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## Dialectics of Custom and Sharia in the Indonesian Tafsir Book: Qualitative Content Analysis of the Legal Categories of Tafsir

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**Kata Kunci :**

Tafsir; Indonesia; Adat

**Abstrak**

Mengingat sifat adat yang beragam dan dinamis, namun menjadi subjek yang turut serta dalam proses pembentukan hukum, bersanding dengan syariat yang terbatas (statis) namun universal, hukum-hukum Islam dalam Al-Qur'an terkait poligami, riba, dan jihad, dipilih dalam penelitian ini untuk diselidiki, apakah termasuk syariat atau hanya sebatas adat yang tidak disyariatkan, dengan melihat bagaimana para mufassir Indonesia memutuskannya dalam karya tafsirnya. Tujuannya untuk mendeskripsikan penerapan teori adat sebagai ukuran dalam konteks tafsir Indonesia. Penelitian ini menggunakan jenis kualitatif dengan metode Analisis Isi. Pengumpulan data dilakukan melalui studi pustaka, dan dianalisis dengan mengikuti tahapan dari Philipp Mayring: 1) Penentuan kategori hukum awal berdasarkan teori, 2) Koding dan Ekstraksi Data, 3) Klasifikasi dan Reduksi Data, dan 4) Interpretasi Kontekstual. Hasil penelitian menunjukkan bahwa para mufassir Indonesia melakukan evaluasi, penyesuaian dan aktualisasi syariat, dengan berlandaskan adat yang berkembang. Kontribusi akademis penelitian ini terletak pada "adat sebagai ukuran" yang berposisi sebagai evaluator, penyesuai hukum (takyīf) dan pengaktualisasi hukum (tanzīl). Dalam dimensi praktis, hasil penelitian dapat diterapkan di kehidupan sehari-hari, atau untuk keperluan penelitian.

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**Keywords :**

Tafsir; Indonesia; Custom

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**Abstract**

*Given the diverse and dynamic nature of custom, but being a subject that participates in the process of law formation, side by side with limited (static) but universal sharia, Islamic laws in the Qur'an related to polygamy, usury, and jihad, were chosen in this study to be investigated, whether they are included in sharia or only as customs that are not prescribed by law, by looking at how Indonesian interpreters decide them*

*in their interpretations. The aim is to describe the application of customary theory as a measure in the context of Indonesian interpretation. This study uses a qualitative type with the Content Analysis method. Data collection was carried out through literature studies, and analyzed by following the stages of Philipp Mayring: 1) Determination of initial legal categories based on theory, 2) Data Coding and Extraction, 3) Data Classification and Reduction, and 4) Contextual Interpretation. The results of the study show that Indonesian interpreters evaluate, adjust and actualize sharia, based on developing customs. The academic contribution of this research lies in "custom as a measure" which is positioned as an evaluator, legal adjuster (takyif) and legal actualizer (tanzil). In the practical dimension, the research results can be applied in everyday life, or for research purposes.*



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## INTRODUCTION

Islamic laws related to hijab, polygamy, usury, jihad, or others, are they included in the Sharia or are they just customs that are not prescribed? This topic will be discussed in this study by looking at how the Indonesian *mufassirs* decided it in their works of tafsir. However, the history of Qur'anic interpretation continues to develop. From those that emphasize normative history to those that emphasize rationality. The Qur'an is interpreted in such a way, with various approaches, enriching the treasures of Qur'anic interpretation. Not only in the Arab-Middle Eastern world or others, Indonesia has its own treasures of interpretation. Research on the works of tafsir has also been widely done. Starting from researching or studying the biographies of the figures who interpreted the Qur'an, the style of interpretation, the method of interpretation, or criticizing the interpretation, and so on.

In this case, the study focuses on the interpretations of Indonesian interpreters, with the topic of the study "dialectics between custom and sharia in the interpretations of the Qur'an in Indonesia". Previously, there were several studies that preceded it. First, "Custom in Islamic Law and Legal Theory", by Ayman Shabana. He examines custom as one of the hierarchical sources of Islamic law that can be used as long as it does not conflict with higher sources. It also explains the diachronic development of the concept of custom in the pre-modern Islamic legal tradition. The method he used was inductive-analytical with samples of writings of Islamic jurists who raised the element of custom in shaping and transforming Islamic legal traditions (Shabana, 2010).

