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Ahkam: Jurnal Ilmu Syariah
https://journal.uinjkt.ac.id/index.php/ahkam

Re-examining the Consistency of al-Māwardī's Interpretative Method on *Jināyāt* Verses

10.15408/ajis.v26i1.41375

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Abstract

Amid accusations of al-Māwardī's theological alignment with the Muʿtazilite and criticisms that his interpretation of the *jināyah* (criminal law) verses contradicts human values, this study highlights the anthropocentric nature of his exegetical approach. By analyzing his commentary on *jināyah* verses, it demonstrates how he employs the *tafsīr bi al-ma'thūr* (tradition-based) method—relying on the hadith and accounts from the Prophet's companions and the *tābi'īn*—which characterizes his work as *tafsīr jam'i al-aqwāl* (an eclectic method). In presenting the perspectives of the companions and classical scholars, al-Māwardī's commentary shares similarities with that of al-Ṭabarī (though less comprehensive), Ibn al-Jawzī's *Zād al-Masīr*, and al-Ṣābūnī's *Ṣafwah al-Tafāsīr*. However, it diverges significantly from al-Ṣābūnī's other work, *Rawā'i' al-Bayān Tafsīr Āyāt al-Aḥkām*. Furthermore, this research proves that al-Māwardī consistently applies the Shāfi'ī method of legal deduction (*istinbāṭ al-ḥukm*), wherein legal rulings must fundamentally derive from the Quran, hadith, opinions of the companions, *takhyīr* (option), *ijmā'* (consensus), and *istidlāl* (inferential reasoning).

Abstrak

Di tengah tudingan teologi al-Māwardī yang menganut Muʿtazilah, dan metode penafsiran ayat-ayat *jinayat*-nya yang menurut sebagian kalangan bertentangan dengan nilai-nilai kemanusiaan, artikel ini justru menyoroti metode penafsirannya yang antroposentris. Dengan menganalisis penafsirannya pada ayat-ayat *jināyah* melalui metode *tafsir bi al-ma'thūr* yang mendasarkan pada hadis dan riwayat para sahabat dan *tābi'īn*, tafsir al-Māwardī bercorak *tafsīr jam'i al-aqwāl* (metode eklektik). Tafsir al-Māwardī memiliki kesamaan dengan tafsir al-Ṭabarī, (meski tidak sekomprehensif al-Ṭabarī), tafsir Ibn al-Jauzī dalam kitab *Zād al-Masīr*, dan tafsir al-Ṣābūnī dalam kitab *Ṣafwah al-Tafsīr* yang juga menghadirkan pendapat-pendapat sahabat dan ulama. Akan tetapi, tafsir ini berbeda dengan kitab al-Ṣābūnī dalam *Rawāi' al-Bāyān Tafsīr Āyāt al-Aḥkām*. Penelitian ini juga membuktikan bahwa metode *istīnbāṭ* hukum yang digunakan al-Māwardī dalam penafsirannya secara konsisten menggunakan metode *istinbāṭ al-ḥukm* al-Shāfi'ī, yaitu penetapan suatu hukum didasarkan pada *dalīl* Al-Qur'an, Hadis, pendapat sahabat, *takhyīr, ijmā',* dan *istidlāl*.

Keywords:
Anthropocentric interpretation; Eclectic method; al-Shāfi'ī legal formulation

How to Cite:
Musa, K. F., et al. (2026). Re-examining the Consistency of al-Māwardī's Interpretative Method on *Jināyāt* Verses. AHKAM: Jurnal Ilmu Syariah, 26(1). https://doi.org/10.15408/ajis.v26i1.41375

Introduction

Islamic criminal law (*fiqh al-jināyāt*) regulates criminal offenses and their sanctions (*jarīmah*) based on the legal formulations in the Quran and hadith (Rosyada, 1992; al-Qudah, 2020). Among the prominent scholars who examined Islamic criminal law is al-Māwardī in his work, *al-Nukat wa al-'Uyūn*. According to al-Dhahabī (d. 748 AH), it was al-Māwardī himself who gave the work its title. Al-Māwardī's *tafsīr* is categorized as *tafsīr bi al-ma`tsūr* (tradition-based exegesis), utilizing a *taḥlīlī* (analytical) method with a *lughawī* (linguistic) orientation (Shihab, 2007).

However, numerous questions persist related to al-Māwardī's creed (*ʿaqīdah*), specifically whether he was a Sunni or a Mu'tazilite. Among the earliest scholars to raise suspicions about al-Māwardī's theological stance was Ibn al-Ṣalāḥ (577–643 AH), a prominent leader of the Shāfiʿī school of law, who lived approximately two centuries after al-Māwardī. In his exegesis, al-Māwardī is alleged to have supported certain Muʿtazilite doctrines, including the doctrine of predestination (*al-qadar*). Nevertheless, Ibn al-Ṣalāḥ stopped short of declaring him an absolute Muʿtazilite, given that al-Māwardī did not align with the foundational principles (*uṣūl*) of the Muʿtazilite as a whole—for instance, regarding the createdness of the Quran or the creation of paradise.

The polemic over whether the Quran is created (*makhlūq*) or uncreated also lay at the root of the fierce debate between the Muʿtazilite and the Sunnis. After asserting that the Quran is a creation, the Muʿtazilite further argued that no one had yet pinpointed the exact nature of the Quran's inimitability (*iʿjāz*) (Jannah & Rahman, 2024). Scholars such as al-Bāqillānī had only explained its forms in general terms. In his work *Iʿjāz al-Qurʾān*, al-Bāqillānī did not yet explicitly detail the distinction between the Quran and other literary works. Thus far, the discourse—including indications from Quranic verses—has focused heavily on the Arabs' inability (*ʿajz*) to surpass the Quranic literature, rather than on the Quran's intrinsic inimitability (*iʿjāz*) (Zayd, 2003).

The subsequent issue concerns the distorted understanding of Islamic criminal law (*fiqh jināyāt*); many quarters perceive it as cruel and antithetical to humanitarian values (An-Naim, Baderin, 2019). In reality, there are profound misunderstandings surrounding this matter. According to Maḥmūd Shaltūt, capital punishment (*hudūd*) cannot be established through solitary traditions (*hadith āḥād*). Furthermore, apostasy or disbelief (*kufr*) cannot be invoked as a justification to wage war against non-Muslims; rather, it is their hostile aggression against Muslims that legitimizes warfare in self-defense (Shaltūt, Rahman, 2012).

