, the status of a wife and that of a mother cannot simply be treated as interchangeable for the unilateral interests of the husband.¹⁹ Riffat Hassan describes such an approach as part of feminist theology, which seeks to develop arguments for equality from within religious textual sources themselves rather than rejecting

¹⁵ Nuraan Davids, "An Educational Opportunity for (Re)-Scripting Gender Justice as an Imperative of Faith and Citizenship: A South African Case," *British Journal of Religious Education* 45, no. 2 (April 2023): hlm. 162. <https://doi.org/10.1080/01416200.2022.2123305>.

¹⁶ Mahdalina Nanda dan Hoirotul Jennah, "Perlindungan Perempuan dan Anak Dalam Al-Qur'an Perspektif Tafsir Maqasidi," *Jurnal Tafseer* 11, no. 2 (Mei 2024): hlm. 56. <https://doi.org/10.24252/jt.v11i2.43606>.

¹⁷ Hafidzi, "Penolakan Nasab Anak Liḍan dan Dhihar dengan Taḍliq (Analisis Komparatif Naskah Kitab Fiqh al-Islam wa Adillatuhu dengan al-Mughni)."

¹⁸ Fatima Mernissi dan Mary Jo Lakeland, *Women and Islam: An Historical and Theological Enquiry*, Reprinted (Oxford: Blackwell, 1995).hlm. 90.

¹⁹ Fatema Amijee, "How to Be a Feminist Muslim," *Journal of the American Philosophical Association* 9, no. 2 (Juni 2023): hlm. 213. <https://doi.org/10.1017/apa.2022.9>.

those sources from outside. Thus, the rejection of a view that degrades women's bodies becomes an internal Qur'anic argument rather than merely an external demand of modern movements.²⁰

The fourth value relevant to feminist principles is procedural justice and the proportionality of sanctions. The graduated *kaffārah* provisions—freeing a slave, fasting, or feeding the poor—demonstrate that the law is not intended to retaliate against the husband, but rather to provide a fair resolution for both parties while simultaneously creating a deterrent against arbitrary conduct.²¹ Lubis's research demonstrates that, within the context of Indonesian family law, the regulation of *Ẓihār* has even been incorporated into the Compilation of Islamic Law as a form of legal certainty that protects the wife's rights following an incident of *Ẓihār*.²² This reinforces the argument that the regulation of *Ẓihār* was initially intended as a protective mechanism, rather than merely as a formalistic punishment.

Implication for Islamic Family Law

It is important to note that al-Shabuni did not write *Rawā'ī' al-Bayān* within a feminist framework, and his interpretation remains grounded in classical *fiqh* methodology oriented toward the derivation of legal rulings (*istinbāṭ al-aḥkām*).²³ Nevertheless, as demonstrated by Mutrofin in his study of the thought of Amina Wadud and Riffat Hassan, the values of gender equality in Islam do not necessarily have to be sought only in interpretations explicitly labeled as feminist. They may also be found in classical exegetical works that, when reread through an awareness of gender justice, reveal substantive principles of protection.²⁴ Thus, the feminist reading of *Rawā'ī' al-Bayān* in this article does not seek to project a

²⁰ Akhmad Khoirul Anwar, Jaka Ghianovan, dan Ida Kurnia Shofa, "Understanding the Concept of Gender in Qur'anic Interpretation (A Feminist Study of the Thought of M. Quraish Shihab)," *Jurnal Semiotika-Q: Kajian Ilmu al-Quran dan Tafsir* 4, no. 1 (Juni 2024): hlm. 206. <https://doi.org/10.19109/jsq.v4i1.22717>.

²¹ Sukron Ma'mun dan Ibnu Akbar Maliki, "A Socio-Historical Study of Women's Rights Advocacy in Islamic Legal Construction," *Journal of Southeast Asian Human Rights* 7, no. 1 (Juni 2023): hlm. 1. <https://doi.org/10.19184/jseahr.v7i1.39156>.

²² Syaddan Dintara Lubis, "Akibat Hukum yang Ditimbulkan Oleh Zihar Terhadap Perkawinan Ditinjau dari Undang-Undang dan Kompilasi Hukum Islam," *Politica: Jurnal Hukum Tata Negara dan Politik Islam* 10, no. 1 (Juni 2023): hlm. 69. <https://doi.org/10.32505/politica.v10i1.5578>.