Second, a study conducted by Dr. Munirul Ikhwan, which is contained in his writing entitled "*Interpreting the Qur'ān between Shari'ah and Changing Custom: On Women's Dress in Indonesia*" in the anthology of books entitled "*New Trends in Qur'anic Studies: Text, Context, and Interpretation*" edited by Mun'im Sirry. The article explains



Based on the figure above, the green cluster (keywords: adat, hukum, indonesia), implies how the mufasirs understand the Qur'ānic verses in the light of local customs and legal values. The element of custom, therefore, becomes an important measure in the process of Qur'ānic interpretation. The keyword mapping shows that *adat* and Islamic law are two important axes in tafsir studies. However, in the context of the research, the various forms of Qur'anic interpretation appear in diverse disciplines. In other words, these results do not indicate the results of research with the object of "Qur'anic interpretation" as intended in this study.

Empirical evidence shows that the object of Qur'anic interpretation research is still rarely carried out with a dialectical perspective of *adat* and sharia. The dialectical perspective of *adat* and sharia is indeed quite popular in academia, with many studies using this perspective. Suparji utilizes this perspective to see how Islamic law can be used in the development of local wisdom (Suparji, 2019.). Anwar uses this perspective to see the communication pattern of the Qur'an with the prevailing customs around him, which is then utilized as a *da'wah* guide in a multicultural context (Anwar, 2018). Muhammad Erfan, utilizes this perspective to see how the role of Arabic tradition in the formation of Qur'anic law. According to him, the Qur'anic laws that have their first operational container (the context of the formation of the Qur'anic law) must be criticized and adjusted to the current context (Erfan, 2012). With this perspective, Muhammad Kudhori, in his research, found that according to some scholars, the veil is limited to custom, and not sharia (Kudhori, 2019). However, there are still very few studies that discuss aspects of *adat* in works of tafsir, especially Indonesian tafsir. On the other hand, the existence of *adat* always changes from time to time, and from one place to another.

Considering the urgency of *adat* (custom) and the interpretation of the Qur'an in the daily lives of Muslims, the study of Qur'anic interpretation must include a discussion of these aspects. For this reason, this study focuses on the interpretation of Qur'anic verses that implicitly contain dialectics of custom and sharia in the interpretation process. To describe the formal object of the study, it is first presented how Dr. Munirul Ikhwan conducted his study on M. Quraish Shihab's interpretation of women's clothing, especially regarding the hijab. Furthermore, the study is devoted to the division of the object (material) of study according to the research findings, namely Hamka's interpretation of polygamy, A. Hassan's interpretation of usury (bank interest) and M. Hasbi Ash-Shiddieqy's interpretation of jihad.

## METHODS

This research uses qualitative type with Qualitative Content Analysis method. This approach is used to explore the meaning of laws in the tafsir text and categorize the laws as a form of expression of *adat* (temporal) or sharia (universal). This method allows the researcher to: identify and code the content of the text (interpretation of legal verses), find key themes related to law, *adat*, and sharia, and interpret the socio-cultural context of the interpretation product. With this method, this research will

answer two questions: 1) *What form of law emerges from the interpretation of a particular verse?* And 2) *Is the law customary (contextual) or Sharia (universal)?*

The data obtained is taken from two types of data, primary data and secondary data. Primary data is sourced from: Relevant Indonesian tafsir books, for example: *Tafsir Al-Azhar*, by Hamka, *Tafsir Al-Furqan*, by A. Hassan, and *Tafsir Al-Qur'anul Majid An-Nuur*, by T.M. Hasbi ash-Shiddieqy. While secondary data comes from: literature (books and articles) on the theory of adat, sharia, Islamic law, including the interpretation of the three figures outside the book of tafsir. The data collection techniques are as follows:

1. Documentary study of selected tafsir books, and other writings containing interpretations relevant to the research topic.
2. Selection of passages that interpret legal verses by considering customary subjects as the measure.
3. Determining the result of the selection: Hamka's interpretation of polygamy, A. Hassan's interpretation of usury (bank interest) and M. Hasbi Ash-Shiddieqy's interpretation of jihad.