Based on the background described above, the author deems it necessary to address the following research questions: (1) What is al-Māwardī's method of legal deduction (*istinbāṭ al-ḥukm*) in interpreting the verses of criminal law (*fiqh al-jināyāt*) in his work *al-Nukat wa al-ʿUyūn*? (2) What are the similarities and differences in the interpretation of *jināyāt* verses between al-Māwardī and other exegesis scholars? This study rebuts Giuseppe Palummieri's view that al-Māwardī employed Muʿtazilite methods. Furthermore, this research aligns with the perspectives of Mirzā Arshad Nadīm Bek and Muḥammad ʿAbd al-ʿAlī al-ʿAwfī, who maintain that al-Māwardī's interpretative method focuses on well-known and authentic narrations (*riwāyāt*), while providing contextual clarifications of word meanings.

Method

This study is classified as qualitative descriptive research, employing a library research design by collecting scholarly works directly addressing al-Māwardī and his treatises, particularly focusing on his argumentative understanding of the legal verses (*āyāt al-aḥkām*). Furthermore, it emphasizes inductive analysis to derive a comprehensive meaning. The

descriptive-qualitative method is applied by closely examining the primary source, namely *Tafsīr al-Nukat wa al-'Uyūn,* authored by Abū al-Ḥasan ʿAlī ibn Muḥammad ibn Ḥabīb al-Baṣrī ash-Shāfiʿī (Imām al-Māwardī). Concurrently, an analytical-comparative approach is employed to formulate a distinct argument regarding al-Māwardī's interpretation of verses that contain Allah's divine laws for humankind.

Istinbāṭ al-Ḥukm among Muʿtazilite Jurisprudents: A Comparative Study

In legal formulation (*istinbāṭ al-ḥukm*), there are several formulation rules, including: *bayānī* rules, *maqāṣid al-sharīʿah*, and *tarjīḥ* rules (Zaydan, 1976). For the *bayānī* rules, al-Nashīmī classifies the study of *lafẓ* (terms) and their meanings into four categories. (1) *Lafẓ* is viewed from the aspect of its established meaning or its scope, which includes *ʿāmm*, *khāṣṣ*, and *mushtarak*. (2) *Lafẓ* is viewed from the aspect of its usage in meaning, which includes *ḥaqīqah*, *majāz*, *ṣarīḥ*, and *kināyah*. (3) *Lafẓ* is viewed from the aspect of its clarity or lack thereof in indicating meaning, which includes two groups, namely (a) *wāḍiḥ al-dalālah* or terms with clear meanings, comprising *ẓāhir*, *naṣṣ*, *mufassar*, and *muḥkam*, and (b) *ghayr wāḍiḥ al-dalālah* or terms with unclear meanings, comprising *khafī*, *mushkil*, *mujmal*, and *mutashābih*. (4) *Lafẓ* is viewed from the aspect of its manner of implying meaning, which covers *ʿibārah al-naṣṣ*, *ishārah al-naṣṣ*, *dalālah al-naṣṣ*, and *iqtiḍāʾ al-naṣṣ* (Hasan, 2019).

On the other hand, the Muʿtazilite explained their perspective on linguistic implication (*dalālah lughawiyyah*). According to this group, language is valid only when it meets two conditions. First, it must involve a process of linguistic convention or designation (*al-muwāḍaʿah*). They maintain that speech (*kalām*) is an attribute of action (*ṣifah fiʿlīyyah*) rather than an attribute of essence (*ṣifat dhātīyyah*), and is therefore subject to analogical reasoning (*qiyās*). Second, language must be accompanied by intent (*al-qaṣd*). In this regard, the Muʿtazilite distinguishes between meaning (*maʿnā*) and linguistic expression (*lafẓ*), while holding that the relationship between the two is established through the specific communicative purpose recognized by a particular linguistic community (Zayd, 1987).

The Muʿtazilite school of thought in Islam flourished during the Abbasid Caliphate, particularly from the 8th to the 10th centuries CE. They are widely recognized for prioritizing rationalism in understanding Islamic teachings, including within their methodology of legal formulation (*istinbāṭ al-ḥukm*) (Nasution, 1983). The *istinbāṭ al-ḥukm* method employed by the Muʿtazilite was heavily influenced by Greek philosophical approaches—most notably Aristotelian logic—which they utilized to interpret the primary sources of Islamic law, namely the Quran and Hadith (Watt, 1973).

The primary characteristics of the *istinbāṭ al-ḥukm* methodology developed by the Muʿtazilite may be summarized as follows (al-Jabbār, 1965). *First*, rationalism (*al-ʿaql qabl al-naql*). The Muʿtazilite regard reason (*ʿaql*) as the primary instrument for understanding and deriving Islamic legal rulings. They maintain that the objective moral qualities of actions—namely goodness and badness (*ḥusn wa qubḥ*)—can be discerned through human reason independently of revelation. Accordingly, reason plays a decisive role in legal reasoning before consulting revealed texts. This position contrasts sharply with that of the Ashʿarite school, which holds that moral values cannot be known independently of divine revelation and are established solely through God's commands and prohibitions (Rahman, 1996).

Second, the principle of divine justice (*al-ʿadl*). The Mu'tazila firmly uphold the belief that Allah is absolutely just and is incapable of acting contrary to justice. This theological commitment serves as a foundational principle in their legal theory and significantly shapes their approach to *istinbāṭ al-ḥukm*. Consequently, legal interpretation must reflect and uphold the universal demands of justice rather than rely exclusively on a literal reading of scriptural

texts (Azizy et al., 2024). This principle has profound implications for their exercise of *ijtihād,* particularly in matters of criminal law, governance, and human rights, where legal rulings are expected to embody substantive justice and moral accountability.

Third, the Muʿtazilites accept *qiyās* (analogical reasoning) as a legitimate method of legal deduction. However, they employ it within a more rigorous rational framework than that found in the Ḥanafī or Shāfiʿī traditions (Rohman, 2021). For the Muʿtazilite, analogical reasoning is valid only when its underlying rationale (*ʻillah*) can be established through sound rational analysis. They also recognize *istiḥsān* as a supplementary method of legal reasoning and apply it through a systematic and coherent process. Consequently, both *qiyās* and *istiḥsān* are incorporated into a broader methodology that prioritizes rational inquiry and ethical considerations (Abdullah, 1995).

Fourth, the Muʿtazilites adopt a highly selective approach to the use of prophetic traditions in legal and theological reasoning. They generally reject *hadīth āḥād* (solitary traditions narrated by one or a few transmitters without reaching the level of *mutawātir*) as a legal basis for establishing doctrines of faith (*ʿaqīdah*) and matters of public law (Wahid, 2017). In their view, such issues require a higher degree of epistemological certainty than solitary reports can provide. This sets them apart from other jurisprudential schools, which display greater flexibility in adopting solitary traditions for sharia rulings.

Fifth, the Muʿtazilite does not regard *ijmāʿ* (scholarly consensus) as an independently binding source of law in an unconditional sense. Rather, it maintains that the validity of a legal opinion depends primarily on the strength of its rational and evidentiary foundations rather than on the number of scholars who endorse it (Afif & Wahid, 2025). Accordingly, consensus possesses normative value only when supported by sound reasoning and convincing evidence. This position differs significantly from that of legal schools such as the Shāfiʿī school, which recognizes *ijmāʿ* as one of the primary pillars of Islamic law.