²³ Mubaarok, "Nilai-Nilai Feminisme Dalam Dhihar (Studi Tafsir Ahkam Ayat Dhihar Kitab Rawai'ul Bayan Karya Syekh Ali As-Shabuni)."

²⁴ Mutrofin Mutrofin, "Kesetaraan Gender dalam Pandangan Amina Wadud dan Riffat Hassan," *Teosofi: Jurnal Tasawuf dan Pemikiran Islam* 3, no. 1 (Oktober 2015): hlm. 234. <https://doi.org/10.15642/teosofi.2013.3.1.234-266>.

modern conceptual framework anachronistically onto a classical text. Rather, it demonstrates that the value of women's protection is inherent in the *maqāṣid al-sharī'ah* articulated by al-Shabuni himself, allowing *tafsīr al-aḥkām* and the discourse of gender justice to mutually reinforce one another rather than being placed in opposition.²⁵

In contemporary Islamic family law scholarship, the Islamic feminist approach is no longer understood merely as an attempt to place religious teachings in opposition to the idea of gender equality. Instead, it represents an effort to reconstruct readings of religious texts so that they more fully reflect the principles of justice (*al-ʿadl*), public benefit (*al-maṣlaḥah*), and the protection of human dignity (*ḥifẓ al-ʿird*).²⁶ This perspective regards the Qur'an as a source of values possessing a universal ethical orientation, while the exegetical works produced by Islamic scholars are viewed as products of *ijtihād* that remain open to reevaluation in accordance with social developments. In this context, the regulation of *Zihār* can be understood not merely as a legal provision concerning prohibition and *kaffārah*, but also as a normative instrument that corrects a family structure previously dominated by unilateral male authority.²⁷ Recent studies indicate that contemporary Islamic family law scholarship is increasingly moving toward a paradigm of protecting women's rights while continuing to be grounded in *maqāṣid al-sharī'ah*. Accordingly, the interpretation of the verses concerning *Zihār* needs to be situated within a framework that protects women's rights, dignity, and legal certainty, rather than treating them merely as technical issues of jurisprudence.²⁸

The recognition of Khawlah bint Ta'labah's voice in *Sūrah al-Mujādilah* represents an important indication of the emergence of a mechanism for controlling patriarchal practices through revelation. The Qur'an's response to a

²⁵ Tuty Wahyuni, "Women and Modern Families: An Analysis of Quraish Shihab's Perspectives," *Jurnal Pemikiran Islam* 4, no. 1 (Juni 2024): hlm. 116. <https://doi.org/10.22373/jpi.v4i1.24126>.

²⁶ Nataliia Bodnar, "Women and Islamic Law: Exploring Interpretative Authenticity and Gender Harmony within Qur'anic and Juristic Traditions," *International Journal of Sharia and Law* 2, no. 1 (April 2026): hlm. 62. <https://doi.org/10.65211/ijsl.v2i1.31>.

²⁷ Sabila Azmi Syahira, Abdul Ghofur, dan Muhammad Sholeh Hasan, "M. Quraish Shihab's Interpretation Of The Relationship Between Men And Women In Tafsir Al-Mishbah And Its Relevance To Character Education," *Jurnal Harkat : Media Komunikasi Gender*, 26 Desember 2025, hlm. 167. <https://doi.org/10.15408/harkat.v21i2.49147>.

²⁸ Muhammad Resky dan Akmal Rizki Gunawan Hasibuan, "Issues on Gender Equality in the Qur'an Based on Amina Wadud's Hermeneutical Approach," *Besari: Journal of Social and Cultural Studies* 2, no. 1 (Desember 2024): hlm. 46. <https://doi.org/10.71155/besari.v2i1.108>.

woman's complaint demonstrates that women's experiences were granted legitimacy as a basis for the formulation of legal norms, a characteristic that, in modern legal theory, is known as a victim-centered legal approach.²⁹ Accordingly, the verses concerning Ẓihār embody a principle of women's participation in the process of administering justice, because legal resolution does not rely solely on male authority but also takes into account the concrete suffering experienced by women. This condition demonstrates that Islamic law, from its earliest period, recognized mechanisms for protecting vulnerable groups through procedures of complaint, evidentiary consideration, and intervention by legal authorities in order to prevent arbitrary conduct within household life.³⁰ Such an approach is relevant to the development of modern family law, which increasingly places victim protection among the principal orientations of legal formation.³¹