The data obtained was analyzed by following the steps of Philipp Mayring (an expert in Qualitative Content Analysis) as follows:

1. Determination of the initial legal category based on the theory:
  - Sharia law (universal)
  - Customary law (temporal-local)
2. Coding and Data Extraction
  - Reading the tafsir text thematically.
  - Marking passages that contain legal interpretations.
  - Coding the law and its relationship with custom (*adat*) or sharia (*syariat*).
3. Classification and Data Reduction (Classifying the law based on categories):
  - Pure Sharia
  - Local custom
  - Mixed law (interpretation of sharia framed by *adat*)
4. Contextual Interpretation (Interpreting the tendency of the *mufassir*):
  - Does the interpreter accommodate *adat*?
  - Does he assert sharia rigidly?
  - Is there a negotiation between the two?

## RESULT AND DISCUSSION

### *Polygamy in Hamka's Al-Azhar Tafsir*

According to Hamka, the basis or source of the polygamy law is Q.S. An-Nisā: 3:   
 وَإِنْ خِفْتُمْ أَلَّا تُفْسِدُوا فِي الْيَتِيمَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثَلَىٰ وَثَلْتِ وَرَبَعًا ۚ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَٰلِكَ أَدْنَىٰ أَلَّا تَعُولُوا

*And if you fear that you will not be able to do justice to the rights of orphans (when you marry them), then marry any other woman you like: two, three or four. But if you fear that you will not be able to do justice, then marry only one, or a female slave whom you own. That is closer so that you do not do injustice.*

From the verse, Hamka (2016) concluded that *“it is safer to have four wives than to marry an orphan because of the expectation of profit and the orphan’s property. However, with a note that if a person is unable to be fair to more than one wife, it is safer to have one wife. Having one wife is the closest way to justice (not mistreating)”*. Hamka (2016) adds, as mentioned in Q.S. An-Nisā: 129, being fair to wives is very difficult. Therefore, once again, *“having one wife is safer, and if you still want to be polygamous, remember the principle of justice”*.

Q.S. An-Nisā: 129:

وَلَنْ نَسْتَبِيْعُوا اَنْ تَعْدِلُوْا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ فَلَا تَمِيْلُوْا كُلَّ الْمِيْلِ فَنَدْرُوْهَا كَالْمُعَلَقَةِ ۗ وَإِنْ  
نُصَلِحُوْا وَتَنَفَّوْا فَإِنَّ اللّٰهَ كَانَ غَفُوْرًا رَّحِيْمًا

Meaning:

*And you will not be able to be just between your wives, even if you wish to do so, so do not be too inclined (to the one you love), so that you leave the other hanging. And if you make amends and preserve yourselves (from cheating), then indeed, Allah is Forgiving, Merciful.*

It can be seen that Hamka allows polygamy with strict conditions. The reason is that polygamy is sometimes a reality that must be accepted. Perhaps, according to him, *“having one wife who is barren, unable to ‘reciprocate’ intercourse because she is old or stops menstruating, while her husband is still young, how to solve these problems if polygamy is prohibited? In addition, when in the event of war, many men die on the battlefield, many women will not get the feeling of having a husband”* (Hamka, 2016). Hamka (2016) understood that *“the custom of having more than one wife was very widespread. One of the reasons for this was that the wars between the tribes continued to rage, causing the number of men to decrease. In addition, the unlimited power of the heads of government meant that they were free to choose any woman they liked without limiting the number. Not only in the Arab world, but also in Rome, a man was free to have any number of lovers and concubines, so that marriage became like prostitution”* (Hamka, 2016).

In his tafsir, Tafsir Al-Azhar, Hamka explains at length about the rules of polygamy. As mentioned above, the verse referred to is Q.S. An-Nisā: 3. First of all, Hamka quotes a narration from Urwah bin Zubair who asked the origin of the permissibility of having more than one wife, up to four, on the grounds of preserving the property of orphans: *“The question asked of ‘A’ishah was explained by ‘A’ishah that an orphan girl in the custody of her guardian had mixed the child’s wealth with that of her guardian. The guardian was attracted by her wealth and beauty, so he wanted to marry her. However, the guardian is reluctant to pay the dowry fairly, so it is forbidden for him to marry the orphan girl because of his motivation (unfairness). Therefore, it is better for the guardian to marry another woman, even if it is four times”* (Hamka, 1990).