The Muʿtazilite rationalist approach to *istinbāṭ al-ḥukm* directly impacted Islamic criminal law (*fiqh al-jināyāt*), including the *ḥudūd* (prescribed punishments established in the Quran and Hadith). In contrast to other schools of thought that adopt a more textualist approach to punishment, the Muʿtazilite emphasizes the principles of justice and the application of reason in interpreting and applying Islamic criminal law (Rahman, 2001).

In Islamic law, for instance, the punishment for theft (*sariqah*) that meets specific criteria is hand amputation, as maintained by the Sunni schools (Ḥanbalī, Ḥanafī, Mālikī, and Shāfiʿī). Conversely, within the Muʿtazilite school, amputation of the hand is not always deemed mandatory, particularly if the theft occurs due to unjust economic conditions; they argue for alternative punishments, such as restitution or imprisonment, that better suit certain circumstances (al-Jāhiz, 2003). They suggest that the word *iqṭaʿ* (cut off) in the Quranic verse does not necessarily signify physical amputation but can instead denote the severance of rights or the imposition of other economic sanctions (al-Ka'bī, 2018). This Muʿtazilite perspective has profound implications for the judicial system, as their approach could lead to a reform of Islamic criminal law that is more oriented toward rehabilitation and social justice, rather than mere corporal punishment (Abdullah, 2014).

Another example is found in the case of fornication and adultery (*ḥadd al-zinā*). The legal rulings (*fatwā*) of the Sunni schools prescribe a punishment of 100 lashes for unmarried offenders (*ghayr muḥṣan*) based on Q.S.al-Nūr: 2, and stoning to death (*rajm*) for married offenders (*muḥṣan*) (Zulkifli, 2023). Conversely, the Muʿtazilite school rejects the punishment of stoning because the narrations regarding stoning originate solely from solitary traditions (*hadith āḥād*). In contrast, they do not accept solitary traditions in matters of severe criminal law. Furthermore, they question the fairness of executing punishments for *zinā*, particularly when social factors—such as coercion or severe economic hardship—influence the act. Consequently, the Muʿtazilites leave open the possibility of alternative punishments beyond

lashing or stoning, such as social sanctions or fines (van Ess, 2018). The Muʿtazilite rationalist approach to *jināyāt* and *ḥudūd* laws emphasizes the principles of justice, public interest (*maṣlaḥah*), and the application of reason in understanding Islamic legal texts. In various cases, they reject a rigid textualist approach, favoring interpretations that accommodate social realities and universal justice (Al-Hallaq, 1997).

In al-Māwardī's view, the term *jarīmah* is generally used for all violations against actions prohibited by sharia, whether concerning human life or others, such as murder and causing injury to specific body parts (Djazuli, 2000). Viewed from the severity of the legal sanctions and whether or not they are explicitly stated in the Quran and hadith, *jarīmah* can be categorized into *jarīmah al-ḥudūd, jarīmah al-qiṣāṣ wa al-diyah, and jarīmah al-taʿzīr* (Santoso, 2003).

Al-Māwardī also explains the definitions of the types of crimes in Islam, including *jarīmah al-hudūd*, which refers to criminal offenses whose forms and statutory punishments are specified in the Quran. *Jarīmah al-hudūd* is closely related to the rights of Allah. *Jarīmah al-qiṣāṣ wa al-diyah* refers to criminal offenses punishable by *qiṣāṣ* (retaliation) or *diyah* (blood money) as determined by sharia; such crimes concern human rights, and the victim or their family can waive the punishment. *Jarīmah al-taʿzīr* refers to criminal offenses punishable by *taʿzīr* or educational/disciplinary punishment for sins (crimes) whose specific penalties have not been determined by sharia (Rahman, 2024).

Building on al-Māwardī's explanation above, Shahrur adds that Islamic law encompasses both the individual and collective spheres, making it a comprehensive legal system. Given the broad scope of Islamic law, it opens the door for *ijtihād* (independent legal reasoning) for scholars to reformulate laws within the parameters of the minimum limit (*al-ḥadd al-adnā*) and the maximum limit (*al-ḥadd al-aʿlā*) (Sahrūr, 2000).

Al-Māwardī's Anthropocentric Exegesis of *Jināyah* Verses

Anthropocentrism is an epistemology that focuses on grassroots themes such as human beings, the common people, the world, the earth, and others (Hanafi, 2000). Anthropocentrism serves as a scientific approach to developing Islamic legal discourse at the practical level, aligning with life realities that demand freedom in *ijtihād* (independent reasoning). An anthropocentric interpretation is an approach that places human beings at the center of the universe. Within this framework, the value and meaning of everything are measured by human interests and perspectives (Soroush, 2008).

Anthropocentric interpretation has expanded rapidly alongside advancements in science and technology (Kuntowijoyo, 1991). Among the characteristics of an anthropocentric interpretation is that humans serve as the measure of all things, meaning everything is evaluated based on its impact on humanity. Consequently, human interests become the primary priority in decision-making and action (Wijaya, 2020). Al-Māwardī's interpretation, which relies on the human (anthropocentric) dimension, can be observed in the following interpretations of *jināyah* (Islamic criminal law) verses.

Murder

In Arabic, the term *qatl* (murder or homicide) is derived from the root words *qatala-yaqtulu-qatlan*, which means `to kill`(al-Shihābī, 2003). It refers to taking another person's life (al-Zuhaylī, 2017) and causing death, an action committed by an individual that results in the loss of another person's life ('Audah, 2005). In the Qur'ān, the word *qatl* appears 170 times.

However, the word *qatl* and its variations do not always signify murder; rather, they can convey other meanings depending on the context, such as war, *jihad*, and so forth (Kaltsum & Moqsith, 2015). Within the specific context of the criminal offense of murder, there are at least 8 verses (al-Baqarah [2]: 178-179; al-Nisā [4]: 92-93; al-Māidah [5]: 32; al-Māidah [5]: 45; and al-Isrā [17]: 30-31).

In interpreting Q.S. al-Baqarah [2]: 178-179, for instance, al-Māwardī explains the meaning of `*kutiba ʻalaikum*` as an `obligation,` citing a poem by 'Umar ibn Abī Rabī'ah. Meanwhile, he defines the meaning of *qiṣāṣ* as 'an action committed by someone that is carried out in exact accordance with what another person has done to them. In discussing equal retaliation (*qiṣāṣ*) in the verse, "the free for the free, the slave for the slave, and the female for the female," al-Māwardī presents four interpretive positions: those of al-Shāfiʿī and Qatādah; al-Suddī and Abū Mālik; ʿAlī ibn Abī Ṭālib; and Ibn ʿAbbās. Despite these divergent opinions, al-Māwardī refrains from exercising *khiyār* (juristic preference) and does not explicitly endorse any single interpretation (al-Māwardī, 2010).