Furthermore, the existence of kaffārah as a legal consequence of Ẓihār carries a broader significance than merely serving as an individual form of expiation. From the perspective of legal-politics theory, this provision reflects the function of law as an instrument of social engineering (law as an instrument of social engineering) intended to transform society from exploitative patterns of relationships toward more responsible family relationships.³² The graduated nature of the sanctions demonstrates the principle of proportionality, whereby the law does not merely punish the perpetrator but also educates society so that practices that undermine women's dignity are not repeated.³³ Therefore, the regulation of Ẓihār can be understood as part of the Qur'an's strategy of gradual social transformation in response to pre-Islamic (Jāhiliyyah) traditions. This interpretation further strengthens the argument that Islamic sharī'ah does not preserve patriarchal culture but instead undertakes legal reform by making

²⁹ Ma'mun dan Maliki, "A Socio-Historical Study of Women's Rights Advocacy in Islamic Legal Construction."

³⁰ Mia Nurmala, Umi Sumbulah, dan Yayan Nurbayan, "Ideal-Normative and Socio-Historical Approaches to Gender Equality Verses: A Study of Riffat Hassan's Thought," *Millah: Journal of Religious Studies*, 28 Februari 2023, hlm. 235. <https://doi.org/10.20885/millah.vol22.iss1.art9>.

³¹ Nadhiraturrahmi Aidina, Nada Rahmatina, dan Rijal Ali, "Construction Of Gender Equality: Analysis Of Jacques Lacan's Psychoanalytic Theory On Amina Wadud's Thoughts," *Takafu: Journal of Tafsir and Gender Perspective* 1, no. 2 (Oktober 2024): hlm. 44. <https://doi.org/10.29313/takafu.v1i2.5084>.

³² Abdul Gani, "Telaah Metode Istinbath Amina Wadud Perspektif Turuq al-Istinbath min al-Nushush," *Wasathiyyah* 5, no. 2 (Juli 2023): hlm. 89. <https://doi.org/10.58470/wasathiyyah.v5i2.65>.

³³ Anto, "Esensi Zihar Menurut Hukum Islam."

justice a central orientation in the formulation of legal norms. Recent research on Islamic family law reform in various Muslim-majority countries also demonstrates a similar trend, namely the strengthening of a paradigm of protecting women's rights without abandoning the normative foundations of Islamic sharī'ah.³⁴

Based on the foregoing discussion, it can be understood that reading Rawā'i' al-Bayān through the perspective of Islamic feminism does not aim to alter the substance of Qur'anic teachings, but rather to uncover an ethical dimension that has often remained concealed behind normative discussions of jurisprudence. Although al-Shabuni's interpretation is primarily oriented toward legal derivation (istinbāṭ al-aḥkām), it nevertheless contains values of women's protection when analyzed through the approach of maqāṣid al-sharī'ah and the theory of gender justice.³⁵ This demonstrates that dialogue between the classical exegetical tradition and contemporary Islamic legal thought constitutes a productive academic approach for developing a construction of Islamic family law that is more responsive to social developments. Thus, the verses concerning Ẓihār possess not only historical relevance as a correction of pre-Islamic practices but also normative relevance for constructing an Islamic family-law system that upholds equality, the protection of rights, and substantive justice for both men and women.

D. Conclusion

This study concludes that: first, Shaykh Muhammad Ali al-Shabuni understands Ẓihār as a prohibition of a pre-Islamic practice that undermines women's dignity. Second, his interpretation does not merely present the legal aspects of Ẓihār but also reflects the protection of women's dignity through the recognition of women's voices, the limitation of unilateral authority exercised by husbands, the rejection of equating a wife with one's mother, and the application of proportionate kaffārah sanctions. Third, al-Shabuni's tafsīr al-aḥkām demonstrates that Qur'anic legal exegesis can be understood not only as a normative explanation of Islamic law but also as an instrument for realizing justice and protecting women's rights within Islamic family law.

³⁴ Dintara Lubis, "Akibat Hukum yang Ditimbulkan Oleh Zihar Terhadap Perkawinan Ditinjau dari Undang-Undang dan Kompilasi Hukum Islam."

³⁵ Nurmala, Sumbulah, dan Nurbayan, "Ideal-Normative and Socio-Historical Approaches to Gender Equality Verses."

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