Hamka (1990) concluded that *“this verse is related to the previous verse in terms of maintaining the property of orphans, that do not mistreat and cheat on orphans, because it is a*

major sin. That is, instead of mistreating orphans, it is better to marry up to four, although marrying up to four is also a difficulty, considering that the verse contains the phrase “but if you are afraid that you will not be able to be fair, then only one”. Then, from the last part of the long verse, “which is more likely to prevent you from being arbitrary”, Hamka concludes that “what is safer and free from the fear of not being fair is only having one wife”. He cites Imam Shafi'i's interpretation of the word *an lā ta'ūlū*, which means “you will be spared from many dependents”, as a reason for his interpretation (Hamka, 1990).

Hamka realized that “the permissibility of polygamy up to four does exist in the Qur'an and is not prohibited. Such is the wisdom of the Qur'an, he wrote. Islam came to organize and think about society”. Hamka considered, “If the rules are not in accordance with the circumstances of society and the human spirit, they will also be violated. However, he emphasized again that humans use their reason” (Hamka, 1990). Hamka added, “in Arab society when the Prophet Muhammad was found was a tribal society based on ‘fatherhood’ (patriarchaat). Splendor is the number of children, especially sons. The center of everything is the father. In one house it did not matter if there were 10 or 15 wives, because it did not count. What counts is the number of children and grandchildren. This situation was gradually changed by the Prophet. The maximum number of wives is four. While the matter of concubines (slavery) has not been erased because there was not enough power from the Prophet at that time” (Hamka, 1990).

The marriage of the Prophet who practiced polygamy more than four was a specialty of Allah. In contrast to his Ummah, “his Ummah is limited to a maximum of four because of the heavy responsibility. Muslims should simply believe, accept and obey, and believe that the Prophet has carried out his obligations incomparably” (Hamka, 1990). Hamka (1990) concluded that “a happy and ideal marriage is one wife, which aims to build a happy household (*li taskunū ilaihā*). *Sakīnah* (tranquility) will not be felt if you are only busy solving the affairs of many wives,” he wrote.

### **Dialectics of Custom and Shari'ah in Hamka's Qur'anic Interpretation of Polygamy**

In Hamka's view, polygamy is only a measure (evaluator) for the provision of marriage that men are obliged to treat their wives well (*ma'rūf*), not to abuse their wives so as to cause hostility. Polygamy was only an ideal in the context of the customs of the time, where wars between tribes were raging and the number of men was dwindling, and the chiefs had unlimited power to choose whichever women they liked, with no limit on the number of women. If custom has changed, as it did in Minangkabau, about half a century ago. If the custom has changed, as it was in Minangkabau, about half a century ago, to a maternal one (matriarchaat), where the power of property rests with the woman, while the man or husband is only a relative (family member -*pen.*) in his wife's house, then polygamy is not the right measure for the sharia system of marriage.

To see the results of the analysis related to the dialectic of custom and sharia in Hamka's Qur'anic interpretation of polygamy, it can be seen in the table below:

Table 1. The results of the analysis related to the dialectic of custom and sharia in Hamka's Qur'anic interpretation of polygamy

Verse	Citation Interpretation Related to Law	Type of Law Interpreted	Initial Category Code	Indication of Custom/Sharia	Contextual Description
Q.S. An-Nisā: 3	<i>"It is safer to have four wives than to marry an orphan for the sake of profit and the orphan's property..."</i>	Polygamy	Marriage	Custom	Emphasis on being fair
Q.S. An-Nisā: 129:	<i>"to be just with one's wives is very difficult..."</i>			Custom	

### *Usury in Tafsir Al-Furqan A. Hassan*

In the 1930s, there was a general discussion about interest and usury, along with the emergence of banks, savings accounts and insurance policies. Persatuan Islam (PERSIS) positioned itself through two books by A. Hassan, "Kitab Ribaa" (Bandung, 1932) and "Risalah Pendawab Debatan T. Soelaiman Thojib against Kitab Riba" (Bandung, 1936). At that time, usury was seen by Muslim scholars as unsuitable for modern financial institutions, especially banks, insurance companies and cooperatives. However, according to A. Hassan, in his book "Kitab Ribaa", defined usury only as "excessive or very high profits". Therefore, he considers it normal and not prohibited for the Prophet to charge interest to banks or cooperatives. The reason he uses is that the usury prohibited by the Prophet relates to the practice of usury in pre-Islamic times, where the amount of interest was doubled, such as when there was a request for an extension of the time of the debt, from 100 dirhams to 200 dirhams. Of course, this caused great loss to the borrower (Federspiel, 2001).