Meanwhile, al-Ṭabarī focuses more on presenting narrations related to the *asbāb al-nuzūl* (revelation contexts) of the murder verse rather than what is proposed in al-Māwardī's exegesis (al-Ṭabarī, 1999). On the other hand, the interpretations of Ibn al-Jauzī and al-Ṣābūnī do not provide a more comprehensive account of the *qiṣāṣ* verse than al-Māwardī's *tafsīr* (al-Māwardī, 2010).

With regards to forgiveness in *qiṣāṣ*—"Whosoever is forgiven by his brother, let him follow it up with appropriate manner and pay him with kindness"—he also compiles three opinions from Ibn ʻAbbās and Mujāhid, al-Suddī, as well as ʻAlī ibn Abī Ṭālib (al-Māwardī, 2010). Yet, once again, he does not exercise *khiyār* (preference) among these opinions. On the other hand, in terms of who has the right to forgive the perpetrator and who must pay the *diyah* (blood money), al-Māwardī presents the opinion of Abū Isḥāq al-Zajjāj, stating that the obligation to pay the *diyah* falls on the perpetrator and their guardian. In contrast, the victim's guardian has the right to prosecute the perpetrator (al-Māwardī, 2010). On the other hand, al-Ṭabarī argues that the perpetrator's brother bears the responsibility; al-Ṭabarī cites 18 narrations, including those from Mujāhid, Ibn ʻAbbās, al-Ḥasan, al-Sha'bī, Qatādah, al-Rabī', Ibn Jarīj, and Ibn Zayd (al-Ṭabarī,1999).

In relation to the concession in granting forgiveness, "this is a concession and a mercy from your Lord", al-Māwardī posits that there is a *khiyār* (option) for the victim's guardian to either execute *qiṣāṣ* or determine the *diyah*. This point cites Qatādah's opinion. Consequently, Muslims are granted a concession through these available options: the enforcement of *qiṣāṣ*, the payment of *diyah*, or the granting of a complete pardon (Hidayat, 2022).

Al-Māwardī's interpretation, which is deeply infused with humanistic (anthropocentric) values, is evident when he interprets the verse, "and there is (a guarantee of) life for you in *qiṣāṣ*." Citing the opinions of Mujāhid, Qatādah, and al-Suddī, he asserts that imposing the *qiṣāṣ* penalty on the murderer while abandoning acts of revenge against those who are not the killer serves as a protection and guarantee of life (Anshori, 2021). This is because when a murderer realizes that their own life will be taken in exchange for the life they stole, they will refrain from committing the murder, thereby preserving their own life. Similarly, the victim (or their family) has the right to demand *qiṣāṣ*, or, if they choose, to forgive without retaliation. In this matter, al-Māwardī exercises *khiyār* (preference) and argues that while both meanings share common ground, the interpretation put forward by al-Suddī is preferred (Rahman, 2021).

From the analysis above, al-Māwardī places greater emphasis on the method of *jam'u al-aqwāl* (eclecticism), gathering views from the companions (*ṣaḥābah*), the successors (*tābi'īn*), as well as exegesis scholars (*mufassirūn*) and jurists (*fuqahā'*). Nonetheless, the analysis also reveals that al-Māwardī's interpretation leans more toward the Shāfi'ī school of thought (*madhhab*) compared to the other presented opinions (Fathurrahman, 2021).

Meanwhile, in determining the legal penalty (ḥadd) for the crime of murder, al-Māwardī argues that both the Quran and the Sunnah clearly establish the punishment of *qiṣāṣ*. Therefore, even in the absence of *ijmā'* (scholarly consensus) and *shawāhid al-'aql* (rational evidence), the enforcement of *qiṣāṣ* remains obligatory, complemented by the privilege of *khiyār* (option) for the victim's guardian to choose between *qawad* (*qiṣāṣ*) or a pardon accompanied by the specified *diyah* (Hakim, 2022).

Theft

Al-Māwardī's anthropocentric legal outlook is evident in his view that the application of criminal sanctions for theft (*sariqah*) must not be narrowly construed as merely a repressive, harsh form of law enforcement or as mere physical retribution. According to him, positioning the concept of *hudūd*—including the punishment for thieves—serves as a vital pillar of *wilāyat al-maẓālim* (the judiciary for redressing injustices) to safeguard social justice and legal equality (Gustiawati, 2013).

Al-Māwardī also asserts that theft is a systemic crime that undermines the security of property ownership (*hifzh al-māl*), which constitutes one of the fundamental human rights (*al-ḍarūriyyāt al-khams*). Therefore, the enforcement of law against theft represents the state's commitment to treating all citizens equally before the law, regardless of the social status of either the perpetrator or the victim (Kamali, 2019). Through this fair legal certainty, social order can be maintained, oppression of the weak by the powerful can be prevented, and collective justice can be realized within society. Al-Māwardī bases his view on the saying of the Prophet (peace be upon him): "Even if Fatimah (my daughter) were to steal, I myself would cut off (her hand)."

Within the discourse of *fiqh al-jināyāt* (Islamic criminal law), al-Māwardī provides an extensive space for the human dimension through the concepts of spiritual and social rehabilitation, which are actualized through the mechanisms of repentance (*al-tawbah*) and financial restitution (*ḍamān* or *arsh*). For al-Māwardī, Islamic law is not designed to punish the perpetrator of a crime; rather, it aims to rectify the offender's spiritual state while simultaneously restoring the victim's rights. In the context of the offender, repentance (*al-tawbah*) is viewed as a gateway to sincere spiritual rehabilitation, enabling the individual to reintegrate into society without carrying the burden of a lifelong social stigma. Furthermore, in certain *hadd* cases before the matter reaches the court, genuine repentance can even remit the worldly sanctions (Syahrullah, 2016).

Meanwhile, the humanitarian dimension concerning the victim is equitably accommodated through instruments of material restitution for property damage or loss, as well as physical indemnity (*diyah*) for injuries sustained (Hassan, 2024). By combining vertical restoration (the offender's spiritual reconciliation with Allah through repentance) and horizontal restoration (social reconciliation with the victim through compensation), al-Māwardī demonstrates that the ultimate essence of law enforcement lies in public interest (*maṣlaḥah*), peace, and just humanity.

In Q.S. al-Mā'idah [5]: 38-39, concerning the legal penalty (*ḥadd*) for theft, al-Māwardī explains the rationale for the *ḥadd* punishment: to deter thieves. Historically, according to al-Māwardī, the practice of amputating the hand of a thief was not a divine law born in a vacuum;

rather, it was a customary legal tradition already recognized by the pre-Islamic Arab society (*Jāhiliyyah*) long before the advent of Islam. According to him, the first to implement the law of hand amputation during the *Jāhiliyyah* era was the Quraysh tribe against a thief named Duwayb ibn Qays.