The fatwā issued by PERSIS in this regard are:

a) Muslims are allowed to use modern banks and accept the interest given by the banks.

b) A Muslim is considered to be shirking an obligation if he does not accept interest from the bank.

c) If a person is unwilling to accept bank interest for 'dirty' reasons, it should be given to orphans or schools (Federspiel, 2001).

A. Hassan in his tafsir "Al-Furqan (Tafsir Qur'an)", states that the discussion of usury is found in four points in the Qur'an, namely Q.S. Al-Baqarah: 275-279, Q.S. Āli 'Imrān: 130, Q.S. An-Nisā: 161 and Q.S. Ar-Rūm: 39 (Hassan, 1956). The interpretation of Q.S. Āli 'Imrān: 130 is the one that is considered controversial because the interpreter alludes to many customs in his interpretation.

Q.S. Āli 'Imrān: 130:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا الرِّبَا أَضْعَافًا مُضَاعَفَةً طَوَّانِقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ

Meaning:

“O you who believe! Do not eat usury with double and fear Allah so that you may be fortunate.”

According to A. Hassan (1956), the verse indicates that “the usury that is forbidden is the usury of the jahiliyah, where someone owes money or animals to be paid next year, when the repayment is due, the debtor demands repayment at that time, if it is extended to the next year, the debtor allows it on condition that the debt of one hundred dirhams becomes two hundred dirhams, or a one-year-old camel becomes a two-year-old camel, and if it is still unable to pay in the second year, it is paid in the third year with the amount of four hundred dirhams, and so on”. The commentator also mentions the narrations from the Companions and Imams regarding usury. He argues that “none of these narrations mention the agreement of usury at the beginning of the contract”. He also quotes the words of Companion Umar: “The Prophet died before explaining the chapters of usury.” Elsewhere, Hassan asserts that “the permissibility of taking bank interest refers to the bank interest system at the time” (Hassan et. al., 1980).

#### Dialectics of Custom and Shari'ah on Usury in Tafsir Al-Furqan A. Hassan

For Ahmad Hassan, Islamic law does not forbid usury absolutely. There are customs that must be considered. From the interpretation of Q.S. Āli 'Imrān: 130 above, A. Hassan is very concerned about the customs of pre-Islamic Arab society (jahiliyah) who 'ate' usury outrageously (multiply). The practice (custom) of usury is what he thinks is forbidden.

To see the results of the analysis related to the dialectic of custom and Sharia in A. Hassan's Qur'anic interpretation of usury, it can be seen in the table below:

**Tabel 2.** The results of the analysis related to the dialectic of custom and Sharia in A. Hassan's Qur'anic interpretation of usury

Verse	Citation Interpretation Related to Law	Type of Law Interpreted	Initial Category Code	Indication of Custom/Sharia	Contextual Description
Q.S. Āli 'Imrān : 130:	“The usury that is forbidden is the usury of jahiliyyah...”	Usury (Ribā)	Muamalah	Custom	The permissibility (ḥalāl) of taking bank interest refers to the current bank interest system.

### *Jihad in Tafsir Al-Qur'anul Majid An-Nuur T.M. Hasbi ash-shiddieqy*

In March 1946, Hasbi became a political prisoner (Sudirman, 2012), and was released in early 1948. What is interesting is that at that time the ulama were united in supporting the government's call to resist Dutch military aggression to the fullest extent possible. A number of Acehese scholars on December 26, 1948 gathered in Geurugok to unite their views and affirm the attitude that: "*struggle as jihad to defend independence and religion*". The meeting was led by Hasbi and became proof that in defense of religion and region, the people of Aceh were united (Sudirman, 2012).

Jihad, according to Hasbi, is "defending the state, gathering strength to defend the sovereignty of the state, and defeating those who come to threaten (enemies who disturb the security of the state)". Jihad can also be interpreted in other ways:

a) Jihad with soul, wealth and moral support. (Q.S. Al-Hajj: 78) (Ash-Shiddieqy, 2000c).

b) To enjoin the ma'rūf, to prevent the evil, to prepare a proof against opponents, and to call for the maintenance of the religion of Allah. (Q.S. Al-Furqān: 52). In jihad, there is no element of compulsion to embrace Islam, because compulsion does not lead to satisfaction (Q.S. Al-Baqarah: 256, Q.S. Al-Gāshiyah: 22, Q.S. Qāf: 45, Q.S. An-Nahl: 125) (Ash-Shiddieqy, 1998).

The obligation of jihad is found in Q.S. Al-Baqarah: 216.

كُتِبَ عَلَيْكُمُ الْقِتَالُ وَهُوَ كَرْهٌ لَّكُمْ ۖ وَعَسَىٰ أَنْ تَكْرَهُوا شَيْئًا وَهُوَ خَيْرٌ لَّكُمْ ۖ وَعَسَىٰ أَنْ تُحِبُّوا شَيْئًا  
وَهُوَ شَرٌّ لَّكُمْ ۗ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ ۝

Meaning:

"It is obligatory upon you to fight, but it is not pleasant for you. But it may be that you dislike something, while it is good for you, and it may be that you love something, while it is not good for you. Allah knows, while you do not know."

In his tafsir, Hasbi says that "*fighting against the disbelievers who attack Muslims is obligatory even if it is disliked. It may be obligatory for some people only (farḍu kifāyah) and may be obligatory for everyone (farḍu 'ain) when the enemy has entered the city.*" (Ash-Shiddieqy, 2000a).

However, according to Teungku Hasbi, warfare is prohibited in principle.

Q.S. Al-Hājj: 40:

الَّذِينَ أُخْرِجُوا مِنْ دِيَارِهِمْ بِغَيْرِ حَقٍّ إِلَّا أَنْ يَقُولُوا رَبُّنَا اللَّهُ ۗ وَلَوْلَا دَفْعُ اللَّهِ النَّاسَ بَعْضَهُمْ بِبَعْضٍ  
لَهَدَمَتِ صَوَامِعُ وَبِيَعٌ وَصَلَوَاتٌ وَمَسَاجِدٌ يُذَكَّرُ فِيهَا اسْمُ اللَّهِ كَثِيرًا ۗ وَلَيَنْصُرَنَّ اللَّهُ مَنْ يَنْصُرُهُ ۗ إِنَّ اللَّهَ لَقَوِيٌّ  
عَزِيزٌ

Meaning:

"(namely) those who were expelled from their homes without just cause, only because they said, "Our Lord is Allah." If Allah had not repelled (the cruelty) of some people by means of others, surely the Christian monasteries, churches, Jewish houses of worship and mosques, in which the name of Allah is much mentioned, would have been destroyed. Allah will surely help those who help (His religion). Indeed, Allah is All-Strong, All-Mighty."

From this verse, Hasbi explains that "*when the behavior of the enemies of Islam became worse and more cruel, therefore war was permitted. After that war was made obligatory as*

mentioned in Q.S. Al-Baqarah: 216." (Ash-Shiddieqy, 1998). He quoted the opinion of the ulama who stated that "initially the law of jihad (war) was *farḍu kifāyah*, then it became mandatory for all people who were able to carry it out when the enemy had entered the city. When *an-nāfir al-'ām* (general mobilization) was issued by the head of state, it was mandatory for all people who were able to carry out jihad, use weapons and repel the enemy and defeat him. Therefore, all Muslims need to be given military training in order to defend the country." (Ash-Shiddieqy, 1998).

The purpose of war, according to Hasbi (1998), is "to fight infidels who attack Muslims, to defend themselves from enemies and to defend religion and people who have believed from enemy pressure. Islam likes peace (Q.S. Al-Mumtaḥanah: 8-9), fighting other nations to be colonized is not the teachings of Islam. The Prophet's war with the enemies of Islam has illustrated the purpose of enforcing jihad or war. Starting from thirteen years of receiving various disturbances in Mecca, the object of jihad was the Quraysh. Then jihad was directed against the Jews Medina because it helped the Quraysh, as well as all the Arab tribes on the Arabian peninsula who united to attack Islam."