For al-Māwardī, the existence of this law in the pre-Islamic era demonstrates universal recognition in human conscience that theft is a severe crime that destabilizes the economic pillars and the security of society. When Islam arrived, this tradition was not entirely abolished; rather, it was adopted as part of the *ḥudūd* laws ordained in the Quran (Q.S. al-Mā'idah: 38). This step was taken because the law had proven highly potent as a deterrent (*zājir*) in maintaining social order. Despite adopting the tradition, Islam, under the guidance of revelation, instituted a highly revolutionary legal reform (Iskandar, 2003). During the *Jāhiliyyah* era, the punishment of hand amputation was applied arbitrarily, without clear legal standards, and often depended on the social status of both the perpetrator and the victim, and was enforced regardless of the severity of the theft (al-Māwardī, 2010).

In discussing the value of the stolen property (*al-qadar*) and its secure custody (*al-ḥirz*), al-Māwardī interprets the verse, "As for the male thief and the female thief, amputate their hands," by advancing two interpretive approaches: first, that the verse constitutes a general ruling (*ʿāmm*) subsequently qualified (*makhṣūṣ*); and second, that it is a general statement (mujmal) whose meaning is clarified through further elaboration (*mubayyan*). Meanwhile, al-Ṭabarī cites several opinions, including that of Mālik ibn Anas, who posits that the minimum threshold (*niṣāb*) of theft subject to the *ḥadd* penalty is 3 dirhams; al-Awzāʻī, who sets it at ¼ dinar; and Abū Ḥanīfah, who establishes it at 10 dirhams. On the other hand, Ibn al-Jawzī argues that the minimum threshold is ¼ dinar, while noting another opinion that places it at 3 dirhams (Fathoni, 2022).

The divergence of views between al-Māwardī and al-Ṭabarī regarding the requirements of *al-ḥirz* (secure custody) and *al-qadr/niṣāb* (the minimum threshold of property value) lies in the fact that al-Māwardī represents the group that imposes highly stringent conditions for executing the hand amputation penalty (*ḥadd*). Conversely, al-Ṭabarī tends to adopt a more flexible stance toward these technical requirements (Abrar & Yahya, 2024).

This divergence of views implies that the majority of real-world theft cases would escape the hand amputation penalty for failing to meet the *ḥirz* requirement (for instance, taking an item left in an inappropriate place) or for having a value below the *niṣāb*. These cases are automatically redirected to alternative punishments (*taʿzīr*), such as imprisonment or fines, which, in al-Māwardī's perspective, are more humane. On the other hand, from al-Tabari's perspective, a perpetrator of theft cannot easily 'escape' the *ḥadd* penalty merely because the property owner was negligent in storing their wealth. This approach prioritizes the absolute protection of public property (*ḥifẓ al-māl*) and maximizes the preventive deterrent effect (*zājir*).

With respect to financial restitution for theft in reference to the verse, "as a recompense for what they committed," al-Māwardī cites two opinions: the opinion of Abu Hanifah, who states that paying compensation is not obligatory, and the opinion of al-Shāfiʼī, who argues that it is mandatory. He further notes that this verse was revealed in the context of the theft case involving Ṭu'mah ibn Ubairiq, who stole a coat of mail.

In addressing witness testimony, al-Māwardī maintains that a judge should refrain from issuing an immediate ruling based solely on testimony. However, if the accused voluntarily confesses to the theft, the prescribed legal penalty (*ḥadd*) is to be enforced. Meanwhile, in formulating the prescribed penalty (*ḥadd*) for theft, al-Māwardī follows the trajectory of legal derivation (*istinbāṭ al-ḥukm*) practiced by the majority of scholars—specifically the eclectic

scholars of the Shāfi'ī school—which grounds its reasoning on the Quranic verses, hadith, as well as the traditions of the Prophet's companions (*āthār al-ṣaḥābah*).

In al-Māwardī's view, determining the prescribed penalty (*ḥadd*) for a perpetrator of fornication or adultery (*zinā*) is predicated on the definition of the act itself. For instance, *zinā* is defined as sexual intercourse committed outside of a valid marital bond. This *ḥadd* punishment can only be enforced if the act completely satisfies the definition of *zinā* in its absolute sense (i.e., sexual penetration occurs). If the perpetrator is a *muḥṣan* (someone who is or has been legally married), the penalty is stoning to death (*rajm*). If the perpetrator is a *ghayr muḥṣan* (someone who has never been married), the penalty is one hundred lashes.

Zinā

In al-Māwardī's view, determining the prescribed punishment (*ḥadd*) for a perpetrator of adultery/fornication (*zinā*) is based on the definition of *zinā* itself. For instance, *zinā* is defined as sexual intercourse committed without a valid marital bond. This *ḥadd* punishment can only be applied if the act fully meets the absolute definition of *zinā* (i.e., sexual penetration has occurred). If the perpetrator is *muḥṣan* (married or has been validly married), the punishment is stoning (Kaltsum, 2016). If they are *ghayr muḥṣan* (unmarried), the punishment is 100 lashes.

Zinā is defined as intimate relations between a man and a woman outside of a valid marriage bond, whether through penetration or other sexual acts via the front channel (female genitalia) or the rear channel (Kaltsum, 2013). If the sexual act does not meet the aforementioned definition of *zinā*—such as merely kissing, hugging, or engaging in sexual activities without penetration (often referred to as *zinā al-jawāriḥ* or *zinā* of the limbs)—then the *ḥadd* punishment is void. The perpetrator cannot be stoned or given 100 lashes; instead, they are subject to a *taʿzīr* (discretionary) punishment, the severity of which is determined by the judge or state policy for rehabilitation purposes. Fundamentally, all religions unanimously agree on prohibiting *zinā* (adultery/fornication). Consequently, the punishment for *zinā* is among the most severe, as it constitutes a crime against honor and lineage (Zuhaylī, 2017). The prescribed punishment for *zinā* is flogging (lashing). In this regard, al-Māwardī's view aligns with that of al-Ṣābūnī, who cites the interpretation of Ibn Kathīr, as well as the view of Ibn Jauzī in *Zād al-Masīr*, which includes an additional statement from ʿUmar ibn al-Khaṭṭāb.

Meanwhile, al-Ṭabarī in his commentary (*tafsīr*) quotes Mujāhid, Ibn 'Abbās, Qatādah, 'Aṭā' ibn Abī Rabāḥ, al-Suddī, al-Ḍahāq ibn Muzāḥim, al-Ḥasan, 'Ubādah ibn aṣ-Ṣāmiṭ, and Ibn Zayd, stating that a *muḥṣan* adulterer is to be stoned, whereas a *ghayr muḥṣan* unmarried offender is to be given one hundred lashes and exiled. It appears that al-Ṭabarī's view aligns with that of al-Māwardī, who adopts al-Shāfi'ī's opinion in his *al-Ḥāwī al-Ṣaghīr*.

With respect to the intensity of the lashes in the *ḥadd* punishment for *zinā*, Ibn al-Jauzī quotes Ḥasan al-Baṣrī and Abū Ḥanīfah as advocating for lashes that are more severe than those administered to an alcoholic-drinker (*khamr*). Conversely, the Mālikī view holds that the intensity of the lashes should be identical, without differentiation. Meanwhile, the discussion of the punishment of flogging for perpetrators of *zinā*, as prescribed in Q.S. al-Nūr [24]: 2, al-Māwardī cites the majority of scholars (*jumhūr al-'ulamā'*) who argue that the ruling on flogging has been abrogated (*naskh*), contrasting with the view of Qatādah and Dāwūd [ibn] 'Alī, who maintain that it remains applicable.

Concerning adulteresses who become pregnant, according to the Mālikī view, they are obligated to observe a waiting period (*'iddah*). However, al-Māwardī refutes the Mālikī stance by pointing to the hadith's historical context (*asbāb al-wurūd*), arguing that it was specifically directed at female captives of war. In other words, in his view, there is no *'iddah* for a woman

who becomes pregnant from an act of *zinā*. This differs from the opinion of Abū Yūsuf and Abū Ḥanīfah, who prohibit engaging in marital relations with her. As for the marital status of a woman who has committed *zinā*, al-Māwardī quotes al-Shāfi'ī, who considers such a marriage to be valid.

In terms of proof and the enforcement of punishments for *zinā*, al-Māwardī cites the opinion of Abū Ḥanīfah and Aḥmad ibn Ḥanbal, who hold that the confession for *zinā* must be made four separate times. In contrast, al-Shāfi'ī and Mālik [the Mālikī school] deem a single confession or testimony to be sufficient (Anwar, 2022).

In discussing the mitigation of punishment, with reference to the verse, "Let not pity for them withhold you from obeying Allah's law, if you believe in Allah and the Last Day," al-Māwardī cites 'Ikrimah, who interprets the verse as prohibiting the complete abandonment of the prescribed punishment, and Qatādah, who understands it as prohibiting any reduction of the punishment. This interpretation accords with al-Ṭabarī, who cites 'Abdullāh ibn 'Umar, Mujāhid, Ibn Jurayj, 'Aṭā', Ibrāhīm, Ibn Zayd, and Ibn Yasār in support of the same position. Likewise, al-Ṣābūnī advocates the strict enforcement of the prescribed (*ḥadd*) punishment.

With respect to the legal status of adulterers and fornicators in the verse, "And the two among you who commit it (the shameful act), punish them both," al-Māwardī cites al-Suddīy and Ibn Zayd, who state that this verse was revealed specifically for unmarried individuals (*ghayr muḥṣan*). Conversely, Ḥasan and 'Aṭā' argue that the verse was revealed for both unmarried and married (*muḥṣan*) individuals. Al-Māwardī also quotes Zirr ibn Ḥubaish from Ubayy, noting that in Ubayy's *muṣḥaf* (codex) of Q.S. al-Aḥzāb, it was written: "If an old man and an old woman commit zina, stone them both definitively as an exemplary punishment from Allah. And Allah is Almighty, All-Wise".

In formulating (*istinbāṭ*) of punishments for *zinā* (adultery/fornication) and *qaḏf* (false accusation of unchastity), al-Māwardī appears to employ different methodologies for each. For the formulation of the law on *zinā*, he undergoes a detailed process, basing his analysis on Quranic verses, hadith, the sayings of the Companions, consensus (*ijmā'*), as well as al-Shāfi'ī's legal rulings (both *qaul qadīm* and *qaul jadīd*). In contrast, for the formulation of the law on qaḏf, he relies solely on Quranic verses, hadith, and *takhyīr* (discretionary choice) (Rahman et al., 2024).

Al-Māwardī's Eclecticism in the Interpretation of *Jināyah* Verses

When interpreting the Quran, an exegete who employs an eclectic method of interpretation (*manhaj al-tafsīr al-jāmi'*) utilizes a wide array of ianterpretive tools and sources (al-Asfahānī, 1998). In fact, the interpreter applies every legitimate technique whenever possible. By employing the methodology of *al-tafsīr al-Qur'ān bi al-Qur'ān*, the interpreter can initiate the exegesis process by comparing Quranic verses. Additionally, the exegete may employ techniques such as narrations (*riwāyah*), logical analysis, scientific indications, or inner signs to complete the interpretation. An interpreter is not restricted to using only one or two interpretive techniques when adopting this eclectic approach (Hasan, 2021).

To produce a more comprehensive and profound interpretation, the *mufassir* (exegete) endeavors to combine some authoritative (*mu'tabar*) techniques to comprehend and elucidate the meaning of the Quranic verses.

When employing this eclectic approach to interpretation, it is conceivable that an interpreter may occasionally be unable to apply one or more interpretive techniques to certain verses (Jannah, 2018). For instance, some verses may lack scientific indications or a history of

interpretation. Ultimately, the exegete must select a variety of conclusive techniques from the eclectic pool.

Both the eclectic and rational approaches to interpretation share a commonality: the interpreter utilizes both rational arguments (*dalīl ʻaqlī*) and Qur'anic textual evidence (*dalīl naqlī*). In other words, an interpreter supplements the interpretive process with logical reasoning, drawing on textual evidence from the Qur'ān and Hadith (Kerwanto, 2020).

In his commentary *al-Nukat wa al-ʻUyūn*, al-Māwardī endeavors to remain objective by citing quotations along with the authors' names, presenting his own commentary, and subsequently determining the weightiest opinion (*tarjīḥ*). The primary strength of this exegetical work is that the author, while adhering to the Shāfiʻī school, does not disregard the discourses of other *madhhab*, provided their opinions are well-founded and their arguments are grounded in sound reason. He meticulously organizes the scholars' statements, summarizing them when interpreting a specific verse, and selectively chooses one, two, or three scholarly opinions (eclecticism). Ultimately, he grounds the interpretation in his own commentary on the verse while providing *tarjīḥ* (preferential validation) for some of the opinions he selects.

In applying Shāfiʻī's *istinbāṭ al-ḥukm* (derivation of legal rulings), al-Māwardī is predominantly driven by interpreting the Quran through the Quran (*āyah bi al-āyah*), then by the Hadith of the Prophet Muhammad, and finally by the sayings of the Companions (*qaul ṣaḥābah*). Only after these steps does he utilize consensus (*ijmāʻ*), inferential reasoning (*istidlāl*), and *takhyīr* (presenting relevant alternative opinions). In discussing the inclusion of al-Shāfiʻī's old and new dictums (*qaul qadīm* and *qaul jadīd*), al-Māwardī does not employ them at all within his *tafsīr*.