The technical rules for jihad always change according to developments over time and are adapted to increasingly sophisticated weapons. "Islam only establishes general basic rules in jihad" (Ash-Shiddieqy, 1998), "one of which is to prepare all the necessary war equipment to ward off and reject enemy attacks and maintain truth and virtue. The war equipment certainly varies from time to time. This verse also orders to create a national defense, the budget for which can be taken through the collection of taxes from citizens (Q.S. Al-Anfāl: 60-61)" (Ash-Shiddieqy, 2000b).

### **Dialectics of Custom and Sharia regarding Jihad in Tafsir Al-Qur'anul Majid An-Nuur**

For Hasbi, jihad no longer only means defending religion, but also defending the country. The aim of jihad is to fight infidels who attack Muslims, defend themselves from enemies and defend their religion and believers from enemy pressure. That is the law, while the implementation adapts to custom, if the custom is war, then jihad is carried out by war. However, as weapons became more sophisticated, the technical rules of jihad also changed. Islam only establishes general basic rules in jihad, one of which is preparing all the necessary warfare equipment to repel and repel enemy attacks and maintain truth and virtue. In essence, forms of jihad can be measured based on existing customs, while still being based on the principles of sharia regarding jihad.

To see the results of the analysis related to the dialectic of custom and sharia in Hasbi Ash-Shiddieqy's interpretation of the Qur'an regarding jihad, please see the table below:

Table 3. the results of the analysis related to the dialectic of custom and sharia in Hasbi Ash-Shiddieqy's interpretation of the Qur'an regarding jihad

Ayat	Citation Interpretation Related to Law	Type of Law Interpreted	Initial Category Code	Indication of Custom/ Sharia	Contextual Description
Q.S. Al-Baqara h: 216	<i>"war against the infidels who attack Muslims, is obligatory even though it is disliked..."</i>	Jihad	Jihad	Sharia	Emphasis on the meaning and technicalities of jihad that are expanded to suit contextual customs

In conclusion, the legal categorization matrix that includes the results of the analysis can be seen in the table below:

Table 4. The legal categorization matrix that includes the results of the analysis

Num .	Verse	Interpretation	Type of Law	Category	Reason for Categorization	Contextual Notes
1	Q.S. An-Nisā: 3	Al-Azhar	Marriage Law (Polygamy)	Custom	Tafsir views polygamy as a custom of Muslim society around the 7th century AD, which was seen as reflecting justice at that time, although with strict conditions.	The interpreter emphasizes being fair
	Q.S. An-Nisā: 129:					

2	Q.S. Āli 'Imrān: 130:	Al-Furqon	Muamala h Law (Usury)	Custom	The interpretatio n determines the permissibility of taking bank interest referring to the current bank interest system.	The interpreter emphasizes the difference between the usury customs of the jāhiliyyah and the current usury customs.
3	Q.S. Al- Baqara h: 216	An-Nuur	Jihad Law	Sharia	Tafsir considers jihad to be obligatory in the Sharia	The interpreter emphasizes the meaning and technicaliti es of jihad which are expanded to suit contextual customs.

## CONCLUSION

Interpreting the Qur'an by considering the customs of Arab society at the time the Qur'an was revealed and the customs during the life of the interpreter enriches the treasury of Qur'anic interpretation. The academic contributions made include customs as a measure that is positioned as an evaluator, legal adjuster (*takyif*) and legal actualizer (*tanzil*). From the three examples above, it can be seen that Indonesian interpreters evaluate, adjust and actualize sharia, based on the developing customs. If concluded simply, it can be seen that in Hamka's view, polygamy is indeed permitted, but not necessarily free to polygamy, must meet certain conditions (Islamic law on marriage), especially justice, and pay attention to each custom, whether it is considered necessary or not. Usury in A. Hassan's view is not all forbidden, only usury of jahiliyah (multiplied usury) is forbidden. Meanwhile, jihad, in Hasbi Ash-Shiddieqy's interpretation, has undergone 'Indonesianization', especially his statement that what is meant by jihad is defending the country, not just defending religion.

Regarding this writing, the author is aware of the possibility of errors in the analysis and conclusions. Therefore, the author welcomes all forms of criticism and suggestions as positive corrections. This writing is nothing other than a form of scientific activity aimed at advancing science, especially related to Islamic studies in the field of interpretation of the Qur'an. *WaLLāhu a'lam bi al-ṣawwāb*.

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