Based on the analysis, it can be concluded that al-Māwardī's commentary exhibits the *jamʻu al-aqwāl* (eclectic) style of interpretation, which is predominantly driven by the sayings of the Companions (*qaul ṣaḥābah*), alongside Quranic verses and hadith.

In the eclectic method he employs, he pursues at least the following three steps: *first,* reconstructing or renewing what previously existed (revitalization), for instance, in explaining homicide (murder) (Fatoni, 2023). In interpreting Surah al-Nisā' [4]: 92-93, al-Māwardī is quite detailed in presenting the exegesis context by context, utilizing the *jamʻu al-aqwāl* (eclectic) method from various opinions of the Companions and scholars who discussed the verse. In addition, al-Māwardī also implements several of al-Shāfiʻī's *istinbāṭ al-ḥukm* (legal derivation) methodologies, such as *tafsīr bi al-Qur'ān*, *bi al-sunnah*, *bi qaul al-ṣaḥābah*, *takhyīr*, *ijmāʻ*, and *istidlāl*.

In his interpretation, al-Māwardī provides more detailed explanations of the issues and discussions; however, when examining the groups of verses mentioned above—including the topic of homicide—al-Māwardī predominantly relies on the *qaul ṣaḥābah* (sayings of the Companions) to explain this law. In the group of verses specifically discussing the law of theft, al-Māwardī explains both groups in meticulous detail. Furthermore, in deriving legal rulings, al-Māwardī employs the Sunnah, *qaul ṣaḥābah*, and also *ijmāʻ* (consensus).

Second, reconstructing or renewing something that is no longer relevant (Anwar, 2021). For example, the topic explaining the law on *zinā* (adultery/fornication). After al-Māwardī presents two opinions regarding the abrogation (*naskh*) of the flogging punishment for perpetrators of *zinā*, the first opinion is that of the *jumhūr al-ʻulamā'* (the majority of scholars) from among the *tābiʻīn* (successors) and *fuqahā'* (jurists), which asserts that the flogging punishment has been abrogated. The second opinion is held by Qatādah and Dāwūd [ibn] ʻAlī, who argue that the flogging punishment remains in effect. Al-Māwardī then notes that the interpretation of this verse is general, applying to both unmarried (*ghayr muḥṣan*) and married (*muḥṣan*) offenders.

The disagreement over the abrogation of this punishment turns on whether the text is construed as prescribing the punishment itself or merely regulating the period for its

implementation. Thus, those who argue that it is a punishment consider it to have been abrogated (*naskh*) by Surah al-Nūr [24]: 2. Conversely, those who maintain that it is a timeframe for administering a punishment argue that the penalty remains applicable.

In his commentary, al-Māwardī provides extensive explanations of the detailed issues and debates related to the law of *zinā*. This stands in contrast to how al-Māwardī explains the law of *qadhf* (false accusation of unchastity), where he provides only a brief explanation compared to his discussion on the law of *zinā*. Consequently, in elucidating *zinā*, al-Māwardī relies more heavily on *qaul ṣaḥābah* (sayings of the companions), *takhyīr*, *ijmā'* (consensus), and *istidlāl* (inferential reasoning).

Third, reconstructing or renewing with an entirely new form (innovative creation). For instance, in the group of verses discussing *bughāt* (rebels/insurgents), al-Māwardī briefly explains this group of verses by utilizing the Sunnah, *qaul al-ṣaḥābah* (sayings of the Companions), and *istidlāl* (inferential reasoning) to elucidate the legal rulings contained within them (Siregar, 2020).

In simple terms, the legal proofs used by al-Māwardī in deriving rulings (*istinbāṭ al-ḥukm*) include: the Quran, the Sunnah, *ijmā'* (consensus), *qiyās* (analogical deduction), and *al-takhyīr* (discretionary choice) when encountering *ikhtilāf* (scholarly disagreement). Al-Māwardī strongly prioritizes and incorporates hadith as an explanatory tool for Quranic texts that remain *ẓannī* (speculative or open to interpretation).

It appears that al-Māwardī's method of *ijtihād* (independent legal reasoning) shares similarities with that of al-Shāfi'ī: the primary sources are the Quran and the Sunnah. If an issue is not regulated within the Quran and the Sunnah, its ruling is determined through *qiyās*. The Sunnah is applied provided that its chain of transmission (*sanad*) is authentic (*ṣaḥīḥ*). *Ijmā'* is prioritized over an isolated report (*khabar mufrad/āḥād*). The meaning derived from a hadith is its literal meaning (*ẓāhir*). If a term is *ihtimāl* (contains alternative meanings), the literal meaning (*ẓāhir*) takes precedence. A broken chain hadith (*munqaṭi'*) is rejected, except for the transmissions of Ibn al-Musayyab. A primary precedent (*al-aṣl*) cannot be analogized to another *al-aṣl*. The questions "why" and "how" must not be posed to the Quran and the Sunnah; both are only questioned in relation to the subsidiary branches of law (*al-furū'*) (Mubarak, 2023). In addition, al-Māwardī considers al-Shāfi'ī's opinions to be highly flexible, as exemplified by his *qaul qadīm* (old dictum) and *qaul jadīd* (new dictum), which is what led him to accommodate al-Shāfi'ī's views extensively (Rohman, 2022).

The Polemic Surrounding al-Māwardī's Alleged Mu'tazilite Ideology

Al-Māwardī was born during a severe crisis in the Abbasid caliphate, marked by worsening socio-political disintegration. The indicators included the rise of numerous breakaway dynasties that severed ties with Abbasid authority to establish small kingdoms outside the core Abbasid territories (Sadzali, 2008). Nevertheless, it is worth noting that while this dynasty suffered a political decline, the fields of philosophy and science continued to flourish, giving rise to many great scholars, including al-Fārābī, al-Māwardī, al-Gazālī, and others (Iqbal & Nasution, 2010). This was due to the immense attention political leaders paid to the scholarly spirit. Furthermore, a prevailing mainstream belief at the time held that a nation's power and glory resided in its intellectual strength, prompting dignitaries and political leaders to compete to dedicate their full efforts to this field.

Among the earliest scholars to question al-Māwardī's theological orientation (*'aqīdah*) was al-Imām Abū 'Amr Uthmān al-Kurdī al-Shahruzūrī, better known as Ibn al-Ṣalāḥ (577–643 AH), who was himself a prominent jurist of the Shāfi'ī school. He lived approximately two centuries after al-Māwardī. His assessment was based on al-Māwardī's work of exegesis titled *Al-Nukat wa al-'Uyūn*, which was suspected of containing, and even leaning toward,

certain Mu'tazilite doctrines. Nevertheless, Ibn al-Ṣalāḥ did not flatly categorize him as an absolute Mu'tazilite, as al-Māwardī did not align with the core principles (*uṣūl*) of the Mu'tazila as a whole—such as on the issues of the createdness of the Qur'ān or the createdness of paradise. Instead, he only leaned toward them on a few specific matters, such as the issue of *al-qadar* (divine decree/predestination), which subsequently became a trial and tribulation for the inhabitants of Basra.

However, in the field of theology, he also possessed rational thought; this can be observed, among other instances, in the statement of Ibn al-Ṣalāḥ, who asserted that, on several interpretive issues contested between the ahl al-Sunnah and the Muʿtazilite, al-Māwardī tended to lean closer to the Muʿtazilite (al-Akrī, 1986).

Historical records indicate that al-Māwardī also studied jurisprudence (*fiqh*) under Abū al-Ḥamīd al-Asfarāyīnī, which led him to become one of the prominent jurists of the Shāfi'ī school. Even though al-Māwardī is categorized as a follower of the Shāfi'ī *madhhab* in the field of theology (Iqbal & Nasution, 2010), he also held rational views; this is evident, among other things, from Ibn al-Ṣalāḥ's statement that on several interpretive issues disputed between the Ahl al-Sunnah and the Muʿtazilite, al-Māwardī actually inclined toward the Muʿtazilite (al-Asqalānī, 2002).

According to Ibn al-Ṣalāḥ, Mu'tazilite influence is highly visible in al-Māwardī's exegesis. Understandably, when interpreting various verses disputed by commentators, al-Māwardī presents both Sunni and Mu'tazilite interpretations (Kaltsum & Amin, 2023). According to Ibn al-Ṣalāḥ, al-Māwardī merely intended to clearly contrast truth (*al-ḥaqq*) with falsehood (*al-bāṭil*). Ibn al-Ṣalāḥ further observed that, with respect to the interpretation of ambiguous verses (*al-mutashābihāt*), Muʿtazilite exegesis often rests on a questionable and potentially hazardous interpretive foundation. In his view, its reliance on allegorical interpretation (*taʾwīl*) leaves it susceptible to the subtle and concealed influence of the proponents of falsehood (*ahl al-bāṭil*).

Such an expression by Ibn al-Ṣalāḥ indicates his hesitation to categorize al-Māwardī as a Mu'tazilite exegete, given that al-Māwardī was actually a *mujtahid* (independent jurist) with no direct lineage or affiliation to Mu'tazilite figures. Furthermore, he opposed the doctrine of *khalq al-Qur'ān* (the createdness of the Qur'ān), even though he accepted the Mu'tazilite stance on *al-qadar* (divine decree). The convergence of opinion between al-Māwardī and the Muʿtazilite about *al-qadar* is logical, as he recognized the authority of intellect (*'aql*) as a source of knowledge alongside divine revelation. It is undeniable that intellect plays a decisive role in an individual's destiny in this world, shaping outcomes such as wealth or poverty, intelligence or ignorance, success or failure, and profit or loss. Therefore, characterizing his work in the field of exegesis as a Mu'tazilite *tafsīr* is rather inappropriate (Syukur, 2014). Subsequently, al-Māwardī took the initiative to contribute by authoring a commentary that compiles *ta'wīl* (allegorical interpretations) and exegesis of verses whose meanings are hidden and difficult to comprehend (Zuhri & Mundhir, 2023).

Ibn al-Ṣalāḥ's statement does not definitively guarantee that al-Māwardī was an adherent of the Mu'tazila, considering that several of his ideas remain incompatible with Mu'tazilite thought. It is well known that the Mu'tazila held the Qur'ān to be a created entity (*makhlūq*), whereas al-Māwardī argued that it is eternal (*al-qadīm*). The similarity between al-Māwardī's views and those of the Mu'tazila is strictly visible in their stance on *qaḍā'* and *qadar*. However, his position on *qaḍā'* and *qadar* appears not to be a result of learning from the Mu'tazila, but rather the product of his own independent reasoning (*ijtihād*) (al-Akrī, 1986).

On the other hand, the influence of the Mu'tazilite religious doctrine, which tended to be rationalist, as well as the rise of Shi'ism embraced by the Abbasid dignitaries from the Buyid dynasty (Bani Buwaih), also shaped their mindset. Consequently, although intense political upheavals occurred in Baghdad, they did not disrupt scholarly activities. This golden age of

science in Islam—the period during which Muslim knowledge reached its zenith—profoundly influenced al-Māwardī's psyche as a scholar of high spirit, ultimately establishing him as a brilliant thinker. Given these circumstances, it is unsurprising that al-Māwardī grew up to become an Islamic thinker who excelled in jurisprudence, literature, and adept politics. Despite being a Sunni who adhered to the Shāfiʻī school, al-Māwardī remained well-liked and respected by both the Sunni Abbasid rulers and the Shi'ite Buyid rulers. The Buyids favored him because al-Māwardī frequently resolved disputes among them.

Al-Māwardī lived during a period when the Abbasid Caliphate was undergoing various upheavals and disintegration. As previously mentioned, the Abbasid caliphs were completely weak and powerless. Their authority was merely a formality, while real power resided with the Buyid dynasty and the Turks. The beginning of the Abbasid political decline dates back to the reign of al-Mutawakkil. Al-Mutawakkil was a weak caliph; during his administration, the Turks swiftly seized power. Following al-Mutawakkil's death, they selected and appointed the caliphs. Consequently, power was no longer in the hands of the Abbasids, even though they continued to hold the office of the caliphate (al-Māwardī, 2010).

Conclusion

Several historical works, often overlooked, may record vital information about past events that can aid efforts to address contemporary social problems, including humanitarian violations and criminality. This article demonstrates that *al-Nukat wa al-ʻUyūn* plays a significant role in proving the humanitarian values within Sharia law to Muslims (an anthropocentric approach). *Al-Nukat wa al-ʻUyūn* illustrates the methodological steps in formulating sharia penal laws applied since the 10th century, which align with modern paradigms in combating criminality and violations of humanitarian values.

Furthermore, al-Māwardī's work offers insights into the formulation of criminal law that are compatible with contemporary humanitarian values. Nevertheless, the legal principles embedded in *al-Nukat wa al-ʻUyūn,* particularly those relating to *jināyāt,* are not readily accessible to the wider Muslim community without the interpretive contribution of Quranic scholars and legal experts. These scholars play a crucial role in translating and disseminating al-Māwardī's ideas to broader audiences. This study also suggests that *al-Nukat wa al-ʻUyūn* possesses significant potential to contribute to contemporary responses to humanitarian challenges through a humanistic approach to Quranic interpretation, despite having received relatively limited scholarly attention in this regard.

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